

Report to: **Audit and Best Value Scrutiny Committee**

Date: **22 March 2007**

By: **Deputy Chief Executive and Director of Corporate Resources**

Title of report: **Disposal of Property Code**

Purpose of report: **To inform the committee of the content of the Disposal of Property Code and of some of the considerations which apply to individual cases.**

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**RECOMMENDATION:** that the committee note and endorse the contents of the Disposal of Property Code

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## **1. Financial Appraisal**

1.1 Disposal of surplus property is a key methodology to unlock capital value tied up in assets that are not contributing to the delivery of core services. As such, the Corporate Asset Management Plan last approved by Cabinet on 19 September 2005 includes the general policy that Lead Members for individual services declare individual properties surplus to their service as appropriate. The Lead Member of Corporate Resources then decides whether those properties are surplus to the requirements of the County Council as a whole. If so there is a presumption that properties be disposed of at not less than market value and this has been the Council's settled policy since 2001.

1.2 Capital receipts thus realised contribute to general capital resources available to fund the capital programme.

1.3 Over the last three years capital receipts have been realised through this process as follows:

2004/05	2005/06	2006/07 to date
£3,774	£2,032	£1,413

## **2. Supporting Information**

2.1 The detailed methodology to be adopted when disposing of property is set out in the Disposal of Property Code which is attached as an appendix to this report.

2.2 The Code has been prepared in accordance with Government guidance on the matter of property disposals. Paragraphs 1.1 to 1.5 of the Disposal of Property Code (the Code) set out the reasons why the Council has adopted the code. It is useful in ensuring best practice whilst protecting the interests of the both the wider public and the County Council. The Code was agreed by Chief Officers Management Team on 15 November 2006.

2.3 The Disposal Procedure ( Appendix A of the Code) contains a list of documents that were referred to during the drafting of the Code.

2.4 Section 123 of the Local Government Act 1972 requires the Council to obtain the best consideration that can reasonably be obtained for the disposal of land. There are some exceptions to this rule, particularly in respect of minor interests in land and where the Secretary of State has given a general consent to certain exceptions. Full details are contained in the Local Government Act 1972: General Disposal Consent (England) 2003. It is important to note, however, that the Council would be open to challenge should it not seek best consideration without good reason, in pursuit of corporate priorities.

### **3. Key Issues**

3.1 The method of sale to ensure best consideration will vary according to individual circumstances.

3.2 In some instances clear development potential exists for a particular form of development (e.g. residential), it can be beneficial to secure an outline planning consent and market by way of open formal tender.

3.3 Sometimes the exact form of development which a site can support in planning and physical terms will not be clear. In such circumstances an informal tender subject to the grant of planning consent can be best method of sale. The entrepreneurial skills of the competing bidders will determine which form of development produces best value.

3.4 If there is no clear indication of development potential, a covenant restricting the use the property can be put to should be imposed. If the purchaser subsequently gains a planning consent the Council can require payment for relaxation of this legal restriction.

3.5 Paragraph 5.3 of the Code provides for the Council to sell property directly to an identified party, without first offering it on the open market. The Local Government Ombudsman Guidance on Good Practice 5 – Disposal of Land (Appendix B) recognises that “off market” disposal of property can sometimes be “more effective in the interests of the council than would marketing the property fully” (Appendix B 6.2). The recommendations have been incorporated into the Code.

3.6 Where land was Compulsorily Purchased, but not used for the purpose intended and subsequently declared surplus, the government encourages re-sale to the original owner by what are known as the Crichel Down Rules. These are mandatory for central government but not local government.

3.7 Late bids are discouraged. The Council endeavours to arrive at exchange of contracts quickly once an offer has been accepted. Research has shown that this is an effective way of reducing the prospect of late bids. The Code sets out the procedures for dealing with late bids.

### **4. Conclusion and Reason for Recommendation**

4.1 The Disposal of Property Code sets out how the Council will dispose of property declared surplus, to ensure best consideration. All property is unique in nature and development potential so the code sets out various options for use in different circumstances.

