

LAND DISPOSAL POLICY

Relevant Portfolio Holder	Councillor Bullivant
Portfolio Holder Consulted	
Relevant Head of Service	Teresa Kristunas, Head of Finance & Resources
Wards Affected	All
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are requested to approve the Minor Land Disposal Policy and associated fees and charges, and to delegate authority to the Head of Finance & Resources to progress any applications that fall under this Policy.

2. RECOMMENDATIONS

The Cabinet is requested to RECOMMEND that:

subject to any comments the draft Minor Land Disposal Policy included at Appendix 1 and the fees and charges included at Appendix 2, be approved, and

authority is delegated to the Head of Finance and Resources to progress any applications that fall within the Minor Land Disposal Policy, and

that the Scheme of Delegation be amended accordingly.

3. KEY ISSUES

- 3.1. From time to time the Council is approached to dispose of relatively small pieces of land. The purpose of this report to clarify the position regarding the disposal of land and introduce a scale of fees for Minor Land Disposals.
- 3.2. Authority has been delegated to the Executive Director Finance and Corporate Resources to determine applications for the purchase and lease of small areas of land owned by the Council and to sell buildings and land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation.
- 3.3. Any land or buildings not covered by the Minor Land Disposal Policy will be referred to Members to be declared surplus.

Financial Implications

- 3.7 Capital receipts of less than £10,000 can be treated as revenue and they represent a one-off addition to revenue in the relevant financial year. Capital receipt in excess of this level can be used to support the capital programme.

Legal Implications

- 3.8. There are no legal implications.

Service / Operational Implications

- 3.8 The Minor Land Disposal Policy will clarify the position regarding land disposals.

Customer / Equalities and Diversity Implications

- 3.10. The draft policy provides for appropriate consultation.

4. RISK MANAGEMENT

There are no significant risks.

5. APPENDICES

Appendix 1 - Draft Minor Land Disposal Policy
Appendix 2 – Fees and Charges

6. BACKGROUND PAPERS

None.

7. AUTHOR OF REPORT

Name: Teresa Kristunas, Head of Finance and Resources
E Mail: t.kristunas@bromsgroveandredditch.gov.uk
Tel: (01527) 881748 (ext 3295 internal)

Minor Land Disposals Policy

Definition

For any land and/or building to fall under this policy it shall be less than half a hectare in size and have a value of £49,999 or less plus VAT/fees. The disposal shall include grants of easements, rights of way and other minor licences. It shall however include all garden licences or grazing licences regardless of size of land.

Before proceeding with any disposal, consultation with all relevant officers will take place. The relevant Ward Member will be advised accordingly. Where there may be more than one interested party, the other party will be given the opportunity either to bid for the land or to negotiate an appropriate agreement to sell part to each. Restrictions on use of the land will be included where considered appropriate. In the event of a dispute the matter will be referred to the Cabinet.

Most disposals are likely to require planning permission for change of use and it will be a requirement that this is obtained before completion of the sale can take place. Under Section 123 of the Local Government Act 1972, any disposal of open space must be advertised and objections considered.

Fees

All freehold (or long leaseholds with a premium) disposals (excluding licences) of the above will attract a minimum fee towards the Council's administrative/surveyor/legal costs subject to a non-refundable fee in the case of abortive work.

If the land concerned has been used as public open space (other than verges and surround strips of land on housing estates) the purchaser will also be responsible for any necessary advertising costs.

Appendix 2

Fees and Charges 2012 – 2013

Non refundable administration fees

Item	Fee	Total + VAT
Fee 1 - Request for information only		
a) If query can be answered quickly from existing records	Free	Free
b) If query requires retrieval and interpretation of deeds	£40.00	£48.00
Fee 2 – Application fee	£300.00	£360.00

Payable on application.

Land purchase price

Agreed price for land in question, payable upon completion.

Other fees payable, as a guide only

Payable upon completion, if application is approved.

- Council's Surveyors fees - £400.00 approx (ex VAT)
- Council's Solicitor's fees - £400.00 approx (ex VAT)

Surveyors and Solicitors fees are based upon the value and complexity of the transaction. Applicants will be advised at the appropriate time of the fees that will apply to your transaction. Applicants will be expected to pay the Councils fees as well as your own if the matter proceeds.

Cost of statutory advertising for proposed disposals of Open Space

- Advertising costs - £500.00*

*Approximation only. This fee is set by the advertiser at the time of placing the advertisement. The above is a guide only. Applicants should ask for a quote at the appropriate time.