



CABINET

DATE:	Friday, 21 April 2017
TIME:	10.30 am
VENUE:	Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Resources and Corporate Services Portfolio Holder and Deputy Leader of the Council
Councillor Ferguson	- Tourism and Culture Portfolio Holder
Councillor Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Leisure and Partnerships Portfolio Holder
Councillor Talbot	- Environment Portfolio Holder
Councillor Turner	- Commercialisation, Seafronts and Parking Portfolio Holder
Councillor Watling	- Planning and Regeneration Portfolio Holder

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford on 01255 686 584.

DATE OF PUBLICATION: WEDNESDAY, 12 APRIL 2017

AGENDA

1 Apologies for Absence

The Cabinet is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 17 March 2017.

3 Declarations of Interest

Members are invited to declare any Disclosable Pecuniary Interests, or other interests, and the nature of them, in relation to any item on the agenda.

4 Announcements by the Leader of the Council

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council

There are none on this occasion.

7 Matters Referred to the Cabinet by a Committee - Reference from the Service Development and Delivery Committee - A.1 - Update on the Relationship with the North East Essex Parking Partnership (Pages 9 - 10)

To enable Cabinet to give consideration to a request made to it by the Service Development and Delivery Committee in respect of the above.

8 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.2 - Corporate Budget Monitoring Report for the Third Quarter of 2016/2017 (Pages 11 - 16)

To enable Cabinet to give consideration to recommendations made to it by the Corporate Management Committee in respect of the above.

9 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership and Partnerships Committee - A.3 - Sustainability Transformation Plan (Pages 17 - 18)

To enable Cabinet to give consideration to a request made to it by the Community Leadership and Partnerships Committee in respect of the above.

10 Leader of the Council's Items - A.4 - Disposal of the Riverview Playing Fields at Lawford to Lawford Parish Council (Pages 19 - 24)

To consider the principle of the disposal of the playing fields at Riverview, Lawford to Lawford Parish Council.

11 Cabinet Members' Items - Report of the Leisure and Partnerships Portfolio Holder - A.5 - Determination of a Nomination to Register an Asset of Community Value: Ye Olde Cherry Tree, Clacton Road, Little Oakley, CO12 5JH (Pages 25 - 40)

To determine whether Ye Olde Cherry Tree meets the criteria set out in the Localism Act 2011 ("the Act") and the Assets of Community Value (England) Regulations 2012 ("the Regulations") following its nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria are pertinent.

12 Cabinet Members' Items - Report of the Resources and Corporate Services Portfolio Holder - A.6 - Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution Amendments (Pages 41 - 110)

To consider the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution amendments.

13 Management Team Items

There are none on this occasion.

14 Exclusion of Press and Public

The Cabinet is asked to consider the following resolution:

"That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 15 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act."

15 Report of Leader of the Council - B.1 - Terms for the Disposal of the Riverview Playing Fields at Lawford to Lawford Parish Council (Pages 111 - 114)

To consider proposed terms for the disposal of the playing fields at Riverview, Lawford to the Parish Council.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 26 May 2017.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 15 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Report of Leader of the Council - B.1 - Terms for the Disposal of the Riverview Playing Fields at Lawford to Lawford Parish Council

Information for Visitors

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MINUTES OF THE MEETING OF THE CABINET, HELD ON FRIDAY 17 MARCH 2017 AT 10.30 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA

PRESENT:

Councillor N R Stock OBE
Councillor G V Guglielmi

Councillor L A McWilliams
Councillor M J Talbot
Councillor N W Turner
Councillor G F Watling

PORTFOLIO:

Leader of the Council (Chairman)
Deputy Leader of the Council; Portfolio Holder for Resources and Corporate Services
Portfolio Holder for Leisure and Partnerships
Portfolio Holder for Environment
Portfolio Holder for Commercialisation, Seafronts & Parking
Portfolio Holder for Planning and Regeneration

Group Leaders Present by Invitation:

Councillors J A Broderick (Leader of the Holland-on-Sea Residents' Group) and M E Stephenson (Leader of the UKIP Group)

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Operational Services) (Paul Price), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Legal Apprentice (Megan Blake)

155. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor T M Ferguson (Portfolio Holder for Tourism and Culture), Councillor P B Honeywood (Portfolio Holder for Housing) and Councillor I J Henderson (Leader of the Labour Group).

The Leader of the Council informed Members that Councillor Honeywood's absence was due to illness.

The Leader of the Council welcomed Lisa Hastings, the Council's Head of Governance and Legal Services & Monitoring Officer back to Cabinet following her recovery from a back operation. Members welcomed Lisa with a round of applause.

156. MINUTES OF THE LAST MEETING HELD ON FRIDAY 17 FEBRUARY 2017

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 17 February 2017, be approved as a correct record and signed by the Chairman.

157. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time though later on in the meeting, as reported under Minute 164 below, and in relation to Citizens Advice Tendring – Service Level Agreement 2017/18 (Report A.3):

- (1) Councillors G V Guglielmi and Stephenson each declared a personal interest insofar as they personally knew the Acting Chairman of the Citizens Advice Tendring Board;
- (2) Councillor Broderick declared a non-pecuniary interest as a member of Citizens Advice Tendring; and

- (3) Councillor McWilliams declared a non-pecuniary interest as she was the Council's appointed representative on the Citizens Advice Tending Board.

158. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council referred to the significant amount of McDonald's packaging that was left as litter in road verges across the District by customers using the drive-through McDonald's Restaurant at Weeley. He announced that he intended, along with the Environment Portfolio Holder, to invite senior figures from the McDonald's hierarchy to a positive and constructive meeting to see if more could be done by them to reduce the amount of litter.

The Leader of the UKIP Group suggested that this meeting should be extended to include all of the drive-through fast food restaurants in the District.

The Deputy Leader of the Council suggested that the appropriate overview and scrutiny committee [Service Development and Delivery Committee] should also take this matter forward and widen it to include discussions with Highways England regarding litter on the A120.

159. ANNOUNCEMENTS BY CABINET MEMBERS

There were none.

160. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

161. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – A.1 – PERFORMANCE REPORT – QUARTER THREE: OCTOBER 2016 TO DECEMBER 2016

Cabinet was informed that, at the meeting of the Corporate Management Committee held on 13 February 2017, Members had considered the Performance Report for Quarter Three. An officer update was provided in relation to several indicators and projects.

The Committee had agreed to make the following comments to Cabinet:

- (a) *the Committee is concerned at the ongoing decline in performance in the handling of planning applications, especially major applications;*
- (b) *the Committee would like to see the various Portfolio Holder financial savings working parties continue in some form and that any reports/briefing papers submitted to those meetings should be circulated to all Members for their information;*
- (c) *the Committee would like to see an All Member briefing at which Members would be informed of, and could contribute towards forming, the overall vision for the future waste management and recycling contracts and the retender process and which should include a focussed initiative to promote recycling amongst the general public.*

The Cabinet had before it the following comments of the Resources and Corporate Services Portfolio Holder made in response to the comments of the Corporate Management Committee:

“The comment about Planning could imply that it was considered that there was concern about the way that planning applications are processed. I would like to make it absolutely clear that Cabinet do not consider there is an issue about the way that planning applications are dealt with. Furthermore, the time taken to consider minor and other applications is ahead of target. Whilst it is accepted that the time taken to deal with major applications is behind target, Planning have been receiving exceptional numbers of applications and should be commended for the way in which they have managed this workload.

With regard to the comment about the Portfolio Holder financial savings working parties, these were established for a particular purpose which was to consider potential savings options. The work on the budget has now moved on. As Portfolio Holder with responsibility for Finance I will lead the work with Cabinet colleagues to undertake the difficult decisions both about implementing savings and balancing the budget. Overview and Scrutiny will be consulted as necessary as part of this ongoing process.”

The Cabinet also had before it the following recommendations of the Resources and Corporate Services Portfolio Holder:

- (a) It is noted that only the major applications are behind target due to the exceptional numbers of applications being received and Planning be commended for the way they have managed this workload.*
- (b) The Portfolio Holder financial savings working parties do not continue but that, going forward, Cabinet will consider all options surrounding the difficult decisions facing us in relation to the budget and consult with Overview and Scrutiny as necessary.*
- (c) The All Member Briefing on 26th April will include a session on the waste and recycling contract.*

Having considered the comments of the Corporate Management Committee and the comments and recommendations of the Resources and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Watling and:

RESOLVED that the recommendations of the Resources and Corporate Services Portfolio Holder be approved.

162. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – A.2 – PUBLIC HEALTH

Cabinet was informed that, at the meeting of the Community Leadership and Partnership Committee held on 20 February 2017 the Council’s Head of Environmental Services (John Fox) had introduced the Council’s Public Health Improvement Co-Ordinator (Cassie Barrett) and Essex County Council’s Interim Public Health Specialist (Laura Taylor-Green) to the Committee and had given an overview of their respective roles.

The Council’s Public Health Improvement Co-Ordinator had then given a presentation to the Committee on Public Health. That presentation had covered the following:

- (1) Public Health in Tendring – Local Priorities;
- (2) Clacton Seafront Parkrun;
- (3) Breastfeeding Welcome Scheme.

- (4) Making Every Contact Count (MECC) – Partnership with Provide and Essex County Council Commissioner;
- (5) Housing and Hazard Awareness Project;
- (6) Upcoming Projects; and
- (7) Health and Wellbeing Board.

Officers had then responded to questions raised by Members on various issues which had included:

- Ensuring that the approach to Public Health was district wide;
- Community transport options;
- Reaching out to, and including, those who live in the rural areas of the District;
- Funding for outdoor Gyms;
- Mental Health in Schools; and
- Production of a Health and Wellbeing Strategy.

The Committee had agreed to make the following comments to Cabinet:

- (a) look at ways to ensure that public health projects are available across the district;*
- (b) look at ways of measuring the success of the work carried out; and*
- (c) note concerns that funding was currently in place for a fixed term only and the implications for the future provision of the Public Health Improvement Co-ordinator post.*

The Cabinet had before it the following recommendations of the Leisure and Partnerships Portfolio Holder:

“(a) The Portfolio Holder liaises with officers to ensure that public health projects continue to be implemented across the District.

(b) The projects continue to be monitored through the Corporate Performance Report and, if necessary, through the local Health and Wellbeing Board alongside evaluation of the projects being undertaken.

(c) The Council uses its influencing role to liaise with Essex County Council and uses the evaluation of projects to demonstrate outcomes and urge ECC to further fund this post at the end of the current term.”

Having considered the comments of the Community Leaderships and Partnerships Committee and the recommendations of the Leisure and Partnerships Portfolio Holder:

It was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:

RESOLVED that the recommendations of the Leisure and Partnerships Portfolio Holder be approved.

163. LEADER OF THE COUNCIL’S ITEMS

There were none on this occasion.

Cabinet Members' Items – Report of the Portfolio Holder for Leisure and Partnerships**164. CITIZENS ADVICE TENDRING – SERVICE LEVEL AGREEMENT 2017/18 (Report A.3)**

The following declarations of interest were made:

- (1) Councillors G V Guglielmi and Stephenson each declared a personal interest insofar as they personally knew the Acting Chairman of the Citizens Advice Tendring Board;
- (2) Councillor Broderick declared a non-pecuniary interest as a member of Citizens Advice Tendring; and
- (3) Councillor McWilliams declared a non-pecuniary interest as she was the Council's appointed representative on the Citizens Advice Tendring Board.

There was submitted a report by the Portfolio Holder for Leisure and Partnerships (Report A.3), which sought Cabinet's agreement to an updated Service Level Agreement (SLA) with Citizens Advice Tendring for 2017/18.

Cabinet was aware that Tendring District Council (TDC) had, for many years, supported Citizens Advice Tendring by way of grant funding. Since 2013/14 the core grant had been £144,000. This had been backed up by an annually agreed Service Level Agreement setting out what Citizens Advice was expected to deliver.

It was reported that a review of the operations of Citizens Advice had recently been undertaken driven by a number of factors, namely:

- The Chairman of Citizens Advice and 3 other trustees had recently resigned. The change in leadership and the appointment of new people to the Board would allow a fresh approach from the Trustees on the future direction of Citizens Advice.
- The CEO of Citizens Advice had left the organisation in June 2016. The post of CEO had been deleted and new part-time posts of Operations Director and Strategic Director had been created.
- Citizens Advice was now moving towards more electronic communication and National Citizens Advice was requiring all local bureaux to provide an advice line and webchat capability.
- There had been on-going discussions between officers from TDC and Citizens Advice to look at where Citizens Advice could be more efficient. As overall TDC funding continued to reduce it was essential to ensure that funding to Citizens Advice was providing value for money to the Council.

The two key areas of the SLA were:-

- Delivery of core services; and
- Provision of advice at localities outside of Clacton.

Cabinet was informed that those areas had been reviewed and updated in order to ensure that they reflected the current position and were relevant both to the service Citizens Advice provided and what the Council expected for its money. In addition, the SLA 2017/18 included a requirement for Citizens Advice to provide information that would measure how well they were delivering on those two areas.

Cabinet was advised that in order to further ensure that value for money from the grant paid to Citizens Advice was being achieved, representatives from Citizens Advice would be attending a future meeting of the Community Leadership and Partnership Committee in order to provide an update on their activities.

Having considered the information provided:-

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:-

RESOLVED that the Service Level Agreement between Tendring District Council and Citizens Advice Tendring for 2017/18, as attached at Appendix A to item A.3 of the Report of the Leisure and Partnerships Portfolio Holder, be approved.

Cabinet Members' Items – Report of the Portfolio Holder for Resources and Corporate Services

165. PROGRAMME OF MEETINGS 2016/2017 MUNICIPAL YEAR (Report A.4)

There was submitted a report by the Portfolio Holder for Resources and Corporate Services (Report A.4), which sought Cabinet's agreement, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a programme of meetings for the 2017/2018 municipal year.

Having considered the proposed Programme of Meetings:

It was proposed by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that the programme of meetings for the Council and Committees, as set out in the Appendix to item A.4 of the Report of the Resources and Corporate Services Portfolio Holder, be approved and be submitted to the Annual Meeting of the Council for formal approval, subject to the inclusion of the following extra meetings:

Corporate Management Committee – 24 July 2017; and
Corporate Management Committee – 16 October 2017.

166. ANNUAL TREASURY STRATEGY FOR 2017/2018 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS) (Report A.5)

There was submitted a report by the Portfolio Holder for Resources and Corporate Services (Report A.5), which sought Cabinet's agreement for the Annual Treasury Strategy for 2017/2018 to be submitted to Council.

Cabinet recalled that it had initially considered and agreed the Annual Treasury Strategy for 2016/2017, including Prudential and Treasury Indicators, at its meeting held on 20 January 2017 for submission to the Corporate Management Committee for review.

It was reported that the Corporate Management Committee had considered the Strategy at its meeting held on 13 February 2017 and had resolved that the Committee (minute 53 referred):

“Supports the proposed Annual Treasury Strategy for 2017/18 (including the Prudential and Treasury Indicators).”

Cabinet was made aware that the Annual Treasury Strategy had been subject to minor amendments to reflect the most up to date interest rate forecasts along with

the Prudential Indicators now taking into account the final budget for 2016/17, as agreed by Council on 7 February 2017. Apart from those minor amendments the Strategy remained as presented to Cabinet at its 20 January 2017 meeting.

Having discussed the Strategy and the proposals contained therein and having considered the comment of the Corporate Management Committee:

It was proposed by Councillor G V Guglielmi, seconded by Councillor Turner and:

RESOLVED that the comments of the Corporate Management Committee be noted; and that it be:

RECOMMENDED TO COUNCIL that the Annual Treasury Strategy for 2017/2018 (including Prudential and Treasury Indicators), be approved and implemented.

167. MANAGEMENT TEAM ITEMS

There were none on this occasion.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was due to take place on Friday 21 April 2017 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 11.26 a.m.

Chairman

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Key Decision Required	No	In the Forward Plan	No
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CABINET

21 APRIL 2017

REFERENCE REPORT FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

A.1 UPDATE ON RELATIONSHIP WITH THE NORTH EAST ESSEX PARKING PARTNERSHIP

(Report prepared by Mark Westall and Katie Sullivan)

BACKGROUND

At its meeting held on 27 February 2017 the Service Development and Delivery Committee received an update on the Council's relationship with the North East Essex Parking Partnership and especially the offer made by Essex County Council to extend the current term of the Joint Committee Agreement by four years.

The Committee had before it a briefing note prepared by the Head of Public Realm (Ian Taylor) and which was set out under the following main headings:-

- (1) Background;
- (2) Current Position;
- (3) Alternative Options;
- (4) Proposal and Delegated Power;
- (5) Financial Implications and Risk; and
- (6) Risk Management Implications.

The Committee also had before it a draft letter to Councillor Robert Mitchell, Chairman of the North Essex Parking Partnership which stated that Tendring District Council (TDC) had considered the matter, understood the advantages of continuing with the current agreement for a further four years and was in agreement with the proposal subject to the following provisions:-

- (a) TDC will not budget for any money to cover losses arising from the partnership;
- (b) No Camera enforcement cars will operate within the Tendring District; and
- (c) That the partnership agrees to further develop the arrangement with Civil Enforcement Officers employed by TDC to assist with meeting local requirements for on street parking enforcement.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

The Committee **RESOLVED** that **CABINET**:

- be requested to acknowledge the excellent job that the Parking Services team and their Portfolio Holder have done with regards to the building of relationships with the North East Parking Partnership.

- be requested to ensure that the North East Parking Partnership Terms of Reference are scrutinised by the relevant committee before the next contract is signed by TDC (likely 2021).

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

It is recommended that:-

- a) The Committee be thanked for their supportive comments regarding the work done on building relationships with the North Essex Parking Partnership.
- b) It will be ensured that the North Essex Parking Partnership Terms of Reference are scrutinised by the relevant committee before the next contract is signed by TDC.

Key Decision Required	No	In the Forward Plan	No
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CABINET

21 APRIL 2017

REFERENCE REPORT FROM CORPORATE MANAGEMENT COMMITTEE

A.2 CORPORATE BUDGET MONITORING REPORT FOR THE THIRD QUARTER OF 2016/17 (Report prepared by Anastasia Simpson)

BACKGROUND

At the Corporate Management Committee meeting on 13 March 2017 the Committee raised the comments to Cabinet in response to the Corporate Budget Monitoring Report, Third Quarter 2016/17.

The comments for Cabinet are detailed below:

Income from Section 106 Agreements

(a) no monies should ever be left in the “Less than one year column for Section 106 Agreement unallocated/uncommitted monies” i.e. the money should always have been allocated/committed or spent before that point;

Housing Revenue Account

(b) a robust system should be put in place to protect Council as much as possible from costs arising on-going major repairs/improvements to Council dwellings especially where these are as a result of tenants’ actions;

(c) Are the HRA properties periodically fully inspected and if not, why not?; and

Supporting People Funding

(d) Essex County Council (ECC) should be urged to reconsider its decision to end the Supporting People funding. The Committee is disappointed that this Council did not make a public protest at the time especially given the short timescale given before ECC’s decision came into effect and is concerned that this may have set a precedent for future ECC decisions. The Committee is also concerned that the blame for any future decision to remove Sheltered Housing Wardens as a result of budgetary pressures will now be placed at the door of this Council.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Cabinet is now asked to consider the comments of Corporate Management Committee:

The Committee **RECOMMENDED TO CABINET** that:

(a) no monies should ever be left in the “Less than one year column for Section 106 Agreement unallocated/uncommitted monies” i.e. the money should always have been allocated/committed or spent before that point;

(b) a robust system should be put in place to protect Council as much as possible from costs

arising on-going major repairs/improvements to Council dwellings especially where these are as a result of tenants' actions;

(c) Are the HRA properties periodically fully inspected and if not, why not?; and

(d) Essex County Council (ECC) should be urged to reconsider its decision to end the Supporting People funding. The Committee is disappointed that this Council did not make a public protest at the time especially given the short timescale given before ECC's decision came into effect and is concerned that this may have set a precedent for future ECC decisions. The Committee is also concerned that the blame for any future decision to remove Sheltered Housing Wardens as a result of budgetary pressures will now be placed at the door of this Council.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments are detailed in Appendix A.

