

# CORPORATE ESTATE MANAGEMENT POLICY

**Corporate Landlord**

Economy, Regeneration & Culture

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## CONTENTS

INTRODUCTION .....	4
1. THE COMMERCIAL PORTFOLIO .....	5
2. THE NON – COMMERCIAL PORTFOLIO .....	8
3. AGRICULTURAL LAND AND BUILDINGS .....	9
4. MISCELLANEOUS ASSETS AND LIABILITIES.....	10
5. LAND BANK .....	11
6. TEMPORARY USE OF COUNCIL LAND AND PROPERTY .....	11
7. GENERAL ISSUES.....	11
Decision-making process.....	11
Value Added Tax (VAT).....	11
Debt Recovery.....	12
Consultation .....	12
Fee Recovery.....	12
Commissioning.....	12
APPENDICIES.....	13
APPENDIX 1 - SCHEDULE OF FEES .....	15
APPENDIX 2 - GLOSSARY OF TERMS.....	16
APPENDIX 3 - DELEGATION SCHEME.....	18



## **INTRODUCTION**

Kirklees Council owns an extensive non –operational land and property portfolio and recognises that through efficient and effective management, this valuable resource can support the Council’s priorities by:-

- Complementing the Asset Strategy
- Supporting the Capital Plan
- Supporting corporate resilience
- Providing business and development opportunities
- Generating Revenue Income

The Service Director - Economy Regeneration and Culture has overall responsibility for management of the portfolio and the Estate Management Policy sets out how this will be achieved.

Whilst the primary focus of this document is to provide key policy guidance for officers, elected members, businesses and the general public, it is important to note that each individual case should be treated on its own merits and nothing in this document binds the Council into any particular course of action when dealing with the portfolio.

## **1. THE COMMERCIAL PORTFOLIO**

The Commercial Portfolio consists of approximately 493 individual interests. These include shops, offices, industrial units, other properties and ground leases, and are let on commercial terms to produce revenue income to support the Council's budget.

### **OVERALL PORTFOLIO MANAGEMENT**

#### **Portfolio Review and Disposals**

The commercial portfolio will be subject to continued review to ensure investments remain viable and to identify disposal or alternative opportunities for underperforming assets.

In addition to continual review process, decisions on disposal may be determined:

- When a tenant serves notice to quit and the likelihood of re-letting is limited
- When there is no increase on a rent review or lease renewal

Assets identified for disposal will be sold in line with the Acquisitions and Disposal Policy.

#### **Planned Maintenance and Refurbishment**

Planned maintenance and refurbishment will be carried out following portfolio review/condition surveys. Where appropriate, expenditure will to be recouped from tenant(s) via service charge provisions.

#### **Funding**

Planned maintenance/repair is funded from the Commercial Estate Trading Account (if the value is under £10,000) or the Facilities Management Service Capital budget (if over £10,000).

Capital receipts from the Commercial Portfolio will not be ring fenced for reinvestment but will support the Corporate Capital Receipts 5 year rolling target (2015/16) onwards.

Bids for substantial capital investment to fund procurement or wider developments of the commercial portfolio will be subject to a detailed business case to be considered via the approved Capital Delivery Board process.

### **GENERAL PROPERTY MANAGEMENT**

#### **Marketing**

The marketing strategy for vacant properties will concentrate on the use of appropriate incentives to reflect prevailing market conditions.

New commercial lettings will generally be on a competitive basis, the final decision on which applicant to accept will be based on the proposed rent, the most suitable use, the tenants financial standing and the level of investment by the tenant.

New tenants (including assignees) must provide appropriate proof of identification and suitable references.

Where the new tenant is an individual or a limited company without an acceptable trading history a guarantor may be required. Where the new tenant does not provide an acceptable trading history or satisfactory references advance payment of rent may be required.

Tenants will not be allowed to occupy properties until agreements have been completed.

### General lease terms

#### Legislation

Commercial tenants will normally have the right to renew their tenancy in accordance with the provisions of the Landlord and Tenant Act 1954. The Council retains the right to contract any lease out of these provisions if it is necessary.

#### Rents

Full market rents will be charged taking into account the proposed or agreed lease terms.

#### Repairs

The Council will negotiate full repairing terms wherever possible, which pass the full costs of property maintenance, repairs and other management to the tenant.

In multi occupied properties, the Council will use a service charge to recover all maintenance, repair, compliance with legislation and other management costs relating to the property. It may also incorporate a sinking fund to enable larger elements of repair and maintenance to be funded.

