



Land & Property Acquisition Policy

Arlesey Town Council (ATC) will only consider the purchase of land or property to meet the specific needs of community projects previously identified and approved by the Council. Land and property will not be purchased for any other purpose.

Before the Council approves the purchase of land or property it will ensure:

- the land or property suits the Council's specific project needs
- the price is based on a survey undertaken by the 'Valuation Office Agency' (VOA)
- legal obligations, such as planning restrictions, have been fully researched and a risk assessment has been undertaken

This policy gives general advice to the Council when considering acquiring land for community use.

It is not intended to replace advice from ATC's own professional and legal advisers. The Council will need to consult these whenever it proposes to acquire land.

For the avoidance of any doubt *land: means freehold or leasehold land in the United Kingdom, held (in the case of land in England and Wales) for a legal estate. 'Land' includes buildings, and also includes an interest over other land where that is acquired to accommodate the land being purchased.*

The word '**must**' is used where there is a specific legal or regulatory requirement that you must comply with. 'Should' is used for minimum good practice guidance you should follow unless there's a good reason not to.

The Council needs to take all reasonable steps to ensure that:

- it **must** have the necessary power or authority to purchase the land
- the property is suitable for its intended use and, in particular, is not subject to any legal or planning restrictions or conditions which might conflict with that use, or with which it may be difficult for the Council to comply
- any necessary planning permissions are obtained
- the price or rent to be paid **must** be based on valuation provided by the 'VOA', save as to the complexities of the particular land acquisition in question
- sufficient funds are held to complete the purchase, including the receipt of expected grant monies being confirmed prior to the purchase being completed
- the proper consent for borrowing, which is restricted to loans from Public Works Loan Board, has been obtained prior to the purchase completing
- when acquiring a lease, obligations are fully understood, the terms of the lease are fair and reasonable and have been drawn up or been approved by the Council's appointed conveyancer/solicitor
- on specialised matters, appropriate professional advisers should be consulted; the cost of taking professional advice must have been previously approved by the Council

Determining what constitutes 'reasonable steps' will depend on:

- the seriousness of the loss or harm that might result to the Council or its beneficiaries (i.e. the electorate) if the Council mishandles the administration.
- proper practices already observed by the Council in the usual conduct of its business
- the skills which the Council has as a collective body in such matters.

VOA Surveyor's report

This policy requires that the council, **must** obtain a surveyor's report from the 'VOA' who is deemed by the Council to be competent and truly independent. It also recommends that the Council **must** only proceed if the report includes the following:

- a description of the land
- details of any planning permission needed
- a valuation of the land
- advice on the price the Council ought to offer to pay, or on the maximum bid they ought to make at auction
- a description of any repairs or alterations the council would need to make, and the estimated cost
- a positive recommendation (with reasons) that it is in the interests of the council to purchase the land to satisfy the aim of the specific project previously identified
- anything else the surveyor thinks relevant, including a description of any restrictive or other covenants to which the land is subject

Policy adopted by Town Council on 17th January 2023.