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Committee of Public Accounts

Sale of public land

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of Session
2017–19**

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

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The Committee of Public Accounts

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Summary

The UK is in the grip of a housing crisis, with a severe shortage in some areas of affordable homes specifically social homes for rent. Despite these pressing issues, the government has failed to use its position as a major land owner to develop and execute an effective strategy to meet land disposal targets. We are incredibly disappointed that the Ministry for Housing, Communities and Local Government will miss its target for releasing land for new homes by such a wide margin. By the end of the programme, the Department estimates it will have failed to sell the land needed for 91,000 of the homes promised under the target, equivalent to 57% of the overall target. This target was clearly unrealistic from the outset and, as we were concerned to discover during the inquiry, lacked a sufficient and rigorous evidence base when it was originally set. The Cabinet Office is expected to achieve its proceeds target, despite almost all departments being on course to miss their individual targets. However, this is because of one big unplanned sale that contributed almost £1.5 billion of the £5 billion target. It is unacceptable for the outcomes of these crucial programmes to be reliant upon luck instead of judgement.

Yet again, the government did not help itself by having muddled objectives at the outset. Government is optimistic that changes it has made will lead to improvements in the delivery of land disposals, but we are very concerned to see slow progress in areas we highlighted in previous reports, particularly the collection of data on affordable homes. We remain frustrated that the release of public land is not translating into enough actual homes for those that need them. Despite just 40,500 homes having been built since 2011, the Ministry of Housing, Communities and Local Government's unacceptably loose definition of what constitutes a new home has artificially inflated the number of new homes that have been created.

Introduction

The UK government is a major land holder. In 2016–17, the total value of central government-owned land and property was estimated at £179 billion. The government manages these assets through the Government Estate Strategy. It has been reducing the size of its estate for several years owing to a policy to sell assets where it considers they no longer serve a public purpose. The government has two main disposal targets: a *proceeds* target whereby the government plans to “deliver £5 billion of receipts between 2015 and 2020 through the release of surplus public sector land and property across the UK”; and a *land for new homes* target known as the Public Land for Housing Programme, whereby the government aims to “increase housing supply by releasing surplus public sector land for at least 160,000 homes” in England between 2015 and 2020. This programme follows an earlier target to release enough land for 100,000 new homes between 2011 and 2015.

The Cabinet Office is responsible for the government’s estate strategy and for the proceeds target, while the Ministry of Housing, Communities and Local Government (the Department) is responsible for leading the new homes target. Individual departments are responsible for pursuing their own targets that contribute to the overall totals, while also ensuring that individual sales represent value for money. The Treasury is responsible for setting departmental budgets which are net of the proceeds expected from land disposals.

This is the third time the Committee has reported on the Department’s Public Land for Housing Programme. In 2015, we concluded that the Department could not demonstrate the success of the 2011–2015 programme in addressing the housing shortage or achieving value for money. In 2016, we recognised that improvements had been implemented in the 2015–2020 programme but warned that the government would fail to deliver land for 160,000 homes by 2020 unless it significantly accelerated the rate at which land for new homes is made available.

Conclusions and recommendations

1. **The government has wasted a once-in-a-generation opportunity to alleviate the nation's housing crisis by failing to develop a strategy for public land disposal.** Not enough new houses are being built and, as a major land owner, the government is in a unique position to help release land for new homes. It has committed to deliver an additional 300,000 homes a year by the mid-2020s and selling surplus public land for new homes supports this. However, the objectives of its land disposal programmes are muddled. At the outset, the government did not take a strategic view to determine how many homes were needed of what type, and where. Instead, the government simply focused on where surplus land existed and whether it could be sold. The government also failed to take a strategic view of how the proceeds generated from land disposals should be used. It makes decisions about how the proceeds from selling land are used on a case-by-case basis and at a departmental level, rather than taking a view of the best value to be obtained from them across government as a whole. Public sector land is finite and the government is wasting an opportunity to use this land and the proceeds raised from sales to deliver much needed homes.

Recommendation: *By October 2019, the Cabinet Office should write to the Committee to set out a clear strategy for how the government will meet its proceeds and land for new homes targets. This should include over-arching aims and clear outcomes.*

The Cabinet Office should also outline how its strategy for meeting the proceeds and land for new homes targets will impact and feed into: housing policy, estates strategy, asset management and government budgeting.

2. **Government's lack of evidence underpinning the two disposal targets means that the programmes were set up to fail.** The government will miss its target to sell enough land by 2020 for 160,000 homes by the considerable margin of 91,000 homes. This failure is largely because of the unrealistic targets the centre of government imposed on departments without enough thought about the issues that would need to be overcome to make sales happen. The first Public Land for Housing Programme target to sell land for 100,000 homes by 2015 was not supported by any evidence on what could realistically be delivered. The Department asserts that some improvement had been made during the setting of the target to release enough land for 160,000 homes for the second programme, but acknowledges that it was still a top-down target and lacked a well-grounded evidence base. Its evidence base has not been supported by the necessary detailed analysis by departments and was further extended by Ministers to make the target more challenging. This ultimately resulted in the 160,000 target being over-optimistic and unachievable over the programme timeframe. The minimum requirement for setting deliverable, yet challenging, targets is to understand the whole estate to identify what land is surplus to policy, and whether it can be sold to build homes and the kinds of homes needed in each location.

Recommendation: *For future housing programmes, the government should set targets that are challenging but fully supported by a clearly explained rationale and robust evidence on what is achievable.*

3. **Despite the inevitable tensions between the two land disposal targets, government has disregarded the potential impact of trade-offs between the two targets and has made no assessment of how they will manage the two programmes side-by-side.** There are potential tensions between the government's two land disposals targets—for example, a sale of land that is suitable for new homes might not generate the highest proceeds. In these situations, the Department and the Cabinet Office were unable to adequately explain which programme takes priority and individual departments are left to decide for themselves. The Cabinet Office, the Department, and HM Treasury are not able to tell us how much in proceeds the sale of land for new homes have generated, which illustrates the lack of cohesion between the two targets. The two land disposal targets were initially created in isolation without any consideration to how they might align. Although progress is now being made to improve the linkages between potential value and the delivery of land for homes, the Cabinet Office does not recognise tensions between the targets and expects departments to resolve any tensions through Strategic Asset Management Plans. However, departments are not required to publish these plans so Parliament and the public cannot see how these tensions are managed. There is a trade-off between proceeds and delivering affordable homes—the higher the number of affordable homes, the lower the sales proceeds, but the Department does not conduct any cost benefit analysis to decide which programme to prioritise.

