

To: All Members of the EXECUTIVE

When calling please ask for:
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Date: 3 June 2024

Membership of the Executive

Cllr Paul Follows (Chair)	Cllr Kika Mirylees
Cllr Tony Fairclough (Vice Chair)	Cllr George Murray
Cllr Janet Crowe	Cllr Paul Rivers
Cllr Victoria Kiehl	Cllr Liz Townsend
Cllr Mark Merryweather	Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 11 JUNE 2024
TIME: 7.00 PM
PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale
Strategic Director Legal & Democratic Services & Monitoring Officer

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Notes for members

Contact Officers are shown on each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

Prior to the commencement of the meeting, the Leader, Deputy Leader or an appropriate Portfolio Holder to respond to any informal questions from members of the public, for a maximum of 15 minutes.

[Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.]

Agenda

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. MINUTES (Pages 5 - 12)

To confirm the Minutes of the Meeting held on 7 May 2024.

3. DECLARATIONS OF INTERESTS

To receive from members, declarations of interest in relation to any items

included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday, 4 June 2024.

5. QUESTIONS FROM MEMBERS OF THE COUNCIL

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on Tuesday, 4 June 2024.

6. LEADER'S AND PORTFOLIO HOLDERS' UPDATES

7. RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES

8. COMMUNITY ASSET TRANSFER POLICY (PAGES 13 - 50)

The Executive are recommended to make the resolutions set out in the report at agenda item 8.

Portfolio Holder for Finance, Assets and Property

9. SCHEME OF OFFICER DELEGATIONS (PAGES 51 - 146)

The Executive are recommended to make the resolutions set out in the report at agenda item 9.

Leader of the Council & Portfolio Holder for Policy, Governance and Communications

10. SUPPLEMENTARY ESTIMATE - DEMOCRATIC SERVICES (Pages 147 - 152)

The Executive are recommended to make the resolutions set out in the report at agenda item 10.

Leader of the Council & Portfolio Holder for Policy, Governance and Communications

11. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:

Recommendation

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the Executive agrees:

- (1) that the public be excluded from the meeting during consideration of the following matter on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in Paragraphs 2 and 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972; and
- (2) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. HRA PROPERTY DISPOSAL (PAGES 153 - 164)

The Executive are recommended to make the resolutions set out in the report at agenda item 12.

Co-Portfolio Holder for Housing (Operations and Services)

13. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone
Ben Bix, Democratic Services Manager, on 01483 523354 or by email
at ben.bix@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 7 MAY 2024

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Paul Follows (Chair)	Cllr George Murray
Cllr Tony Fairclough (Vice Chair)	Cllr Paul Rivers
Cllr Victoria Kiehl	Cllr Liz Townsend
Cllr Mark Merryweather	Cllr Steve Williams
Cllr Kika Mirylees	

Apologies

Cllr Janet Crowe

Also Present

Cllrs Gale and Spence

EXE 165/23 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 9 April 2024 were confirmed and signed as a correct record.

EXE 166/23 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest.

EXE 167/23 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following question(s) in accordance with Procedure Rule 10:

From Councillor Catherine Powell of Surrey County Council:

“Please can the Portfolio Holder explain why the Waverley Borough Council Executive is proposing to endorse the Waverley Borough Councils officers proposed modifications to the Farnham LCWIP, which have not been reviewed by the councillors at Waverley, Surrey County Council and Farnham Town Council and do not align with the earlier discussions or address the previously raised concerns specifically on the inclusion of additional core walking zones which do not address all the previously raised issues associated with Farnham Hospital. If there is to be an update, surely it should address all the previously raised issues relating to core walking zones particularly as the core walking zones associated with Farnham Hospital should be a consideration for the Hawthorns Development.

A revised set of cycling routes in and around Farnham Park all of which are already in the Farnham LCWIP or were agreed in the 17 October meeting and therefore already part of the annex being prepared and in the case of the Castle Hill

realignment do not address the concerns that were raised in the public consultation meetings in the summer and Autumn of 2023 and will instead cause further confusion. Cycle route 3 which I attach the map was reviewed during the summer public engagement sessions and the route along Old Park Lane was preferred to the route along Folly Hill and adjacent to the Castle. The Old Park Lane route was included as a priority route; Waverley Borough Council officers have argued that the Castle Hill realignment addresses the concerns raised regarding the impacts on archaeology and ecology associated with that route please can the portfolio holder advise why it is not possible to proceed with the adoption of the Waverley LCWIP and leave the addendum of the Farnham LCWIP to be reviewed separately.”

Response from Cllr Steve Williams, Executive Portfolio Holder for Environment and Sustainability:

“I would like to thank Cllr Powell for her question and appreciate the concerns that she has raised in relation to specific elements of the Farnham LCWIP. In answer to the third part of her question the issue is quite clear. The two LCWIP documents for Waverley give us a network map of potential routes to provide an appropriate cycling and walking infrastructure across the borough. Specific routes are included to facilitate active travel and facilitate the kind of modal shift in transport that is needed going forward. However none of these represent firm proposals until such time as funding is available and further feasibility work takes place with further consultation. With regard to the issue of core walking zones. The Farnham LCWIP maintenance update provides Surrey County Councillors with the opportunity to propose a new core walking zone for Farnham Hospital. Waverley has identified Farnham Hospital as a key destination with hub and spoke priority walking routes. The two Waverley LCWIP consist of indicative cycling and walking network routes with some more detailed measures suggested for priority areas.

EXE 168/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

Councillor Spence, Hindhead & Beacon Hill Ward gave due notice of the following question to the Executive:

‘In December you made an Executive decision to enter a twelve month interim arrangement with Surrey County Council to keep The Edge in Hazelmere open. We are now five months into that twelve month period and a lot of local residents are asking where are we now. Is it possible to give an update on the status of a permanent solution that will allow the community to return to plan ahead with some certainty? It is urgent that these groups also obtain some certainty over the future availability of the edge.’

Councillor Kika Mirylees, Portfolio Holder for Community Services, Leisure and EDI responded as follows:

“The Edge Sports Hall opened for public use again in mid-January and is being operated on a day to day basis by Woolmer Hill Sports Association under an agreement managed by Waverley with Surrey County Council the freeholder. The site is being well used by clubs since then, this is in conjunction with the usage of the new 3g pitch and the artificial training pitch in Waverley’s ownership. Waverley representatives are in regular contact with Surrey officers and a meeting is scheduled next week to look at the future options beyond the year arrangement. In accordance with the Leaders decision after six months a review will be carried out which is July looking at the performance and giving options for a way forward of

a more permanent nature. Waverley is keen to provide assurance over the future of the sports hall and will work closely Surrey County Council to achieve this.

At the invitation of the Leader, **Councillor Steve Williams, Portfolio Holder for Environment and Sustainability** read out a question of behalf of Cllr **Nicholson:**

'There are two proposals which I and local borough colleagues would vigorously oppose. The first being to form a cycle lane in Lion Lane by removing all car parking from the western side of the lane. The parking situation is already reaching saturation point with parking on two sides of the road. A restriction would almost certainly end car ownership for some. There is actually a better solution by upgrading the eastern footpath to a dual cycle walking path. Secondly the strong hint of putting traffic lights at Haslemere Fosters railway bridge to accommodate a single only road lane plus a cycling lane will cause severe traffic. If these proposals were actioned and there would be severe reputational damage to the council. Finally my question is will the Executive agree to a full consultation of any proposals with Borough Cllrs, Town Parish Cllrs and the local community for other funding.

