

**Report to COUNCIL**  
**Review of Land and Property Protocols**

**Officer Contact:** Elaine McLean, Executive Director Economy and Skills

**Report Author:** Cath Conroy, Head of Asset Management and Estates  
**Ext. 4424**

**15<sup>th</sup> July 2015**

---

**Reason for Decision**

To seek approval to amend the Land and Property Protocols in order to improve the Council's decision making process and more accurately reflect the Council's recently reviewed organisational structures.

**Recommendations**

Council is recommended to approve the revised Land and Property Protocols as Appendix attached.

## **Review of Land and Property Protocols**

### **1 Background**

- 1.1 The Land and Property Protocols form part of the Council's Constitution, providing a strategic governance framework within which land and property transactions are undertaken and the corporate portfolio is managed in a consistent, transparent and appropriate manner.
- 1.2 The Protocols have been regularly reviewed, and at annual Council meeting in May 2014, reflecting an aspiration for greater direct Political accountability in decision making, a number of amendments were made regarding land an property transactions, in particular disposals.
- 1.3 In order to create a more efficient decision making process, Council at its meeting in December 2014 approved a further amendment relating specifically to decision making in situations where there was an 'undervalue', introducing a delegated 'de-minimus' level of £50k.

### **2 Current Position**

- 2.1 The Council's recent corporate re-structuring does not appropriately reflect the existing Land and Property Protocols.
- 2.2 The key proposed changes are as follows;

In order to reflect transfer of responsibility for the Corporate Property service from Commercial Services Directorate to Economy and Skills Directorate, within the General Protocol and throughout the document;

- The ' Executive Director Commercial Services' is replaced with the 'Executive Director Economy and Skills'
- The 'Corporate Property Team' is replaced with the 'Director of Economic Development'
- The Corporate property Officer is replaced with the 'Director of Economic Development'
- Specific references to Chief Executive specific approval for property transactions is deleted

Paragraph 2 VIII – Includes a specific reference to the Council's Building Maintenance Policy

Paragraph 2 IX – Includes a specific reference to the principles of the One Public Estate initiative

Paragraph 4.5 Lettings

- 
- Proposed to reduce officer delegated limits from £1m to £500,000 in line with 4.7 a) below

#### Paragraph 4.7 Decision Making

- a) Proposed to increase limit of officer delegation from £400,000 to £500,000 in line with current DCLG best practice proposals.

In order to improve transparency, it is proposed to report cumulative property acquisitions on a regular basis to Capital Investment Programme Board.

#### Paragraph 4.12 Instructions to Undertake Property Transactions

- Proposed improvements to clarify and tighten up the process

#### Protocol on Disposal of Open Space

- Proposed improvements to improve process specifically regarding form of Notice to be published

### 3 **Options/Alternatives**

- 3.1 Council could opt not to amend the Protocols.

### 4 **Preferred Option**

- 4.1 The preferred option is to amend the Protocols as identified above in order to improve efficiency in the decision making process without compromising Council's original intent.

### 5 **Consultation**

- 5.1 Group Leaders have been consulted.

### 6 **Financial Implications**

- 6.1 Some of the proposed changes are needed following changes in Executive Director responsibilities. Other changes bring delegation limits in line with DCLG best practice recommendations. There are no direct financial implications, but it is important to maintain and keep the protocols under review so as to ensure effective procedures are in place to achieve good value in land transactions. (Paul Cook/Assistant Borough Treasurer 12.6.15)

### 7 **Legal Services Comments**

- 
- 7.1 Any revisions to the Constitution (which include the Land and Property Protocol ) require approval of full Council. (Paul Entwistle 25.6.15)
8. **Co-operative Agenda**
- 8.1 N/A
- 9 **Human Resources Comments**
- 9.1 N/A
- 10 **Risk Assessments**
- 10.1 N/A
- 11 **IT Implications**
- 11.1 None.
- 12 **Property Implications**
- 12.1 Property implications are fully covered within the report.
- 13 **Procurement Implications**
- 13.1 Not applicable.
- 14 **Environmental and Health & Safety Implications**
- 14.1 N/A
- 15 **Equality, community cohesion and crime implications**
- 15.1 N/A
- 16 **Equality Impact Assessment Completed?**
- 16.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 N/A
- 19 **Background Papers**
- 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :
-

---

The Council's Constitution available on the Council's website -  
<http://committees.oldham.gov.uk/eCSDDisplay.aspx?NAME=The%20Council%20Constitution&ID=238&RPID=264189&sch=doc&cat=13171&path=13171>

20     **Appendices**

20.1   Appendix 1 Land and Property Protocols