

Birchington Parish Council

Acquisition of High Value Assets

1. Policy

Purpose:

To establish a transparent, accountable, and consistent framework for the acquisition of land, buildings and other assets by the Council, ensuring alignment with statutory obligations, best value principles and community benefit.

Scope:

This policy applies to:

- Acquisitions valued in excess of £5,000.
- Freehold and leasehold acquisitions.
- Shared or co-managed assets.
- Tangible property (e.g. buildings, equipment) and certain intangible assets (e.g. rights of way, digital infrastructure) where appropriate.

Principles:

1. *Transparency* – All acquisitions within scope will follow clear governance processes and be subject to appropriate scrutiny.
2. *Best Value* – Acquisitions must secure value for money and improvement, balancing economy, efficiency, and effectiveness.
3. *Community Benefit* – Where assets serve the public, acquisitions should maintain or enhance service delivery.
4. *Legality & Compliance* – All acquisitions must comply with relevant legislation.
5. *Accountability* – The Council must ensure proper documentation, approvals and reporting.

2. Process

Stage 1: Identification & Initial Agreement

- The Council identifies an asset for acquisition.
- Initial discussions establish rationale, public benefit and alignment with strategic plans.
- Initial valuation obtained.

Stage 2: Business Case & Due Diligence

Prepare a business case, including:

- Asset capital valuation.
- Revenue costs.
- Condition survey.
- Current and future service needs.
- Legal restrictions, covenants, and liabilities.
- Equality impact assessment and consultation with affected stakeholders conducted if appropriate.

Stage 3: Governance & Approvals

- Business case submitted to relevant committee(s).
- Where applicable, draft Heads of Terms.
- Seek formal approval through Full Council or delegated committee.

Stage 4: Transfer Mechanism (where applicable)

- Legal documentation prepared (transfer deed, lease, licence, or service-level agreement).
- Financial adjustments agreed (if consideration is payable).
- TUPE transfer of staff considered if service functions are included.

Stage 5: Completion & Handover

- Execution of legal documents.
- Asset registered with HM Land Registry if applicable.
- Handover pack prepared, including maintenance schedules, warranties, health & safety records.

Stage 6: Post-Transfer Review (where applicable)

- Joint review within 12 months to confirm obligations met.
- Ongoing monitoring arrangements if shared responsibilities continue.

3. Risk Assessment

Risk	Likelihood	Impact	Mitigation
Asset over/undervalued leading to poor value for money or financial loss	Medium	High	Independent professional valuation and financial scrutiny
Legal challenge (e.g., failure to demonstrate best value)	Low	High	Ensure compliance with Local Government Act 1972, best value duty, and transparent decision-making
Acquisition delays due to governance processes	Medium	Medium	Early engagement with governance teams; establish acquisition timetable
Hidden liabilities (e.g. asbestos, structural defects)	Medium	High	Commission full condition and environmental surveys before acquisition
Service disruption to the public	Medium	High	Clear communication plans, continuity arrangements, staged acquisition if required
TUPE/staffing disputes	Low	Medium	Early HR consultation, legal advice, and staff engagement
Community opposition	Low	Medium	Stakeholder engagement, equality impact assessment, consultation
IT/data security risks in transfer of digital assets	Low	High	Adhere to GDPR, cyber security standards, and data sharing agreements