



**RECORD OF POWERS DELEGATED BY THE
STRATEGIC DIRECTOR
FOR GROWTH AND REGENERATION**

Scheme of Delegation for Corporate Landlord & Capital

Date last reviewed:	August 2023
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DELEGATED POWERS

Purpose

To set out the delegations from the Strategic Director for Economy and Infrastructure Services in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents to

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council Constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-3.7pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-4.6_pdf

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>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</p>	<p>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</p>	<p>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</p> <p>AND all secondary legislation enacted thereunder</p>
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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 Strategic 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 Strategic Director. All schemes of delegation will be lodged with the Council's Service Director Legal, Governance and Commissioning (Monitoring Officer) Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

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. A decision can be made by the lowest ranked officer specified at the back of this document, without the need for sign off by one or more officers at the higher level. If a counter signature is required for certain authorisations this is an internal matter for the Service.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services 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 Strategic 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 eg 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.

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
ACQUISITION OF LAND & PROPERTY						
Authority to negotiate and approve terms for & instruct the Service Director – Legal, Governance & Commissioning concerning the acquisition of all land, property & rights by agreement or compulsory purchase on behalf of the Council up to the value of £1,000,000, subject to terms over £500,000 being noted in the Council’s List of Key decision Notices; and subject to sufficiency of funding in the Capital Plan.			✓	✓	✓	✓
APPROPRIATION OF LAND						
LOCAL GOVERNMENT ACT 1972						
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 Service Director – Legal, Governance & Commissioning to advertise the proposed appropriation, if required (normally only the disposal of Open Space or Common Land) Section 122(2A)	✓	✓	✓	✓	✓	✓
COMMUNITY RIGHT TO BID						
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. <i>Except officers involved in original listing decisions</i>			✓	✓	✓	✓
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 listed as an ACV for a review as to whether compensation				✓	✓	✓

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
should be made; and the amount of compensation and to give reasons for the review decision.						
To approve applications to register and remove local land charges and enter restrictions on titles at HM Land Registry for registered land to prevent disposal by the owner in breach of the regulations and remove them.		✓	✓	✓	✓	✓
COMPENSATION						
Authority to determine, negotiate, agree terms & instruct the Service Director – Legal, Governance & Commissioning concerning compensation payments on behalf of the Council up to the value of £500,000, subject to terms over £500,000 being noted in the Council’s List of Key Decision Notices. (This excludes disturbance payments to tenants exceeding £50,000 which is a matter for Cabinet)			✓	✓	✓	✓
DEDICATION OF LAND						
HIGHWAYS ACT 1980						
Authority to instruct the Service Director – Legal, Governance & Commissioning in connection with dedication of land as public highway or negating intent to dedicate	✓	✓	✓	✓	✓	✓
Authority to dedicate land as a public highway			✓	✓	✓	✓
DISPOSAL OF LAND & PROPERTY (FREEHOLD AND LEASEHOLD)						
Authority to negotiate and approve terms for & instruct the Service Director – Legal, Governance & Commissioning concerning disposals of all land, property & rights including any variation/release of proprietary rights such as covenants, easements, overage up to the estimated value of £1,000,000, subject to terms over £500,000 being noted in the List of Key decision notices and anything to the contrary in the Council’s Asset Transfer Policy (September 2020). The exceptions are charity land where the Cabinet is corporate charity trustee and will make decisions and or delegate to council officers to act on behalf of the charity irrespective of value. Applications for consent from MHCLG for disposal of residential housing land under sections 32 or 43 of the Housing Act 1985, or the approval or adoption of applications to the Secretary of State for			✓	✓	✓	✓

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
approval of a programme of disposal of 50 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 require full council consent as per Article 4 of the Constitution. All disposals are subject to officers first obtaining all other necessary statutory and other consents, as required.						
HIGHWAYS ACT 1980						
Authority to issue notices requiring information as to ownership of land Section 297	✓	✓	✓	✓	✓	✓
LANDS TRIBUNAL CASES/COURT APPEARANCES						
Authority to present the Council's case (whether written representations, at informal hearing or public inquiry)		✓	✓	✓	✓	✓
LETTING OF LAND & PROPERTY						
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) to the extent authorised in writing by the Service Director – Legal Governance and Commissioning (authorisation dated 10 August 2022 under CPR 9.1)			✓	✓	✓	✓
Authority to give landlords consent in respect of long leases, were the long-term interests of the Council are not prejudiced	✓	✓	✓	✓	✓	✓
Authority to negotiate terms for & instruct the Service Director – Legal, Governance & Commissioning 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 specialist where necessary to determine rent reviews and other property disputes		✓	✓	✓	✓	✓
Authority to negotiate terms for & instruct the Service Director – Legal, Governance & Commissioning to complete lease renewals.			✓	✓	✓	✓