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# **DISPOSAL OF PROPERTY CODE**

**A POLICY AND GUIDANCE DOCUMENT  
FOR THE DISPOSAL OF COUNTY COUNCIL  
OWNED LAND AND PROPERTY**

December 2006

## **EAST SUSSEX COUNTY COUNCIL**

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**LAND DISPOSALS**  
**POLICY & GUIDANCE**

**PART A - INTRODUCTION**

**1. SCOPE AND PURPOSE**

- 1.1 Government advice recommends that local authorities have a document describing their policy and guidance when disposing of land. The government's advice is set out in the two documents that are detailed below in paragraph 1.5.
- 1.2 This policy and guidance document is in accordance with Government advice and details East Sussex County Council's policies and internal guidance relating to disposals of land. For the purposes of this policy, a disposal of land means any freehold disposal, by sale or exchange, of Council owned land or buildings and any disposal by the granting of a lease for a period greater than 7 years. Leases of 7 years or less are not covered by this policy document.
- 1.3 This policy is only intended for disposals relating to East Sussex County Council disposals. It does not apply when the Council acts on behalf of other parties.
- 1.4 The purpose of this document is to make the Council's policies, guidance and procedures transparent and public. It is intended for use by Council officers and to inform developers and members of the public.
- 1.5 It is important that each land disposal is treated on its own merits and nothing in this document will bind the Council to a particular course of action in respect of a land disposal. Alternative methods of disposal, not specifically mentioned in this policy, may be used where appropriate, subject to obtaining proper authority, (see section 4.2 below). The Council's actions in disposing of land are subject to statutory provisions, in particular to the overriding duty on the Council under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of land. This duty is subject to certain exceptions that are set out in a government document, referred to in this policy as 'the General Disposal Consent' -see below.
- 1.6 In this Policy and Guidance document

"the General Disposal Consent"	means the 'Local Government Act 1972 : General Disposal Consent (England) 2003' <a href="http://www.communities.gov.uk/index.asp?id=1144327">http://www.communities.gov.uk/index.asp?id=1144327</a>
"the Guidance"	means the 'Local Government Ombudsman's Guidance on Good Practice 5 : Disposal of Land.' November 1995 <a href="http://escintranet/intranet/crd/property/property_disposal_code/local_government_ombudsman_guidance_on_disposals.pdf">http://escintranet/intranet/crd/property/property_disposal_code/local_government_ombudsman_guidance_on_disposals.pdf</a> and the Valuation Liaison Group's guidance on the disposal of landed property by local authorities.

1.7 If the Council wishes to dispose of land for less than best consideration, and is not covered by the General Disposal Consent, the Council can resolve to do so, but will require the formal consent of the Department for Communities and Local Government (DCLG). Such disposals can also be subject to a challenge that the Council is needlessly foregoing receipts and it is therefore essential that such disposals only take place in clear furtherance of Council priorities.

## **2. SUMMARY OF LAND DISPOSAL TYPES**

2.1 The Council will usually use one of five means to dispose of land. Further guidance upon when it will be appropriate to use any particular means of disposal is contained in Part C below. The means of disposal are:-

- **Private Sale** -a sale of land negotiated with one or a small number of purchasers. The land may or may not have been marketed as available for sale. A binding legal agreement is created on 'exchange of contracts' between the Council and the purchaser.
- **Public Auction** -a sale of land by open auction available to anyone. The sale will be advertised in advance. A binding legal agreement is created upon the acceptance of a bid by the auctioneer.
- **Informal Negotiated Tender** -a sale of land after a public advert that requests informal offers or bids that meet a given specification or set of objectives. The Council may then negotiate further or more detailed terms with one or more individuals submitting the most advantageous bid or bids. A binding legal agreement is not created until the exchange of contracts between the authority and the chosen bidder.
- **Formal Tender** -a sale of land by a process of public advert and tenders submitted by a given date in accordance with a strict procedure. A binding legal agreement is created upon the acceptance of a tender by the Council.
- **Exchange of Land** -a transaction involving the exchange of Council owned land with another land owner. The land acquired by the Council will meet at least one of its corporate objectives and will be 'equal' in value to the land exchanged or there can be an equality payment made by either party.