Recommendation: *The government needs to acknowledge more explicitly the tensions between its two key land disposal targets, and articulate more clearly what its priorities are when it comes to the disposal of land including the creation of affordable and social housing.*

The Cabinet Office should write to the Committee by October 2019 outlining how Strategic Asset Management Plans, which are not publicly available, are used to resolve tensions between targets.

In confidence, the Cabinet Office should provide the Committee with an example of a Strategic Asset Management Plan with a significant land element where trade-offs between money and homes is articulated.

4. **We are concerned by the Ministry of Housing, Communities and Local Government's failure to translate surplus land into new homes and are struggling to see how this could improve in the coming years.** At the end of December 2018, under the current land for housing programme, the government had disposed of land with the capacity to build an estimated 38,000 homes. The Department estimates that government will sell enough land for 69,000 homes by 2020 and will not meet its target of selling land for 160,000 homes until after 2025. Under the first programme, which ran from 2011 to 2015, government sold enough land to support an estimated 109,000 homes, which was artificially inflated by adopting a very wider interpretation of what counted towards the target. This is a total of 147,000 potential homes across both programmes. The Department is aware of three main barriers to releasing surplus land: land still being used for operational purposes (at between one-third and one-half of sites); delays in the planning system; and environment constraints. The Department appears to have few levers to control this. In our 2015 report, we found that the Department had no intention of collecting data on the number of homes built. This is because it had judged the success of the programme

simply by releasing enough land to meet the 100,000 target. Without knowing the number of homes built as a direct result of the programme, it would be impossible to judge its success. We therefore recommended that the Department needed to start counting the number of homes built on land sold. The Department reports that the two programmes have led to 40,500 new homes—less than 30% of the potential amount, but this includes 4,279 pre-existing homes that have simply been transferred from the public to the private sector. It also includes 12,500 homes on land which was sold prior to the first programme that started in 2011.

Recommendation: *The Ministry for Housing, Communities and Local Government should write to the Committee by October 2019 outlining the actions it will take, and the tools it will use, to accelerate the number of homes built on the land released. We also expect the correspondence to include more detail on the barriers to releasing land and how it proposes to overcome these barriers.*

5. **It is unacceptable that the Ministry of Housing, Communities and Local Government pays so little attention to how the release of public land could be used to deliver affordable homes including social homes for rent.** Building affordable homes is not possible without central and local government support. When selling surplus public land, the Department does not place specific requirements on the type of housing that should be built on that land, as the local authorities are responsible for this. The Department asserts that adopting a specific target could create a risk that affordable homes are concentrated in specific locations, which might not create good communities. However, it already makes exceptions to this, for example the NHS has committed to prioritising homes for its staff. Homes England has methods at its disposal which allow for greater control over what types of homes are built on land sold, but these are not widely used. The Department has still not collected and published data on how many affordable homes and homes for key workers have been built, despite our previous recommendations, although it is now collecting this data and has committed to reporting publicly on it alongside its next data release.

Recommendation: *The Ministry for Housing, Communities and Local Government should write to the Committee by October 2019 explaining how it pursues its affordable homes policy. We expect this to include how the land disposal target fits into the overarching strategy for affordable homes and how the Department will interact with local government to deliver this important objective.*

6. **Government's likely achievement of its £5 billion proceeds target is more through luck than judgement and it does not know how it the proceeds are spent.** Government expects to achieve its £5 billion proceeds target by 2020, despite almost all departments being significantly behind in achieving their individual targets. This is largely due to the unanticipated sale of Network Rail's railway arches in February 2019 which raised £1.46 billion, nearly 30% of the overall target. By March 2018, £2.48 billion of proceeds had been raised from land and property disposals. Together with the proceeds from the railway arches sale, government only needs to raise £1.06 billion before 2020 to reach the £5 billion target. The inclusion of the proceeds from the sale of the railway arches was extremely fortuitous because this sale was not planned at the programme outset. Without this large sale, the government would still need to raise over £2.5 billion in the remaining 2 years of the programme, which would be extremely challenging. We are unconvinced by

the Cabinet Office and HM Treasury's attempts to downplay the importance of the sale of the railway arches in achieving the proceeds target by saying that with any target, some things come into scope while others fall out of scope. Once proceeds have been raised from a sale and released back to HM Treasury, in most cases it is impossible to say how government used the proceeds. It would be a concern if proceeds from land disposals are being used to plug short-term funding gaps rather than to re-invest in assets.

Recommendation: *HM Treasury should write to the Committee by October 2019 with details of how it ensures that the money raised from land disposals, which is a once-only opportunity to generate proceeds, is reinvested and not being used to fund short-term day-to-day spending across government.*

7. **Gaps at all levels in the government's data on what it is achieving against the disposals targets means there is an unacceptable lack of transparency in how it is performing.** We are concerned that the Department's continued use of loose definitions have inflated the programme's performance, and that the Department also took a similar approach to meet its target under the 2011–2015 programme. For example, the Department's definition of what constitutes "a home" includes care homes, with little rationale for doing so. Similarly, the Department does not outline what type of housing is included under the definition of "affordable homes". Without fully defining these terms, there is a danger that less attention is being paid to the types of affordable homes delivered under the programme, such as social rent and shared ownership. The Department has provided limited transparency over the programme's performance by only publishing one Annual Report since 2017. It asserts that this delay in publication is due to the high level of ministerial turnover; however we will not accept this as a reason for limiting transparency and public scrutiny. The Department has now committed to publishing the programme data, specifically information on the number of sites disposed and homes that are built, as a formal statistical release at regular intervals. But it has not yet committed to publishing an Annual Report on the programme's progress, which we previously recommended in 2015. The Cabinet Office publishes annual reports on the progress towards its £5 billion target, but it does not analyse this data at a programme level to determine if the same buyers are purchasing land or what the land is subsequently used for. It also fails to include any explanation as to why 176 sites were sold for £1, with the Department having been responsible for 160 of these.

