

Appendix A

Disposal on the open market

This is a sale by private treaty, auction or tender (informal or formal) and is the usual method of disposing of surplus assets. The Council normally appoints an external agent to act on its behalf as the need to get maximum marketing exposure both in the press and on the internet is a requirement to obtain the best consideration possible.

Disposal to a named party at market value for a particular use

The Council will already have a scheme/use which it wishes to see delivered on a particular site prior to the declaration of surplus. The requirement to obtain the best consideration for the site will still apply.

Where the Council is selling to a public or quasi public sector body to deliver a desired use, the provisions of the Best Practice Guide for disposal and transfer of land and property assets between Public Sector Bodies in Wales (copy attached at Appendix C) are catered for. The Council applies the same standards and processes in disposals to private sector named parties such as developers and special purchasers in particular the obtaining of independent valuations.

The Council receives numerous requests from private individuals for small areas of vacant land which is of value to them for gardens or similar uses. Because the values of these sites are low these follow the same asset management process. Small land swaps also fall into this category.

Disposal to a named party at an undervalue

All disposals at less than best consideration are required to comply with the General Disposal Consent (Wales) Order 2003. The Order regulates the disposal of public sector land and buildings at undervalues of less than £2m.

The transferring of assets at an undervalue is limited to those cases where the Council believes the undervalue is in the economic, social or environmental well being of an area, or, any parts of its area, or, any or all of the persons present in its area. The provisions of Best Practice Guide for disposal and transfer of land and property assets between Public Sector Bodies in Wales, as previously referred, are also applied by the Council.

Careful consideration is also given on the possible breach of Protocol 5 State Aid Test where the Council is considering a transfer of an asset at an undervalue. This is to ensure that a breach of the Welsh Government (WG) Land Transfer protocol and the contravening of EU Legislation which prevents public bodies from funding undertakings engaged in competitive economic activity is avoided.