

WEST DUNBARTONSHIRE COUNCIL

Report by Director of Housing, Regeneration and Environmental Services

Community Safety and Environmental Services Committee: 3 May 2006

Subject: Disposal of Small Areas of Land to Individual Householders

1. Purpose

- 1.1 To seek Committee approval on a policy to dispose of small areas of land to adjacent householders.

2. Background

- 2.1 Housing, Regeneration and Environmental Services and Legal Services receive numerous requests by householders to purchase small areas of land adjacent to their property to allow provision of driveways, house extensions, increased garden areas or for security reasons. The definition of "small areas" is subject to the land having to abut or lie close to the enquirer's property.
- 2.2 The vast majority of these requests come from householders who have purchased their Council house.
- 2.3 At this time the Council does not have a policy to agree and progress these requests in a method that would stand scrutiny.
- 2.4 There are currently 23 requests to acquire land that require to be actioned pending agreement of this policy.
- 2.5 The majority of sites fall within the General Services account, however, there are some sites that fall within the H.R.A.

3. Main Issues

- 3.1 The main issue to consider is whether the Council wishes to sell small pockets of land to individual householders without putting them on the open market. Estates will require to be satisfied that disposal without advertising on open market would achieve the best price that can reasonably be obtained. If this is the case, an agreed procedure requires to be implemented.

- 3.2** From a Legal Services and Estates point of view, a relatively large number of small scale disposals would be very time consuming and would detract from the effort to generate significant capital receipts and rental income. Small scale disposals of this nature can result in a lot of abortive work since purchasers may withdraw once they know what the Council's valuation is. Taking into account that the Council would insist on administrative and legal fees also being met, these fees could be in excess of the value of the land.
- 3.3** In the event that the Committee agrees to disposals of this nature, then the following procedure would require to be followed:-
- (a) Firstly, the owning department would require to consider whether the department is willing to consider the piece of land surplus to its requirements and available for disposal. If not, the matter should be concluded at that point. It will be for the owning department to decide if land is surplus to requirements following consultation with relevant sections including Estates and Planning. This could be dealt with through the Land Disposal Group.
 - (b) In the event that the site is considered surplus, a report would require to be presented to the appropriate committee. The site would be passed to the Estates Section for disposal. At this point Estates would instruct the Legal Section to carry out a title search to establish ownership. At this time a planning brief could be instructed, though in some cases this might not prove to be necessary.
 - (c) It is presumed that each of these sites would be disposed of directly to a neighbouring owner and there would be no opportunity to go to the market. Estates would place a valuation on the site and notify the prospective purchasers of the valuation and advise that the Council's fees should also be paid. Once the prospective purchaser indicates that he/she wishes to proceed, then legal documentation would be prepared with a view to concluding the transaction. A check would be made by Estates to ensure the prospective purchaser did not owe the Council any money. Failure to clear any debt would stop the sale.
- 3.4** As may be concluded from the above, these potential sales would involve a considerable amount of work across many departments for little return to the Council.
- 3.5** To deal with the requests that currently exist and future enquiries, a revised method of dealing with requests to purchase should be considered.
- 3.6** In the event that the Council wishes to proceed with small disposals of this nature on a case by case basis, it is considered that the prospective purchaser should be required to lodge a deposit which would not be refundable in the event that the purchaser withdraws at some later date.

- 3.7** This fee would cover title search, legal fees and administrative costs incurred by Legal and Estates and ensure only genuine enquiries were received and progressed. The deposit would be deducted from the final sale price which would include administration costs, legal fees and title search.
- 3.8** Should the Council decide not to sell a particular piece of land, the original fee would not be refundable as title search and administration costs will have been incurred.

4. Personnel Issues

- 4.1** There are no personnel issues.

5. Financial Implications

- 5.1** It is not possible to determine the capital receipt that could be achieved by this scheme at this time.
- 5.2** Where this work cannot be carried out in-house, there may be costs associated with the appointment of private companies to carry out legal and valuation works. However any costs will be offset by the income.

6. Conclusion

- 6.1** The Council requires to produce clear guidelines to progress this ongoing issue.
- 6.2** The proposals within this report offer a method of dealing with outstanding enquiries and dealing timeously with new enquiries.

7. Recommendations

7.1 The Committee is invited to:-

- (a) agree to the development of a guidance note to progress this issue;**
- (b) agree that a fee structure be developed to ensure all costs incurred by the Council are recovered; and**
- (c) delegate authority to the Director of Housing, Regeneration & Environmental Services in conjunction with the Head of Legal and Administration Services to progress this issue and dispose of sites subject to them being previously declared surplus.**

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Date: 18 April 2006

Wards Affected: N/A

Appendix: None

Background Papers: None

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