

# General Disposal Policy

## 1. Introduction

- 1.1 This policy sets out the process for rationalisation and disposal of surplus Council land and property assets where they no longer make a contribution towards meeting the Council's aims and objectives. The policy covers the disposal of both operational and non operational property assets.

## 2. Definitions

- 2.1 A disposal is defined as the transfer of the freehold or leasehold interest of land and/or buildings to a third party, or the passing of possession of land and/or buildings to a third party under management agreements and licences to occupy.

## 3. Procedure

- 3.1 A property for disposal may be identified in the following ways:
- Through the Council's asset review process which identifies property surplus to requirements
  - Through service areas declaring specific sites as surplus to requirements
  - Through identifying previously un-identified surplus land from the asset management system.
- 3.2 Before a property is formally declared as being surplus to requirements consideration should be given to the suitability of the property for other Council users.

## 4. Initial Investigation

- 4.1 Once a property has been identified as potentially surplus, the Strategic Asset Manager will consult with the statutory authorities including Highways as well as all relevant internal Council services including, as appropriate, Legal, Economic Development, Planning Policy, Development Control, and Housing to establish whether there are any development constraints on the site.
- 4.2 Ground investigation works and studies into previous land use to be carried out as appropriate

## **5. Valuations**

- 5.1 A valuation of the property for disposal should be undertaken at the earliest opportunity and continually reviewed through the disposal process. Where it is decided to negotiate in-house a disposal to a single party rather than offer on the open market an external independent Chartered Surveyor's valuation should be obtained that supports unequivocally any terms agreed.

## **6. Method of Disposal**

- 6.1 The Strategic Asset Manager will determine the method of disposal and marketing strategy.
- 6.2 Unless there is a special case, all potential purchasers are to be given an opportunity to submit an offer in accordance with the Council's Standing Orders. If a special purchaser has been identified then agreement from the Chair of Assets & Enterprise and s151 Officer should be obtained to treat solely with that party.
- 6.3 Where appropriate, development sites should be sold with outline planning permission or planning brief and should be sold with a requirement that requires development within an agreed timescale to avoid land banking.
- 6.4 On agreement of heads of terms the Strategic Asset Manager will exercise, where permitted, their delegated power to dispose of land in accordance with the Council's Standing Orders. Any disposal not permitted under delegated powers should be approved the procedure as set out in the Council's Standing Orders.

## **7. Timing**

- 7.1 The timing of any marketing/disposal should be considered in the context of the Council's budgetary requirements, together with property market conditions.
- 7.2 All negotiations for disposal should be undertaken through the Strategic Asset Manager, who should be either a Fellow or Member of the Royal Institution of Chartered Surveyors.

## **8. Instructions/Completion**

- 8.1 Once a purchaser has been identified and heads of terms agreed the Strategic Asset Manager will obtain the necessary approvals to proceed including where appropriate, Asset & Enterprise, Finance & Resource Committees and Council.

- 8.2 The Strategic Asset Manager will instruct Legal to prepare, issue and agree the appropriate documentation.
- 8.3 When completion of the disposal has been achieved the Corporate Asset Database should be updated and the Insurers notified.