Cllr Williams responded by stating:

The Waverley LCWIP consists of indicative cycling and walking network routes with some more detailed suggested for priority areas. These suggested measures are indicative and not hard proposals. In order to progress any of the proposals for routes, funding will need to be secured and currently the likely source of funding is from the community infrastructure levy. Waverley has already held a consultation on the two LCWIPs covering the Borough. While I acknowledge that it is inevitable that individuals may disagree with particular elements of the Farnham and the wider Waverley LCWIP; the standard procedure followed by Surrey County Council means that no highways proposal for a particular route will go to the implantation stage without further consultation. The second detailed design stage of LCWIP development includes a public in addition to a members stakeholder consultation. Having an LCWIP in place is a necessary precursor towards moving forward with the active travel agenda from both the planning perspective and a funding perspective. The sooner we have in place a plan for local cycling and walking infrastructure covering the entirety of the Borough the better.

EXE 169/23 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader welcomed the newly elected Councillor for Witley and Milford, Cllr Laura Cavaliere, and encouraged more people to engage with the local electoral process. The Leader congratulated the re-elected Police and Crime Commissioner Lisa Townsend. The Leader also praised how effectively the election was run and thanked all the staff that took part in running polling stations and presiding over the work on the day.

At the invitation of the Leader, Executive Members gave the following updates:

- Cllr Kiehl firstly praised all Waverley staff who were involved in the administration of the recent elections. Secondly, she advised that a refresh of the Corporate Strategy, working closely with Guildford Borough Council, was underway. A revised Waverley Corporate Strategy would be presented to the scrutiny committees for their consideration ahead of Executive approval and Council adoption.
- Cllr Merryweather report that residents of Farnham were pleased with the upgrade to the B3208 Water Lane roundabout in Farnham.

- Cllr Mirylees updated the Executive and stated that an application for £230,000 to the National Heritage Lottery Fund for Willmer House was submitted on April 16 and that the hope was for a reply in July.
- Cllr Townsend stated that progress with the Local Plan was on schedule and engagement was continuing with Town and Parish Councils. Two new electric vehicles for the Environmental Services team had been delivered to continue the Council's progress toward decarbonisation.

EXE 170/23 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEES
(Agenda item 7)

The Leader advised that the Overview and Scrutiny Committees were scheduled to meet later in the month, and that any recommendations from those meetings would be reported to the June meeting of the Executive.

EXE 171/23 CARBON NEUTRALITY ACTION PLAN PRIORITY ACTIONS (Agenda item 8)

The Portfolio Holder for Environment and Sustainability presented the report and thanked Officers for its detail. Executive members noted that the report set out the priorities for the Council's ambitions.

The Executive **RESOLVED** to approve:

- I. The introduction of priority projects within the CNAP which will be updated in the annual review due in September/October 2024.
- II. That where it is not currently feasible for individual priority projects to reach net zero by 2030 new dates should be set and approved by the Executive, following the production of the Constraints to Net Zero report.

Reasons:

- a) Prioritising projects which will have the greatest impact on carbon reduction will enable the council to focus its limited resources on projects which will help us to reach the net zero objective.
- b) Setting a revised timetable for individual projects which we know will be difficult to achieve by 2030 will manage expectations and demonstrate a realistic understanding of the processes needed to achieve net zero for all organisation emissions

EXE 172/23 WAVERLEY LOCAL CYCLE AND WALKING INFRASTRUCTURE PLANS
ADOPTION (Agenda item 9)

The Portfolio Holder for Environment and Sustainability proposed an amendment to resolution 2.1 as set out below. The Leader stated that he expected there to be a meeting of the three County Councillors in Farnham together with Farnham WBC Councillors and a representative from Farnham Town Council. Additionally, the

Leader stated that he would be review the consultation as he would like to see final wording before any delegation was actioned.

The Executive **RESOLVED**:

- I. To delegate authority to the Strategic Director of Place to adopt the updated versions of the Local Cycling and Walking Infrastructure Plans (both Waverley and Farnham), in consultation with the Portfolio Holders for Planning and Economic Development, and Environment and Sustainability, and the Leader.
- II. That the LCWIP digital mapping be then incorporated into the StatMap Geographic Information System (GIS) planning layers and the Infrastructure Development Plan.

Reasons:

- a) Adoption of the LCWIP follows the National Planning Policy Framework (NPPF) guidance.
- b) The adopted LCWIPs will inform the Transport Statements and Travel Plans created for new development planning applications.
- c) By referencing the adopted LCWIPs, SCC Transport Development Planning will be better able to enforce Waverley's existing Sustainable Transport policies
- d) The LCWIPs would become reference documents for the Community Infrastructure Levy (CIL), informing both applicants and the appraisal / scoring process.

EXE 173/23 FARNHAM LEISURE CENTRE DECARBONISATION (Agenda item 10)

The Portfolio Holder for Environment and Sustainability presented the report. Members of the Executive spoke in support of the proposal and acknowledged that the existing boilers in the Leisure Centre would need to be replaced.

The Executive **RESOLVED** to:

- I. Approve the use of the £1.545 million grant funding from the Public Sector Decarbonisation Scheme and contribution of £330K from the Empty Homes Grant to install air source heat pumps at Farnham Leisure Centre, and;
- II. Delegate authority to the Strategic Director - Place to appoint a contractor and enter into the necessary design and build contractual agreement(s) in accordance with the requirements of the Council's Contract Procurement Rules.

Reasons:

- a) The boilers at Farnham Leisure Centre need to be replaced as they are at the end of their life.
- b) WBC has made a successful bid for £1.545 million from the Public Sector Decarbonisation Scheme and secured a £330K contribution from the Empty Homes Grant to fund the replacement of those boilers with air source heat pumps.

EXE 174/23 JOINT LEGAL AND DEMOCRATIC SERVICES STRUCTURE PROPOSALS (Agenda item 11)

The Portfolio Holder for Organisational Development and Governance, introduced the report. The Leader of the Council praised the collaboration between Guildford Borough Council and Waverley Borough Council and commended the recommendations that had been put forward. Executive members supported the

recommendations noting that a strong Legal and Democratic Services team was essential to effective governance.

The Executive **RESOLVED** to approve:

- I. The Joint Head of Paid Service's proposal to create a role of Joint Executive Head - Legal as set out in para 15.1 of this report;
- II. The Joint Head of Paid Service's proposal to create a role of Joint Executive Head - Democracy & Governance as set out in para 15.1 of this report;
- III. The Joint Head of Paid Service's proposal to create a Joint Executive Advisory and Support team as set out in para 6.4 of this report to include two new posts of Joint Executive Advisory and Support Manager and Joint Executive Advisor. The Joint Executive Advisory and Support Manager will provide advisory support as well as management of the existing Joint Executive support team;
- IV. The Joint Head of Paid Service's proposal to create a new post of Joint Head of Governance as set out in para 15.2 of this report;
- V. The Joint Head of Paid Service's proposal to amend the existing three Waverley Borough Council posts of Senior Governance Officer, Senior Corporate Governance Lawyer and Monitoring Officer assistant to be joint roles operating across Waverley and Guildford Councils
- VI. The increase to the Waverley Legal & Democratic Services salary budget for 24/25 of £179,329 as set out in para 10.6 of this report and the future growth for subsequent years
- VII. An additional one-off cost of £40,662 to Waverley Council which is a 50% contribution towards the cost of two interim Governance Officers for 6 months and offset against existing salary budget;
- VIII. A supplementary estimate of £220k for Waverley Council to cover the ongoing growth and the short term cost of the interim resource will need to be funded by the repurposing of reserves;
- IX. To delegate authority to the Monitoring Officer to amend the current inter-authority agreement between Guildford Borough Council and Waverley Borough Council to include the new joint roles as set out in this report.
- X. To note that the implications of these proposals have been considered in the context of restructures already concluded in GBC and WBC Legal Services and work about to commence in Waverley Democratic Services.

