

<b>Economy and Property Committee</b>	
<b>Meeting Date</b>	17 December 2024
<b>Report Title</b>	Scheme of Delegation – proposed changes relating to Economy and Property Committee
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Joanne Johnson, Head of Place
<b>Lead Officer</b>	Joanne Johnson, Head of Place
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To recommend to Full Council (via the Constitution Working Group) the proposed changes to the Scheme of Delegation as set out in Appendix I.

## **1 Purpose of Report and Executive Summary**

- 1.1 This report sets out the rationale for proposed changes to the Scheme of Delegation in relation to Economy and Property Committee (part 2.8 of the Constitution) and asks Economy and Property Committee to recommend these changes to Full Council.

## **2 Background**

- 2.1 The Scheme of Delegation in relation to economic development and property has not been reviewed since Swale Borough Council switched to the Committee system from a Cabinet system.
- 2.2 The Scheme contains a range of value thresholds which act as triggers for Committee consideration, and these had also not been updated for a number of years prior to the change.
- 2.3 It is therefore considered appropriate to review the Scheme of Delegation, to ensure it is optimally fit for purpose, in terms of the general delegations, and the specific threshold values.
- 2.4 Appendix I shows the current wording of the Council's adopted Constitution for the specific areas where amendments are proposed (left column) set against the recommended changes (middle column). Proposed additions are shown in red text, and proposed deletions are struck through. A rationale for each change is set out in the final column.

### **3 Proposals**

- 3.1 To recommend to Full Council (via the Constitution Working Group) the proposed changes to the Scheme of Delegation as set out in Appendix I.

### **4 Alternative Options**

- 4.1 Members may choose not to recommend some or all of the proposed amendments, to change the proposed values, and / or to recommend additional changes.

### **5 Consultation Undertaken or Proposed**

- 5.1 The proposed changes have been discussed extensively among officers, and with members of the administration. They have been informed / verified by a review of other local authorities' schemes.
- 5.2 The next step will be for the Constitution Working Group to consider the proposals, before review by Full Council.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The proposals align with the corporate priority "Running the Council": to work within our resources to proactively engage with communities and outside bodies and to deliver in a transparent and efficient way.
Financial, Resource and Property	The proposals are likely to have a positive impact on resources as they will focus member and officer time on the most appropriate decisions.
Legal, Statutory and Procurement	The proposals would require an amendment to the Constitution, which requires approval from Full Council, via the Constitution Working Group.
Crime and Disorder	No implications identified
Environment and Climate/Ecological Emergency	No implications identified
Health and Wellbeing	No implications identified
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified
Risk Management and Health and Safety	No implications identified
Equality and Diversity	No implications identified
Privacy and Data Protection	No implications identified

## **7 Appendices**

Appendix I: Relevant Extracts from the Current Scheme of Delegation  
Alongside Proposed Amendments and Rationale.

## **8 Background Papers**

None

**Appendix I: Relevant Extracts from the Current Scheme of Delegation (Left Column) Alongside Proposed Amendments (Middle Column) with Rationale (Right Column).**

Proposed additions are shown in **red text**, and proposed deletions are ~~struck through~~.

