

CODE OF PRACTICE – DISPOSALS OF LAND

- 1 As a general rule, the Council will always seek to dispose of land at the 'best consideration that can reasonably be obtained';
- 2 Any exceptions to this general rule will need to be justified in each case, with specific reference to:
 - (a) the interests of the local electorate and Council taxpayers, and
 - (b) the effective economic and efficient discharge of the Council's functions;
- 3 All decisions, other than those with delegated authority relating to the disposal of land, are vested in the Council which will receive recommendations from the Cabinet Executive.
- 4 No decision will be taken by the Council, in relation to the disposal of land without it first having received and considered a corporate appraisal designed to establish:
 - (a) the statutory powers under which the land is held, and any statutory requirements in relation to disposal,
 - (b) whether the land is surplus to the Council's strategic requirements and its functional and service commissioning responsibilities,
 - (c) whether the land is subject to any specific local factors, including any previous agreements,
 - (d) whether any appropriation is necessary and to what statutory powers,
 - (e) whether any consent of the Secretary of State (general or specific) is required to dispose of the land,
 - (f) the most appropriate method of disposal (e.g. private treaty, formal tender, informal tender and auction), and
 - (g) that an appropriate valuation is to be provided by the Council's appointed qualified valuer; and
- 5 Disposals of public open spaces to Parish/Town Councils will normally be based on the following principles:-
 - (a) where the Parish/Town Council is not required to make a significant investment in the land and there is a long term strategic need for the District Council to retain an interest in the land:-

- grant a short tenancy not exceeding seven years;
- (b) where the Parish/Town Council is required to make a significant investment in the land and there is a long term strategic need for the District Council to retain an interest in the land:-
- grant a lease for a period exceeding seven years 'at the best consideration that can reasonably be obtained' or, subject to consent, at less than 'best consideration'. (N.B. in certain circumstances the Secretary of State's consent will need to be sought prior to disposal);
- (c) where the District Council has no long term strategic need to retain an interest in the land:-
- dispose of the freehold at 'best consideration' or, subject to consent, at less than 'best consideration';
- (d) where the Parish/Town Council makes such a request and any necessary consent is obtained;
- transfer at less than 'best consideration';
- (e) that the District Council meets the valuation and advertising costs associated with the transfer of public open spaces to Parish/Town Councils;
- (f) that the District Council meets Parish/Town Council's legal costs associated with the transfer up to a maximum cost of £200, other than where exceptional circumstances warrant consideration of payment up to a higher figure.