

DUDLEY BOROUGH COUNCIL

**PURCHASING COUNCIL
OWNED LAND OR PROPERTY & OTHER
LAND MATTERS**

This leaflet contains common questions and answers for purchasing Council land or property.

The procedures outlined in this leaflet also apply to other land and property matters such as applications to: lease Council owned land, Wayleaves, Easements, Licences, Variation or Extinguishment of Covenants, Access Agreements, requests to site Builders Compounds and temporary use of Council owned land etc.

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Dudley Metropolitan Borough Council,
The Council House, Priory Road,
Dudley
West Midlands, DY1 1HF
01384 815323/814070/815351



What happens if I want to buy a piece of Council owned land?

The Council must decide if it wishes to sell or keep the area of land. This involves an internal process of consultation with Council Officers and Ward Members before a decision is made and before any negotiations can take place.

This leaflet aims to explain this procedure.

What do I do if I want to purchase Council owned land or property or wish to apply to the Council regarding another land and property matter?

Your application must be submitted in writing preferably with a sketch plan identifying the land/property, stating why you wish to purchase the land/property and its intended use, or what you wish the Council to consider, together with the **non refundable** administration fee. See fee list and contact details at the back of this leaflet. You may submit your application and plan by email if you would prefer.

There are 3 different fees listed on the fees list. Which fee do I submit with my application?

For information before you decide to submit a full application, **Fee 1**.

Should the matter go forward for consultation by a Property Manager, **Fee 2**.

For temporary consent to cross Council owned land to, for example, repair your boundary fence **Fee 3**.

All other applications will require the payment of **Fee 2 before any work can commence**.

Methods of payment of fees.

Fees can be paid by cheque, made payable to DMBC, at the time of submission of your application or by debit/credit card payment once all of the required information has been received by the council to process your application.

Credit/debit card payments will be taken over the phone and we can call you to take the payment once a completed application has been received.

(Please note that an additional 1.2% charge is made if a credit card is used)

Non refundable administration fees

| Item | Fee | Total + VAT @ 20% |
|------------------------------------------------------------------------|----------|----------------------|
| Fee 1 - Requests for information only | £33.20 | £39.84p |
| Fee 2 - All other applications | £332.95p | £399.54p |
| Fee 3 - Request for temporary consent To occupy/cross Council land. | £90.95p | £109.14p |

Payable when submitting your application. Cheques to be made payable to DMBC.

Credit/Debit card payments can be taken over the phone once a completed application has been received. An additional 1.2% will be charged on any credit card payments.

Please note that work will not be started on your application, until a complete application and correct fee has been received.

Should you pay fee 1 for an information only request and then go on to make a full application, a further fee of £359.97 (inc VAT) will be required before we can proceed .

No refunds will be issued under any circumstances.

Other fees that may be payable.

(upon completion, if application is approved.)

| | |
|------------------|-----------------|
| Surveyors fees | £350.00 approx. |
| Solicitor's fees | £500.00 approx. |

Surveyors and Solicitors fees are based on a % of the land value and on the complexity of the transaction. You will be advised at the appropriate time of the fees that will apply to your transaction.

Please note that you will be expected to pay the Councils fees as well as your own if the matter goes ahead.

Cost of statutory advertising for proposed disposals of Open Space.

Please refer to leaflet for details of when this will apply.

Advertising costs £500.00*

* Approximation only. This fee is set by the advertiser at the time of placing the advertisements and is beyond our control. The above is a guide only. Please ask for a quote at the appropriate time.

Fees for other services.

| | |
|------------------------------------|--------------|
| Local Land Charges | from £124.75 |
| Submission of Planning Application | from £150.00 |

Please note that the Council may refuse any application to:

- Purchase or lease land that is considered to be a corner plot within a Council housing estate.
- Purchase or lease land that forms parts of Council tenancies.
- Grant, extinguish or vary rights across land held for the Housing Revenue Account (HRA).
- Grant, extinguish or vary rights reserved to the Council across privately owned property.
- Enforce clauses within leases which seek to restrict the range of goods and use of shops sold or let by the Council and located in housing estates.

If you are unsure whether the matter you are interested in falls within one of the above categories, you may submit an information only request (**Fee 1**) in the first instance but should you then wish to make a full application, a further fee of £359.70 (inc VAT) is required before we can proceed.

All fees are non refundable.

If you want to find out who owns a piece of land you should check with The Land Registry at:

Land Registry Citizen Centre
PO Box 74
Gloucester
GL14 9BB

Tel: 0300 006 0411

Website: www.gov.uk/government/organisations/land-registry

Planning enquiries.

If your request to purchase land involves changing the use of that land (for example, from open space or adopted highway land to private garden land) then it is recommended that you seek advice of the Council's Planning Policy and Development Control teams before you submit your application. See contacts list.

What if I have difficulty in writing?

