

Disposal of Land and Buildings Policy 2024

PERTH AND KINROSS COUNCIL

DISPOSAL OF LAND AND BUILDING POLICY

- 1) This policy defines the approach to the disposal of land and buildings that are declared surplus (for whatever reason). If surplus property can be used to assist delivery of corporate priorities this should be encouraged.
- 2) Redevelopment or reuse of surplus land and buildings to assist delivery of corporate priorities is ranked in the following descending order:
 - a) Affordable / social housing
 - b) To a suitable community body to assist community development / sustainability
 - c) Economic development or regeneration
 - d) Other corporate priorities
- 3) Notwithstanding the above, the Council has, subject to the Regulations referred to in paragraphs below, a statutory obligation to achieve the best consideration that can reasonably be obtained when disposing of land or buildings. This obligation will generally be met by disposing of land and/or buildings on the open market.
- 4) In certain circumstances, land and buildings may be sold or leased at a value deemed to be market value (as opposed to being placed on the open market) provided that Best Value is achieved. This means that a valuation is undertaken by a suitably qualified Chartered Surveyor. Market value is as defined by the Royal Institution of Chartered Surveyors (RICS) Red Book. The duty to secure Best Value is explained in Section 1 of the Local Government in Scotland Act 2003.
- 5) The Council may only sell land and buildings for less than best consideration in accordance with the Disposal of Land by Local Authorities (Scotland) Regulations 2010. Where this is proposed, the appropriate Committee report will include a current market value of the subjects and the recommended consideration (if any) so that members are fully aware of value foregone in approving the disposal.
- 6) The Committee report will include an appraisal in terms of the Regulations, setting out the benefits and disbenefits of the proposal.

~~**This appraisal will be a summary of the assessment which must be carried out in terms of the Regulations. Comprehensive guidance on the criteria which may assist in drawing up the assessment is contained in Annex C to the Guidance to the Regulations. Annex C is attached to this Policy. Policies have been developed and will continue to be developed to support disposals for particular Service objectives and these will be referred to in the appraisal, where applicable. (section removed).**~~

~~Disposal at less than best consideration may be recommended to facilitate policies such the provision of affordable housing or the disposal of land and buildings to a suitable community body to achieve Council objectives in supporting local regeneration and community development. (section removed).~~

- 7) In addition to the above, the Council must take account of other relevant legal issues, on the sale of public land and buildings which may affect the ability of the Council to dispose of land and buildings at less than market value, the common good status of land or buildings and the need to obtain Scottish Ministers' consent for land or buildings held on the Housing Revenue Account.

~~In order to meet the statutory requirements for the disposal of land and buildings, the Council must be satisfied that any disposal at less than best consideration is reasonable and is likely to contribute to any of the purposes set out in the Regulations in respect of the whole or any part of Perth and Kinross or any person resident or present in Perth and Kinross. These purposes are the promotion of: (i) economic development or regeneration; (ii) health; (iii) social well-being; or (iv) environmental well-being. (section removed).~~

- 8) The issues referred to above are examples only and no disposal shall take place without appropriate professional advice by way of prior assessment of legal, property and other relevant matters. The Committee report will refer to any such advice.