

County Council – Thursday 14 December 2017

Proposed Changes to the Constitution – Decision Making Structure for Property Related Matters Property Sub-Committee of Cabinet and Officer Scheme of Delegation

Recommendation:

1. That Council be recommended to note the establishment of a Property Sub - Committee of Cabinet and to approve the amendments to the Officer Scheme of Delegation as included in section 11 of Constitution.

Report of the Director for Strategy, Governance and Change

Background

Establishment of a Property Sub-Committee of Cabinet

2. The Leader of the Council has recently approved the establishment of a Property Sub-Committee of Cabinet 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 the transaction is between £200,000 and £2million (transactions above £2million value are considered by full Cabinet)
- 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.

The Sub-Committee membership comprises the Leader, the Deputy Leader and Cabinet Members for Commercial and Economic Growth. In addition the Cabinet Support Member for Learning and Employability shall be invited to attend and participate in all meetings but shall not have the right to vote.

The creation of the Sub-Committee and the band of £200,000 - £2million value on transactions which the Sub-Committee will consider has resulted in the need to review the Officer Scheme of Delegation in relation to property matters.

Current Scheme of Delegation

3. Under the current scheme responsibility for decisions is shared between the Director for Finance and Resources, for the County Councils general land and property and the Director of Economy, Infrastructure and Skills for economic regeneration sites including physical regeneration schemes, county farms and enterprise centres. In practice, the Head of Property leads on all land and property transactions, adding to the need to revise the Scheme of Delegation.

Proposed Scheme of Delegation

4. A Detailed review has been carried out of all types of transaction ranging from a major redevelopment scheme to the granting of a wayleave over County Council land. A Schedule has been drawn up of decision making levels for all those types of transactions and the Scheme of Delegation revised accordingly.

Extracts of the original Scheme of Delegation are shown at **Appendix 2** with new, replacement delegations shown at **Appendix 3**. As can be seen the delegations are mainly held by the Director of Finance and Resources with the requirement to consult the Director of Economy, Infrastructure and Skills on proposals/transactions relating to the County's economic development.

Appendix 1

Equalities Implications: None

Legal and Risk Implications: The amendment to the Constitution is required to provide a comprehensive and transparent delegation scheme for decisions on property related matters.

Resource and Value for Money Implications: The proposed changes have no direct cost implications.

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**Extracts from current scheme of delegation to officers
(Section 11 of the Constitution)**

Director of Finance and Resources (Table 4)

No.	Delegation	Overall Responsible Body
10	To represent Staffordshire County Council as a Director of Penda Property Joint Venture Company	Council/Cabinet
11	To administer all general asset management of the Council's property estate	Council/Cabinet
12	To approve the terms of all disposals where sold at best consideration up to and including £1m.	Council/Cabinet
13	To approve the terms of all acquisitions valued up to and including £1m.	Council/Cabinet
14	To approve the terms of all disposals by way of leases, tenancies, licences etc where they are at best consideration.	Council/Cabinet
15	To approve the terms of all acquisitions by way of leases, tenancies, licences etc in accordance with the requirements established via the Council's Strategic Property Board	Council/Cabinet
16	To take all necessary steps to secure the cessation of any unauthorised use or occupation of the County Council's land and property assets.	Council/Cabinet

Director of Economy, Infrastructure and Skills (Table 5)

No.	Delegation	Overall Responsible Body
36	To take all steps in connection with the administration and management of the Economic Regeneration Properties including Physical Regeneration Schemes, County Farms Estate and Enterprise Centres. This includes the purchase and disposal of land, the acquisition and granting of tenancies, licences and wayleaves, the serving of notices in connection with either estate, the granting of consent for alterations in the property or its use, and the settlement of rents, rent reviews, compensation and/or valuations where relevant	Council/Cabinet
37	Jointly with the Director of Finance and Resources, the approval of short term licences (up to three months) for car parking	Council/Cabinet
38	To authorise the Peak Park Authority to discharge the County Council's fun functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station	Council/Cabinet

APPENDIX 3

DELEGATIONS TO THE DIRECTOR FOR FINANCE AND RESOURCES

All decisions relating to the County Council's Economic Regeneration Properties, including Physical Regeneration Schemes, County Farms Estate and Enterprise Centres to be made in consultation with the Director for Economy, Infrastructure and Skills.

No.	DELEGATION	OVERALL RESPONSIBLE BODY
1	To represent Staffordshire County Council as a Director of Penda Property Joint Venture Company	Council/Cabinet
2	To take all steps to administer and manage the Council's property estate	Council/Cabinet
3	To approve all acquisitions at market value of up to £200,000 and all terms for those transactions	Council/Cabinet
4	To approve the terms of all disposals for best consideration at a market value of below £200,000 and all terms for those transactions	Council/Cabinet
5	To approve 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 for those transactions including Right of Renewal	Council/Cabinet
6	To approve any Easement or Wayleave where the total premium, consideration and/or rent over the term is below £200,000	Council/Cabinet
7	To approve any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000	Council/Cabinet
8	To approve any licence where the total licence fee over the licence period is below £200,000	Council/Cabinet
9	To settle any claim for dilapidations totalling less than £200,000 where the County Council has been the tenant	Council/Cabinet
10	To approve the removal of Restrictive Covenants where the total payment is below £200,000	Council/Cabinet

11	To approve Pre-emptions and Options where the total value of the property is below £200,000	Council/Cabinet
12	the granting of consent for alterations in the property or its use for Economic Regeneration Properties, including Physical Regeneration Schemes, County Farms and Enterprise Centres	Council/Cabinet
13	Jointly with the Director for Economy, Infrastructure and Skills, the approval of short term licences (up to three months) for car parking	Council/Cabinet

**DELEGATIONS TO THE DIRECTOR FOR ECONOMY, INFRASTRUCTURE
AND SKILLS**

No.	DELEGATION	OVERALL RESPONSIBLE BODY
1.	Jointly with the Director for Finance and Resources, the approval of short term licences (up to three months) for car parking	Council/Cabinet
2.	To authorise the Peak Park Authority to discharge the County Council's functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station	Council/Cabinet