

## REPORT TO EXECUTIVE



<b>DATE</b>	<b>2<sup>nd</sup> April 2013</b>
<b>PORTFOLIO</b>	<b>Resources and Performance Management</b>
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## Land and Property Disposals Procedures

## PURPOSE

1. To update Members on the current position regarding the Council's Land disposal procedures.
2. To seek Member's approval to the revised Property Disposals Framework

## RECOMMENDATION

3. That Members approve the amended Property Disposals Framework.

## REASONS FOR RECOMMENDATION

4. To ensure that all land and property disposals are dealt with in a consistent and appropriate manner.

## SUMMARY OF KEY POINTS

5. Local Authorities are given powers under the Local Government Act 1972 to dispose of land in any manner they wish including sale of their freehold interest, granting a lease or assigning an unexpired term on a lease and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies, i.e. those granted for 7 years or less.)
6. It is Government policy that local authorities and other public bodies should dispose of surplus land wherever possible and particularly in the current economic climate there is pressure on Local Authorities to ensure that the value of all their property assets are maximised consistent with the principles of prudent asset management planning.
7. Where it considers it will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area an Authority may consider it appropriate to dispose of land at an undervalue and the General Disposal Consent 2003 sets out the procedure to be followed.
8. Various general consents are also given for the disposal of land held for the purposes of the Housing Acts 1985-2012.

9. In each instance it is for the Council to determine under what powers the land is held, what rules apply to its disposal, whether it should be appropriated if needed and whether the provisions of any of the general consents are applicable.
10. The changes to the Property Disposals Framework proposed are:
  - a) There is now reference to the Localism Act 2011 and the requirements through this Act to introduce and manage the community right to bid/challenge arrangements. This entails the right for community interest groups to nominate assets of community value and if successful provides a right to bid – this right to bid must be considered prior to any disposal of the property concerned (pages 5 and 7)
  - b) The introduction of a reference to the Council’s asset register and the proper categorisation of assets in accordance with accepted principles and regulations (page 6)
  - c) The introduction of a reference to the aligned asset management process with Lancashire County Council under which both Councils consider the assets available for disposal and whether any use can be made of the assets by the other party prior to disposal (page 7)
  - d) A new reference to community asset transfers outlining the principles to be used in considering requests for use of Council assets by community groups (page 13)
  - e) A new section relating to the management of garage sites and garden plots. Currently the arrangements are informal and this new section sets out a clearer policy on the letting and sale of these sites (page 14)

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

11. None arising directly from this report although individual land/property disposals will generate income and or capital receipts.

#### **POLICY IMPLICATIONS**

12. Reviewing the Council’s Property Disposals Framework is in the interests of better asset management planning.

#### **DETAILS OF CONSULTATION**

13. Head of Finance and Property Management

#### **BACKGROUND PAPERS**

14. None

#### **FURTHER INFORMATION**

**PLEASE CONTACT:**

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**ALSO:**