



Croxley Green Parish Council

DRAFT Land Acquisition & Disposal Policy

Introduction

Croxley Green Parish Council (the Council) owns several pieces of land within the parish.

The Council is committed to managing and maintaining its landholding for the benefit of residents and the wider community.

This statement sets out the policy and procedures for the acquisition and disposal of land or property by the Council.

General principles

The Council will at all times act within the law and take into account its published vision, objectives, aims, plans and policies.

A summary of relevant legislation has been prepared by the National Association of Local Councils (NALC) as Legal Topic Note 45 (Dec 2016).

In addition to the range of powers available to all parish councils, identified on the Council's website, the Council has resolved to adopt the General Power of Competence under the Localism Act 2011.

The Council recognizes there are specific legal requirements about the acquisition or disposal of publicly owned land or property. These require an open and transparent process.

The Council will act prudently to obtain the best value for residents and the community in any transaction.

Each case will be considered on its merits.

General Procedure

Any proposal to acquire or dispose of an interest in land or property will be discussed, in the first instance, at an open meeting of the Council or a committee of the Council.

Once a decision has been made to progress the acquisition or disposal the process will be managed by the Finance and Administration (F&A) Committee on behalf of the Council.

Where necessary for reasons of commercial confidentiality or propriety, progress will be discussed in the private and confidential part of meetings.

The Responsible Officer will carry out the negotiations and prepare contracts on behalf of the Council, as directed by the F&A Committee, taking professional advice as required.

Progress will be reported to the full Council at intervals in the private and confidential part of

the meetings where necessary.

Any decision to acquire or dispose of an interest in land or property will be finally determined in an open meeting of the Council.

ACQUISITION OF LAND OR PROPERTY

The Council is willing to consider acquiring an interest in land or property where there is a benefit for the residents and the wider community.

Procedure

1. Any proposal for the Council to acquire an interest in land or property will be added to the agenda of the next Council meeting, or committee meeting, where appropriate.
2. The Clerk will prepare a summary report setting out details of the proposed acquisition, the current ownership (if known), and any issues relating to the land or property, with a recommendation on whether the proposal should be investigated in more detail by the F&A committee or not progressed further.
3. The Clerk will also request a resolution as to how residents are to be informed and consulted.
4. If the matter is referred to the F&A committee the Clerk will prepare a report identifying the issues for further consideration including, for example, the need for professional advice such as a detailed site investigation or building inspection, a valuation of the land or property, an investigation of any contingent liabilities or legal issues and the likely costs of proceeding.
5. The Clerk will also request a resolution to contact the current owner to gauge their intention for the land or property, to establish its history and whether there are any known hazards or contingent liabilities, and whether the council could obtain the land or property for the benefit of the community.
6. Once the Clerk receives information from the current owner the Clerk will submit a report to the F&A committee. This will detail whether acquisition is an option and under what terms. The Clerk will request confirmation whether the Council wishes to proceed to acquire the land or property by resolution.
7. If the Council does not wish to continue with a purchase the process will stop at this stage, and the current owner will be informed that the parish council does not wish to proceed with the acquisition of the land or property.
8. If the Council wishes to acquire the land or property, there is a need to consider the future costs of maintenance and upkeep and any future liabilities. The Clerk will prepare a report for the F&A committee, taking professional advice where needed, identifying the costs and liabilities and the benefits to residents and the community. The Clerk will request confirmation to proceed to acquire the land or property by resolution.

9. If the F&A committee wishes to proceed the Clerk will prepare a report for the full Council to determine whether the Council wishes to acquire the land or property by resolution.
10. If the Council wishes to acquire the land or property, the Clerk will ask the Council for a resolution to engage a solicitor to advise on the acquisition of the land or property.
11. The Clerk will also request a resolution as to how residents are to be informed and consulted.
12. Once the formal resolution is made that the land is to be acquired, the Clerk will request delegated authority to deal with the administrative matters of the acquisition through to its legal conclusion with the Solicitor.

DISPOSAL OF LAND OR PROPERTY

The Council holds land and property in trust for the benefit of residents and the wider community and for the use and enjoyment of present and future generations.