Recommendation: *The Ministry for Housing, Communities and Local Government should better define and justify what it means by terms such as 'homes' and 'new affordable homes'.*

The Ministry for Housing, Communities and Local Government should fulfil its duty by reporting regularly to Parliament on performance, including an annual progress update and regular data releases throughout the year—quarterly or half-yearly. These updates should include the number and type of housing delivered against each definition—such as affordable homes—and the proceeds from land sales.

The Cabinet Office should maintain the frequency of its reporting and include information on land purchasers, and an explanation where sites have been sold for a £1 or less.

1 Performance against the land disposal targets

1. On the basis of a Report by the Comptroller and Auditor General, we took evidence from the Ministry of Housing, Communities and Local Government (the Department), the Cabinet Office, HM Treasury (the Treasury) and Homes England on the government's approach to land disposals.

2. The government holds a significant amount of land. In 2016–17, central government owned land and property with an estimated value of £179 billion. The government has a policy to sell assets where it considers they no longer serve a public purpose, or that purpose can be more efficiently realised by transferring it to the private sector. There are benefits to selling public sector land, such as releasing land for new homes and reinvesting proceeds in the government estate, but there are also risks. If public land is sold without first understanding whether it is needed in the future, this can damage the delivery of important public services. Government owned land is a finite resource and needs careful management to ensure its sale delivers maximum benefit to the public.¹

3. The government has two main targets for its land disposals:

- (a) **Land for new homes target:** Under its Public Land for Housing Programme, the government aims to “increase housing supply by releasing surplus public sector land for at least 160,000 homes” in England between 2015 and 2020.
- (b) **Proceeds target:** The government plans to “deliver £5 billion of receipts between 2015 and 2020 through the release of surplus public sector land and property across the UK”.²

4. Responsibilities for delivering public land disposals are spread across a wide range of bodies. The Cabinet Office, in addition to leading on progress toward the proceeds target, also sets the strategy for managing the entire government estate. The Ministry of Housing, Communities & Local Government (the Department) is responsible for the land for housing target while Homes England, a non-departmental public body of the Department, manages land sales on its behalf. The Treasury sets departmental budgets, taking into account proceeds from expected land sales. Each department is responsible for pursuing their own land and proceeds targets as well as ensuring individual sales represent value for money.³

5. This is the third time the Committee has reported on the Department's Public Land for Housing Programme. In 2015 we reported on the first programme to release enough land for 100,000 estimated homes by 2015. We concluded that the Department could not demonstrate the success of the land disposal programme in addressing the housing shortage or achieving value for money. Furthermore, 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.⁴ In 2016 we recalled the Department to

1 [C&AG's Report](#), para 1

2 [C&AG's Report](#), para 2

3 [C&AG's Report](#), para 2

4 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

give further evidence on the progress of the second programme to dispose of enough land by 2020 for 16,000 estimated homes. We concluded that the Ministry for Housing, Communities and Local Government and individual departments had made progress, since our previous report, on managing the disposal programme, such as implementing guidance and monitoring arrangements. However, we found that progress towards the second target had been slow, with the future success of the programme requiring significantly accelerated land sales in the remaining years to 2020.⁵ This is the first time we have reported on the Cabinet Office's progress against the £5 billion disposal target.

Land for new homes target

6. By the end of December 2018, departments had disposed of land with the capacity to build an estimated 38,000 homes, representing less than 25% of the overall programme commitment. The Department acknowledged that the target to dispose of enough land for 160,000 potential homes would not be achieved by the March 2020 deadline. Instead, it told us that there was a “high probability” of it releasing enough land for 69,000 homes by March 2020, although it acknowledged that this was an “upper estimate”.⁶ To deliver this latest estimate of 69,000 homes, departments would need to release additional land for 31,000 homes in the final 12 months of the programme. We were concerned that the Department's expectations were not realistic, especially given the programmes previous track record of only releasing enough land for 38,000 homes in the first 33 months of the programme.⁷ The Department accepted that it had a lot to do in this financial year to achieve this.⁸ Even if this is achieved, by 2020 the programme will have failed to meet the original 160,000 target by a margin of 91,000 homes. The Department confirmed that it was still committed to the 160,000 homes target, but that this would now be delivered over a much longer timescale than originally envisaged. The Department forecasts land for a further 95,000 homes will be released by 2025.⁹

7. We questioned the Department on why the programme has performed poorly compared to its target. The Department told us that there were several barriers which prevent land being released. It said that in a third to a half of cases, the land was still being used for operational purposes by departments, for example, an old hospital site cannot be sold because the replacement hospital has not yet been completed.¹⁰ We were concerned that this highlighted that the Department had made little progress in addressing this barrier. In our 2016 report on progress with the disposal of public land for new homes, we found that 50% of sites identified for future disposal were ‘high risk’, with many still being used to deliver public services. We recommended that departments needed to identify capacity over their individual targets to create sufficient contingency to avoid feeling pressurised to include sites for disposal if they think it is unlikely that homes will be built on these sites.¹¹ The Department told us that delays in the planning system and environment constraints also held up land disposals.¹²

5 HC Committee of Public Accounts, [Progress with the disposal of public land for new homes](#), Twenty-Second Report of Session 2016–17, HC 634, November 2016

6 Qq 71, 105

7 [C&AG's Report](#), para 2.5

8 Q 71

9 Qq 67, 105

10 Q 66

11 HC Committee of Public Accounts, [Progress with the disposal of public land for new homes](#), Twenty-Second Report of Session 2016–17, HC 634, November 2016