For existing tenancies, the Council will seek to negotiate full repairing terms wherever possible.

#### Insurance

All new lettings will be on full insuring terms, which pass the costs of insurance onto the tenant. On existing tenancies the Council will seek to negotiate full insuring terms wherever possible.

Properties which are insured by the tenant must be insured on a basis which is agreed by the Council's Insurance and Risk Management Section.

Where insurance is provided by the Council the premium will be recharged to the tenant.

The tenant to have appropriate public indemnity insurance.

#### Rent Review/Lease Renewal

Rent review provisions will generally allow for the review of rent every five years, on an upwards only basis. On lease renewal tenancies may be allowed to hold over if it is deemed uneconomic to review the rent.

## Use

The Council will adopt good estate management and commercial practices to restrict use where necessary to achieve an acceptable mix and ensure sustainability of businesses.

## Alienation (assignment and subletting)

Agreements can generally be assigned unless there are good estate management reasons for imposing restrictions.

Sub-letting of the whole or any part of a property will be prohibited unless there are good estate management reasons to do so.

## Dilapidations

The Council will generally inspect a tenanted property when the tenant vacates (at lease expiry, surrender or assignment) in order to ensure the property is in a good state of repair in accordance with the terms of the lease/tenancy agreement.

If necessary a Schedule of Dilapidations will be served on the tenant.

The tenant will also be required to demonstrate legislative compliance for the demise (such as asbestos management, gas, electricity, glass etc.)

## Consents

The Council's consent will generally be required for alterations/additions; the tenant will be responsible for satisfying statutory requirements such as building control, planning etc.

## **2. THE NON – COMMERCIAL PORTFOLIO**

The non-commercial portfolio consists of a large number of garage sites, gardens, grazing land and long term ground leases.

### Garage sites and Garden tenancies

The Council will not grant any new agreements to erect garages on Council owned land or use Council land for garden purposes, other than in the following circumstances:-

- Where it is necessary to protect the long term (strategic) interests of the Council.
- Where there is a change of owner of either the garage or dwelling house.

Any new agreements will be at full market rents taking into account the proposed terms of the agreement.



The Council will continually review all garage sites and garden tenancies to identify those with potential for development. Where housing or commercial development is possible the Council will secure vacant possession of the site via appropriate notices being served.

Licensees and tenants will be required to remove garages and any other structures in accordance with the terms of the agreements. No compensation or other payment will be made, these sites will be disposed of in accordance with the Acquisitions and Disposals Policy or retained in the interim until strategically required for release.

Sites which are not required for strategic retention or are unsuitable for development may be subject to disposal as going concerns (ie subject to the existing agreements) but may be subject to appropriate covenants protecting their long term use.

### Grazing Land

The Council will only grant new grazing licences on Council owned land if it is identified as having strategic or operational benefits to the Council. In such cases, the land will be re-let on the open market, if it becomes available. The Council will dispose of all remaining grazing land in accordance with the Acquisitions and Disposals Policy.

### Long term ground leases (999 & 2000 years)

The Council will continue to manage these interests in line with the clauses within the leases by invoicing the rent, dealing with registrations, assignments and legal charges and providing consent where necessary. The Council will charge a fee for carrying out these management tasks in accordance with the schedule of fees in Appendix 1.

Requests to purchase the freehold reversions of these leases will be dealt with on a case by case basis in line with the Councils Acquisitions and Disposal Policy.

## **3. AGRICULTURAL LAND AND BUILDINGS**

The Council will support the disposal of all non- strategic holdings to sitting tenants. In the event of the tenant declining the property will be offered on the open market as an investment opportunity.

For those holdings which are to be strategically retained the Council will seek to negotiate mutually beneficial changes to existing tenancies. Changes to the terms under which holdings are occupied can only be agreed mutually as the tenant has an element of statutory protection regarding their existing terms of occupancy.

The Council will implement rent reviews on existing holdings when considered cost effective to do so in accordance with tenancy agreements and relevant legislation.

#### **4. MISCELLANEOUS ASSETS AND LIABILITIES**

The Council owns land and property assets which do not form part of the let estate e.g. heritage assets, woodland areas, embankments, bridges and cuttings etc.

For those assets which are not strategically required the Council will consider appropriate proposal for disposal or asset transfer.

