

DECISION OF THE LEADER – 15 August 2023

Purpose of Decision

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendments to the delegation of Executive functions to officers as attached in the appendix this decision be made.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jewel Miah was appointed as Leader of the Council on 22nd May 2023 for the Council Term to 2026/27 (Council minute 7 2023/24 refers).

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 4th September 2023.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers. Any changes to this section must be approved by Full Council.

Chapter 8.3 of the Constitution sets out the delegations of Executive functions to officers. Any changes to this section can be approved by the Leader of the Council. It is proposed that the Director of Commercial & Economic Development and the Head of Assets & Property be given delegated authority to negotiate and sign lease renewals/extensions on the Council's investment properties. The proposed changes are set out in Appendix 1 with deleted text shown as struck out and added text in bold and underlined.

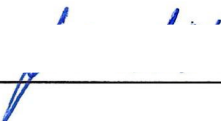
Financial Implications

None

Risk Management

No specific risks have been identified in connection with this decision.

Signed:



Councillor Jewel Miah, Leader of the Council

Date: 15th August 2023.

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision: No

Background Papers: None

KEY:

Deleted text shown as struck through

Added text shown in bold and underlined

8.3 Delegation of Executive functions

Delegation to the Director of Commercial & Economic Development

Land/Property

1. To submit applications under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992.
2. To process Right to Buy applications and dispose of council properties in accordance with the Right to Buy scheme under the Housing Act 1985.
3. To determine requests to extend the time period for responses from tenants exercising the Right to Buy under the Housing Act 1985.
4. To determine the actual amount of discount repayable in individual cases in respect of the sale of properties previously purchased under the Right to Buy scheme, ~~including the determination of applications to waive repayment, in accordance with Section 155 of the Housing Act 1985, as amended and subject to the Council's Right to Buy Discount Policy.~~
5. To approve land and property disposals that have been undertaken in accordance with the Asset Management Strategy and the Land and Property Disposal Policy where either:
 - (a) the freehold value is £100,00 or less; or
 - (b) the leasehold value is £50,000 or less.
6. To approve the purchase of land or entering into a lease for the use of land by the Council where the value is under £50,000 (capital) or £40,000 per annum (periodic payment) **in consultation with the relevant Cabinet lead Member.**
7. To obtain a District Valuer/Chartered Surveyor report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.
9. To renew, terminate and vary leases.
10. To enter into new leases where the value is under £40,000 per annum.
11. To enter into licences and grants of other rights over land where Heads of Service consider the land is of insignificant current or foreseeable use to the Council or would not suffer significant detriment from the grants of rights and the value is under £50,000 (capital) or £40,000 per annum (periodic payment).
- 12. To negotiate and sign lease renewals/extensions on the Council's investment properties**

Industrial Property

13. To authorise the phasing in of new licence fees for the Council's managed workspaces.
14. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
15. To grant initial rent-free periods for industrial units of **up to** three months in appropriate cases or for an extended period following consultation with the Leader.
16. To extend licences at the Council's Managed Workspaces for a period of up to 12 months where an extension for that period is justified for properly establishing the business of the licensee.
17. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short-term duration.
18. To approve and pay fitting out grants for industrial unit's subject to approved limits.

Other

19. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy
20. To approve Community Asset Transfers up to the value of £50,000 in consultation with the Director for the affected service **and the relevant Cabinet lead member.**
21. To update and ensure compliance with the Contracts Procedure Rules.
22. To make minor amendments to the Climate Local Action Plan so that it remains up to date and reflects local priorities where these are consistent with the Climate Local Commitment previously signed, in consultation with the Lead Member for Planning and Sustainability

Delegation to the Head of Assets and Property

Land/Property

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2. To process Right to Buy applications and dispose of council properties in accordance with the Right to Buy scheme under the Housing Act 1985.
3. To determine requests to extend the time period for responses from tenants exercising the Right to Buy under the Housing Act 1985.
4. To determine the actual amount of discount repayable in individual cases in respect of the sale of properties previously purchased under the Right to Buy scheme, ~~including the determination of applications to waive repayment, in~~

accordance with Section 155 of the Housing Act 1985, as amended and subject to the Council's Right to Buy Discount Policy.

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7. To obtain a District Valuer/**Chartered Surveyor** report for any property within the Borough.
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12. To negotiate and sign lease renewals/extensions on the Council's investment properties

Industrial Property

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15. To grant initial rent-free periods for industrial units of **up to** three months in appropriate cases or for an extended period following consultation with the Leader.
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