A2 Appendix A

CORPORATE BUDGET MONITORING REPORT FOR THE THIRD QUARTER OF 2016/17 PORTFOLIO HOLDER RESPONSES

ITEM NUMBER	COMMENT	RESPONSE FROM PORTFOLIO HOLDER
A)	No monies should ever be left in the "Less than one year column for Section 106 Agreement unallocated/uncommitted monies" i.e. the money should always have been allocated/committed or spent before that point;	Noted.
B)	A robust system should be put in place to protect Council as much as possible from costs arising on-going major repairs/improvements to Council dwellings especially where these are as a result of tenants' actions;	Costs arising from tenant damage can and are charged back to the tenant where it is appropriate. This topic has recently been discussed within the service as it has not always been possible to follow up unpaid invoices as part of a formalised legal / bailiff cost recovery process.
C)	Are the HRA properties periodically fully inspected and if not, why not?	Properties are inspected fully when they become void or when a tenant requests a mutual exchange. All gas appliances are inspected annually as this is a legal requirement. Once a tenancy has commenced a property is not normally inspected unless a tenant raises a repair issue or something untoward is noticed by the Tenancy Management team as part of their management of our housing stock. For dwellings subjected to planned maintenance such as window or roof replacement an inspection will be carried out as part of those works.
D)	Essex County Council (ECC) should be urged to reconsider its decision to end the Supporting People funding. The Committee is disappointed that this Council did not make a public protest	Along with other Councils and service providers TDC did raise concerns about the funding cuts directly

	<p>at the time especially given the short timescale given before ECC's decision came into effect and is concerned that this may have set a precedent for future ECC decisions. The Committee is also concerned that the blame for any future decision to remove Sheltered Housing Wardens as a result of budgetary pressures will now be placed at the door of this Council.</p>	<p>with ECC commissioners, including highlighting the likely impacts.</p> <p>The decision to end Housing Related Support (HRS) funding for the provision of Sheltered Housing Support and Careline alarm provision in the sheltered housing schemes across Essex has now been made by ECC's Cabinet. The contract TDC had with Ecc for provision of this funding ran until 31st March 2017.</p> <p>There have also been reductions in funding for floating support services and supported housing for young persons along with a withdrawal of funding for home improvement agencies across Essex. Total funding reductions are believed to be £5.5 million.</p> <p>As part of their review of HRS funding ECC invited local housing authorities and registered housing providers to participate in consultation groups. TDC took up a place on two of the consultation groups but mid way through this process ECC took a decision as to how the funding would be distributed for 2017/18.</p> <p>The Council, along with other councils and registered providers, expressed concerns about the reductions and the</p>
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		<p>way in which the decision had been taken directly to the responsible ECC commissioner at various meetings that have taken place since. ECC commissioners were called to explain the decision at an Essex Chief Executive Authority meeting.</p> <p>Following concerns raised by both Councils and other providers about changes to the funding for supported housing for young persons (a decision that had been taken by ECC earlier in 2016), TDC actively engaged in two dedicated consultation events.</p> <p>A public protest was not considered appropriate given the level of engagement with ECC over the proposals.</p> <p>Both TDC and Colchester Borough Council took a paper to the Colchester Hospital A&E Delivery Board in order to highlight the funding reduction issues with health service colleagues.</p> <p>Through the review of the sheltered housing provision that is currently under way the reasons and background to any funding cuts will be explained fully to reduce the chances of any blame being placed at the door of TDC.</p>
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Key Decision Required	No	In the Forward Plan	No
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CABINET

21 APRIL 2017

REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE

A.3 SUSTAINABILITY TRANSFORMATION PLAN

(Report prepared by Karen Neath)

BACKGROUND

At the meeting of the Community Leadership and Partnership Committee held on 20 March 2017, Susannah Howard (STP Programme Director) from the Clinical Commissioning Group was in attendance and gave the Committee a presentation on the Sustainability Transformation Plan. This is a high level strategy for transformation of the health service and focuses on a system rather than an organisational approach. The next stage will be to develop operational plans for each strand so that meaningful consultation can take place with a wider audience on what the STP means in practice for front line staff and patients. The presentation covered the following:

- (1) Introduction;
- (2) NHS structure;
- (3) Working together and moving forward;
- (4) Suffolk and North East Essex footprint statistics;
- (5) The three main areas of the STP Plan;
- (6) The required steps to help achieve and deliver the complex programme;
- (7) The conclusions of the Kings Fund Review of STPs;
- (8) Taking the STP forward;
- (9) Work streams;
- (10) Governance;
- (11) STP programme board – Terms of reference;
- (12) Process of aligning work streams to the STP;
- (13) Work stream delivery mandate;
- (14) Dashboard reporting; and
- (15) Forthcoming interactive programme events.

Members asked questions on various issues which including:-

- Social care issues and bed blocking;
- How the high level STP will be communicated down to front line staff;
- What the impact of the STP will ultimately be on patients;
- Financial savings;
- Collaborative working with for example the ambulance service and GP services and how the STP integrated with other health issues such as the urgent care review and the contract for provision to 0 -19 year olds;
- Engagement with other stakeholders such as Police and Fire;
- The need to streamline health provision ranging from consultants to chemists and how this could be done.

It was agreed that Susannah Howard be invited back to a future meeting along with representatives from the North East Essex Clinical Commissioning Group and Essex

County Council in order to discuss a more detailed plan of what STP means for Tendring health staff and patients. A further meeting is being arranged for the Summer.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

It was **AGREED** that Cabinet be requested to contact the STP Lead to seek assurance that when the STP Plan is at a more detailed level, timely consultation with the wide public will take place.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

The Portfolio Holder supports the Committee's comments and recommends to Cabinet that:-
When the STP Plan is at a more detailed level, the STP Lead be contacted to seek assurance that timely consultation with the wider public will take place.

Key Decision Required:	No	In the Forward Plan:	Yes
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CABINET

21 APRIL 2017

REPORT OF THE LEADER OF THE COUNCIL

A.4 DISPOSAL OF THE RIVERVIEW PLAYING FIELDS AT LAWFORD TO THE LAWFORD PARISH COUNCIL

(Report prepared by Aileen Middleton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the principle of the disposal of the playing fields at Riverview, Lawford to Lawford Parish Council.

EXECUTIVE SUMMARY

Lawford Parish Council currently has a lease for the playing fields which started in 1992 and passed its contractual end date in August 2013. Since 2013 the lease has continued in force under the provisions of Part II of the Landlord and Tenant Act 1954.

Terms for the renewal of the lease were proposed but after initial acceptance the Parish Council declined to accept the proposed increase in rent. The Parish Council applied for the transfer of the freehold of the land under the Council’s Community Asset Transfer Policy to enable them to have certainty going forward and to apply for grant funding. This was rejected by TDC as officers did not consider that the proposal was strong enough to warrant the transfer of the freehold.

The Parish Council have now offered to purchase the land for a cash consideration.

In addition to the land that the Parish Council currently rent they would also be purchasing the land which Essex County Council (ECC) rent from TDC. This is because the land currently rented to ECC for school playing fields is effectively land locked by the section of land rented by the Parish Council. If the Parish Council did not buy all the land then TDC would have no access to land that it owned thereby devaluing that area. This area is shown hatched blue on the attached plan. The lease to ECC will remain in place and the use of the area will not change.

RECOMMENDATIONS

That Cabinet approve the disposal of this land to the Parish Council on the terms set out in Part B of this Agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The ongoing provision of the playing field will contribute to the following Council priorities:

- Promoting a healthy lifestyle, sport and activity in the area.
- Protection and enhancement of our countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The sale of this land would provide the Council with a capital receipt as set out in the concurrent confidential report. The rental income from the land currently leased to Essex County Council would cease to be paid to TDC as this land would fall under the control of the Parish Council and they would thus receive the rental income.

Risk

There is no risk to the sale of this land. The Parish Council have offered the full valuation of the land and have the available funds.

The land has been advertised as required by section 123 of the Local Government Act for disposal of open space and a closing date for responses from these adverts has been set for 31st March. Any responses to the disposal will be made available at the Cabinet meeting.

LEGAL

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of open space land held by it without advertising its intention to do so in the local press.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

In this case the land is public open space and as such the disposal has been advertised in the local press. At the time of writing no responses have been received. Any responses received prior to consideration of this report will be provided to the decision maker separately.

The proposed sale price is not less than the value proposed by the Council's valuers. However, it has not been openly marketed in order to demonstrate that it is the best consideration that could reasonably be achieved. Accordingly it is proposed that Cabinet determines whether to dispose of the land under the provisions of the General Disposal Consent Order (England) 2003 taking into account the community benefit of the proposed ongoing provision of public open space.

Responsibility for oversight of disposals of land is allocated to the Portfolio Holder for Resources and Corporate Services. The Portfolio Holder is also a member of Lawford Parish Council and accordingly has asked that the report be presented by the Leader of the Council.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

None

Ward

Lawford

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Parish Council has held a lease on the playing fields since 1992 but this passed its contractual expiry date at the end of August 2013. Terms for a new lease to the Parish Council have been discussed but agreement on rent was not achieved. The Parish Council applied for the transfer of the freehold under the Council's Community Asset Transfer Policy but this was unsuccessful. A freehold disposal at market value is now proposed.

CURRENT POSITION

The current lease passed its contractual end date in August 2013.

The Parish Council has requested a purchase of the freehold of the land.

Officers consider that the proposal is acceptable. The sum offered is in line with the valuation carried out by the Council's valuers.

Further detail on the terms proposed is included in the report in Part B of this Agenda.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

- **Appendix A – Plan of the playing fields at Lawford**

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TENDRING DISTRICT COUNCIL

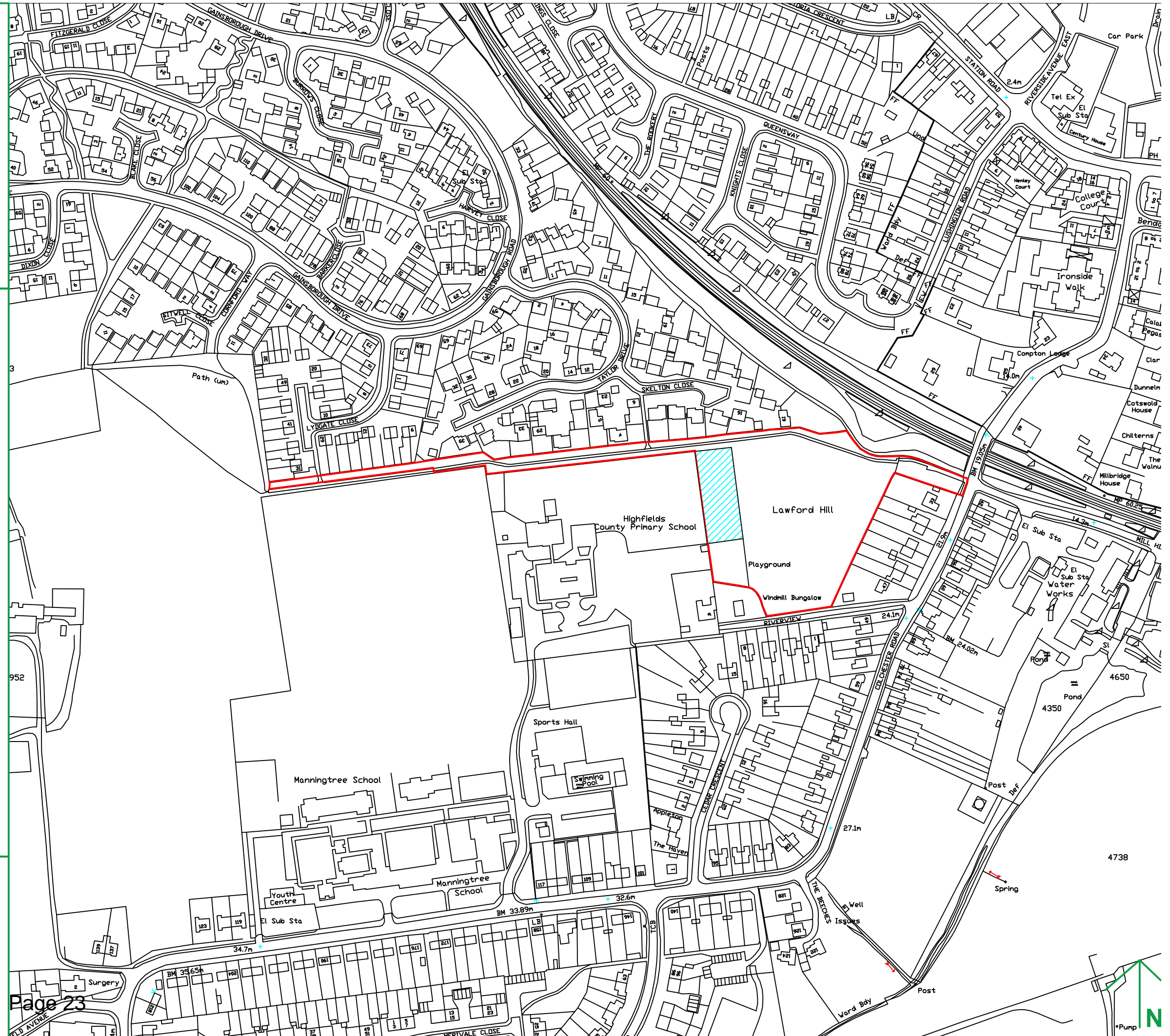
Andrew R. White
BSc MRICS Head of
Property Services

Title
Lawford Playing Fields,
Riverview, Lawford
Including blue hatched area
leased to Essex County Council

Date:
2 February 2017

Scale: 1:2500
Drawn By: J. Weavers

Drawing No. & Revision
1 A



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Key Decision Required:	No	In the Forward Plan	No
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CABINET

21 APRIL 2017

REPORT OF LEISURE AND PARTNERSHIPS PORTFOLIO HOLDER

A.5 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: YE OLDE CHERRY TREE CLACTON ROAD LITTLE OAKLEY HARWICH ESSEX CO12 5JH

(Report prepared by Andy White and Gill Burden)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To determine whether Ye Olde Cherry Tree meets the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria are pertinent.

EXECUTIVE SUMMARY

A valid nomination to register an asset of community value has been received from Tendring CAMRA Branch as shown identified in the plan included within Appendix A.

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Government’s non statutory guidance defines an asset of community value as: “Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”. The Report provides an assessment of the nomination.

The Cabinet should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account it is recommended that the building nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

RECOMMENDATION(S)

That Cabinet determines that Ye Olde Cherry Tree, Clacton Road, Little Oakley Harwich, Essex, CO12 5HJ meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011 and that the asset be added to the Council’s list of Assets of Community Value.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of Council priorities.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation. The Advice Note issued by Department of Communities and Local Government (“DCLG”) states that if compensation exceeds £20,000 in any one financial year support can be requested through their burdens funding scheme.

Risk

Ye Olde Cherry Tree is still trading as a public house although there is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

LEGAL

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:

- (1) A building or other land in a local authority’s area is land of community value if in the opinion of the authority —
 - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.

The Assets of Community Value (England) Regulations 2012 (“the Regulations”) provide procedural detail to give effect to the assets of community value scheme. An earlier report on this subject set out a proposed procedure for dealing with the nomination of Assets of Community Value in accordance with the Regulations and Officers have adhered to the procedure and it is now proposed that Cabinet considers the nomination in accordance with the procedure.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of implications. The Act and Regulations are intended to increase public engagement.

Area or Ward Affected

Great Oakley and Little Oakley

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and
- (b) that there can continue to be a non-ancillary use, which will further the social well-being or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);
- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups,
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The table below, based on guidance produced by the Public Law Partnership sets out an overview of what the Act and Regulations intend to constitute as an Asset of Community Value”.

The Act intends to apply to Land and Buildings Where:

1. The main use of the land or building **furtheres the social wellbeing or social interests of the local community** at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;
2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community some years ago** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

In their Guidance Public Law Partnership provide some helpful interpretation of these terms:

“This could apply to a broader set of activities and not just cultural, recreational and sport interests as provided by the Act. Working with local communities it could include: any land or building where the main purpose is for the provision of public services for education, health and wellbeing or community safety e.g. nurseries, schools, children’s centres, health centres, surgeries, hospitals, day care centres, and residential care homes. Sport, recreation & culture e.g. parks and open green spaces, sports and leisure centres, libraries, theatres, museums and heritage sites, cinemas, swimming pools. Community services e.g. community centres, youth centres, and public toilets. Any economic use which also provides important local social benefits e.g. village shops, pubs, markets.

“What does it mean “realistic to think that this can continue into the near future”? For the use which is **currently ongoing**, the working assumption should be that the present use can continue into the future, unless the local authority is able to identify evidence that is unlikely to be the case. In other words where the asset is presently in social use there should be a **presumption of continued viability**, unless clear evidence suggests otherwise. For a **social use which has lapsed** and needs to be re-established the local authority will need to take a view on the realism of re-establishing this. A new approach can help to re-establish services that were previously not viable.

CURRENT POSITION

The Nomination Form has been submitted by Tendring CAMRA Branch (attached at Appendix A), and contains at B4 and B5 reasons why the nominators consider that the building is of community value and how the land could be acquired and used in the future. A plan of the area nominated is also included.

The nomination states that the building is currently trading as a public house which furthers the social wellbeing and interests of the local community in various ways. The pub holds regular fundraising events, hosts After Shoot meals and meetings, a Ladies Lunch, an annual Beer Festival and Vintage Tea Party as well as a fayre at Christmas and Easter.

The pub holds regular quiz nights and organises local Litter Picking as well as a charity car wash in their carpark. The pub hosts many private functions as well as hosting community events as well. There is live music promoting local bands as well as darts and pool teams who compete in the local league.

The nomination states that the pub is the hub of the community and provides a safe and family friendly environment for the community.

The nomination also states that should the property come up for sale the nominating group would consult with the local community to assess options which could include the potential for community ownership.

In accordance with the Regulations the landowner has been notified and no representation has been received. The owner is in fact supporting the Nomination although states he has no plans to sell in the foreseeable future. It is recommended that the building does meet the criteria as the Council is required to consider only whether the asset meets the criteria set out in Section 88 of the Act.

The Nomination request is being sought with the stated intention of continuing the main use which furthers the social wellbeing or interests of the local community.

Taking the above into account it is recommended that the building nominated does meet the criteria set out in Section 88 of the Localism Act 2011, specifically:

The main use of the land or building furthers the social wellbeing or social interests of the local community at the present time and it is realistic to think that this can continue into the near future.

Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

BACKGROUND PAPERS FOR THE DECISION

Non-statutory advice note for local authorities produced by DCLG Community Right to Bid – October 2012

APPENDICES

Appendix A – Nomination Form (Redacted)

REDACTED ALV NOMINATION

Tendring
District Council



LOCALISM ACT 2011

THE COMMUNITY RIGHT TO BID

NOMINATION FORM

A: You and your organisation

Your Name
Your Organisation (full official name) Tendring Branch of CAMRA (Campaign for Real Ale)
Your position in the organisation Pub Protection Officer
Organisation address (including postcode)
Daytime telephone no.
Email address
How and when can we contact you?* E-mail anytime

*other correspondence address or preferred way or time for us to contact you

Type of organisation

Description	Put a cross X against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum	<input type="checkbox"/>	
Parish Council	<input type="checkbox"/>	
Charity	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	
Unincorporated body	<input type="checkbox"/>	
Company limited by guarantee	<input checked="" type="checkbox"/>	01270286

Unincorporated bodies only:

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Tendring District or an adjoining authority. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Tendring, please confirm which area that is.

Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Tendring District Council or a neighbouring local authority. Please explain what your organisation's local connection is.

- * The CAMRA Branch hosts two annual beer festivals in the local area
- * The Branch hosts meetings in the local pub and the local area
- * The Branch nominates a local pub of the year in this area
- * The Branch presents awards to pubs in the area
- * The Branch runs campaigns to save local pubs in the area
- * The Branch writes a local newsletter about pubs and campaigns in the area

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Tendring or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

CAMRA, the Campaign for Real Ale, is an independent consumer organisation campaigning for real ale, community pubs and consumer rights. CAMRA is a company limited by guarantee, registered in England with company number 1270286. CAMRA's national surplus is not distributed to its members and the individual CAMRA Branch activity where the pub is nominated is wholly or partly applied to the local authority area. The local CAMRA Branch submitting this nomination does not distribute any surplus it makes to its members in line with Section 5 of the regulations. The CAMRA branch has a local connection as demonstrated by the following activities which are run and funded by the branch within the local authority district.

