

MEETING	Full Council
DATE	2 October 2025
TITLE	Review of the Delegation Scheme
PURPOSE OF THE REPORT	To Adopt Amendments to the Scheme of Delegation Section 13 Part 3 Property Matters
RECOMMENDATION	That the Council adopts the proposed amendments to the Officers' Scheme of Delegation relating to the acquisition and disposal of land.
AUTHOR	Iwan Evans – Monitoring Officer

Reason for requesting a decision.

1. This part of the Constitution needs to be revised because of significant changes in the value of property and the nature of Gwynedd Council's land negotiations.

Background

2. The current arrangement for delegating Property matters in the Constitution can be found in Appendix 1. It is now a provision that has dated significantly. The nature of the land transactions that are now taking place and the numbers mean that the arrangements need to be reviewed. There are also elements that are unclear in meaning e.g. 3.12 "small plots only".
3. Given the delegation schemes of other authorities it is also clear that these are more flexible and relate to wider and more substantive land transactions.
4. With the assistance of the Housing and Property Department statistical information has been collated which shows the change that has been taken in the property market.

	1996	2025
Average House Value in Wales	£41,000	£207,000
Average Value per acre of agricultural land in Wales	£1,500	£7,200

Of the list of assets and lands the Council has sold since 2007 (280) 115 have been for £25,000 or more, with 40 for values over £100,000. Of course there are others for a nominal amount.

1. It can therefore be seen that there is room for consideration to be made to make changes to the Proxy Plan in order to welcome these changes
2. In Appendix 2 you will find the alternative wording that is being proposed. These have been developed in close collaboration with the Department of Housing and Housing and the Legal Team.

3. If a transaction does not meet the criteria, then, normally it will be made by the Cabinet Member. On matters of strategic importance or which are substantial this may be a Cabinet decision.
4. In addition, general conditions on the exercise of delegated powers by Officers are also relevant to this issue. These are highlighted in Appendix 3.

These amendments are considered to strike the right balance between being able to work effectively to support the realisation of the Council's objectives and ensuring propriety.

Governance and Audit Committee

The report was submitted to the Governance and Audit Committee for its meeting on September 11. The Committee resolved:

To accept the report supporting proposed amendments to the Officers' Scheme of Delegation relating to the acquisition and disposal of land and recommends that the Full Council approve the amendments.

Recommendation

That the Council adopts the proposed amendments to the Officers' Scheme of Delegation relating to the acquisition and disposal of land

Monitoring Officer

Author of the report

Chief Finance Officer

"The contents of the report have been the subject of discussions between the Monitoring Officer and me as the amendment has been developed. I believe that the proposed amendments to the Constitution are reasonable and consider economic, financial, and procedural changes since the previous version was approved. I have no objection to the decision sought from the perspective of financial propriety."

APPENDIX 1

- 3.12 Each chief officer is authorised to purchase property required for improvements within the department's budget (e.g. highways, small plots only).
- 3.13 Each chief officer is authorised to sell or dispose of plots of land and/or buildings owned by the service following consultation with the local member(s) and subject to the following: -
- (a) where a freehold is sold, that the value of the land is less than £25,000;
 - (b) where the land is let by means of leasehold or tenancy, that the annual rent is less than £10,000;
 - (c) in each case where the local member(s) object, the matter is referred to the Executive for a decision;
 - (d) that the sale or disposal is not contrary to the Council's Asset Management Plan.

APPENDIX 2

3.13-Authorise all Chief Officers to act in connection with the acquisition or disposal of lands or buildings on terms to be agreed by the Head of Housing and Property and subject to the following:

- (a) If land or buildings are acquired the consideration does not exceed the market value for the property.
- (b) If land or property is disposed of the consideration is not less than the best that can reasonably be obtained.
- (c) Where land or building is disposed of there is prior consultation with the local member(s) for the ward where the property is located and if they object, the matter is referred to Cabinet for a decision.
- (d) The transaction is not contrary to the Council's Asset Management Plan.
- (e) Where land or building is disposed of by way of freehold or lease for a premium the estimated consideration is less than £100,000.
- (f) Where freehold is purchased or a lease by means of a premium and the estimated consideration for the land is less than £250,000
- (g) Where the land is let by way of a lease or tenancy the estimated annual rent is not less than the market rent except for the implementation of property user promotion schemes which permit offering conditions below the commercial rent for a period.
- (h) Where land or property is acquired by way of a lease where the annual rent is £25,000 or less and the Head of Department has confirmed the budget for the duration of the lease;

- 3.14 Subject to (a), (b) and (d) above, each Chief Officer is authorised to renew or agree to renew any existing lease (where the Council is a Tenant or Landlord).
- 3.15 The Head of Housing and Property in consultation with the Chief Finance and Monitoring Officer may implement any decision by a Joint Committee or other body to acquire or dispose of land or building where the Council acts on their behalf as a host or similar authority. This is subject to being in accordance with the constitution of the Joint Committee or other body and within the conditions of a relevant joint working agreement.

These powers and conditions are without prejudice to any particular delegations provided for in the Constitution or by specific decisions,

Where the context so admits "acquisition" or "disposal" means by freehold, lease, or tenancy

Where reference is made to monetary value this means the estimated value established and recorded when deciding to proceed to acquisition or disposal.

"Premium" in this clause means a lump sum for a lease.

APPENDIX 3

2. Conditions and limitations on the exercise of delegated powers

- 2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area SUBJECT TO THE FOLLOWING: -

2.1.1 policies approved by the Council or Cabinet.

2.1.2 any matters reserved to the Council, Cabinet, Committee or subcommittee or delegated to a Leader.

2.1.3 the Constitution of the Council (including the Council's Procedure Rules, the Financial Procedure Rules and the Contracts Procedure Rules).

- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.

- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers: -

2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who act as portfolio holders for the service fields in question and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question.

2.3.2 ensure that he/she consults with/or informs the local member(s);

2.3.3 ensure that he/she consults with/or informs the Chief Executive, the Chief Finance Officer of the Council and the Council's Monitoring Officer.

2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to the Cabinet, or appropriate committee or sub-committee for a decision.

2.5 In deciding whether to refer a matter to the Cabinet, committee or subcommittee the chief officer will have regard to the following considerations:-

2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members.

2.5.2 the views of the local member, portfolio leader and Chief Executive must be taken into account, if a decision is likely to have a significant impact on the Council's profile or is likely to attract unfavourable comment in the press, there will be a presumption in favour of referring it to members.