

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Finance and Governance

LEAD OFFICERS: Director of Growth & Development

DATE: 8th August 2019

PORTFOLIO(S) AFFECTED: ALL

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Disposal Policy Review

1. EXECUTIVE SUMMARY

To ensure that the policy adopted by the Council for the disposal of its land and property assets follows RICS (Royal Institution of Chartered Surveyors) Registered Valuer compliance, ensures best value, that corporate objectives are achieved and complies with current Legislation and Case Law.

2. RECOMMENDATIONS

That the Executive Board:
Approves the revised Disposal Policy.

3. BACKGROUND

The Council has in place a formal disposal policy to cover the sale of Council owned land and buildings. The policy incorporates both a disposal framework which deals with recommended procedures and methods of disposal and a Legal framework which covers current Legislation and case law affecting Local Authorities, in particular the duty to obtain best consideration in matters concerning land and property transactions.

The current policy has been amended and reviewed to consider: -

- That when land or property is being disposed of under special purchaser status, that a member of the RICS (Royal Institution of Chartered Surveyors) with Registered Valuer status, provides an independent valuation where necessary, but mandatory on transactions over £250,000
- Minor land disposals at a minimum disposal of £2,000 will also be subject to Legal and Surveyors fees
- Ground rent disposals minimum disposal value to increase from £1,000 to £1,500
- Formal tender disposal method utilising the Council's Growth Framework agreement
- Best practice guidelines produced by the RICS

4. KEY ISSUES & RISKS

- Ensuring compliance with industry best practice and in particular guidance from the RICS
- Ensuring compliance with changes in Legislation in particular the Local Government Act 1972, and case law.
- Maximising the returns from the sale of land and property but having regard where appropriate to the Council's Corporate priorities.
- Following good procurement practice, processes and Law.
- Maintaining robust and transparent governance arrangements for approval of transactions.
- Taking due care with Special Purchaser considerations and ensuring that equality and fairness prevails.
- Adopting appropriate Member consultation particularly with regard to sensitive or high profile disposals.

5. POLICY IMPLICATIONS

The Council's Medium Term Financial Strategy.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

7. LEGAL IMPLICATIONS

The Council's Constitution states that:

"G.4 (ii) All disposals of land or of any interest in land shall be made in accordance with the Council's disposals policy. Any exceptions to this rule must be authorised by the Executive Board.
(iii) The disposals policy shall be reviewed, at least, every three years by the Head of Property and Development with the strategic client. The outcome of this review shall be agreed with the Executive Board."

8. RESOURCE IMPLICATIONS

There is no impact on existing staff resources as existing staff will deliver the disposal programme under the revised policy.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

Not applicable

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

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DATE:	12 th July 2019
BACKGROUND PAPER:	Disposal Policy report and supporting appendix.