The decision outlined that CAMRA and its local branches can be treated in a 'hybrid' way and relies upon CAMRA's status as a company limited by guarantee which does not distribute any surplus it makes to its members as well as the local branch's own activities that provide a local connection with the land/property nominated. The nomination is being submitted by the CAMRA Branch in line with Judge NJ Warren's First Tier Tribunal General Regulatory Chamber decision in St Gabriel Properties Limited – v – London Borough of Lewisham and South East London Branch of CAMRA

A7 More about your organisation

What are the main aims and activities of your organisation?

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	X
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

Part B: About the land or building(s) you are nominating

B1 Description and address

What it is (eg. pub, local shop) Pub
Name of premises (eg. Royal Oak / Littletown stores) Ye Olde Cherry Tree
Address including postcode (if known) Clacton Road Little Oakley Harwich Essex CO12 5JH

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.



B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	Current Licence Holder	Same as B1.
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Owners of the property	
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	Leaseholder/Tenant	Same as B1

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

Regular Fundraising events are held at the pub with the proceeds being donated to the Essex Air Ambulance, Help Alexia Walk & the local Scout Hut.

After Shoot Meals & Meetings are held twice yearly, one is held at Christmas and the other is held at the end of the shooting season.

The local Parish Council hold regular Celebrations & Meetings at the pub where Parish matters are discussed.

Pub regulars arrange and run the local Tour De Taverns', which involves customers walking or cycling to visit other pubs within the area of Tendring whilst raising funds which are donated to the Essex Air Ambulance.

The Cherry Tree has a regular Pool Team which competes in the local league.

The pub also boasts 3 Darts Teams which play weekly in the local league during the regular season.

The Ladies Lunch is held every month and is attended by ladies who reside within the village.

The pub has held many events for the local community including Weddings/Funerals & other functions which may be booked by members of the community. It also holds special evenings such as a Burns Night supper which is open to all.

The Cherry Tree holds regular Live Music/Entertainment both in the evenings and at weekends which are well supported by the local community providing a platform for local musicians thereby contributing to the local culture.

The pub holds an annual Beer Festival which is well attended by the community as well as others from within the Tendring area who, regularly, travel to attend the festival.

Each year a Vintage Tea Party is held in the Beer Garden, weather permitting, and is well attended by the local community. It is open to all customers and all profits raised are donated to local charities.

Another regular event organised by the local community is the local Community Litter Picking, where members of the community meet at the pub and with the backing of the Parish Council walk through the village and collect and dispose of any unwanted litter that is found finishing off with a well-deserved drink back at the pub.

A regular event at the pub is the Charity Car Wash which is held in the pub Car Park. Anyone is allowed to bring their car along and regulars at the pub will clean your car with all profits being donated to charity.

An annual Christmas Fayre is held each year in which craft items made or donated by the local community are sold off with all profits being donated to charity.

An annual Easter Egg Hunt is held in the village with the pub being the centre of events.

A monthly Quiz Night is held at the pub and well attended by the local community with all profits from the night being donated to the Essex Air Ambulance.

Between the months of March and September each year, a group of local walkers meet at the pub before setting off on a pre-arranged walk around the local area and finally returning to the pub.

The pub has a beer garden which is used regularly by local families during the summer months making it a family friendly pub.

The pub serves hot and cold food on a regular basis and is frequented regularly by members of the local community catering for families with children to enjoy a meal out together.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.

The Cherry Tree is the hub of the community and provides a safe, family friendly atmosphere where people from all walks of the community can get together and join in local events run by local people.

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

B5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

The reason for the nomination is to ensure that the building has the opportunity to continue as a public house serving the local community. The pub customers and wider Village community should have the opportunity to form a community interest group and bid for the pub if and when they do decide to sell.

There are various examples of community groups raising sufficient funds to purchase pubs as community ventures and successfully run them for the benefit of the local community. Indeed within the Tendring area we have the excellent examples of The Maybush in Great Oakley and The Cross at Bromley, which after being nominated as an ACV have been purchased by the community and are trading well with a lot of support from the local community.

Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

C3 Where to send this form

You can submit this nomination:-

- **By post to:** Gill Burden Tendring District Council Thorpe Road Weeley Clacton on Sea Essex CO16 9AJ
- **By email to:** gburden@tendringdc.gov.uk

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

REPORT OF THE RESOURCES AND CORPORATE SERVICES PORTFOLIO HOLDER

21 APRIL 2017

A.6 ASSET MANAGEMENT PLAN, PROPERTY STRATEGY, PROPERTY PROGRAMME, PROCEDURE RULES AND CONSEQUENT CONSTITUTION AMENDMENTS

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution amendments.

EXECUTIVE SUMMARY

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document.

The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors' requirements for some years.

Officers have produced a suite of policy and procedure documents comprising a high level Asset Management Plan and subsidiary documents.

It is proposed that the Asset Management Plan will be adopted at the full Council together with the necessary Constitutional changes. Other parts of the package will be adopted, subject to the foregoing, as the documents progress through the approvals process.

The key proposed changes to the Constitution are to:

- Provide authority for the adoption of the Property Strategy, Property Programme and procedure rules.
- Remove detailed provisions on property procedures and provide authority for a separate suite of procedure rules.
- Update decision making and valuation thresholds.

The Corporate Management Committee considered the draft documents on 13 March 2017 and made comments as set out in the Current Position section of this report. Where applicable the draft documents appended have been adjusted to reflect the Committee's comments.

RECOMMENDATION(S)

That Cabinet;

- a) Considers the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules, consequent Constitution amendments and comments from the Corporate Management Committee and;**
- b) Recommends and refers the Asset Management plan and proposed constitution amendments to the Full Council for adoption;**
- c) Subject to Council's decision on the foregoing, adopts the Property Strategy;**
- d) Notes the draft Property Programme and procedure rules proposed for**

separate adoption by the Portfolio Holder and by officers subject to the adoption of the Asset Management Plan and Constitution changes as detailed above.

- e) Requests that officers bring forward delivery plans for the aspirational projects in the Property Programme as resources permit.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council has key priorities:

- Balance our budget
- Good Governance
- Transform the way we work
- Make the most of our assets

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The Council faces an increasingly tough financial outlook. Property ownership represents both potential costs and potential revenue and capital receipts. Robust property management will be essential to the financial stability of the authority.

Risk

In addition to the financial imperative to manage property effectively the ownership of land and especially buildings entails significant responsibilities in terms of liability, risk and claims. It is essential that robust arrangements are in place to ensure that the authority's exposure to claims and liabilities is minimised.

The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors' requirements for some years.

LEGAL AND GOVERNANCE

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. The Principal Powers to deal with Council property are derived from:

- The Local Government Act 1972:
 - Section 120: Power to acquire land; and under related case law the Council is obliged to ensure that the management of its assets are for the benefit of the district.
 - Section 121: Power to compulsorily purchase land, subject to later legislative amendments
 - Section 122: Appropriation of land for other purposes
 - Section 123: Power to dispose of land, including:
 - (1) disposal of land held by it in any way it wishes so long as:
 - (2) the land is disposed for a consideration not less than the best that can reasonably be obtained.

Note: The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental

economic and social wellbeing of the area. The order includes specific rules and guidance on the consideration and approval of any such decision.

(2A) requirement for a local authority may not dispose of land held by it as public open space without advertising its intention to do so in the local press.

- Housing Act 1985, Part II:
 - Section 17: Provides the principal power for the acquisition of land for housing purposes, including land as a site for the erection of houses, this includes the power to acquire land for the purposes of disposing of the land to a person who intends to provide housing accommodation on it.
 - Section 32 to 44: Together with the General Housing Consent 2013 give the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 subject to various limitations and requirements.

In order to set a corporate level plan in place while retaining agility in the delivery plans and internal rules it is proposed that the Asset Management Plan will be adopted at the full Council together with the necessary Constitutional changes. Other parts of the package will be adopted, subject to the foregoing, as the documents progress through the approvals process:

Document	Management Team (Statutory Officers)	Corporate Management Committee	Cabinet	Full Council	Portfolio Holder
Constitutional amendments	Consider and advise	Consider and recommend	Consider and recommend	Adopt	Consider and recommend
Asset Management Plan	Consider and advise	Consider and recommend	Consider and recommend	Adopt	Consider and recommend
Property Strategy	Consider and advise	Consider and recommend	Adopt subject to later approvals	For information	Consider and recommend
Property Programme	Consider and advise	Consider and recommend	For information	For information	Adopt
Procedure Pules	Adopt subject to later approvals	For information	For information	For information	For information
Timeline	07 February 2017	13 March 2017	21 April 2017	16 May 2017	17 May 2017

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Future decisions on property specific matters may have effects on:

- Crime and Disorder
- Equality and Diversity

- Health Inequalities
- Consultation
- Public Engagement

It is proposed that the detailed effects are considered in the context of individual specific projects and proposals

Ward

Various

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document. The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors’ requirements for some years.

CURRENT POSITION

Officers have produced a suite of policy and procedure documents with a high level Asset Management Plan and subsidiary documents.

The Corporate Management Committee considered the draft documents on 13 March 2017. After discussion of the report and its appendices it was agreed that the committee comments to Cabinet that:

- a) the Council’s attitude should be that “if we don’t need it and its costing us money then we dispose of it”;
- b) robust action/business plans should be put in place to deliver the aspirational aspects of the Property Programme;
- c) the Property Programme should cover at least a three year period in order to take into account the next District Council Elections; and
- d) the need for an Integrated Transport Plan should be included, where appropriate, in the documents

The Portfolio Holder’s response to these comments is set out below. Where applicable the draft documents have been amended to reflect these comments.

PORTFOLIO HOLDER’S RESPONSE TO THE COMMENTS

I thank the Committee for its time and comments.

- a) The Committee is quite right in its view of the need to dispose of surplus property. This approach is in line with the draft documents prepared by officers and will help the Council to achieve a leaner property portfolio that actively contributes to our objectives and is sustainable in the light of our future financial circumstances.
- b) The documents proposed are not the best place to expand on the detailed plans for specific projects. Instead I propose that Cabinet should request that officers prepare plans separately for the delivery of projects.
- c) The Property Programme needs to both reflect long term aspirations and focus on immediate priorities as well as retaining flexibility to deal with changing circumstances. Cabinet will note the change of the duration of the programme attached to the report also on this agenda in line with the suggestion of the Committee.

d) Members will note the addition of a Transport Plan into the infrastructure section of the Property Strategy. It is likely that the Council will look towards sector partners for delivery.

BACKGROUND PAPERS

None

APPENDICES

- Appendix A – Draft Asset Management Plan
- Appendix B – Draft Property Strategy
- Appendix C – Draft Property Programme
- Appendix D – Procedure rules adopted, subject to adoption of the foregoing.
- Appendix E – Schedule of consequent amendments to the Constitution

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**Tendring District Council
Asset Management Plan 2016/17- 2021/22**



“To manage Council property effectively to deliver Council priorities”

Community Leadership		
Council and Community	Employment and Enjoyment	Health and Housing
<ul style="list-style-type: none"> • Deliver high quality affordable services • Balance our budget • Good governance • Transform the way we work • Make the most of our assets • Engagement with the community • Support the vulnerable • Support rural communities • Effective partnership working • Chanel Shift 	<ul style="list-style-type: none"> • Support business growth • Enable better job prospects • Facilitate improved qualification and skills attainment • First rate leisure facilities • Attractive events programme 	<ul style="list-style-type: none"> • Promote healthier lifestyles and wellbeing • Support improved community health • Deliver a quality living environment • Local regeneration • Council house building

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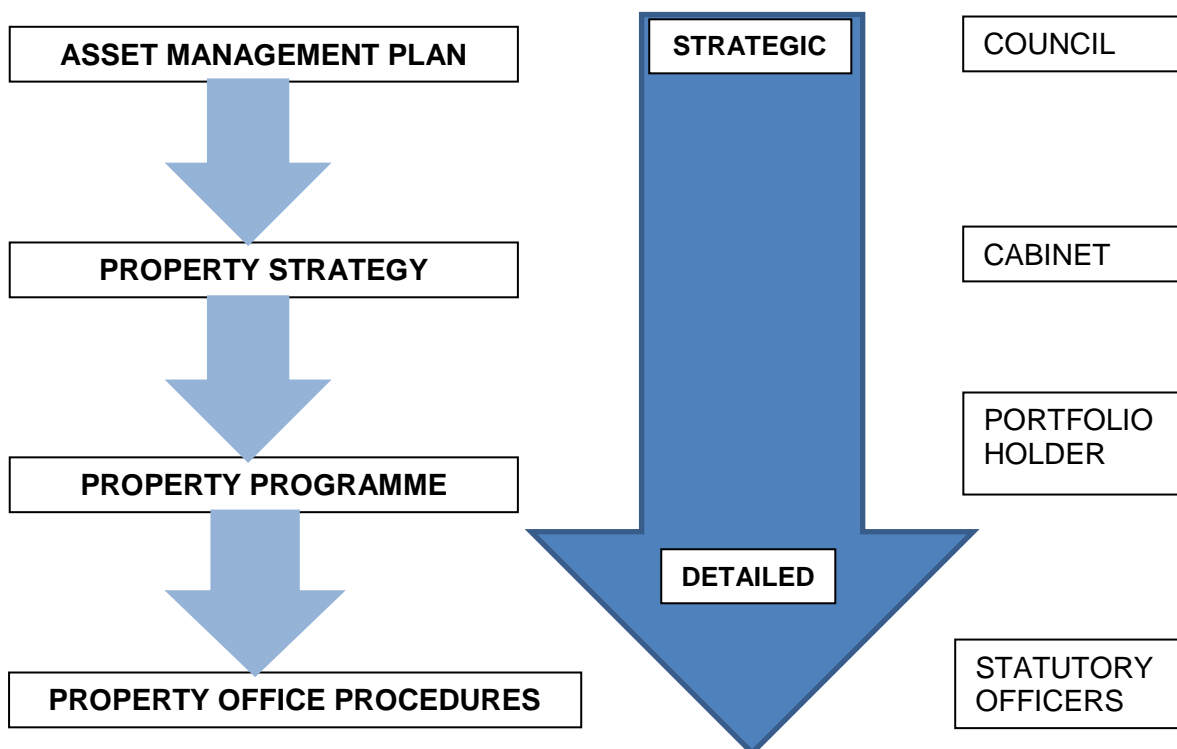
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THE PURPOSE OF AN ASSET MANAGEMENT PLAN

The Capital Strategy and Asset Management Plan have a key role to set out the arrangements and processes in place to manage capital resources and assets. The Capital Strategy has been separately prepared and is available on the Council's web site.

The purpose of the Asset Management Plan is to set the framework for the management of the Council's assets to deliver the Council's Corporate Priorities.

The plan is not intended to deal with specific detail, sites or the on-going management of the Council's housing stock but to set the backcloth against which these matters will be addressed. The Property Strategy, programme and procedures, approved at appropriate levels are intended to be dynamic documents that delegate details within the overall framework.



VISION OF ASSET MANAGEMENT PLAN

The Authority wide control and management of the Council's assets in order to facilitate and promote the Council's key property priorities:

- a) Generation of revenue and capital receipts
- b) The strategic management of the asset portfolio, including asset challenge
- c) Accessibility of services
- d) Fit for purpose facilities
- e) Efficient shared spaces
- f) Contribution to regeneration and housing

LINKS TO OTHER KEY RESOURCE STRATEGIES

The ability of the Council to deliver its corporate objectives will be influenced or have direct links to:

People Strategy 2016-2020 – seeking to ensure the right staff resources are available to enable the Council to achieve its objectives.

Procurement Strategy –procuring contractors, suppliers, at the most cost effective price.

IT Strategy 2012-2016 – and Strategic Investment Roadmap, sets out how to use technology to support and improve service delivery and is running of the organisation.

Financial Strategy – determines the capital and revenue resources available. It provides a framework for the consideration and prioritisation of projects.

OUR ASSETS

The Council owns over 4,200 assets. There are many property types including:

- over 3,200 Council dwellings,
- around 470 Garages,
- over 40 public conveniences,
- around 50 commercial premises,
- approximately 50 off-street car parks
- over 300 pieces of open space and
- about 90 recreational or other leisure related assets.



Property assets play a central role in the delivery of many services contributing to the quality of the environment and to the wellbeing of the District. The Council's assets can be used to support its community leadership role and where appropriate can be a source of capital or revenue funding to support other objectives.

The Council's Housing Revenue Account Properties entail specific needs and legislative requirements that are managed entirely within the Council's Housing Teams in the Life Opportunities Department. The Housing teams are responsible for all aspects of the management of the Council's housing stock.

ASSET CHALLENGE

The Council will routinely challenge its property holding. It must not be satisfied to default to holding property even when substandard or unneeded. We will always look for better and more efficient solutions. A methodology for Asset Challenge is set out overleaf.

ASSET CHALLENGE

Vision statement for property management (This document)

Assessment

Restrictions and alternatives

Property register

Suitability and Sufficiency

Condition and backlog maintenance

Identified need for additional property

Need for property to be retained

External requirement for property retention

Property that can be disposed of for income or saving

Options Appraisal

(including assessment of financial, regeneration, community and service effects)

Acquire additional property

Invest in existing property

Retain property as existing

Share use of property

Community transfer

Manage for income

Dispose for capital

Consultation, Decision Making Categorisation and Prioritisation

Resourced, agreed and supported delivery plan

ROLES AND RESPONSIBILITIES: The Stewardship of Assets

Council – Approves the Corporate Plan, Core Strategies, Capital Programme, Asset Management Plan and revenue budget. Approves large schemes or proposals.

Cabinet – Terms of acquisition and disposal of property in large cases and where any disposal at less than Best Consideration Reasonably Obtainable is proposed.

Recommends to Council the Capital Strategy and Asset Management Plan after wide member engagement.

Portfolio Holders:

All - overseeing the general management of property within their Portfolio.

Portfolio Holder with responsibility for asset management - responsible for strategic management of property, the commencement of disposal or acquisition processes and determining the terms of any long term property interests other than where reserved to Cabinet or Council.

Portfolio Holder with responsibility for housing - approves schemes within the Housing Investment Programme.

Corporate Management Committee –has the Primary overview role for Asset Management:

- Budgets and strategies
- Proposals for the Capital Strategy and Asset Management Plan
- Specific work areas, such as office rationalisation.
- Any asset related executive decisions called in by Councillors.

Management Team –. Ensures that proposed policies and decisions are compatible with each other and meet the Council's corporate objectives. It initially considers the Capital Strategy and Asset Management Plan as well as all asset management related decisions prior to formal reporting to Members. It recommends the projects for inclusion in the Capital Programme.

Corporate Director Corporate Services – and, where delegated, the Head of Property Services – is responsible for:

- Preparing the Asset Management Plan, Property Strategy, Property Programme and Property Office Procedures
- Authorising and granting short leases and tenancies
- Negotiating property transactions
- Rent reviews and lease renewals

Corporate Director Life Opportunities – Responsible for all aspects of property management within the Housing Revenue Account.

All Corporate Directors/Head of Planning/Heads of Service – Responsible for:

Granting trading rights or any licences to use property less than 12 months in duration.

General management of property and all day to day matters.

Service Units – In reality the day to day working of the Council is delegated from Directors to the service managers and units; a general overview of the roles is as follows:

Asset Management Team	Service Units
The strategic and corporate overview	General management of operational property
Acquisition and disposal of property	Repairs and maintenance
Management of all leasehold property	Health and Safety matters
Advice and support to service units	Facilities management
Maintaining the Asset Register	Delivery of capital schemes

STRATEGIC ASSET MANAGEMENT STRUCTURE & RESPONSIBILITY

Strategic asset management of the Council's General Fund property is the role of the Council's Asset Management Team which is based in the Council's Corporate Services Department. The Property Team works closely with Management Team Members and the Resources and Corporate Services Portfolio Holder.

There are a number of wider Teams within the Council dealing with specific issues and projects these include representation from Legal and other service areas as required.

DATA CAPTURE, MANAGEMENT AND PUBLICATION

The Council has transferred its core property data to a property database as a module of the Council's Corporate Local Land and Property Gazetteer package, a computer system recording aspects of data for all land and property in the District. Officers continue to develop the depth of the information. The Council has a number of further data capture systems. Over time it is proposed to integrate these into the central data set as the potential to do so presents itself.

