



House of Commons
Committee of Public Accounts

Disposal of public land for new homes

Second Report of Session 2015–16

*Report, together with formal minutes relating
to the report*

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Committee of Public Accounts

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Summary

The Department for Communities and Local Government cannot demonstrate the success of the land disposal programme in addressing the housing shortage or achieving value for money because it does not collect information on the actual number of houses built or under construction, the proceeds from land sold, or whether the parcels of land were sold at market value. Instead, it chose to focus only on a notional number for 'potential' capacity for building houses on the land sold by individual departments in order to determine 'success'. The Department also counted towards the programme's target the capacity of land sold before the programme had even started. It did not collect basic information necessary to oversee the programme effectively and, where it did collect programme-level data, there were omissions and inconsistencies. With much greater ambitions for land disposals in the new Parliament, the Department must address the weaknesses in the current programme, and the Department has accepted that it needs to improve its general monitoring. If it is to oversee the new programme effectively then this must specifically include tracking sale proceeds and progress with the actual construction of new homes, and overseeing the programme in a way that gives Parliament and the taxpayer much greater assurance over the value for money achieved from all disposals.

Introduction

In June 2011, the Housing Minister announced that government planned to “release enough public land to build as many as 100,000 new, much-needed, homes and support as many as 25,000 jobs by 2015”. The Department for Communities and Local Government (the Department) holds policy responsibility for the target as a whole, with individual government departments responsible for identifying surplus land, estimating the number of potential dwellings, and disposing of the land. The Homes and Communities Agency was responsible for collating and reporting data to monitoring boards, and also acted as the property disposal agent for the Department itself. The Department’s data shows that, by the end of March 2015, government had disposed of land with capacity for an estimated 109,950 homes, across 942 sites. The biggest contributors were the Ministry of Defence (around 39,000 homes), the Homes and Communities Agency (around 21,000, on behalf of the Department for Communities and Local Government) and the Department of Health (around 15,000).

Conclusions and recommendations

1. **The Department cannot assess whether the programme delivered value for money for the taxpayer.** The Department's view is that the success of the programme is defined by having disposed of land with the potential capacity for more than 100,000 homes, and that the value for money of individual sales is just the responsibility of individual departmental Accounting Officers. We do not accept these narrow interpretations. We do recognise that the Department sought assurances from land-owning departments that the land in question had a reasonable prospect of being developed, but this is no substitute for knowing whether the prospects actually materialised. The number of houses built or under construction is a common sense measure of impact, and is easily collected, but the Department chose not to monitor it. Furthermore, the Department has not recorded sale proceeds, or the commercial terms agreed for the land disposals, without which one cannot begin to assess value for money.

Recommendation: *In taking forward the new target, the Department and the Homes and Communities Agency must apply a broader test of value for money, which must include sale proceeds and progress in the actual construction of new homes. Taxpayers deserve to know how many homes have actually been built.*

2. **We are sceptical as to whether departments achieved value for money from the sale of all individual sites.** The Department stressed to us that responsibility for securing value for money on individual land sales rested with the individual selling departments. We are sceptical whether this was achieved because: departments could not readily produce for the NAO some basic information about the sales that would be essential to supporting any value for money case; this Committee has previously reported on the lack of commercial skills in individual departments and we have seen, for example, how the Royal Mail sale did not take full account of the market value of surplus property; and the Department was not even aware of the guidance departments should be following when disposing of assets and is therefore unlikely to have been able to monitor compliance with it. In addition, guidance from the Royal Institute of Chartered Surveyors (RICS) on achieving market value is based on being able to sell 'without compulsion'; and the obligation to achieve a certain level of sales within a fixed timescale introduced an incentive to sell which increased the risk to achieving value for money.

Recommendation: *We will hold the Department to account for the value for money of the new programme. It should, therefore, set out how it will gain assurance that all land-owning departments and public bodies have achieved value for money from all disposals.*

3. **The Department adopted a very wide interpretation of what it could count towards achieving its target.** The Department claims the programme has sold enough land to support an estimated 109,950 homes. In counting the notional number of homes for which land had been released, the Department counted over 15,000 from land sold before the programme started, and over 10,000 from land which had simply moved outside the public sector (with the privatisation of Royal Mail and conversion to a charitable trust of British Waterways).

