

SALISBURY  
CITY COUNCIL



# **Land and Property Disposal Policy**

Policy Number	Version	Owner	Doc No.	PDF No.	Date Published	Review Due	Review Team
CS003	3	CSM	64508		Jan '18	Jan '21	Management
CS003	2	CSM	44819	54398	Feb 2014	Feb '17	Management
CS003	1	CSM	37831		Sep 2013		

### **Distribution**

Internal: All SCC Staff

External: Website/Councillors/Partners

# Land and Property Disposal Policy

## 1. Purpose of Policy:

- 1.1. The purpose of this policy is to regulate and manage the disposal of any land and property owned by Salisbury City Council at any future date.

## 2. General Statement:

- 2.1. SCC will dispose of land and property when agreed by the Council to support its strategic aims.
- 2.2. All external requests to purchase SCC land or property will be considered on a case by case basis and any potential purchaser would need to make a compelling argument why such a disposal would be beneficial to the City of Salisbury and its residents.
- 2.3. All legal fees which arise as a result of a disposal shall be met by the prospective purchaser except where SCC specifically states otherwise.
- 2.4. For valuation purposes, all valuations shall be assessed by a local independent, professional valuation company.

## 3. The Legal Framework:

### Land:

- 3.1. Under The Local Government Act 1972 (LGA 1972) local authorities, including parish councils are given powers to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any 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 unless the Secretary of State consents to the disposal
- 3.2. Land may be disposed of in the following circumstances (LGA 1972 Section 127 (1) – (5)).
  - 3.2.1. The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area:
    - 3.2.1.1. The promotion or improvement of economic well-being;
    - 3.2.1.2. The promotion or improvement of social well-being
    - 3.2.1.3. The promotion or improvement of environmental well-being
  - 3.2.2. And the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
  - 3.2.3. There are additional procedures which must be followed if the Council seeks to dispose of an open space (LGA 1972 ss 123,126 and 127).
  - 3.2.4. There are various covenants in place currently with Wiltshire Council in respect of SCC's land holdings as a result of the asset transfer process in April 2009.

If any request to purchase any land currently owned by SCC is received, the implications of these will be highlighted in a report to the relevant committee.

**Property:**

- 3.3. There are no legal constraints to SCC selling its property.
- 3.4. There are various covenants in place currently with Wiltshire Council in respect of SCC's property holdings as a result of the asset transfer process in April 2009. If any request to purchase any property currently owned by SCC is received, the implications of these will be highlighted in a report to the relevant committee.

**4. Consideration of Land for Disposal:**

- 4.1. Before SCC determines to dispose of any of its land to any potential purchaser it must first address the following questions:
  - 4.1.1. Is the land surplus to requirements?
  - 4.1.2. Is its disposal likely to promote or improve the economic, social or environmental well being for all or any residents near it?
- 4.2. If these two questions cannot be answered positively than the land will not be considered for disposal.

**5. Process for Dealing with Requests for Purchase of Land or Property which should be noted on the officers report:**

- 5.1. In accordance with SCC's Standing Orders, any proposal to dispose of land or property by SCC will be considered by the Policy and Resources Committee. A full report outlining the benefits, costs and any other relevant information will be presented to the Committee.
- 5.2. The recommendation of this committee will be presented to Full Council for final approval.
- 5.3. It should be considered if any agreed sale should include a caveat that the land cannot be sold or used for development or erecting a permanent structure, **OR**
- 5.4. That any agreed sale should include a caveat that in addition to the sale price the purchaser will be required to enter into an overage agreement secured on the title. If planning permission is granted within the next 25 years for residential conversion an overage payment will be required. The value of the overage is to be agreed between parties.
- 5.5. Officers should get at least two valuation to ascertain the land value pre and post planning.