The database is a reliable list of the Council's property but there is a need to develop a greater depth of information relating to their physical condition.

The Council has developed an Asset Stocktake in order to facilitate a desktop review of assets and to drive the Property Action Plan.

The Council publishes property data in a range of ways:

- Asset Stocktake – on its own web site
- Assets available for disposal – on its own web site
- Member alerts and publication of decisions
- EPAM – a shared internet portal with other authorities and services in the County
- EPIMS – the government's internet portal for property data
- Inspire – An internet portal for environmental information

OUR APPROACH TO ACQUISITION & DISPOSAL

The Council aims to acquire property as efficiently as possible and to dispose of it where applicable in accordance with the Council's statutory duty to achieve the "best consideration reasonably obtainable". The Council has policies for considering the acceptance of lower consideration, in balance with financial constraints, in the case of community assets where these support delivery of community services and facilities.

The Council recognises the difficult financial environment that faces it and the important balance between acquiring and investing in property and the need for disposals and revenue generation. The Council must have a programme that includes efficiency and disposal as well as retention and investment. It must get the most out of its assets and must dispose of them if the cost of keeping them is greater than the benefit to the community.

PROPERTY STRATEGY

It is proposed to adopt a Property Strategy to translate data and key priorities into a more detailed direction for the management of assets. The strategy will identify areas of acquisition and investment need as well as opportunities for income generation. It will facilitate a property programme aimed at linking with the Capital Strategy and Budget to deliver objectives within available resources.

Property Strategy

2017 - 2021

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Tendring
District Council



Foreword

The Council wants to meet the challenge of reducing resources by remaining an aspirational community leader for Tendring. Land and property are one of the three major resources available to the Council, together with its staff and its financial resources.

The Council needs to consider carefully how it plans to utilise its assets to support the delivery of the Council's priorities. This strategy is intended to set the vision and objectives for the Council's land and property assets.



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“We will maximise the value of our assets, ensuring that the Council fully engages with all communities within the District, in full knowledge of the huge financial pressure we find ourselves under.”

“We have led the way in transforming the way we work, the way we communicate and the way we think. Given that land and property are one of our most important resources we have to excel in the way we manage them.”

Councillor Giancarlo Guglielmi

Portfolio Holder for Resources and Corporate Services

Introduction

The purpose of this strategy is to outline what the Council already has by way of land and property. To take a look at how the Council's land and property could be used to meet its objectives .



Council's Priorities

Council and Community

- Deliver high quality affordable services
- Balance our budget
- Good governance
- Transform the way we work
- Make the most of our assets
- Engagement with the community
- Support the vulnerable
- Support rural communities
- Effective partnership working
- Channel Shift

Employment and Enjoyment

- Support business growth
- Enable better job prospects
- Facilitate improved qualification and skills attainment
- First rate leisure facilities
- Attractive events programme
- Maximise Partnership Opportunities

Health and Housing

- Promote healthier lifestyles and wellbeing
- Support improved community health
- Deliver a quality living environment
- Local regeneration
- Have a positive Local Plan in place



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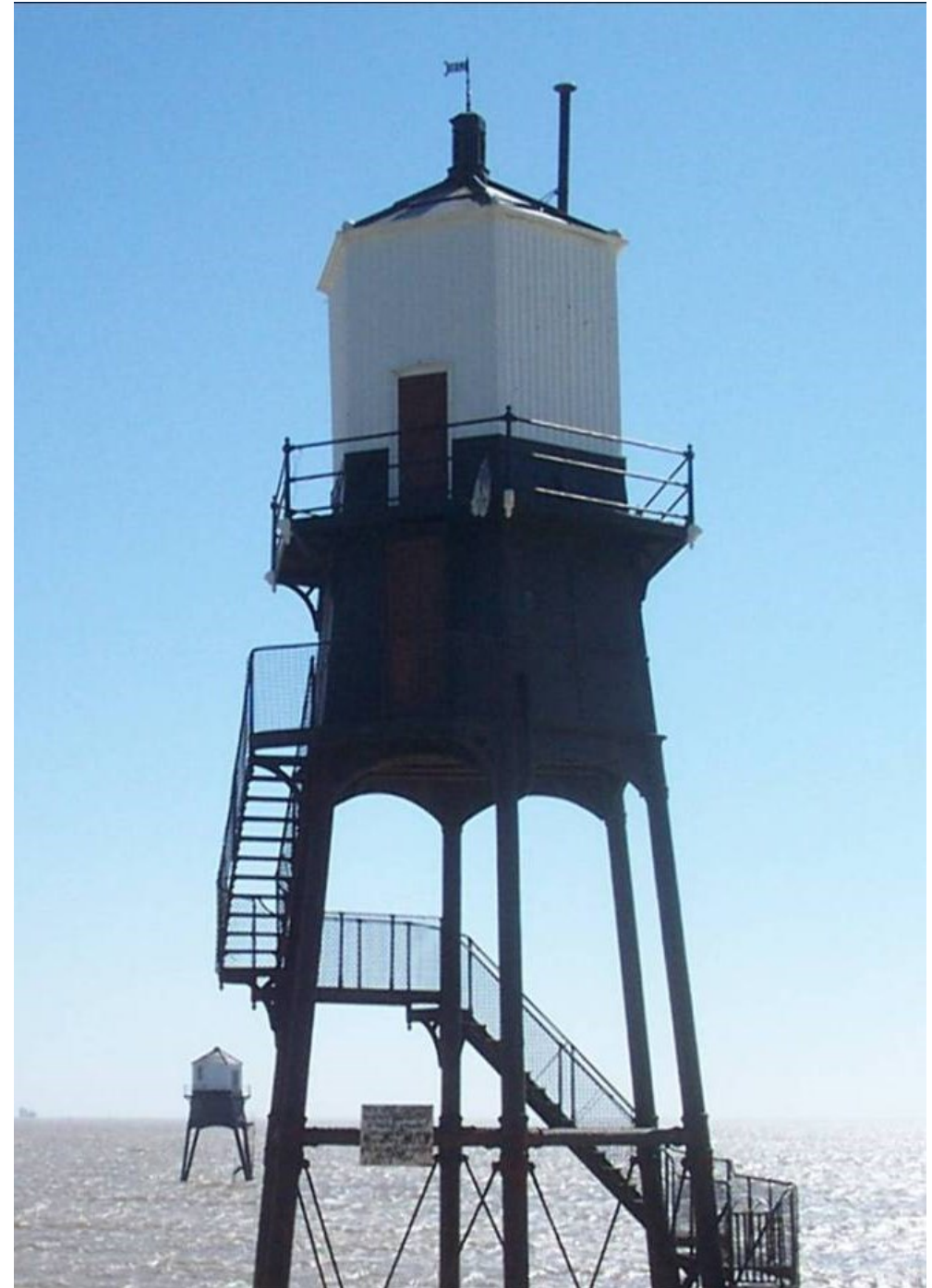
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Current Assets

- Around 3,500 socially rented dwellings
- Approximately 380 leasehold flats with associated parking and gardens
- 500Ha of open space in 400 locations
- Almost 50 sites for community and sporting facilities
- Over 40 Public Conveniences
- Over 50 commercial premises
- 80 miscellaneous assets i.e. pumping stations & cemeteries
- 40 leisure and entertainment facilities
- Over 50 car parks
- Over 7Ha of allotment in 5 sites
- 20 properties in the regeneration portfolio i.e. starter units and community centres
- 15 office, depot and storage facilities
- 3,000 beach hut sites and 50 Council owned beach huts/ beach chalets

Full details of the Council's property can be viewed in list form in the Council's property stocktake published on its web site.

Information is also available in map form at: <http://epam.idoxgroup.com/>



What are the Assets Currently Worth?

The Council's external valuers advised that in **2015/16** that the Council's assets were worth **£183m** with **£132m** being housing stock and the remaining **£51m** all other non-residential land and property assets. The Council currently receives in the region of **£786k** from beach huts and another **£345k** per annum in rent from its other non-housing assets .

What Costs are Involved?

In **2015/16** the Council spent around **£2.74m** per year on its non residential property including **£797k** on rates and **£704k** on utilities.

The property occupied by the Council is in a range of conditions and it is not currently possible to conclusively quantify the cost of outstanding repairs and maintenance. Most property leased to others by the Council is funded and maintained by the tenants.

A Different Approach.

The Council's overall financial position is extremely challenging. Active and effective management of property represents an opportunity to create a positive economic driver for the Authority and therefore in support of services and the Community. This approach forms the basis of the key projects to rationalise and to invest in property.



Recent and Current Projects

Changing Places Facilities



A joint £212,000 project between the Council and County Council, using funding from the Disabled Children Short Breaks programme, created 3 new specialised toilet and changing facilities including shower, toilet, ceiling track hoist and adjustable height changing bench for children and adults with severe disabilities in Tendring. One in Clacton, one in Dovercourt and one in Walton.

Art Kiosk

One of the empty deckchair stations had a make over and is now being used as a gallery for a local art group.



Greensward Play Area

A new £135,000 children's play area has been constructed, funded by planning obligation contributions, on the West Greensward in Clacton, which includes a specially-commissioned helter-skelter and a boat.



Clacton Pier—Holland Haven Coastal Defence Project

A £36 million project between the pier and Holland Haven to place rock fishtail groynes and create 22 new beaches. This will mean that not only the cliffs and town beyond will be protected from erosion by the sea, but there are new beaches for residents and visitors to use. This generates real potential to encourage new business and new attractions and visitors to the area.



Jaywick Land

The Council has purchased considerable areas of land in Jaywick in order to improve the area and to create homes and jobs

New Beach Huts

20 new beach huts have been constructed on the popular West Clacton Beach reducing the local waiting list for sites. The Council has the option to either rent them out or sell the huts with a yearly ground rent payable to the Council in respect of the land they sit on.

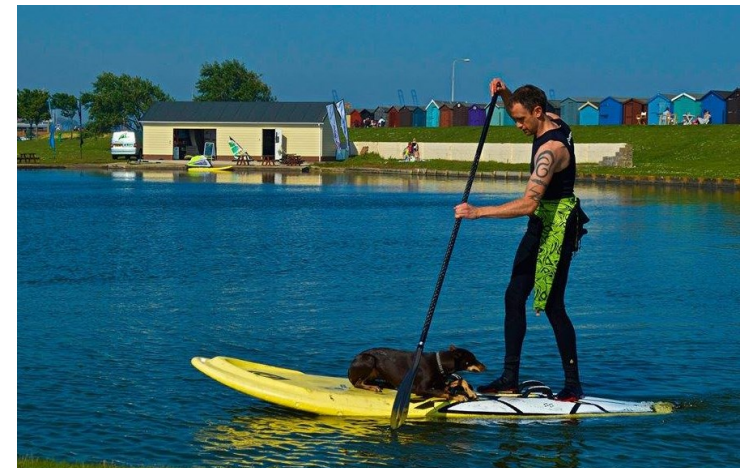


Windsurfing School

A windsurfing teacher has taken the lease of the boating lake in Dovercourt to teach and run demonstrations. Previously the lake was underused and closed for much of the season.

Atlanta Building

The Council has agreed to lease the Atlanta Building which is an iconic 1950's building in a prime location on the Clacton on Sea front. The new tenant is to regenerate the building including a new shop gelateria and conference venue.



What else is Possible ?

Land and property presents opportunities for significant income but also entails significant costs. The Council is in an increasingly tough financial position and it can no longer afford to default to the status quo. Every asset must be scrutinised to make sure that it is contributing fully and efficiently. The Council must be thorough and business-like to deliver both on services and financially.

The Council's current assets (not including beach huts and housing) return in the region of £275,000 per year rental income across the whole of Tendring.

A more commercial approach to property has potential to reduce costs and generate income. Such an approach should include:

Investing in IT and modern working methods and equipment.

- Fully challenging all property held
- Disposing of property that is not needed or not performing properly.
- Investing in services and income generation.
- Rationalising offices and operational assets.
- Acquiring or building investment property.
- Maximising rental income



In the main owning property carries financial costs. The Council can no longer afford to approach land with the question “Can we sell it?” It must ask “Why should we keep it?”

To maximise potential the Council needs:

- immediate priority projects,
- and;
- systematic review and challenge to deliver property change over the longer term.

How can change be made?

Understanding of what we have

Property records

We can be confident that all of the Council's property is recorded in the central database. We will continue to enhance the background data held in the system.

Suitability

A desktop suitability study gives a preliminary view of the nature of each of the Council's land assets. This will be built upon in a progressive way.

Stock condition and monitoring

Future general assessment of the condition of property will include the extent of the Council's maintenance backlog and likely future works.



Making the most of what we have

Clear Management

The day to day management of operational property is carried out by the Council's front line units. They will deploy robust systems for the assessment and monitoring of the condition of properties and monitoring for trespass and encroachments. The Assets team are responsible for commercial and other leasehold property and will manage these, including appropriate enforcement of lease provisions.

Generating Income

Many of the properties let to others by the Council fulfil important community roles and are supported by the Council in balance with the Council's wider financial priorities. Where properties are let for more commercial purposes the Council will seek to maximise rental income in support of its overall financial position.

Sustainability and efficiency

Inefficient buildings are a drain on scarce resources. It is likely that future government policy will force authorities to improve or dispose of inefficient space. We will reduce the amount of built space we use and improve its efficiency by using all buildings more effectively and deploying modern working methods.

Availability of resources

Cash: The Council has some one off capital reserves that can be invested. The Council faces a very tough revenue outlook. Every project and every decision needs to carefully assess the potential to generate or save revenue.

Partnerships: The Council will seek to work with public, private and third sector partners where appropriate. The Council must ensure that partnerships are mutual and genuine and that it and the community gain as well as contribute to them. Partnership could take the form of a shareholding in a development, company or special purpose vehicle.

Disposal: Disposing of unneeded or inefficient assets reduces costs and generates income that can support the Council's priorities. Disposal will be a key part of partnership and joint venture initiatives, a source of match funding and an enabler of investment and development. We will seek to integrate necessary disposals into our overall package of measures so that they can be seen as enablers rather than isolated actions. Within the context of our visions for the District we will always try to achieve the highest price when disposing of assets.



Resources are a critical factor for the Council. A clear commercial imperative is essential to the overall delivery of priorities.

Borrowing: Historically the Council has borrowed in order to invest. The Council is a good borrower and it is unlikely that mortgaging or other securitisation of debt, unless within the framework of joint venture or special purpose vehicle will offer advantage. The Council is able to borrow prudentially: where it makes economic sense, including the costs of borrowing.

Grants: Our ability to take advantage of grants in the past has been challenged by the bidding timescales and technical issues. The Council has appointed a new Funding Officer. Where possible we plan to enhance the Council's ability to secure grant by scoping projects in advance.



Options appraisal and whole life costing

We will ensure that appropriate choices are made by using options appraisal and costing models suitable to the scale of projects. Options appraisal can be simplistic for modest projects but fuller and with whole life costing for larger ones.

Local and political consensus

This strategy and the Property Programme aim to set out a vision for the future of our District aligning together the investments and costs, the opportunities and the necessities: to put forward a package of initiatives that will enable strong political and local leadership and consensus. To please most of the people most of the time.

Acquisition

We will work positively towards the acquisition of property that is needed to deliver our priorities. We will always aim to purchase at the most advantageous price and only where that acquisition is necessary.

Compulsory Purchase Orders

Voluntary transactions will be our preference but we have been and will be ready and prepared to use statutory powers to acquire land where it is necessary to do so.

Planning and constraints.

A number of our existing buildings are listed buildings, Scheduled Ancient Monuments, or within Conservation Areas. Some are designated as Historic Parks and Gardens, others are Nature Reserves or Sites of Special Scientific Interest. Such property can make a huge contribution to the heritage and environment of the District. We will work with statutory bodies to ensure that our actions are compatible with the preservation and enhancement of these sites.

Land and property within flood risk areas will need to be adapted to deal with climate change issues or designed to be water compatible in accordance with national guidance or relocation considered.

“CAROS” (Community Asset Rent Off-setting Scheme)

The Council supports groups that help the community. If a non-business tenant of the Council can demonstrate that their organisation contributes to the well-being of the district and its residents, then they can apply for a grant to reduce the amount of rent they pay. At the present time this scheme off-sets the payable rent to £500 or 25% of their current rent (whichever is greater).

Whilst the Council is providing notable support to these community groups it does mean that the rental income on these assets is significantly reduced.



The Council owns a large number of diverse and varied land and property assets. This section seeks to indicate the general proposed direction of travel for the main category types and provide a background to each category.

Housing and associated areas

- Identify existing sites that are sustainable for development or redevelopment of Council housing.
- Work towards the realisation of Garden Communities where achievable.
- ◆ Invest in existing stock to enable the decent Homes Standard to be achieved and maintained.



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Identify further viable sites for acquisition or construction of new council homes.

Community Facilities and Sports Clubs

- ◆ Support and encourage community transfer where this is sustainable and facilitates step change in the community facilities or services.
- ◆ Ensure that other facilities are well managed and delivering community facilities in accordance with lease terms
- ◆ Rationalise facilities and organisations where they become unsustainable.



Public open space

- ◆ Focus use of planning agreements on creation of substantial attractive areas that include formal recreation.
- ◆ Where viable increase the number and quality of formal play and sport facilities.
- ◆ Improve the quality of open space in tourist locations.
- ◆ Dispose of small, ineffective and remote open space sites .
- ◆ Investigate ways to work in partnership with residents and partners to involve communities in the operation of open spaces in residential areas and in town centres.
- ◆ Investigate ways to add value to existing major sites and expand the extent and offer in order to generate high quality destination facilities.



Public Conveniences

- ◆ Understand and agree how to reduce the number of conveniences.
- ◆ Seek to engage with other operators and developers to share facilities
- ◆ Where needed secure new or refurbished facilities as part of coastal regeneration.



Highway

- ◆ Seek partnership with the County Council and neighbouring Councils on maintenance and street scene issues throughout the District.
- ◆ More actively manage areas that are TDC owned but not adopted.
- ◆ Seek to ensure that highway verges are well maintained and presented



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Allotments

- ◆ Where viable support creation of new allotments .
- ◆ Transfer management of allotments to Town and Parish Councils and to local trusts.



Regeneration

- ◆ Identify interim uses for transitioning sites where appropriate.
- ◆ Manage and regularise existing tenancies.
- ◆ Assist with the development and deployment of sustainable regeneration policies.



Unused and Surplus property

- ◆ Seek the most effective way in which these properties can contribute to the Council's priorities.
- ◆ Dispose of all unused property



Commercial properties

- ◆ Ensure that commercial tenants fulfil all lease requirements in full
- ◆ Optimise rental income
- ◆ Where viable invest in enhancing commercial property and constructing new facilities
- ◆ Where viable acquire commercial property for revenue generation



Other infrastructure

- ◆ Identify and dispose of infrastructure assets that are no longer required.
- ◆ Invest where required in infrastructure assets that are necessary
- ◆ Prioritise infrastructure assets that contribute to tourist or regeneration projects.
- ◆ Work with sector partners to develop an Integrated Transport Plan.



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Leisure and entertainment facilities

- ◆ Where viable invest directly in improving facilities where financially prudent.
- ◆ Where possible manage facilities to generate income or reduce costs.
- ◆ Work in partnership with other providers and developers to achieve investment into provision of these facilities.
- ◆ Prioritise facilities that contribute to tourist or regeneration projects.



Car parks

- ◆ Dispose of small or underused sites.
- ◆ Invest in the improvement or extension of busy sites.
- ◆ Where viable acquire or construct new car parks to serve town centres or tourist areas
- ◆ Prioritise car parks that contribute to tourist or regeneration projects.