If you cannot provide a written application, one of our Officers will be pleased to meet with you either at our offices by appointment.

What if I can't provide a plan showing the area I want?

We will send you a plan of the area, for you to mark the exact area and return to us.

The land I am interested in is adjacent to my Council house that I have purchased from the Council. Can I buy this extra land under The Right to Buy rule, as well?

No, "Right to Buy" applies only to your Council house tenancy. Applications to buy additional land have to be dealt with using the procedure we are describing.

What happens once I have made my application?

We will acknowledge receipt of your application and non-refundable administration fee payable. Your application will be taken to the next available meeting between Officers and the Cabinet Member for Planning & Economic Development.

What will happen next?

If it is agreed that your application can be considered then you will be informed in writing of the name and contact details for your Property Manager who will begin the required consultation process with Officers and Ward Members.

Ward Member Consultation.

Each Ward in the Borough has 3 elected Councilors who are your Ward Members.

Whatever the outcome of your application, we would like to receive your views on the service we provide.

We will therefore, ask you to complete a short survey about what our service was like for you. This will help us to improve our service for future applicants. There will be just six questions, which are:

- 1) Were you informed of the name and telephone number of the Officer dealing with your application at each stage?
- 2) Were you informed of the process and the timescales involved?
- 3) If not, where did the process break down?
- 4) Overall, were the staff helpful, polite, informative, approachable?
- 5) Overall, how would you rate your satisfaction with the way the staff in handled your application?
- 6) If you contacted the Conveyancing team, were they helpful, polite, informative and approachable?

As you can see they are mostly simple yes/no answers in order to make it very quick and easy for us to get your views on the service. It really does help us to improve the service for future users, so thank you in advance for taking a few minutes to complete the survey.

In some cases, the Ward Members or the Strategic Director may wish to refer the matter for consideration by the local Community Forum before a decision is made and this will mean that it will take considerably longer for a decision to be made.

What happens if your application is referred for consideration by the Community Forum?

Each Community Forum meets 4 times a year and is an opportunity for elected Members and the general public to meet to discuss issues affecting the area. Further details regarding the Community Forums can be obtained from the Councils web site.

Please be aware that information regarding your application may be made available to this public meeting unless it contains sensitive information that is considered exempt as defined in Part 1 of Schedule 12A to the Local Government Act, 1972.

Will the Community Forum make the decision regarding my application?

No it is for consultation only.

What happens once the consultation process is complete?

Your Property Manager will prepare a briefing note for the next available Development Co-Ordination Group Meeting and Cabinet Member for Planning & Economic Development informing them of the outcome of the consultation.

Following their consideration, a decision will be made by the Strategic Director for Place.

Once the decision has been authorized it can then be implemented by Council Officers.

All this seems very complicated and to take a long time. Is there no easier way?

I'm afraid not. The Council has legal obligations in the sale of land/property and other land transactions.

This leaflet explains many things that may have to happen before a decision can be made but please bear in mind that they may not all apply to your particular application or other issues may be brought to light during the consultation.

This will not become evident until each stage is reached, so at the outset it is **not possible to predict the time it will take to reach a decision.**

What happens if my application is refused?

If the decision is to refuse your application, you will be advised in writing.

There is no appeals procedure, but if you feel that you have additional information, or justification to support your application that has not already been considered, or if you amend your application in some way, we may be able to process your application again, based on the new information.

Please note that you may be charged a further administration fee if your revised application involves undertaking the consultation process again.

When will I need to insure the land/property?

Your Solicitor will advise you but it should be from the date of Exchange of Contracts, as the Council's policy will not provide cover from that time.

Do I need to do anything after completion?

Completion marks the end of the process so far as the Council is concerned but there are still some matters for you and your Solicitor to deal with before the property can be properly regarded as being in your ownership, including completion of a Land Transaction Return for the Inland Revenue, payment of Stamp Duty Land Tax if appropriate and registration at HM Land Registry.

The information contained in this leaflet is available on the Council's web site at www.dudley.gov.uk/business, in the Land & Property section. Other information on Council services is available from the main web site.

In particular, you may be interested in:

www.dudley.gov.uk/community

www.dudley.gov.uk/resident-planning

Arrangements can be made to provide this leaflet in an alternative form such as large print, or a different language. Please telephone (01384) 813401.

Contacts

For initial enquiries & to submit applications:

Linda Clift 01384 815323

Linda.clift@dudley.gov.uk

Property Assistant, Corporate Landlord Services,
Place Directorate, The Council House, Dudley DY1 1HF

For General queries:

Alan Nugent - North 01384 815351

Sonia McLean - South 01384 815321

For Surveying Queries:

Mary Cox 01384 815345

For Legal Queries:

Mandy Wilcox 01384 815310

For Local Land Charges

Joanne Carter 01384 815336

Kerry Turner 01384 815340

For Planning Enquiries:

Planning Policy: 01384 816810/817213

Planning Help Desk: 01384 814136

For Highway Enquiries:

Denise Hale or Sarah Frost: 01384 814136

What happens if my application is approved?

