

**AMENDMENTS TO CONSTITUTION – ASSET DISPOSALS THRESHOLD**

**Executive Summary**

The Scheme of Delegations is set out in Part 3, Section 3 of the Constitution. These include Functions Delegated under the Strategic Director – Corporate Resources regarding sale of land and land management which fall to the Assistant Director – Property:

7.7	<p><u>Sale of Land</u></p> <p>The Strategic Asset Manager and the Chief Finance Officer are authorised to approve applications for the sale of areas of land held by either the Housing Revenue Account or the General Fund where there is no development potential or communal amenity value.</p>
7.8	<p><u>Land Management</u></p> <p>(i) to approve terms, etc., arising in the course of the following:</p> <ul style="list-style-type: none"> <li>○ disposals and acquisitions, rent reviews, assignments, renewals of existing agreements and all other land transactions; and</li> <li>○ provided that in their opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive.</li> </ul> <p>(ii) to approve terms for the sale of Council houses under the Right to Buy provisions of the Housing Act 1985, and the issuing of notices pursuant to these provisions.</p>

It is recommended that the delegated authorities of 7.7 and 7.8 be merged and a limit placed on the transaction value that can be approved by the Strategic Director – Corporate Resources before the transaction must be approved by the Executive.

It is further proposed that responsibility for land management decisions on property and land held within the Housing Revenue Account be transferred to the Strategic Director of Communities. To this end, a delegation is proposed to be added as 5.28. It is not proposed to move the responsibility for Right to Buy properties as the team that processes the applications sits within the Corporate Resources directorate.

A proposed amended version of the relevant sections of the Scheme of Delegations is attached as Appendix 1.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 20 February 2024. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

**“7. Asset Disposals Threshold.**

The Group received a draft report to the Standards and Audit Committee which referred to the Constitution’s Scheme of Delegations under the Strategic Director – Corporate Resources regarding sale of land and land management which fell to the Assistant Director – Property.

## Amendments to Constitution – Asset Disposals Threshold

It was proposed to merge the two delegated authorities and place a limit on the transaction value of £1m beyond which the decision would need to be referred to the Executive. It was not felt that a CPI indexation should be added at the moment. In addition, it was felt that a new clause should be added to the delegations held by the Strategic Director of Communities to transfer land management decisions on property and land held within the Housing Revenue Account also up to a limit of £1m, not including Right to Buy properties due to the Estates Management team sitting within Corporate Services and not Communities. The Group recommended the proposal to the Standards and Audit Committee.”

### Recommendations

The Standards and Audit Committee is requested to:

#### RECOMMEND TO COUNCIL That

- (i) **the clauses on ‘Sale of Land’ and ‘Land Management’ in the Scheme of Delegations (Appendix 1) under Section 3 of Part 3 of the Council’s Constitution be amended as set out within the report;**
- (ii) **the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and**
- (iii) **the Monitoring Officer be instructed to make the agreed changes to the Constitution.**

The item(s) above will need to be dealt with by way of a recommendation to Council.

<b>Background Papers:</b>	None.
<b>Reporting Person:</b>	Gareth John, Interim Director of Legal and Democratic Services / Monitoring Officer Email: <a href="mailto:gareth.john@woking.gov.uk">gareth.john@woking.gov.uk</a> , Extn 3077
<b>Contact Person:</b>	Gareth John, Interim Director of Legal and Democratic Services / Monitoring Officer Email: <a href="mailto:gareth.john@woking.gov.uk">gareth.john@woking.gov.uk</a> , Extn 3077
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## Amendments to Constitution – Asset Disposals Threshold

### APPENDIX 1

5.28	<p><u>Land Management</u></p> <p>(i) to approve terms, etc., arising in the course of the following for any land or property held in the Housing Revenue Account:</p> <ul style="list-style-type: none"><li>○ acquisitions and disposals of property and land up to the value of £1,000,000;</li><li>○ assignments, renewals of existing agreements and all other land transactions; and</li><li>○ provided that in their opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive.</li></ul>
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7.7	<p><u>Land Management</u></p> <p>(i) To approve terms, etc., arising in the course of the following for any land or property not held within the Housing Revenue Account:</p> <ul style="list-style-type: none"><li>○ acquisitions and disposals of property and land up to the value of £1,000,000;</li><li>○ rent reviews, assignments, renewals of existing agreements and all other land transactions; and</li><li>○ provided that in their opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive.</li></ul> <p>(ii) To approve terms for the sale of Council houses under the Right to Buy provisions of the Housing Act 1985, and the issuing of notices pursuant to these provisions.</p>
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