

Finance and Resources Committee

10.00am, Thursday, 27 August 2015

Sale of Housing Revenue Account Land – 16 Cleric’s Hill, Gateside, Kirkliston

Item number	8.2
Report number	
Executive/routine	Executive
Wards	1 – Almond

Executive summary

This report seeks Committee approval for the disposal of 167 square metres of Housing Revenue Account (HRA) land immediately adjacent to the applicant’s property.

The applicant has informally maintained this area of HRA land as a garden since 2004, incorporating a patio and car parking space. No formal permission was granted for this work however the applicant has maintained the area to a very high standard. The applicant now wishes to buy the land in order to formalise this arrangement.

The site has no operational value to the HRA and no future development potential and disposal to the applicant would achieve best value to the HRA.

Should Committee approve the recommendations in this report, an application will be made to Scottish Ministers for consent to dispose of this HRA site under Section 12 of the Housing (Scotland) Act 1987.

Links

Coalition pledges	P33
Council outcomes	C10
Single Outcome Agreement	SO4

Sale of Housing Revenue Account Land – 16 Cleric’s Hill, Gateside, Kirkliston

Recommendations

It is recommended that the Finance and Resources Committee:

- 1.1 Approves a sale of the site to the applicant under terms and conditions to be agreed by the Director of Services for Communities and the Head of Legal, Risk and Compliance.
- 1.2 Grants authority to the Director of Services for Communities to negotiate a sale price with the applicant which reflects best value to the HRA.
- 1.3 Notes that an application will be made to Scottish Ministers under Section 12(5) of the Housing (Scotland) Act 1987 for consent to dispose of the site.

Background

- 2.1 The Gateside estate was built to an open plan design with no garden provision around the homes. This estate was previously part of West Lothian Council and transferred to the City of Edinburgh Council in 1996.
- 2.2 Over the last 25 years, residents have sporadically fenced off areas of HRA land in order to create informal garden areas adjacent to their homes. No formal permission has been granted from the Council for residents to do this.
- 2.3 The Council has been aware of the practice for a number of years and has reviewed several options including;
 - Returning the informal garden areas back to open plan amenity space;
 - Allowing the informal arrangements to continue, and
 - Agreeing to consider formal disposal of the sites on a case by case basis through the Land Transaction process.
- 2.4 Following consideration of the options, the West Neighbourhood Management Team decided to consider each request to purchase land on a case by case basis and formalise arrangements with residents.
- 2.5 Consultation with the local community and elected members has taken place and this option is supported.

Main report

- 3.1 A request has been received from the owner of 16 Cleric's Hill, Gateside, Kirkliston, to purchase the land adjacent to his property shown outlined in red on the attached plan (Appendix 1). The applicant installed a patio and parking space in 2004 and has had the unchallenged use of this space since this time. While no formal request was made to the Council for this work, the area has been maintained to a high standard.
- 3.2 The site measures approximately 167 square metres and has no operational value to the HRA and no future development potential. Disposal to the applicant would achieve best value for the Council.
- 3.3 It is proposed that the applicant will purchase the site from the Council at open market value. Following disposal, the applicant would be responsible for all future maintenance costs of the site.

Measures of success

- 4.1 Ensures that the Council is working with communities and residents to achieve their desired outcomes.
- 4.2 Realising best value for an HRA asset that has no operational or development value.

Financial impact

- 5.1 A capital receipt representing open market value of the site will be credited to the HRA.
- 5.2 The HRA will not be responsible for any future maintenance costs relating to the site.

Risk, policy, compliance and governance impact

- 6.1 As the site exceeds the 150 square metres in size, it falls outwith the delegated authority of the Director of Services for Communities as detailed in the City of Edinburgh Council - Scheme of delegation to officers. Committee approval is therefore required to dispose of the site.
- 6.2 Following approval from Committee, a report will be sent to the Scottish Government seeking consent from Scottish Ministers to dispose of the site under Section 12(5) of the Housing (Scotland) Act 1987.
- 6.3 There are no significant risks associated with the proposed transaction detailed in this report.

Equalities impact

- 7.1 This report has been assessed in terms of equalities and human rights. There are currently no negative equality and rights impacts arising from this report.

Sustainability impact

8.1 There are no sustainability issues arising from this report.

Consultation and Engagement

- 9.1 Consultation took place with a range of stakeholders: 20 surrounding residents received hand delivered letters whilst elected members, Edinburgh Tenants Federation, Kirkliston Community Council and Gateside Residents Association were consulted via e-mail. No objections were received.
- 9.2 Responses were received from Councillors Norman Work and Lindsay Paterson, Gateside Residents Association and the Kirkliston Community Council who all stated they were supportive of the land being sold for garden ground.
- 9.3 No response was received from Edinburgh Tenants Federation.
- 9.4 The West Neighbourhood Management Team supports the application.

Background reading/external references

None

John Bury

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Links

Coalition pledges	P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used
Council outcomes	C010 – Improved health and reduced inequalities
Single Outcome Agreement	S04 – Edinburgh’s communities are safer and have improved physical and social fabric
Appendices	Appendix One – Location plan

Appendix 1 – Location Plan