Offices and Depots

- ◆ Maximise occupancy and efficiency of core sites
- ◆ Share space and services with Essex County Council and with local partners
- ◆ Find ways to better deliver services in the wider District
- ◆ Encourage more transactions to be made over the internet in line with our channel shift policy
- ◆ Introduce modern and flexible working methods
- ◆ Dispose of surplus sites



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Coastal and Tourist

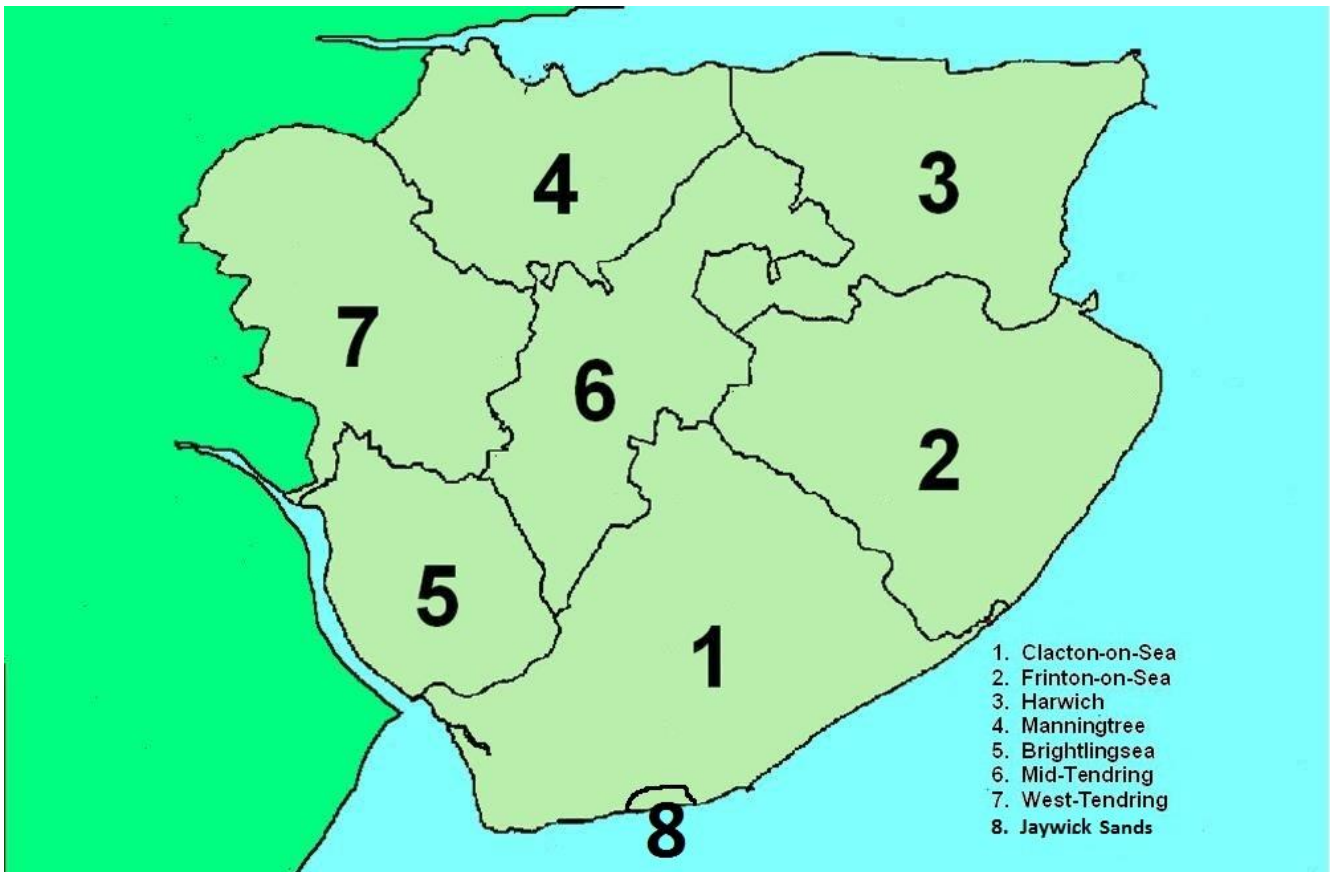
- ◆ Where viable create new assets.
- ◆ Manage assets commercially.
- ◆ Encourage improvement, innovation and development.
- ◆ Generate income and sustainability.
- ◆ Bring vitality and visitors to the coast

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Property Programme

A Three Year Programme to Be Reviewed Annually

First Edition: 2017 - 20



Clacton-on-Sea

General Aims

- Enhance the coast and tourist facilities.
- Rationalise public sector property
- Maximise high quality services
- Promote economic opportunities
- Facilitate home building



Short term projects

- Rationalise TDC Office accommodation. Dispose of surplus sites.
- Achieve renewal of Holland Football Pavilion
- Achieve regeneration of the Atlanta Café
- Construct or remodel a viable premium café or similar at Holland on Sea
- Achieve upgrading and reuse of Martello E
- Manage coastal properties to provide a vibrant and attractive seafront.

Aspirational Projects

- Achieve upgrading and reuse of Martello D
- Remodel Western part of Martello Coach Park for car parking
- Achieve new visitor attractions at Holland Haven
- Generate additional opportunities for visitor attractions on the coast
- Generate income for beach recharging

Longer Term Projects

- Realise a Picker's ditch linear park
- Create a shared public service hub
- Establish a street market in the town centre

Frinton and Walton



General Aims

- Maximise the coast and tourist facilities.
- Reinvigorate Walton town centre
- Promote economic opportunities
- Facilitate home building

Short term projects

- Dispose of Station Yard car park for redevelopment.
- Facilitate new healthcare facilities.

Aspirational Projects

- Redevelop the Mill Lane Depot and public convenience site
- Improve the range and scope of recreational activities at Bathside.

Longer Term Projects

- Seek opportunities for appropriate commercial uses on the seafront.
- Encourage appropriate regeneration of the Mere



Mill Lane Walton on the Naze – Long East Facing Elevation

Harwich

General Aims

- Enhance the coast and tourist facilities.
- Maximise heritage and conservation
- Reinvigorate the town centres
- Promote economic opportunities.
- Facilitate home building



Short term projects

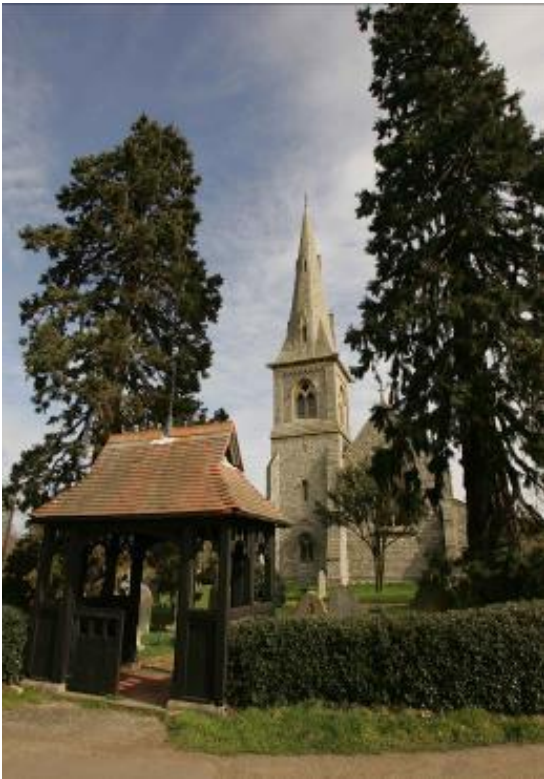
- Promote or facilitate new business and training ventures
- Dispose of the Former Isolation Hospital site for redevelopment

Aspirational Projects

- Encourage regeneration of Key Town Centre sites such as Starlings Garage

Longer Term Projects

- Realise linear parks South of Bathside and West of Parkeston.
- Renew aged facilities at Barrack Lane
- Facilitate use and activities at Beacon Hill Fort
- Work with relocation of Harwich and Parkeston Football Club
- Facilitate additional formal and informal open space at Low Road



Manningtree Mistley and Lawford

General Aims

- Promote economic opportunities
- Develop rural infrastructure
- Facilitate home building

Short term projects

- Deliver financial and residential benefits from sustainable and sympathetic development

Aspirational Projects

- Promote or facilitate new business and training ventures
- Seek active involvement in the Brownfield Riverside Avenue East site

Longer Term Projects

- Promote and facilitate town centre regeneration in line with the Town Plan



Brightlingsea

General Aims

- Promote economic opportunities
- Develop rural infrastructure
- Facilitate home building

Short term projects

- Establish a local service hub in partnership with the Town Council and others.
- Promote or facilitate new business and training ventures

Aspirational Projects

- Enhance the environment in the Promenade Way area.

Longer Term Projects

- Promote the linking of Brightlingsea to Wivenhoe and Colchester with a cycle route including a new bridge at Alresford Creek



Rural Tending

General Aims

- Promote economic opportunities
- Develop Rural infrastructure
- Facilitate home building

Short term projects

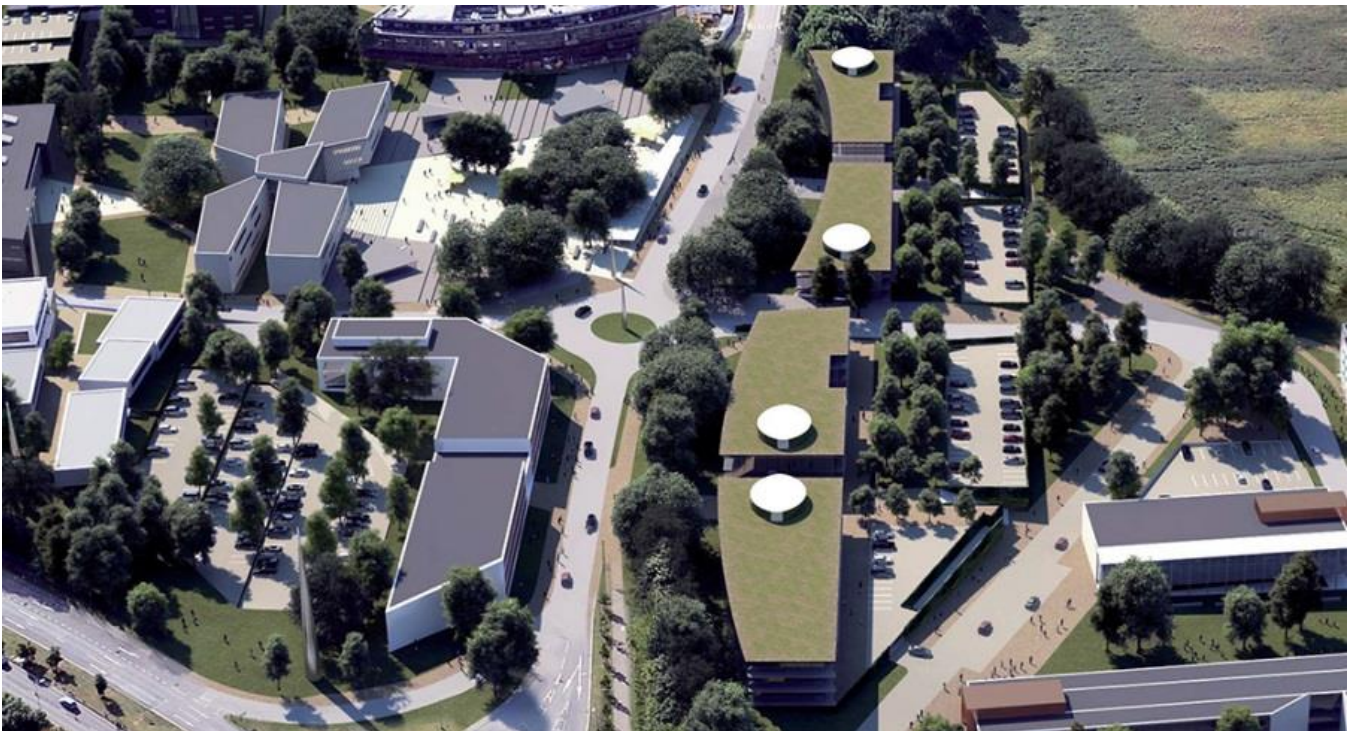
- Establish a Local Development Vehicle

Aspirational Projects

- Work with Essex County Council and Colchester Borough Council to bring about a new Garden Village
- Deliver full broadband coverage where possible

Longer Term Projects

- Deliver a new Garden Community



Jaywick

General Aims

- Promote economic opportunities
- Develop infrastructure
- Facilitate quality home building
- Consolidate partnership working with Essex County Council.

Short term projects

- Carry out local improvements to TDC properties
- Acquire complementary areas.

Aspirational Projects

- Resolve lease terms for the Community Resource Centre
- Establish an approach to site assembly

Longer Term Projects

- Develop replacement dwellings, infrastructure community facilities and employment opportunities.





TENDRING DISTRICT COUNCIL

PROPERTY OFFICE PROCEDURES



M KNAPPETT
CORPORATE DIRECTOR: CORPORATE SERVICES

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1. GENERAL

Words in bold are defined, and the definitions can be found at the end of the document.

1.1 **Applicability of Procedures**

These procedures shall apply to the acquisition, control, management and disposal of all land within the ownership, occupation or control of the Council, except:

- disposal, letting, management or control of individual Council Dwellings, garages or other singly tenanted assets in the Housing Portfolio.
- Construction, letting or disposal of Individual beach huts.

In the case of each exception the Head of Housing and Head of Sport and Leisure respectively will establish appropriate separate procedures.

In special circumstances these requirements may be waived where and to the extent agreed by the Council's s151 and Monitoring Officers.

1.2 **Constitution**

This Procedure is supplemental to the Constitution in particular to section 5: Property Dealing Procedure. In the event of any conflict with the Constitution the Constitution shall take precedence.

1.3 **Delegation**

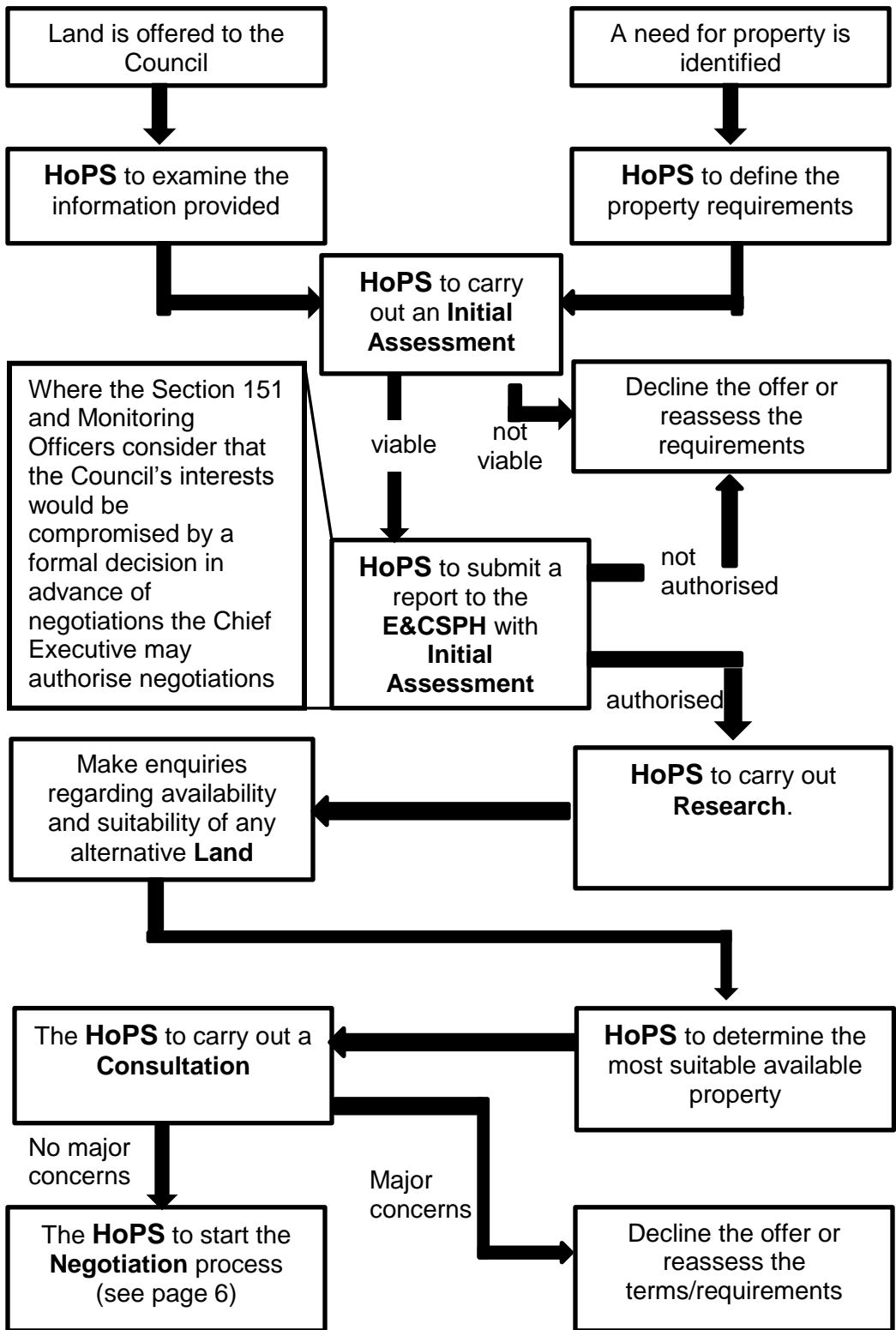
The **HoPS** may delegate any function in this procedure to any member of the Assets Team. The Chief Executive may nominate any Head of Department or Corporate Director to deal with any property matter. In the case of such delegation this Procedure will apply to the Delegate as if they were the **HoPS**.

1.4. **Member Involvement**

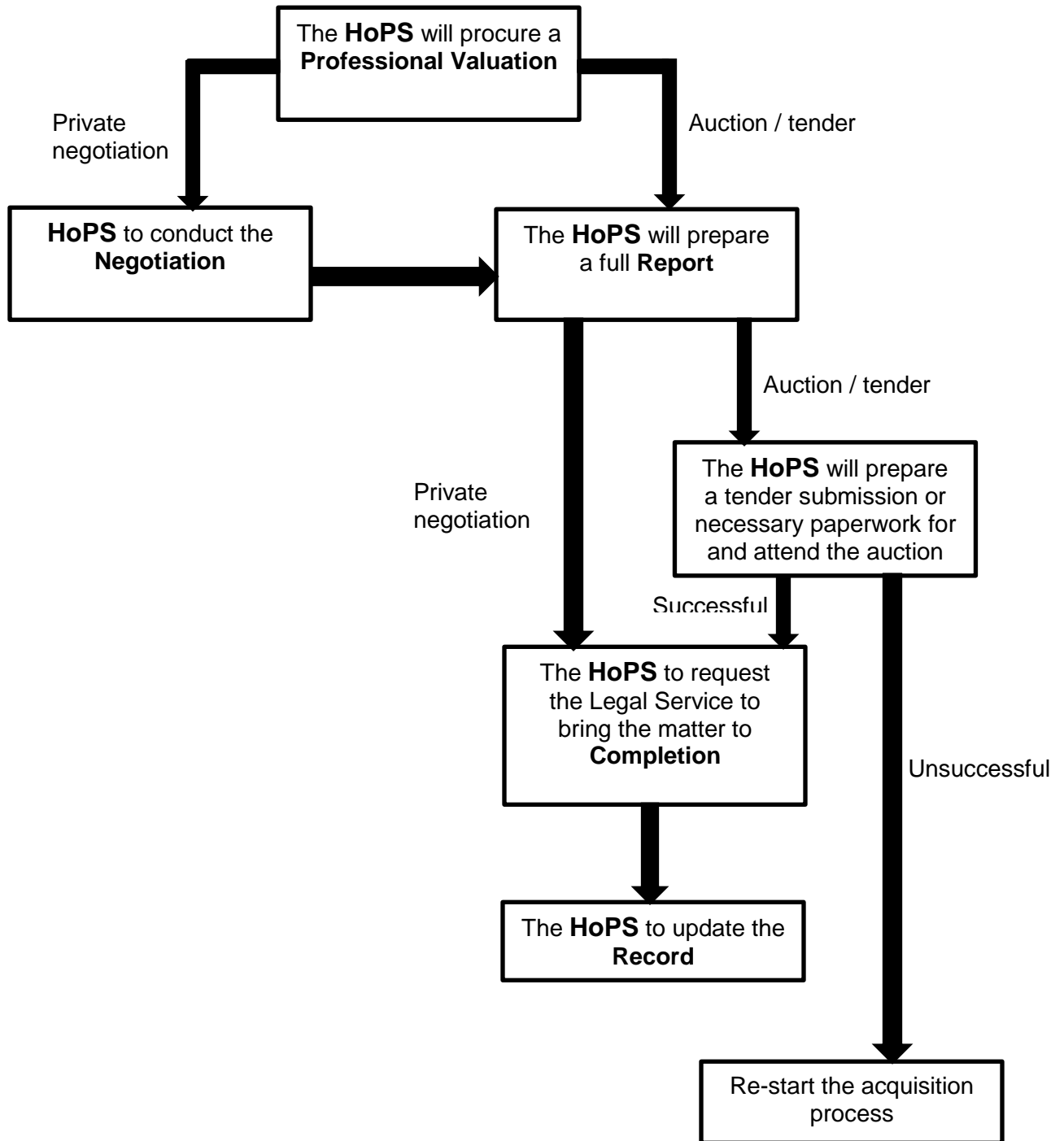
Members must not engage in negotiations of any kind relating to any land transactions or proposed land transactions.

