

CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 17 th November 2021
Report Subject	Declaration and Disposal of Land Surplus to Requirements
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

From time to time the Council will decide that it no longer requires a piece of land, and will categorise it as “surplus to requirements”. Such land is sold generating receipts that fund the capital programme.

It is important that the decision making process for doing this includes consultation with the relevant parties, especially where the property currently forms part of the education estate.

The process is not currently documented and it is proposed that a short process be included within the Constitution for clarity and transparency.

RECOMMENDATIONS

1	That the proposed process for declaring and disposing of land that is surplus to requirements be included within the Constitution.
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REPORT DETAILS

1.00	EXPLAINING THE PROCESS FOR DECLARING LAND SURPLUS TO REQUIREMENTS
1.01	The Council will, from time to time, find that it no longer has a use for a particular piece of land, in which case it is declared “surplus to requirements”. Such land, when sold, generates capital receipts that fund the Council’s capital programme. However, it is important that in reaching the decision to sell land that the relevant parties are consulted especially where the land forms part of the education estate (possibly part of a school campus).
1.02	The process for deciding whether land is surplus to requirements is not currently documented. For the sake of greater clarity and transparency it

	is proposed that the process should be documented and included within the Constitution. It will be included as part of the delegated authority that previously pertained to the Chief Officer (Housing and Assets) and which will, in future, be delegated to the new post of Corporate Manager, Capital Programmes and Assets.
1.03	<p>The proposed process for declaring land surplus to requirements is as follows:</p> <p><u>Declaration that Land/Property is Surplus to Requirements</u></p> <p>It is for the service occupying the land/property to formally declare it surplus via the following process:</p> <ul style="list-style-type: none"> • The relevant Chief Officer and Portfolio Member to complete a delegated report. In instances where the asset concerned were/are occupied by a school then the report must state that the school's Governing Body has been consulted and confirm the outcome of that consultation within the report. • The proposal must be supported by the Capital and Asset Programme Board. • The asset will then transfer to the Valuation and Estates service. A revenue budget to cover any residual running costs for the first twelve months shall also be transferred the sum agreed in advance and noted within the report.
1.04	Once declared as surplus the land will be available for sale at a time judged to be most opportune by the Valuation and Estates Service, taking into account such factors as demand, land values etc. The Constitution already contains a separate approval process to actually authorise the sale of a particular piece of land that includes the Council's valuer, consultation with local Member(s) and approval by Cabinet (for land above a certain value). That process was reviewed and approved by this Committee within the last few years to strengthen consultation with the local Member(s).

2.00	RESOURCE IMPLICATIONS
2.01	None arising from issues within this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Not required.

4.00	RISK MANAGEMENT
4.01	Not applicable at this stage.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>None</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	None.