

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

12 April 2016

Report of the Director of Director of Central Services and Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO THE CONSTITUTION

To consider an amendment to the delegations to the Director of Central Services to deal with short term property arrangements in the interests of the efficient running of the Council.

1.1 Background

- 1.1.1 At the meeting of the Cabinet on 22 March 2016 consideration was given to a number of property agreements due to be entered into prior to the next meeting of the Finance, Innovation and Property Advisory Board. It was noted that the current delegation to the Director of Central Services to agree terms and complete licences/leases was restricted to those under one year in duration. However, in view of the gaps between meetings it would be beneficial to the operational effectiveness of the Council to enable officers to negotiate and complete other short term licences and leases without having to delay lettings until the appropriate meeting.
- 1.1.2 The Cabinet therefore agreed to recommend to the Council a change under Part 3 of the Constitution in respect of delegation DCS 105 to read: "To approve terms for granting leases and licences of five years or less for land or premises owned by the Council".

1.2 Legal Implications

- 1.2.1 Under Part 3 of the Constitution the Director of Central Services currently has delegated authority to sign off property licences or leases which are under one year in duration. The proposal is to extend that authority to those of five years or less.

1.3 Financial and Value for Money Considerations

- 1.3.1 The extension to the delegation would reduce delay in completing property agreements and improve the Council's ability to secure lettings and consequently income.

1.4 Risk Assessment

- 1.4.1 There is a risk that if formal agreements are not in place at the commencement of the term the Council's future security of tenure and control of its land would be affected.

1.5 Equality Impact Assessment

- 1.6 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 RECOMMENDED that the Monitoring Officer be authorised to amend Part 3 of the Constitution to give effect to the following change to the Director of Central Services' delegation DCS 105 to read: "To approve terms for granting leases and licences of five years or less for land or premises owned by the Council".

Background papers:

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Nil

Adrian Stanfield
Director of Central Services and Monitoring Officer