The Executive **RECOMMENDS** to Council

- I. **That Full Council approve the making of all necessary arrangements for the discharge of functions through joint arrangements between Waverley Borough Council and Guildford Borough Council, by officers of Waverley Borough Council, as set out in this report, and for such arrangements to be included in the inter-authority agreement in accordance with s113 Local Government Act 1972.**

Reasons:

- a) As set out in section 3 of the report

EXE 175/23 CUSTOMER CHARTER (Agenda item 12)

The Portfolio Holder Customer Services and IT introduced the report. Executive members endorsed the adoption of a new charter for implementation but acknowledged concerns that many customer interactions that residents had were actually with contractors, rather than the Council.

The Executive **RESOLVED** to adopt the new charter for implementation.

Reasons:

- a) It is important that we have a customer charter in place that supports our customers and ensures that we are able to clearly manage expectations for our residents when they contact us.
- b) The current one is no longer fit for purpose and needs to be updated.

The meeting commenced at 6.00 pm and concluded at 6.59 pm

Chairman

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Waverley Borough Council

Report to: Executive

Date: 11 June 2024

Ward(s) affected: All Wards

Report of Director: Place

Author: Caroline Wallis

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Executive Portfolio Holder responsible: Cllr Merryweather

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Report Status: Open

Key decision: Yes

Community Asset Transfer Policy

1. Executive Summary

- 1.1 The Council does not have a policy outlining the approach and decision-making process governing expressions of interest for the transfer of assets owned by or under stewardship of the Council deemed suitable for transfer to a Voluntary or Community Organisation (VCO).
- 1.2 A new policy has been written to guide and ensure a transparent and consistent approach by the Council when considering expressions of interest for a Community Asset Transfer to a VCO. The policy is attached at Appendix 1 to this report.
- 1.3 The report includes an illustrative selection of transfer enquiries received for parcels of land across the Borough providing without

prejudice examples of what would be assessed using the procedures and criteria set out in the proposed policy.

- 1.4 Having an adopted policy provides clarity on the steps to take both for the applicants when preparing an expression of interest for consideration, and the Council when assessing it. It enables a decision-making process governing the transferring of land to a VCO to be undertaken on a consistent and fair basis.

2. Recommendation to Executive

- 2.1 That the Executive approves the proposed Community Asset Transfer Policy (Appendix 1) and notes the Equality Impact Assessment (Appendix 2).

3. Reason(s) for Recommendation:

- 3.1 To set out a robust policy that provides a transparent and consistent framework governing an expression of interest for the transfer of assets owned by or under the stewardship of the Council, to VCOs in the best interest of the Council and the community.
- 3.2 To deliver community objectives by considering options for transfer of assets; to community led groups where appropriate to improve the health and wellbeing of residents.
- 3.3 The Council is the custodian for its assets and has a duty of stewardship over their management. It is appropriate that robust governance is in place to safeguard their ownership and use.

4. Exemption from publication

- 4.1 None.

5. Purpose of Report

- 5.1 To set out a draft Community Asset Transfer policy that the Executive can apply to assess an expression of interest for the transfer of assets owned by or under the stewardship of the Council.
- 5.2 The report explains the benefits to be gained from having a policy that sets out what applicants wishing to submit an expression of interest for the transfer of an asset need to do, and what steps the Council will follow to make a decision that is robust, consistent and transparent. Having no policy creates uncertainty around the process being applied by the Council and whether expressions of interests and VCOs are being considered on a fair and equal basis.
- 5.2 The policy provides a clear and robust procedure to guide applicants. VCOs submitting expressions of interest will have to demonstrate a clear purpose for the transfer; what benefits will be gained for them, the Council and the community; and that they have the resources (financial or otherwise) and ability to the manage the asset for the purposes intended. A list of VCOs that can apply is included in the policy.

6. Strategic Priorities

- 6.1 This policy supports the Council's strategic priorities detailed in the Corporate Strategy 2020-2025 by way of empowering communities and improving the health and wellbeing of residents and communities.
- 6.1 By setting out a formal policy for Community Asset Transfer, the Council is making the process clear for voluntary and community groups wanting to make a business case for the transfer of parcels of land and buildings that they wish to participate in owning and managing.
- 6.2 In many cases, the land that would be forwarded for consideration includes open spaces and recreation facilities that in turn can facilitate the health and wellbeing of residents and communities

across the borough. Any such transfer would need to comply with the relevant statutory provisions.

7. Background

- 7.1 The Local Government and Public Involvement in Health Act 2007 and Localism Act 2011 brought about a number of public sector reforms aimed at creating strong, prosperous communities and delivering better public services through a re-balancing of the relationship between Central Government, Local Government and local people by giving residents a greater say over local services.
- 7.2 The 2007 Quirk review was part of the Government's programme for empowering communities set out in the Local Government White Paper published in late 2006. The review sought to give local authorities a better understanding of how existing powers could be used to facilitate the transfer of assets to more community asset management and ownership taking account of the need to manage risks.
- 7.3 The Council is in the position of a trustee in relation to the land and assets that it holds on behalf of the community. The purpose of the Community Asset Transfer policy is to set out a transparent and consistent approach to expressions of interest and decision-making process governing the transfer of land to a VCO. The policy defines which VCOs are deemed suitable for consideration by the Council for a Community Asset Transfer.
- 7.4 The policy also defines the different types of land and buildings and circumstances that may be considered when a Community Asset Transfer expression of interest is received. Examples of where transferring would be considered and supports the Council's Strategic Priorities include where a Council owned asset:
- Supports the Council's community objectives or was formerly delivering such objectives and the asset is now surplus to the Council's own requirements; or

- Contributes towards community empowerment and generates social, economic or environmental benefits.
- 7.5 The schedule at Appendix 3 lists examples of historic and proposed enquiries illustrating the typical kind of asset transfer that would be considered. Several transferees are community and charitable organisations leasing properties from the Council. To encourage the community benefits they bring to the area, the Council assisted these organisations at the time by agreeing a lease.
- 7.6 During the application stage, VCOs will be required to provide a business case for their proposed use of the asset and must demonstrate that there is a clear intention for the long-term use of the asset. This will include providing details of the activities the VCO wishes to deliver as well as demonstrating that they have a secure financial base to ensure long term sustainability.
- 7.7 The policy states that the transfer of an asset will be by way of a lease, with disposals of a freehold interest being considered in exceptional circumstances. All Community Asset Transfers would be the subject of a specific report to the Council's Executive for approval or full Council as appropriate.
- 7.8 This policy does not preclude the Council still having the ability to separately grant short-term leases to community groups either at market rent or, under prescribed conditions subject to statutory provisions, at less than best consideration. Such lettings are dealt with in accordance with officer delegations set out in the Constitution or by way of an Executive decision. Officers are preparing a separate policy governing a process for making decisions on disposing assets at Less Than Best Consideration.
- 7.9 This draft policy will sit under the Council's overarching Capital Strategy, which brings together the detailed policies, procedures and plans relating to land and building assets and applies to the General Fund, Housing Revenue Account and the Trusts (for which the Council is Trustee).

