

6th June 2022**Agenda item: 3**

REPORT OF THE CORPORATE DIRECTOR, PLACE

PROPERTY DECISIONS

Purpose of the Report

1. To seek approval to proposed methodology on making decisions relating to the Council's property interests.

Background

2. Under the Terms of Reference for the Cabinet system responsibility for the Council's property estate lies within the Cabinet Member for Economic Development and Asset Management portfolio.
3. In the previous Committee system, the following transactions required Committee approval as agreed by Finance and Property Committee on 20th January 2014 and further confirmed by Policy Committee on 16th May 2018:
 - 1) Disposals (sale or exchange/premium leases) with a capital value exceeding £100,000.
 - 2) Compulsory Purchase Order Claims subject to a payment exceeding £100,000.
 - 3) Grant and renewal of leases/licences where the duration is 25 years or more and the rent/fee proposed represents market value.
 - 4) Disposals (including leases/licences) which represent less than best consideration reasonably obtainable.
 - 5) All proposed acquisitions of an interest in land.

The following transactions were delegated to officers to be taken as decisions taken by the Service Director Investment and Growth.

- Grant and renewal of general leases/licences where the duration is less than 25 years and the rent/fee proposed represents market value.
- Grant and renewal of short term (less than 3 months) licences for community type uses (such as fire work displays, summer fairs etc) – consideration may or not be payable in such circumstances.
- Renewal of leases where there is an automatic right to renewal under specific legislation – such as Telecom tower.
- Granting of wayleaves and easements to statutory undertakers.
- Deeds of variation.
- Dilapidations surveys and the agreement of compensation/claims.
- Landlord's consent – alterations/change of use/assignments/sub lettings etc.
- Rent reviews.
- Compulsory Purchase Order Claims subject to a payment not exceeding £100,000.

- Disposals (sale or exchange/premium leases) being defined as a capital value not exceeding £100,000.
- Academy conversions.
- Establishment of reserve and guide prices for the sale of property.
- The submission of planning applications for the development of County Council owned land.

Report

4. It is proposed that in the Cabinet system a similar approach is adopted. Therefore, the following list of transactions are proposed to be delegated to the Service Director Investment and Growth:
 - Grant and renewal of general leases/licences (including subleases and sub underleases) where the duration is less than 25 years and the rent/fee proposed represents market value.
 - Grant and renewal of short term (less than 3 months) licences for community type uses (such as fire work displays, summer fairs etc) – consideration may or not be payable in such circumstances.
 - Renewal of leases where there is an automatic right to renewal under specific legislation – such as Telecom tower.
 - Granting of wayleaves and easements to statutory undertakers.
 - Deeds of variation.
 - Dilapidations surveys and the agreement of compensation/claims.
 - Landlord's consent (including superior landlord consent) – alterations/change of use/assignments/sub lettings etc.
 - Rent reviews.
 - Compulsory Purchase Order Claims subject to a payment not exceeding £100,000.
 - Disposals (sale, land exchange, premium leases, deeds of grant, easements, and wayleaves to non-statutory undertakers) being defined as a capital value not exceeding £100,000.
 - Academy and foundation conversions (including all documentation to facilitate the conversion).
 - Lease or freehold transfers (including any other documentation required to facilitate the transaction) to Academy Trust/Foundation Trust for the creation of new schools or school expansions in accordance with all appropriate education legislation.
 - Establishment of reserve and guide prices for the sale of property.
 - The submission of planning applications for the development of County Council owned land.
5. If any decision is a key decision, it will be referred to the Cabinet Member for approval (subject to any decisions reserved to Cabinet).
6. Before taking Property Decisions the Service Director will liaise with the Cabinet Member to ascertain if the matter is one which the Cabinet Member believes is of such interest that it should fall with them to make the decision.
7. After liaison with the Cabinet Member the Service Director will consult with relevant Ward Members

prior to making the decision.

8. All decisions made by the Service Director will be published on the Delegated Decision Record which is publicly available.

Other Options Considered

9. The financial limits on disposals were considered as to whether these could be beneficially extended but it is concluded that the current limits are satisfactory.
10. If the proposed methodology set out in this report is not adopted then all decisions for the transactions set out in this report will need to go to the Cabinet Member. This will be very time consuming and would require a high number of reports and decisions to go to the Cabinet Member which is not an efficient use of resources for what are relatively low level and routine transactions.

Reasons for Recommendations

11. The recommendations proposed will ensure that decisions involving the Councils property interests will be made at a suitable level.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial implications

13. There are no financial implications directly arising from this report, the financial implications of each decision will be made on a case-by-case basis.

RECOMMENDATIONS

- 1) It is recommended that approval be given to the adoption of the methodology for property decisions as outlined in the report.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Matthew Neal, Service Director, Investment & Growth, Tel: 0115 977 3822

Constitutional Comments (EP 26/05/2022)

14. The recommendation is within the remit of the Cabinet Member by virtue of their terms of reference.

Financial Comments (RWK 26/05/2022)

15. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

- None.

Electoral Division(s) and Member(s) Affected

County wide.