A Member may be the decision maker for a Property Deal in accordance with the Property Dealing Procedure and it is the Member's role to act as decision maker in accordance with the Constitution and all relevant policies and procedures.

2.1. Initial Assessment, Research and Consultation



2.2. Negotiation and Completion



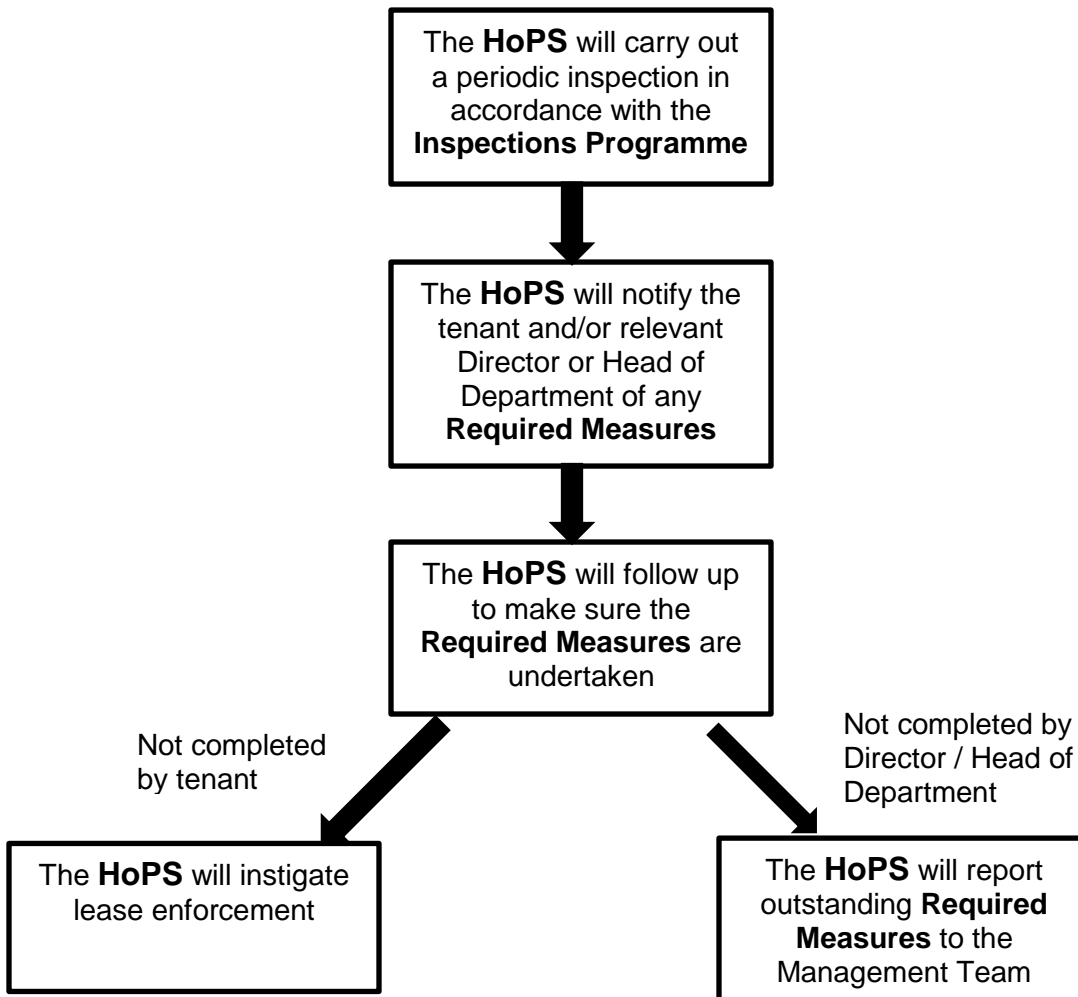
2. GENERAL MANAGEMENT OF LEASEHOLD LAND (COUNCIL AS LANDLORD)

3.1 Responsibility

Responsibility for the management of leased land will be:

Head of Property Services	Relevant Director or Head of Department
Periodic inspections	Landlord repair responsibilities
Rent reviews	Void costs and works
Rent Collection	Common areas
Lease Enforcement	General area management
Lease renewal	
Lease termination	
Re letting	
Formal lease variation	
Formal consents e.g. consent to works	
Lease assignments	
Keeping the Records up to date (on the basis of information provided by the Relevant Director or Head of Department or delegated officers)	

3.2 Periodic Inspections

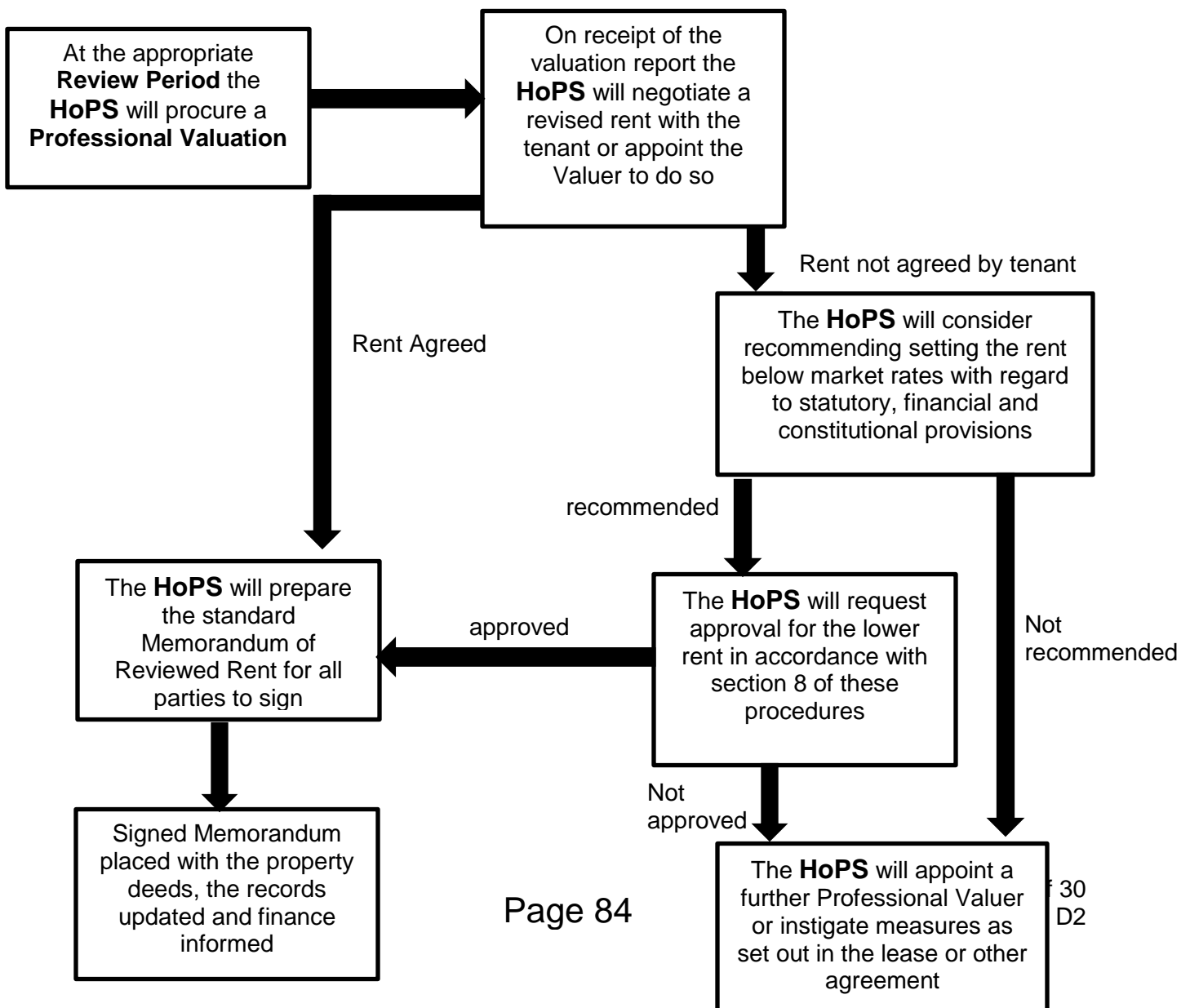


3.3 Rent Review

This procedure shall apply equally to leased premises and those subject to licence or other contractual arrangement where the review of rent or fee levels is provided for with the word “licensee(s)” substituted for “tenant(s)”; but shall exclude rents on Housing Revenue Account dwellings, garages and other associated domestic properties.

This procedure shall apply equally where the Council is tenant or licensee; with the exceptions that the word “landlord(s)” or “licensor(s)” shall be substituted for the word “tenant(s)” as applicable and that the **HoPS** will produce the memorandum of reviewed rent only in default of the landlord so doing.

At the discretion of (1) the Relevant Director or Head of Department and (2) the **HoPS**, acting jointly, the Council may suspend the review of specific rent or fee levels where it is in the interest of the Council to do so. A formal record of such decision will be made.



Any appointment of a further surveyor shall be at the discretion of the **HoPS** (in agreement, where required with the tenant or their representative).

In all cases the valuer, and **HoPS** shall be able to set a rent or fee above market rates where paid to the Council, or below market rates where paid by the Council.

3.4 Rent or Licence Fee Collection

At the commencement of any lease or licence, at renewal, review or other change in the terms the **HoPS** will notify the Head of Finance of the rent/fee levels, insurance provisions, payment period or terms and any other payment matters related to the property in question. In addition the **HoPS** will provide the Head of Finance with a summary of all properties that are let or licenced and the rent or fee levels.

The Head of Finance will invoice tenants, licensees and others as applicable in advance of the due dates specifying: whether the amounts due are rent, licence fee, insurance premium or other amount(s), the quantum of the amount due, the date upon which it is due and the period to which that amount relates. The Head of Finance will maintain a sufficient account of invoices issued and amounts received in payment.

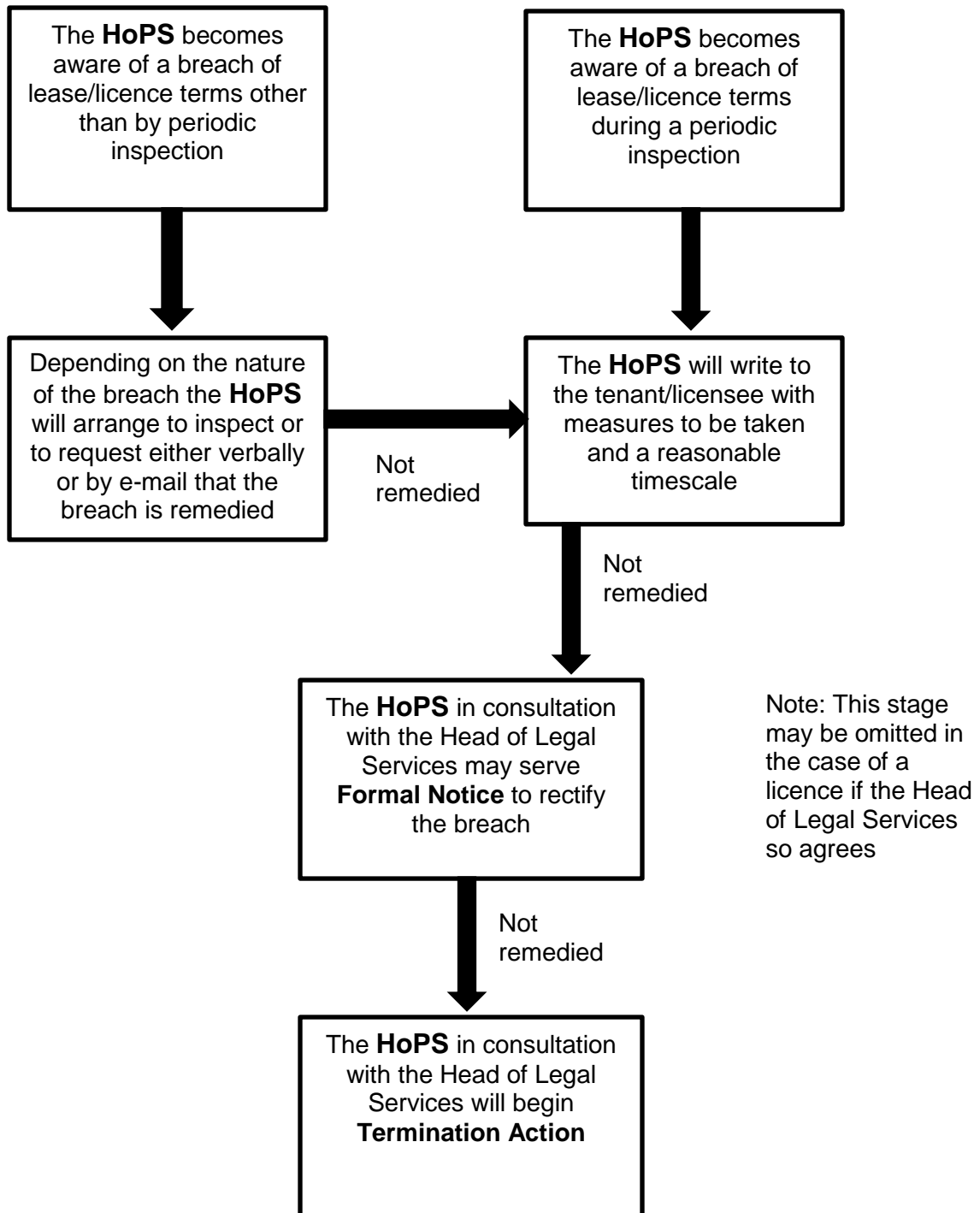
Where any payment is more than 30 days overdue the Head of Finance will issue a statement of account to the debtor and provide a monthly list of debtors to the **HoPS**. The **HoPS** will contact the lessee/licensee etc. requiring payment to be made except where a payment plan is in place and in effect.

Where the **HoPS** has contacted lessee/licensee and payment has not been received within 30 days the **HoPS** will, as appropriate:

- Agree a payment plan with the lessee/licensee.
- Consult with the Head of Legal Services for advice or taking enforcement action.
- Begin lease enforcement or lease termination action.

Where a licence agreement has been entered into by a Relevant Director or Head of Department the Head of Finance or **HoPS** will refer any outstanding amounts to the Relevant Director or Head of Department.

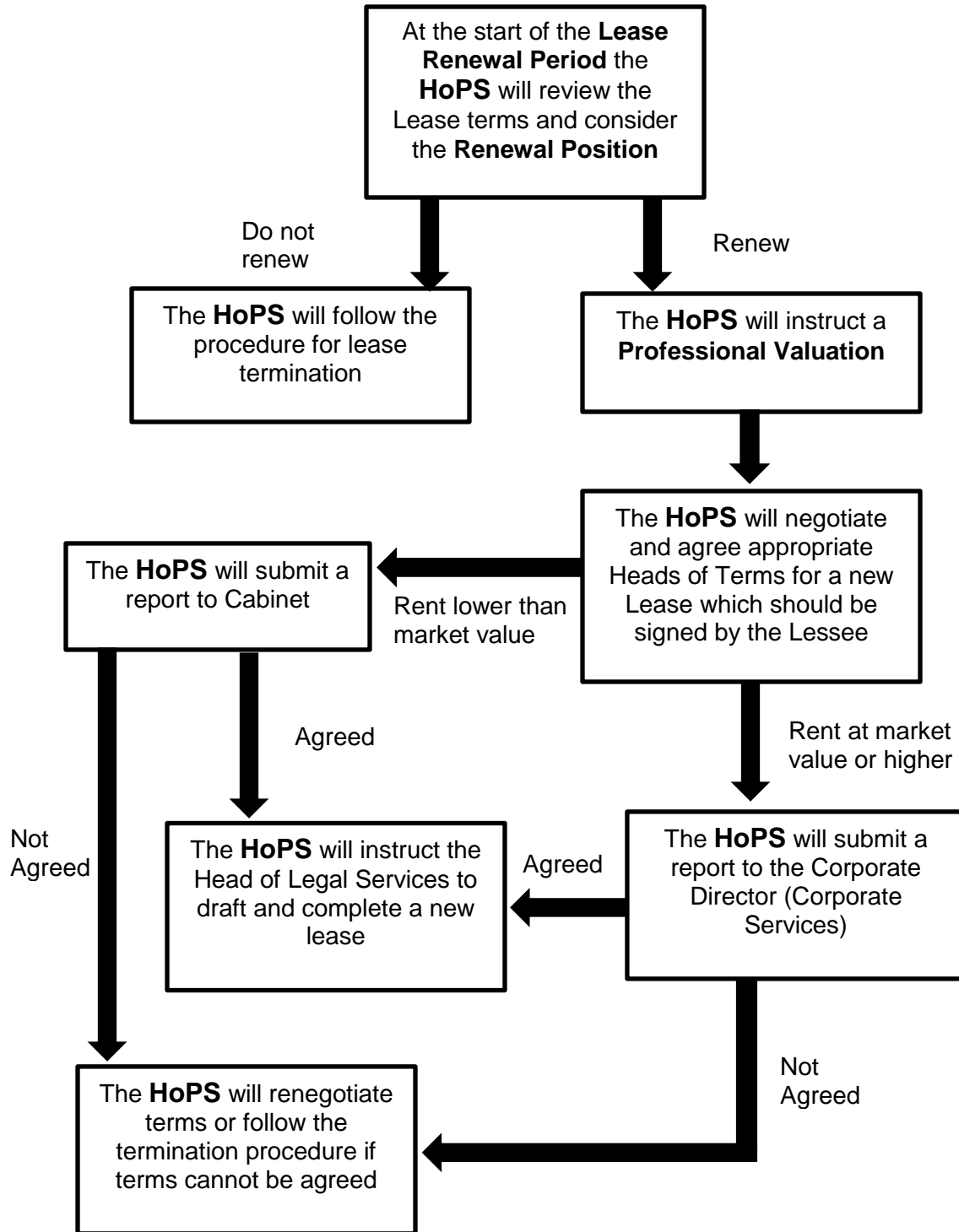
3.5. Lease/Licence Enforcement



At any stage the **HoPS** may agree revised measures or timescale with the lessee/licensee where this appears to be in the interest of the Council.

In cases where a licence agreement has been entered into by a Relevant Director or Head of Department these steps may be taken either by the Relevant Director or Head of Department or by the **HoPS**.

3.6 Lease Renewal



Where appropriate lease terms cannot be agreed the **HoPS** in consultation with the Head of Legal Services will serve formal notice including the terms for a new lease proposed by the Council. Following serving such a notice it may become appropriate to follow the procedure for lease termination or to return to the renewal procedure. Note: in any event that lease terms are determined by the Court a report to approve terms will not be prepared.

4. GENERAL MANAGEMENT OF LEASEHOLD LAND (COUNCIL AS TENANT)

4.1 Generally

The routine management of property used by the Council under a lease from any third party will generally be conducted by the Relevant Director or Head of Department in the same way as set out in section 11.

4.2 Landlord Default

Where a Relevant Director or Head of Department finds that there is a need for action by the landlord under the terms of the lease he/she will request action direct from the landlord in the first instance. In the event that the landlord still defaults on obligations in the lease, the Relevant Director or Head of Department will refer to the **HoPS** in consultation with the Head of Legal Services for formal action.

The **HoPS** may:

- Make a formal demand;
- Serve notice on the landlord;
- Agree other appropriate measures with the landlord, or;
- Propose works in default to be recharged to the landlord

The Head of Legal Services may:

- Take any of the foregoing steps, or;
- Initiate legal actions including proceedings where appropriate.