7.10 Investment Properties fall under the Asset Investment Strategy and are not part of this report.

8. Consultations

8.1 The Lead Councillor for Finance, Assets and Property, has been consulted and has endorsed the proposed policy.

8.2 Officers will engage with Ward Councillors on the individual transfers at the relevant time.

9. Key Risks

9.1 The criteria laid out in the policy aims to ensure that any VCOs are clear from the outset what is required of them and on what basis the Council will approve an asset transfer. The detailed nature of the policy is to mitigate the risks associated with any transfer.

9.2 A transfer will only be granted to suitable organisations with demonstrable experience and resources in place to manage a community-based asset over the longer term. There is no definition of what is meant by long-term, but the principle of a Community Asset Transfer is that the Council divests itself of ownership and control of an asset, and VCOs correspondingly take on responsibility and can sustain long-term ownership.

9.3 The Quirk Review and guidance around Community Asset Transfer and management makes clear that local authorities must support and work with VCOs to ensure any transfer does not fail. This could have financial and resource implications for the Council should the need arise to provide a VCO with support. The Council may incur fees to prepare the transfer, including valuers', advertising, surveyors' and legal fees. The Council will seek to pass these on to the VCO unless the VCO can objectively show it cannot meet such costs.

9.4 Regarding legal costs in particular, these are likely to be incurred by the Council when considering each request on a case-by-case basis. This increases the likelihood of the use of external legal

services (due to existing pressure on internal legal services) and such legal costs should be passed on to applicants at application stage should this policy be adopted.

10. Financial Implications

- 10.1 The Council faces many current challenges both financial and operational including the prevailing economic environment and reduced government funding leading to a funding shortfall, increased public expectation and a reduction in available resources to operate and run community assets.
- 10.2 By divesting of a property asset by transfer to a VCO, the Council can support the economic, social or environmental wellbeing of the community. Depending on the circumstances, the Council may also achieve possible revenue, maintenance and associated operational cost savings. Savings will be dependent on the size and nature of the asset to be transferred and its proposed use.
- 10.3 The Council may incur certain costs due to this transfer policy and will seek to pass these on to the relevant VCO.

11. Legal Implications

- 11.1 Any decisions on transfers would need to be agreed by the Executive or full Council as appropriate.
- 11.2 The Council should seek tailored legal advice on a case-by-case basis before undertaking any Community Asset Transfer. A brief summary of the key legal implications is below, but each situation will need to be considered individually.
- 11.3 If the Council cannot show that the process and decision were undertaken in a proper and reasonable fashion, it may find itself exposed to a costly and time-consuming challenge by way of judicial review.

- 11.4 The Council must, under s123 of the Local Government Act 1972, obtain the best consideration that can be reasonably obtained for the disposal of land, unless it has the express consent of the Secretary of State or if the Council considers this will help to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 11.5 Disposals of land include: a sale of the freehold interest; granting a lease; assigning any unexpired term of a lease; and granting an easement. If publicly owned land is disposed of at less than best consideration, the local authority is likely to be providing a subsidy to the purchaser and must consider the rules on subsidy control too (i.e., is there a risk of distorting competition/being anti-competitive).
- 11.6 If the land is being disposed at an undervalue exceeding £2 million, this will also require the specific consent of the Secretary of State.
- 11.7 Prior to considering disposal at less than best consideration it is essential to identify the purpose for which the land is held, as specific additional legal requirements may apply. This policy will not fit all circumstances, so legal input should be sought in each case early in the process.
- 11.8 Common land usually cannot be disposed of under section 233(2) of the Town and Country Planning Act 1990 without the Secretary of State's consent.
- 11.9 Appropriate restrictive covenants would be inserted, as appropriate, into any transfer deed or lease to include, but not limited to, restrictions on use for community benefit and preventing change of use, development, re-development, seeking planning permission without the Council's express written consent, onward sale, lettings, assignments or sharing of use with other organisations, as well as restrictions on causing nuisance.
- 11.10 The VCO should be obliged to return the relevant asset in a good state of repair and maintenance via a positive covenant in the

relevant legal document; this will help to protect the Council from a dispute or costs in the future.

11.11 If the community purpose of a VCO ceases, protection to the Council can be provided by contractual positive covenants or rights of first refusal for the asset to be transferred back to the Council (or its successors in title) from the VCO at nil value or an option for the Council (or its successors in title) to re-acquire the asset.

11.12 Freehold land transfers will be considered where there are demonstrable objective reasons why a lease is not the most appropriate transfer mechanism.

11.13 In the event that a freehold transfer is deemed the most appropriate means of transferring, overage provisions may be appropriate so that in the event of a further disposal of the land by the VCO, such that the Council would benefit from any future redevelopment of the land.

12. Human Resource Implications

12.1 Depending on the nature of the asset and current staff resource to manage it there is a slim possibility that the transfer of an asset or group of assets impacts on Council staff in terms of a reduction in their role or potential transfer to another organisation. If this became a possibility, the impact on the affected employee(s) would need to be accounted for. Should such a situation arise officers would follow due process, consultation and procedures, and report to the Executive as part of a proposal to transfer.

12.2 Processing expressions of interest and dealing with any subsequent transfer transactions will demand varying amounts of officer time across the Council.

13. Equality and Diversity Implications

- 13.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equalities Act 2010) when making decisions and setting policies.
- 13.2 An Equalities Impact Assessment has been completed in regard to the draft policy and is set out at Appendix 2.

14. Climate Change/Sustainability Implications

- 14.1 No Environmental Impact Assessment has been carried out as there are no risks identified as part of the adoption of the proposed policy. However, Community Asset Transfer does promote economic, social and environmental, community well-being and the public health of communities.

15. Summary of Options

- 15.1 Do not adopt policy – this would not address having a consistent decision-making process and voluntary and community groups and Council officers would not have a clear procedure to follow if a group or organisation wished to submit an expression of interest or even if they qualify as a VCO.
- 15.2 Adoption of Policy – this would provide a strong governance framework around asset transfer and allow both the Council and VCOs to follow and consider expressions of interest in a consistent, robust and transparent manner. This is the recommended option.

16. Conclusion

- 16.1 Community Asset Transfer is not governed by statutory instrument and is a process agreed by local authorities based on their own community objectives. Adoption of the policy will bring clarity to a decision-making process that benefits the community and helps the Council achieve its community objectives.

17. Background Papers

17.1 None

18. Appendices

Appendix 1 - Draft Community Asset Transfer Policy

Appendix 2 – Equality Impact Assessment

Appendix 3 – List of Transfers Completed and Proposed

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	7/11/23
Legal / Governance	29/05/24
HR	15/05/24
Equalities	15/05/24
Lead Councillor	07/05/24
CMB	07/11/23
Executive Briefing/Liaison	14/11/23
Committee Services	15/05/24

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COMMUNITY ASSET TRANSFER POLICY

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1. Introduction

This Community Asset Transfer (CAT) policy provides a clear framework for Waverley Borough Council (the Council) to address the transfer of assets to Voluntary or Community Organisations (VCOs). The Council has an obligation to fully consider the implications of community asset transfers as part of robust corporate asset management processes to ensure it protects the interest of the Council as long-term custodian of its assets.

