

Property Sub-Committee

Wednesday 5 July 2023

12:00

Oak Room, County Buildings, Stafford

The meeting will be webcast live and archived for 12 months. It can be viewed at the following link: <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell
Deputy Chief Executive and Director for Corporate Services
27 June 2023

Agenda

- 1. Apologies**
- 2. Declarations of Interest**
- 3. Minutes of the Meeting held on 03 June 2023** (Pages 1 - 4)
- 4. Review of the Terms of Reference and Schedule of Decision Making Levels** (Pages 5 - 16)
- 5. Renewal Of Lease On The Landywood Voluntary Services Day Centre Premises at 154 Walsall Road, Great Wyrley** (Pages 17 - 18)
- 6. Exclusion of the Public**

The Chairman to move:

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 as indicated below”.

Part Two

(All reports in this section are exempt)

7. Assignment of Lease at Limewood

(Pages 19 - 26)

Membership	
Mark Deaville	Alan White (Chair)
Ian Parry	Philip White (Vice-Chair)
Jonathan Price	

Notes for Members of the Press and Public

Filming of Meetings

Staffordshire County Council is defined as a Data Controller under the Data Protection Act 2018. The County Council has agreed that public meetings should be the subject of live web transmission 'webcasting'. Fixed cameras are located within meeting room for this purpose.

The webcast will be live on the County Council's website and recorded for subsequent play-back for 12 months. The recording will also be uploaded to YouTube. By entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of webcasting.

If you have privacy concerns about the webcast or do not wish to have your image captured, then please contact the Member and Democratic Services officer named at the top right of the agenda.

Recording by Press and Public

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.

Minutes of the Property Sub-Committee Meeting held on 7 June 2023

Present: Alan White (Chair)

Attendance

Mark Deaville
Jonathan Price

Philip White (Vice-Chair)

Apologies: Ian Parry

Part one

8. Declarations of Interest

There were no Declarations of Interest on this occasion.

9. Minutes of the Meeting held on 03 May 2023

Resolved – That the minutes of the meeting held on 3 May 2023 be confirmed and signed by the Chairman.

10. Proposed Sub Lease of premises at 7 Eccleshall Road, Loggerheads, Market Drayton, Staffordshire

Details were submitted for the proposed sub-lease of the property at 7 Eccleshall Road, Loggerheads, Market Drayton to Loggerheads Parish Council.

Resolved - To approve the sub-letting of premises at 7 Eccleshall Road, Loggerheads, Market Drayton TF9 4NX to Loggerheads Parish Council for a term of 5 years from 1st July 2023 at a peppercorn rent for the express purpose of running a community managed library from the premises in line with other operating agreements for community managed libraries in Staffordshire; Approval of the final details of the transaction be delegated to the Assistant Director for Commercial and Assets to approve.

11. Yearly Report on the Activity of the County Farms' Tenancies Panel

The Sub-Committee considered the yearly activity report by the County Farms Tenancies Panel from 1 July 2022 to 30 June 2023.

Resolved – That the report be noted.

12. Exclusion of the Public

Resolved – That the public be excluded from the meeting for the following items of business which involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 as indicated below.

13. County Farms - Holding no.16 Aston Hall Estate - Approval of Progression Farm Letting at Rental Value Over £200,000 For Term (exemption paragraph 3)

Details were submitted for the proposed progression farm letting of Holding no.16 Aston Hall Estate.

Resolved – That approval be given for a progression farm letting of Holding no.16 Aston Hall Estate.

14. County Farms - Holding no.64 Bodnett's Estate - Approval of Starter Farm Letting at Rental Value Over £200,000 For Term (exemption paragraph 3)

Details were submitted for the proposed starter farm letting of Holding no.64 Bodnett's Estate.

Resolved – That approval be given for a starter farm letting of Holding no.64 Bodnett's Estate.

15. Disposal of the Ryecroft Site exemption (paragraph 3)

Details were submitted for the proposed disposal of the Ryecroft site.

Resolved – That approval be given to dispose of the Council's interests of the Ryecroft site to Newcastle under Lyme Borough Council on the terms set out in amended recommendations a-c as circulated at the meeting.

