

CONSTITUTION COMMITTEE:

27 JULY 2009

**REPORT OF CITY AND COUNTY
TREASURER**

AGENDA ITEM:6

**REVISED PROCESS FOR DELEGATED DECISION MAKING IN
RELATION TO COUNCIL LAND AND PROPERTY**

Reason for this Report

1. To provide Members with the opportunity to consider proposed amendments to the Council's Constitution in respect of a revised process for declaring Council land and property surplus to operational requirements.

Background

2. Delegation No. CE13 in sub-Section E of the Scheme of Delegations within the Council's Constitution authorises the Chief Executive " to declare land and property as surplus to operational requirements in consultation with the City & County Treasurer and the Chief Officer of the relevant Service Area".
3. Following the call-in by the Policy Review and Performance Scrutiny Committee in May 2009 Decision No. EXEC08041 in relation to Hywel Dda Junior School in Cambria Road, Ely, it was considered that there were areas of the process that could be strengthened and clarified. The Chief Executive therefore confirmed to the Chair of the Policy Review and Performance Scrutiny Committee that a report would be placed before the Constitution Committee to consider a revised process.

Issues

4. The following changes are considered appropriate to achieve a more robust process in relation to declaring land and property surplus to operational requirements:-
 - A Service area will prepare documentary evidence approved by the relevant Corporate Director in consultation with the Executive Member that operational land/property is surplus to the requirements of the Service Area prior to that land/property being categorised as surplus;
 - Once land/property is categorised as surplus to Service operational requirements it will be deemed corporate land/property

and the City and County Treasurer will prepare a detailed report that sets out the merits of a disposal or retention based on the requirement of best value; and will consult with all Service Areas and the local Ward members regarding the recommendations in the report.

- If the consultation results in objections from Ward Members these will be indicated in the report which will be referred to the Executive for a decision. If there are no Ward Member objections a decision will be taken by the City and County Treasurer in consultation with the Executive Member for Finance and Service Delivery.
- To ensure that Ward Members have sufficient time to respond to consultation on disposal of surplus land/property the existing 5 working day period will be extended to 10 working days.
- The process whereby Ward Members' views relating to consultation are deposited with the Council will be made secure through a process whereby consultation with Ward members will be conducted through the Council's electronic mail system and Ward Members will be requested to respond with any views through e-mail replies. This will provide a clear and detailed trail of the Ward members' consultation process.
- The existing delegation CE13 will be deleted and a new FS55 will be added to the Constitution which reads: "to declare operational land and property as surplus to Council requirements, subject to consultation with all Service Areas and Ward Members, and subject to no objections being received from Ward Members. Receipt of a Ward Member objection will require the report to be referred to the Executive for a decision".

Reason for Recommendations

5. To enable the Constitution Committee to consider and approve the proposed changes to the process for declaring Council land/property surplus to operational requirements.

Legal Implications

6. The report relates to operational land only as non operational land is held generally for development purposes and does not therefore need to be formally declared surplus to Council requirements.

Financial Implications

7. This report is dealing with the process for declaring land or property surplus, and as such there are no financial implications arising from the report.

RECOMMENDATIONS

That the Committee delete delegation CE13 and approve a new delegation FS55 together with the revised reporting and consultation processes outlined in paragraph 3 of this report.

CHRISTINE SALTER

City and County Treasurer

23 June 2009