

## **Delegated authority relating to the operational management of Council property assets.**

### **1. Delegated authority to the Head of Commercial Estate or the Head of Corporate Estate relating to the operational management of Council property assets.**

The following delegated authority from Council regarding the management of council property assets, is to be set out within section 4C of the delegation of specific functions to Officers as may be varied from time to time within the Council's Constitution, is delegated as follows:

- Decisions relating to the operational management of all interests in real property held from time to time within the Commercial Estate in accordance with such scheme (if any) as may be approved by the Council from time to time is delegated to the Head of Commercial Estate.
- Decisions relating to the operational management of all interests in real property held from time to time within the Corporate Estate in accordance with such scheme (if any) as may be approved by the Council from time to time is delegated to the Head of Corporate Estate
- Decisions to enter contracts for the provision of property services as defined by the Local Authorities (Goods and Services) Act 1970, in respect of the Commercial Estate is delegated to the Head of Commercial Estate.
- Decisions to enter contracts for the provision of property services as defined by the Local Authorities (Goods and Services) Act 1970, in respect of the Corporate Estate is delegated to the Head of Corporate Estate.

### **2. Definition of the various activities comprised within the term “operational management”**

The term “operational Management” shall include the various property management activities that shall be approved from time to time by Council on recommendation from the Asset Investment Steering Group.

(Link to the Library for Appendix 1 & 2 for the current schedule of approved management activities)

## APPENDIX 1

### Estates Management Activities

| Area of Work                            | Description of Work to be undertaken                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>1. Asset Management</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| A. Asset Management                     | The management of assets in accordance with the provision set out within the Corporate Asset Management Plan ensuring that Council owned property assets are managed, utilized or disposed of in pursuance of the Council's key aims and objectives and with probity and in full compliance with all relevant legislation, regulation or other legal requirement.                                                                                                                                                                                                              |
| B. Asset Reviews                        | The review and challenge of the performance of property assets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| C. Asset valuations                     | <p>In accordance with CIPFA and other requirements a programme of Red Book Asset Valuations is carried out at least every 5 years and, in the case of Investment Assets annually.</p> <p>Corporate Finance is the Client in respect of this programme and issues instructions confirming the valuations to be undertaken and the timescale.</p> <p>The programme is supplemented with individual valuations in the case of material change, eg in the case of acquisitions and disposals as well as significant alterations to existing assets.</p>                            |
| D. Building Insurance                   | Insurance reinstatement cost assessments are undertaken in accordance with an agreed programme based on regular output from core data. The assessed reinstatement cost is then used as the basis for cover within the 3 main policies, Commercial, General and Schools                                                                                                                                                                                                                                                                                                         |
| E. Rating Work                          | In line with the cyclical revaluations of National Non-Domestic Rates, undertake a review of rateable values in respect of Council occupied properties. In light of the review or other changes of circumstance, where appropriate bring forward appeals; undertaking all necessary valuations and negotiating with the Valuation Office towards settling at agreed value.                                                                                                                                                                                                     |
| F. Disposals and surplus land procedure | Where an asset is no longer required for operational or revenue purposes it will be declared surplus to requirements. This triggers the surplus land procedure which provides a structured process to establish if there is any alternative requirement or whether the asset can be programmed for disposal. Where the asset is cleared for disposal then this forms a discrete project designed to achieve a capital receipt in the short term. Capital receipts from disposals contribute to the capital programme after allowing for fees and other qualifying expenditure. |

| Area of Work                                                                                            | Description of Work to be undertaken                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>2. Lease Management</b>                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| A. Income forecasting                                                                                   | Amend estimated rental values and other key lease information to enable the production of an annual estimate of rent receivable by service area and/or cost centre.<br>Update assessments on a quarterly basis and produce variances and anticipated outturn.                                                                                                                                                                                                                                                                                                                                                                  |
| B. Lease Renewals Negotiations and Re-lettings.                                                         | Liaison with Legal and other internal sources leading up to and during lease renewal proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of lease renewal terms. Instruction of legal etc and liaison to completion. Enter in to Tenancy at Will where appropriate.                                                                                                                                                                                                                                                   |
| C. Rent Reviews Negotiations                                                                            | Liaison with Legal and other internal sources leading up to and during rent review proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of rent review terms. Instruction of legal etc and liaison to completion.                                                                                                                                                                                                                                                                                                      |
| D. New Lettings – No previous lettings to the prospective tenant of the property. Inc Tenancies at Will | In liaison with other parties establish and bring forward letting opportunities. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion                                                                                                                                                                                                                                                                                                                                                 |
| E. Surrenders and Regrants                                                                              | Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion, where this is in the interest of good estate management and does not result in a loss of significant revenue income.<br>Consideration, with relevant parties, of potential to be offered from a surrender/regrant, to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion. |
| F. Lease Terminations<br>See also dilaps below                                                          | Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion.<br>Consideration, with relevant parties, of potential to be offered from a surrender to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion.                                                                                                                               |