16. Sale of Former Magistrates Court, Spinning School Lane, and the adjacent Property known as 56A Albert Road, Tamworth exemption (paragraph 3)

Details were submitted of the proposed sale of the Former Magistrates Court, Spinning School Lane and the adjacent property known as 56A Albert Road, Tamworth.

Resolved – That approval be given of the proposed sale of the former Magistrates Court, Spinning School Lane and the adjacent property known as 56A Albert Road, Tamworth to Tamworth Borough Council; That final details

of the sale to be approved by the Assistant Director for Commercial and Assets.

Chairman

Property Sub-Committee – Wednesday 05 July 2023

Review of Terms of Reference and Schedule of Decision Making Levels

Recommendation

I recommend that Sub-Committee

- approve the proposed amendments to the Terms of Reference and Schedule of Decision Making Levels as shown on the appendix to this report and
- consider whether any further changes are needed to the document.

Report of The Deputy Chief Executive and Director for Corporate Services

Background

1. This Sub-Committee was established as part of a review of the Strategic Property Governance and Asset Management activity within the Council. An in depth audit report in 2019 specifically recommended that the Sub-Committee should review its Terms of Reference at least every 2 years.

3. The Sub-Committee last updated its Terms of Reference in August 2020 therefore a review is overdue.

4. The Terms of Reference along with the Schedule of Decision Making Levels are attached for consideration. Amendments to both documents are proposed. For the Terms of Reference a minor amendment is suggested to record the need to review the document on a 2 yearly basis. For the Schedule of Decision Making levels, the opportunity has been taken to improve the detail, particularly in relation to referral to the Secretary of State.

5. If members support the changes, due to their minor nature I propose to use my delegated authority to approve their implementation.

Equalities Implications - None

Legal and Risk Implications –Clear and Detailed decision making authority avoids the risk of challenge

Resource and Value for Money Implications- None

Climate Change Implications - None

Contact Details

Report Author: Julie Plant, Governance and Support Manager

Contact: 01785 276135. julie.plant@staffordshire.gov.uk

Property Sub-Committee

Membership and Terms of Reference

Purpose:

1. To exercise full delegated executive powers to consider and make decisions on all land and property transactions where the County Council has an interest and the value of that transaction is between £200,000 and below £2 million as defined in the schedule of decision making authority appended to these Terms of Reference.
2. To advise the Cabinet on the contents of the property strategy for the use of land and property in which the County Council has an interest, including Economic Regeneration Sites, County Farms and Enterprise Centres.

Meetings Arrangements

The Sub-Committee will be convened in accordance with the Access to Information Rules and will meet at monthly intervals on dates published in advance in the County Council's calendar of meetings.

The Director for Corporate Services, as Monitoring Officer, shall be the Proper Officer for the purpose of administering the Sub-Committee.

The provision for County Councillors to attend Cabinet meetings in accordance with the 'Local Member' provisions in the Constitution will be extended to permit attendance at Sub-Committee meetings.

Membership

The Sub- Committee will comprise:

- The Leader of the Council
- The Deputy Leader of the Council
- Cabinet Member for Commercial
- Cabinet Member for Environment, Infrastructure and Climate Change
- Cabinet Member for Education (and SEND)

Chairman

The Sub-Committee will be chaired by the Leader of the Council or, in his/her absence, the Deputy Leader of the Council.

Quorum

The Quorum for the Sub-Committee shall be two members, one of which must be either the Leader or Deputy Leader.

In circumstances where both the Leader and Deputy Leader are unable to participate in discussions on an item (eg. due to the need to declare an interest), that item will be referred to Cabinet for determination.

The meeting will be adjourned if, having been quorate at the start, the Leader or Deputy Leader leave the meeting causing it to no longer be quorate and a reconvened meeting will be arranged or the remaining business will be carried over to the next scheduled meeting.

Any business which cannot wait until the reconvened or next meeting will be forwarded to cabinet for consideration if a meeting of the cabinet is scheduled prior to the reconvened or next scheduled Sub-Committee meeting.

Voting

Decisions will be made by majority vote. Where the votes cast are equal the chairman shall have a second or, casting vote.

Sub-Committee Decisions

The Sub-Committee may consider items referred to it from other levels in the decision making structure appended to these Terms of Reference and may also refer to full Cabinet any issue within the Sub-Committees remit, on which it requires a wider view.

The Proper Officer shall decide whether a matter should be submitted to the Sub-Committee.

