



# Northumberland

## County Council

COMMITTEE: COMMUNITIES AND PLACE OVERVIEW AND SCRUTINY COMMITTEE

26 APRIL 2023

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### **Review of the use, ownership and management of open land held within the Housing Revenue Account.**

**Report of Cabinet Member:** Colin Horncastle, Community Services

**Lead Officer:** Philip Soderquest, Director of Housing and Public Protection

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#### **Purpose of report**

To seek agreement to establish a Task and Finish Group to examine current issues associated with “open land” which is held in the Housing Revenue Account, and contribute to the development of policy, to guide future decision making on the use, ownership disposal of such land and enforcement, when development is undertaken without consent.

#### **Recommendations**

To consider the report and agree the following:

- To the establishment of a Task and Finish Group
- Nominations from the Committee to participate in the Task and Finish Group

#### **Link to Corporate Plan**

Ensure the Council makes the best use of its land and buildings by refreshing our Plan for estates and assets

This report is relevant to the “How” priority included in the NCC Corporate Plan 2021-2024

#### **Key issues and Background**

The Council currently owns and manages 8326 homes which are predominantly located in the former district Council areas of Alnwick and Blyth.

Under the Housing Act 1980, the Government introduced the Right to Buy scheme, which affords tenants of existing and former Council housing stock to buy their home at a discounted price.

Traditionally, a tenant has been able to buy, along with the house, the outside space/gardens that formed part of the tenancy, but not outside space/land, which did not form part of the tenancy.

In practical terms, this means that on many estates that the “open land” to the front of the property, which was not part of the tenancy, was not sold with the house, and that land remains in the Council’s ownership.

Over time, this has led to the situation on many estates, including where the Council is the minority homeowner, where:

- The Council continues to maintain land at a cost to the Housing Revenue Account.
- An increasing number of instances where land has been “developed” without appropriate consent of the council.

Where consent is sought, an agreed process is in place whereby the homeowner can apply to the Council for a licence to use the land. As housing land, the initial request would be subject to consideration by the Housing Service and if agreed, the licence would be progressed by Strategic Estates and Legal Services, the cost of which would be borne by the homeowner.

Without a clear policy, it potentially creates a position whereby action taken in respect of unlawful development, is not consistent and exposes the Council to risk of legal challenge.

Further, there is no current mechanism to consider requests to acquire such land or consider disposal as part of the right to buy process.

The Task and Finish Group will be led by an appropriate senior Officer from the Housing and Public Protection Service, or Place Directorate, with Officer representation from:

- Housing Services
- Strategic Estates
- Legal Services
- Neighbourhood Services

### Proposed Task and Finish Group

The role of the Task and Finish Group is to review the current approach of retaining “open land” at the time a tenant exercises their Right to Buy, and what if any action, needs to be taken in respect of the current approach to retain that land in the council’s ownership and grant use of it by the homeowner by means of licence.

The review will include

- Reviewing existing policies and procedures associated with the use, disposal, development and authorisation of such activities
- Gathering evidence from Karbon Homes and Bernicia Homes, in respect of the approach adopted in respect of housing stock now in their ownership but previously owned by one or more of the former six district councils
- Gathering information from ward councillors who represent electoral wards containing housing stock owned and managed by the council
- Gathering evidence from County Council Officers, including those responsible for:
  - Under the terms of existing Service Level Agreements, the maintenance of the land in question
  - Preparation and granting of licences authorising use and development of land

- To develop a high-level policy proposal to inform the development of future policy for the use, ownership and disposal of open land.

The findings, and high-level policy proposal will be used to inform the development by Officers of future policy which will be subject to consideration by the Overview and Scrutiny Committee and Cabinet.

### **Implications**

<b>Policy</b>	None at present, but the findings of the Task and Finish Group will be used to inform future policy
<b>Finance and value for money</b>	None at present, but future policy will seek to ensure that the council makes the best use of open land, including the potential to generate a capital receipt which will be ringfenced to support the delivery of HRA activities.
<b>Legal</b>	All aspects of the proposal will be subject to consideration by Legal Services who will be invited to participate within the Task and Finish Group  The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to Full Council.
<b>Procurement</b>	N/A
<b>Human Resources</b>	N/A
<b>Property</b>	The purpose of the Task and Finish Group is to ensure that the council makes the best use of its assets, and in doing so future decisions are guided by policy to ensure consistency of approach.
<b>Equalities</b> (Impact Assessment attached)  Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	N/A
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	The purpose of the Task and Finish Group and future policy is to ensure that homeowners have the ability to have any request to use or own open space which is owned by the council within the

	Housing Revenue Account, which abuts their home, considered in a fair and consistent manner.
<b>Carbon reduction</b>	N/A
<b>Health and Wellbeing</b>	The outcome is intended to ensure, where appropriate to do so and at the request of the homeowner, that they may have access to outdoor space which may be enjoyed with the occupation of their home.
<b>Wards</b>	All wards within which the council own and manage housing stock as part of the Housing Revenue Account

**Background papers:**

**Report sign off.**

***Authors must ensure that officers and members have agreed the content of the report:***

	Full Name of Officer
Monitoring Officer/Legal	Suki Binjal
Executive Director of Finance & S151 Officer	Jan Willis
Relevant Executive Director	Janice Rose
Chief Executive	Helen Paterson
Portfolio Holder(s)	Colin Horncastle

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