## **5. LAND BANK**

The Land Bank is managed by the Head of Corporate Landlord for the overall benefit of the Council. Any land and property declared surplus by Services or following review, is subsequently managed, maintained and made secure through the Land Bank.

Land or property held in the land bank will be held for ultimate disposal (freehold, or by lease), asset transfer, demolition or lease as a temporary measure. Guardians may also be installed as opposed to employing a security firm.

## **6. TEMPORARY USE OF COUNCIL LAND AND PROPERTY**

Subject to the merits of individual cases, the Council may permit temporary use of its land and property. In all cases, the use will be subject to:-

- Completion of a licence agreement.
- Payment of a licence fee (where appropriate) in accordance with the approved schedule in Appendix 1.
- Provision of risk assessment and method statements for the proposed use, if considered appropriate.
- A land management plan (where appropriate.)
- Evidence of public liability indemnity insurance to a minimum value of £5 million, or other value as required by the Council's Risk and Insurance officer.
- Where appropriate, a bond to cover the costs of reinstatement of the land and/or property.

## **7. GENERAL ISSUES**

### Decision-making process

The Estates Management Policy will be used as the basis for decision-making by Physical Resources and Procurement when operating the Delegation Scheme (Appendix 2) as amended and reissued from time to time. It will also be used as the basis for recommendations to Cabinet or Cabinet Committee - Assets where an Executive decision is required.

### Value Added Tax (VAT)

The Council will elect to waive its exemption (opt to tax) on the disposal of land and property assets where the Council wishes to recover previously incurred input tax. The decision whether to opt to tax or not will be jointly made by the Service Directors responsible for (Physical Resources and Procurement) and Resources.

VAT will be payable on the disposal and letting of land used for car parking (including garages) and on rents, service charges and other charges where the Council has previously 'opted to tax'.

### Debt Recovery

The Council will adopt good estate management and commercial practices for managing arrears of rent which may include individual payment plans, if such agreed payment plans are not met the Council will reserve the right to take the necessary legal action to forfeit the lease and recover possession of the property. The Council will reserve the right to charge interest on arrears where the lease permits.

### Consultation

Local ward members will be consulted in the following circumstances:-

- As part of the process for advertising the disposal of 'public open space'
- Before a report goes to Cabinet on land and property within their Ward

Where local ward members are to be consulted, they will be given at least 10 working days to respond and all comments whether in support or objection to the proposal will be included in the report to the decision making body.

### Fee Recovery

Where appropriate, the Council will seek to recover from third parties, its reasonable legal, surveying and administrative costs incurred in dealing with all matters involving the non-operational portfolio. The fee recovery will be on the basis of the approved schedule of fees listed in Appendix 1.

Initial enquiries about the Council's land and property ownership will be provided at no cost.

### Commissioning

The Council may, from time to time, commission external consultants in connection with the disposal and acquisition of land and property. The Council will procure consultants in accordance with its contract and financial procedure rules and where appropriate will use Kirklees based consultants in addition to utilising national and regional frameworks. The Council will ensure that the external consultants will possess the necessary professional and technical qualifications and experience.

## **APPENDICIES**

APPENDIX 1 – SCHEDULES OF FEES

APPENDIX 2 – GLOSSARY OF TERMS

APPENDIX 3 - DELEGATION SCHEME – To be updated as necessary



## **APPENDIX 1 - SCHEDULE OF FEES**

Schedule of fees to be recovered from third parties including legal, surveyor's and administrative / consent fees.

<b>Management Task</b>	<b>Fees</b>
<u>Commercial</u>	
New Letting	£500
Deed of Assignment	£750
Lease Renewal	£500
Landlords Consent	£500
Deed of Variation or Surrender	£550
Licence for site compound	£150 per week
Site licence	£250
<u>Non - Commercial</u>	
New Tenancies (garden, garage, grazing)	£50
Registration Fees (residential)	£50
Registration Fees (commercial)	£75
Landlords Consent (residential)	£75
Copy leases (up to A3 size)	£25
Certified leases (up to A3 size)	£50
Copy leases (larger than A3)	£50
Certified leases (larger than A3)	£100

