
DISPOSAL OF COUNCIL DWELLING SURPLUS TO REQUIREMENTS

Responsible Cabinet Member(s) - Councillor Bill Dixon, Housing Portfolio

Responsible Director(s) - Cliff Brown, Director of Community Services

Purpose of Report

1. The purpose of this report is to seek approval to dispose of a Council dwelling at 5 Haughton Road that has become surplus to requirements.

Information and Analysis

2. The dwelling is a three bedroomed, end terraced house that no longer serves any useful accommodation purpose because of its poor condition. The property requires substantial improvement including roof-work, damp proof course, new kitchen, bathroom, electrical rewiring, central heating, new windows and decoration. There is also concern about potential structural problems. As such, it is recommended that 5 Haughton Road is accepted as being surplus to the Council's housing requirements and disposed of on the open market.

Outcome of Consultation

3. The proposal is the outcome of community consultation carried out by the Groundwork Trust on behalf of the Firthmoor Community Association.

Legal Implications

4. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.
5. The Council's power to dispose of land (such land being held for the purposes of Part II of the Housing Act 1985) is set out in Section 32 of the Housing Act 1985. Section 32 allows the authority to dispose of land provided the Consent of the Secretary of State has been obtained prior to any disposal.

6. Section 34 Housing Act 1985 allows the Secretary of State to provide for General Consent as to disposal. The current General Consent is contained in a Ministerial letter dated 12th August 1999. The Cabinet must have regard to the provisions of the General Consent and must direct that any disposal take place with the consent of the Secretary of State either by way of the General Consent provided, or by way of a specific application for consent to the Secretary of State. Such application must be made prior to the disposal of the land that is the subject of this report.

Section 17 of the Crime and Disorder Act 1998

7. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

8. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

9. For the purpose of the 'call-in' procedure, this does not represent an urgent matter.

Conclusion

10. 5 Houghton Road has been identified within the report as a property that requires substantial investment and no longer serves any purpose in terms of providing decent accommodation that is in demand from applicants on the housing waiting list. As such it has become surplus to requirements and the report recommends action for disposal.

Recommendation

11. It is recommended that: -
 - (a) The proposal to dispose of 5 Houghton Road as detailed in the report be approved; and
 - (b) The Director of Development and Environment and the Borough Solicitor be authorised to dispose of 5 Houghton Road in accordance with the power set out in Section 32 of the Housing Act 1985 and to ensure that the appropriate consent has been obtained prior to disposal, including the making of any application to the Secretary of State, if the disposal does not fall within the terms of the General Consent as to disposal.

Reasons

12. The recommendations are supported by the following reasons: -

- (a) To generate a capital receipt for the Council's Housing Revenue Account from the sale of a surplus Council dwelling.
- (b) To achieve the disposal.

Cliff Brown
Director of Community Services

Background Papers

No background papers were used in the preparation of this report.

Stephen Edmonds: Extension 2531
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