12 Q 66

Proceeds target

8. The government told us that it expected to meet its target of raising £5 billion in proceeds from land and property disposals by March 2020. Between April 2015 and March 2018, the government had generated £2.48 billion in proceeds.¹³ In February 2019, Network Rail’s sale of the railway arches contributed a further £1.46 billion, representing nearly 30% of the total target. This sale means that the government only needs to raise a further £1.06 billion to reach its £5 billion target. The sale of the railway arches was not originally earmarked to contribute towards the £5 billion commitment as it was not included in the Department for Transport’s proceeds target that was set out in Spending Review 2015. Without the inclusion of the railway arches, the government will need to raise an additional £2.52 billion before March 2020. The National Audit Office found that raising this additional money will be challenging because, at March 2018, nearly all departments were significantly underperforming against their individual proceeds targets. For example, the Department for Health and Social Care had generated proceeds of £752 million against a target of £1.95 billion.¹⁴

9. We challenged the Treasury on whether it would still have been able to meet its target for the programme if the unexpected sale of the railway arches had not taken place. The Treasury told us that the sale met the necessary criteria for inclusion against the target. The Cabinet Office asserted that a lot can happen in the six years since the target was agreed, and that while some planned sales had not happened, some things had happened that hadn’t been planned.¹⁵

10. The National Audit Office found that between April 2015 and March 2018, 176 sites were sold for £1 or less with the Department and Homes England being responsible for selling 160 of these. Homes England told us that there were typically three reasons for selling a site for £1. The first and most common reason related to land which had a negative value because a significant amount of remediation work was required, for example former industrial sites. The second relates to “small parcels of land” which do not have any development value and are passed to local authorities or local community trusts, with the third reason covering sites previously sold via a long-term conditional lease. These leases contractually require Homes England to transfer the freehold for £1 after a set time period has elapsed.¹⁶

Setting targets

11. In 2015, the National Audit Office found that the target to sell land for 100,000 homes by 2015 under the first programme was not supported by documentation or economic evidence on what could realistically be achieved.¹⁷ When challenged on how the 160,000 target was created, the Department told us that it was a “top-down” target set by the centre of government. The Department accepted that the target was set without a sufficient evidence base and was ultimately over-optimistic, but asserted that it had learned lessons

13 C&AG’s Report, [Investigation into the government’s land disposal strategy and programmes](#), Session 2017–18, HC 2138, 2 May 2019

14 Q 116, [C&AG’s Report](#), Figure 10

15 Qq 115, 116

16 Qq 118–119, [C&AG’s Report](#), para 3.5

17 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

about the need to ensure targets were better grounded in evidence and detailed analysis.¹⁸ The Department told us that while government performed some analysis centrally to assess how many homes could realistically be delivered, this analysis was not undertaken by individual departments.¹⁹

12. The Department and the Treasury told us that, unlike the land for homes target, detailed analysis supported the £5 billion proceeds target. The Treasury outlined that this work resulted in a recommended target of £4.5 billion, which was then increased by Ministers by around 10% to reach £5 billion. According to the Treasury, adding 10% “stretch” to a target was a “normal discipline” in the private sector. The Department told us that setting very stretching targets put more “energy through the system” and encouraged departments to deliver more. The Treasury accepted that this could become a problem if the degree of stretch was so unrealistic that departments have no confidence in it, but that this was not the case for the proceeds target. The Department told us that while the 160,000 target was not achievable, it was not clear that government could have achieved as much as it had through land sales to date if it had set a “more cautious” target. The Department added that Ministers made “no apology for setting very stretching targets”.²⁰

Number of homes built

13. The government has committed to deliver an additional 300,000 homes a year by the mid-2020s.²¹ In our September 2015 report on the first land disposals programme, which ran from 2011 to 2015, we found that the Department had not intended to monitor the number of homes being built on land released under the programme. We found that the Department viewed the success of the programme purely in terms of whether enough land had been released to meet the target of 100,000 homes, without considering whether new homes were actually being built. We recommended that the Department should apply a broader test of value for money which includes the collection data on how many homes have been built as a result of the programme.²² The Department accepted this recommendation and in 2017 it commissioned the Ordnance Survey to start collecting this data.²³ Government has released land with a capacity for 147,000 homes to date - 109,000 homes under the first programme, and 38,000 estimated homes under the second programme.²⁴ The Department estimated that by March 2018, 40,500 homes had been “brought to market” on land released under both programmes, which is less than 30% of the total potential homes that could have been delivered.²⁵

14. In our 2015 report we criticised the Department for adopting a very wide interpretation of what it could count towards achieving the land for housing target. We found that the Department was including against the target land that had been sold before the programme had even begun, in some cases land sold as far back as 1997. It also counted

18 Qq 61–63, 69

19 Q 66

20 Qq 63, 72, 106, 110–111

21 Q 135, [C&AG's Report](#), 2.1

22 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

23 HM Treasury, [Government responses to the Committee of Public Accounts on the Twenty Second to the Twenty Fifth and the Twenty Eighth reports from Session 2016–17](#), Cm 9413, February 2017, Q97

24 Q 71, HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

25 Q 78

land which was not sold for housing, for example when British Waterways converted to charitable status.²⁶ We were concerned that in reporting the number of homes built as a result of this programme, the Department had once again adopted a wide interpretation of what should count. The Department uses the term “brought to market” to calculate the number of homes that have been built. This figure includes 4,279 homes that pre-existed, rather than being newly built. 12,500 of the 40,500 homes which the Department reported as “brought to the market” also related to land which was sold before the first programme started in 2011. We were concerned that the inclusion of pre-existing houses artificially inflated the number of homes that had been delivered by the programme. The Department told us that the 4,279 were homes that the public sector previously had use for, but no longer needed and therefore had been released into private sale. It told us that these homes were still adding to the available housing stock for ordinary private buyers and renters across the country.²⁷