Growth and Regeneration
(Delegation Scheme for Corporate Landlord and Capital)

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
Authority to approve changes of use, extension to user clauses or variations to covenants within Leases & instruct the Service Director – Legal, Governance & Commissioning to complete the documentation			✓	✓	✓	✓
Authority to negotiate the surrender of Leases & instruct the Service Director – Legal, Governance & Commissioning to complete the documentation			✓	✓	✓	✓
Authority to institute proceedings for & where necessary instruct the Service Director – Legal Governance & Commissioning take the necessary action to recover rent or other monies due to the Council under the provisions of tenancies or leases including the power of distraint, forfeiture and suing on the personal covenant		✓	✓	✓	✓	✓
NOTICE TO QUIT						
Authority to sign and serve all Notices to Quit and all Notices under the Landlord and Tenant Act 1954.	✓	✓	✓	✓	✓	✓
OWNERSHIP INFORMATION						
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976						
Authority to issue notices requiring information as to interest in land Section 16	✓	✓	✓	✓	✓	✓
PLANNING APPLICATIONS						
Authority to make applications for planning permission on Council land or land to be acquired by the Council except where ward councillors have been consulted and made adverse comments which is then a matter for Cabinet as per para 3.7 and Section F of the Constitution	✓	✓	✓	✓	✓	✓
PROCUREMENT OF SERVICES FROM THIRD PARTY PROVIDERS						
Authority to call off Frameworks for works to be undertaken by third party providers.	✓	✓	✓	✓	✓	✓
PUBLIC OR QUASI OPEN SPACE, COMMON LAND OR VILLAGE GREENS ADVERTS						
Authority to instruct the Service Director – Legal, Governance & Commissioning to advertise the proposed disposal of Public or quasi–Open Space, Common Land or Village Greens.	✓	✓	✓	✓	✓	✓
TERRORISM/EMERGENCY PLANNING - PREVENT						

Growth and Regeneration
(Delegation Scheme for Corporate Landlord and Capital)

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
To take all necessary steps to deal with an emergency in accordance with the Kirklees Emergency Plan and the Economy Regeneration and Culture Service Business Continuity Plan.			✓	✓	✓	✓
To ensure the Council's policies, procedures and resources in the leasing/letting/disposal/other occupation 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'	✓	✓	✓	✓	✓	✓
TOWN & COUNTRY PLANNING ACT 1990						
Authority to issue notices requiring information as to interests in land Section 330	✓	✓	✓	✓	✓	✓
TRESPASSERS/SQUATTERS						
Authority to instruct the Service Director – Legal, Governance & Commissioning to recover possession of squatters from a residential building		✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal Governance & Commissioning 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.			✓	✓	✓	✓

Additional delegation approved by Cabinet at its meeting on 14.08.2012 and 09.02.2016:

Responsibility	Officer A	Officer B	OM	SM	HOS	SD
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 by Cabinet on 14.08.2012 to the delegation of authority to Service Director Economy, Regeneration and Culture in consultation with the Service Director Legal, Governance and						

Growth and Regeneration
(Delegation Scheme for Corporate Landlord and Capital)

<p>Commissioning and Service Director – Learning and Early Support to negotiate and agree the terms of the grant of long leasehold interests to an Academy Trust and where necessary, the terms of any proprietary interest or grant of any other lease or ancillary document required in connection with an Academy conversion.</p>						
<p>That approval is given by Cabinet on 09.02.2016 to the delegation of powers to the Service Director Economy Regeneration and Culture and Service Director Legal, Governance and Commissioning 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.</p>		✓	✓	✓	✓	✓
<p>That approval is given by Cabinet on 19.03.2019 to the delegation of powers to the Service Director Economy and Skills and Service Director Legal Governance and Commissioning to deal with the disposal of Council assets as a result of school discontinuations and establishment of new schools and, where necessary, negotiate the terms of any proprietary interest or grant or any other lease or ancillary document</p>			✓	✓	✓	✓

Key to authorised officers:

Responsibility	Post Title/Section
Officer A	Surveying Officer - Asset and Estates Asset Project Officer Asset Management Officer
Officer B	Asset Strategy Officer / Surveyor - Assets and Estates
OM (Operations Manager)	Asset Strategy Manager - Assets and Estates Property Manager - Assets and Estates Estates Manager - Assets and Estates Corporate Land and Property Facilities Manager Corporate Land and Property Compliance Manager Public Private Partnership Contract and Asset Manager Capital Programme Manager (QS)
SM	Strategic Manager - Assets and Estates Strategic Manager - Facilities Strategic Manager - Asset Data and Compliance Strategic Manager - Capital Development
HoS	Head of Service for Corporate Landlord and Capital
SD	Service Director