

# **Huntingdonshire District Council**

# **DISPOSAL AND ACQUISITION OF LAND & BUILDINGS Policy**

Date Approved: 29/11/2017 (updated 27 September 2018) Review Date: November 2019  
Version 1.1

## Definition

The Council defines the “disposal and acquisition” of land and property as:  
“The means by which it can either:

- i. divest and dispose of land and property that it considers are surplus to its service or investments needs or
- ii. invest in land and property that will allow the Council to benefit from service efficiency or investment opportunities.

All sales or acquisitions will be undertaken by the most appropriate commercially advantageous means.

## 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.

## 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.

## Disposals Policy

- Land and property will only be determined as surplus if it no longer meets corporate and/or investment priorities.
- 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:
  - Medium to large areas of land, their disposal is dependent on public benefit and corporate aims and objectives.
  - Small areas of open space, 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). This size definition will only be changed in exceptional circumstances and only with the agreement of the Head of Resources.
- Prior to sale, partners of the Council will be contacted to determine if there is an alternative use for the land and property.
  
- 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.

- Surplus land will be disposed of as expeditiously as possible and follow appropriate methods of disposal.
- Where land (other than small land parcels) is disposed of within a Parish Council area where there is no likelihood of any consequential 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.

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

## **Performance Management**

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.

## **Acquisitions Policy**

- All acquisitions of land and property are in respect of freehold, leasehold or licence.
- Land and property will only be acquired where it benefits service delivery and/or maximises investment opportunities and/or future strategic development, subject to 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).

## **Powers to Acquire Land and Buildings**

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.

## **Performance Management**

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.

## Overarching Policy

All valuations of land will be undertaken by suitably qualified professionals. VAT implications will always be considered.

## Resources

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. The financial thresholds for both disposals and acquisitions are as follows:

£0 - £500,000	Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer), following consultation with Executive Councillor for Resources
£500,000 to £2,000,000	Treasury and Capital Management Group
£2,000,000 +	Cabinet

The thresholds in respect of the Sale or Transfer of Small Land Parcels are defined within the “Disposal of Small Land Parcels Policy

The financial thresholds to be reviewed in 24 months following approval.

## Governance

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.

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