

AGENDA ITEM No. 8

CABINET

SOLICITOR TO THE COUNCIL

7TH MARCH 2017

REPORT NO. LEG1705

KEY DECISION: NO

CHANGES TO THE POWERS OF THE SOLICITOR TO THE COUNCIL UNDER THE SCHEME OF DELEGATION

SUMMARY AND RECOMMENDATIONS:

This report seeks approval for changes to the powers of the Solicitor to the Council to enable decisions to be made promptly and efficiently in relation to the Council's growing property portfolio.

Recommended that the Cabinet approves the changes to the powers of the Solicitor to the Council in the scheme of delegation as set out in Appendix 2

1. INTRODUCTION AND BACKGROUND

Part 3 Responsibilities for Functions / corporate services contains the existing delegated powers that the Solicitor to the Council has in respect of Property and Land matters.

These delegations have not been reviewed for some time. Over the last year, the Council has acquired further assets and there has been an increased level of property activity in relation to the council's property portfolio. Thus there is a need for increased delegations to ensure that the property portfolio can be properly managed.

2. CHANGES TO DELEGATION

The levels of delegation also require increase to reflect the current level of rents and market values. The opportunity has also been taken to insert new powers for routine work that should not need to be reported to cabinet where best value is being obtained.

The existing powers are shown in Appendix 1 and the revised proposed powers in Appendix 2.

Further review may be necessary in connection with the Asset Management Strategy work.

Recommendation

That the Cabinet approves the changes to the powers of the Solicitor to the Council in the scheme of delegation as set out in Appendix 2

APPENDIX 1

Property and Land Matters

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| 31. | Entering into agreements to acquire, lease or dispose of interests in land in any of the following cases:
(1) where the value of the property does not exceed £10,000
(2) where the rent does not exceed £1,000 per annum
(3) where the lease is a renewal of an existing lease | Solicitor to the Council in consultation with the Cabinet Member for Corporate Services |
| 32. | Determination of applications for the Council's consent as landlord under the terms of any lease of premises from the Council. | Solicitor to the Council |
| 33. | Granting of consents and licences for assignments and sub-lettings in cases where the Council's consent cannot be unreasonably withheld. | Solicitor to the Council |
| 34. | Granting of landlord's approval for the carrying out of works by leaseholders on the premises that have been let to them where such works do not require planning permission or where planning permission has already been granted. | Solicitor to the Council |
| 35. | Signing of notices required under the terms of any lease (to or from the Council) and to effect any rent review under such a lease. | Solicitor to the Council, in consultation with the Head of Financial Services, as necessary |

36.	Any action necessary following non-compliance with the terms of any lease (including proceedings for forfeiture or other remedies).	Solicitor to the Council in consultation with the Cabinet Member for Corporate Services.
37.	Making arrangements for the temporary use or letting of any Council property not immediately required for operational purposes.	Solicitor to the Council in consultation with appropriate Heads of Services
38.	Granting of licences of housing and recreational land for private use or access purposes up to a period of five years.	Solicitor to the Council in consultation with appropriate Heads of Services
39.	Granting of way leaves.	Solicitor to the Council in consultation with appropriate Heads of Services
40.	Management of Belle Vue Enterprise Centre, including grant and termination of tenancies.	Solicitor to the Council
41.	Maintaining the list of Assets of Community Value, notifying owners and occupiers of listings and receipts of notices and publicising the possible sale of an asset	Solicitor to the Council
42.	Decision on whether or not to include a property or land on the list of Assets of Community Value	Solicitor to the Council in consultation with the Cabinet Member for Corporate Services, the Head of Community and Environmental Services and the relevant Member where the asset impacts on his or her portfolio
43.	Review of a decision to list a property or land on the list of Assets of Community Value or for compensation	Chief Executive

APPENDIX 2

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| 31. | Entering into agreements to acquire, lease or dispose of interests in land subject to obtaining best value in any of the following cases:
(1) where the value of the property does not exceed £100,000
(2) where the rent does not exceed £50,000 per annum
(3) where the lease is a renewal of an existing lease or a surrender and grant of lease | Solicitor to the Council in consultation with the Cabinet Member for Corporate Services |
| 32. | Determination of applications for the Council's consent as landlord under the terms of any lease of premises from the Council. | Solicitor to the Council |
| 33. | Granting of consents and licences for assignments and sub-lettings in cases where the Council's consent cannot be unreasonably withheld. | Solicitor to the Council |
| 34. | Granting of landlord's approval for the carrying out of works by leaseholders on the premises that have been let to them where such works do not require planning permission or where planning permission has already been granted. | Solicitor to the Council |
| 35. | Signing of notices required under the terms of any lease (to or from the Council); to effect any rent review under such a lease; to agree the level of the reviewed rent and | Solicitor to the Council, in consultation with the Head of Financial Services, as necessary |

	to exclude the provisions of the Landlord and Tenant Act 1954 or to issue or respond to any notices under the same act.	
36.	Any action necessary following non-compliance with the terms of any lease (including proceedings for forfeiture or other remedies).	Solicitor to the Council in consultation with the Cabinet Member for Corporate Services.
37.	Making arrangements for the temporary use or letting of any Council property not immediately required for operational purposes.	Solicitor to the Council in consultation with appropriate Heads of Services
38.	Granting of licences of housing and recreational land for private use or access purposes up to a period of five years.	Solicitor to the Council in consultation with appropriate Heads of Services
39.	Granting of wayleaves and easements	Solicitor to the Council in consultation with appropriate Heads of Services
40.	Management of all commercial property including (subject to para 31) grant and termination of tenancies; maintenance and repairs and engagement of managing agents.	Solicitor to the Council
41.	Release of restrictive covenants subject to obtaining best value.	Solicitor to the Council
42.	Maintaining the list of Assets of Community Value, notifying owners and occupiers of listings and receipts of notices and publicising the possible sale of an asset.	Solicitor to the Council

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| 43. | Decision on whether or not to include a property or land on the list of Assets of Community Value | Solicitor to the Council in consultation with the Cabinet Member for Corporate Services, the Head of Community and Environmental Services and the relevant Member where the asset impacts on his or her portfolio |
| 44. | Review of a decision to list a property or land on the list of Assets of Community Value or for compensation | Chief Executive |