Under this policy assets include land, buildings and other structures owned by or under the stewardship of the Council. With a diverse range of asset holdings, each transfer request will be judged on a case-by-case basis against this policy framework, including:

- The nature and capacity of the applicant.
- Contribution to corporate objectives.
- Assessment of risks and sustainable business cases.
- Robust option appraisals (including financial implications to the Council).

A single policy will not fit all circumstances in exactly the same way. Nevertheless, a number of common principles will apply. For example: the suitability and resource capacity of the transferee, adoption of robust option appraisals including financial implications for the Council, contribution to corporate objectives, and so on. A thorough assessment of risks and sustainable business cases will be essential steps to undertake before any transfer can be recommended for approval. Accordingly, this policy provides a clear framework against which to evaluate any expression of interest for an asset transfer.

2. Purpose of the Policy and Scope

The purpose of this policy is to provide a transparent, fair and consistent framework and provide guidance on the application and governance arrangements for enabling appropriate asset transfers between the Council and organisations and groups that fall within the policy definition of a VCO.

This policy sets out assets that are deemed suitable for community asset transfer and explains that the Council must be the owner of the asset.

This policy does not include the procedure and policy governing nominations for designating Assets of Community Value (ACV) which is governed by a separate procedure.

3. What is Community Asset Transfer?

For the purposes of this policy, Community Asset Transfer is defined as, “*the transfer of land, buildings or other structures from the Council’s ownership into the stewardship and/or ownership of a voluntary or community organisation (VCO)*”.

National and local policy context

The Local Government Public Involvement Act 2007 and Localism Act 2011 brought about a number of public sector reforms aimed at creating strong, prosperous communities and delivering better public services through a re-balancing of the relationship between Central Government, Local Government and local people by giving residents a greater say over local services.

In 2007 the Government published, ‘*Making Assets Work: The Quirk Review*’. This examined ways to maximise the community benefits of publicly owned assets by considering options for greater transfer of asset ownership and management to community-led groups. The report highlighted that this is not prescribed by legislation but provides guidance to assist local authorities in the use and understanding of existing powers and being clear about the risks associated with the process and learning to manage them effectively. The Review concluded that the driver for any asset transfer is not the disposal of assets per se but, rather, the empowerment of communities. It also makes clear that it expects the transfer of assets, not liabilities.

The lead from Government is that local management and ownership of assets makes for strong communities. Therefore, the Council will support the national policy where there is a clearly defined case for the transfer, the transfer complies with this policy framework, and has regard to the desired outcomes set out in other Council strategies, including but not limited to:

- Corporate Strategy 2020-2025.
- Capital Strategy.
- Local Plan.

This policy supports the Council’s strategic priorities detailed within its Corporate Strategy 2020-2025 by way of empowering communities and improving the health and wellbeing of its residents.

4. Principles & Aims of the Policy

The Quirk Review considered that the transfer of assets should aid community empowerment agendas, open up new sources of finance and extend the use of existing facilities to a wider community. The Council, therefore, in adopting this policy, should apply these aims and objectives when considering the transfer of assets:

- Community empowerment
- Borough wide benefits for residents
- A sustainable third sector

- Economic development and social enterprise
- Improvements to local services
- Value for money
- Delivery of Corporate Objectives

The Council's policy on asset transfer is underpinned by the following principles:

- Underlying aim being the transfer of land, buildings or other structures from the Council's stewardship into the stewardship or, where demonstrated necessary, the ownership of a VCO for the long-term.
- Any proposed transfer must support the objectives and priorities of the Council as set out in its Corporate Strategy.
- The transfer of property assets to the community is based on the view that there are realisable benefits to be obtained from giving the community a greater say in their area.
- The Council will adopt a transparent corporate process for asset transfer with clear stages for each party.
- The Council will adopt an agreed method of assessing the benefits of the transfer which includes commissioning a valuation report to enable a comparison with open market transfer.
- All costs, fees and taxes associated with the assessment and transfer process of the asset to be borne in full by the VCO (including but not limited to valuers' fees, stamp duty land tax, Land Registry fees, legal fees and advertising costs).
- The asset is not being used to deliver a service that is best provided directly by the Council rather than through a VCO.
- Recognise the Council's dual but independent roles as a supporter of the third sector but also as a steward and custodian of publicly owned assets.

5. Assets Suitable for Transfer

The Council first and foremost has a duty of stewardship to protect its assets.

The Council holds the position of trustee in relation to the assets that it owns and safeguards on behalf of its local community. These include assets such as land, buildings and other structures that are fully owned or leased with the purpose of:

- Supporting direct service delivery.
- Delivering the Council's priorities in the Corporate Strategy.
- Supporting delivery by partners including the voluntary sector.
- Stimulating economic activity and regeneration.
- Supporting the Council's Medium Term Financial Plan and Housing Revenue Account Business Plan.

Assets suitable for transfer

The Council may consider transferring assets in circumstances where the following criteria applies:

- Council is the absolute owner of the asset; in the case of land, it must be the owner of the freehold interest.
- Asset currently supports Council community objectives or was formerly delivering such objectives and where the asset and is now surplus to requirements.
- Asset has been reviewed and the asset management plan recommends transfer to a community-based user.
- An agreed delegated committee whose membership includes Councillors and senior officers must have considered and agreed that the Asset could be suitable for Community Asset Transfer.
- Relevant service area/client manager within the Council supports the transfer.
- Asset contributes towards community engagement and, separately, an options appraisal has been carried out and approved by Asset and Property Services to identify that the asset is suitable for community sharing as the sole or one of the viable options.
- Asset is not currently needed for future service delivery, which could best be provided directly by the authority rather than through the community.
- Asset is fit for purpose and would not impose an unreasonable liability upon any VCO.

Assets not suitable for transfer

The Council will not consider applications for Community Asset Transfers where:

- Asset is key to delivering Council current or potential services.
- A significant amount of revenue income or potential revenue or capital receipt proportionate to the size, nature and use of the asset, would be lost.
- Asset is required for strategic, planning or redevelopment/regeneration purposes.
- Site has the potential to provide Biodiversity Net Gain or carbon off setting provision or any other environmental enhancement scheme.
- Proposed use of the asset does not comply in planning terms.
- Transfer of the asset would be to an individual(s) or business to be used purely as a vehicle for commercial ventures. This does not include, for example, charitable organisations with trading arms, where profits are given back to communities.
- Transfer would contravene Trade and Cooperation Agreement Principles.
- Asset would be used solely for religious purposes/activities.
- Asset would be used for any political purposes/activities.
- Transfer would be detrimental to any individual, geographical community or community of interest, resulting in unlawful discrimination, harassment or a failure to promote good relations.

6. Organisations Suitable for Consideration

An organisation wishing to be considered must be based within the Borough of Waverley and have strong links with the community. They must be able to demonstrate provisions within their legal structure that provide assurances that assets will be retained for community use and benefit and would not distribute any surplus they make to their members. The local community must also be able to influence their operational and decision-making processes.

Consideration will be given to the following types of organisations, identified as VCOs within the context of this policy:

- Parish Council
- Town Council
- Company Limited by Guarantee
- Community Interest Company
- Not for Profit
- Unincorporated Association
- Charitable Trust
- Charitable Incorporated Organisation
- Charitable Company
- Voluntary Organisations
- Community Organisations
- Social Enterprises

Should a group of individuals wish to form a VCO to benefit their local community, an application for a Community Asset Transfer cannot be completed until the group is legally formed into one of the entities listed above.

Constitutions of the above must be formed as a legal entity that can hold assets and/or provision of any proposed services.