Where works in default are proposed the work and recharging will be arranged by the Relevant Director or Head of Department in the first instance. In the event of dispute over payment the matter will be referred to the Head of Legal Services for advice and formal action if considered appropriate.

4.3 Break, Renewal or Termination

Any notice in respect of a break provision, renewal or termination received by a Relevant Director or Head of Department will be referred to the **HoPS**.

On receipt of any notice, or 12 months in advance of any break date (or other period where break provisions so dictate) or any lease termination date, the Relevant Director or Head of Department will notify the **HoPS** whether he/she wishes to continue to occupy the property or not.

The **HoPS** will, as applicable:

- Renew the lease (see section 3.6);
- Oppose the breaking of the lease;
- Negotiate any dilapidations claim or other termination matters;
- Include the instruction of valuers and/or surveyors as required.
- Seek the advice of the Head of Legal Services where appropriate.
- Obtain any approvals necessary for settling any claims or other actions.
- Notify the Head of Finance

The Relevant Director or Head of Department will be responsible for:

- Timely vacation of property
- Arranging and funding any necessary works
- Funding any settlement or claim.
- Reading meters and notifying any suppliers, contractors or service providers of vacation

5. TERMINATION OF LEASES (COUNCIL AS LANDLORD)

5.1 General

On receipt of any notice from a tenant, or 12 months in advance of any break date (or other period where break provisions so dictate) or any lease termination date, the **HoPS** will consult any Relevant Director or Head of Department and determine whether it is in the interest of the Council to exercise the break provision, renew the lease or terminate it.

If the **HoPS** determines that lease renewal is in the interest of the Council it, the procedure at 3.6 will be applicable.

Where the **HoPS** considers that the termination of a lease at or after its contractual end date or the exercise of a break clause, is in the interest of the Council he will consult the Head of Legal Services and serve notice as appropriate.

Where the **HoPS** determines that termination of a lease is in the interest of the Council after following the procedure at 3.4, 3.5 or 3.6 he will ensure that steps identified in those procedures have been followed before instructing the Head of Legal Services to seek forfeiture of the lease as he/she considers fit.

5.2 Surrender

At any stage in the above processes the **HoPS**, subject to the agreement of the Head of Legal Services and Head of Finance, may agree terms for a voluntary surrender of the lease.

5.3 Dilapidations

In all cases the **HoPS** will inspect the property at an appropriate time before termination and where appropriate will serve a schedule of dilapidations and any notice(s) required in order to address any breach of the lease terms.

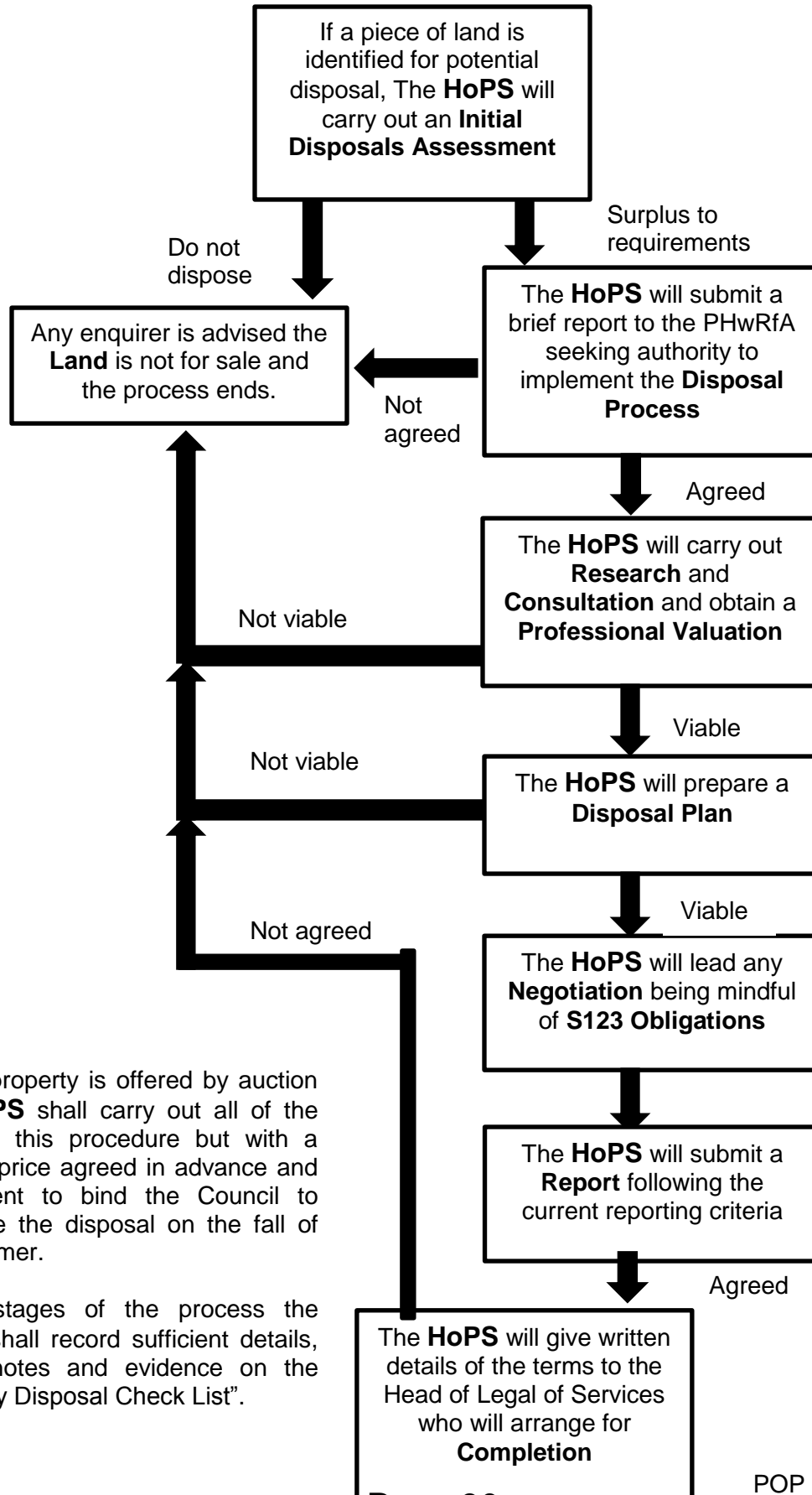
The **HoPS** will ensure that all works or measures are completed or, subject to the agreement of the Head of Legal Services and Head of Finance, may agree terms for a compensation settlement in lieu.

5.4 Taking Possession

The **HoPS** will liaise with the tenant and ensure that timely and secure vacation of the premises is achieved. The **HoPS** will ensure that meter readings are taken, utility providers notified, keys, documents and all necessary property or information is handed over and that the Head of Finance, is notified.

The **HoPS** will ensure that the property is secure at the time of handover. Further security measures or works of any kind will be the responsibility of the Relevant Director or Head of Department. Once vacated management of the property will be undertaken by the Relevant Director or Head of Department as procedure 11.

6. DISPOSAL OF LAND AND/OR PROPERTY



Note

Where property is offered by auction the **HoPS** shall carry out all of the steps in this procedure but with a reserve price agreed in advance and agreement to bind the Council to complete the disposal on the fall of the hammer.

At all stages of the process the **HoPS** shall record sufficient details, dates, notes and evidence on the "Property Disposal Check List".

7. DISPOSAL OTHER THAN AT BEST CONSIDERATION REASONABLY OBTAINABLE

7.1 General

The procedure set out below is proposed for the setting of consideration levels for all transfers and new leases including reviewed rental levels during the currency of leases. The procedure should be read in conjunction with the **Community Asset Transfer Policy**. In the event of discrepancy the Community Asset Transfer Policy will take precedence.

There shall be a general presumption that every purchaser of a land interest shall pay at least the full market value for any interest in land or other property and that in all disposals the **HoPS** will seek to obtain the best consideration reasonably obtainable including where appropriate optimising land values by the seeking of planning consent or other measures and by not imposing restrictive conditions on the transaction.

7.2 Disposal Plan and Reporting

In every case where a Relevant Head of Service and the **HoPS** consider, having regard to the guidance in ODPM circular 6/2003¹ or other legislation at the time being, that there are sufficient potential grounds to relax or waive the requirement to obtain best consideration reasonably obtainable:

- The **HoPS** will include, where identified, the potential for the granting of an interest in land at below market rates in the Disposal Plan,
- the **HoPS** in consultation with relevant Head of Department shall submit a report as required at section 6 above; additionally setting out the following:
 - The nature and term of the interest proposed.
 - The assessed market consideration for that interest.
 - The proposed level of reduced consideration.
 - The reasons for which it is proposed to grant the interest at below market rates having regard to the requirements of circular 6/2003.
 - Any additional consent that may be required in order to give effect to the decision.
 - A recommendation that the Cabinet approves, subject to any additional consent required by statute, the setting of the consideration level at the proposed level.

7.3 Rent Review

The **HoPS** may agree any revised or continuing rent level as set out at procedure 3.3 or any revised or continuing rent level within the bounds of a previous Cabinet decision to lease land or property at a predetermined proportion or other amount of the full market rent.

The **HoPS** may agree a rent at less than the full market rent as part of a transitional measure where:

- Historic rent level is substantially below the market rent, and;
- The stepped arrangement brings the rent up to the full market level prior to the next review or expiry, and;
- The tenant and use of the land meet the general criteria of the Community Asset Rent Offsetting Scheme.

The **HoPS** may agree a rent at less than full market value during a review of rent within a lease or other agreement of fewer than seven years duration provided that he is satisfied that the rent level is consistent with the Council's general fiduciary duties and the use of the land/property generally in line with the guidance in ODPM circular 6/2003.

¹ relating to the promotion or improvement of economic, social or environmental well-being

7.4 Securing Benefits

In every case where a rent or other consideration is set or agreed at less than the Best Consideration Reasonably Obtainable the **HoPS** will include in the negotiations the securing of benefits to support that level of consideration by reasonably enforceable means. The Head of Legal Services will ensure that relevant leases, transfers or other disposals or grant of interests in land contain appropriate provisions in accordance with instructions and terms approved.

8. GRANTING MANAGEMENT AND TERMINATION OF LICENCES AND TEMPORARY RIGHTS OR WAY ETC

8.1 General

All Relevant Directors and Heads of Department may grant a licence to use property within the control of that department or to access other land for a period not exceeding twelve months. In the case of any uncertainty the Relevant Director or Head of Department must seek the advice of the Head of Legal Services or **HoPS**.

8.2 Short term licences

In simple very short term arrangements² the licence may take the form of a letter or email to the licensee. Such email or letter must include the **Standard Licence / Tenancy Information**

8.3 Licences exceeding one month

In any case where the use of land or property may exceed one month but not exceeding 12 months the Relevant Director or Head of Department must ensure that a specific licence agreement is made. Such agreement should include provisions as above and be in a form approved by the Head of Legal Services or the HoPS.

The **HoPS** may grant a licence agreement likely to exceed 12 months. This must always be on specific terms approved by the Head of Legal Services .

8.4 Management of Licences

Following the granting of any licence the Relevant Director or Head of Department must ensure that appropriate measures are established to follow **Licence / Tenancy Management Guidelines**

8.5 Termination

The Relevant Director or Head of Department must ensure that at the end of any licence the use of the land/property ceases and that appropriate notice is given to any licensee. The Relevant Director or Head of Department must ensure that any property or items are removed and that any keys are returned and any damage fully reinstated by the licensee.

² For instance for ground tests or for temporary works access

9. GRANTING, MANAGEMENT AND TERMINATION OF TENANCIES AT WILL

9.1 General

The **HoPS** may grant a tenancy at will to occupy and use property owned by the Council. Any such agreement must be in a form approved by the Head of Legal Services.

9.2 Tenancy Agreement

In simple very short term arrangements the licence may take the form of a letter or email to the licensee. Such email or letter must include **Standard Licence / Tenancy Information**

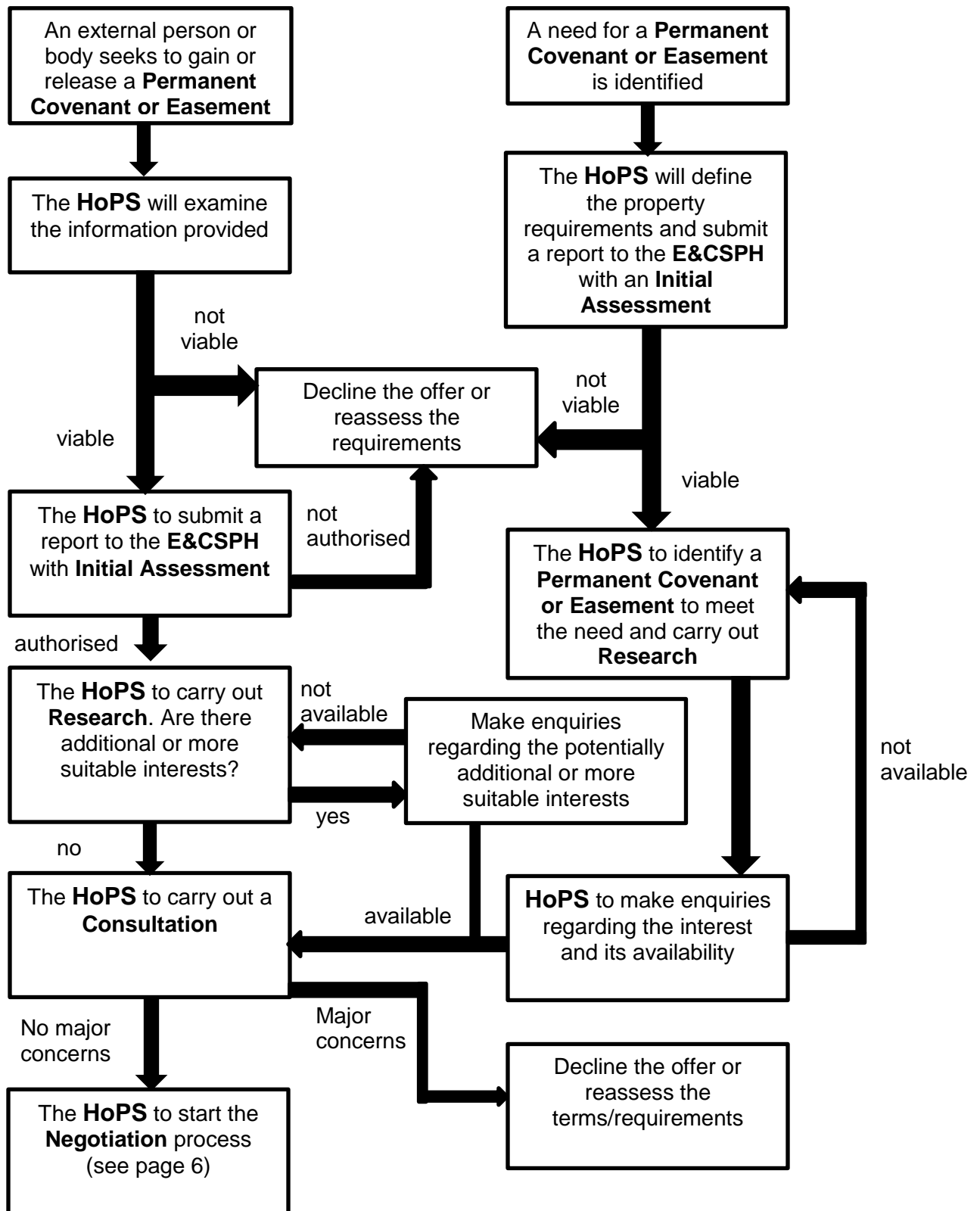
9.3 Management of Tenancies at Will

Following the granting of any licence the **HoPS** or where applicable Relevant Director or Head of Department must ensure that appropriate measures are established to follow **Licence / Tenancy Management Guidelines**

9.4 Termination

The **HoPS** must ensure that no less than one month notice, or longer period appropriate to the tenancy, is given to the tenant prior to the end of any tenancy. At the end of the tenancy at will the **HoPS** must ensure that the use of the land/property ceases, that rent is paid up to date and that all terms are complied with. The **HoPS** must ensure that property items are removed and that any keys are returned and any damage fully reinstated.

10. GRANTING, PROCUREMENT OR RELEASE OF COVENANTS, EASEMENTS AND OTHER MINOR INTERESTS



11. MANAGEMENT AND MAINTENANCE OF COUNCIL OWNED LAND

11.1 General

The Relevant Director or Head of Department will be responsible for the general management and maintenance of all land and property owned or used by the Council. Relevant Directors or Heads of Department should allocate responsibility for each piece of land or property to a specific service unit Head/Manager.

11.2 General Risk Assessment

Relevant Directors or Heads of Department should ensure that every piece of land or property or, where applicable, class³ of land or property has been subject to a **General Risk Assessment**.

11.3 Routine Inspections

Relevant Directors or Heads of Department must ensure that all land or property within the control of their department is subjected to a schedule of Routine Inspections as identified in the General Risk Assessment for that land or property or class of land or property. Routine Inspections should encompass checks for:

- Boundary condition
- Potential encroachment or unauthorised use(s)
- General condition including safety
- Presence of any invasive species
- Works to be scheduled in the maintenance plan
- Any additional matters arising from the General Risk Assessment or from any specific risk assessment

11.4 General maintenance

Relevant Directors or Heads of Department should ensure that all land or property within the control of their department is subject to arrangements to carry out routine repairs and maintenance within appropriate timescales having regard to potential third party claims and prevention of disproportionate damage.

11.5 Planned Maintenance.

Relevant Directors or Heads of Department should ensure that all land or property within the control of their department is subject to Routine Inspections and further surveys as required in order to ensure that cyclical works are scheduled, preventative and large scale works are appropriately recognised, prioritised and funded. Typical items to be included are:

- Electrical fixed installation testing, upgrading or renewal
- Asbestos management and removal
- Plant Servicing, upgrading and renewal
- External painting/treatment and associated repairs
- Resurfacing
- Roofing
- Concrete repairs
- Gutter and downpipe clearance
- Fire doors and equipment
- Internal decorations
- Flooring renewal
- Other works as highlighted in the Risk Assessments or by surveys or inspections.

A normal proportion of reactive to programmed maintenance should be 30% to 70% respectively

³ E.g. office or highway verge

11.6 Facilities Management

Relevant Directors or Heads of Department should ensure that all land or property within the control of their department is subject to a suitable management regime reflecting the nature and use of the land. Such regime should include such matters as:

- Security
- Periodic appliance testing
- Cleaning and waste removal
- Control of use
- Grounds maintenance
- Payment for utilities and other services and supplies
- Bookings, lettings, hire and use fees.
- Furniture and fittings
- Fire drills and safety
- Use specific requirements⁴
- Any other management required to ensure the safe, efficient delivery of services as applicable or as highlighted in the risk assessments.

11.7 Encroachment

In the event that Relevant Directors or Heads of Department identify encroachment or unauthorised use they should in the first instance request that the use is ceased and/or land returned. In the event that the encroachment or unauthorised use is not ended the Relevant Directors or Heads of Department should refer to the Head of Legal Services or **HoPS** for assistance.

11.8 Travellers

In the event that Relevant Directors or Heads of Department identify the unauthorised presence of **Travellers** they should note relevant details including date time, location, numbers etc and refer the matter to the Head of Housing for advice and further action.

⁴ Such as pool temperature or dosing monitoring

12. COMMUNITY ASSETS RENT OFFSETTING SCHEME (CAROS)

12.1 General

The **HoPS** will be responsible for the running of the Community Assets Rent Offsetting Scheme (CAROS).

12.2 Eligibility

Organisations will be eligible for the scheme if they:

- Are based in the District;
- Are not commercial or public sector organisations;
- Provide significant public services or activities within the District in line with the Council's Corporate Plan objectives
- Lease land or buildings or both from the Council with a term starting or agreed prior to 01 April 2017.

12.3 Application.

Organisations can apply to join the scheme via the Council's web site. The **HoPS** will consider whether the application meets the scheme criteria.

If the application does not meet the criteria the **HoPS** will notify the applicant or invite the applicant to submit further details as applicable.

If the application meets the criteria the **HoPS** will notify the applicant and the Head of Finance accordingly. The Head of Finance will issue any invoices for rent showing the full rent, level of CAROS grant and the resulting net payable amount.

