

# Report

## Democratic Services Committee

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### Part 1

Date: 8 November

**Subject** **Policy for Minor Property Transactions of Council Property Assets**

**Purpose** To consider recommending to Council adoption of a policy to determine Minor Property Transactions by delegating authority to Officers.

**Author** Housing and Assets Manager

**Ward** All

**Summary** Currently all acquisitions and disposals of property must be decided, in advance, by the designated Cabinet Member. This can result in relatively minor matters becoming delayed and significant management and Member time being committed in processing such transactions. Previously, the Council has adopted a policy to manage minor matters through a simplified procedure, delegated to Chief Officers. It is proposed to reintroduce such a system.

**Proposal** **To recommend to Council adoption of the policy for Minor Property Transactions set out in this report. This will speed up and simplify minor property transactions and reduce management costs.**

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - Place
- Head of Regeneration, Investment and Housing
- Head of Law and Regulations (Monitoring Officer)
- Head of Finance (Chief Finance Officer)
- Head of People and Business Change
- Housing and Assets Manager
- Associate Director of Property Services, Newport Norse

**Signed**

## **Background**

The Council owns a substantial and varied property portfolio. This comprises operational premises, properties held for investment purposes and future development sites. It is recognised that efficient use of property assets impacts directly on service delivery, as well as having significant financial implications.

Under the current democratic arrangements, responsibility for property transactions falls to the designated Cabinet Member. Specifically, the Cabinet Member can undertake any acquisition and disposal of interests in property (regardless of nature) only following formal consultation. Although there is opportunity to deal with such matters at scheduled meetings, it can be said that certain matters of a minor nature do not warrant the formalities and delays, of processing through the full reporting procedure. A collaborative approach may be achieved through other means.

Under previous reporting arrangements, the Council adopted the principle that certain minor property transactions be managed under less formal procedures. Rather than be considered by the designated Cabinet Member, certain minor issues were delegated to designate Chief Officers. This procedure integrated decision making into service operations, worked satisfactorily and proved efficient in operation. It also prevented the expenditure of unnecessary resources in administering minor matters.

It is proposed therefore, to reintroduce a similar scheme, which will assist the Council's long term decision making.

It is recognised that, in the application of this policy, responsible officers will exercise judgement in identifying matters that should be discussed with Cabinet or Ward Members, prior to determination, ensuring involvement with key issues.

## **Matters Covered in this Delegation**

1. To dispose of/acquire freehold interest or grant/acquire leasehold interests on parcels of land not exceeding 100 square metres in extent.
2. To grant/acquire interests in property with an annual income value not exceeding £2,000 and a capital value not exceeding £10,000.
3. To grant/acquire easements for services.
4. To grant licenses to graze animals and/or mow grass for haymaking.
5. To grant/acquire licenses to use property
6. To grant/acquire leases for a period of less than 7 years
7. To grant the release/discharge of covenants relating to Council land.

## **Responsible Officer**

The Head of Regeneration, Investment and Housing and in his absence, the Housing and Assets Manager.

## **Application of the Delegation**

It is confirmed that only minor property issues would be dealt with under these arrangements. All significant acquisitions and disposals would continue to be reported formally, for consideration by the Cabinet Member.

In reaching any decision under these power, the following criteria will be considered:

### Estate Management Criteria

- a) The Council's adopted policy framework.
- b) The need to retain capability to facilitate comprehensive development opportunities in the medium term.

- c) Effect of the proposed activity on the physical environment.
- d) Opportunity to reduce future financial liability in respect, for example, of maintenance, third party rights etc.
- e) Opportunities to generate revenue income.

#### Other Criteria

- a) The comments of Ward Members. Officers need to consider carefully the reasons for any decision and exercise judgement on what needs to be discussed with ward members before the final decision is taken under this policy.
- b) Comments and advice from Council technical officers and Service managers.
- c) Representations from owners of neighbouring properties

### **Monitoring**

The designated Cabinet Member for Property Assets will receive monitoring reports, confirming decisions taken under delegated powers outlining the reasons for the decisions taken. These reports will be made available to ward members to advise them where decisions have been made within their wards under this policy.

### **Financial Summary**

	<b>Year 1 (Current) £</b>	<b>Year 2 £</b>	<b>Year 3 £</b>	<b>Ongoing £</b>	<b>Notes including budgets heads affected</b>
<b>Costs</b>					<b>There are no net additional costs incurred in this procedure.</b>  <b>It is anticipated adoption of this policy will reduce management time.</b>
<b>(Income)</b>					
<b>Net Costs (Savings) Net Impact on Budget</b>					

### **Risks**

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
A matter of significance is inadvertently decided under this procedure.	M	L	Officers will consider carefully the use of the policy and instigate suitable organisational procedures.	NCC Newport Norse
There is confusion amongst Officers, regarding the scope and application of these	L	M	There will need to be a process of communication from the CSAMG to cascade information regarding the new arrangements.	CSAMG NCC Newport Norse

delegations				
The designated Cabinet Member is unaware of property transactions	L	L	Regular monitoring information to be provided.	NCC Newport Norse

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Council's Constitution  
 Corporate Plan  
 Service Implementation Plans  
 Corporate Asset Management Plan  
 Asset Disposal Programme

## Options Available and Considered

1. To continue with the current arrangements for deciding acquisitions and disposals of all property assets.
2. To recommend to Council adoption of the policy for Minor Property Transactions set out in this report.

## Preferred Option and Why

To recommend to Council adoption of the policy for Minor Property Transactions set out in this report. This will speed up and simplify minor transactions and reduce management costs.

## Comments of Chief Financial Officer

There are no direct financial implications as a result of adopting this policy.

## Comments of Monitoring Officer

In accordance with the current scheme of delegation all property-related executive decisions have to be taken by the Cabinet Member for Assets and Member Development because there is no longer any officer delegation for minor property transactions. Under the previous scheme, certain operational matters, such as the grant of short term tenancies, licences and easements and disposals of small parcels of land were delegated to officers. However, when the scheme of delegation in the constitution was last amended, this was unintentionally omitted. Therefore, Democratic Services Committee are being asked to recommend to council that the minor property decisions set out in this report are included within the officer scheme of delegation and the Constitution is amended accordingly.

## Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. Coordination and integration of asset management should be a key focus for the Council. Adopting a Policy for Minor Property transactions will ensure decisions are made in a timely manner and coordinated on a more formal basis. Asset management is also a key step within Newport's Well-being Plan and any policy will need to be mindful of this plan and refer to the Community Well-being Profiles when considering any proposals.

## Comments of Cabinet Member

Cabinet Member has been briefed on this report.

## **Local issues**

N/A

## **Scrutiny Committees**

N/A

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. Any policy that relates to asset management must consider the five ways of working and the national well-being goals. Adopting a policy for minor transactions will ensure a more coordinated and integrated approach to decision making and managing minor assets. Any decision by officers will be made in consultation with key people across the Council, the local community, residents and other agencies as required. Introducing a new scheme will assist with long term decision making for the Council and this policy will ensure decisions are made in a more timely manner and prevent any hold ups in the system.

This policy and the outcomes of this policy will contribute to many of the well-being goals, particularly a Prosperous Wales through more efficient and proportionate use of resources.

## **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

## **Background Papers**

None

Dated: 8 November 2018