

Report to: Governance Committee

Date of meeting: 29 September 2022

By: Chief Operating Officer

Title: Amendment to Constitution – Scheme of Delegation to Officers

Purpose: To consider proposed changes to the Council’s Constitution.

RECOMMENDATIONS

To recommend the County Council approve the amendments to the Scheme of Delegation to Officers set out in Appendices 1 and 2 of the report.

1. Background

- 1.1. The County Council’s Scheme of Delegation provides the Chief Operating Officer, with authority to perform several functions and make certain decisions across the range of services that make up the directorate. These functions include provision for Property Service activities within specified limitations.

2. Supporting information

- 2.1 A number of revisions that help modernise and revise the Scheme of Delegation to Officers in relation to Property Services are detailed in Appendices 1 & 2 of the report. Appendix 1 highlights the proposed amendments via tracked changes and Appendix 2 summarises the proposed amendments in a table.
- 2.2 The Scheme of Delegation allows for a grant of leases to secure rental income, and it is proposed that the threshold for delegation to officers be revised. To provide certainty for ESCC as a landlord as well as commercial organisations and community groups as the tenants, it is proposed to increase the authorisation to grant leases to a third party from 14 years to 21 years.
- 2.3 As rental levels have increased over the years, it is proposed to increase the threshold to allow most commercial lettings to be undertaken under delegated powers to officers. The thresholds for delegations in relation to property transactions have not been revised since 1992. Therefore, using inflation indices, a rental level in 1992 at £25,000 per annum would now be circa £45,000 per annum in 2022. This has informed the proposed amendment to the Scheme of Delegations to seek changes to £50,000 per annum. There are relatively few lettings per annum, and it is anticipated it would be 3-5 property transactions per year that fall into the bracket of £25,000 to £50,000 per annum income or letting. Any lettings above the revised threshold of £50,000 would be referred to the Lead Member Resources and Climate Change for approval.
- 2.4 For any property transaction being let under delegated authority, there is a robust approval system in place. The lead internal surveyor produces a report. This report, together with the Heads of Terms and appropriate background information form the delegated approval papers. The surveyor signs the approval form, before presenting the papers to the Estates & Disposal Manager for approval. Final approval is then given by the Assistant Director of Property, who is a Chartered Surveyor and member of the Royal Institution of Chartered Surveyors. If the property is directorate specific, the relevant Director within the service is also required to sign the approval form before a pack is collated in the formal instruction to Legal Services.

- 2.5 In relation, to the Council's disposal of assets, it is intended to keep the thresholds at the same level. The Council does occasionally dispose of small strips of land or garden land which have a low value. However, the significant disposals are assets that are marketed and when offers are analysed, these are subject to a Lead Member report, where key stakeholders including the Chief Operating Officer and Chief Finance Officer will have management oversight of the open and exempt reports plus any confidential appendices.
- 2.6 The Council's management of its operational, commercial and non-operational properties has evolved and there is some slightly revised wording proposed to add clarity and to reflect the modern asset management of the county council property portfolio.

3. Conclusion and reason for recommendations

- 3.1 It is considered that the additions and amendments proposed to the Scheme of Delegations, are necessary for the County Council to effectively respond to legislative and policy changes and do not undermine the democratic accountability of the Council. Some of the amendments will aid in the ability for decisions to be taken in an efficient and timely manner, which is considered particularly important where deadlines need to be met for certain actions to be undertaken.

ROS PARKER
Chief Operating Officer

Contact Officer: Nigel Brown

Tel. No. 07394 410630

Email: nigel.brown@eastsussex.gov.uk