Affordable homes

15. The Department recognised that the private sector was not incentivised to build affordable homes without significant investment from central and local government.²⁸ We received written evidence from the National Housing Federation which estimated that in order to address the current housing crisis, 42% of all new homes built in England should be affordable, but that in 2017 only 23% of new housing stock was deemed affordable. It also estimated that 20% of the homes due to be built on public sector land are likely to be affordable and as few as 6% of new homes were likely to be social rented housing.²⁹ We asked the Department about whether the land for housing programme could be used to prioritise the delivery of affordable homes. The Department told us that it does not seek to determine the type of housing to be built on land sold, as this was the responsibility of the local authorities. It told us that, instead, the Department aimed to support the delivery of affordable homes at a national level through interventions such as removing local authority borrowing restrictions. The Department said that it took this approach to avoid adding complexity to the local authority planning system or attempting to centrally determine what was needed locally.³⁰

16. The Department told us that there were exceptions to its decision not to intervene in the type or mix of homes that should be provided by new developments. For example, it told us that the NHS has committed to prioritising up to 3,000 new homes for its staff and was piloting this at five sites. Homes England also told us that it had several tools available which could allow greater influence over the type of housing being delivered, including extensively using building leases as opposed to straight freehold disposals.³¹ Under a building lease, Homes England retains the freehold during the length of the development and can attach conditions to the development such as the number of affordable homes that should be built. Once the homes are completed, the freehold then reverts to the homeowners.³² Homes England told us that it was probably one of the larger users of

26 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

27 Qq 77–78

28 Q 129

29 SPL002, [National Housing Federation](#), para 3

30 Qq 81–82

31 Qq 81, 83

32 Qq 83, 86, 88

building leases across government with some local authorities also using this method.³³ We asked the Department why it did not set a specific target for the number of affordable homes to be delivered on land released under the programme. The Department told us that while this was something that it could do, this would be a policy decision and could create a risk that affordable homes are concentrated in specific locations which might not create “great communities”.³⁴

Transparency and data collection

17. In our 2016 report on the progress of the land disposal programme, we found that the Department had not yet published an annual report setting out its progress towards the 160,000 potential homes target.³⁵ The Department published its first annual report on the programme in February 2017, with a commitment to produce these reports each year.³⁶ The Department failed in this commitment, only publishing a second report more than two years later in May 2019.³⁷ The Department apologised for the time lag between publications and said that this failure was due to the high turnover of Housing Ministers. It said each new Housing Minister wanted to understand the programme and discuss performance with individual departments before reporting to Parliament.³⁸ We challenged the Department on whether it would now commit to publishing an annual report. The Department told us that it would now regularly publish data on programme performance, including the number of sites sold and homes built. This would take the form of a statistical release which the Department will aim to publish every six months. It could not confirm whether an annual report will be published alongside the data, although Ministers had previously made the commitment to do so.³⁹

18. The Cabinet Office publishes annual Transparency Reports which outline progress against the £5 billion proceeds target. These reports provide details on the proceeds generated, sale location, method of disposal, size of the land sold and whether there are any arrangements in place that allow the government to benefit from future increases in the value for the land sold.⁴⁰ However, the Transparency Reports do not include information on the identity of the buyers, nor does the Cabinet Office perform any data analysis at an aggregate level. For example, the Cabinet Office does not look to see the types of buyers attracted to certain government properties, whether departments are selling land to the same people or companies, or what the future use of the land will be.⁴¹

19. In our 2015 report, we concluded that the Department had adopted a very wide interpretation of what it counted towards achieving its target which overstated the performance of the programme. For example, we found that the Department had counted 15,000 homes from land sold before the programme started and 10,000 homes from land

33 Q 90

34 Q 128

35 C&AG's Report, [Disposal of public land for new homes: a progress report](#), Session 2016–17, HC 510, 12 July 2016

36 Ministry of Housing, Communities and Local Government, [Public Land for Housing Programme 2015–20, Annual Report](#), February 2017

37 Ministry of Housing, Communities and Local Government, [Public Land for Housing Programme 2015–20, Progress Report](#), May 2019

38 Qq 93–94

39 Qq 93, 148

40 Cabinet Office, [Transparency Report, Government's land and property disposals in 2017/18 and retrospective reporting for 2016/17](#), January 2019

41 [C&AG's Report](#), para 3.9

which had simply moved outside the public sector with the privatisation of Royal Mail.⁴² We were concerned that the Department continued to use loose definitions which risked undermining the transparency of the programme's performance. For example, in its definition of what constitutes a "home" the Department included "essential local worker accommodation" such as homes for health service staff and "communal accommodation" such as care homes and sheltered housing.⁴³ We questioned the Department about whether the creation of a single room, which could be the case for health service staff accommodation, would count towards the number of homes built. The Department confirmed that for any type of housing to count towards the programme it needs to be a "dwelling", which is determined by specific rules about the number of bedrooms in relation to share cooking and bathroom facilities, and that a single room would not count towards this.⁴⁴ We similarly asked the Department whether care homes should be included under the definition of a new home, given that they will not benefit families requiring new housing. The Department recognised that this would be a concern only if every new home built was a care homes. The Department believed that care homes are only likely to represent a minority of the homes built. The Department told us that it does not have data on the number of homes built by category, such as care homes.⁴⁵

20. The Department does not outline what type of housing is included in its definition of "new affordable homes".⁴⁶ The Department told us that this was a broad definition and included different types of tenure such as social rent and shared ownership. The Department committed to elaborating on this definition in the next version of the Programme Handbook, but could not guarantee that future annual reports would include a breakdown of the types of affordable homes built.⁴⁷

21. In our 2015 and 2016 reports on progress with the land disposal programme, we recommended that the Department should collect data on the number of affordable homes and key worker homes that the programme delivered.⁴⁸ The Department has still not collected and published this data. The Department told us that it had now let a contract with Ordnance Survey in spring 2017 that introduced a system for counting the number of new homes built under this and the previous programmes. It explained that the process matched postcodes to all the sites that have been sold. The Department said that this process was hampered by the poor departmental record-keeping under the previous programme. This system provides data on whether the site is complete and whether it was sold under freehold or leasehold arrangement. It does not differentiate between affordable and key worker homes. The Department told us that to gather affordable homes data it had to go back into the planning system for each site and manually review individual planning applications.⁴⁹ It told us that it was collecting this information and that it hoped to publish

