

**APPENDIX B**

**SURPLUS PROPERTY POLICY**  
**FINAL DRAFT FOR APPROVAL BY POLICY AND RESOURCES**

**1 POLICY STATEMENT**

Aberdeenshire Council will maximise the performance of its property assets by adopting a strategic approach to Asset Management that reviews and challenges the use of property assets to determine their suitability for current and future service delivery, where necessary implementing the delivery of enhancements or replacements, making provision for service delivery from alternative properties and the declaring surplus of properties that are no longer required for service delivery or are under performing.

- 1.1 The process by which the Council reviews its assets is set out in the Asset Review Procedure at Appendix 1. A potential outcome of the procedure is that a property that has been reviewed will be declared surplus to the requirements of the Council.
- 1.2 The process the Council adopts in disposing of surplus property is set out in the Property Disposal Procedure at Appendix 2.

**2 SCOPE OF POLICY**

- 2.1 The provisions of this Policy are supported by the Asset Review Procedure and Property Disposal Procedure and aligned to the long term objectives and purposes outlined within the Corporate Asset Management Plan.
- 2.2 The Policy only applies to land and buildings held by Aberdeenshire Council and specifically excludes Heritage Assets (tangible fixed assets with historical, artistic, scientific, technological, geophysical or environmental qualities that are held and maintained principally for their contribution to knowledge and culture). Heritage assets will not generally be considered as suitable for disposal.

**3 LINKS**

**3.1 Supporting Policies and Documents**

- 3.1.1 This Policy reflects the following:-
  - (i) Corporate Asset Management Plan (as approved by Policy and Resources Committee on 15 January 2015)
  - (ii) Asset Disposal (report to Policy and Budget Steering Group 28 March 2012);
  - (iii) Community Asset Transfer Policy (as approved by Policy and Resources Committee 9 June 2011), as subsequently amended;
- 3.1.2 This policy is aligned to the Community Asset Transfer Policy. It clarifies that, except in the circumstances outlined below, once a Community Asset Transfer request is received in respect of a property it will not be sold or leased to anyone else until the application is disposed of. The Community Asset Transfer Policy confirms that where the Council has already started to market an asset for sale or lease; entered into negotiations to transfer or lease the land; or proceeded further with a proposed transfer initiated before an asset transfer request was made, the Council will continue this process and the asset may be disposed of prior to the conclusion of the CAT process.

### **3.2 Previous Documentation**

3.2.1 This Policy replaces the following:-

- (i) Surplus Property Policy
- (ii) Surplus Property Guidance
- (iii) Procedure For The Disposal of Property

### **4 PRINCIPLES**

- 4.1 This Policy is adapted to reflect Scottish legislation, Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and the strategic requirements of Aberdeenshire Council. The Policy only applies to land and buildings held by Aberdeenshire Council and specifically excludes "Heritage Assets".
- 4.2 All property is held centrally and managed as a corporate resource. The Council adopts a Corporate Landlord model. As such, through the Property & Facilities Management team, it provides Architectural, Quantity Surveying, Engineering, Estates, Asset Management and Facilities Management services in-house. This team manages the Council's operational, investment and surplus property portfolios. It manages planned and reactive maintenance for operational and investment properties and facilities management for operational properties. It designs, costs, procures and project manages major capital projects and enhancement schemes. It acquires land and property for development and occupation and disposes of surplus property. Overarching these services is a comprehensive asset management regime that drives the development, maintenance, acquisition and disposal programmes. This Corporate Landlord approach underpins the Council's approach to the identification of properties that are surplus to the requirements of the Council through the Asset Review Procedure and the disposal of these properties through the Property Disposal Procedure.

### **5 COMMUNITY ASSET TRANSFER**

There is a potential conflict between the Council's Surplus Property Policy and the Community Asset Transfer Policy. Where the Council has already started to market an asset for sale or lease; entered into negotiations to transfer or lease the land; or proceeds further with a proposed transfer initiated before an asset transfer request was made, the Council will continue this process and the asset may be disposed of prior to the conclusion of the CAT process. Except in the above circumstances, once a Community Asset Transfer request is received in respect of a property it will not be sold or leased to anyone else until the application is disposed of.

### **6 OWNERSHIP ENQUIRIES**

The Council receives a significant number of enquiries from members of the public for sales of small areas of land or seeking confirmation of ownership. These enquiries can be time consuming to deal with and often lead to abortive work. The costs associated with selling small areas of land are increasing significantly. The Property Disposal Procedure states the amount that members of the public are charged for responding to ownership enquiries, whether or not it transpires that the Council owns the land. Although the Council has a comprehensive list of the buildings that it owns, it does not currently have a comprehensively accurate, readily available, mapped record of its property ownership (including accurate boundaries), as a result of which most enquiries require significant time and effort (particularly from the Legal & Governance Service) to provide a response.

**7      REVIEW**

It will be necessary to review this Policy, the Asset Review Procedure, the Property Disposal Procedure and the Community Asset Transfer Policy when the provisions of the Community Empowerment (Scotland) Act are fully enacted. The available terms of the Act have been reviewed prior to producing this Policy.

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