The Council would normally expect a Voluntary and Community Sector organisation to have the following fundamental characteristics:

- Non-governmental
- It must exist for community/social/environmental reasons and benefit
- Non-profit distributing - it must reinvest any surpluses to further its social aims/community benefits
- Has community benefit objectives

7. Criteria for Considering Transfer Requests

The transfer decision will involve the assessment of a number of criteria. These include the VCO proving the rationale and supporting evidence for holding the asset, the capacity and expertise to take on the asset, the benefits to be gained and sustainability to manage the asset for the long term.

The assumption will be a leasehold arrangement, rather than a freehold transfer.

Clear rationale for the VCO holding the asset

Within its business case, a VCO must be able to demonstrate how holding the asset will:

- Lead to community empowerment.
- Contribute to the Council's corporate priorities under the Corporate Strategy.
- Enable the local community to be able to influence their operational and decision-making processes.
- Support community wellbeing and delivery of better public services.

The VCO will also need to include information on:

- Purpose and proposed use of the asset and what community needs it would address by being in their stewardship.
- The VCO's link to the community, in what form and how.
- Community, social or environmental demand for the proposed transfer.
- Proof that the activities proposed are in demand and are not already being satisfactorily addressed by another organisation or community.
- Other stakeholders.
- Provisions within their legal structure that provide assurances that assets will be retained for community use and benefit and would not distribute any gain they make to their members.
- The type of transfer sought and why.

Evidence that the VCO has capacity to take on the asset as a leasehold

The VCO business case must demonstrate:

- Good governance arrangements, open and accountable processes, including providing copies of the accounts of the organisation.
- An established and/or proven track record of delivering services, asset or property management, whichever is relevant to the asset being transferred.
- Skills and capacity to manage the asset, including (where appropriate) health and safety policy, compliance with relevant legislation and any statutory requirements arising from ownership or management.
- Sound financial management with at least five years revenue or capital funding plans including maintenance and investment plans as appropriate.
- Sources of finance that the asset transfer will release or attract such as grants.
- Opportunities for income generation to ensure sustainability, for example, through the hiring of space and facilities, opportunity to gain additional income from leases/licences.
- Perceived risks associated with the transfer and risk management plans showing actions the VCO would take to mitigate these.

If the VCO is newly established only a leasehold transfer will be considered.

Clear benefits that will result from the transfer

The VCO must demonstrate in the business plan how the proposed transfer would:

- Provide a service of community benefit in line with the Council's corporate priorities.
- Embrace diversity and works to improve community cohesion and reduce inequalities.
- Benefit the Council in terms of service delivery, improvements to local services whilst supporting the corporate priorities under the Corporate Strategy.
- Benefit the local community, such as securing stronger, more cohesive and sustainable communities, social enterprise, attracting new investment and reinvigorating the local economy.
- Benefit the VCO itself, such as financial security, increased recognition, power, management capacity and organisational development/opportunities to expand and diversify.

Ability of the VCO to sustain long-term stewardship

The Council has a duty to ensure that due diligence is carried out on any VCO to mitigate the risk of any transfer failing as this would have a negative impact on local communities. In order to do this the VCO must provide proof that it has:

- A secure financial base to ensure they can fund the transfer and maintain long-term self-sustainability, including providing copies of audited financial accounts where necessary and evidence of sufficient funding to cover all legal, valuation, Land Registry, advertising and other fees generated by the transfer, as well as any stamp duty land tax or other taxes.
- The staffing capacity to manage the asset and have management or committee members who possess the necessary experience and skills to manage the asset.
- Good governance arrangements, robust financial systems and all the necessary policies expected of a VCO in place.
- Procedures and processes in place that enable the VCO to comply with all statutory/regulatory obligations connected with the use and/or occupation of an asset including but not limited to asbestos management, legionella and fire risk assessments for property assets.
- A viable financing plan that is robust and provides a sustainable foundation for long-term ownership. This will be subject to a formal valuation of the asset undertaken by the Council.

If the VCO ceases to exist the asset may transfer automatically back to the Council (or its successors in title) from the VCO at nil value or via an option for the Council to re-acquire the asset (or its successors in title).

8. Application Process

The following stages and processes for Community Asset Transfer will apply to every proposal:

(i) Expression of interest

All potential transfers will be subject to an open and public invitation to submit a written expression of interest that sets out:

- How the organisation qualifies as a VCO (or what types of VCO would be considered where the expressions of interest is from within the Council).
- The specific land, building or structure that is the subject of the Community Asset Transfer.
- An outline proposal including the reasoning behind it.
- An outline of the aims and objectives of the transfer.

Applicants will submit a written expression of interest using the template at Annexe 1.

(ii) Review and assess expression(s) of interest

The Council will review expressions of interest and check that all of the following criteria are met:

- Applicant organisation qualifies as a VCO.
- Asset is deemed suitable and appropriate for consideration for Community Asset Transfer.
- Outline proposal meets the requirements of the policy e.g., a transfer for the long-term, for the benefit of the community, financial standing.

This will lead to a recommendation by the Assistant Director of Assets and Property in consultation with the lead officer for the service area in which the asset sits and the Portfolio Holder for Finance, Assets and Property, to invite the applicant VCO to submit a business case.

Should the applicant or asset be unsuitable, the applicant will be notified.

(iii) Advertising the opportunity

Opportunities for community asset transfers will be advertised appropriately and openly through independent local agents, the Council's website lettings page and/or by other methods appropriate and proportionate to the proposed transfer, inviting expressions of interest from VCOs.

Expressions of interest received speculatively where an asset has not been advertised will be considered in line with this policy and the opportunity advertised.

In cases where two or more community organisations are interested in an asset, a selection procedure will be adopted.

(iv) Business case

The VCO will be required to submit a detailed, evidence-based business case and financing plan for the transfer and long-term custodianship, which will be assessed and evaluated by the Council against the criteria laid out in this policy.

The VCO must present a well-prepared business case for their proposed use of the asset. This will need to demonstrate that there is a clear intention for the long-term use of the asset and an understanding of the activities the VCO wishes to deliver.

The business case must set out the following information upon which the Council can assess and evaluate the application (see Section 7 for criteria to be met):

- Rationale for the VCO managing the asset.
- Evidence of VCO capacity to take on the asset.
- Benefits that will result from the transfer.
- Financing plan for the transfer.

(v) Assess and evaluate business case

The Council will assess and evaluate the VCO business cases. VCO's will be required to provide evidence to support their application ready for evaluation by the Council. Each asset transfer proposal will have its own bespoke evaluation criteria similar to the example questions and weightings provided at Annexe 2. Detailed consideration will be given to the community impact and benefit of the transfer in terms of economic, social or environmental wellbeing of the community.

From the Council's perspective it will consider and assess how the transfer proposal:

- Supports its strategic corporate priorities, service delivery, community objectives and does not negatively impact on the Council's own needs and requirements for service delivery now and in the future.
- Supports its desired outcomes in other Council strategies e.g., local plan.
- Makes for stronger communities by handing over to local management.
- Would not be contrary to any obligation placed on the Council.
- Does not incur a significant loss of any existing or potential income, for example, potential loss of opportunity income arising from access rights.
- Provides value for money and best consideration in the case of land and building transfers.
- Provides for a monitoring process and details of 'fall back' arrangements should the transfer prove to be unsustainable.

During this stage points of clarification may be sought by either party including any heads of terms for proposed leases of land and building assets. The Council will undertake an independent asset valuation for land and property transfers to ensure best consideration is achieved and/or cost benefit analysis in other circumstances in order to ensure value for money.