## **PART B - POLICY**

### **3. POLICY STATEMENTS**

3.1 The Council will dispose of land in accordance with:-

- Statutory provisions;
- The policies and procedures recorded in its Constitution;
- The Council's Disposal Procedure;
- Corporate and Policy Steer Directives

3.2 Land will not normally be disposed of at less than the best consideration that can be reasonably obtained. In very exceptional circumstances this may be considered in furtherance of corporate priorities and in this case only when the transaction is covered by one of the exceptions detailed in the General Disposal Consent or has the approval of the Department for Communities and Local Government (DCLG).

#### **4. COUNCIL PROCEDURES**

4.1 The following procedures relate to the disposal of land:-

- Approvals for declaring land surplus to the Council's requirements, and authorising its disposal will be obtained in accordance with procedures set out in Part 3 of the Constitution (Responsibility for Functions)..
- The processes followed by the Council in disposing of land and buildings are illustrated in the flow diagram set out under Appendix A.
- This Land Disposals Policy and Guidance will be followed in disposing of land and buildings and can be inspected on the Council's internet website.

4.2 Decisions to approve the terms of any disposal of land are made by either the Assistant Director - Property, under Delegated Authority, or in conjunction with the Lead Cabinet Member for Corporate Services or on some major projects the Deputy Chief Executive and Director of Corporate Resources. This can be exercised according to the following financial criteria:

- the Assistant Director - Property, under Delegated Authority of the Director of Corporate Resources, where the payment from the other party does not exceed £250,000 (in case of a lump sum payment) or £25,000 per year (in respect of an annual rental)
- the Chief Executive and Director of Corporate Resources, in consultation with the Lead cabinet member for Corporate Resources where the payment from the other party exceeds £250,000 (in case of a lump sum payment) Resources, but £25,000 per year (in respect of an annual rental) on some major projects the Deputy Chief Executive is also consulted.

#### **PART C -GUIDANCE**

(Refer to section two above for a description of each of the following means of disposing of land.)

#### **5. DISPOSAL BY PRIVATE SALE**

5.1 A disposal by Private Sale may take place after a period during which the land is put on the open market including advertising and generally marketing including signage that it is available for sale. In this case, the Council will be able to consider the highest bid as representing the best consideration that can be reasonably obtained. A disposal by private treaty can have a closing date and be by way of inviting sealed bids by that date if considerable interest is anticipated.

- 5.2 If land is to be sold by Private Sale without being marketed, then the reasons justifying a private sale must be recorded in writing. In some circumstances the Council may seek an independent valuation to verify that 'best consideration' is being obtained.
- 5.3 A private sale without the land being marketed may be justified where:
- (a) the land to be disposed of is relatively small in size and an adjoining or closely located landowner(s) is (are) the only potential or likely purchaser(s).
  - (b) the nature of the Council's land ownership and that of the surrounding land ownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained.
  - (c) the Council's land is part of a larger area of land that is proposed for development, redevelopment or regeneration. Also, the nature and complexity of the proposed development of the overall site is such that the Council's corporate objectives and best consideration can only be achieved by a sale to a purchaser with an existing interest in land in the area.
  - (d) The Crichel Down Rules apply and the Council has decided to sell the land to the person from whom it acquired the land
- 5.4 A legally binding agreement will not be reached until either contracts for the lease or sale of land are exchanged or a development agreement is signed.

## **6. DISPOSAL BY PUBLIC AUCTION**

- 6.1 Sale by public auction may be appropriate where there is no obvious potential purchaser and where speed and best price, can be publicly demonstrated.
- 6.2 The authority of either the Estates manager or CRD Lead Member (as detailed under 4.2), will be required, providing the reasons for a sale by public auction. A Council officer shall attend the auction to act on behalf of the Council.

The contract for sale or lease must be ready for exchange at the auction.

- 6.3 The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged.

## **7. DISPOSAL BY INFORMAL / NEGOTIATED TENDER**

- 7.1 A disposal by informal/negotiated tender differs from a formal tender in that neither the Council nor the successful bidder is legally obliged to enter into a contract for the disposal of the land. The informal/negotiated tender process allows the Council to identify one preferred bidder with whom it may then negotiate further detailed terms or proposals for the development of the land concerned.



