

## COLCHESTER BOROUGH COUNCIL

### RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

#### Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

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#### Part A – To be completed by the appropriate Cabinet Member/Officer

**Title of Report**

Sale of Housing Revenue Account Land 132 Morant Road, Colchester

**Delegated Power**

Housing Revenue Account land including terms for acquisitions and disposals.

**Decision Taken**

To approve the sale of a parcel of HRA land to the front of 132 Morant Road outlined in blue on the plan in Appendix A of this report, to the owner of 132 Morant Road, in accordance with the Disposal of Small Parcels of Land Policy.

**Key Decision**

No

**Forward Plan**

N/A

## **Reasons for the Decision**

The owner of 132 Morant Road has approached the Council expressing their interest in purchasing the land which fronts their property to enable them to have off-road parking.

The area is part of gardens which are planted with shrubs and fronts both 130 and 132 Morant Road both properties have been sold under the RTB, however, the land did not form part of the sale and continues to be maintained by CBH as part of the Housing Revenue Account (HRA) grounds maintenance programme. As both properties are privately owned they do not contribute to the cost of maintaining the land to the front of the properties through a service charge.

Housing land is regarded as public property and is not usually for sale to benefit private individuals. Applications from private individuals to buy land are normally refused unless;

- There is a broader community benefit, for example a rationalisation of small parcels of 'back land' open space, either rarely used or often misused.
- There are management issues, for example, the land is difficult or costly to maintain or the land attracts anti-social behaviour.
- There are extenuating circumstances in relation to the applicant requesting the purchase of the land.

There are management issues with litter being trapped within and beneath the shrubs on the land. The grounds maintenance programme provides a limited number of visits annually for maintaining the area.

One of the residents at the property is disabled with mobility problems following major heart surgery.

Local ward councillors were invited to comment on the proposed sale, no responses were received from the consultation.

The owner would be required to apply to Essex County Highways for the installation of a dropped kerb to ensure the necessary requirements were met before being able to park off-road.

On balance it is felt that the sale of the land and the addition of off-road parking, subject to meeting Essex County Highways requirements would not be to the detriment of the neighbouring residents on this occasion.

Selling the land will help with the rationalisation of small areas of HRA land which no longer benefit tenants and leaseholders who contribute to the cost of maintaining the land through their service charges.

## **Alternative Options**

Retain the land in Council ownership and continue to maintain within the HRA grounds maintenance programme.

**Conflict of Interest**

None

**Dispensation by Head of Paid Service**

N/A

**Dispensation by Monitoring Officer**

N/A

**Approved by Portfolio Holder for Housing**

**Signature Cllr Paul Smith**

**Date 31 October 2023**

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

**Part B – To be completed by the Proper Officer (Democratic Services)**

**Portfolio Holder Decision Reference Number**

***HOU-007-23.***

**Implementation Date**

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on *Tuesday 7 November 2023.***

**Call-in Procedure**

The Decision Notice for this decision was published on the internet on ***Tuesday 31 October 2023.***

A request for reference to the Scrutiny Panel must be made by **5pm on *Tuesday 7 November 2023.***

**Signature of Proper Officer**  
**K Barnard**