

Proposed Constitution Amendment:

Officer Scheme of Delegation

2. **Limitations on delegations to the Chief Executive, Directors and Divisional Directors, Heads of Service and all other officers**

- 2.10 The Chief Executive, Directors and Divisional Directors and Heads of Service may not authorise leases if, in the reasonable opinion of a Fellow or Member of the Royal Institution of Chartered Surveyors (RICS), the market value of the premium exceeds ~~£25,000~~£50,000 or if the market value of the rent (including any service charge) should exceed ~~£10,000 per year~~£50,000 per year, or (if a transaction is linked to another transaction) where the aggregate relevant amounts exceeds those limits (this includes leases at a peppercorn rent). But this paragraph shall not prevent the Chief Executive, Directors, Divisional Directors and Heads of Service authorising leasehold disposals where they are in accordance with the Council's Capital Programme or a Council or Cabinet decision.

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(Note: This limitation shall not apply to decisions connected to the Council's emergency response and/or recovery in relation to any matters which deal with civil protection. The emergency response shall be triggered by the Local Resilience Forum declaring a major incident. Decisions connected to emergency response and/or recovery shall follow the limitations on financial delegation arrangements outlined in 2.12 below.)

6. **Delegations to the Head of Tor bay Harbour Authority and Tor Bay Harbour Master**

- 6.2.5 Only in relation to property forming part of the Harbour Estate and always having first obtained the approval of a

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Fellow or Member of the Royal Institution of Chartered Surveyors (RICS) as to the value and terms of such disposal:-

(a) to grant or enter into the terms of leases, sub leases, or licences where the consideration does not exceed £250,000 per annum on any single transaction (or series of linked transactions);

(b) to grant or enter into easements, licences, agreements, restrictive covenants or other rights or obligations where the consideration does not exceed £250,000 on any single transaction (or series of linked transactions);

(c) to effect freehold disposals of land not required for operational purposes up to £100,000 in value;

(d) to renew leases (regardless of the level of rent payable), licences and undertake a review of rents and licence fees when necessary and to agree surrenders, sub-letting and approve assignments; and

(e) to approve variations to (including the release of) restrictive and other covenants.

7. Delegations to the Chief Finance Officer (as Section 151 Officer)

7.3 Changes to rent terms arising from changes in market rents linked to economic conditions or rent breaks and renewals shall only be approved by the Chief Finance Officer (or his/her designated deputies) in consultation with Director of Pride in Place and Deputy Leader of the Council and Cabinet Member for Finance.

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11. Delegations to the Director of Finance

Property Management, Acquisition and Disposal:

- 11.1
- (a) To grant or enter into [leases](#), easements, licences, agreements, restrictive covenants or other rights or obligations where the consideration does not exceed £~~4~~50,000 per annum on any single transaction (or series of linked transactions);
 - (b) To grant leases for up to 40 years to sports clubs on acceptable terms which each case being considered on its merits;
 - (c) To renew leases (regardless of the level of rent payable), licences and undertake a review of rents and licence fees when necessary and to agree surrenders, sub-letting and approve assignments;
 - (d) To approve variations to (including the release of) restrictive and other covenants; ~~and~~
 - (e) To approve terms for the appropriation of land previously authorised by the Cabinet or the Council; ~~and~~
 - (f) ~~£~~To effect freehold disposals of land not required for operational purposes up to £50~~400~~,000 in value.