\*All fees exclusive of Value Added Tax and disbursements

## APPENDIX 2 - GLOSSARY OF TERMS


Assignment	The legal transfer of a land or property lease from the existing tenant to a new tenant
Capital Plan	The Council's plan for capital expenditure over a period of one to three years.
Contract Out	The legal process by which a landlord and tenant voluntarily agree to waive the security tenure provisions afforded to a tenant by the Landlord and Tenant Act 1954. This effectively removes the tenant's statutory right to renew a commercial lease at the expiry of the lease term.
Full Market Value	The rent for which a property or land would let for on the date of letting and between a willing lessor and lessee on appropriate terms
Landlord and Tenant Act 1954	Provides security of tenure for tenants and entitles them, in most cases, to obtain new tenancies.
Opt to Tax	'Opt-to-tax' is a mechanism which enables to Council to recover VAT on expenditure relating to a property transaction (input tax; usually when there has been major expenditure on which a large amount of VAT has already been paid out) that would otherwise be irrecoverable. This can have significant positive effects on the Council's overall financial position.
Schedule of Dilapidations	A notice served on a tenant who has failed to keep a property in repair in accordance with the terms of the lease. The notice will usually be served prior to the end of the tenant's occupation and must outline the area(s) of disrepair, the steps required and time in which to remedy the situation and the relevant clauses of the lease.





**KIRKLEES COUNCIL**  
**DIRECTORATE FOR PLACE**  
**RECORD OF POWERS DELEGATED BY THE DIRECTOR FOR PLACE**  
**(Corporate Landlord Scheme)**

**DATE: 6 December 2016**

<i>Date last reviewed</i>	<i>December 2016</i>
<i>Approved by Signature</i>	
<i>Date Approved</i>	<i>December 2016</i>
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<i>Review Date</i>	<i>December 2016</i>
<i>Directorate contact officer</i>	<i>Joe Tingle</i>

## DIRECTORATE FOR PLACE

### DELEGATED POWERS

#### Purpose:

To set out the delegations from the Assistant Director, Place in accordance with the requirements of paragraph 6 of Part 3 Section F of the Council's Constitution.

### Related Policies & Documents

- Council Constitution (Part 2: Article 13: Decision Making) - <http://www.kirklees.gov.uk/you-kmc/constitution/articles/art13.pdf>
- Council Constitution (Part 3: Responsibility for Functions) - <http://www.kirklees.gov.uk/you-kmc/constitution/ConstitPart3.pdf>
- Council Constitution (Part 4.6: Financial Rules & Procedures – <http://www.kirklees.gov.uk/you-kmc/yourCouncil/pdf/constitutionPart46.pdf>

#### Key Statutes/Legislation

Legislation applied in the delegated decisions specified in this document includes the following:

Academies Act 2010  
Access to Neighbouring Land Act 1992  
Acquisition of Land Act 1981  
Agriculture Holdings Act 1986  
Agricultural Tenancies Act 1995  
Civil Procedure Act 1997  
Common Law Procedure Act 1852  
Commons Act 2006  
Commons Registration Act 1965  
Counter Terrorism and Security Act 2015  
Crime and Disorder Act 1988  
Criminal Law Act 1977  
Education Act 1996  
Highways Act 1980  
Housing Act 1985  
Land Compensation Act 1973

Landlord and Tenant Act 1927  
Landlord and Tenant Act 1954  
Landlord and Tenant Act 1988  
Law of Property Act 1925  
Leasehold Reform Act 1967  
Leasehold Reform, Housing and Urban Development Act 1993  
Local Government Act 1972  
Local Government Act 2000  
Local Government (Miscellaneous Provisions) Act 1976  
Open Spaces Act 1906  
Planning (Listed Buildings & Conservation Areas) Act 1990  
Road Traffic Regulation Act 1984  
School Standards and Framework Act 1998  
Town and Country Planning Act 1990  
Tribunals, Courts and Enforcement Act 2007

AND all secondary legislation enacted thereunder

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## **Who is governed by this policy?**

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

### **Summary**

The Council's Constitution requires that each Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Directorate's business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Scheme of Delegation & Decision Making (Corporate Landlord)