This will lead to a recommendation by the Executive Head of Assets and Property in consultation with the lead officer for the service area in which the asset sits and the

Portfolio Holder for Finance, Assets and Property to be submitted for consideration by the Executive/full Council, as appropriate.

(vi) [Assess and evaluate legal requirements](#)

Any decisions to transfer will be subject to the approval of the Executive or full Council as appropriate and made by way of a lease arrangement.

Freehold land transfers will only be considered in exceptional circumstances where there are demonstrable objective reasons why a lease is not the most appropriate transfer mechanism.

The Council must show that the process and decision were undertaken with good governance and each application for the transfer will be evaluated for Legal implications, which will include but not limited to the following:

- The Council must, under s123 of the Local Government Act 1972, obtain the best consideration that can be reasonably obtained for the disposal of land, unless it has the express consent of the Secretary of State or if the Council considers this will help to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- Disposals of land include: a sale of the freehold interest; granting a lease; assigning any unexpired term of a lease; and granting an easement. If publicly owned land is disposed of at less than best consideration, the local authority is likely to be providing a subsidy to the purchaser and must consider the rules on subsidy control too (i.e., is there a risk of distorting competition/being anti-competitive).
- If the land is being disposed at an undervalue exceeding £2 million, this will require the specific consent of the Secretary of State.
- Prior to considering disposal at less than best consideration it is essential to identify the purpose for which the land is held, as specific additional legal requirements may apply. This policy will not fit all circumstances, so Legal input to the evaluation will be sought in each case early in the process.
- Common land or former common land cannot be disposed of under section 233(2) of the Town and Country Planning Act 1990 without the Secretary of State's consent.
- Appropriate restrictive covenants will be inserted, as appropriate, into any transfer deed or lease to include, but not limited to, restrictions on use for community benefit and preventing change of use, development, re-development, seeking planning permission without the Council's express written consent, onward sale, lettings, assignments or sharing of use with other organisations, as well as restrictions on causing nuisance.
- The VCO will be obliged to return the relevant asset in a good state of repair and maintenance via a positive covenant in the relevant legal document; this will help to protect the Council from a dispute or costs in the future.

- If the community purpose of a VCO ceases then protection to the Council may be provided by contractual positive covenants or rights of first refusal for the asset to be transferred back to the Council (or its successors in title) by the VCO at nil value or an option for the Council to re-acquire the asset.
- In the event that a freehold transfer is deemed the most appropriate means of transferring, overage provisions may be appropriate so that in the event of a further disposal of the land by the VCO, such that the Council would benefit from any future redevelopment of the land.

(vii) Executive/Council Decision

The Executive/ Council report will consider:

- Contribution to corporate objectives.
- Compliance to criteria.
- Sustainability of the VCO.
- Legal requirements.
- VCOs access to funding and its ability to raise finance.
- Financial implications on the Council.
- Identification of risks.

The report will detail recommendations to the Executive/full Council who will make a formal published decision.

(viii) Completion of asset transfer

Once formal approval is given, detailed heads of terms will be agreed between the Council and the VCO detailing all the main aspects of the transaction and lease terms as appropriate. The Council, at the VCO's expense, will arrange the formal drafting of legal documentation which will include where relevant, service level agreements, monitoring arrangements, support and investment plans. This final stage will require the VCO and their solicitors to work collaboratively with the Council in order to avoid delays to the completion of the transfer.

Timescales for the completion of a Community Asset Transfer will be dependent on the nature and type of the transaction involved.

9. Transfer Method and Valuation

The method of Community Asset Transfer will be by way of a lease that ensures transfer to a VCO for the long term and will only be granted to organisations with the experience and resources in place to manage it over the longer term. Freehold land transfers will only be considered in exceptional circumstances where there are demonstrable objective reasons why a lease is not the most appropriate transfer mechanism. All transfers will be subject to an assessment that shows the transfer to be value for money, or in the case of land and building transactions, at best (or less than best in certain circumstances according to Council policy) consideration reasonably obtainable – see Section 8(vi) above.

Form and length of tenure

The underlying aim of this policy is the transfer of land, buildings or other structures from the Council's stewardship for community use for the long term.

There is no definition of what is meant by long-term, but the principle is that the Council divests itself of short to medium-term management of an asset, and VCOs correspondingly take on and are able to independently sustain long-term responsibility and maintenance.

The terms of any transfer will be determined on a case-by-case basis and the Council will consider the specific circumstances of the applicant, sustainability of any business case, the proposed asset, any legal requirements and intended use alongside length of lease.

Land and building transfers specifically

As set out in Section 8(vi) above, the Council has a statutory duty under Section 123 of the Local Government Act 1972 (as amended) (LGA 1972) that, except with the consent of the Secretary of State, it shall not dispose of land (under this section) otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained. "Land" is defined in section 270 as including "any interest in land and any easement or right in, to or over land.."

Best consideration is not limited to the purchase price but may include a term or condition which identifies a specific, quantifiable commercial benefit or monetary worth to the vendor (the Council). These conditions are referred to as voluntary conditions.

The Council has the ability under the LGA 1972 General Disposals Consent 2003 to sell or lease Council assets at less than best consideration in cases where it can demonstrate and attribute value to wellbeing benefits that would arise¹. Any transfer for less than best consideration, either freehold or leasehold, would need to be

¹ *Legislation recognises that there may be circumstances where a Council considers it appropriate to dispose of land at an undervalue (i.e., at values less than could be obtained on the open market). Councils should not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action. A statutory general disposal consent has therefore been issued to give local authorities autonomy to carry out their statutory duties and functions, and to fulfil such other objectives as they consider to be necessary or desirable. However, when disposing of land at an undervalue, Councils must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people. Circular 06/03 issued in 2003 gives authorities consent to a disposal of land at an undervalue provided that:*

- a) *a local authority considers that the disposal is likely to contribute to the achievement of:*
 - (i) *the promotion or improvement of economic well-being*
 - (ii) *the promotion or improvement of social well-being*
 - (iii) *the promotion or improvement of environmental well-being, and*
- b) *the best price reasonably obtainable for the property does not exceed £2,000,000 (two million pounds). If it does exceed £2m, Secretary of State consent is required.*

transparent and justifiable and have the appropriate approval by the Executive/full Council.

Voluntary conditions or benefits arising that do not have a direct commercial or monetary value to the Council such as job creation, social value or using the land for a particular desirable purpose can be considered if a disposal is at less than best consideration as they are non-commercial social, economic or environmental benefits that are deemed to arise from the disposal.

Valuation

To demonstrate that best consideration will be achieved, all proposed Community Asset Transfers will be subject to a formal valuation in accordance with the Royal Institution of Chartered Surveyors Valuation Standards unless a cost-benefit analysis is the more appropriate mechanism.

For land transfers at less than best consideration the valuation report of the interest to be transferred will clearly state the difference between the unrestricted value of the interest and the consideration to be accepted (the undervalue) in accordance with RICS Valuation Global Standards 2023: UK National Supplement VPGA 17 "Local authority disposal of land for less than best consideration in England and Wales".

10. Legal Issues and Governance

In all cases appropriate legal mechanisms will be put in place to protect the Council's financial position. Please see Section 8(vi) above.

The transfer of assets will need to be considered on a case-by-case basis and advice obtained from the Council's Legal Services wherever appropriate.

Disposal decision

This will be the subject of a specific report to the Council's Executive. In certain circumstances, disposal decisions will require a decision by full Council.

