



Disposal and Acquisition of Land and Buildings Policy

Version	Date	Status	Summary of Changes
1.1	November 2017	<del>Current</del> historic	New
1.1	November 2019	<del>Current</del> historic	Review
1.1	January 2022	<del>Current</del> historic	Review
1.1	January 2024	Current	Review
1.2+	May/April 2026	<del>Draft</del> Current	<del>Review</del> Updated

**1. Definitions**

1.2. The Council defines the “disposal and acquisition” of land and property as:

**Disposal** – The means by which ~~the council it can~~ either:

- i. ~~—~~ divest and dispose of land and property that it considers are surplus to its (a) ~~service or investments needs~~ ~~of~~ **Acquisition** The means by which the Council can
- ii. ~~—~~ invest in land and property that will allow the Council to benefit from service efficiency or investment opportunities.

**Surplus Property** Land and property will only be determined as surplus if it no longer meets corporate and/or investment priorities. Land held as “open space” (or amenity land) is considered as held to support the provision of a Council service, and Properties within the Commercial Investment Strategy (CIS) are held as investments and outside the scope of this policy.

1.3. All sales or acquisitions will be undertaken by the most appropriate commercially advantageous means ~~to achieve~~ best value.

**4. Risk management**

All activity relating to land and property will be undertaken within an environment that minimises risk to both services and the capital, or revenue, investment that is made. This includes impacts on reputation. There will be appropriate reporting to ensure that all parties are aware of the risk that is being faced by any disposals or acquisitions.

**5. Value for Money**

Value for Money is at the heart of how the Council delivers its services; regardless of whether these are front-line or back-office. In respect of the management of land and property, the Council will ~~develop an Asset Management Plan that will~~ ensure that the Council is only holding to an optimum balance of assets to meet both its service and investment requirements.

**6. Disposals Policy**

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~~Land and property will only be determined as surplus if it no longer meets corporate and/or investment priorities.~~

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~~Land and property will only be disposed when it is concluded that no other use can be made of the asset, within statutory provisions. There are two distinct processes relating to:~~

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~~a) Medium to large Sites. Sites in excess of 0.25 acres or smaller sites with development potential, their disposal is dependent on public benefit and corporate aims and objectives.~~

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~~b) Medium to large areas of land, their disposal is dependent on public benefit and corporate aims and objectives.~~

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~~c) Small Sites. Areas of open space, less than their disposal is dealt with through the "Disposal of small land parcels policy". This will be for land that is below 0.25 acres (1,011 square meters) in area and without development potential. This size definition will only be changed in exceptional circumstances and only with the agreement of the Head of Resources.~~

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**All disposals will be subject to the following conditions: -**

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~~a) Prior to sale, partners of the Council will be contacted to determine if there is an alternative use for the land and property. These will include, but are not limited to:-~~

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~~a. Town Councils~~

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~~b. Parish councils~~

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~~c. Open Spaces~~

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~~d. Economic development~~

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~~e. Operations~~

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~~f. Democratic Services???~~

~~g. Any other relevant dept. or partner reasonably considered to have an interest.~~

~~b) The Council will also undertake investigations into the legal, planning, financial and other aspects of the land before selling.~~

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~~c) Subject to legislative requirements, the Council will sell any surplus land and property for the best consideration, where this is not possible or where corporate objectives are not being met, appropriate activity will be undertaken to ensure that the Councils maximises any capital receipts.~~

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~~d) Surplus land will be disposed of as expeditiously as possible and follow appropriate methods of disposal.~~

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~~e) Where land (other than small land parcels) is disposed of within a Parish Council area and where there is no likelihood of any consequential~~

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~~development funding (e.g. Community Infrastructure Levy or S.106) returning to the Parish Council following disposal, that the Parish Council receives 10% of any capital receipt received by the Council, subject to agreement by Cabinet.~~

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**Small Site disposals will also be subject to the following conditions: -**

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~~a) Small Land parcels will only be determined as surplus if the land no longer meets service, corporate and/or investment priorities and when it is~~

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concluded that no other use can be made of the asset, within statutory provisions.

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b) Small Land parcels will be disposed of as expeditiously as possible: this will not be via application but via selected open tender that will be advertised on the Councils website.

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c) No matter the means of sale, the purchaser of respective small land parcels will meet all legal (and ancillary costs) of the seller. However, other than "sale by auction", the purchaser will be charged a fixed fee for the administration of the sale, this is noted in Table 2 below.

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d) The sale of small land parcels will be excluded from the provisions of 10% transfer of sale proceeds to Town and Parish Councils.

### **Small Site Nomination Process**

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Persons wishing to purchase small land parcels can nominate land they wish to be considered for disposal. Such nominated parcels will be:

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a) added to the list of sites for consideration.

