

WYPCC – Decision

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Timing:	Community Outcome Meeting 3 June 2013
Purpose:	Decision on policy relating to disposal of surplus police buildings
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SUBJECT OF ADVICE Policy Statement on Disposal of Police Buildings

Summary: Significant rationalisation of the estate is underway as part of the strategy to meet the budget reductions required as a result of the government's spending review. A draft policy statement is attached for the Police and Crime Commissioner's (PCC) consideration.

Recommendation: That the PCC agrees the policy statement set out in the attached appendix.

Consideration: Under the Localism Act 2011, community groups may apply to the local authority for their area for buildings, including those in the ownership of the PCC, to be placed on a register of community assets. Planned disposals of such assets must be reported to the local authority which is then required to seek any expressions of interest in acquiring the property from community groups. An initial period of six weeks is allowed for expressions of interest; if a written intention to bid is received a full six month moratorium period applies. The sale itself takes place under normal market conditions.

The PCC is not required to maintain a list of community assets, but intends to notify the relevant local authority of any disposals which he deems to be of community interest, to enable the local authority to seek any expressions of interest from relevant community groups in registering the property.

The Local Government Act 1972: General Disposal Consent (England) 2003 (DCLG Circular 06/03) allows the PCC to dispose of property under £2,000,000 at less than best consideration without consent from the Secretary of State in circumstances where he considers that it will help to secure promotion or improvement in the economic, social or environmental well-being of the area.

Where expressions of interest are received from relevant community groups via the local authority , the PCC will consider whether it is appropriate to dispose of the land (whether by sale or lease) at an undervalue, having regard to normal and prudent commercial practices and exercising his fiduciary duty in a way which is accountable to local people. This will be considered on a case by case basis in line with the timescales in the Localism Act and the Estates Disposal Policy. There is no automatic presumption however that disposals will be at less than market value, given the current economic climate and the need to ensure returns are optimised in order to keep communities safe and feeling safer.

This is formalised in the attached policy statement.

Affordability: The policy may extend the period where assets surplus to operational requirements are held, involving additional running costs and delay in obtaining a capital receipt, which may in certain circumstances be less than that obtainable on the open market. This will need to be considered on a case by case basis by the PCC.

Supporting and Dissenting Views:

APPENDICES: Draft Policy Statement on the Disposal of Police Buildings

DRAFT POLICY STATEMENT

DISPOSAL OF SURPLUS POLICE BUILDINGS

BACKGROUND

The Police and Crime Commissioner's (PCC's) Community Outcome Framework has as its overall objective that communities in West Yorkshire are safer and feel safer. The PCC intends to ensure that ALL assets held by him on behalf of our communities are used in the most cost effective way to the benefit of those communities. We recognise that some property within the police estate is of importance to the social wellbeing of local communities, and have adopted a policy which allows interested groups an opportunity to preserve such properties for community use.

GENERAL PRINCIPLES

The PCC reserves the right to dispose of all property in a way which seems to him to represent best value for the taxpayer. Strategic estate planning is necessarily a long-term process and some decisions about the future of various buildings, particularly larger properties, may already have been made in the context of the need to find budget savings.

Under the Localism Act 2011, relevant community groups may apply to their local authority for local land or buildings to be included on their lists of community assets. The owner of such land must notify the local authority if they intend to dispose of it, triggering a moratorium period during which community groups can apply to be treated as potential bidders. An initial period of six weeks is allowed for expressions of interest; if a written intention to bid is received a full six month moratorium period applies. The sale itself takes place under normal market conditions.

The PCC is not required to maintain a list of community assets, but intends to notify the relevant local authority of any disposals which he deems to be of community interest, to enable the local authority to seek any expressions of interest from relevant community groups in registering the property.

The Local Government Act 1972: General Disposal Consent (England) 2003 (DCLG Circular 06/03) allows the PCC to dispose of property under £2,000,000 at less than best consideration without consent from the Secretary of State in circumstances where he considers that it will help to secure promotion or improvement in the economic, social or environmental well-being of the area.

Where expressions of interest in acquiring property on the community asset list are received from relevant community groups via the local authority, the PCC will consider whether it is appropriate to dispose of it (whether by sale or lease) at an undervalue, having regard to normal and prudent commercial practices and exercising his fiduciary duty in a way which is accountable to local people. This will be considered on a case by case basis in line with the timescales in the Localism Act and the Estates Disposal Policy. There is no automatic presumption however that disposals will be at less than market value, given the current economic climate and the need to ensure returns are optimised in order to keep communities safe and feeling safer.

For the avoidance of doubt this policy does not apply to any assets owned by the PCC but used in the provision of the National Police Air Service.