- 7.2 The Council may as a part of the disposal process, request best and final offers for a sale, or informal development proposals for land that either meet a given specification, or a request for proposals. This process is particularly useful for large or complex development or regeneration sites requiring development and where the proposals may need to be developed in co-operation with the preferred bidder to meet the Council's corporate objectives and to achieve the best consideration that can be reasonably obtained.
- 7.3 Although not a formal tender, after the closing date these are recorded in the Property Disposals Offer Book as a record of the offers received.
- 7.4 A binding legal agreement is not created until the exchange of contracts for sale or lease or the signing of a development agreement.
- 7.5 This method is suited to sales where there are uncertainties, particularly planning, and allows for use of conditional contracts, including clauses which can allow for further sums to become payable upon grant of planning permission at different points in the future.

## **8. DISPOSAL BY FORMAL TENDER**

- 8.1 A sale of land by formal tender may be appropriate where:
- a) the land ownership is not complex;
  - b) legal documentation for contracts/transfer are in place together with statutory searches and replies to standard enquiries;
  - c) there are no uncertainties as to grant of a planning consent; and
  - d) the Council is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- 8.2 Alternatively, this method can be considered where all matters to enable a tenderer to come to a firm price and raise funding for the purchase are in place and available as part of the tender package. For example; the disposal of land to a developer with an obligation to build industrial units for lease.
- 8.3 Other situations which may benefit from this type of sale are land or property sales which have attracted intense local interest from several local parties with a particular interest, or where late bids have, or are considered likely to be made.
- 8.4 This method can provide a well organised, transparent way of achieving completion when a timeframe is essential, but is often more costly and a longer lead in period is required.
- 8.5 Formal tenders will not be appropriate where the land ownership position is complex or the development proposals for the land are insufficiently identified or otherwise incapable of detailed specification at the pre- tender stage. This is particularly so where a detailed planning permission is required, such as a listed property or property in a Conservation Area.

- 8.6 Authority to use this method will be by either by the Corporate Resources Lead Member, or the Assistant Director - Property, under Delegated Authority of the Director of Corporate Resources, as detailed under 4.2. In either case, the reasons justifying a sale by formal tender must be recorded in writing. The formal Tender Procedure to be adopted in such cases (subject to any amendments to this agreed by the Director of Law and Performance) is set out in Appendix B. Any exceptions to this Procedure must be authorised and recorded.
- 8.7 With a formal tender process a legally binding relationship is formed when the Council accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified in the tender documents. The tender documents should include a contract for sale or lease which should be completed with the tenderer's details, the tender price, include a deposit cheque to preclude withdrawal of the tender prior to acceptance and be signed by the tenderer. It will be released unconditionally to the Council on submission of the tender.
- 8.8 Sale of land by formal tender will require a detailed specification to be drawn up. This needs to specify the land to be sold, any requirements to be met by the tenderer and any obligations that must be met.
- 8.9 The Council will place a public advertisement stipulating the property for sale. Those who have expressed their interest, will then be invited to submit their tender bids, in accordance with the tender procedure outlined. Details are included under Appendix B.

## **9. DISPOSAL BY EXCHANGE OF LAND**

- 9.1 Disposal by exchange of land will be appropriate when it will achieve best consideration for the Authority and is advantageous to the Council and other parties to exchange land in their ownerships.
- 9.2 Authority for a disposal of land by exchange with another land owner for alternative land will be by either the CRD Lead Member, or the Assistant Director - Property, under Delegated Authority. In either case, reasons for justifying this manner of disposal must be recorded in writing. A binding legal agreement will be created when a contract is exchanged for the exchange.
- 9.3 The exchange will usually be equal in value. However, an inequality in land value may be compensated for by an equality payment or by other means where appropriate. For example, where the Council in exchange for a larger piece of land receives a smaller piece of land but the recipient of the larger plot agrees to build industrial units on the Council's smaller area to equalise the consideration. In such circumstances the Council may seek an independent valuation to verify that 'best consideration' will be obtained.

## **10. EXCEPTIONS**

- 10.1 Other methods of disposal may be used where circumstances warrant. Authority needs to be obtained in accordance with Para 4 above.