42 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015

43 Ministry of Housing, Communities and Local Government, [Public Land for Housing Programme 2015–2020, Programme Handbook for Departments and Arm's Length Bodies August 2018: Update](#), August 2018

44 Qq 137–138

45 Qq 136–139

46 Ministry of Housing, Communities and Local Government, [Public Land for Housing Programme 2015–2020, Programme Handbook for Departments and Arm's Length Bodies August 2018: Update](#), August 2018

47 Qq 140–144

48 HC Committee of Public Accounts, [Disposal of public land for new homes](#), Second Report of Session 2015–16, HC 289, September 2015, HC Committee of Public Accounts, [Progress with the disposal of public land for new homes](#), Twenty-Second Report of Session 2016–17, HC 634, November 2016

49 Q 97

data on affordable homes with the next data release.⁵⁰ This data collection methodology will only be able to provide data on the “planned” affordable homes because it extracts data from planning applications. Homes England told us that that a common problem with planning applications is that what was expected to be built and what was actually built can be quite different.⁵¹

22. The Department told us that one of the reasons why it had been so difficult to collect data is because the necessary data collection processes were not put in place at the outset of the programme.⁵² Given that the purpose of the programme was to lead to new homes being built, we asked the Cabinet Office whether a system for counting new homes should have been considered at the start. The Cabinet Office told us that it would be nice to have all the systems in place at the beginning, but the government “struggles with this all over”.⁵³

50 Q 95
51 Q 100
52 Q 98
53 Q 104

2 Strategy and proceeds

23. The government does not have a standalone strategy for managing land disposals.⁵⁴ Instead, it has a strategy for managing the entire government estate, with land disposals being a subset of this.⁵⁵ We asked the Department whether the lack of strategy had resulted in the failure to meet the 160,000 land for homes target. The Department disagreed, asserted that there was not a lack of strategy, but acknowledged that this was a complex area with a lot of programmes and interventions.⁵⁶ The Department said that there was a hierarchy in place and the responsibilities for programme delivery are all documented.⁵⁷

24. There are potential tensions between the government's two land disposal targets—selling land to maximise the number of new homes may not produce the highest proceeds.⁵⁸ The Department told us that at a strategic level, government had to make choices about the use of land and whether it should be used for housing, commercial ventures or remain in the public sector.⁵⁹ The Department added that these decisions needed to be made largely at the outset by the individual departments.⁶⁰ Both the Department and the Cabinet Office stated that they were not aware of examples of departments disagreeing or having to choose between the two targets.⁶¹

25. Homes England said that any potential tensions were unlikely to materialise in practise because very often, outside certain low-value locations in the north, housing was likely to be the highest value option.⁶² The Department told us that departments were now required to produce an annual Strategic Asset Management Plan (SAMP), setting out how departments will use their land and property to meet the government's wider estate objectives.⁶³ It told us that through this process government resolved any trade-offs between the use of land and maximising proceeds.⁶⁴ Government does not publish entire SAMPs, which means it is not possible to scrutinise how departments decide between prioritising building homes or maximising proceeds.⁶⁵

26. While the Department did not consider there to be any significant tensions between the two disposal targets, it did acknowledge that there were trade-offs between achieving the proceeds target and the delivery of affordable homes. The Department told us that increasing the expected number of affordable homes to be built on a site reduced the proceeds from selling the land.⁶⁶ The Department confirmed that it does not carry out cost-benefit analysis to determine which of its programmes to prioritise, although it did perform this type of analysis to decide the best way to invest in housing.⁶⁷

54 [C&AG's Report](#), para 1.3

55 [C&AG's Report](#), para 1.3

56 Q69

57 Q68

58 [C&AG's Report](#), para 1.12

59 Q50

60 Q50

61 Qq51, 53, 54, 65

62 Q55

63 [C&AG's Report](#), para 1.6

64 Q65

65 [C&AG's Report](#), para 1.6

66 Q127

67 Q134

27. The Cabinet Office told us that the two disposal targets were not set up in parallel and that the disposal target was not related directly to the £5 billion target.⁶⁸ It told us that in the future, the Cabinet Office expected the SAMPs to more closely link the deliverability of the land, its potential value and the potential use of the land which would result in “a much more cohesive, coherent and deliverable set of targets”.⁶⁹

Use of proceeds

28. We asked the Treasury where the money from the sale of land and property was spent. The Treasury’s budgeting rules dictate that under specific conditions some, if not all, proceeds from land sales were transferred to the Treasury.⁷⁰ These proceeds are gathered into a central fund and then reallocated across government or used to reduce borrowing levels.⁷¹ The Treasury told us that as a general rule, it did not match specific receipts with specific expenditures, so it could not trace specific sales. However, it said that with land disposals, it discussed planned sales at a departmental level as part of the budgeting process during spending reviews.⁷² The Treasury allocated budgets to each department which took into account the expected proceeds from land sales.⁷³ The Treasury told us these proceeds are typically used to finance a department’s investment programme, but this was not always the case.⁷⁴

29. The Treasury told us that its approach can be different for specific, large land disposals, which were often “negotiated one-off” discussions with the Treasury to determine the appropriate treatment of any proceeds, balancing all the other pressures on the public finances.⁷⁵ For example, the Treasury told us that when the Cabinet Office sold Admiralty Arch for £65.5 million, it agreed that the money would be returned to the Treasury’s central fund to reduce government borrowing.⁷⁶ In comparison, it told us that when the Foreign Office sold the Bangkok Embassy, it agreed that the proceeds would be reinvested back into the Foreign Office’s estate.⁷⁷ The Treasury also told us that it does not have specific targets for how proceeds are used across government. It does not determine at an aggregate level how much of the £5 billion proceeds target will remain with departments or how much will be released back the Treasury’s central fund.⁷⁸

