

Rules in Respect of Provisions as to the Acquisition, Disposal, Use and Development of Land by the city council

These rules are made in pursuance of Standing Order 82

1. The powers of management over all land owned by the city council is an executive function. Unless it is a key decision as defined in Article 13 of the Constitution, or a matter referred to the council under Article 4 of the Constitution, all decisions concerning the acquisition, disposal, use or development of land shall, with the exception of those matters referred to in paragraphs (a) - (f) below, be taken by the EXECUTIVE OR INDIVIDUAL EXECUTIVE MEMBER(S) under the executive scheme of delegation.

Matters excluded from report to the executive

- (a) applications for landlords consent for the assignment of an existing lease except where application is also made for consent for the alteration or erection of buildings and applications for mortgages consent under a mortgage deed.
 - (b) the granting by a service of licences or permission for the use of land for a period of not more than twenty-eight days in one calendar year.
 - (c) any decision by a service concerning the management of land for operational purposes which is not at variance with the recommendation of the head of asset management nor is contrary to an established policy of the city council.
 - (d) the management of all residential units held in the housing revenue account.
 - (e) disposal by way of a lease for operational purposes for a term of less than 7 years where the consideration at the date of the disposal is £25,000 or less (this sum to be adjusted annually by the director of corporate resources and services in accordance with an appropriate index) and the disposal is in accordance with the recommendation of the head of asset management.
 - (f) any other matters specified by the Executive or the council, including those matters delegated to chief officers.
2. The Executive functions set out in these rules including the power to make decisions may be delegated by the Executive to an individual executive member or a chief officer on such terms and subject to such conditions as the Executive may think fit.
 3. The head of asset management has the power to refer to the Executive, as s/he considers appropriate, any of the matters in (1) above.
 4. Where a service ceases to use land for operational purposes, the land shall immediately revert to the Executive who shall exercise powers of management over the land and either approve its future use or approve the principle of its disposal, subject where necessary to the provisions of the budget and policy framework procedure rules.

5. The Executive may approve or refuse the following proposals:-
- (a) the granting of leases or licences;
 - (b) the disposal of land freehold or leasehold;
 - (c) the granting of building agreements;
 - (d) the acquisition of any land, including acquisition for operational purposes.
6. All services shall, if required, submit to the Executive in the form and by the dates prescribed by the Executive details of:-
- (a) existing operational land and its uses;
 - (b) proposals to discontinue the use of land during the ensuing three year period (or such other period as the Executive may determine);
 - (c) any proposed new use of any land under (a) or (b) above;
 - (d) any proposals in service plans requiring the acquisition of land or proposing the development of land which is currently in operational use.
7. The Executive may at any time consider and make decisions in respect of:-
- (a) any matter in paragraph (1) above;
 - (b) the transfer of operational land between service functions;
 - (c) powers of management in respect of any land;
 - (d) the disposal of land.
8. In these rules the following expressions apply -

"land" includes any interest in land (including any licence, option, easement or right of way other than such as may last no more than six months) and any buildings erected thereon,

"operational land" means land used for the delivery of services to the public and includes land leased for a term of less than 7 years for the purpose of enabling another organisation to deliver services to the public,

"disposal" means any grant or transfer of any interest in land; and

"service" and "service function" means the council service for whose operational purposes land has been or is proposed to be acquired or appropriated.

9. For the purposes of Paragraph (1) of these rules the "consideration" shall be deemed to be the greater of the actual consideration for the transaction, or the consideration which might have been obtained had the estate or interest been disposed of on the open market as between a willing vendor and a willing purchaser for the existing use or an alternative use which is in accordance with the established policies of the council.