## 11. LATE BIDS AND OTHER CONSIDERATIONS

11.1 The Guidance from the Local Government Ombudsman recognises the problem caused to local authorities by 'late bids'. The Guidance says that difficulties are less likely if Councils ensure that exchange of contracts take place as quickly as possible after the decision to sell (or lease) is made. It suggests that local authorities should be allowed to sell at an agreed price within a reasonable period of reaching a 'subject to contract' agreement.

11.2 In the context of the methods of land disposal dealt with in this document, a late bid may occur:-

- (a) in the case of a private sale, after a sale or lease has been agreed, but before exchange of contracts
- (b) in the case of a public auction, after the auction has been closed, but the reserved price not having been met.
- (c) in the case of a formal tender, after the closing date for tenders, but before acceptance by the Council of the successful tender.
- (d) in the case of an informal or negotiated tender, after receipt of bids, but before exchange of contracts or signing of a development agreement.
- (e) in the case of disposal by exchange, after a sale or lease has been agreed, but before exchange of contracts.

11.3 Each 'late bid' must be considered in the context of the individual circumstances at the time. The Council's approach to 'late bids' will vary depending upon the method of land disposal used. In each case, its overriding duty will be to obtain the best consideration that it can reasonably obtain (subject to any exceptions in the General Disposal Consent). The Council's approach to late bids is as follows:

- (a) The Council discourages the submission of late bids in all cases when it is disposing of land. It will attempt to minimise problems by aiming for early exchange of contracts.
- (b) Where land is being disposed of by way of formal tender, bids received after the deadline for tenders, will be recorded as late, together with the time and date of receipt. The Lead Member for Corporate Resources should decide whether to consider late bids after taking advice from the Director of Law and Performance Management and the Deputy Chief Executive and Director of Corporate Resources.
- (d) Except as provided in 11.3b above, until the Council has entered a legally binding contract or agreement with another person it will consider late bids unless there are good commercial reasons for not doing so. This should be explained to any purchaser when a disposal of land by private sale or negotiated/informal tender is agreed.

- (e) Consideration of a late bid does not mean that it will necessarily be accepted even if it is the 'highest' bid. The Council will take into account the likelihood of the late bid proceeding to completion in a timely manner and the possibility of late bids being used as a spoiling or delaying tactic.
- (f) Subject to the above, the Council may, in appropriate circumstances, ask both the late bidder and other interested parties, to submit their best and final bids in a sealed envelope by a set deadline.
- (g) A decision on whether to accept a late bid for a private sale, informal tender or by exchange are to be made either by the CRD Lead Member or the Assistant Director – Resources.

11.4 A last minute bid may be rejected for sound commercial reasons. For example; if there is no real certainty of it leading speedily to a contract or is suspected as a spoiling bid.

11.5 The Council will at all times bear in mind that the overriding duty, unless a specific decision has been made to take advantage of certain exceptions as mentioned in the General Disposal Consent in order to further corporate objectives is to obtain best consideration.

11.6 In considering what amounts to 'monetary value' in terms of best consideration to be obtained, the creation of jobs or desirable social outcomes, although desirable, cannot be quantified by the Council.

11.7 Where land or property is sold at a restricted value in accordance with the General Disposal Consent or with the consent of the Department for Communities and Local Government, provision shall be incorporated into the contract and transfer requiring that any difference between the price paid and the full unrestricted value (as assessed by the Assistant Director – Property) shall be repaid to the Council should the land not be developed so as to provide for the non-monetary benefits which the Council sought to achieve. This refund of the effective land subsidy shall be referred to as “clawback”.

## **12. ACHIEVEMENT OF BEST CONSIDERATION WHERE LAND OR PROPERTY HAS REDEVELOPMENT POTENTIAL**

12.1 Where in the opinion of the Assistant Director – Property land has potential for redevelopment which will enhance its disposal value, outline planning consent for such development will be obtained prior to disposal.

12.2 Where the form of development which will maximise value cannot readily be identified it will be appropriate to market the land with bids invited subject to grant of planning consent for a specified form of development, on agreement by the Assistant Director – Property.

12.3 Contracts for the sale of land will include a restrictive covenant limiting development of the land to that specified in the outline planning consent or the form of development proposed in any bid made subject to the grant of planning consent.

12.4 Should any revised planning consent be obtained subsequent to a disposal which increases the value of the property sold, the County Council will not agree to waive or vary any covenant restricting the form of development without receipt of best consideration reflecting the increase in land value accruing. This uplift in land value shall be referred to as "overage".

