

Portfolio Protection for Local Authorities



The challenges Local Authorities face

Local Authorities have a large and varied portfolio of property, acquired in many ways and held for different purposes.

Some of these property assets will be occupied buildings bringing in regular rental income and providing fairly reliable capital growth.

However, it is likely that there will be land that is not performing as well and sits outside the remit of regular monitoring and assessment. These may be plots of land or buildings that have been Council owned for longer than anyone can recall. Some properties will have been purchased or inherited as a result of local government re-organisation.

Others are 'handback' sites or residual land from compulsory purchase orders (CPOs) and capital projects and regeneration schemes.

We understand that time and budget constraints often mean that it is no longer practical to undertake regular visual inspections of all land owned, and so unauthorised use by third parties can start and continue unchecked for long periods. This can result in loss of control and/or possession that might cost dearly when you want to recover, sell or redevelop the land. It can also cause reputational damage if land use changes and planning enforcement action is required over the Local Authority's freehold property.





How we can help

To support you in addressing and mitigating challenges such as these, we provide practical and proactive advice working with you to protect your portfolio. Our expertise covers the breadth of issues you might encounter in relation to your land and buildings, such as:

Responding to existing risks

- Loss of land to adverse possession, including procedures for objecting to claims and how to prevent claims arising.
- Boundary disputes including establishing legal boundaries and strategies for reaching agreements.
- Unlawful changes of use, enforcement action and “untidy land” where the Local Authority may still be the owner and also the enforcer.
- Contamination caused by third party use, including invasive species liabilities.
- Trespassing through boundary encroachment and our recommended process for controlling this.
- Appropriation of reclaimed land to remove third party rights, unintentionally created public open space or rights of way and the options to ensure that rights are not created.

Future proofing your portfolio

- How to protect against giving away third party property rights, such as rights of way and other easements as a result of an unauthorised long user.
- Occupational rights issues, including checking for and disposing of these on sites in advance of development.
- Advice on assets of community value and listing impacts on property where it may be marked for future development.
- Town and Village Green issues, including protecting assets against rights arising.
- Occupational interests, including creating the right type for tenants and other users of land to ensure maximum flexibility for the Local Authority, as well as certainty over occupation.
- First registration of land to ensure that the Local Authority has a clear, registered and protected title, to make adverse possession claims more difficult.
- Portfolio audits to ensure that all Local Authority records of ownership and occupation are up to date such that it has comprehensive records in order to manage its portfolio effectively.
- Heritage listing issues including objecting to listing applications where Local Authority assets are impacted.

Training

In addition to advising on specific matters, we also offer training to Local Authority Officers involved in estates management and regeneration, providing the latest insight and techniques in managing and protecting your assets.

We tailor our training to the individual needs and portfolio of the Local Authority, and add value through:

- Combining technical law with practical guidance.
- Using examples from real cases.
- Hearing from our range of legal specialists leading the sessions.
- Delivering an interactive forum for live discussion.

Get in touch with us to see how we can help protect your portfolio and provide your team with the tools to navigate the challenges that they may face.



Why work with us

We have extensive experience of advising Local Authorities on discrete matters as well as providing project-based advice, covering all property matters within a regeneration scheme or working across a portfolio to achieve a strategic outcome.

Our Property Team includes expertise in all disciplines you need to support and protect your portfolio. From development, property acquisition or disposal, and portfolio management (including all aspects of landlord and tenant issues), to additional specialisms such as planning law, compulsory purchase and regeneration, specialist property litigation, social housing and construction.

We support a number of Local Authorities in managing their portfolios, including Warrington Borough Council, Halton Borough Council, Oldham Borough Council, Lancaster City Council and Essex County Council.

Whatever the size or structure of the assets that you manage, we provide a holistic service in advising on your portfolio-related matters.

The Team

For more information, or to discuss your portfolio in more detail, please contact:



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What our clients say...

“Helena has supported the Property team at Warrington Borough Council for many years. She is our first call for all property matters and provides us with clear and effective advice, always with a full appreciation of the particular complications associated with the management of a Local Authority property portfolio.

The whole team at Brabners reflect Helena’s qualities and we look forward to working with them in the future.”

Arthur Pritchard
Warrington Borough Council