<b>Current Delegations to the Head of Regeneration and Economic Development</b>	<b>Proposed Delegations to the Head of Place</b>	<b>Rationale</b>
<p><b>Cultural Services</b> 2.8.19.1 To work in partnership to enable the delivery of arts, heritage and cultural services in Swale.</p> <p>2.8.19.2 To manage the preservation and development of cultural and heritage infrastructure.</p>	<p><del><b>Cultural Services</b> 2.8.19.1 To work in partnership to enable the delivery of arts, heritage and cultural services in Swale.</del></p> <p><del>2.8.19.2 To manage the preservation and development of cultural and heritage infrastructure</del></p>	<p>Proposed to be covered under 2.8.19.5 – for synthesis and to better reflect the balance of service priorities.</p>
<p><b>Economic Development and Regeneration</b> 2.8.19.3 To implement key regeneration projects across the Borough.</p> <p>2.8.19.4 To enable synergy between the Council, leaning providers and local businesses.</p> <p>2.8.19.5 To enable the delivery of visitor economy projects across the Borough.</p>	<p><b>Economic Development and Regeneration</b> 2.8.19.3 To implement key regeneration projects across the Borough.</p> <p><del>2.8.19.4 To enable synergy between the Council, leaning providers and local businesses.</del></p> <p>2.8.19.5 To <b>work in partnership to promote and enable the delivery of learning and skills, economic development (including the visitor economy), arts, heritage, and culture-based visitor economy projects and services</b> across the Borough.</p> <p><b>2.8.19.6 To engage with business and relevant representative organisations to promote and signpost services, and to further the economic development of the borough.</b></p>	<p>Combined with 2.8.19.5</p> <p>Combining 2.8.19.1, 2.8.19.4 and 2.8.19.5 for synthesis and to better reflect the balance of service priorities.</p> <p>This addition will fill a gap where the Constitution is silent.</p>

<p>2.8.19.6 To provide management and administration of grant schemes and payments, including the signing and sealing of grant agreements, in accordance with the Council’s policy framework and/or the requirements of the funding body.</p>	<p><b>2.8.19.7 To develop and submit bids for external funding for corporate and service priorities.</b></p> <p>2.8.19.6 To provide management and administration of grant schemes and payments, including the signing and sealing of grant agreements, in accordance with the Council’s policy framework and/or the requirements of the funding body.</p>	<p>This addition will fill a gap where the Constitution is silent. <b>It is also requested to be recommended to CWG as an addition for all Heads of Service.</b></p>
<p><b>Property Services</b></p> <p>2.8.19.7 To enter into all ‘de-minimis’ Agreements, e.g. minor wayleaves, easements, rights of way, temporary occupation of land, tenants-at-will etc.</p> <p>2.8.19.8 To negotiate and agree terms for the modification, variation or release of covenants contained in conveyances and transfers in accordance with any relevant provisions contained within the Asset Management Strategy, the Asset Transfer Policy and Disposals Policy.</p> <p>2.8.19.9 To deal with Blight Notices ensuring final compensation where the notices have been accepted by the Council for conveyancing purposes.</p>	<p><b>Property Services</b></p> <p>2.8.19.7 To enter into all ‘de-minimis’ Agreements, e.g. minor wayleaves, easements, rights of way, temporary occupation of land, tenants-at-will etc.</p> <p>2.8.19.8 To negotiate and agree terms for the modification, variation or release of covenants contained in conveyances and transfers in accordance with <del>any relevant provisions contained within the</del> <b>Property Asset Management Strategy and Property Procedure Rules</b>, the <b>Community</b> Asset Transfer Policy and Disposals Policy, <b>and any other related or successor Strategies and Policies.</b></p> <p>2.8.19.9 To deal with Blight Notices <b>(ensuring final compensation where the notices have been accepted by the Council for conveyancing purposes), encroachments and adverse possession claims.</b></p>	<p>To update to current strategy / policy context, and to future proof.</p> <p>This addition will fill a gap where the Constitution is silent.</p>

