
THE ROLE OF THE ASSET DEVELOPMENT COMMITTEE AND THE LOCAL AUTHORITY TRADING COMPANY (LATC)

Committee: Asset Development Committee

Date: 30th September 2015

Author: Chief Executive and Director, Commercial and Corporate Services

[Q82]

1.0 ISSUE

1.1 Future role of Asset Development Committee in relation to the establishment and operation of the LATC.

2.0 RECOMMENDATION

2.1 Members are requested to recommend to Council in January 2016 the revised terms of reference of the Committee as detailed in Appendix 1.

3.0 BACKGROUND

3.1 The Council on 16 July 2015, (ref: Agenda 13) agreed to establish LATC Committee to bring forward proposals to January 2016 Council to formally establish the LATC.

3.2 A key element of the work of the LATC Committee is to make recommendations on the governance structure of the company including arrangements for shareholder scrutiny. In addition, they will be considering the process and timing of land transfer to the LATC from the Council.

4.0 PROPOSALS

4.1 The Asset Development Committee is best placed to act as the Council's shareholder Committee given the proposed scope of the LATC in relation to commercial land development. The Chairman of this Committee will be supported by a member of the Corporate Management Team, other than those appointed as Board Directors or seconded employees of the LATC.

4.2 This will necessitate a revision to the terms of reference of this Committee at the January 2016 Council meeting. In addition, there is a requirement to define the continued role of the Asset Development Committee in terms of land assembly and development.

4.3 The business plan for the LATC assumes the transfer of land from Council with the benefit of planning permission to maximise the financial benefit to the Council and control over the design outcome. Therefore, there will be an ongoing role for this Committee in identifying and assembling land for development; this has been reflected in the revised terms of reference attached as Appendix 1.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no direct financial implications of the recommendations detailed in paragraph 2.1. An Equality Impact Assessment is not required.

6.0 APPENDICES

6.1 Appendix 1 – Revised terms of reference: Asset Development Committee.

Background Documents

Council
16 July 2015
(Agenda Item No. 13)

Location

Room 103
The Grange
Ely

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ASSET DEVELOPMENT COMMITTEE (DRAFT)

1.0 CONSTITUTION

1.1 The Asset Development Committee shall comprise of 7 members (with allocation of seats based on proportionality) and up to two substitutes drawn from both the members and substitutes. Its quorum is 3.

2.0 OBJECTIVES

2.1 The oversight and maximisation of Council's assets:

- to achieve the Council's objectives and corporate priorities;
- to deliver the Council's Medium Term Financial Strategy;
- to scrutinise the Local Authority Trading Company (LATC)

3.0 TERMS OF REFERENCE

The terms of reference of the Asset Development Committee shall be:

3.1 To recommend the purchase, disposal and development of the Council's non-operational assets, including land and buildings, and where appropriate transfer them to the LATC.

3.2 To monitor the Council's Asset Development Programme.

3.3 To approve and monitor the Council's asset maintenance programme.

3.4 To consider the asset development implications of contracts and agreements with third party service providers (prior to their adoption).

3.5 To identify opportunities for maximising asset development through effective partnerships.

3.6 To act as the Shareholder Committee for the purposes of the scrutiny of the LATC.

4.0 Delegation to Asset Development Committee

4.1 Subject to the provisions of the Council's Constitution, the Committee has delegated authority to act on behalf of the Council in relation to the above, unless

- reserved to Council; and
- delegated to officers under these or the other Committee terms of reference.

5.0 Delegation to Officers

5.1 The Chief Executive or Directors or appropriate Service Lead, are authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Committee provided:

- the Chairman or Vice-Chairman of the Committee is consulted prior to the delegated decisions being made;
- the appropriate Service Delivery Champion is consulted prior to the delegated decisions being made;
- spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- action taken is reported to the next Committee; and
- it excludes any decision, which is by law expressly vested in the Council.

5.2 There shall be delegated to the Chief Executive or Directors or appropriate Service Lead, the exercise of any power or function of the Council in routine matters related to the implementation of agreed Strategies, Policies and programmes, falling within established policies and procedures and within existing budgets.

For the avoidance of doubt this delegation shall include the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved to Full Council.

5.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below (whether Policy approval, monitoring or operational matters have been delegated to a Sub-Committee or not) under the Listed Acts or any amendment, modification or re-enactment of those Acts, or Regulations/Orders made under those Acts:

<p>Landlord and Tenant Act 1954 Service of all notices in connection with renewal of tenancies under the Act.</p>	<p>Legal Services Manager or Chief Financial Officer (CFO)</p>
<p>Land Compensation Act 1973 Sections 29, 33 and 37 To approve applications for disturbance payments and removal expenses, and to approve applications for home loss payments.</p>	<p>Chief Executive or CFO</p>
<p>Local Government Act 1972 Section 111 To arrange negotiations for the acquisition of land which it is anticipated will be required to meet the Council's Forward Capital Programme.</p>	<p>CFO & Legal Services Manager</p>
<p>Local Government (Miscellaneous Provisions) Act 1976 Section 16 The service of requisitions for information as to the ownership of property.</p>	<p>Legal Services Manager or Environmental Services Manager or Planning Manager or Director (Regulatory Services)</p>
<p>Town and Country Planning Act 1990 Town and Country Planning (General) Regulations 1976 The making of applications for deemed consent for authorised development to be carried out by the Council or in respect of land, which the Council may wish to dispose of with the benefit of planning</p>	<p>Chief Executive or Director (Regulatory Services)</p>

permission.	
<p>Property Issues To approve or refuse requests to dispose of, or lease land identified as suitable for disposal subject to valuation by the District Valuer or any other independent valuer, and arrange wayleaves, easement and licences in accordance with the Council's policy and regular review of landholdings (Safeguard: local members to be consulted).</p>	Chief Executive or Legal Services Manager
To act in the purchase of suitable properties subject to prices being within an appropriate independent valuation, and after consultation with the Chairman of this Committee.	CFO or Legal Services Manager
To sign wayleave agreements affecting property held by the Council.	Legal Services Manager or CFO
To effect the discharge of land charges and releases of covenants in conveyancing of property by the Council or its predecessors (at an independent valuation where appropriate).	Legal Services Manager or CFO
To enter into licences and arrange for rents and licence acknowledgement for small parcels of land to be reviewed.	Legal Services Manager or Chief Executive
To take all necessary steps to enter into options on land or property, in consultation with the Chairman or Vice-Chairman of Committee, prior to formal approval by Committee.	Legal Services Manager or CFO or Director (Support Services)
<p>Unauthorised Vehicular Accesses To deal with vehicular accesses throughout the District by way of Licence or a Deed of Grant of Easement, or, if this is not possible, by the siting of bollards to prevent vehicular access.</p>	Legal Services Manager or CFO
<p>Proceedings against Trespass on Council Land To commence court proceedings in any case of trespass on Council-owned property.</p>	Legal Services Manager or Director (Support Services)
<p>Proceedings against tenants and licensees To commence court proceedings against tenants or licensees of the property for non-compliance with conditions of tenancy.</p>	Legal Services Manager or Director (Support Services)