

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