

Proposal to Amend Delegated Authority for Land and Property Resulting in amendment to the Constitution and Financial Rules

Amend 4G of the Constitution – Other Miscellaneous Functions

<https://meetings.westoxon.gov.uk/documents/s13259/Part4GOtherMiscellaneousFunctions.pdf>

Current

		applicable)	
1.	<p>Commercial Property Rent Reviews and Agreement of New Leases and Licences.</p> <ul style="list-style-type: none"> • Assignment of leases, deeds of variation, surrender of leases and landlord consents • Granting of Tenancy at Wills • Granting of Licences • Granting of wayleaves and easements • Agreement of rent reviews, unless (i) the decision is likely to result in court action; or (ii) the financial value of the rent review makes it a key decision as defined in the constitution of the Council • Agreement of new leases and licences to an increased rent maximum of £50,000 • Enforcement of the terms and conditions of any commercial lease or agreement 		<p>Senior Officer responsible for Property and Regeneration in consultation with the Executive Member responsible for Finance, the Director of Finance and the Head of Legal Services</p>
2.	To approve future lettings at Marriott's Walk		<p>Director of Finance in consultation with the Executive Members responsible for Finance and Economic Development.</p>

Proposed

No	Function	Decision Maker
1	<ul style="list-style-type: none"> • Grant of Licences up to 12 months • Grant of Licences to Alter • Grant of Landlord's consents • Grant of Wayleaves under Statutory Powers • Enforcement of the terms and conditions of any commercial lease or agreement <p>Subject to no unusual or contentious terms</p> <p>A register of decisions to be kept</p>	Assets Manager

2	<p>All Transactions listed below up to £50,000,</p> <ul style="list-style-type: none"> • Acquisitions and Disposal of Land and Property • Grant of Licences for more than 12 months • Rent Reviews, Agreement of New Leases and Lease Renewals • Assignment of leases, deeds of variation, surrender of leases • Grant of Tenancy at Wills • Grant of Easements 	Assets Manager in consultation with the Director Finance, the Executive Member for Finance and the Head of Legal Services
3	<p>All Transactions listed below up to the key decision threshold of £150,000</p> <ul style="list-style-type: none"> • Rent Reviews, • Agreement of New Leases and Lease Renewals • Assignment of leases, deeds of variation, surrender of leases • Grant of Tenancy at Wills • Grant of Easements 	Director of Finance in consultation with the Executive Member for Finance and the Head of Legal Services and the Assets Manager
4	<p>To approve leases at Marriotts Walk unless (i) the financial value of the transaction makes it a key decision as defined in the constitution of the Council</p>	Director of Finance in consultation with the Executive Members responsible for Finance and the Economy

The Financial Procedure Rules – Part 5I – F -Assets

<https://meetings.westoxon.gov.uk/documents/s13268/Part%205I%20-%20Financial%20Procedure%20Rules.pdf>

These rules will need to be updated to reflect the above

Current

F: ASSETS

F1 Introduction

F1.1 The council holds assets in the form of property, vehicles, equipment, furniture, cash and other items worth many millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services. Assets should be used to achieve the approved policies and objectives of the council with the minimum of waste, inefficiency or loss.

F1.2 This involves ensuring that appropriate assets are acquired, in line with the Council's Procurement Strategy; that they are recorded and kept securely and are disposed of effectively and economically when no longer required.

F2 Full Council

F2.1 Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals. Approval is delegated to Executive for acquisitions not exceeding £500,000 (for Social Housing) and not exceeding £250,000 (for other land or property), unless otherwise delegated in the constitution.

F2.2 Assets no longer required should be disposed off in accordance with the law and the rules and policies of the council, so as to maximise benefits.

F3 Executive

F3.1 The Executive is responsible for approving terms for land / property acquisitions, as above 2.1

F4 Chief Executive (or other delegated Officer)

F4.1 The Chief Executive (or other delegated officer) is responsible for:

- Determining applications for the assignment of leases and granting sub-leases and under-leases and other applications for consent required by leases, as delegated in the constitution.
- Signing contracts for the sale or purchase of land, for which the disposal/acquisition has been agreed by the Executive or Full Council.

Part 5I: Financial Procedure Rules

1 July 2015

F6 Monitoring Officer (or other appropriate Officer as delegated in the Constitution)

F6.1 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Executive Members and relevant Ward Member(s) and the relevant Director, has authority, in the case of the resale of former Council houses, to give the Council's consent in all cases under Section 157(1) of the Housing Act 1985 where consent is obligatory and in other cases approved by the Executive; and authority to approve applications for the sale of former Council houses in Areas of Outstanding Natural Beauty.

Part 5I: Financial Procedure Rules

1 July 2015

F6.2 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Ward Member(s) and a 48 hour period being allowed for any response to such consultation, has authority to approve all transactions relating to the council's properties (except residual housing land) within their existing classifications; including:

- New leases granted by the Council
- Determination of applications for the Council's consent as landlord, required under leasehold covenants, including assignments, sub-letting and alterations/improvements
- Rent reviews
- Lease terminations (including surrenders);
- Lease renewals
- Institution of proceedings for breach of any leasehold covenant (including recovery of rent arrears and forfeiture) and enforcement of any resultant Court Order or Warrants for Possession (in consultation with the Head of Property Services)
- Licences regulating the use or occupation of council property.

F6.2.1 Such approval (where appropriate) is to be on terms recommended by the District Valuer, or an independent Valuer.

F6.3 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Executive Member and the relevant Ward Member(s), has authority to agree the sale of Council-owned land on terms recommended by the District Valuer, or an independent Valuer, where the following conditions are fulfilled:

- The sale price of the land and easements does not exceed £50,000 and easements up to £25,000 per annum
- The terms of the sale are not unusual or contentious.
- The Executive Member and the Ward Member(s) have no objection to the sale.

F6.4 The Monitoring Officer (or other delegated Officer) has similar delegated authority in relation to land purchases and easements, as set above.

F6.5 The Monitoring Officer (or other delegated Officer), in consultation with the appropriate Director and Head of Property Services, has authority to approve the granting of way leaves, licences and other rights of use in respect of Council property.

F6.6 The Monitoring Officer (or other delegated Officer) has the authority to instigate any investigations he/she considers necessary in particular cases regarding the lease of Council-owned commercial premises.