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b) subject to the processes outlined above.

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c) if suitable, will be added to a future open tender exercise.

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d) A nomination fee of £500 is required (this does not confirm any rights to purchase and is non-returnable).

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### **7. Public Engagement Considerations**

The Council's communication team will be consulted to ensure that any disposal of land and buildings is undertaken in a proportionate way.

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Consideration will be given to the statutory requirements of the Local Government Act 1972 and the Town and County Planning Act 1990

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### **8. Performance Management**

Where receipts exceed £10,000, these will be Capital Receipts and will be accounted for as such, including being mapped against capital receipt targets that will be assessed annually and progress will be reported to the Corporate Management Team and Cabinet as part of the routine budget monitoring cycle. Capital Receipts targets will be assessed annually and progress will be reported to the Corporate Management Team and Cabinet as part of the routine budget monitoring cycle.

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### **9. Acquisitions Policy**

All acquisitions of land and property are in respect of freehold, leasehold or licence.

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Land and property will only be acquired where it benefits service delivery and/or maximises investment opportunities and/or future strategic development, subject to

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meeting strict criteria; such as, need for asset to meet service delivery levels, option appraisal, on-going revenue costs are appropriately budgeted for, tenure is determined and VAT considerations (especially Opt to Tax).

10. Powers to Acquire Land and Buildings

4. The acquisition of land and buildings is enshrined within the requirements of the Local Government Act 1972 and to invest within the requirements of the Local Government Act 2003.

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11. Performance Management

5. There will be ongoing monitoring of acquisitions between the responsible officers and the parties selling or otherwise concerned with the acquisition. There will be appropriate reporting to Corporate Management Team where performance is in question.

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12. Overarching Policy

6. All valuations of land will be undertaken by suitably qualified professionals in accordance with RICS guidance. VAT implications will always be considered.

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13. Resources

7. The resource implications, including Legal, Finance and Procurement will be considered for every disposal or acquisition of land and buildings and the both members and officers will be required to comply with the pertinent requirements of both the Code of Procurement and the Code of Financial Management.

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-The financial thresholds for both medium and large site disposals and acquisitions are as follows:

Threshold	Delegated Approval Table 1
£0 - £500,000	Chief Executive Officer (as Head of Paid Service) & Head of Resources (as Section 151 Officer), following consultation with Executive Councillor for Finance.
£500,000 - £2,000,000	Treasury and Capital Management Group
Over £2,000,000	Cabinet

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The financial thresholds for the sale of small land parcels are less than those required of the wider disposals and acquisitions because small land sales are "smaller by their nature". The thresholds are as follows. The thresholds in respect of the Sale or Transfer of Small Land Parcels follows are defined within the "Disposal of Small Land Parcels Policy".

Thresholds of the Sale or Transfer of Small Land Parcels	Table 2
All sales and transfers will include the transfer of all	Minimum

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<u>associated liabilities.</u>		<u>Administration Charge (*)</u>
<u>Transfer of Small Land Parcels to Other Public Bodies</u>		
<u>£0 - £10,000</u>	<u>Head of Resources (as Section 151 Officer).</u>	<u>£500</u>
<u>£10,000 - £50,000</u>	<u>Managing Director (as Head of Paid Service) &amp; Head of Resources (as Section 151 Officer).</u>	<u>£1000</u>
<u>£50,000 - £100,000</u>	<u>Managing Director (as Head of Paid Service) &amp; Head of Resources (as Section 151 Officer), in consultation with the Executive Member for Strategic Resources.</u>	<u>£1,500 -</u>
<u>£100,000 - £500,000</u>	<u>Treasury &amp; Capital Management Group.</u>	<u>£2,000</u>
<u>£500,000</u>	<u>Cabinet.</u>	<u>£3,000</u>
<u>±</u>		
<u> </u>		
<u>£0 - £10,000</u>	<u>Managing Director (as Head of Paid Service) &amp; Head of Resources (as Section 151 Officer).</u>	<u>£1000</u>
<u>£10,000 - £100,000</u>	<u>Managing Director (as Head of Paid Service) &amp; Head of Resources (as Section 151 Officer), in consultation with the Executive Member for Strategic Resources.</u>	<u>£1500</u>
<u>£100,000 - £500,000</u>	<u>Treasury &amp; Capital Management Group.</u>	<u>£2,000</u>
<u>£500,000</u>	<u>Cabinet.</u>	<u>£3,000</u>
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The financial thresholds to be reviewed in 24 months following approval.

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#### **14. Governance**

8. The Council will have regard to all statutory and local regulations, including reporting to Corporate Management Team and in line with the Constitution, including the Treasury and Capital Management Group.

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9. All disposal and acquisition decisions will be retrospectively reported to the Overview & Scrutiny (Performance and **Growth**) Panel annually.

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