Any reports on which a member of the Sub-Committee has a conflict of interest shall be referred to full Cabinet for consideration.

Decisions made by the Sub-Committee shall relate to the responsibilities of the Executive only and are subject to the County Council's Budget and Policy Framework Rules, Call-in provisions, Access to Information Rules and Financial Regulations.

All decisions shall be taken on the basis of detailed written reports from the Cabinet Members and Lead Officers for Property Matters (either Strategic or Economic) , such reports shall include relevant advice from other County Council Officers including, where appropriate, the Head of Scrutiny.

All decisions of the Sub-Committee shall be formally recorded and submitted to the next meeting of the Cabinet for information.

County Farms Tenancies Panel

The County Farms Tenancies Panel shall act as an advisory body for decisions made by, or on behalf of the Panel, on the allocation of County Farm Tenancies.

Review of Terms of Reference and Schedule of Decision Making Levels

The Sub-Committee shall review the contents of this Terms of Reference and Schedule of Decision Making Levels on a 2 yearly basis.

Any significant changes proposed will be referred to the Audit and Standards Committee and Full Council for consideration

Any minor or consequential amendments to keep the Terms of Reference and Schedule of Decision Making Levels up to date with legislative requirements and/or to keep them in line with Council's decisions shall be authorised by the Deputy Chief Executive and Director for Corporate Services.

UPDATED JULY 2023

Appendix 1

SCHEDULE OF DECISION MAKING LEVELS FOR PROPERTY MATTERS (December 2017)

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
Acquisitions - all interests (with exception to Leases and acquisition by private treaty following compulsory purchase)	<p>All acquisitions at market value of £2m or above.</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All acquisitions at market value of between £200,000 and below £2m</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All acquisitions at market value below £200,000, and all Terms for those transactions</p>
Disposals 1 Freehold – at best consideration	<p>All disposals for best consideration at a market value of £2m or above.</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All disposals for best consideration, at a market value between £200,000 and below £2m</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All disposals for best consideration, at a market value of below £200,000, and all Terms for those transactions</p>

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
2 Freehold – at undervalue	<p>Any disposal of a freehold at an undervalue, where the undervalue value is £2M or more</p> <p>NB: <i>For an undervalue of £2m or more (including where the social economic environmental well-being criteria is not satisfied for an undervalue below £2m) approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003</i></p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>Any disposal of a freehold at an undervalue, where the undervalue value is less than £2m</p> <p>NB: <i>In accordance with the General Disposal Consent 2003, the consent of the Secretary of State is not required under s123 of the Local Government Act 1972 for an undervalue of less than £2m if the disposal helps to secure the promotion or improvement of the economic, social or environmental well-being of the area.</i></p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	
3 Leasehold at best consideration (Granting or surrendering (including farm business tenancies))	All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of £2m or above.	All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of between £200,000 and below £2m	All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
4 Leasehold at undervalue	<p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p> <p>Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2M or more.</p> <p>NB: For an undervalue of £2m or more (including where the social economic environmental well-being criteria is not satisfied for an undervalue below £2m) approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003.</p> <p>A short tenancy (granted for seven years or less, or the assignment of a term which has not more than seven years to run) is exempt from s123 requirements.</p>	<p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p> <p>Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is less than £2m</p> <p>NB: In accordance with the General Disposal Consent 2003, the consent of the Secretary of State is not required under s123 of the Local Government Act 1972 for an undervalue of less than £2m if the disposal helps to secure the promotion or improvement of the economic, social or environmental well-being of the area.</p> <p>A short tenancy (granted for seven years or less, or the assignment of a term which has not more than seven years to run) is exempt from s123 requirements.</p>	<p>for those transactions, including <i>Right of Renewal</i></p> <p>-</p>

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
	Final Terms and any variation in Terms, <i>including Right of Renewal</i> , for all transactions to be approved by the relevant Portfolio Holder	Final Terms and any variation in Terms, <i>including Right of Renewal</i> , for all transactions to be approved by the relevant Portfolio Holder	
Easements and Wayleaves (at best consideration)	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is £2m or more	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is between £200,000 and below £2m	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is below £200,000
Easements at Undervalue	Any Easement where the undervalue value is £2M or more. NB: For an undervalue of £2m or more (including where the social economic environmental well-being criteria is not satisfied for an undervalue below £2m) approval by the Secretary of State is required under Section 123 of the Local	Any Easement where the undervalue value is less than £2m NB: In accordance with the General Disposal Consent 2003, the consent of the Secretary of State is not required under s123 of the Local Government Act 1972 for an undervalue of less than £2m if the disposal helps to secure the promotion or improvement of the	-

