

Wiltshire Council

Cabinet

9 June 2020

Subject: Disposal Programme

Cabinet Member: Councillor Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Investment

Key Decision: Non-key

Executive Summary

The council has a programme of sites that are surplus to operational requirements and disposal or reuse for alternate purposes generates capital to support Councils overall Capital Programme. This report sets out the forecast receipts from disposals for the next three financial years. The report further seeks approval to declare specific sites surplus and capable of review to determine the best financial return for the council; the 2 assets to be declared surplus are listed in Appendix 2. In addition, the report seeks authority to approve the terms of sale for Martingate Centre, Corsham; as set out in Appendix 3.

Proposal(s)

- That Members note the position in respect of disposals for financial years 2019/20, 2020/21 and 2021/22
- That Members confirm that freehold interest of the 2 assets can be sold by the Council.
- That Members confirm the terms of sale for Martingate Centre, Corsham
- Authorise the Director for Housing and Commercial to dispose of the freehold interest in the assets or in his absence the Chief Executive Officer Place.

Reason for Proposal(s)

To note the current position in respect of capital receipts and confirm the freehold interest in the assets can be sold to either generate capital receipts in support of the Council's capital programme or reuse to generate income for the Council.

Alistair Cunningham
Chief Executive Officer

Wiltshire Council

Cabinet

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Purpose of Report

1. The purpose of this report is to note the current position in respect of capital receipts and confirm the freehold interest in the assets can be sold to either generate capital receipts in support of the Council's capital programme or reuse to generate income for the Council. The freehold interest in the 2 assets referred to in Appendix 2 are to be declared specific sites surplus and capable of review to determine the best financial return for the council. The report also seeks approval to terms for the disposal of Martingate Centre, Corsham, as set out in Appendix 3.

Relevance to the Council's Business Plan

2. The disposal of assets raises capital to assist and support the Council's medium term financial plan (MTFP) which subsequently supports the Council's Business Plan and its aims and targets. Specifically, the business plan describes taking *a commercial approach to managing assets* as part of the *Working with partners as an innovative and effective council priority*.

Background

3. On 26th March 2019, Cabinet approved a revised approach to disposal of surplus assets, as set out in Appendix 1. This report sets out the current position for disposals and capital receipts.
4. Once assets are declared surplus each site will be considered by the Asset Gateway Group to determine the best financial return for the Council, during which time other uses of the sites will be considered. The Group will determine what is in the best interest for the Council, both from a service and financial perspective.
5. In addition, the 2 assets listed in Appendix 2 are recommended for declaring surplus and capable of review.
6. On 7th March 2017, Cabinet approved the freehold disposal of Martingate Centre, Corsham subject to the following conditions:
 - Practical completion of a scheme of redevelopment

- An unfettered freehold title being sold (no overage provisions to be applied)
 - Open market value being paid, to reflect both special purchaser relationship and future hope value
 - The car park being retained by Wiltshire Council, likely by way of long lease
7. Negotiations have concluded and the Heads of Terms for the disposal are included in Appendix 3. These terms meet a number of the conditions, although one condition has not been fulfilled and Cabinet are asked to determine that this is acceptable in context of the overall terms agreed. The terms of the disposal are being presented to Cabinet as Part 2 (Confidential).

Main Considerations for the Council

8. The receipt of capital from the sale of assets is used to support the capital programme of investment in the communities of Wiltshire. Examples of the types of investment made and programmed to be made are provided in the Council's Budget but they range from investment in better roads, waste collection and recycling, extra care homes, health and wellbeing centres and initiatives to provide better and more efficient customer access to Council services.
9. Running, managing and holding assets is expensive but with careful investment as described above, services can be transformed and delivered in a way that improves customer satisfaction and relies less on needing a building/asset for service delivery.
10. Assets then become surplus to the core requirements of the Council and are available for alternate uses. One option is disposal where the capital realised can then be used to support further investment.
11. At Cabinet on 12 September 2017, the Cabinet resolved that the Council would not consider domestic / low value requests for land purchases. This approach remains to be adopted by the Council and will continue into the foreseeable future.
12. The disposal of Martingate Centre allows for investment into the centre to support the businesses within and the town centre generally. The car park remains within the control and management of the council.

Overview and Scrutiny Engagement

13. The Financial Planning Task Group considered the council's proposed Approach to Disposal of Assets and Property Acquisitions in March 2019 prior to its adoption by Cabinet.

