

## NORTH LANARKSHIRE COUNCIL

## REPORT

<b>To: POLICY &amp; RESOURCES (PROPERTY) SUBCOMMITTEE</b>		<b>Subject:</b>  <b>ASSET MANAGEMENT PLAN - AMENITY LAND SALES POLICY- 2011</b>
<b>From: HEAD OF PROPERTY SERVICES</b>		
<b>Date: 22<sup>nd</sup> April 2011</b>	<b>Ref: MAR</b>	

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek Committee approval to the Amenity Land Sales - 2011 policy document.

**2. BACKGROUND**

- 2.1 Members may recall the report considered at its meeting on 18<sup>th</sup> November 2010 where Committee were advised of a review of the practises and processes relating to amenity land sales.
- 2.2 Reference is also made to a report approved at its meeting on 3<sup>rd</sup> November 2009 where Committee were advised that, following a review of the practises and processes relating to land and property sales, one comprehensive policy document was produced outlining the Council's policy. It was also intended that, in future, other policy documents would be integrated in a holistic manner to provide a comprehensive reference guide to policy and practise for members and staff.
- 2.2 The Committee approved the recommendations of the November 2011 report, agreeing that a further report would be submitted to a future meeting providing the policy document relating to such sales, reflecting the new approved arrangements, effective from 1<sup>st</sup> January 2011.

**3. AMENITY LAND SALES – POLICY DOCUMENT**

- 3.1 The document reflecting the approval outlined above has now been prepared in a similar format to the other land and property sales policy document for consistency, as there are common elements.
- 3.3 The policy document reflects the provisions agreed by Committee at the meeting on 2<sup>nd</sup> November 2010.

**4. RECOMMENDATIONS**

4.1 It is recommended that: -

- a) Committee note the contents of the report;
- b) Committee adopt the Policy - "Amenity Land Sales - November 2011".



**IAN NISBET**  
**Head of Property Services**

~~AL~~ Members seeking further information on the contents of this report are asked to contact Ian Nisbet, Head of Property Services, on 01236 616305



---

## 1.0 INTRODUCTION

- 1.1 This document is produced as a result of a recent review of current practises and policies for disposal of small areas of ground for extensions to gardens, provisions of driveways etc (referred to as “**Amenity Land**”) and aims to set out the Council’s policy relating to this matter.
- 1.2 The policy also recognises the current statutory provisions relating to land and property sales.

## 2.0 GENERAL

- 2.1 Under the terms of the Council’s main “**Land and Property Sales Policy**” approved by Committee in 2010, where a property is to be considered for sale it must have been declared surplus to the requirements of the Council. In addition, it should also have been advertised in the Surplus Property Bulletin to ensure that all Council Services and partner organisations are aware of its availability.
- 2.2 Where the Head of Property Services considers that the land to be sold falls within the definition of amenity land (set out in section 3 below), there is no requirement to comply with the terms of section 2.1 above, and the following process set out below will apply to these transactions.
- 2.3 It should be noted that for the purposes of this document, “property” refers to land only.
- 2.4 The policy is regulated by the terms of statutory obligations in accordance with the Local Government (Scotland) Act 1973, which states local authorities “shall not dispose of land ... for a consideration less than the best that can reasonably be obtained...” (best price reasonably obtainable) unless consent of the Scottish Ministers is obtained. The statute has now been updated. The terms of Section 74 have been amended by the Scottish Government via the Disposal of Land by Local Authorities (Scotland) Regulations 2010. These Regulations state that local authorities can now dispose of land for less than the best price reasonably obtainable provided that the disposal is completed in accordance with the new Regulations.

### 3.0 BASIS OF SALE

3.1 The vast majority of sales of amenity land are completed as a result of a direct approach made by the adjoining owner to the Council. This section of the policy outlines the terms where each of these is appropriate.

3.2 If the land is to be sold under the terms of this policy, the applicant must own the adjoining property and the area to be sold should be immediately adjoining the property.

#### 3.3 Definition of "Amenity Land"

The land to be sold under the terms of this policy will require to fall into the following categories:-

- The land applied for is adjacent to a residential property owned by the applicant.
- Suitable only for the purposes of extending the garden area, creation of a driveway, or building an extension to the dwelling house.
- Any other cases will be dealt with as ordinary applications to purchase land from the Council and will require to be dealt with through the Council's standard process for declaring land surplus to requirements.
- In all instances, the Council will reserve the right to evaluate the development potential of the whole proposal and assess the value in accordance with the best interests of the Council.

3.4 If the land is covered by the above, the application can be processed in accordance with section 4 below.

### 4.0 PROCESS

4.1 If applications comply with the terms of the definition of amenity land as noted in section 3.3 above, the application will be processed.

4.2 The Head of Property Services will undertake consultations on the proposals. All Services with an interest in the land will be consulted. This will normally include where appropriate:-

- The Service holding the land – to establish operational issues arising out of the potential sale of the land.
- The local Planning/Roads team - to check whether in principle there is likely to be any concerns relating to the required change of use or traffic issues for the land.
- Local Members - to make them aware of proposals being considered within their wards under the delegated process.
- Housing Services - if the land is within an area where the Council holds other housing stock.
- Land Services - regarding maintained land, park areas or woodland etc.
- Legal Services - to check the Council's ownership and the title.

4.3 When the consultation process is complete, if there are any objections to proposals raised by Services, the application is refused and applicants are advised accordingly.

- 4.4 In addition to the consultation process with Services, Local Members will also be consulted in accordance with the terms of the current member consultation policy to make them aware of proposals being considered within their wards under the delegated process and to ensure that they have the opportunity to make any representations relating to the proposal.
- 4.5 If a local member raises any concerns or objections to a proposal disposal, then in the event that there are no objections received from Services, the Head of Property Services will submit a report to the appropriate Council Committee noting the objections/comments from any local member(s).

**5.0 PRICING POLICY**

- 5.1 With effect from 1st January 2011, the Council revised its charging policy for the sale of small areas of amenity land. The charging levels are to be based on council tax banding. The current levels are noted below:-

<b>Council Tax Band</b>	<b>Rate per square metre</b>
A-C	£20
D	£30
E-G	£40

- 5.2 The rates noted in the table above are to be applied to the area to be sold. In addition, delegated authority to sell the land at these rates is granted to the Head of Property Services. The level of charges will be reviewed every three years by the Head of Property Services, with the updated proposed arrangements to be reported to Committee.
- 5.3 Applicants will also be responsible for the Council's fees in connection with the application. These are noted below:-

<b>Fee Element</b>	<b>Reviewed Charge</b>
Legal Fees	£330
Property Division fee	£275
Planning fee for change of use	Statutory charge (currently £319)

- 5.4 In any case where a sale is not intended to be progressed in accordance with the pricing arrangements noted above, the case will require to be reported to Committee. Any report should detail why this is being recommended.

**6.0 DISPOSAL AT LESS THAN BEST PRICE**

- 6.1 As noted in Section 2.4 above, under the terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 which came into force on 1<sup>st</sup> June 2010, the Council is no longer obliged to seek ministerial consent to dispose of land at a figure that is less than the best price reasonably obtainable, provided this is carried out within the terms of the Regulations.
- 6.2 The Council's main land and property sales policy (Section 5) details the arrangements for disposal. In any case where the price being recommended to Committee does not represent the best price reasonably obtained, this will require to be fully explained in the report to Committee seeking approval to the proposed disposal. The report will also reflect the guidance from Scottish Ministers on this issue noted within the 2010 Regulations.

**IAN NISBET**  
**Head of Property Services**