Recommendation: *In taking forward its new target to release land for up to 150,000 homes between 2015 and 2020, the Department must only count the number of homes built, or commenced, on land disposed of during the programme. This should also include the number of affordable homes.*

4. **The Department was unable to confirm how many jobs the programme created.** The press release launching the programme announced a target of 25,000 new jobs by 2015, but the “Build Now, Pay Later” guidance document referred to 200,000 jobs. While the Department cited evidence suggesting that each new home supports up to two additional jobs for one year, it is unclear how much employment has actually been generated.

Recommendation: *The Department must set out clearer parameters for job creation and collect and audit data to ensure that claimed new jobs are in fact created.*

5. **The Department and the Homes and Communities Agency have not provided effective oversight of the programme.** After the programme started slowly the Cabinet Office Implementation Unit intervened in 2012 and outlined some significant concerns about achieving the target. After the Cabinet Office’s report, government took various steps and there was an acceleration of disposals in the second half of the programme. However, the Department still did not collect basic information we would have expected for it to oversee the programme effectively - for example, copies of sales contracts - and other programme-level information was incomplete or inconsistent with the individual departments’ records. When we challenged the Department on what guidance it provided to land-owning departments on effective disposal of assets, it appeared to be unaware of the current guidance to departments on property disposals, and was therefore unable to reassure us that it had ensured individual departments had followed that guidance.

Recommendation: *The Department must be clear with individual departments as to the guidance they are expected to follow, and must set clear documentary and data requirements.*

6. **There were significant omissions in the Department’s data collection.** Most worryingly, the Department did not collect information on the number of homes actually built or under construction, or on sales proceeds, both of which are fundamental to assessing the value for money of the programme. We do not accept the Department’s argument that it would have been an unacceptable burden on developers for them to provide basic information on what they had done with assets bought from the public sector: all developers have data on housebuilding starts, completions and sales. Nor do we accept that the amount of any sale proceeds from the disposal of publicly-owned assets should be kept confidential—Parliament and the taxpayer are entitled to greater transparency than that. Individual departments were unable to supply the NAO with basic information required to monitor the programme and, where information was provided, the NAO found inconsistencies between programme- and department-level information. The Department also failed to record other key information required to run the programme, including the means by which sites were sold.

Recommendations:

In addition to setting minimum documentary and data requirements for all land-owning departments, the Department must design and implement a data validation process.

The Department should also review how it can increase transparency of agreed commercial terms for land disposals to provide greater assurance to the taxpayer that value for money has been achieved.

7. **It is essential that the Department learn lessons for its new programme and deliver value for money from future land disposals.** The Spending Round in 2013 included new targets for central government and associated bodies to deliver at least £5 billion from land and property sales between 2015 and 2020. In the Autumn Statement 2014 the government announced an increased ambition to release land for up to 150,000 homes in the same period. We welcome the Department's commitments to take account of the NAO recommendations as it designs the new land disposals programme, and to improve its monitoring. But we are also concerned by its caution when challenged on whether it would be collecting information on the number of homes actually built. We recognise that homes might emerge over a number of years, but we reiterate our view that unless it keeps track of whether new homes are actually built on land sold, the Department will be unable to measure the success of the new programme. We will want to see how the Department and the Homes and Communities Agency plan to implement the new programme.