If the decision is to approve your application, your Property Manager will advise you in writing and instruct the Council's Surveyor.

We will ask for a plan of the land to be drawn up by the Council's Land Surveyor. It will show the measurements of the site and any constraints (i.e. public services).

The Surveyor will not normally contact you until these plans have been completed.

The Surveyor will normally wait until plans have been received and then prepare a valuation of the land/property. The Surveyor may also make a site visit in the course of this preparation work.

The Surveyor will then make contact with you to agree terms and conditions of the sale.

Once all of the terms and conditions have been agreed with you, the Council's Solicitors will be instructed to prepare the legal documents.

At this stage you should think about contacting your own Solicitor.

Next, your Solicitor will send a set of Preliminary Enquiries to the Council. This is a set of questions covering matters such as, who is responsible for the boundaries and what fixtures and fittings are included in the sale price.

Important points that you should be aware of.

1) Public open space. If the land you wish to purchase is held by the Council as Public Open Space, the Local Government Act 1972 requires the Council to advertise the disposal of Public Open Space in a local newspaper for two consecutive weeks and to consider any objections received. You will have to pay for the cost of advertising and will be given an estimate of the likely cost at the time. You will be invoiced for the advertising costs. If we receive any objections to the disposal, these will have to be considered before a decision is made.

2) Open market sale. The Council is obliged by law, under the Local Government Act 1972, to sell land for the best price reasonably obtainable. This means that in some cases if, following consultation, it is considered that the land you have asked to purchase could be of interest to other parties or could be sold for development land, the Council must advertise it for sale on the open market. In such a case you will be sent sales details once prepared and will be able to make an offer for the land along with any other interested party. Please note that your admin fee will **not** be refundable in such cases.

3) Administration fee. Before we can start work on your application, you will need to pay the appropriate non refundable administration fee. It is payable to offset some of the costs involved in processing your application, but it does not cover the full cost. Payment of the fee **will not** guarantee that your application is approved and it is entirely separate to the valuation of the land. This fee is reviewed each year and effective from 1st April. **There are no exemptions and no refunds.**

4) Planning and Highway consents. These may be required for change of use or development of the land, or for other matters such as fencing and boundary treatment. You are responsible for finding out if such consent are required and you should make your own enquiries about this aspect of your

proposals with Development Control Planning or Highway Officers. See contacts list. It is your responsibility to ensure that any consents required are gained.

Should you submit a planning application to include the Councils land you must serve the appropriate notice and you may address this to the relevant Property Manager.

Please note that the Council as Land owner is different from the Planning Authority. Therefore although you may be granted planning consent, this does not guarantee that your application to the Council as land owner will be approved.

5) Other Fees. Once a sale has been agreed, you will be required to pay the agreed price for the land together with the Council's Legal and Surveyors fees incurred in the matter, as well as your own fees. For guidance please refer to the fee list attached to this leaflet.

Do I have to use a Solicitor?

No, it's not a legal requirement but is advisable to protect your own interests. The Councils legal team cannot advise or assist you as they are employed to protect the Councils interests in the transaction.

What does the Councils Solicitor do?

Once the Council's Solicitor has been instructed, a Contract for Sale will be drawn up. This will be sent to your Solicitor for approval.

You should talk to your Solicitor directly about the service on offer, but generally it will involve the consideration of the draft contract and undertaking Local Authority Searches, asking questions about plans for new roads, planning consents and other matters that could affect the value of the land/property in the future. The local authority charges a fee for providing Local Land Charge information and the cost of this Search will be included in your Solicitor's bill. You may have to pay for this in advance of submitting the Search.

Once the contract terms are agreed and your Solicitor has received satisfactory replies to all of the Preliminary Enquiries, Contracts for Sale can be signed and formally exchanged. It is at this point that the transaction becomes “binding”. The signed contract will include a completion date. This is the date when the land/property becomes yours.

At the point of exchange of contracts you are likely to have to pay a deposit to the Council through your Solicitor, usually this is 10% of the sale price.

What else happens between contracts and completion stage?

Your Solicitor will prepare the Transfer Deed, which is the document that records you as the new legal owner of the land/property at HM Land Registry. The transfer will be sent to the Council’s Solicitor who will arrange for it to be sealed on behalf of the Council, in readiness for completion. On the day of completion, the Transfer will be handed to your Solicitor, together with the Title Deeds (and any keys) in return for the purchase monies, which your Solicitor will have received from you and/or your funder.

This is likely to be the last contact your Solicitor will need to have with the Council unless he requires the Council to assist him with dealing with any enquiries that may arise on his application for registration at HM Land Registry.

Once the Council’s Solicitor has been instructed, you should contact your own Solicitor regarding progress.