

Appendix 1 – Constitution Extract Disposal of Property and Land Assets

Appendix A – Constitution Extract

Constitution Reference			Comments
9.7 Financial Procedure Rules			
Part 3 Responsibilities	3.48	The Executive also monitors revenue and capital spending against agreed limits, agreeing externally funded initiatives, to approve the commencement of tender processes where the value of the proposed contract is in excess of £500,000, or is otherwise a key decision, approving the termination of contracts where the value is in excess of £500,000, to approve the introduction of charges, or changes to charges for services, to approve the acquisition, retention or disposal of assets with a value in excess of £500,000.	Assumption as 28.5 below, at market value. Any requirements for less than best transfers will be required to be authorised by the CFO as part of the disposal process.
	3.37	All Chief Officer Functions are described in the Scheme of Delegation, Part 9.2 of the Constitution.	
Part 9.7	11	To dispose of land and property designated as surplus to requirements in accordance with S123 of the Local Government Act 1972. All Corporate Leadership Team In accordance with statutory right to buy provisions for council owned homes. In all other instances, where the total value of the asset being disposed of does not exceed £250,000.	Assumption as 28.5 below, at market value. Any requirements for less than best transfers will be required to be authorised by the CFO as part of the disposal process.
	6	Council's Medium Term Financial Plan (MTFP) (one of the Councils provides a four-year overview of the Council's anticipated resources, expenditure commitments, and resulting savings requirement.	Requirement for a balanced budget. Revenue impact of disposals required to be considered as part of MTFP
	7	Medium Term Capital Programme	Requirement for a balanced budget. Capital receipts targets form part of the capital programme
	28.1	The responsible Chief Officer will produce a five-year Corporate Asset Management Plan for the purpose of the overall strategic management of the Council's assets. This will be updated on an annual basis .	Disposal Policy form part of the CAMP due for presentation to Executive 2023

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	28.2	... The responsible Chief Officer will ensure that procedures are put in place for the safeguarding and security of the Council's assets, including the keeping of asset registers; a terrier of land and property;	The responsible officer for general fund corporate property and land is... but other Chief Officers have responsibilities for other assets under their control eg furniture, housing.
	28.3	Chief Officers are responsible for ensuring the proper use..... this requirement applies to all assets, includingland and buildings.	The main use is categorised and placed on the terrier, the valuation of which is determined by the use and the figure forms part of the balanced portfolio and balanced budget. Change of use follows a re-categorisation process.
	28.4	The responsible Chief Officer will ensure that detailed arrangements are put in place for the disposal of assets. All sales or purchases of land and buildings will be undertaken in accordance with the scheme of delegation.	The disposal policy and process addresses this requirement
	28.5	Valuation of Assets will be in line with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Sale of Assets will be at market value unless special circumstances have been agreed.	The disposal process addresses this requirement.
	29, 29.1 & 29.2	Disposal of Land, Property ..All land and property except for former Council houses sold to tenants, or other property likely to exceed £5,000 in value, which have been declared surplus to requirements must be sold either by auction with a reserve price, or by competitive tender, unless the Council specifically determines otherwise. Before inviting tenders or instructing an auctioneer for the sale of land or property, a valuation shall be obtained from the Estates function or an independent qualified Valuer, and in the case of a sale by auction, this valuation shall be the reserve price. Competitive tender shall normally dispose of all other surplus assets unless the CFO determines otherwise in a particular case.	This disposal process addresses this requirement

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