

Appendix 2a – Schedule of Decision Making Levels for Property Matters (July 2023)

Transaction	Cabinet	Property Sub-Committee	Officers Director for Corporate Services (See Note 1 Below)
Acquisitions - all interests (with exception to Leases and acquisition by private treaty following compulsory purchase)	All acquisitions at market value of £2m or above. Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	All acquisitions at market value of between £200,000 and below £2m Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	All acquisitions at market value below £200,000, and all Terms for those transactions
Disposals 1 Freehold – at best consideration	All disposals for best consideration at a market value of £2m or above.	All disposals for best consideration, at a market value between £200,000 and below £2m	All disposals for best consideration, at a market value of below £200,000, and all Terms for those transactions
2 Freehold – at undervalue	Any disposal of a freehold at an undervalue, where the undervalue value is £2M or more NB: For an undervalue of £2m or more (and/or including where the social economic environmental well-being criteria is not satisfied for an undervalue below £2m) approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003	Any disposal of a freehold at an undervalue, where the undervalue value is less than £2m or less NB: In accordance with the General Disposal Consent 2003, the consent of the Secretary of State is not required under s123 of the Local Government Act 1972 for an undervalue of less	



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	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	than £2m if the disposal helps to secure the promotion or improvement of the economic, social or environmental well-being of the area.	
3 Leasehold at best consideration (Granting or surrendering (including farm business tenancies))	<p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of -£2m or above.</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p>	Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	<p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of between £200,000 and below £2m</p> <p>Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder</p>



<p>4 Leasehold at undervalue</p>	<p>Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2M or more.</p> <p>NB: <i>For an undervalue of £2m (including where the social economic environmental well-being criteria is not satisfied- for an undervalue below £2m) approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003.</i></p> <p>A short tenancy <i>(granted for seven years or less, or the assignment of a term which has not more than seven years to run) is exempt from s123 requirements.</i></p> <p>Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder</p>	<p>Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is less than</p> <p>NB: In accordance with the General Disposal Consent 2003, the consent of the Secretary of State is not required under s123 of the Local Government Act 1972 for an undervalue of less than £2m if the disposal helps to secure the promotion or improvement of the economic, social or environmental well-being of the area.</p> <p>A short tenancy <i>(granted for seven years or less, or the assignment of a term which has not more than seven years to run) is exempt from s123 requirements.</i></p> <p>Final Terms and any variation in Terms, including Right of Renewal, for all transactions to be approved by the relevant Portfolio Holder</p>	<p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms for those transactions, including <i>Right of Renewal</i></p>
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Transaction	Cabinet	Property Sub-Committee	Officers Director for Corporate Services (See Note 1 Below)
	approved by the relevant Portfolio Holder	social or environmental well-being of the area. Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder	
Charges – to be granted to SCC over land disposed of with payments by instalments	Where land is disposed of with payment of a consideration in instalments in the future with a <i>total</i> value of £2m or more	Where land is disposed of with payment of the consideration in instalments in the future with a <i>total</i> value of below £2m	
Acquisitions of Leases (where SCC is the Tenant) - Taking or surrendering	Any lease where the total rent over the term or a premium plus the total rent is £2m or more	Any lease where the total rent over the term or a premium plus the total rent is between £200,000 and below £2m	Any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000
Licences (and tenancies at will) – Taking or granting	Any licence where the total licence fee over the licence period is £2m or more	Any licence where the total licence fee over the licence period is between £200,000 and below £2m	Any licence where the total licence fee over the licence period is below £200,000.
Appropriations of Land	All Appropriations as authorised under section 122 of the Local Government Act 1972 (or any subsequent re-enactment thereof) including land for planning purposes as		