12.4 Annual Review

The **HoPS** will (unless a wider review is under way) carry out an annual review of the scheme and report to the **PHwRfA** in March of each financial year. The review will include:

- Each beneficiary's full rental amount and amount of grant
- Any statement or information from beneficiaries setting out the use made of the financial support.
- A list of potentially eligible organisations that may apply to join the scheme in the approaching financial year.
- A statement of the total amount of grant given during the financial year in question including prediction of the position at year-end

The Portfolio Holder will determine whether to continue with the scheme or whether to revise or continue the existing eligibility criteria or financial threshold for the scheme.

The **HoPS** will notify the Head of Finance and all beneficiaries of the scheme of any change in the scheme as soon as practicable.

13. Investment Property

13.1 General

- Decisions on the acquisition of investment property, management and re-letting are delegated to officers.
- The steps taken under this procedure in respect of investment property will be clearly documented.
- Any decision to dispose of the freehold of a property or to alter or extend it will be subject to the standard procedures set out in this document and the Commercial Property Investment Policy.

13.2 Acquisition.

- The **HoPS** will identify potential acquisitions and evaluate them against the criteria and targets in the Commercial Property Investment Policy.
- Where required the **HoPS** will commission surveys or investigation as he/she sees fit.
- The Head of Legal Services will consider relevant deeds and prepare a report on title at the request of the HoPS.
- The Head of Finance will advise on the financial stability of the tenant(s) including procuring credit ratings and the like where necessary.
- The **HoPS** will consider what future options may exist to enhance the returns from the property or to dispose of it if it fails to meet expectations.
- The **HoPS** will conclude negotiations where necessary and report all of the foregoing to the Corporate Director (Corporate Services).
- When the Corporate Director (Corporate Services) is satisfied that acquisition of a property is in the interests of the Council having regard to the objectives of the portfolio he will seek the concurrence of the **PHwRfA** to acquire the property on the terms proposed and such other terms as considered appropriate by the Head of Legal Services.
- Where a potential property is to be sold at auction the foregoing steps will be taken save that the decision in consultation with the Portfolio Holder will include a price limit for the acquisition of the property and the **HoPS** will then bid for the property up to the limit determined.

13.3 Management

- The responsibility for managing the properties and the portfolio will reside with the **HoPS**.
- The **HoPS** will put in place appropriate periodic checks and inspections to monitor property condition and compliance.
- The **HoPS** will commission further surveys, serve notices and take any other steps necessary to maintain returns from the properties and manage risks to the Council.

13.4 Re-letting

- Where an investment property becomes vacant the **HoPS** will carry out an assessment of options to re-let or dispose of the property or carry out other measures and evaluate them against the criteria and targets.
- Where required the **HoPS** will appoint agents or market the property for re-letting. Note: any decision to invest in, alter or dispose of the freehold of the property would be subject to the Council's general rules and procedures.
- The Head of Finance will advise on the financial stability of prospective tenant(s) including procuring credit ratings and the like where necessary.
- The **HoPS** will conclude negotiations where necessary and report all of the foregoing to the Corporate Director (Corporate Services).
- When the Corporate Director (Corporate Services) is satisfied that re-letting of a property is in the interests of the Council having regard to the objectives of the portfolio he will seek the

concurrence of the **PHwRfA** to let the property on the terms proposed and such other terms as considered appropriate by the Head of Legal Services.

13.5 Monitoring and Review

Annually the **HoPS** will report to the Corporate Management Committee including following aspects in such report:

- i. The number and nature of properties in the investment portfolio
- ii. How each asset is performing against the targets?
- iii. Whether the risk profile of the portfolio has changed
- iv. Whether the portfolio remains sufficiently well balanced and diverse to limit the risk to the Council
- v. Whether the portfolio is performing satisfactorily against the overall financial target

14. Key Specific Issues

14.1 General

This section does not pretend to be comprehensive or exhaustive. There will be other issues that property managers, Heads of Service and Directors need to consider, particularly with regard to specialist properties such as dwellings, the theatre or swimming pools.

14.2 Asbestos

It is the duty of those responsible for workplaces (please assume that this is every building except individual dwellings) to identify and manage asbestos in those buildings. The intention of the law is to ensure that asbestos and asbestos containing materials are identified, recorded and monitored in such a way that those involved in working in or on those buildings are not exposed to asbestos fibres. Detail on these requirements is available on the HSE Web site: <http://www.hse.gov.uk/asbestos/> .

Key Points:

- Survey
- Risk assessment
- Sampling and analysis
- Recording of results and actions
- Marking and site held log
- Informing workers
- Updating records

Managers should ensure that they are familiar and up to date with the requirements and ensure that procedures are in place to maintain the safety of all connected with the Council's property.

14.3 Electricity

It is the duty of those responsible for buildings to ensure that electrical installations and equipment are safe. The intention of the law is to ensure that people using or working on buildings are safe from electrical injuries. Detail on these requirements is available on the HSE web site: <http://www.hse.gov.uk/electricity/> .

Key Points:

- Use of qualified electricians
- Risk assessment
- Regular fixed installation testing
- Regular portable appliance testing (PAT)
- Additional inspections of high risk equipment
- Programming of repairs/improvements
- Recording of results and actions

Managers should ensure that they are familiar and up to date with the requirements and ensure that procedures are in place to maintain the safety of all connected with the Council's property.

14.4 Legionella

It is the duty of those responsible for buildings to ensure that installations and equipment are safe. The intention of the law is to ensure that people using or working on buildings are safe from legionnaires disease. Detail on these requirements is available on the HSE web site: <http://www.hse.gov.uk/legionnaires/>

Key risk areas:

- Air conditioning with water based cooling
- Showers, spas or any other form of water spray
- Domestic (hot and cold) water systems
- Air handling systems
- Any point that water can be static, warm, and/or made into a spray

Key Points:

- Risk Assessment
- Regular testing
- Designing out of risk
- Chemical treatments and cleaning
- Temperature monitoring
- Recording

Managers should ensure that they are familiar and up to date with the requirements and ensure that procedures are in place to maintain the safety of all connected with our property.

14.5 Fire

It is the duty of those responsible for buildings to ensure that electrical installations and equipment are safe. The intention of the law is to ensure that people using or working on buildings are safe from fire and explosion. Detail on these requirements is available on the HSE web site: <http://www.hse.gov.uk/fireandexplosion/> and on the Government web site at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities> .

Key Points

- carry out a fire risk assessment of the premises and review it regularly
- tell staff or their representatives about the risks you've identified
- put in place, and maintain, appropriate fire safety measures
- plan for an emergency
- provide staff information, fire safety instruction and training

Managers should ensure that they are familiar and up to date with the requirements and ensure that procedures are in place to maintain the safety of all connected with The Council's property.

14.6 Other

It isn't practical in this document to attempt a full list of risk and management areas. Directors, Heads of Service and Managers should ensure that they are familiar with their buildings and other land and that a competent person carries out a suitable general risk assessment that adequately identifies risks and the need for further risk assessments and control measures where appropriate. In the case of any doubt advice should be sought from the Council's Health and Safety Advisor or Head of Property Services as applicable.

15. Definitions

Acquisition Report A full report including specific details of the property, the terms and conditions of the proposed transaction any other relevant provisions. With regard to acquisitions, the report should also include the source of funding and seek authority to complete an acquisition on those terms.

The **HoPS** shall include as much information as possible in a public report to determine whether to progress with the proposals. Concurrently a confidential report, if necessary, should also be prepared dealing with all confidential elements of the transaction e.g. personal or financial data, etc.

Completion The **HoPS** will provide instructions to the the Legal Services Department to prepare all necessary documentation and to complete the acquisition. The HoPS will ensure that appropriate meter readings are taken and any other handover matters are addressed and all relevant internal departments are informed of the completion (Director or Head of Department as the user of the Land, Property Records Assistant, Insurance and Finance Section and the Rates Department).

Community Asset Transfer Policy The policy on Community Asset Transfers adopted by the Council dated June 2014 or any later edition thereof.

Consultation The **HoPS** should consult with the Department that currently uses or manages / will use or manage the Land, the Ward Councillor/s, the Head of Finance and where any other officer is leading the matter they should consult the **HoPS**.

Disposal Plan The **HoPS** will formalise a plan for the disposal defining the extent of land/property and nature of interest to be disposed of. It will also include the method of disposal and any marketing or other processes to be adopted (in consultation as necessary with the professional valuer). Any necessity to advertise public open space disposal or any other legal requirement should be noted.

Disposal Process The steps identified in section 6 following the authority of the PHwRfA to proceed.

Disposals Report The **HoPS** shall prepare a full report on specific terms and conditions for the disposal and any other relevant provisions and authority to conclude the acquisition.

In preparing the above report, the **HoPS** shall include as much information as possible into a public report to determine whether to progress with the proposals. Concurrently, if necessary, a confidential report should also be prepared dealing with all confidential elements of the transaction e.g. personal or financial data, etc.

PHwRfA Portfolio Holder with Responsibility for Assets

Formal Notice Should be in the form approved by the Head of Legal Services or the HoPS and include a suitable timescale. In all cases the Notice should identify whether costs or compensation is to be charged

General Risk Assessment must identify:

- The piece (or class) of land or property
- The users of the land or property
- Potential hazards risk levels and control measures

- Potential need for specific risk assessment(s)⁵ survey(s)⁶ or plans⁷
- Appropriate period for Routine Inspections
- Appropriate period for the review of the General Risk Assessment

HoPS Head of Property Services

Initial Assessment All sale particulars and background information to be examined and a basic feasibility appraisal carried out to include details on how the acquisition/disposal could meet the Council's corporate objectives, any legal obligations or operational needs that are relevant to the acquisition/disposal and whether or not the acquisition/disposal is in the Council's financial interest.

Initial Disposals Assessment The **HoPS** will determine if he considers land or property to be surplus to requirements. This could be at the request of a member of the public to purchase such land, or generally land that would be in the interest of the Council to dispose of.

Inspections Programme The **HoPS** will establish a programme of periodic inspections. The programme will reflect the levels of risk associated with individual properties and tenants or occupiers. Details of inspections will be recorded on a periodic inspection record sheet and in other documents as required.

Land In this policy Land shall have the meaning defined by common law and will include all interests in land, buildings or structures thereon or any legal estate or interest therein. For avoidance of doubt, Land includes land covered by water and any estate, interest, easement, servitude or right in or over land (Ref: Schedule 1 – Interpretation Act 1978. [1st January 1979]).

Lease Renewal Period 12 months in advance of their contractual end date or at a later time for any leases or licences of 1 year or less duration as determined by the agreement terms

Licence / Tenancy Management Guidelines In order to correctly manage a licence / tenancy you should:

- Monitor and control third party use
- Prevent exclusion of the Council's access or use (in the case of a Licence)
- Collect fees / rent
- Ensure the Council's procedure for management of land is continued and adjusted as required to take account of any additional requirements or matters delegated to the Licensee/Tenant in the agreement.
- Ensure that licence / tenancy terms are adhered to
- Prevent use or occupation extending beyond the identified land or periods

Negotiation All negotiations or bidding should be led by the **HoPS**, fully documented and "subject to contract" or, if applicable, "without prejudice" and any agreement should stipulate it is subject to such other terms as the Head of Legal Services considers appropriate and necessary. Any face-to-face meetings as part of the negotiations should be attended by the **HoPS** and at least one other Officer who should keep contemporaneous notes.

Permanent Covenant or Easement A permanent covenant in this context means greater than seven years). A Permanent Covenant or Easement in this case also includes any other right or obligation affecting the Council's land or property.

⁵ E.g. Legionella

⁶ E.g. Asbestos

⁷ E.g. Asbestos or Fire Safety

Professional Valuation The **HoPS** to appoint a professional valuer on terms as he sees fit to provide a professional valuation and advise how best to minimise costs or maximise value to the Council. Where appropriate to consult on negotiations, tendering, preparations for auction and carry out any other actions or provide any other professional advice necessary, advisable, or in the Council's interest.

Property Dealing Property dealing refers to the acquisition or disposal by the Council of any interest in land, including freehold, leasehold, by way of tenancy, any rent review, lease variation, lease renewal or any other dealing or proposed dealing with an interest in land or licence to use land and Property Deal is to be construed accordingly.

Record Progress throughout any Property Dealing should be recorded on a check sheet suitable for the transaction. Other details, dates, notes, evidence of research and negotiations should be recorded and retained in line with the Council's retention policy. The relevant check sheet should be passed to the Property Records Assistant to be included in the electronic record.

Relevant Director or Head of Department Where referred to in this policy the Relevant Director or Head of Department shall mean the Direct or Head of Department responsible for the day to day management or operation of the Land at the time being. The Chief Executive may authorise any other office to carry out functions within these procedures as if they were a Relevant Direct or Head of Department. In default of an allocated Head of Department the function shall be carried out by the **HoPS**.

Renewal Position The **HoPS** will consider whether it would be in the interests of the Council to renew any such agreements and whether appropriate grounds and authority to do so or not. In certain circumstances it may be appropriate to allow an existing lease to hold over for a period.

Required Measures Any measures required in order to comply with health and safety, the lease or other agreement requirements. The tenant and or relevant Director of Head of Department will be notified formally and given a reasonable timescale in order to undertake any work.

Research Carry out a site inspection to check boundaries, services and any physical constraints that may affect the value or usage and identify any adjoining property that could potentially be acquired/disposed of to increase the overall benefit to the Council. In the case of an acquisition, identify whether any alternative land would more affectively meet the Council's needs and compare, appraise and document the results. Seek input from the Planning Department with regard to the planning position of the Land and Legal Department with regard to the deeds, plans and any restrictive covenants, easements wayleaves or any other agreements or restrictions that may affect the Land

Review Period Between three and six months prior to the date due for any review (or other period prescribed by any lease or other arrangement).

S123 Obligations Any disposal should have regard to statutory and other requirements and should ensure that the best consideration reasonably obtainable is achieved unless, a lower consideration is approved by Cabinet under the General Disposal Consent (England) 2003 or other statutory provision – see section 7. If the land is designated as public open space, the **HoPS** will procure advertisement of its disposal in the local newspapers in order to comply with S.123 (2A) of the Local Government Act 1972 (as amended). All resulting objections to the proposed sale should be considered by the **HoPS**. If there are considered to be sufficiently material comments to warrant consideration of retention of the land, the issues raised will be included in the **Disposals Report**

Standard Licence / Tenancy Information This includes:

- The full name and address of the person(s) granted the licence or tenancy, including particularly all company details and number if applicable.
- The specific land or property included including a plan
- The permitted use(s)
- Indemnity against third party losses, damage or claims
- Prohibition of damage or any unlawful act or nuisance
- Commencement and termination dates
- Provision for termination in the event of breach
- Where appropriate fee level and payment
- Where appropriate public liability insurance
- Other provisions where appropriate to the proposed use(s) or user(s)
- Reservation of Council use and access in general
- Statement that no lease is created (in the case of a Licence)
- Statement excluding the provisions of Part II of the Landlord and Tenant Act 1954 (in the case of a Tenancy and for a licence if considered necessary by the HoPS or the Head of Legal Services)
- Reservation of Council access for inspection etc in detail for any specific requirements.

Termination Action The **HoPS** in conjunction with the Head of Legal Services will re-enter the premises or arrange for agents to re-enter the premises on behalf of the Council in order to terminate the lease/licence or begin other termination action as specified in the lease/licence agreement

Traveller(s) Gypsies or travellers or travelling showpeople as further defined in the Annexe 1 to the Department for Communities and Local Government document Planning Policy for traveller Sites.

A6 Appendix E

POWER FOR CONSTITUTIONAL CHANGES

The Councils Articles, Part 2 of the constitution provides powers for the Full Council:

Article 4.02 (4) Adopting and changing the Constitution unless specifically delegated to the Monitoring Officer;

Article 4.02 (5) The adoption or approval of a plan or strategy, other than a plan or strategy for the control of the authority's borrowing or capital expenditure or forming part of the Policy Framework, where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them;

It is recommended that the Council:

1. Approves the changing of the constitution as set out in Parts 1 and 2 of this Appendix
2. Adopts the Asset Management Plan

Part 1

Amend the following constitution clauses to read [changes shown underlined]:

Constitution Part 3 item 4.2.1: Corporate Asset Management,

- Adoption of the Property Programme
- Overview and formulation of the Asset Management Plan, Property Strategy and Property Office Procedures
- Property Service providing property advice and support to service areas
- Initiation and authorisation of property transactions in accordance with the Property Dealing Procedure

Constitution Part 3 item 3.2 Additional Specific Delegations to Individual Portfolio Holders Enforcement and Community Safety (current title Portfolio Holder for Resources and Corporate Services)

1. Overseeing implementation of the Property Strategy, Property Programme and Property Office Procedures in accordance with the Property Dealing Procedure.

Constitution Part 5 item 14.1.1 All securities in the name of the Council and the title deeds of all property in the ownership of the Council shall be held in the custody of the Property Service

Constitution Part 5 item 15.1 All land and property transactions must be undertaken in accordance with the Council's Property Dealing Procedure.

Constitution Part 5 item 15.2 Any amendments to the Property Dealing Procedure will be made by Full Council as constitutional amendments.

Constitution Part 5 Substitute entirely the Property Dealing Procedure for the replacement text set out in Part 2 of this Appendix.

Part 2

PROPERTY DEALING PROCEDURE

1. Negotiation of Property Deals

1.1 Property Deal means the acquisition or disposal by the Council of any interest in land, including freehold, leasehold, by way of tenancy, any rent review, lease variation, lease renewal or any other dealing or proposed dealing with an interest in land or licence to use land.

1.2 Members must not engage in negotiations of any kind relating to any Property Deal or proposed Property Deal.

1.3 Every request to the Council from any party for a deal within this procedure shall be referred to the Head of Property Services, or, by the Chief Executive, to any Corporate Director.

1.4 Every Property Deal shall be conducted in accordance with the Property Dealing Procedure, excluding the sale of dwellings under right-to-buy legislation and sale and purchase of Shared Equity and DIYSO Properties.

1.5 Any Property Deal will be dealt with by appropriate officers in accordance with Property Office Procedures to be agreed from time to time by the Assets Manager with the Council's Section 151 and Monitoring Officers. The Property Office Procedures set out the practice to be followed by any Officer acting under delegated powers.

2. Property Office Procedure

2.1 "Property Office Procedure" means all applicable steps of the Property Office Procedures at the time being.

2.2 The Head of Property Services will ensure that adequate office procedures are agreed with the S151 and Monitoring Officers and maintained. The Property Office Procedures must include appropriate controls on the conduct of Property Deals. The Property Office Procedures should contain other procedures and guidance on the management of property by other parts of the Council.

3. Valuations

3.1 in relation to Property Deals and to any appropriation of land the Head of Property Services will carry out or obtain appropriate valuations proportionate to the open market value or rental:

Type of Deal	Valuation(s) Required
Licences and Tenancies at Will	Officer valuation to be prepared and retained.
Leases, interests and freeholds up to £100,000	One full external professional valuation to be obtained.
Leases, interests and freeholds over £100,000	Two full external professional valuations to be obtained.
As above but in any ransom or other circumstances where the seeking of two valuations would be impractical in the opinion of the Head of Property Services.	One full external professional valuation to be obtained. Head of Property Services to include reasoning in the report for decision.

APPENDIX A: Levels of Decision Making

Right or interest to be granted/acquired/disposed of	Officer who is a Corporate Director	Officer who is Corporate Director: Corporate Services	Relevant Portfolio Holder for Assets	Cabinet
Reporting	Formal Record of Officer Decision to be completed and published*.		Formal Report and Record of Decision required to be completed and published*.	
1. A licence or access agreement for 12 months or less				
2. A licence or access agreement for more than 12 months or any tenancy at will				
3. Tenancies for less than seven years excluding security of tenure				
4. Renewal, assignment or surrender of tenancies as 3 above				
5. Tenancies for seven years or more or not excluding security of tenure				
6. Renewal, assignment or surrender of tenancies as 5 above				
7. Grant, acquisition or release of Rights of way, Easements or other permanent rights				
8. Freehold property interest less than £100,000				
9. Freehold property interest more than £100,000				
10. Any disposal of open space where objections have been received				
11. Any disposal at less than the Best Consideration Reasonably Obtainable.				

* Subject to access to information rules

Greyed box indicates level of decision making

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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