Recommendation: *Alongside its usual Treasury Minute response, the Department should provide us with a fuller report on its progress with setting up the new programme, including objectives, how it will measure success and monitor progress, and how it has addressed the recommendations in the NAO report.*

1 Judging the success of the programme

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Department of Communities and Local Government (the Department) and the Homes and Communities Agency on the disposal of public land for new homes.¹

2. The programme of disposing surplus government land emerged from the Plan for Growth in the March 2011 Budget. Government believed that releasing surplus land for housebuilding would promote growth and reduce the deficit while providing homes and jobs. It stated that 40% of all land that could be developed sat within public sector land banks, and committed to accelerate the release of surplus public sector land to encourage development.²

3. On June 8 2011 the Housing Minister announced that government planned to “release enough public land to build as many as 100,000 new, much needed, homes and support as many as 25,000 jobs by 2015.” The Department held policy responsibility for the target, with individual government departments responsible for identifying surplus land, estimating the number of dwellings it could support, and disposing of it. The Homes and Communities Agency performed an administration role for the Department, including collation of data and reporting it to monitoring boards, and also acted as a land disposal agent on its behalf.³

4. By the end of March 2015, government had disposed of land with capacity for an estimated 109,590 homes, nearly 10,000 above its target, across 942 sites. The biggest contributors were the Ministry of Defence (38,778 homes, 35% of the total), the Homes and Communities Agency (20,930, 19%) and the Department of Health (15,185, 14%).⁴ The Department told us that, while it promoted affordable homes through other means and quite a lot of the sites in this programme were being developed with a strong affordable homes element, there was no specific target within the 100,000 for how many of these homes should be affordable.⁵

5. We noted that the Department did not know how many of the 109,950 ‘potential’ homes had actually been built or whether the land had been sold at the right price, and invited it to comment in response to the NAO report. The Department commented that it had found the NAO report very helpful, and that it contained lots of useful guidance and recommendations for it to take into account. It described the programme as “very successful”, having set out to achieve land disposals towards new housing on a scale that had not been achieved before, having exceeded that target, and having had a rigorous process to check how many houses were likely to be built on the land released.⁶

6. We challenged the Department further on its claims for the success of the programme. We stressed that the ultimate purpose of the programme was to facilitate the building of 100,000 homes, and it was therefore vital to know how many homes had actually been

1 [C&AG’s report, *Disposal of public land for new homes, Session 2015-16, HC 87*, 24 June 2015](#)

2 [C&AG’s report](#), para 1.1

3 [C&AG’s report](#), paras 1.3, 2.6

4 [C&AG’s report](#), Figure 4

5 [Qq 147-148](#)

6 [Qq 1-3](#)

built or were under construction. The Department told us that its accountability was for the overall target of releasing land towards 100,000 homes and that it was just the oversight of the release of land, not the housebuilding, that it had been tasked with—“The target was not to build homes; it was to release land”. In its view, the target to release land was “a very different thing from having a target to actually build those homes.” It did acknowledge that building homes was ultimately why it wanted to release the land and that land release was one of the big constraints in the housing market in England.⁷

7. The Department said it was clearly important that it did not sell sites without any understanding of whether or not homes were actually going to be built, and that it had a robust process of measuring and checking, at the time of disposal, how many homes it should score against the disposal. It said that it had sought assurances that there was a strong chance that homes would be built on the land in question, and had looked at, for example, whether planning permission had been sought, whether it was in a local plan, or whether the land was included in a strategic housing land assessment. The Department told us that no figure was included in its final outcome numbers for the potential number of new homes unless the Homes and Communities Agency had signed it off. The Department also stressed that in some cases it might take 20 years for sites to actually be built on.⁸

8. We questioned the Department on whether the actual building of homes—rather than the notional building of homes—was a criterion for the value for money of the programme. After much prevarication, and reiterating that its target was to release land, not to build homes, the Department stated that “Building houses wasn’t a criterion for the programme, so how could it be a criterion for value for money?”. The Department added, however, that “Clearly the overall aim was to boost the housing market and eventually build homes.”⁹

9. The Department told us that it was a conscious decision not to collect information on the number of actual homes built, and it had neither asked individual departments to collect that information, nor done so itself at programme level. It said it had decided not to “because we were really worried about putting a burden on developers and basically making public sector land some sort of bureaucratic problem for them in a way that private sector land was not”. It stood by its decision not to collect the information despite us pointing out that these were public assets being sold, and how easy it is in any case to find out the progress of individual developments. The Department did say it was going to look at this point, on which the NAO had also made a recommendation, for the new programme.¹⁰ The Department also said that, since the NAO report was published, it had begun to check house building on certain sites.¹¹

