

## ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

<b>A. Report Title:</b> Officer Delegation Scheme – Sale of Land	
<b>B. Report Author(s):</b> Patrick Brady	<b>Tel:</b> (01375) 652107 <b>E-mail:</b> Pbrady@thurrock.gov.uk
<b>C. Decision Maker:</b> Councillor T. Hipsey	
<b>D. Position held:</b> Leader	
<b>E. Key decision:</b> No	<b>F. Delegation ref:</b> Local Government Act 2000
<b>G. Is the decision urgent?</b> No	
<b>H. If yes, state why.</b>	

<b>I. DECISION (strike out whichever does not apply) :</b>	
1. I agree the recommendations in the attached report for the reasons given in the report; <b>OR</b>	
2. <del>*My decision is:</del>	
*The reason for my decision is:	
* Continue overleaf or on an additional sheet if necessary.	
<b>Signed:</b> T. Hipsey	<b>Date:</b> 24/08/06

### URGENCY

Democratic Services will arrange for the completion of the following:	
<b>J. I confirm that in my opinion a decision on this matter is urgent and cannot reasonably be delayed:</b>	
<b>Signed:</b>	<b>Date:</b>

*To be completed by Democratic Services*

<b>Date decision received by Dem. Services:</b> 30/08.06	<b>Date decision published:</b> 31/08/06
<b>Implementation date:</b> 31/08/06	
<b>Relevant O &amp; S Committee:</b> Performance & Improvement Overview & Scrutiny Committee	

<b>Leader of the Council</b>	
<b>OFFICER DELEGATION SCHEME - SALE OF LAND</b>	
<b>Report of the Head of Legal and Democratic Services and Monitoring Officer</b>	
<b>Purpose:</b> To make arrangements for decisions on the disposal of small plots of land	
<b>Wards affected:</b> None	<b>Key decision:</b> No
This report is public	

**1. RECOMMENDATIONS:**

- 1.1 That the Officer Delegation Scheme be amended to delegate the following power to each of the Chief Finance Officer and the Head of Business Development**

<b>Delegation</b>	<b>Conditions</b>
<b>Agreeing the sale of land or an interest in land and the terms upon which it is sold.</b>	<ol style="list-style-type: none"> <li><b>1. The sale value not to exceed £50,000</b></li> <li><b>2. The Leader and ward members to be consulted</b></li> <li><b>3. To include any terms and conditions recommended by the Authority's valuer.</b></li> </ol>

- 1.2 That there be delegated to the Leader of the Council:**

**“To agree the sale and terms of sale of land or an interest in land up to a value of £250,000, after consultation with ward members.”**

**2. BACKGROUND:**

- 2.1** The Officer Delegation Scheme in the Constitution makes provision for the Head of Legal and Democratic Services to approve leases and some other disposals in accordance with the terms of the report of the Authority's valuer.
- 2.2** There is no similar provision in respect of the sale of small amounts of land. As a result, even minor sales should be approved by full Cabinet. To avoid this, and in the interests of efficient and speedy decision-making, it is

suggested that amendments should be made to both the cabinet and the Officers Delegation Schemes.

### **3. ISSUES AND/OR OPTIONS:**

3.1 There are three basic stages in dealing with the disposal of land:

- a) Where the land is in operational use or held for, e.g. housing, a school or for public open space purposes, a decision needs to be taken to agree that it is no longer needed for that purpose. This stage has been delegated to each of the Corporate Directors, to be exercised in consultation with the Leader and the appropriate Cabinet Member.
- b) Agreement to sell and to the broad terms of any sale, e.g. valuation and any significant conditions. It is for this stage that there is presently no delegated power.
- c) Undertaking the actual sale transaction, which is delegated to the Head of Legal and Democratic Services.

3.2 Under the former delegation scheme, the Chief Property Officer could agree the sale and its terms up to a value of £50,000 in consultation with ward members and appropriate Cabinet Members. This latter requirement is met under (a) above.

3.3 It is suggested that a broadly similar arrangement be agreed but that the powers be delegated to both the Chief Finance Officer and the Head of Business Development. The Corporate Director Corporate Development has the power to exercise any function of the Head of Business Development, as well as other Heads of Service in his Directorate.

3.4 In addition, the Leader delegate to himself the power to approve sales exceeding £50,000 in value but not exceeding, say, £250,000

<p><b>RELEVANT POLICIES</b></p> <p>None</p>
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>None directly arising out of this report. The sale of land makes a valuable contribution to meeting the Council's capital programme and can reduce maintenance and running costs.</p>
<p><b>LEGAL IMPLICATIONS</b></p> <p>Land must be sold for the best consideration reasonably obtainable unless the</p>

Secretary of State, either generally or specifically in relation to a particular piece of land, grants a dispensation to do otherwise. If the land is public open space, the sale must first be advertised.

The Leader has powers under the Local Government Act 2000 and the Constitution to delegate any powers of the Cabinet to an officer.

**OTHER IMPLICATIONS**

N/A

**BACKGROUND PAPERS**

None

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