

# Chichester District Council

Overview and Scrutiny Committee

30 June 2020

## 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