10. On the question of whether individual sales and releases of land were done in accordance with value for money tests, the Department stressed to us that it was up to the individual selling departments to make the sales and ensure that each was done on a value for money basis. The Department had not sought to “second-guess” the value for money of individual sales.¹²

7 [Qq 7-9](#)

8 [Qq 7, 9, 10, 19, 20](#)

9 [Qq 14-19](#)

10 [Qq 13,14, 26-31](#)

11 [Qq 33, 36](#)

12 [Qq 4, 5, 60, 73-77, 98, 99](#)

11. The Department referred us to the text in the case studies in the NAO report to explain how individual departments would have secured value for money from individual sales. For example, the Department for Transport, in Case Study 10, going through an auction process and putting in place clawback provisions.¹³ However, we noted that the case studies also recorded that some sellers could not produce basic information for the NAO about the sales - for example copies of contracts - and that in some cases sales proceeds were not recorded for reasons of 'commercial confidentiality'; casting doubt on the rigour with which value for money tests could have been applied.¹⁴

12. This Committee has also reported before on how, too frequently, individual government departments lack the commercial skills to negotiate contracts with the private sector which protect the public purse.¹⁵ When the Royal Mail was privatised in 2013, we saw, for example, how the sale did not take proper account of the market value of surplus property.¹⁶

13. We also questioned the Department on whether the obligation to release enough land to meet a target by the end of the programme had presented a risk to achieving value for money. The target to achieve sales in a fixed timescale may have introduced an element of compulsion, whereas The Royal Institute of Chartered Surveyors (RICS) definition of market value is "the estimated amount for which an asset or liability should exchange ... where the parties had each acted knowledgeably, prudently and without compulsion." We pushed the Department for a specific example of where a site had not been sold because the seller had concerns that a quicker sale would affect value for money. The Department could not think of such an example. It told us it was not aware of any department raising concerns that its value for money process would be affected by an inappropriate deadline, and was confident that such concerns would have been raised.¹⁷ However, the Department acknowledged that departments "felt under pressure to sell land and to think about their estate management strategy in a way they had not before."¹⁸ As we set out in Part 2 of this report, the programme also got off to a slow start, and there was increased pressure to dispose of land in the second half of the programme through to March 2015.

14. We also asked the Department about the validity of scoring figures for Royal Mail and British Waterways in its claims for exceeding the programme target. The total of 109,950 includes 10,783 potential homes on land categorised as sold when it was transferred outside the public sector. The sites in question belong to Royal Mail, which was privatised in 2013 (land with a capacity for 2,584 potential homes) and British Waterways, which was converted to a charitable trust in 2012 (land with a capacity for 8,199 potential homes).¹⁹

15. The Department argued that Defra and the Shareholder Executive had done a lot of work, with British Waterways and Royal Mail respectively, to get some sites ready for disposal, and that it was therefore legitimate to include them. For figures to count towards the target, the Department relied on having assurance at the point of release that the land was going to be built on—at the point of release into the private sector in these cases, as

13 [Qq 64, 67; C&AG's Report](#), case studies on pages 32 to 41

14 [Qq 68-74, 80-87](#)

15 Summarised in [The work of the Committee of Public Accounts 2010-15, 52nd report of Session 2014-15, HC 1141](#), 28 March 2015

16 [Q 142; C&AG's report, The Privatisation of Royal Mail, Session 2013-14, HC 1182](#), 1 April 2014, paras 6 and 2.4

17 [Qq 101-106, 123, 127, 128](#)

18 [Q 46](#)

19 [Q 32; C&AG's report](#), para 3.4

opposed to at the point of sale. The Department told us that for “more than 90%” of the Royal Mail and British Waterways sites in question, it still had that assurance.²⁰