Responsibility	Officer A	Officer B	Operational Manager	Senior Manager	Assistant Director
<b>APPROPRIATION OF LAND</b>					
<b>LOCAL GOVERNMENT ACT 1972</b>					
Authority to appropriate land Section 122 - Local Government Act 1972 Section 19 – Housing Act 1985 Town & Country Planning Act 1990 – Section 229 & Section 232	✓	✓	✓	✓	✓
Authority to instruct the Assistant Director – Legal, Governance & Monitoring to advertise the proposed appropriation of Public Open Space or Common Land Section 122	✓	✓	✓	✓	✓
<b>DEDICATION OF LAND</b>					
<b>HIGHWAYS ACT 1980</b>					
Authority to instruct the Assistant Director – Legal, Governance & Monitoring in connection with dedication of land as public highway	✓	✓	✓	✓	✓
<b>OWNERSHIP INFORMATION</b>					
<b>LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976</b>					
Authority to issue notices requiring information as to interest in land Section 16	✓	✓	✓	✓	✓
<b>TOWN &amp; COUNTRY PLANNING ACT 1990</b>					
Authority to issue notices requiring information as to interests in land Section 330	✓	✓	✓	✓	✓
<b>HIGHWAYS ACT 1980</b>					
Authority to issue notices requiring information as to ownership of land Section 297	✓	✓	✓	✓	✓
<b>DISPOSAL OF LAND &amp; PROPERTY</b>					
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring concerning disposals of all land, property & rights up to the value of £500,000, subject to terms over £250,000 being noted in the Forward Plan.			✓	✓	✓
<b>PUBLIC OR QUASI OPEN SPACE, COMMON LAND OR VILLAGE GREENS</b>					

Scheme of Delegation & Decision Making (Corporate Landlord)

Responsibility	Officer A	Officer B	Operational Manager	Senior Manager	Assistant Director
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring to advertise the proposed disposal of Public or quasi Open Space, Common Land or Village Greens subject to no objections from members of the public.	✓	✓	✓	✓	✓
<b>ACQUISITION OF LAND &amp; PROPERTY</b>					
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring concerning the acquisition of all land, property & rights by agreement or compulsory purchase on behalf of the Council up to the value of £500,000, subject to terms over £250,000 being noted in the Forward Plan			✓	✓	✓
<b>COMPENSATION</b>					
Authority to determine, negotiate terms & instruct the Assistant Director – Legal, Governance & Monitoring concerning compensation payments on behalf of the Council up to the value of £500,000, subject to terms over £250,000 being noted in the Forward Plan			✓	✓	✓
<b>RIGHT TO BUY</b>					
<b>Housing Act 1985 – Part V</b>					
Authority to determine Right to Buy applications & discount. Authority to serve Notices in connection with the process. Authority to instruct the surveyor to value the properties. Authority to instruct the District Valuer in connection with determination & redetermination of value. Authority to serve Notices admitting or denying the Right to Buy. Authority to instruct the Assistant Director – Legal, Governance & Monitoring to conclude the disposal of the property.	✓	✓	✓	✓	✓
Authority to appear as a witness at First-tier Tribunal Property Chamber (Residential Property) to represent the Council’s case (whether written representations or oral hearing)			✓	✓	✓
Authority in conjunction with the Head of Housing Services to determine whether the Council should exercise its discretion with regard to the repayment of discount	✓	✓	✓	✓	✓
<b>PLANNING APPLICATIONS</b>					

Scheme of Delegation & Decision Making (Corporate Landlord)

Responsibility	Officer A	Officer B	Operational Manager	Senior Manager	Assistant Director
Authority to make applications for planning permission on Council land	✓	✓	✓	✓	✓
<b>NOTICE TO QUIT</b>					
Authority to sign and serve all Notices to Quit and all Notices under the Landlord and Tenant Act 1954.	✓	✓	✓	✓	✓
<b>LETTING OF LAND &amp; PROPERTY</b>					
Authority to approve applications for the assignment of leases	✓	✓	✓	✓	✓
Authority to authorise formal Deeds of Apportionment of ground rents of leasehold properties	✓	✓	✓	✓	✓
Authority to negotiate terms for & sign standard forms of agreement in respect of site compounds, site licences, licences, wayleaves, rights of way, privileges & tenancies (not including tenancies in respect of Council Houses)	✓	✓	✓	✓	✓
Authority to give landlords consent in respect of long leases, where the long term interests of the Council are not prejudiced	✓	✓	✓	✓	✓
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring to complete the letting of all commercial land and property.			✓	✓	✓
Authority to serve necessary Notices, negotiate rent reviews & in Leases & to authorise the Memorandum of Rent review			✓	✓	✓
Authority to instruct a third party in accordance with the Arbitration Acts where necessary to determine the rent review		✓	✓	✓	✓
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring to complete lease renewals.			✓	✓	✓
Authority to approve changes of use, extension to user clauses or variations to covenants within Leases & instruct the Assistant Director – Legal, Governance & Monitoring to complete the documentation			✓	✓	✓
Authority to negotiate the surrender of Leases & instruct the Assistant Director – Legal, Governance & Monitoring to complete the documentation			✓	✓	✓
Authority to institute proceedings for & where necessary instruct the Assistant Director – Legal Governance & Monitoring take the necessary action to recover rent or other monies due to the Council under the provisions of tenancies or leases		✓	✓	✓	✓

