

	<h2 style="text-align: center;">Assets, Regeneration and Growth Committee</h2> <h3 style="text-align: center;">Mon 24th April 2017</h3>
Title	Authorisation to appropriate vacant ex-caretaker's property (3 Gunter Grove, HA8 0HB) from the General Fund to the Council's Housing Revenue Account
Report of	Commissioning Director, Growth and Development
Ward	Burnt Oak
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A: 3 Gunter Grove site plan
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Summary

The report seeks approval for the appropriation of the property at 3 Gunter Grove HA8 0HB as identified and edged red in Appendix A from Education use (vacant)) to housing use. Thereafter, the property is to be held in the Housing Revenue Account (HRA) (Non General Fund). The property is currently a vacant ex-caretaker's property and appropriation will enable the property to meet housing need through Barnet Homes.

Recommendations

- 1. That the Committee resolve that land, comprising 3 Gunter Grove HA8 0HB is suitable for appropriation as no longer required for the purpose for which it was originally held.**
- 2. That the Committee approve the decision to appropriate the land and premises comprising 3 Gunter Grove HA8 0HB as set out in Appendix A for housing use subject to obtaining any necessary statutory consents to appropriate.**
- 3. That the committee approve the decision for the transfer of the property into Housing Revenue account from the General Fund and thereafter continue to be held in the Council's Housing Revenue Account..**
- 4. That the Committee delegates authority to the Commissioning Director, Growth & Development, to take all necessary steps to obtain the statutory consents to appropriate and thereafter to appropriate for housing use and to take all steps necessary to enable the property to be held in the Housing Revenue Account.**

1. WHY THIS REPORT IS NEEDED

- 1.1** The report is needed because the transfer from the General Fund to the Council's Housing Revenue Account of the land and premises comprising 3 Gunter Grove HA8 0HB, will enable the property to be used as permanent social housing. Barnet Homes will manage the property to meet social housing need. The school with which the caretaker's property is associated (Goldbeaters) has been consulted and it is deemed that the caretaker's house is surplus to requirements.

2. REASONS FOR RECOMMENDATIONS

- 2.1** To enable the property to be used for housing, it must be appropriated from the General Fund to the Housing Revenue Account. Goldbeaters School no longer wish to use the caretaker's house for a caretaker. As such, it is surplus to requirements. The Council has a duty to ensure best use of its assets and it is considered suitable to be used for housing needs.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1** If appropriation does not take place, the property would continue to remain vacant and fall into disrepair, which is not a good use of the asset. This property is not being disposed of as it can meet social housing need.

4. POST DECISION IMPLEMENTATION

- 4.1 The Council will apply for Secretary of State consent to appropriate the property.
- 4.2 Once Secretary of State consent has been obtained, the Council will alter its Asset Register to move the properties to the Housing Revenue Account.
- 4.3 The property will be passed to Barnet Homes to manage, as social housing stock.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Technical Appendix of the Council's Corporate Plan 2015-2020 states that one of the priorities of the Assets, Regeneration and Growth Committee is to provide 'new and replacement housing for residents'.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 When land and property is appropriated between the HRA (Non General Fund) and the General Fund, adjustments are required to reflect the change in the HRA capital financing requirement. The adjustments are at certified value, determined by the District Valuer or a qualified Valuer employed by the Council. In this case, the value of the property has been determined at £330,000 (valuation date 17 February 2017).
- 5.2.2 The adjustment required will result in an increase in the HRA debt and a corresponding decrease in the General Fund debt. There will also be a reduction in the HRA headroom. In this case, the HRA debt will increase by £330,000, whilst the General Fund debt will decrease by a corresponding amount.
- 5.2.3. The adjustment to debt would be made with effect from the date of Secretary of State approval.

6. Legal and Constitutional References

- 6.1.1 The Council has power under S122 of The Local Government Act 1972 to appropriate land from one statutory purpose to another where:
 - (i) The land is no longer required for the purpose for which it is currently held: and
 - (ii) The purpose for which the land is to be appropriated is one for which the authority is empowered to acquire land by agreement. The land meets the requirements and is now no longer needed for planning purposes.
- 6.1.2 It is confirmed that the Council has carried out an internal consultation with the respective school departments regarding the use and requirement of the land shown on the attached plan as Housing land, highways and amenity land benefitting the Estate and has decided that the land is no longer required for these purposes

- 6.1.3 In accordance with the Council Constitution, Responsibility for Functions Annex A –The Assets Regeneration and Growth Committee has responsibility for “Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council”.
- 6.1.4 The Council Constitution, The Management of Asset, Property and Land Rules, Appendix 1, Table A sets out the authorisation thresholds and requires the disposal of an asset.
- 6.1.5 S122 of the Local Government Act 1972 sets out the statutory criteria to appropriate land for another purpose. It states a Council may appropriate land for any purpose which is no longer required for the purpose for which it is held.
- 6.1.6 The Academies Act 2010 confirms that land used wholly or mainly for the purposes of a school can only be appropriated or disposed of by a local authority with consent of the secretary of state (paragraph 6, Schedule 1). If consent is not obtained, the secretary of state may compulsorily purchase the land.
- 6.1.7 This property has been used to house a caretaker to a school in the last 8 years so is treated as educational land under this act as a result of paragraph 22(1), schedule 1) so will require secretary of state consent before the appropriation can occur.

7. Risk Management

- 7.1 This paper deals with Assets Regeneration and Growth Committee giving authority for a decision to appropriate the land from caretaker use to housing use and to reflect that decision by an internal Council process to transfer the asset from the General Fund to the Housing Revenue account. There is no risk in that process as it is not controversial to the public and completes the process which commenced with the Cabinet Resource Committee decision of the 24th June 2013 and the accountancy aspect will be dealt with by the Council's staff as an administrative process.

8. Equalities and Diversity

Making use of this vacant property for social housing will have a positive impact on Equalities, as this will meet housing need for individuals on the housing waiting list.

9. Consultation and Engagement

None relevant to this administrative process that is to be carried out by Council staff. The ex-caretakers home was associated with Goldbeaters school, which is no longer required by the school for caretaker housing. The school has been informed of this process and are in favour of the recommendation outlined in the report.

10. Insight

The Council has reviewed its stock and status of its caretakers' homes, which has resulted in this report.

11. BACKGROUND PAPERS

None

Appendix A:

3 Gunter Grove site plan