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
	<p><i>Government Act 1972 and General Disposal Consent 2003.</i></p> <p>Final Terms and any variation in Terms for all transactions to be approved by the relevant Portfolio Holder</p>	<p><i>economic, social or environmental well-being of the area.</i></p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	
Charges – to be granted to SCC over land disposed of with payments by instalments	Where land is disposed of with payment of a consideration in instalments in the future with a <i>total</i> value of £2m or more	Where land is disposed of with payment of the consideration in instalments in the future with a <i>total</i> value of below £2m	-
Acquisition of Leases (where SCC is the Tenant) - Taking or surrendering	Any lease where the total rent over the term or a premium plus the total rent is £2m or more	Any lease where the total rent over the term or a premium plus the total rent is between £200,000 and below £2m	Any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000
Licences (and tenancies at will) – Taking or granting	Any licence where the total licence fee over the licence period is £2m or more	Any licence where the total licence fee over the licence period is between £200,000 and below £2m	Any licence where the total licence fee over the licence period is below £200,000.
Appropriations of Land	All Appropriations as authorised under section 122 of the Local Government Act 1972 (or any subsequent re-enactment thereof) including land for planning purposes as defined in section 246(i) of the Town and Country Planning Act	-	-

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
	1990 (or any subsequent re-enactment thereof)		
Other Transactions (e.g. Overage and Clawback)	Any disposal of land by Staffordshire County Council which contains overage or clawback should be reported to Property Sub-Committee but escalated to Cabinet if required.		
Notices to Terminate a Lease))To be covered by general delegations to Director for Corporate Services (Head of Property) and Director for Economy Infrastructure and Skills))		
Rent Review			
Authorised Guarantee Agreements (where SCC is the tenant)	Any departure from the policy of SCC of not entering into Authorised Guarantee Agreements in the capacity of Tenant – to be reported to Property Sub-Committee for initial consideration.		
Dilapidations- Settling of claims where SCC has been the tenant	Any claim totalling £2m or above	Any claim totalling between £200,000 and below £2m	Any claim totalling below £200,000
Acquisition of land by private treaty in connection with a Compulsory Purchase Order	Acquisitions made in furtherance of a compulsory purchase order to be delegated to the relevant Director in accordance with the original cabinet authority for the compulsory purchase order		
Development Agreements	-	All [<i>but escalated to Cabinet if required</i>]	-
Joint Use Agreements	Covered in main Scheme of Delegation to SLT members		
Removal of Restrictive Covenants	Any removal where the payment is £2m or more	Any removal where the total payment is between £200,000 and below £2m	Any removal where the total payment is below £200,000

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS Director for Corporate Services (see note 1 below)
Exclusivity/Lock out Agreements	-	All [but escalated to Cabinet if required]	-
Memorandum of Understanding	Covered in main Scheme of Delegation to SLT members		
Pre-emptions and Options	Where the total value of the property is £2m or above	Where the total value of the property is between £200,000 and below £2m	Where the total value of the property is below £200,000

Notes

1 Officers are reminded that before exercising any of the delegated powers below consideration should be given to whether there are any wider issues which should be taken into account which make it more appropriate for the decision to be made at member level.

To assist the following criteria is provided as a guide (although not exhaustive):

Officer Decision	Uncontroversial
	Covered by the sub scheme of delegation
	In accordance with agreed policy and budget provision
	Related to current/existing service provision
Member Level Decision	Controversial
	Direct impact on 'Customers'
	Politically Sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

2. All decisions can be referred to a higher tier in the decision-making structure



Not for publication by virtue of paragraph(s) 3
of Part 1 of Schedule 12A
of the Local Government Act 1972

Document is Restricted

Not for publication by virtue of paragraph(s) 3
of Part 1 of Schedule 12A
of the Local Government Act 1972

Document is Restricted

Not for publication by virtue of paragraph(s) 3
of Part 1 of Schedule 12A
of the Local Government Act 1972

Document is Restricted