| Area of Work                                                                   | Description of Work to be undertaken                                                                                                                                                                                                                                                                                                                                                                          |
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| G. Service Charges and Planned maintenance.                                    | Arranging for the recharging of all qualifying expenditure on Planned Maintenance, including s20 notices, notification and liaison with tenants and occupiers.<br>Administration of leases subject to Service Charges provisions.<br>All necessary rent accounting in association with these arrangements.                                                                                                    |
| H. Rent Accounting                                                             | Management of issuing rent demands and collection of rents in line with lease or other terms.                                                                                                                                                                                                                                                                                                                 |
| I. Rent Arrears                                                                | Pursuit of rental arrears with recourse to a third party.                                                                                                                                                                                                                                                                                                                                                     |
| J. Approval of Tenants Works                                                   | Receiving applications for tenant's works of alteration from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Granting of approval or otherwise.<br>Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.                                                      |
| K. Assignments / Sub Letting                                                   | Receiving applications for assignments from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant and proposed assignee/sub-lessee. Granting of approval or otherwise.<br>Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.                 |
| L. Change of Use                                                               | Receiving applications for change of use from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise.<br>Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval. |
| M. Dilapidations – Interim Schedule only.<br>See also lease termination above. | Check terms of lease/other form of occupancy. Apply terms appropriately. Instruct building surveyors etc as required. Internal liaison. Negotiation of settlement.                                                                                                                                                                                                                                            |
| N. Minor Lease Variations                                                      | Receiving applications for minor lease variations from tenants. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise.<br>Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval.                                           |

| Area of Work                                                                 | Description of Work to be undertaken                                                                                                                                                                                                                      |
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| <b>3. Asset Protection</b>                                                   |                                                                                                                                                                                                                                                           |
| A. Terrier                                                                   | Updating and maintaining the Councils records on ownership, noting and verifying freehold and leasehold interests. Maintenance of records following transactions, consents or similar.                                                                    |
| B. Property Inspections                                                      | As required, undertake an inspection of properties in line with either lease or other requirements                                                                                                                                                        |
| C. Insurance Claims                                                          | Dealing with issues arising from either a third party insurance claim relating to property. Acting, as necessary in pursuit of an insurance claim by the Council.                                                                                         |
| D. Grants of Minor Rights (wayleaves/ easements)                             | Establishing need to take or grant minor right. Liaison with internal parties. Providing valuations and advice as required. Negotiation with other party towards settlement of terms. Instruction and liaison with legal and other parties to conclusion. |
| E. Highway adoption.                                                         | Applying to adopt private council land as public highway                                                                                                                                                                                                  |
| F. Freehold Reversion                                                        | Long leasehold which will revert to the Council upon expiry                                                                                                                                                                                               |
| G. Freehold Covenants                                                        | Title restrictions on freeholds held by third parties where the beneficiary of the restriction is the Council.                                                                                                                                            |
| H. Short term licences regularising party wall and other neighbour activity. | Short term licenses within the definition of Street v Mountford..                                                                                                                                                                                         |
| I. Encroachments                                                             | Establishing and seeking to prevent encroachments on to Council owned land.                                                                                                                                                                               |
| J. Boundary /Ownership disputes                                              | Resolving ownership/title disputes, boundary disputes. Liaise with legal services and other stakeholders.                                                                                                                                                 |
| K. Void Inspections                                                          | Providing and updating list of void properties. Instructing Building Services to undertake programme of monitoring voids. Advising of change of status.                                                                                                   |
| L. Breaches of Covenant                                                      | Enforcing against breaches of covenant by tenants. Liaison with relevant internal sources. Reference to Legal Advisers. Providing advice to stakeholders and occupiers to prevent breach of covenant where Council is tenant. Inspection as necessary     |
| M. Appropriations                                                            | Draw up and present necessary reports to facilitate the appropriation of property from one holding power to another.                                                                                                                                      |