12.5 Where land is sold which does not have any apparent development potential, a restrictive covenant will be included in the contract for sale and transfer prohibiting the erection of any structures on the land or its use as anything other than amenity land.

### **13. GENERAL DISPOSAL CONSENT**

13.1 The General Disposal Consent makes provision for the Council to dispose of land at less than full market value, known as an 'under-value'. Specified circumstances must apply as follows:-

- (a) The Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area.
- (b) The difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2 million.

For example; land may be sold at an under-value for only affordable housing rather than all residential types, as long as the difference between the consideration obtained for development for affordable housing and the land's unrestricted value for all residential types, is less than £2 million.

13.2 The Council must still comply with its duty to obtain best consideration for the restricted value. So, using the above example, the Council must ensure that it achieves the best consideration that may be reasonably obtained for land restricted to development for only affordable housing.

13.3 The Council must also comply with normal and prudent commercial practices including obtaining the view of a professionally qualified valuer as to the value with voluntary restrictions imposed.

### **CONTACT POINTS**

Estates Property Manager - Andrew Preissner 01273 481473

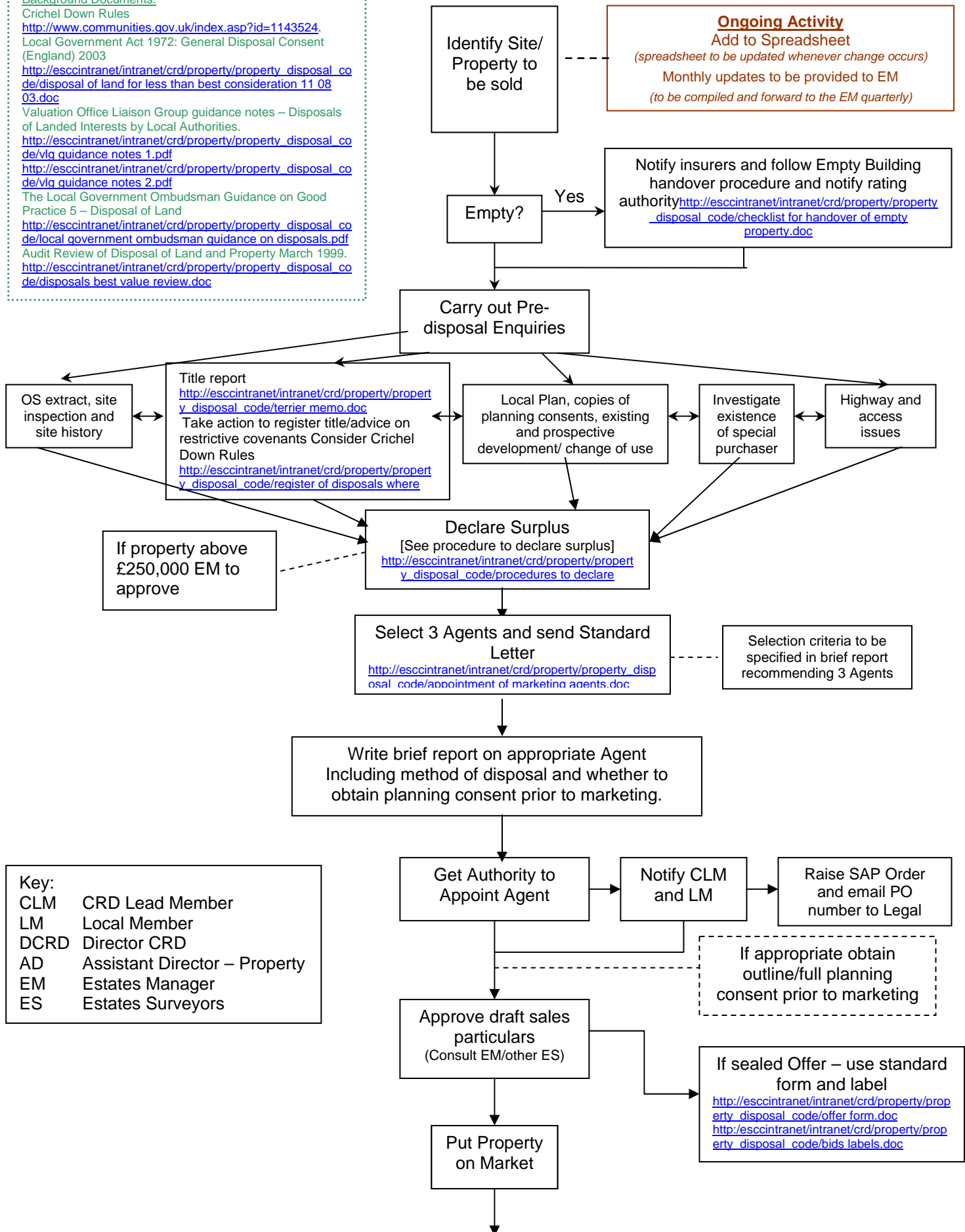
Property and Contracts Senior Solicitor - Hilary Nelson 01273 481477