The Council will not actively seek to dispose of land or property and will generally seek to maintain public ownership of open spaces and community assets.

The Council is willing to consider disposing of an interest in land or property where there is a benefit for residents and the wider community.

The Council will only consider disposing of land or property in exceptional circumstances.

Procedure

1. The Clerk will add any proposal for the Council to dispose of an interest in land or property to the agenda of the next Council meeting.
2. The Clerk will prepare a report for the Council setting out the proposal, the current use of the land or property, and any issues relating to the land or property, with a recommendation whether the proposal should be considered in more detail by the F&A committee or not progressed further.
3. The Clerk will also request a resolution as to how residents are to be informed and consulted.
4. If the matter is referred to the F&A committee the Clerk will prepare a report identifying any issues for further consideration including, for example, the need for professional advice such as a valuation of the land or property, an investigation of any contingent liabilities or legal issues, the options for selling or otherwise disposing of the land, and the likely costs of proceeding.
5. The Clerk will also request a resolution to contact the prospective purchasers (if any) to gauge their intentions for the land or property and their willingness to purchase.
6. Once the Clerk receives information from the prospective purchaser(s) the Clerk will

submit a report to the F&A committee. This will detail the proposal to dispose, the intended use once disposed, and the price of the land. The Clerk will ask the Council whether the Council still wishes to proceed by resolution to dispose of the land by way of a sale as set out in the report.

7. If the Council does not wish to continue with a sale the process will stop at this stage, and the prospective purchaser(s) will be informed that the parish council does not wish to proceed with the disposal of the land or property.
8. If the Council still wishes to dispose of the land or property, the Council will advertise the intention to dispose of the land or property for two consecutive weeks either in a local newspaper, on the Parish Council website, notice boards and social media pages inviting any objections to be submitted to the Clerk.
9. Once the deadline for responses has passed the Clerk will prepare a report for the full Council, including any objections submitted (redacted under GDPR) or confirm that no objections have been received.
10. The Council will then decide whether it wishes to confirm its intention to dispose of the land or property based on the valuation, the nature of the proposed use of the land, any objections received and any other relevant factors.
11. Once the formal resolution is made the Clerk will request delegated authority to deal with the administrative matters of the disposal through to its legal conclusion with the appropriate solicitors.

Criteria

The Council will use the criteria below, with any other factors considered at the time of debate, to reach a balanced judgement as to whether to confirm the disposal of land or property.

These lists are for guidance purposes and are not exhaustive.

The council will be inclined to dispose of land or property when one or more of the following apply:

1. The disposal is financially advantageous for the parish.
2. The Council's current or future liability for maintenance and repair outweighs the current or future amenity the land provides for residents.
3. Disposal facilitates broader projects which the Council deems to be for the benefit of residents and the community.
4. Disposal allows other recognised charitable or not-for-profit organisations to consolidate landholding for the public good. For example, the Woodlands Trust, Canals and Waterways Trust, National Trust etc.
5. The parish land provides no current discernible amenity to residents nor uncommon environmental advantage for flora or fauna.

6. The value of the land is unlikely to increase beyond inflation, taking into account current market forces, foreseeable additional local developments and national initiatives.
7. Disposal will contribute to the Council's vision, objectives, aims plans and policies for the community and is consistent with the adopted Neighbourhood Plan and Local Plans.

The council will be disinclined to dispose of land or property when one or more of the following apply:

1. The disposal is financially disadvantageous for the parish.
2. The land or property is registered as a Village Green or a community asset.
3. The land or property's location and current condition add visual amenity.
4. The land or property has potential to provide opportunities for sport, leisure, or recreation activities.
5. The land or property contributes to the environmental distinctiveness of the area.
6. The land or property, or its current condition, adds to the cultural and heritage dimension of the landscape.
7. The land or property currently provides useful access routes to residents.
8. Acquisition of the land or property by a third party is likely to facilitate use which conflicts with the Council's vision, objectives, aims and goals or the adopted Neighbourhood Plan and Local Plans.

Croxley Green Parish Council
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