| Area of Work                                            | Description of Work to be undertaken                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>4. Disposals and Development</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| N. Long Leases<br>NB – why different to Lettings above. | In liaison with other parties establish and bring forward opportunities to offer long leases. Devise and implement marketing strategy. Provide valuations and advice to clients. Negotiate and agree terms. Instruct and liaise with legal and others to completion.                                                                                                                                                                                                                           |
| O. Freehold Sales                                       | In liaison with other parties establish and bring forward opportunities to dispose of property on a freehold basis. Maximise potential for asset value enhancement. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion.                                                                                                                             |
| P. Development Opportunities                            | Through proactive management of the estate and in liaison with stakeholders, bring forward development opportunities to maximise performance of the estate or further council aims and objectives. Undertake valuations and instruct/liaise with other professionals to bring forward schemes where practicable.                                                                                                                                                                               |
| <b>5. Projects</b>                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| A. Project Management                                   | Undertake all necessary work to bring forward major property projects as agreed in liaison with client on a case to case basis                                                                                                                                                                                                                                                                                                                                                                 |
| B. Appointment of Consultants                           | As required, and in line with Contract Standing Orders, undertake all processes involved with the appointment and overseeing of outside consultants, including authorisation and payment of fees.                                                                                                                                                                                                                                                                                              |
| C. Project Monitoring External                          | Where external contractors are employed to undertake property related work, including legal services, on the Council's behalf, ensure that the work undertaken is of suitable standards required outcomes are achieved.                                                                                                                                                                                                                                                                        |
| D. Feasibility Studies                                  | Undertake all work and liaise with other contributors to bring forward a feasibility study suitable for the required purpose. Present study in required format and advise clients on implications.                                                                                                                                                                                                                                                                                             |
| E. Acquisitions                                         | In liaison with other parties establish and bring forward acquisitions required for service provision or strategic requirements. Provide valuations and advice. Negotiate and agree terms of acquisition. Instruct and liaise with legal and others to completion.                                                                                                                                                                                                                             |
| F. Compulsory Purchase Orders                           | As required for service delivery needs, liaise with interested parties to bring forward a CPO or deal with orders served on the council. In line with the statutory provisions assist in the drawing up and service of necessary documentation. Provide valuations and advice to clients and liaise with other professionals. Negotiate towards settlement of compensation. Instruct and liaise with legal and other parties to completion.<br>Attendance at enquiries/tribunals as necessary. |

| <b>Area of Work</b>                 | <b>Description of Work to be undertaken</b>                                                                                                                                                                                                                                   |
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| G. Building / Development Agreement | As required, liaise with client to establish need for building agreement to be granted or taken. Provide advice to clients and liaise with Building and other professionals. Negotiate and agree terms of agreement. Instruct and liaise with legal and others to completion. |
| H. Valuations - One Off             | Provide, at the request of the client, one off valuations, not related to other areas of work. Advice to client of the implications of the valuation provided.                                                                                                                |

## APPENDIX 2.

### Construction, Maintenance and Facilities Management activity

| <b>1. Repair &amp; Maintenance (see separate Policy)</b>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| A. R&M                                                      | <p>To deliver responsive and planned programmes of repairs and maintenance (R&amp;M)</p> <p>This is achieved through the following</p> <ul style="list-style-type: none"><li>• aligning asset and repairs decisions with the Council's core values, corporate priorities and service aspirations. In particular this reflects the City of Bath as a world heritage site</li><li>• ensuring that buildings and their associated services are in a safe condition</li><li>• ensuring that the condition of buildings meet all statutory requirements</li><li>• ensuring that buildings are fit for purpose and minimise risk</li><li>• carrying out maintenance work necessary to maintain the value of the buildings</li><li>• ensuring that agreed performance targets are met</li><li>• ensuring maintenance projects are co-ordinated with other construction works to minimise their impact</li></ul>                                                                            |
| <b>2. Statutory &amp; Best Practice Building Compliance</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| B. Compliance                                               | <ul style="list-style-type: none"><li>• Ensuring all compliance regimes are in place where the Council has a statutory duty.</li><li>• Annual compliance inspections - to verify all elements of compliance in accordance with regulation or legislation are observed</li><li>• Provision of general health &amp; safety advice to stakeholders</li><li>• Specifying, co-ordination and management of all servicing contracts.</li><li>• Ensuring compliance awareness across the Council</li><li>• Undertaking where appropriate all measures of compliance enforcement</li><li>• Monitoring compliance within buildings (offices and schools etc) in third party ownership where B&amp;NES Council staff are working.</li><li>• Monitoring compliance within buildings (schools, elderly people's homes, children's homes) where B&amp;NES Council is placing children and elderly persons.</li><li>• Monitoring of tenants occupying B&amp;NES Council owned property.</li></ul> |