# DISPOSAL PROCEDURE

## APPENDIX A

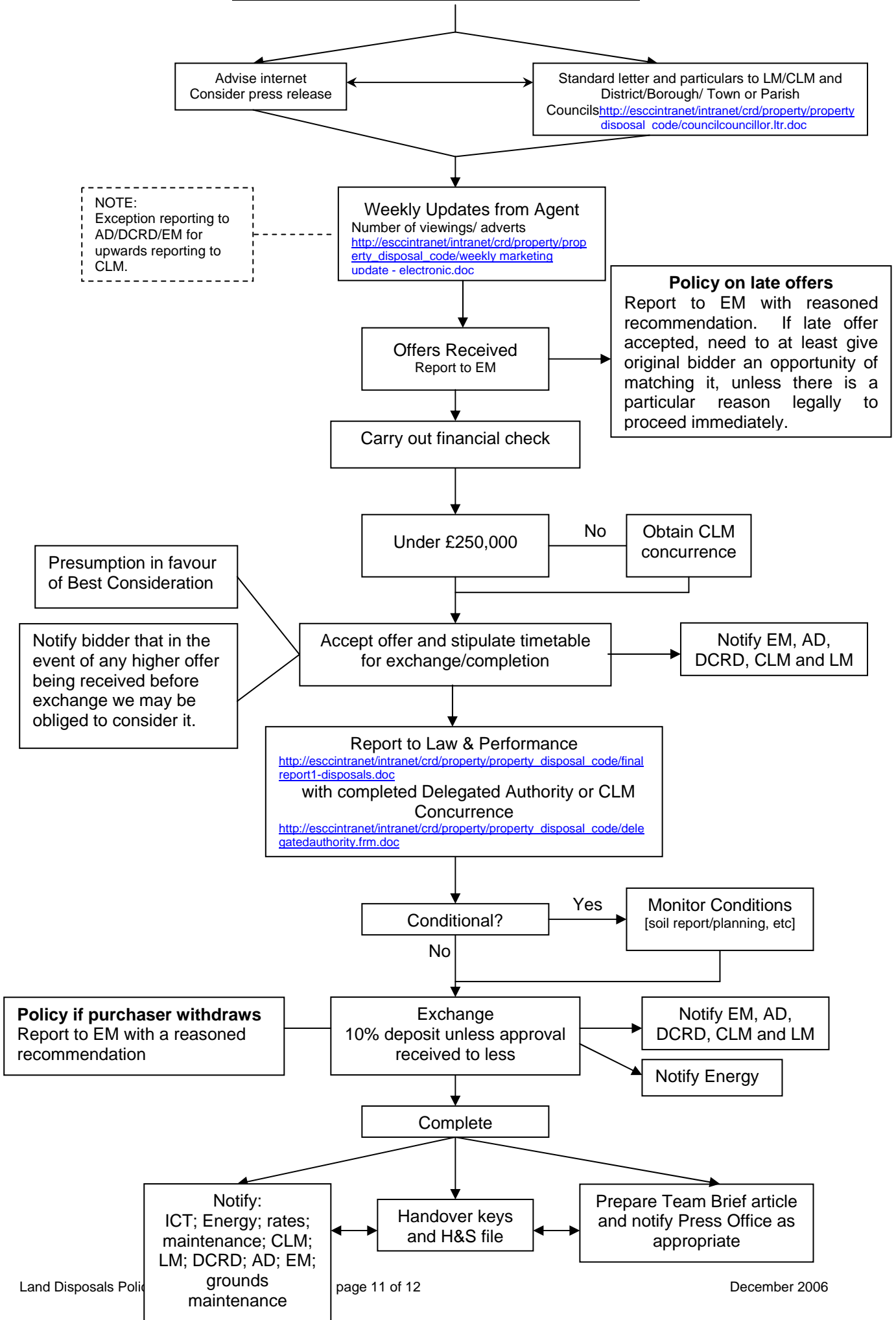
**Background Documents:**

Crichel Down Rules  
<http://www.communities.gov.uk/index.asp?id=1143524>.  
 Local Government Act 1972: General Disposal Consent (England) 2003  
[http://escctrinet/intranet/crd/property/property\\_disposal\\_code/disposal\\_of\\_land\\_for\\_less\\_than\\_best\\_consideration\\_11\\_08\\_03.doc](http://escctrinet/intranet/crd/property/property_disposal_code/disposal_of_land_for_less_than_best_consideration_11_08_03.doc)  
 Valuation Office Liaison Group guidance notes – Disposals of Landed Interests by Local Authorities.  
[http://escctrinet/intranet/crd/property/property\\_disposal\\_code/vlg\\_guidance\\_notes\\_1.pdf](http://escctrinet/intranet/crd/property/property_disposal_code/vlg_guidance_notes_1.pdf)  
[http://escctrinet/intranet/crd/property/property\\_disposal\\_code/vlg\\_guidance\\_notes\\_2.pdf](http://escctrinet/intranet/crd/property/property_disposal_code/vlg_guidance_notes_2.pdf)  
 The Local Government Ombudsman Guidance on Good Practice 5 – Disposal of Land  
[http://escctrinet/intranet/crd/property/property\\_disposal\\_code/local\\_government\\_ombudsman\\_guidance\\_on\\_disposals.pdf](http://escctrinet/intranet/crd/property/property_disposal_code/local_government_ombudsman_guidance_on_disposals.pdf)  
 Audit Review of Disposal of Land and Property March 1999.  
[http://escctrinet/intranet/crd/property/property\\_disposal\\_code/disposals\\_best\\_value\\_review.doc](http://escctrinet/intranet/crd/property/property_disposal_code/disposals_best_value_review.doc)



**Key:**  
 CLM CRD Lead Member  
 LM Local Member  
 DCRD Director CRD  
 AD Assistant Director – Property  
 EM Estates Manager  
 ES Estates Surveyors