16. The total of 109,590 potential homes from land released under the programme also includes 15,740 on land that the public sector disposed of before the target was set. We noted that the figure actually included potential homes on land sold as far back as 1997. The Department defended the inclusion of these figures on the basis that one of the objectives of the programme was to release sites that had stalled since the earlier sale. However, we note the apparent inconsistency with the Department including all land sold during the programme in its total of 109,950, regardless of how far into the future the actual construction of homes might be expected.²¹

17. On the number of jobs created we challenged the Department on whether it had tracked whether the programme had, as announced when it was launched, supported the creation of 25,000 jobs by 2015. We also asked why its later ‘Build Now, Pay Later’ document had referred to 200,000 new jobs. In evidence provided after the session, the Department explained that it had based its estimates on previous English Partnerships guidance and industry studies suggesting that each new home supports up to two additional jobs for one year. It had therefore estimated that, in total, the programme would support some 200,000 jobs as all homes are built out over time, and that it would have supported 25,000 by 2015. The Department could not, however, be specific on how much employment has actually been generated by the programme.²²

²⁰ [Qq 32-33](#)

²¹ [Qq 44-46](#), [C&AG’s report](#), para 3.4

²² [Qq 150-153](#); [Written evidence from the Department for Communities and Local Government](#), 22 July 2015

2 Oversight of the programme

18. From the start of the programme, disposals were slower than forecast and Ministers were concerned that the 100,000 target would not be reached. The Department told us that it had acted quickly in response to the slow start, including setting up its own review and obtaining expert advice. It also told us that its officials worked alongside the Cabinet Office Implementation Unit, which carried out a review in 2012.²³ The Cabinet Office review highlighted some significant concerns about meeting the target, including, for example: dependence on departments selling 20 sites each with capacity for over 1,000 potential homes; limited departmental capacity, lacking the necessary expertise and resources to focus on disposal of land, which was not a core or priority activity; and no collective responsibility amongst departments for the overall target.²⁴

19. The Department told us it had acted on all of the Cabinet Office's recommendations. Actions taken to increase land sales (which are set out more fully in Figure 7 of the NAO's report) included: asking departments to bring forward sites planned for disposal in 2015-16; transferring land from other departments and public bodies to the Homes and Communities Agency for it to handle disposal; increased ministerial attention and engagement; and a £190 million investment fund which departments could use for site remediation and other works. The Department also told us about other work done to support departments, including having the Homes and Communities Agency run workshops in individual departments, and seconding staff into some key departments.²⁵

20. On providing guidance to individual departments on the sale of assets, the Department told us that there was lots of guidance available to them, that 'Managing Public Money' was the 'bible' for these purposes, and that it was supplemented by specific guidance on some of the more difficult transactions. However, when we drew the Department's attention to the Guide for the Disposal of Surplus Property, published in 2005 but which we had confirmed was still current government advice, the Department was not aware of it.²⁶

21. When the NAO reviewed supporting documentation for the programme, it found that landowning departments were only able to supply full supporting documents for 21% of disposals, based on its sample of 127 sites. In 35% of cases examined the NAO also found differences between the number of potential homes in the Homes and Communities Agency's programme level data and the number of potential homes in the individual department's information. The Department claimed it had addressed the findings of the Growth and Implementation Committee's report, despite the NAO's report echoing concerns about the quality of data raised by that Committee's data validation exercise in early 2013.²⁷

22. In Part 1 of this report we set out that, during the programme, the Department did not collect information at a programme level on the number of homes actually built or under construction, focusing instead on the potential capacity of the land disposed. The Department had argued that the number of homes built was not relevant to judging the success of the programme, and that it would have been too much of a burden on private sector developers for it to collect this information. However, in preparation for

23 [Qq 23, 43; C&AG's report](#), para 3.10

24 [C&AG's report](#), Figure 6

25 [Qq 23, 43; C&AG's report](#), Figure 7

26 [Qq 99, 108-114](#)