30. We asked the Treasury whether its approach to reflecting land sales within departments’ budgets created an incentive for departments to delay selling land if they might not be entitled to keep all the proceeds. The Treasury told us that the government was conducting a balance sheet review examining the entirety of the Government’s assets and liabilities and determine how departments can best use their assets and liabilities to deliver public value. The Treasury said that this review, together with the requirement to produce SAMPs, will help to make sure departments “do the right thing” in terms of selling public sector land.⁷⁹

68 Q117

69 Q117

70 [C&AG’s Report](#), para 3.11

71 Qq 122, 123

72 [C&AG’s Report](#), para 3.10, Q122

73 [C&AG’s Report](#), para 3.10

74 Q122

75 Qq 122–123, 125

76 Qq 122–123, [C&AG’s Report](#), Figure 12

77 Q122

78 Q125

79 Q126

Formal Minutes

Wednesday 17 July 2019

Members present:

Meg Hillier, in the Chair

Douglas Chapman Bridget Phillipson

Caroline Flint Gareth Snell

Anne Marie Morris

Draft Report (*Sale of public land*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 30 read and agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resolved, That the Report be the One Hundred and tenth 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 9 September at 3:30pm]

Witnesses

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

Wednesday 12 June 2019

John Manzoni, Permanent Secretary, Cabinet Office, **Charles Roxburgh**, Second Permanent Secretary, HMT, **Melanie Dawes**, Permanent Secretary, Ministry of Housing, Communities and Local Government, and **Nick Walkley**, Chief Executive, Homes England

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Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

SPL numbers are generated by the evidence processing system and so may not be complete.

- 1 Anglian Water Services ([SPL0001](#))
- 2 Locality ([SPL0003](#))
- 3 National Housing Federation ([SPL0002](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Tackling online VAT fraud and error	HC 312 (Cm 9549)
Second Report	Brexit and the future of Customs	HC 401 (Cm 9565)
Third Report	Hinkley Point C	HC 393 (Cm 9565)
Fourth Report	Clinical correspondence handling at NHS Shared Business Services	HC 396 (Cm 9575)
Fifth Report	Managing the costs of clinical negligence in hospital trusts	HC 397 (Cm 9575)
Sixth Report	The growing threat of online fraud	HC 399 (Cm 9575)
Seventh Report	Brexit and the UK border	HC 558 (Cm 9575)
Eighth Report	Mental health in prisons	HC 400 (Cm 9575) (Cm 9596)
Ninth Report	Sheffield to Rotherham tram-trains	HC 453 (Cm 9575)
Tenth Report	High Speed 2 Annual Report and Accounts	HC 454 (Cm 9575)
Eleventh Report	Homeless households	HC 462 (Cm 9575) (Cm 9618)
Twelfth Report	HMRC's Performance in 2016–17	HC 456 (Cm 9596)
Thirteenth Report	NHS continuing healthcare funding	HC 455 (Cm 9596)
Fourteenth Report	Delivering Carrier Strike	HC 394 (Cm 9596)
Fifteenth Report	Offender-monitoring tags	HC 458 (Cm 9596)
Sixteenth Report	Government borrowing and the Whole of Government Accounts	HC 463 (Cm 9596)
Seventeenth Report	Retaining and developing the teaching workforce	HC 460 (Cm 9596)
Eighteenth Report	Exiting the European Union	HC 467 (Cm 9596)

Nineteenth Report	Excess Votes 2016–17	HC 806 (Cm 9596)
Twentieth Report	Update on the Thameslink Programme	HC 466 (Cm 9618)
Twenty-First Report	The Nuclear Decommissioning Authority’s Magnox	HC 461 (Cm 9618)
Twenty-Second Report	The monitoring, inspection and funding of Learndirect Ltd.	HC 875 (Cm 9618)
Twenty-Third Report	Alternative Higher Education Providers	HC 736 (Cm 9618)
Twenty-Fourth Report	Care Quality Commission: regulating health and social care	HC 468 (Cm 9618)
Twenty-Fifth Report	The sale of the Green Investment Bank	HC 468 (Cm 9618)
Twenty-Sixth Report	Governance and departmental oversight of the Greater Cambridge Greater Peterborough Local Enterprise Partnership	HC 896 (Cm 9618)
Twenty-Seventh Report	Government contracts for Community Rehabilitation Companies	HC 897 (Cm 9618)
Twenty-Eighth Report	Ministry of Defence: Acquisition and support of defence equipment	HC 724 (Cm 9618)
Twenty-Ninth Report	Sustainability and transformation in the NHS	HC 793 (Cm 9618)
Thirtieth Report	Academy schools’ finances	HC 760 (Cm 9618)
Thirty-First Report	The future of the National Lottery	HC 898 (Cm 9643)
Thirty-Second Report	Cyber-attack on the NHS	HC 787 (Cm 9643)
Thirty-Third Report	Research and Development funding across government	HC 668 (Cm 9643)
Thirty-Fourth Report	Exiting the European Union: The Department for Business, Energy and Industrial Strategy	HC 687 (Cm 9643)
Thirty-Fifth Report	Rail franchising in the UK	HC 689 (Cm 9643)
Thirty-Sixth Report	Reducing modern slavery	HC 886 (Cm 9643)
Thirty-Seventh Report	Exiting the European Union: The Department for Environment, Food & Rural Affairs and the Department for International Trade	HC 699 (Cm 9643)
Thirty-Eighth Report	The adult social care workforce in England	HC 690 (Cm 9667)
Thirty-Ninth Report	The Defence Equipment Plan 2017–2027	HC 880 (Cm 9667)
Fortieth Report	Renewable Heat Incentive in Great Britain	HC 696 (Cm 9667)