<p>2.8.19.10 To approve disturbance payments, etc. other than payments in respect of well- maintained houses.</p> <p>2.8.19.11 To finalise negotiations in the case of confirmed Compulsory Purchase Orders.</p> <p>2.8.19.12 To deal with applications for the sale of sub-station sites.</p> <p>2.8.19.13 To deal with applications for the sale and purchase of land where the proposed consideration does not exceed £10,000 or where the land is to be sold or purchased on behalf of the Kent County Council.</p> <p>2.8.19.14 To assign leases, subject to the normal investigation of the financial abilities of the new leases and to those cases also requiring a change of the approved use being determined, in consultation with the relevant Committee Chair.</p>	<p>2.8.19.10 To approve disturbance payments, etc. other than payments in respect of well- maintained houses.</p> <p>2.8.19.11 To <b>enter in to and</b> finalise negotiations in the case of confirmed Compulsory Purchase Orders.</p> <p>2.8.19.12 To deal with applications for the sale of sub-station sites.</p> <p>2.8.19.13 To deal with <del>applications for the sale and purchase</del> <b>the freehold disposal and purchase</b> of land where the proposed consideration does not exceed <del>£10,000</del> <b>£100,000</b> or where the land is to be sold or purchased on behalf of the Kent County Council. <b>In all matters relating to the disposal of land and property, delegations are subject to the duty under S123 of the Local Government Act 1972 to obtain the best consideration for the land, and any other disposal will require a Committee decision.</b></p> <p>2.8.19.14 To assign leases, subject to <del>the normal</del> investigation of the financial abilities of the new <del>leases</del> <b>lessees</b> and <b>change of use consents</b> <del>to those cases also requiring a change of the approved use being determined, in consultation with the relevant Committee Chair.</del></p>	<p>For clarity and completeness.</p> <p>To tighten wording, and to bring the value up to date, optimising use of Committee time, whilst proposing a threshold appropriate for member engagement. (This value matches the key decision threshold).</p> <p>To tighten wording, and for parity with all other delegations, none of which require consultation.</p>
<p>2.8.19.15 To terminate or accept the surrender of a leasehold interest in land where it is of benefit to the Council.</p>	<p>2.8.19.15 To terminate or accept the surrender of a leasehold interest in land where it is of benefit to the Council.</p>	

<p>2.8.19.16 To approve rent reviews and lease renewals up to a maximum increase of £7,000 or 20% per annum whichever is the greater amount.</p> <p>2.8.19.17 To enter into leases for less than seven years or to enter into leases where the annual rent is less than £3,000.</p> <p>2.8.19.18 To retain agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith.</p>	<p>2.8.19.16 To approve rent reviews and lease renewals <del>up to a maximum increase of £7,000 or 20% per annum whichever is the greater amount.</del></p> <p>2.8.19.17 To enter into leases for less than seven years <b>to which statutory security of tenure does not apply</b> or to enter into leases where the annual rent is less than <del>£3,000,</del> <b>£30,000.</b></p> <p><b>2.8.19.18 To grant rent concessions in line with Council Policy.</b></p> <p>2.8.19.18 To <b>appoint and</b> retain agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith.</p>	<p>As rent reviews are dictated by market circumstance, and officers should be securing the appropriate value.</p> <p>To tighten wording, and to bring the value up to date, optimising use of Committee time, whilst proposing a threshold appropriate for member engagement.</p> <p>To fill a gap where the Constitution is silent.</p> <p>For clarity and completeness.</p>
<p>2.8.19.19 To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases.</p>	<p>2.8.19.19 To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases.</p> <p><b>2.8.19.20 To administer all aspects of short-term tenancies of Swale House.</b></p>	<p>To fill a gap where the Constitution is silent.</p>

<p>2.8.19.20 To carry out any site investigation where he/she considers it necessary whether upon the commencement of negotiations or acquisition or otherwise.</p> <p>2.8.19.21 To apply for planning permission for the development of any land or property and to make any other application under planning legislation.</p> <p>2.8.19.22 To be responsible for all aspects of the Community Right to Bid process as per the Localism Act 2011.</p>	<p>2.8.19.20 To carry out any site investigation <b>which</b> he/she considers <del>it</del> necessary <b>for the operation of the service</b> <del>whether upon the commencement of negotiations or acquisition or otherwise.</del></p> <p><del>2.8.19.21 To apply for planning permission for the development of any land or property and to make any other application under planning legislation.</del></p> <p>2.8.19.22 To be responsible for all aspects of the Community Right to Bid / <b>Assets of Community Value</b> process as per <b>legislation</b> <del>the Localism Act 2011</del></p>	<p>To tighten wording.</p> <p>Proposed for deletion from the Head of Service delegations as due to the combination of functions, this would mean the Head of Service applying to themselves.</p> <p>Proposed to be a new delegation for the Strategic Programme and Assets Manager.</p> <p>For clarity and to tighten wording.</p>
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