Asset Transfer Policy

1. Contacts

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2. Recommendation

2.1 To receive and note information on the Council’s disposals policy and the supporting legislation.

3. Background

3.1 In discussion by Overview & Scrutiny Committee in late 2018, a resolution was made that ‘a report on the development of an Asset Transfer Policy (disposal of land/property) be included in the Committee work programme for 2018-19’. Due to other items taking precedence, that item is now being reported at this meeting.

3.2 The Council’s Estates team is responsible for managing the disposal of land/property and the mechanism for this is set out in an internal procedure note to ensure consistency of approach, a copy of which is attached at Appendix 1.

3.3 The Council’s Legal Services team has provided a summary of the legislation relevant to this matter and its application to land/property disposals made by the Council; a copy of this is attached at Appendix 2.

4. Outcomes to be achieved

4.1 The processes in place, together with the Council’s own constitution, ensure that disposals of land or property are undertaken in a way that accords with legislation, whilst obtaining the best capital receipt obtainable in each case.

5. Proposal

5.1 That the committee notes this report and the legal framework which all land/property disposals must follow.

6. Community impact and corporate risks

6.1 Unlike private and commercial landowners, who are free to buy and sell land at whatever price they choose, a local authority is in the position of a trustee in relation to the land that it holds on behalf of the community. Therefore, it has a statutory duty to sell land at the best price reasonably obtainable. Failure to follow that duty would bring with it the risk of legal challenge or court action.
7. **Appendices**

7.1 Appendix 1 – Process/Procedure Note Summary

7.2 Appendix 2 – Summary of legal advice

8. **Background Papers**

8.1 None