Forty-First Report	Government risk assessments relating to Carillion	HC 1045 (Cm 9667)
Forty-Second Report	Modernising the Disclosure and Barring Service	HC 695 (Cm 9667)
Forty-Third Report	Clinical correspondence handling in the NHS	HC 929 (Cm 9702)
Forty-Fourth Report	Reducing emergency admissions	HC 795 (Cm 9702)
Forty-Fifth Report	The higher education market	HC 693 (Cm 9702)
Forty-Sixth Report	Private Finance Initiatives	HC 894 (Cm 9702)
Forty-Seventh Report	Delivering STEM skills for the economy	HC 691 (Cm 9702)
Forty-Eighth Report	Exiting the EU: The financial settlement	HC 973 (Cm 9702)
Forty-Ninth Report	Progress in tackling online VAT fraud	HC 1304 (Cm 9702)
Fiftieth Report	Financial sustainability of local authorities	HC 970 (Cm 9702)
Fifty-First Report	BBC commercial activities	HC 670 (Cm 9702)
Fifty-Second Report	Converting schools to academies	HC 697 (Cm 9702)
Fifty-Third Report	Ministry of Defence's contract with Annington Property Limited	HC 974 (Cm 9702)
Fifty-Fourth Report	Visit to Washington DC	HC 1404 (Cm 9702)
Fifty-Fifth Report	Employment and Support Allowance	HC 975 (Cm 9702)
Fifty-Sixth Report	Transforming courts and tribunals	HC 976 (Cm 9702)
Fifty-Seventh Report	Supporting Primary Care Services: NHS England's contract with Capita	HC 698 (Cm 9702)
Fifty-Eighth Report	Strategic Suppliers	HC 1031 (Cm 9702)
Fifty-Ninth Report	Skill shortages in the Armed Forces	HC 1027 (Cm 9740)
Sixtieth Report	Ofsted's inspection of schools	HC1029 (Cm 9740)
Sixty-First Report	Ministry of Defence nuclear programme	HC 1028 (Cm 9740)
Sixty-Second Report	Price increases for generic medications	HC 1184 (Cm 9740)

Sixty-Third Report	Interface between health and social care	HC 1376 (Cm 9740)
Sixty-Fourth Report	Universal Credit	HC 1375 (Cp 18)
Sixty-Fifth Report	Nuclear Decommissioning Authority	HC 1375 (Cp 18)
Sixty-Sixth Report	HMRC's performance in 2017–18	HC 1526 (Cp 18)
Sixty-Seventh Report	Financial Sustainability of police forces in England and Wales	HC 1513 (Cp 18)
Sixty-Eighth Report	Defra's progress towards Brexit	HC 1514 (CP 18)
Sixty-Ninth Report	Sale of student loans	HC 1527 (Cp 56)
Seventieth Report	Department for Transport's implementation of Brexit	HC 1657 (Cp 56)
Seventy-First Report	Department for Health and Social Care accounts	HC 1515 (Cp 56)
Seventy-Second Report	Mental health services for children and young people	HC 1593 (Cp 79)
Seventy-Third Report	Academy accounts and performance	HC 1597 (Cp 79)
Seventy-Fourth Report	Whole of Government accounts	HC 464 (Cp 79)
Seventy-Fifth Report	Pre-appointment hearing: preferred candidate for Comptroller and Auditor General	HC 1883 (Cp 79)
Seventy-Sixth Report	Local Government Spending	HC 1775 (Cp 79)
Seventy-Seventh Report	Defence Equipment Plan 2018–28	HC 1519 (Cp 79)
Seventy-Eighth Report	Improving Government planning and spending	HC 1596 (Cp 97)
Seventy-Ninth Report	Excess Votes 2017–18	HC 1931 (Cp 97)
Eightieth Report	Capita's contracts with the Ministry of Defence	HC 1736 (Cp 97)
Eighty-First Report	Rail management and timetabling	HC 1793 (Cp 97)
Eighty-Second Report	Windrush generation and the Home Office	HC 1518 (Cp 113)
Eighty-Third Report	Clinical Commissioning Groups	HC 1740 (Cp 97)
Eighty-Fourth Report	Bank of England's central services	HC 1739 (Cp 97)

Eighty-Fifth Report	Auditing local government	HC 1738 (Cp 97)
Eighty-Sixth Report	Brexit and the UK border: further progress review	HC 1942 (Cp 113)
Eighty-Seventh Report	Renewing the EastEnders set	HC 1737 (Cp 113)
Eighty-Eighth Report	Transforming children's services	HC 1741 (Cp 113)
Eighty-Ninth Report	Public cost of decommissioning oil and gas infrastructure	HC 1742 (Cp 113)
Ninetieth Report	BBC and personal service companies	HC 1522 (Cp 113)
Ninety-First Report	NHS financial sustainability: progress review	HC 1743 (Cp 113)
Ninety-Second Report	Crossrail: progress review	HC 2004 (Cp 113)
Ninety-Third Report	Disclosure and Barring Service: progress review	HC 2006
Ninety-Fourth Report	Transforming rehabilitation: progress review	HC 1747
Ninety-Fifth Report	Accessing public services through the Government's Verify digital system	HC 1748
Ninety-Sixth Report	Adult health screening	HC 1746
Ninety-Seventh Report	Local Government Governance and Accountability	HC 2077
Ninety-Eighth Report	The apprenticeships programme: progress review	HC 1749
Ninety-Ninth Report	Cyber security in the UK	HC 1745
One-Hundredth Report	NHS waiting times for elective and cancer treatment	HC 1750
One Hundred and First Report	Submarine defueling and dismantling	HC 2041
One Hundred and Second Report	Military Homes	HC 2136
One Hundred and Third Report	Planning and the broken housing market	HC 1744
One Hundred and Fourth Report	Transport infrastructure in the South West	HC 1753
One Hundred and Fifth Report	Local enterprise partnerships: progress review	HC 1754
One Hundred and Sixth Report	Eurotunnel	HC 2460
One Hundred and Seventh Report	Consumer protection	HC 1752

One Hundred and Eighth Report	Emergency Services Network: progress review	HC 1755
One Hundred and Ninth Report	Completing Crossrail	HC 2127
First Special Report	Chair of the Public Accounts Committee's Second Annual Report	HC 347
Second Special Report	Third Annual Report of the Chair of the Committee of Public Accounts	HC 1399
Third Special Report	Fourth Annual Report of the Chair of the Committee of Public Accounts	HC 2370