

Report title	Land and Property Disposal Policy	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Bhupinder Gakhal City Assets and Housing	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Julia Nock, Deputy Director of Assets	
Originating service	Assets	
Accountable employee	Luke Dove Tel Email	Head of Assets 01902 557121 Luke.Dove@wolverhampton.gov.uk
Report to be/has been considered by	City Assets Leadership Team Resources and Equality Scrutiny Panel Asset Management Board	30 November 2022 15 December 2022 18 January 2023

Recommendation for decision:

Cabinet is recommended to:

1. Approve the Land and Property Disposal Policy.

1.0 Purpose

- 1.1 The purpose of this report is to present a new Land and Property Disposal Policy and seek the Cabinet's approval of the same.

2.0 Background

- 2.1 One of the Council's priorities under Our City: Our Plan is to change how the Council uses its land and property to enable transformation within our communities. In order to achieve this change, the Council must continually review its land and property holdings and release those assets which no longer serve the public.
- 2.2 This allows the surplus land and buildings to be brought back into beneficial use, whilst generating a capital receipt and reducing the Council's revenue costs. Generating money, capital and revenue, from surplus assets then allows the Council to reduce its borrowing and re-invest savings into the services which we deliver.
- 2.3 The Land and Property Disposal Policy has been prepared for the benefit of all stakeholders and details how disposals of surplus land and property will be managed with the aim of providing stakeholders with a clear framework within which the Council carries out land and property disposal transactions.
- 2.4 The policy is in place to provide transparency and demonstrate compliance with legislative and best practice requirements in order to ensure the Council achieves the best possible outcomes for the City and its residents when disposing of its surplus stock.
- 2.5 The key message delivered throughout this policy is the Council's duty to obtain best consideration for its surplus land and property assets. There is both an ethical and statutory duty to obtain the best value for surplus land and property and the Council holds its fiduciary duty to the public when divesting of assets in the highest regard.
- 2.6 Disposals are managed primarily by the Council's City Assets Team which has the benefit of professionally qualified members of staff who are held to the highest global standards through their profession, Royal Institution of Chartered Surveyors, along with the highest standards demanded by the Council, its constitution, and the public which it serves.

3.0 The Policy

- 3.1 A number of points were considered when creating the new policy to allow the enablement of asset disposals through applying a systematic approach. This provides a robust and fair approach to ensure that legislation is being adhered to whilst ensuring that the Council's interests are sufficiently safeguarded.
- 3.2 This policy will primarily be followed by the Council's City Assets Team, as City Assets is responsible for the process of disposing of surplus land and property alongside the overall management of the Council's land and property portfolio including schools, community buildings, offices, industrial units, retail units and open space.

- 3.3 Sound asset management and government policy requires local authorities to dispose of surplus land and property wherever possible. The Council's commitment to sound asset management is demonstrated in its Strategic Asset Plan. This document is the primary driver in identifying opportunities to dispose of surplus land and property when it is no longer required for current or future service delivery.
- 3.4 This policy clearly outlines the processes, considerations and governance involved when declaring land and property surplus to requirements and its subsequent disposal following approval and is intended to work in conjunction with both legislation (The Local Government Act 1972) and the Council's constitution to form a consistent and transparent structure which determines how surplus land and property is disposed of.
- 3.5 The policy also aims to provide stakeholders with confidence, through a clear and robust framework and that the disposal of surplus land and property is managed fairly, transparently and effectively to achieve the best possible outcomes for the City:
- 3.6 The Land and Property Disposal policy excludes the Right to Buy scheme which is governed under separate legislation.

4.0 Reasons for decision

- 4.1 The Land and Property Disposal Policy provides a robust, clear and fair approach in line with current legislation and policies to ensure that we are managing and disposing of surplus assets appropriately and ensuring that the Council's interests are sufficiently safeguarded.

5.0 Scrutiny

- 5.1 On 19 December 2022 Resources and Equality Scrutiny Panel received an overview presentation on the Land and Property Disposal policy. Further clarification was requested on the consultation process, especially if there is a difference of opinion from Ward Councillors. It was confirmed that all feedback would be carefully considered, discussed and reviewed, resulting in a recommendation for Cabinet approval where the final decision would be made.

6.0 Financial implications

- 6.1 There are no direct implications arising from this report.
- 6.2 The financial implications associated with each potential asset disposal will be assessed on a case by case basis and subject of future reports to Councillors for approval, in line with the proposed policy detailed within this report.
[AI21112022/D]

7.0 Legal implications

- 7.1 The Council has legal and statutory duties relating to the disposal of its land. It will need to ensure that it complies with the law and its Constitution.

7.2 Section 123 Local Government Act 1972 provides that a Council may dispose of land in any manner that it determines, unless there are exceptions. A disposal may involve the Council disposing of its freehold or leasehold interests. In relation to such disposals unless the disposal is by way of a short tenancy, the Council is obliged to obtain best consideration reasonably obtainable.

7.3 The Council's Legal Services is able to provide legal advice, draft and execute legal agreements on behalf of the Council.
[JA/29112022/E]

8.0 Equalities implications

8.1 There are no equalities implications arising from this report with the Land and Property Disposal Policy being designed to consider and meet the needs of all people within Wolverhampton through an all-inclusive approach by the Council.

9.0 All other implications

9.1 None

10.0 Schedule of background papers

10.1 None

11.0 Appendices

11.1 Appendix 1 – Land and Property Disposal Policy