

Agenda Item No: **Report No:**

Report Title: **Property Report – part 2**

Report To: **Cabinet** **Date:** **20th November 2014**

Cabinet Member: **Councillor Andy Smith**

Ward(s) Affected: **All Wards**

Report By: **Alan Osborne, Director of Corporate Services**

Contact Officer(s)-

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Purpose of Report:

To amend the Scheme of Delegations in relation to non-housing property matters.

Officers Recommendation(s):

- 1** That Cabinet recommends Council to amend the text of the Officer Scheme of Delegation as set out in the Council's Constitution (shown at Appendix A), to align more closely with the Scheme adopted by Eastbourne Borough Council in respect of non-housing property transactions and to approve or amend the associated financial or other limits (shown at Appendix B).
- 2** That subject to the approval of recommendation 1 above and contingent on subsequent Council approval, the Assistant Director of Corporate Services be authorised to make the necessary revisions to the Council's Constitution.

Reasons for Recommendations

- 2** This report recommends amending the scheme of delegation to align more closely with property transactions managed by Eastbourne Borough Council.

Information

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- 3.1** In September 2014, Cabinet approved the Property Roadmap to align the Council's property management more closely to the Corporate

Landlord model which is currently being implemented by Eastbourne Borough Council. This latest decision builds on the work identified within the Property Strategy, adopted by the Council in May 2012.

- 3.2** The Property Strategy will be supported by a number of Property Policies, which are in draft form currently. The policies set out how the Council will manage the property portfolio and landlord events, including engagement and consultation with interested parties, including Town and Parish Councils. The policies cover the following landlord events:
- (a)** Acquisitions
 - (b)** Disposals
 - (c)** Leases and Rents
 - (d)** Accessibility
 - (e)** Property Maintenance
 - (f)** Property Risk & Compliance
 - (g)** Community Asset Transfer
 - (h)** Corporate Sustainable Buildings
- 3.3** Additionally, work has begun to identify inefficiencies within existing processes and ways in which the Council's property can be managed more effectively to deliver the Council's strategic priorities. One strand of the work has been to review the Scheme of Delegations. The current scheme is set out at Appendix A.
- 3.4** Officers have compared the delegated authority in operation at Lewes District Council with neighbouring authorities, including EBC and ESCC, as well as neighbouring districts. The schemes are all broadly comparable, with the key differences relating to the financial limits for each transaction.
- 3.5** The Scheme adopted at Eastbourne is not directly comparable to the other neighbouring authorities. There are no financial or time limits within the Scheme, but for complex or sensitive property transactions (ie where there would be a high degree of interest from Towns, Parishes or local groups), the recommendations are reported to a Property Board.
- 3.6** It is recommended that the wording of the Council's Scheme of Delegations is amended as per the proposals attached at Appendix A with delegated authority given to the Director of Corporate Services in consultation with the Assistant Director of Corporate Services, the Director of Finance and the Directors of Business Strategy and Service Delivery.
- 3.7** It is also recommended that Cabinet either approve or amend the financial or other limits as shown in square brackets at Appendix A.

Financial Appraisal

4 There are no financial implications arising as a result of this report.

Legal Implications

The Legal Services Department has made the following comments:

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5.1 The changes proposed to the Scheme of Delegations to Officers are significant and require the approval of Council.

Sustainability Implications

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I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

Risk Management Implications

7 There are no risk management implications arising from this report.

Equality Screening

8 The recommendation has only positive or zero impact on equalities within the community.

Background Papers

9 None

Appendices

10 Appendix A: Current and proposed Scheme of Delegations

Appendix B: Scheme of Delegations in Neighbouring Authorities

Appendix A

Current Scheme of Delegations

Part 4 - Contract Procedure Rules (J1-J18)

Sale and lease of land

4.15 No sale or lease by the Council of land (where the value exceeds £5,000, or in the case of a lease, the estimated rent exceeds £1,500 per annum) shall be made except after auction or the invitation of tenders following public advertisement, in at least one newspaper circulating in the District, unless specifically authorised by Cabinet. This shall not apply to the renewal of a lease made pursuant of the Landlord and Tenant Act 1954 or to the sale of Council dwellings under the right to buy scheme.

Part 9 – Scheme of Delegation to Officers (U1-U29)

A Property Functions

(a) to be the Council's Corporate Property Officer responsible for the maintenance of the Council's Asset Management Plan.

(b) to be responsible for the management of land and buildings, the management of which has not been entrusted to another designated officer (Executive).

(c) to let land and buildings not used for residential purposes where the rent will not exceed £1,500 per annum and where the period of letting will not exceed five years or the tenancy is periodic.

(d) to grant wayleaves for utilities where the consideration does not exceed £1000 and the Corporate Head – Communities and Enterprise has first consulted the Tree and Landscape Officer, the Lead Councillor (Cabinet) and the Corporate Head – Legal and Democratic Services.

Proposed Scheme of Delegations

Part 4 - Contract Procedure Rules (J1-J18)

Sale and lease of land

4.15 No sale or lease by the Council of land (where the value exceeds £100,000, or in the case of a lease, the estimated rent exceeds £25,000 per annum) shall be made except after auction or the invitation of tenders or expressions of interest following public advertisement, in at least one newspaper circulating in the District, unless specifically authorised by Cabinet. This shall not apply to the renewal of a lease made pursuant of the Landlord and Tenant Act 1954 or to the sale of Council dwellings under the right to buy scheme.

Part 9 – Scheme of Delegation to Officers (U1-U29)

A Property Functions

(a) to be the Council's Corporate Property Officer responsible for the maintenance of the Council's Asset Management Plan and to manage the improvement, refurbishment and maintenance of the Council's non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision.

(b) to acquire or dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licenses and way-leaves of, in, or over buildings or land in connection with the Council's Functions in accordance with the following limits:

- Where the payment from the other party does not exceed [£100,000]; or
- Where the annual rent does not exceed [£25,000] per annum (except for a rent review); or
- Where the lease term of the property does not exceed [10 years]; or
- Where the payment to the other party does not exceed [£100,000]; or
- If land, the area is less than [0.2 acres (0.494 hectares)]; or
- If an easement or way-leave, the annual fee does not exceed [£1,000].

(c) To vary the terms and conditions of, or negotiate the surrender of, leases and licenses.

(d) To determine as landowner or landlord, applications for licenses, consents and permissions in respect of the Council's buildings or land.

Appendix B: Scheme of Delegations in Neighbouring Authorities

	Disposal	Acquisition	Rent	Length of lease	Area of land	Easements & Wayleaves	Variation to leases
LDC	£5,000	None	£1,500	5 years	No restriction	No restriction	No
ESCC	£100,000	£100,000	£25,000	10 years	0.2 acres (0.494 hectares)	£1,000	£1,000
Eastbourne BC	No restriction	No restriction	No restriction	No restriction	No restriction	No restriction	No restriction
Chichester DC	£200,000		£50,000	No restriction	No restriction	£50,000	Yes: up to £50,000
Hastings BC	£50,000	£50,000	£50,000	No restriction	No restriction	£50,000	Yes: up to £50,000
Mid-Sussex	£20,000	£20,000	£15,000	14 years	No restriction	No restriction	Yes: up to £15,000 and/or 14 years
Rother	None	None	None	None	None	None	None
Wealden	£50,000 (£25,000 for amenity land)	£50,000	£25,000	10 years	No restriction	No restriction	Yes: up to £25,000
Brighton & Hove	£250,000	£250,000	£250,000	No restriction	No restriction	£250,000	Yes: up to £250,000