**Governance Framework Document**

**Document H: Trusts and Charities Scheme of Delegation**

**Scheme of Delegation – Trust and Charity Land and Property**

**Approved 21/07/2017**

|  | **Description** | **Legislation** | **Executive or Non-Executive** | **Officer(s) to whom function delegated** |
| --- | --- | --- | --- | --- |
| 1. | Trust and Charity Land and Property – Assignment and Under lettings  To agree assignment and under lettings of leases and tenancies. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 2. | Trust and Charity Land and Property – approval of plans  To approve plans where the trust or charity’s consent is  required as owner from the trustees. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 3. | Trust and Charity Land and Property – Claims under the Leasehold Reform Act 1967  To admit or deny claims and where admitted settle the  sale price under the Leasehold Reform Act 1967. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
|  | Trust and Charity Land Property – To authorise the grant of licences, wayleaves and easements. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 5. | Trust and Charity Land and Property – To grant tenancies and leases of property for up to 20 years where rent does not exceed £50,000 per annum. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 6. | Trust and Charity Land and Property – Dilapidations   1. To settle terms, agree dilapidations and accept the surrender of existing leases and to recover possession of premises on expiry of leases. 2. To approve settlement of the dilapidations claim up to £10,000 where the Charity or Trust has been the tenant. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 7. | Trust and Charity Land and Property – Notice and Review   1. To authorise service of appropriate notices to determine tenancies and leases to initiate possession, rent review and lease renewal or where there has been a breach of covenant. 2. To settle upward only rents on review and renewal. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 8. | Trust and Charity Land and Property – Variations of covenants  To approve variations of covenants in leases and tenancies and to agree terms where the financial effect does not exceed £10,000 per annum. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 9. | Trust and Charity Land and Property – Statutory Compensation to Tenants  To settle statutory compensation payable to tenants up to the value of £50,000. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 10. | Trust and Charity Land and Property – Sales  To market, negotiate and approve sales of land and property for values up to £75,000 where the property has been declared surplus to Charity or Trust requirements. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 11. | Trust and Charity Land and Property – Purchase  To approve the purchases of land and property and the taking of wayleaves, easements, licences, tenancies and leases by the Charity or Trust over property up to a maximum capital payment of£25,000 or £10,000 initial rental payment and for to terms up 10 years in respect of leases and 50 years in respect of easements. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 12. | Trust and Charity Land and Property – Release of Covenants  To negotiate and approve terms of release of covenants on freehold land to a maximum value of £50,000. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 13. | Trust and Charity Land and Property – Planning  To submit planning applications in relation to Charity or Trust held land and property. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 14. | Trust and Charity Land and Property – Overdue Rent  In consultation with the Deputy Chief Executive/Corporate Director of Resources to determine arrangements for reduction and recovery of overdue rent.  Note: For the avoidance of doubt as to the meaning of ‘recovery of rent’ it includes the authority to agree repayment arrangements and settlement in relation to overdue rents. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 15. | Trust and Charity Land and Property – Rental Reductions  To agree rental reductions and rent-free periods in appropriate cases where the tenant or lessee undertakes work to the premises, up to a maximum of financial value of £10,000 in any one year. | -- | Non - Executive | Corporate Director. Growth and City Development  Director of Economic Development and Property |
| 16. | Trust and Charity – Recovery of Land  To authorise recovery of possession of land and property from trespassers |  |  | Corporate Director. Growth and City Development  Director of Economic Development and Property  Director of Legal and Governance and Head of Legal and Governance |
| 17. | Trust and Charity – Instructions to Professional Property Advisors  In consultation with the Chair of the Trusts and Charities Committee, authority be granted to commission reports, written advice, surveys, inspections and/or valuations up to the value of £10,000.  By way of example this delegation includes but is not limited to:-   * Independent property valuations; * Building condition and structural surveys; * Dilapidation surveys; * Planning and Conservation advice; * Environmental advice; * Health and Safety testing certificates, appraisals and/or audit; * Architectural advice; * Statutory Certificates and/or reports.   Executive/Corporate Director of Resources to Authorise them to instruct professional property advisors, valuers and/or assessors to undertake building or structural surveys, valuations and/or assessments up to the value of £10,000. | -- | Non-Executive | Corporate Director of  Development and Growth  Director of Economic Development and Property  Director of Legal and  Governance Services and  Legal Services  Manager |
| 18. | Trust and Charity - Re-letting of property - Marketing costs and Agents fee  In consultation with the Chair of the Trusts and Charities Committee, authority be granted to instruct professional property advisors for the purpose of re-letting property and agreeing the marketing costs and agents fee, subject to the following conditions:   1. that any administration fee for the advertisement and marketing costs is below the threshold of £2000; and that the proposed property advisors commission fee is below £15,000 upon successful completion of the property transaction. | -- | Non-Executive | Corporate Director of  Development and Growth  Director of Economic Development and Property  Director of Legal and  Governance Services and  Legal Services  Manager |