# DISPOSAL PROCEDURE



## FORMAL TENDER PROCEDURE

- a) No tenders shall be invited unless Public Notice has been given in at least one local newspaper giving details of the property and the proposed transaction, and inviting interested persons to apply to tender within a period of not less than 28 days.
- b) Where an agent has been appointed to act on the Council's behalf, their name and address will also be given.
- c) Interested parties will then be provided with property particulars and details of the tender process.
- d) All tenders must be delivered in the envelope provided or in a sealed envelope addressed to the Director of Law and Personnel, bearing the words "Tender for ....." and the address of the land or property for sale, but without any name or mark indicating the sender. Applicants who wish to make their offers by post must do so by Recorded Delivery.
- e) No bid shall be accepted that is not specific, or made in reference to another bid, such as £100 over the highest bid.
- f) The Council will make it clear that it does not bind itself to accept the highest tender or indeed, any tender.
- g) Tender envelopes will remain unopened in the custody of the Director of Law and Performance until the appointed time for opening.
- h) All tenders will be opened together after the Closing Date has expired by one senior officer nominated by the Director of Law and Personnel and another officer. This may be a representative of Deputy Chief Executive and Director of Corporate Resources, if this is considered appropriate by the Director of Law & Personnel.
- i) The Director of Law and Personnel will maintain a record of tenders received.
- j) Any tenders received after the expiration of time for tendering, or which contravene any provision of the tendering conditions or instructions will only be opened with the authority of the Director of Law and Personnel after consultation with the relevant Lead Cabinet Member.

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