

## **Appendix B – Land Transaction Procedure Rules (Part 4.7 under Council Constitution)**

### **(Sub-Section 1 & 2 of Land Transaction Procedure Rules) – As Existing**

#### **1. General**

- 1 These Rules will be followed when dealing with all acquisitions and disposals of Land, whether freehold, leasehold or by grant of a tenancy, except as provided below.
- 2 In these Procedure Rules “Land” shall mean all and any interest in land (including buildings), or any right in, on, over or under land.
- 3 These Rules apply to:
  - a) The freehold acquisition or disposal of Land;
  - b) The appropriation of Land in accordance with paragraphs 4.5 and 4.6 below;
  - c) The grant of a lease or tenancy exceeding 7 years in duration; and
  - d) The taking of a lease or tenancy of any duration.
- 4 These procedure Rules do not apply:
  - a) To disposals under the Leasehold Reform Act 1967, Leasehold Reform Housing and Urban Development Act 1993, Commonhold and Leasehold Reform Act 2002.
  - b) To the renewal or restructuring of an existing lease or tenancy.
  - c) Where Cabinet decides they will not apply.
- 5 Note: Where there is any conflict between these Procedure Rules and s.123 LGA 1972 or any other mandatory statutory provision, the relevant statutory provision must be followed.

#### **2. Acquisitions, Disposals & Leases – Authority**

In accordance with the Scheme of Delegation as set out in Part 3.1 of the Constitution, and subject to paragraph 5.4 below, the authority for approving disposals, acquisitions and leases shall be vested in:

- a) Responsible Officers in relation to:
  - i. Acquisition of freehold or leasehold property (where a premium only is payable) up to £1,000,000;

- ii. Acquisition of freehold or leasehold property where a rent is payable – up to £250,000 per annum;
  - iii. Disposal of freehold property or leasehold property (where a premium only is payable) up to £1,000,000;
  - iv. Disposal of leasehold property where a rent is payable up to £250,000 per annum.
- b) In cases where the consideration is not straightforward such as involving varying rents or a combination of rental and premium the Head of Property shall assess the total capital value of the transaction to establish if such value exceeds the limits of this delegation.
- c) Subject to any limitations imposed by the Leader, all Responsible Officers may authorise another Officer to exercise their delegated functions provided that the Responsible Officer has line management responsibility for that Officer. In those circumstances it is expected that a written “chain of authority” will be maintained.