



**CONSTITUTION OF
THE LIVERPOOL CITY REGION
COMBINED AUTHORITY**

**Part 5
Financial Standing Orders**

**Section D
Land Procedure Rules**

Section D

Land Procedure Rules

1. Definitions

- (a) “Combined Authority” means the Liverpool City Region Combined Authority or Merseytravel as appropriate;
- (b) “Decision” means a decision named as such in the Combined Authority or Merseytravel’s Scheme of Delegation.
- (c) “Delegated Decision” means a decision named as such in the Combined Authority or Merseytravel’s Scheme of Delegation.
- (d) “Head of Service” shall mean those officers who are so designated by the Combined Authority as a Head of Service, Senior Head of Service, or Rolling Stock Project Director.
- (e) “High Value Land Transaction” shall mean a Land Transaction where the total value of the Land Transaction is over £250,000 or where statutory protection attaches to the Land Transaction under the Landlord and Tenant Act 1954.
- (f) “Intermediate Value Land Transaction” shall mean a Land Transaction where the total value of the Land Transaction payable to or by the Combined Authority is between £20,000 and £250,000 and where no statutory protection attaches to the Land Transaction under the Landlord and Tenant Act 1954.
- (g) “Land Transaction” shall mean any land transaction as detailed in paragraph 2 hereof.
- (h) “Low Value Land Transaction” shall mean a Land Transaction where the total value of the Land Transaction does not exceed £20,000 and where no statutory protection attaches to the Land Transaction under the Landlord and Tenant Act 1954.

2. These Land Procedure Rules apply to any Land Transaction which includes the following:-

- (a) acquisition, disposal of or other dealing with land, buildings or other property assets held by the Combined Authority or the allocation of the proceeds thereof;

- (b) entering into of any licences, tenancies, leases, change of use, wayleaves and easements for property owned by another party;
- (c) the renewal of leases protected by the Landlord and Tenant Act 1954;
- (d) assignment, underletting or change of use requests of leases or licences granted by the Combined Authority;
- (e) licences to commercial advertisers for the display of advertisements on Combined Authority properties;
- (f) easements over Combined Authority land;
- (g) wayleaves for the laying of services under on or through land and premises owned by the Combined Authority;
- (h) termination/surrender of any licences, tenancies and leases of land or property taken by the Combined Authority which are no longer required; and
- (i) a legal mortgage or charge over a property in favour of the Combined Authority

3. The Senior Head of Service Operations or Head of Asset Management shall:-

- (a) ensure that rent reviews for leases of land/premises are carried out as they fall due and take appropriate action to protect Combined Authority property assets;
- (b) Arrange for properties falling vacant to be relet expeditiously or considered for disposal.
- (c) Periodically review whether the return from individual property assets.

In doing so the Senior Head of Service Operations or the Head of Asset Management shall ensure that Value for Money is obtained in respect of the Land Transaction. The provisions set out in Procurement Procedure 7.1 shall be considered when determining such matter.

- 4. Subject to paragraph 7 below, a Delegated Decision of the Combined Authority is required in respect of any Intermediate Value Land Transaction.
- 5. Subject to paragraph 7 below, Head of Service approval is required for any Low Value Land Transaction.
- 6. Subject to paragraph 7 below, a Decision of the Combined Authority is required in respect of any High Value Land Transaction except for any High Value Land Transaction relating to land owned by the Combined Authority and operated by Merseytravel e.g. No 1 Mann Island. Approval for any High Value Land Transaction relating to land owned by the Combined Authority and operated by shall be approved by Merseytravel.

When determining a disposal of land for a High Value Land Transaction the Combined Authority shall consider a report which:-

- (a) specifies the land to be disposed of;

- (b) confirms whether the land has been declared surplus to requirements;
 - (c) advises upon the proposed method of disposal and provides the reasons for selecting that method;
 - (d) confirms whether or not the proposed method of disposal is likely to achieve best consideration and, where other than open competition is recommended, describes how this will be satisfied/evidenced; and
 - (e) in matters where it is proposed that the disposal should be for less than best consideration gives reasons for and against seeking best consideration.
7. In determining the amount of a Land Transaction for the purposes of paragraphs 3, 4, 5 and 6 above, Officers should consider the total cost or loss to the Combined Authority as a result of such Land Transaction. Thus in the case of a lease or licence the total cost would be the rent or fees payable added up over the full term of the lease or licence plus any profit sharing or turnover payment that could be payable. Guidance from the Monitoring Officer should be sought in the event of any query on this matter.
8. In addition to any approval set out above the approval of the Combined Authority shall be obtained in respect of any Merseytravel land/estates transactions which require Combined Authority approval under Section 10(1) of the Transport Act 1968 including any land surplus to requirements.
9. The Head of Asset Management shall keep a record of all land and buildings owned by the Combined Authority. The Monitoring Officer shall be responsible for the safe keeping and retention of all property deeds.
10. In relation to land and buildings all Heads of Service shall:-
- (a) ensure that lessees and other prospective occupiers of Combined Authority land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Monitoring Officer of the Combined Authority has been established as appropriate;
 - (b) ensure the proper security of all buildings and other assets under their control; and take the appropriate action in any case where security is thought to be defective or where it is considered that special security arrangements may be needed;
 - (c) identify land or buildings which are surplus to requirements;
 - (d) pass title deeds to the Monitoring Officer who is responsible for custody of all title deeds;
 - (e) ensure that no Combined Authority owned land or building is subject to personal use or any other use other than in pursuance of approved service delivery without proper authority and where appropriate, documentation identifying terms, responsibilities and duration of use;
 - (f) arrange for the valuation of assets for accounting purposes to meet requirements specified by the Treasurer of the Combined Authority; and
 - (g) only dispose of any land or property or any interest therein in accordance with the Corporate Disposal Procedures.

11. All contracts and other documentation relating to land transactions shall be in writing, signed or sealed (as appropriate) as determined by the procedures set out in paragraph 15 of the Procurement and Contract Procedure Rules