

LDS/24/22
Procedures Committee
2 May 2024

Review of the Governance Working Group and Proposed New Property Committee (Land and Buildings) and Update on the Revised Code of Practice for Disposal.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to

(a) approve the adoption of a formal politically balanced Property Committee (Land & Buildings), with 7 members of the Council;

(b) adopt the terms of reference as outlined in section 5 for inclusion in the constitution; and

(c) to note that the Code of Practice for Land and Property Transactions is being finalised (to replace the current version at section 5g) and the Committee asks that Council delegate completion of this document to the Director of Director of Transformation & Business Services and Director of Legal and Democratic Services, in liaison with the Governance Working Group, to ensure Member engagement and compliance with financial regulations and recognition of the role of the new Property (Land and Buildings) Committee.

2) Background / Introduction

2.1 As part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Committee Structure be reviewed.

2.2 As part of that review, it was suggested that the potential for a new Property Committee (Land and Buildings) be explored.

2.3 The current arrangements for disposal of surplus property were outlined in the Constitution [Part 5g Code of Practice for Disposal of Surplus Property.pdf \(moderngov.co.uk\)](#) as well as via a Corporate Asset Group, but these arrangements are now being reviewed.

3) Governance Working Group (GWG) Considerations and Consultations

3.1 Views were sought from the Governance Working Group, with a meeting on the 5th of February to consider the governance to support decisions on asset disposals, including land and property. The working group agreed to undertake benchmarking to support a decision on next steps.

3.2 At its meeting on the 4th of March, the Governance Working Group reviewed a number of other upper tier authorities, and the potential options.

3.3 Benchmarking of 19 other upper tier authorities showed a mixed picture. Two Council's had sub-committees of Cabinet: Property Sub-Committee, and Policy and Resources Cabinet Committee, One Council had a committee called an Assets and Procurement Committee. Other Council's held Member Decision Days where Cabinet Members make decisions within their area of responsibility at individual decision-making meetings attended by Council Officers. Some local authorities had previously held Committees with land/ property disposal within their remit, but these have been stood down.

4) Membership

4.1 The Governance Working Group held a discussion on the Membership of the proposed Committee. Number of options were considered including the role of Cabinet Members, but Members advocated a politically balanced Committee with seven Members which permitted all parties on the Council to be represented.

4.2 A Committee of seven of the current Political balance of the organisation meant four Conservative, one Labour, one Liberal Democrat and one representative from the Independent and Green Group.

4.3 Officer attendance, not part of the Committee would be the Director of Transformation & Business Services or their representative, the Director of Finance and Public Value or their representative and Other Directors or their representatives, as required.

4.4 In addition, Estates officers and / or Officers from other Service Areas could attend as they may from time to time have property related matters to bring to the Committee and respond to queries and Member enquiries.

5) Terms of Reference

5.1 Given there will be a detailed Code of Practice for Land and Property Transactions, it is proposed to keep the terms of reference as outlined in the Constitution reasonably high level, in a similar style to that of the Farms Estates Committee.

5.2 The proposed Terms of Reference of the Property Committee (Land and Buildings) is below with the new wording proposed in red (section 3b of the Constitution – paragraph 6.1).

6.1 The Cabinet shall arrange for the discharge of certain of its functions by the following Committees of the Cabinet:

1) the management and development of the County Farms Estate, by the Farms Estate Committee, within the general strategy, policies and operating procedures of the Council;

2) the management of the Council's Land and Property portfolio, by the Council's Property (Land and Buildings) Committee, within the general strategy, policies and operating procedures of the Council, including property disposal protocols and codes of practice.

3) those responsibilities for highways set out in paragraph 9.16 below by area Highways and Traffic Orders Committees;

6) Operating Principles

6.1 It is proposed that routine meetings will be held every two months (five meetings per year).

6.2 Special meetings may be called in line with current Standing Orders

6.3 Matters requiring urgent decisions may be made in line with current delegated Committee decisions (Director in liaison with the Chair (or Vice in their absence) and reported to next Committee unless the scale of the proposal warrants the convening of a special meeting.

7) Code of Practice for Land and Property Transactions

7.1 A new Code of Practice for Land and Property Transactions is being developed which will set out the procedures which must be followed when the Council is buying or selling land and where land is being leased, taking in to account the new role of the Property Committee and also financial regulations. By following these procedures and having a clear decision-making process DCC will ensure good decision making, compliance with statutory requirements and value for money from its property estate.

8) Strategic Plan

8.1 This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

9) Financial Considerations

9.1 There are no financial considerations. The additional Committee will be absorbed into current workloads and resources of the Democratic Services and Scrutiny Team.

10) Legal Considerations

10.1 Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement. In addition, Council will be asked to appoint the Committee in line with the requirements of the Local Government Act 1972 and principles of the Local Government and Housing Act 1989.

11) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

11.1 There are no environmental related issues.

12) Equality Considerations

12.1 There are no equality related issues.

13) Risk Management Considerations

13.1 No risks have been identified.

14) Summary / Conclusions / Reasons for Recommendations

14.1 The Procedures Committee is asked to endorse the detailed work of the Governance Working Group by recommending the proposals to the Council for adoption. The recommended changes to adopt a new Property (Land and Buildings) Committee have been carefully considered and is therefore commended to the Committee. The accompanying Code of Practice for Land and Property Transactions will be shared with the Governance Working Group shortly for review and the required Member engagement.

Name - Director of Legal and Democratic Services – Maria Price

Cabinet Member – **Andrew Saywell** (Organisational Development, Workforce & Digital Transformation)

Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

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