Scheme of Delegation & Decision Making (Corporate Landlord)

Responsibility	Officer A	Officer B	Operational Manager	Senior Manager	Assistant Director
including the power of distraint, forfeiture and suing on the personal covenant					
<b>EASEMENTS</b>					
Authority to negotiate terms for & instruct the Assistant Director – Legal, Governance & Monitoring to grant or take easements whether for a term of years or in perpetuity.			✓	✓	✓
<b>LANDS TRIBUNAL CASES/COURT APPEARANCES</b>					
Authority to present the Council's case (whether written representations, at informal hearing or public inquiry)		✓	✓	✓	✓
<b>TRESPASSERS/SQUATTERS</b>					
<b>LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012</b>					
Authority to instruct the Assistant Director – Legal, Governance & Monitoring to recover possession of squatters from a residential buildings		✓	✓	✓	✓
<b>CIVIL PROCEDURE ACT 1997</b>					
Authority to instruct the Assistant Director – Legal Governance & Monitoring to regain/obtain possession of any land or premises, owned, leased or occupied by the Council which are occupied without the consent of the Council.		✓	✓	✓	✓
Authority to determine the scale of fees & charges relating to costs for administration & valuation work			✓	✓	✓
<b>COMMUNITY RIGHT TO BID</b>					
To determine procedures from time to time and comply with Section 87-108 of the Localism Act 2011 and the non-statutory guidance and the Assets of Community Value (England) Regulations 2012.				✓	✓
To consider the validity of the applications and to determine whether they are successful or not and inform all relevant bodies of the decision		✓	✓	✓	✓
Consider and determine valid request for listing review from owners.			✓	✓	✓
Consider valid applications for compensation for loss and expense incurred through the asset being listed or previously listed and to agree payment of compensation to affected owner/former owners.				✓	✓
To consider and determine valid applications from owner or former owners of land				✓	✓



Scheme of Delegation & Decision Making (Corporate Landlord)

Responsibility	Officer A	Officer B	Operational Manager	Senior Manager	Assistant Director
listed as an ACV for a review as to whether compensation should be made; and the amount of compensation and to give reasons for the review decision.					
To approve application of register and removal of local land charges and enter into restrictions on title at HM Land Registry for registered land to prevent disposal by the owner in breach of the regulations.				✓	✓
<b>TERRORISM/EMERGENCY PLANNING - PREVENT</b>					
To take all necessary steps to deal with an emergency in accordance with the Kirklees Emergency Plan and the Physical Resources & Procurement Service Business Continuity Plan.				✓	✓

**Additional delegation approved by Cabinet 2016:**

Implications of school category changes for land and premises – an extension of delegation to senior officers to dispose of Council assets.				✓	✓
That approval is given to the delegation of powers to the Assistant Directors Place and Assistant Director Legal and Governance to deal with the disposal of Council assets either as a result of school expansion, historic or otherwise and also when a school changes category.					

**Underpinning all activity:**

**Terrorism/Emergency Planning – Prevent:**

To ensure the Council's policies, procedures and resources in the leasing/letting[disposal] of property have due regard to 'Prevent' duty under s26 of the Counter Terrorism and Security Act 2015 and Home Office Guidance to prevent people being drawn into terrorism [and that Contractors support the Council to discharge the 'Prevent duty'].

Scheme of Delegation & Decision Making (Corporate Landlord)

**Key to roles:**

<b>Responsibility</b>	<b>Post Title, Section</b>
<b>*Assistant Directors, Place</b>	*This delegation applies to all Assistant Directors in the Place Directorate
<b>**Senior Managers (Grade 17-19)</b>	Head of Corporate Landlord Capital Development and Capital Delivery Schools Facilities Manager Head of Building Services
<b>Operational Managers (Grade 13 -16)</b>	Asset Strategy Officer Disposal and Acquisition Team leader
<b>Officer A</b>	Asset Management Officer (Land) Right to Buy Officer Disposal and Acquisition Officers
<b>Officer B</b>	Corporate Facilities Manager Asset Strategy Officer Disposal and Acquisition Surveyor

\*\* Records of all delegations taken 'of significant public interest' will include the designated post holder taking the decision.