Safeguarding Implications

14. There are no direct safeguarding implications with this proposal.

Public Health Implications

15. There are no direct public health implications with this proposal.

Procurement Implications

16. The decision to dispose of the freehold interest does not have any direct procurement implications. However, when the appointment of agents to market the assets or when pre-marketing surveys are required, their procurement is carried out in accordance with the Council's procurement rules and policies.

Equalities Impact of the Proposal

17. None

Environmental and Climate Change Considerations

18. Where a sale envisages potential development, any environmental and/or climate change issues are best considered through the planning application process. Should the review identify an opportunity retain sites the environmental and climate change considerations shall be considered as part of the business case for re-use of the site.

Risks that may arise if the proposed decision and related work is not taken

19. The Medium Term Financial Plan (MTFP) for the Council is, in part, dependent on the success of the disposal of property and assets. Failure to decide to declare new freehold interests to be sold, failure to sell those that are currently declared or an inability to re-use existing assets for alternate purposes will impact on the council's ability to achieve its overall business plan.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

20. A risk that may arise is that due to legislative or other changes a service need arises for an asset after it has been sold and the Council then has to look to acquire or rent in an asset. However, the list of assets will be considered by the Chief Executive Officers and Directors, via the Asset Gateway Group, to determine if there is an identified service need that could be fulfilled from any of the properties on the list in Appendix 2. The purpose of the Asset Gateway Group is to establish service needs and establish the appropriate property solutions to satisfy these.

Financial Implications

21. As explained above, the realisation of capital from the sale of assets is used to support the MTFP and Council Business Plan. Reducing sales and the delivery of capital receipts will reduce the amount that the Council can invest in its communities and/or be used to reduce borrowings and thus free up revenue for delivering services. The disposal of surplus assets is not only

integral to the council's medium term financial planning but often makes good asset management sense too.

22. A capital receipt target for three years from 2018/19 has been set at £24.969m and a forecast of capital realised through disposals for these financial years to 2021/22 is, as at the start of April 2020:

Summary		As at 02/04/20			
Receipts targets		Sites	Banked	Forecast	Total
2018/19	£ 10,575,520	25	£ 11,262,577		£ 11,262,577
2019/20	£ 9,066,000	22	£ 9,388,585		£ 9,388,585
2020/21	£ 5,327,800	23		£ 8,805,823	£ 8,805,823
	£ 24,969,320				£ 29,456,985
				Variance	£ 4,487,665

23. Whilst a forecast for 2020/21 has been provided above, this is prior to a full assessment of the impact of Covid-19 having on both prices and willingness of purchasers to proceed. It would be prudent to not fully rely on this forecast and close monitoring of the impact will be undertaken throughout the year.

Legal Implications

24. There are no legal implications with the paper other than it will result in legal work to formalise them. In respect of the assets being put forward as part of this report, each asset is to be sold at or above market value, thereby ensuring that the best price properly payable will be received thus satisfying the requirements of s123 of the Local Government Act 1972. Market value will be determined by either open marketing of the sites or through an external valuation being procured to reflect any special circumstances. The assets will also be categorised as strategic assets due to their strategic importance to contribute to the MTFP and will not be available for Community Asset Transfer unless Cabinet subsequently decides otherwise.
25. Legal Services will work with SA&FM to investigate the freehold titles to the properties and identify any site constraints that will need to be considered on any proposed disposal

Workforce Implications

26. The sites being declared surplus do not have any staff located, thus there are no workforce implications to be considered. Any work on reviewing assets will be carried out within existing staff resources.

Options Considered

27. Declaring additional assets surplus to the requirements of the Council will provide additional funds for the Medium Term Financial Plan and Council's Business Plan. Prior to disposal the Council will undertake a thorough review of the options for assets ensuring the outcome is in the best interest of the Council.

Conclusions

28. To confirm the freehold interest in the assets can be sold to generate capital receipts in support of the Council's capital programme and to maximise the amount of capital from them to support the MTPF and Council Business Plan, after a review of the options to determine how the best interest of the Council can be achieved.

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17 April 2020

Appendices

Appendix 1 - Disposal Process

Appendix 2 - Sites to be declared surplus

Appendix 3 - Sale of Martingate Centre, Corsham (Part 2)

Background Papers

The following documents have been relied on in the preparation of this report:

None