

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**CONSTITUTION ADVISORY GROUP**

**DATE: 2 December 2010**

<b>TITLE</b>	<b>Review of Disposals Delegations</b>
<b>REPORT OF</b>	<b>Ian Brown, AD Assets (Interim)</b>

<b>PURPOSE</b>	<b>To provide CAG with proposals for alterations to the Delegations in the Constitution.</b>
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<b>ORIGIN OF PROPOSAL</b>	<b>Since the last update of delegations the programme of Capital disposals has increased requiring greater areas of discretion.</b>
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**RECOMMENDATION:**

**The Constitution Advisory Group agree to the proposals to amend the delegated authority in Part H3 of the Constitution.**

**REASON FOR RECOMMENDATIONS**

- (1)** The delegations were last updated in August 2010. Since that time the Assets team have examined the delegations and seek to propose the following amendments. Part H3 4.5.29 requires the approval of relevant ward members to the disposal of Surplus property. Whilst it is appropriate to require the approval of the Portfolio Holder, and this should remain, it is proposed that the ward members should only be consulted.

- (2) To avoid encumbering Executive with all disposals (the numbers of disposals will increase significantly over the next 3 – 5 years) the maximum value for delegated authority for capital disposals in 4.5.19 it is proposed should increase to £500,000 (from £200,000). (This limit is proposed following consultation with a number of other councils). The term “Whole Life” is not appropriate in this context and should be removed.
- (3) In 4.5.27 there should be the addition of “current” before Asset Management Plan to clarify the position.
- (4) Since the last update the Council is now required to transfer its interest in any land used for the purposes of operating a school if that school advises that it intends to become a Trust School or an Academy. In the case of a Trust we have a Statutory requirement to transfer the freehold, and for an Academy a long leasehold. (125 years)

## SUPPORTING INFORMATION

1. With regard to (1) above it is proposed that ward members should only be consulted on disposal of surplus property and their approval is not specifically required. It is proposed to alter the Qualifications of 4.5.29 in the Delegations to read “Subject to approval of the relevant Portfolio Holder and consultation with the relevant ward member(s)”.
2. The management of the Council’s property portfolio requires the exercise of professional officers’ expertise and it is suggested that the Executive should not have to be encumbered with every disposal but rely on the Officers/ Portfolio Holder to report on tactical disposals appropriately. The proposal is to increase the delegated authority to the Director of Customer and Shared Services for capital disposals to £500,000 in consultation with the Portfolio Holder.
3. Whilst we have a Statutory requirement to transfer land to a Trust or Academy it is not covered in the Constitution. It is therefore proposed to create a new delegated authority to the Director of Customer and Shared Services to authorise the transfer of freehold land at nil value to Trust Schools and 125 year leases to Academy Schools, where it is a Statutory requirement to do so, subject to consultation with the Portfolio holder.

<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Ian Brown, AD Assets 0300 300 5711 Peter Burt, Head of Assets, 0300 300 5281	