

Report to COUNCIL

Land and Property Protocol Review

Portfolio Holder:

Councillor Jean Stretton, Cabinet Member for Economy and Enterprise

Officer Contact: Executive Director of Economy Skills and Neighbourhoods

Report Author: Cath Conroy, Head of Asset Management and Estates

Ext. 4424

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Reason for Decision

To consider a recent review of the Land and Property Protocol to streamline and drive efficiencies in the process.

Executive Summary

The Land and Property Protocol 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.

The Protocol have been regularly reviewed and amended, most recently reflecting an aspiration for greater direct Political accountability in decision making.

In order to create a more efficient decision making process, the Protocol have been further reviewed, reflecting and supporting the Council's Co-operative ethos.

Recommendations

It is recommended that the revised Land and Property Protocol attached at Appendix 1 is approved.

Land and Property Protocol Review

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 amended, most recently reflecting an aspiration for greater direct Political accountability in decision making.
- 1.3 In order to create a more efficient decision making process, the Protocols have been further reviewed, reflecting and supporting the Council's Co-operative ethos.

2 Current Position

- 2.1 The document has been streamlined throughout, reducing duplication and superfluous wording.
- 2.2 The key substantive proposed changes are as follows;

Paragraph 3.2

Rather than an overriding presumption against freehold sales and public auction, we have introduced the explicit requirement for each case to be considered on its individual merits with regard to method and terms of sale, including tenure to be offered. Land and property assets are unique and one size rarely fits all, and it is recommended that professional advice will prevail on a case by case basis.

For clarity, when using an informal tender process, any bids received after the formal closing date will not be considered.

Paragraph 3.3

For clarity, in terms of specific financial delegated limits, it is proposed to revert to the previous level of delegation to the Director of Economic Development to approve disposals at less than best consideration up to £100k.

Paragraph 3.7 d)

It is proposed to include an additional level of delegation to the Head of Asset Management and Estates to approve disposals of assets to a value of less than £50k, in consultation with the relevant Cabinet member where the decision is a key decision.

Paragraph 3.7.1 Emergency Decisions

It is proposed to include a specific delegation to the Executive Director of Economy Skills and Neighbourhoods, in agreement with the Council Leader and in consultation with the Directors of

Finance and Legal Services, to take actions relating to land and property where there are urgent strategic reasons to do so, such as bidding for property at public auction. An emergency action will be reported to Cabinet for information at the next available opportunity.

Paragraph 3.7.2 Member Notification

It is proposed to extend the requirement to consult the relevant Cabinet Member in addition to ward Members in respect of any proposed land and property transaction, with the exception of residential Right to Buy and Leasehold Enfranchisement transactions.

Delegated Decision Recording

In order to further streamline the process, it is proposed to adopt a short form template report for all delegated reports moving forward.

Paragraph 3.10

It is proposed that this section is streamlined to require independent valuations where it is considered prudent.

Paragraph 4.3.4 Disposal of Public Open Space

Advertising; 28 days should be allowed from the date of the *first* advert.

3 **Options/Alternatives**

- 3.1 If the protocols are not reviewed, the potential to drive efficiencies and further support the Council's Co-operative agenda is lost.

4 **Preferred Option**

- 4.1 The preferred option is to adopt the reviewed Protocols as attached at Appendix 1.

5 **Consultation**

- 5.1 Group Leaders have been consulted.

6 **Financial Implications**

- 6.1 There are no significant financial implications of this report with the amendments to the protocols, however as stated each individual land and property transaction must be subject to the decision making process and follow the levels of delegation. As each case will be different the specific financial implications will be discussed in each separate report.
- 6.2 Officers should work with Finance when carrying out any acquisitions to understand the current and future capital requirements for the Council, where the funding will be sourced and impacts to the Medium Term Financial Strategy (MTFS). These impacts will include impacts to the Collection Fund and Business Rate Retention.

6.3 The levels of delegation to the Director of £100k and the Head of Service of £50k are aligned to Financial Regulations and Finance will provide technical and financial advice into the process of the disposing of such assets, including the accounting treatment within the Asset Register.

(Sam Smith, Senior Finance Manager)

7 **Legal Services Comments**

7.1 None.

8. **Co-operative Agenda**

8.1 The proposals support the Council's Co-operative agenda.

9 **Human Resources Comments**

9.1 None

10 **Risk Assessments**

10.1 N/A

11 **IT Implications**

11.1 None

12 **Property Implications**

12.1 The improved Protocols will improve efficiency in all land and property transactions.(Cath Conroy)

13 **Procurement Implications**

13.1 N/A

14 **Environmental and Health & Safety Implications**

14.1 Clear Protocols regarding the Council's management of its corporate estate ensures that all Health and Safety issues are properly addressed.

15 **Equality, community cohesion and crime implications**

15.1 None

16 **Equality Impact Assessment Completed?**

16.1 No

17 **Key Decision**

17.1 N/A

18	Key Decision Reference
18.1	N/A
19	Background Papers
19.1	The Council Constitution Part 5
20	Appendices
20.1	Appendix 1 Land and Property Protocols