

**Halesowen Area Committee – 3<sup>rd</sup> July 2007**

**Report of the Director of Law and Property**

**Applications in respect of land and property owned by the Council**

**Purpose of Report**

1. To bring to the Committee's attention requests relating to land and property controlled by the Council and to seek the Committee's recommendations on those requests.

**Background**

2. The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various Directorates.
3. Requests are received from the public on a regular basis for property related matters such as purchases, leases, licences, easements and access agreements. Those requests are dealt with by the Directorate Law and Property who carry out a consultation process with the Council's relevant Directorates before preparing a report for Committee to consider.
4. Reports for this Committee are attached as appendices and the proposal resulting from the consultation on each particular request is set out at the end of each appendix. A plan is provided where required.

**Finance**

5. In general terms leases, easement and access agreements each generate an income for the Council. The sale of the land generates a capital receipt of the Council, the size of which would depend on a valuation placed on the site by the Director of Law and Property and the price finally agreed between the parties.

**Law**

6. Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.

Section 123(2A) of the Local Government Act, 1972 requires the Council prior to any disposal of open space to advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situate and to consider any objections which may be made.

The various statutory undertakers will have statutory powers to install equipment in Council owned land, but they do apply to the Council for a formal agreement, such as an easement, on a regular basis.

Section 32 and 34 of the Housing Act, 1985 and the General Consents for the disposal of Houses and Land, 1999, enable the Council to let and dispose of land and buildings held for housing purposes at the best price reasonably obtainable.

Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply provision to any land it sells restricting its future use, provided the relevant section of the Act are specifically referred to in the transfer document and are registered as a local land charge.

Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

### **Equality Impact**

7. The proposals take into account the Council's equal opportunities policies.

### **Recommendation**

8. It is recommended that proposals contained in each of the attached appendices be approved.



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**John Polychronakis**  
**Director of Law and Property**

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**List of Background Papers**  
See individual appendices

**Halesowen Area Committee**

**Date: 3<sup>rd</sup> July 2007**

**Request to declare land surplus to requirements**

**Location: Beechfield Close, Halesowen**

**(As shown on the plan attached)**

**Background**

There is an area of land off Beechfield Close, Halesowen that is under the control of the Directorate of Adult, Community and Housing Services and is held for housing purposes.

The land is a former play area that is accessed by walking along the footpath between the Council houses and senior citizens bungalows. It is a rectangular area of land boarded by residential properties and a factory.

There has been a long history of abuse, violence and antisocial behaviour on this land and in 2000 a sturdy fence and gates were erected in front of the bungalows in an attempt to stop the young people annoying the elderly tenants and playing football on the grassed area in front of their bungalows.

In 2004 funding was found through the Housing Area Panel to gate the entrances to the rear of the houses at each end of Beechfield Close due to further problems with underage drinking, sexual behaviour and excess noise from young people on the land. Two years ago there was an arson attack on a house which was accessed from this land.

Despite the best efforts of Halesowen Housing, The Police and Ward Councillors, they have not been able to prevent the area from being a magnet for this kind of behaviour by children and teenagers, and there have been many instances of youths climbing into the gardens of the bungalows and onto the flat roofs.

As a result the residents are frightened and intimidated, and the elderly residents feel particularly isolated and vulnerable. The residents find it difficult to watch their TV's due to the noise, the bad language and bad behaviour and lack of respect from these sometimes large groups of youths. This situation is causing community divisions and arguments.

The agencies involved are struggling now to try and improve the situation for the very frustrated, angry upset and frightened residents and are searching for a constructive answer to solve the problems.

It is therefore proposed that the site is declared surplus to requirements and sold on the open market.

## **Comments**

The relevant Council Directorates have been consulted and no objections to the disposal of the land have been received.

The Directorate of Urban Environment consider that the site may be suitable for one small residential bungalow subject to suitable design gaining planning consent.

The Directorate of Law and Property consider that the land should be declared surplus to requirements and that rights of access should be conveyed from Beechfield Close for the occupier of any property upon the site and to facilitate development.

It is therefore considered that the site should be declared surplus to requirements so that the Director of Law and Property can attempt to dispose of the site.

## **Proposal**

That the Area Committee advise the Cabinet Member for Housing to declare the site surplus to requirements to be sold on the open market upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background papers**

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

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