

Key Decision Required:	No	In the Forward Plan:	No
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PORTFOLIO HOLDER FOR FINANCE AND CORPORATE SERVICES

6 FEBRUARY 2019

A.1 INITIATION OF THE PROPERTY DEALING PROCEDURE: DISPOSAL/SALE OF COUNCIL HOUSING GREENS-WARD/OPEN SPACE 12 – 15 WIGNALL STREET, LAWFORD (Report prepared by Matthew Wicks)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To initiate the Council's Property Dealing Process for the potential sale/disposal of part of Greensward/open space situated in Wignall Street Lawford.

EXECUTIVE SUMMARY

Situated to the front and roadside of these privately owned houses 12, 13, 14 and 15 Wignall Street, Lawford CO11 2JG is a Tendring District Council (TDC) owned Greensward/Open Space, administered under the Housing Portfolio (Housing Revenue Account (HRA)).

The greensward is currently an open space maintained under the Housing Service grounds maintenance contract. However, evidence shows that this open space is regularly used by residents for additional car parking where roadside parking is not available due to the location and busy road.

The owners of four properties No. 12, 13, 14 and 15 Wignall Street have made application to acquire the land to incorporate into their front gardens. All four properties already enjoy conveyed rights of use and access over some of the land and some has been already laid to parking with dropped kerbs. The sale of the plots would not affect any of the owners conveyed rights.

Inspection and investigation of the site have been undertaken; images and a plan are attached (Appendix A).

If approved, receipts from the sale of this land, considered surplus to requirements, would be reinvested within the HRA to improve the Housing stock or contribute to future property purchases.

RECOMMENDATION(S)

That the Portfolio Holder consents to initiation of the Property Dealing Procedure, in respect of the potential sale of this greensward land in order that Officers may consider the potential transaction, including valuation, title examinations and negotiations with prospective purchasers in accordance with the Council's Property Dealing Procedure as set out in the Constitution.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Our priorities include:

- Deliver a quality living environment
- Make the most of our assets

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The sale of this land would produce a financial receipt which could be reinvested in future dwelling purchases within the HRA.

It is intended that the sale of the land would be for market value as set out below.

Risk

Officers have not identified any significant risk associated with the proposals.

LEGAL

Section 32 of the Housing Act 1985 together with The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 - 2013 gives the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 that is vacant.

In this case the land is held under Pt II of the Housing Act 1985, it falls within the definition of vacant as set out in the Consent; accordingly Secretary of State authority is not necessary provided the land is sold for market value.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Area or Ward Affected

Lawford

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The greensward is currently an open space maintained under the Housing Service grounds maintenance contract. However, evidence shows that this open space is regularly used by residents as unofficial car parking when roadside parking is not possible. The Council has been approached by owners of the adjacent houses and asked whether it would sell the land; this request needs to be considered in accordance with the Council's Property Dealing Procedure.

CURRENT POSITION

The greensward is currently an open space maintained under the Housing Service grounds maintenance contract. The Senior Tenancy Management Officer has completed an Assessment of Disposal Feasibility as attached at Appendix B.

APPENDICES
Appendix A – Plan/images of Location
Appendix B – Assessment of Disposal Feasibility