Transaction	Cabinet	Property Sub-Committee	Officers Director for Corporate Services (See Note 1 Below)
	defined in section 246(i) of the Town and Country Planning Act 1990 (or any subsequent re-enactment thereof)		
Other Transactions (e.g Overage and Clawback)	Any disposal of land by Staffordshire County Council which contains overage or clawback should be reported to Property Sub-Committee but escalated to Cabinet if required.		
Notices to Terminate a Lease	To be covered by general delegations to Director for Corporate Services (Head of Property) and Director for Economy Infrastructure and Skills.		
Rent Review			
Authorised Guarantee Agreements (where SCC is the tenant)	Any departure from the policy of SCC of not entering into Authorised Guarantee Agreements in the capacity of Tenant – to be reported to Property Sub-Committee for initial consideration.		
Dilapidations-Settling of claims where SCC has been the tenant	Any claim totalling £2m or above	Any claim totalling between £200,000 and below £2m	Any claim totalling below £200,000
Acquisition of land by private treaty in connection with a Compulsory Purchase Order	Acquisitions made in furtherance of a compulsory purchase order to be delegated to the relevant Director in accordance with the original cabinet authority for the compulsory purchase order		
Development Agreements	-	All [<i>but escalated to Cabinet if required</i>]	-
Joint Use Agreements	Covered in main Scheme of Delegation to SLT members		
Removal of Restrictive Covenants	Any removal where the payment is £2m or more	Any removal where the total payment is between £200,000 and below £2m	Any removal where the total payment is below £200,000
Exclusivity/Lock out Agreements	-	All [<i>but escalated to Cabinet if required</i>]	-
Memorandum of Understanding	Covered in main Scheme of Delegation to SLT members		



Transaction	Cabinet	Property Sub-Committee	Officers Director for Corporate Services (See Note 1 Below)
Pre-emptions and Options	Where the total value of the property is £2m or above	Where the total value of the property is between £200,000 and below £2m	Where the total value of the property is below £200,000

Notes

1. Officers are reminded that before exercising any of the delegated powers below consideration should be given to whether there are any wider issues which should be taken into account which make it more appropriate for the decision to be made at member level.

To assist, the following criteria is provided as a guide (although not exhaustive):

Officer Decision	Uncontroversial
	Covered by the sub-scheme of delegation
	In accordance with agreed policy and budget provision
	Related to current/existing service provision
Member Level Decision	
Member Level Decision	Controversial
	Direct impact on 'Customers'
	Politically sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

2. All decisions can be referred to a higher tier in the decision-making structure

Appendix 3 - County Farm Tenancies Panel – Terms of Reference

1. Purpose

- 1.1 To interview and make recommendations to Physical Regeneration Group Manager on allocation of County Farm tenancies.



1.2 (The approved Schedule of Decision-Making levels authorises the Group Manager to approve all leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms for those transactions – Decision Making Schedule point 4). Transactions exceeding that value to be referred to Property Sub-Committee or Cabinet, as appropriate).

1.3 Reports on action taken to be submitted to Property Sub-Committee on a half yearly basis.

2. Membership

2.1 Land and Rural Estates Group Manager. (To Chair)

2.2 Three elected members – to be appointed annually by the Leader of the Council External Adviser re Business case.

2.3 Other invitees: Staffordshire County Council Farm Teams Land Agents

3. Other County Farms related decisions:

3.1 To be made in accordance with approved Scheme/Sub-Scheme of Delegation for the Director of Economy, Infrastructure and Skills:

Delegation / Sub-Delegation	Authorised Officer
To take steps to administer and manage the Council's property estate (value/cost between £100,000 and £200,000)	Physical Regeneration Group Manager (Level C)
To effectively manage and administer the County Farms Estate on a day-to-day basis up to a maximum of £100,000	Land and Rural Estate Group Manager (Level D)
To approve the following transactions and associated Terms: <ul style="list-style-type: none"> All acquisitions at market value up to £200,000 All disposals for best consideration at a market value of below £200,000 All Leasehold disposals at best consideration at a total rent over the term or a premium plus the total rent of below £200,000 Any Easement or Wayleave with a total premium, consideration and/or rent over the term of below £200,000 Any lease/tenancy entered into where the total rent over the term or a premium plus the total rent is below £200,000 	Physical Regeneration Group Manager (Level C)



Delegation / Sub-Delegation	Authorised Officer
<ul style="list-style-type: none">• Any licence where the total licence fee over the licence period is below £200,000• The removal of Restrictive Covenants where the total payment is below £200,000• Pre-emptions and Options where the total value of a property is below £200,000• Granting of consent for alterations in a property or its use	