27 [Q 156; C&AG's report](#), para 2.21

being questioned at our evidence session the Department told us it had indeed gone back and checked on progress on some sites. It told us that it knew of example sites where houses were being built, including 142 homes under construction at Rathbone Place (an old Royal Mail site). The Homes and Communities Agency told us that, out of its 20,930 contribution to the overall housing capacity of land sold under the programme, construction had started on around 6,200 homes, and around 2,000 had been completed.²⁸

23. The Department also accepted that it had not taken a programme level view of, for example, what would be a reasonable level of proceeds for the taxpayer to expect from the programme. It had therefore not collected information on sales proceeds—“We did not ever seek to do that kind of programme-level understanding of the overall sales”. It said that figures for sales proceeds were not necessarily straightforward because “sometimes it is quite complicated because of the nature of the different ways in which the land is released”. But it did “absolutely accept that this is something that we need to improve on in the next programme, and we will.”²⁹

24. Besides the number of homes built and the sales proceeds, notable information on the disposals that was not collected centrally included: the value of the disposed land as recorded in individual departmental accounts; the means by which sites were sold; and copies of the contracts.³⁰ Furthermore, the individual departments themselves could not, in some cases, produce important information for the NAO about the sales of public assets. For example: there was no copy of the sale contract available for the Defra/British Waterways site at Wood Wharf, London; in other cases details including sales proceeds were not supplied due to ‘commercial confidentiality’; and the NAO could not obtain some details of the Department for Transport’s disposal of its Nuneaton site.³¹ The Department accepted that it absolutely needed to address shortcomings in the records kept by individual departments.³²

25. The Department is now responsible for overseeing a new programme of land disposals. The 2013 Spending Round included new targets for central government and associated bodies to deliver at least £5 billion of land and property sales between 2015 and 2020. In the Autumn Statement 2014, the government announced an increased ambition to release enough land for up to 150,000 homes in the same period.³³ During our evidence session the Department accepted the need to improve its monitoring and made various references to taking account of the NAO’s recommendations in the next phase.³⁴

26. However, while accepting that it needed to improve monitoring and provide assurance that the expected number of homes to be built was not ‘a mirage’, the Department also said it would want “to be careful about monitoring the private sector in the build-out”³⁵ We had made it clear in our questioning and challenge that it was not difficult to keep track of whether ‘potential’ new homes on sites had subsequently been built, and that it was a basic and common sense measure of success.³⁶

28 [Qq 33, 35-37, 49-53](#)

29 [Qq 48, 58, 61, 98, 99](#)

30 [Q 9; C&AG’s report, para 2.18](#)

31 [Qq 64-70; 80-87; C&AG’s report, case studies](#)

32 [Q 71](#)

33 [C&AG’s report, paras 12-13](#)

34 [Qq 1, 20, 26, 29, 37, 40, 48, 71, 165](#)

35 [Q 165](#)

36 [Qq 1, 4, 7, 28, 29, 58](#)

Formal Minutes

Wednesday 9 September 2015

Members present:

Meg Hillier, in the Chair

Mr Richard Bacon
Deidre Brock
Kevin Foster
Clive Lewis
Nigel Mills
David Mowat

Teresa Pearce
Stephen Phillips
John Pugh
Nick Smith
Karin Smyth
Mrs Anne-Marie Trevelyan

Draft Report (*Disposal of public land for new homes*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 26 read and agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 14 September at 3.30 pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's [inquiry web page](#).

Wednesday 15 July 2015

Question number

Melanie Dawes, Permanent Secretary, Department for Communities and Local Government, **Andy Rose**, Chief Executive, Homes and Communities Agency, and **Peter Schofield**, Director General, Neighbourhoods, Department for Communities and Local Government.

[Q1-165](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's [inquiry web page](#). LNH numbers are generated by the evidence processing system and so may not be complete.

- 1 Department for Communities And Local Government ([LNH0001](#))
- 2 The Royal Institute of British Architects ([LNH0002](#))
- 3 HM Treasury ([LNH0003](#))
- 4 HM Treasury ([LNH0004](#))
- 5 Royal Mail Group ([LNH0005](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/pac.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015-16

First Report	Financial sustainability of police forces in England and Wales	HC 288
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