

APPENDIX B

CONSTITUTION

Scheme of Delegation to Officers

Property Services - Estates & Valuation

(See also Planning Permission under General Delegations above.)

Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.

(MPS) (Council – 22.11.04)

To conduct and conclude negotiations for the acquisition, of any interest in land and property where budget approvals have been granted, agreeing the consideration, and where necessary the services of the District Valuer or Agents.

(MPS, in consultation with appropriate-Director) (Council – 22.11.04)

The acceptance of an offer when a sale is effected by auction.

(MPS / MLS) (Council – 22.11.04)

To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties. (MPS) (Council – 22.11.04)

Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.

(MPS / MLS)

To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.

(MPS / MLS) (Council 22.11.04)

To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.

(MPS / MLS) (Council 22.11.04)

The assignment or sub-letting of leased properties, subject to appropriate satisfactory references. (MPS / MLS). (Council 22.11.04)

To serve Rent Review Notices and agree new rents where proposal is to review rent to market value (MPS). (Council 22.11.04)

To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested. (MPS) (Council 22.11.04)

To institute proceedings to forfeit business leases and licences for non-payment of rent if the tenant is two or more consecutive quarterly payments in arrears, or an annual rent remains unpaid for more than 6 months, and to proceed with obtaining possession of the premises / land without further reference to the Executive Committee;(but no warrant of eviction to be issued without consultation with the Chair of the Executive Committee). (MPS / MLS) (Council – 22.11.04)

To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate.
(MPS / MLS). (Council - 22.11.04)

To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by HLD&P / MPS to include that vacant possession be granted to Council on determination of the lease.
(MPS)

Property Services - Minor Land * Sales

(Defined as any land and/or building of less than half an acre where the value is £10,000 or less, plus VAT / fees, but excluding land previously designated as a play area, unless it has specifically been declared surplus, by the Executive Committee in accordance with the report to that Committee of 8th October 2003.)*

To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).
(MPS / MLS)

To approve the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council. (MPS / MLS)

To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers. (MPS / MLS)

Property Services - Right to Buy

To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate. (MPS).

To serve notices in association with the Right to Buy Scheme: (MPS / MLS)

To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with the policy adopted by the Council on the 12th of December 2005. (MPS) (Council - Minute 100(2) refers)

To refuse (but not to agree) to waive the Council's entitlement to repayment of discount. (MPS)

To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004. (MPS)

Property Services - Business Centres / Enterprise Centres

To manage and control the centres and all lettings and licences, to include the annual review of rents and service charges as appropriate and the setting of fees for secretarial services (provided the variation in fees/ rents shall be limited to plus or minus 10% of the current year rent / fees unless first approved by the Executive Committee. (MPS)

To offer rent-free periods as an incentive at the start of a new letting, as necessary. -(MPS)