11. Resource Implications

Transferring an asset to a community-based organisation is a resource intensive process due to the steps involved. Existing staff and Council resources will be used where available to deliver the required outcomes.

12. Policy Review

This policy will be reviewed to incorporate legislative, regulatory amendments, best practice developments, or to address any operational issues with the policy. At each review the relevant officer will review any assets transferred during the policy term to

ensure that the asset is still open, being used for the specified purpose and being well maintained.

The policy will be monitored by the Council.

13. The Community Asset Transfer Process

The following process will be applied by the Council in respect of any expression of interest for Community Asset Transfer. Section 8 provides background explanation.

Stage	Responsibility
1. Expression of interest	<p>An asset identified for transfer will be initiated either by a Council-led invitation or an expression of interest from outside the organisation.</p> <p>Applicants will submit a written expression of interest using the template at Annexe 1 detailing how they qualify as a VCO; the specific asset that is the subject of the expression of interest; an explanation of the reasoning behind it; and the aims and objectives of the transfer.</p>
2. Review and assess expression of interest	<p>The Council will assess the expression of interest and whether it would/could meet the requirements set out in this policy.</p> <p>This will include whether or not the applicant is deemed to qualify as a VCO, that the asset is appropriate for consideration, and undertake a Land Registry and title deed report to check any restrictions or other aspects that could potentially affect a transfer.</p> <p>If the expression of interest is deemed suitable for further consideration a recommendation by the Assistant Director of Assets and Property in consultation with the lead officer for the service area and the Portfolio Holder for Finance, Assets and Property will lead to an invitation to the VCO to submit a business case.</p> <p>Should the expression of interest be deemed unsuitable the applicant will be notified. Any decision is final.</p>
3. Advertising the opportunity	<p>The Council will advertise opportunities for community asset transfers appropriately and openly inviting expressions of interest from VCOs.</p>

Stage	Responsibility
	Submission of Expressions of Interest will only be accepted by email to the address specified on the Template.
4. Business case	<p>The applicant will be invited to submit a detailed, evidenced based business case and financing plan for the transfer and long-term management.</p> <p>The business case must include the information requirements set out in this policy, with particular attention to the information requested in Section 7 on the criteria to be met.</p>
5. Assess and evaluate business case	<p>The Council's Asset Management team will lead the business case assessment and evaluation with other officers using the criteria set out in the policy and any bespoke weighted questions as per the example provided in Annexe 2.</p> <p>Detailed consideration will be given to the community impact and benefit of the transfer in terms of economic, social or environmental wellbeing of the community.</p> <p>An independent valuation will be undertaken for land and property transfers.</p> <p>The Council will assess the business case according to its policies and community asset transfer matrix.</p>
6. Assess and evaluate legal requirements	The Council will review, assess and evaluate the legal requirements set out in section 8(vi) above.
7. Executive/full Council Decision	<p>The Council's governance process will require a report with a recommendation to transfer to be submitted to Executive/full Council for approval. The Executive will consider community asset transfer proposals twice a year on or around 30 September and on or around 31 March each year.</p> <p>The Executive/full Council's decision on whether to proceed with the transfer will be final.</p>
8. Completion of the asset transfer	Once formal approval is given, detailed heads of terms will be agreed between the Council and the VCO detailing all the main aspects of the transaction and lease terms as appropriate.

Stage	Responsibility
	<p>The Council will arrange the formal drafting of legal documentation. This final stage will require the VCO and their solicitors to work collaboratively with the Council in order to avoid delays to the completion of the transfer.</p> <p>The Council may incur fees to prepare the transfer, including valuers', advertising, surveyors' and legal fees. The Council will pass these on to the VCO unless the VCO can objectively show it cannot meet such costs.</p> <p>Applicable stamp duty land tax or other taxes and Land Registry fees are to be met by the applicant VCO.</p>

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ANNEXE 1- Expression of Interest Form

Community Asset Transfer (CAT)

Expression of Interest Form

VCO's name, address and contact details	
Please set out how your organisation qualifies as a VCO under the Council's CAT policy?	
Address and area in sqm of asset to be transferred (please attach a plan)	
Type of transfer requested If applying for freehold transfer, please provide reasons why a leasehold transfer does not meet your needs	
Outline your plans for this asset and how these fits within your organisation's and the Council's corporate goals and objectives	
Evidence that your organisation is able to manage the asset effectively including financial details, staffing, expertise etc. (refer to CAT Policy)	
List of any other stakeholder groups with an interest in this asset	

Once completed please email this form to property.estates@waverley.gov.uk.

ANNEXE 2- Example Evaluation Criteria

Community Asset Transfer (CAT)

EXAMPLE QUESTIONS AND WEIGHTINGS

[Each Asset Transfer Proposal will have bespoke criteria]

Waverley Borough Council invites to you apply for the Community Asset Transfer of <ASSET NAME> (the “Asset”). As part of the Council’s application process each applicant must submit a business case which addresses the following questions. Answers will be evaluated based on a scoring matrix developed for this purpose.

Question 1 - 25%

Proposed use statement

Please provide a method statement indicating how you will approach this brief including:

- Statement outlining approach and strategy, explaining how the operation of the <ASSET NAME> would be undertaken
- Demonstrate how this supports the objectives and priorities of the Council
- Identification of the benefits to the wider community
- How you intend to use the <ASSET NAME>
- Hours of use
- Target demographic
- Innovation or innovative thinking that you can bring to this brief and what benefits it could achieve
- Any other information that could be useful

Question 2 – 25%

Asset management approach

Please provide the initial plans you have for the management of the site <ASSET NAME>:

- How the different parts of <ASSET NAME> would be managed and maintained
- Who would undertake the management of the different parts
- What changes do you envisage making to the <ASSET NAME>
- How responsibility for management and maintenance would be allocated in the VCO
- How the required skill set in managing the assets would be obtained

Question 3 – 15%

Community engagement, communication and buy-in

Please describe.

- Any plans for ensuring there is engagement and buy-in from the local community
- Planned advertising initiatives e.g., social media, website
- Potential charity partnerships
- How the operation of the <ASSET NAME> would promote inclusivity

Question 4 – 25%

Experience

Please provide details of your experience in the following:

- Operation of a similar asset
- Landlord and Tenant relationships

Question 5 – 10%

Financing

Please provide and comment on the following:

- Business accounts (if available)
- How the operation would be financed in the initial months
- How long-term financial sustainability would be achieved
- Future funding and investment plans

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Appendix 2

Equality Impact Assessment

The purpose of an assessment is to understand the impact of the Council's activities* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.

(*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

Name of person completing the assessment	Caroline Wallis	Date of assessment	03/05/2024
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Name of the proposed activity being assessed	Adoption of a Community Asset Transfer Policy	Is this a new or existing activity?	New
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Who will implement the activity and who will be responsible for it?	Officers will implement any descision made by the Executive or Full Council on the transfer of Assets to Community groups.(VCO)
---	---

1. Determining the relevance to equality

What are the aims, objectives and purpose of the activity?	To set out a transparent and consistent approach to applications and the decision-making process governing the transfer of assets to community organisations.
--	---

Is this a major activity that significantly affects how services or functions are delivered?	No	Who will benefit from this activity and how?	The community will benefit from being able to have community groups deliver services from Council owned assets
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Does it relate to a function that has been identified as being important to people with particular protected characteristics?	No	Who are the stakeholders? Does the activity affect employees, service users or the wider community?	Councillors, officers, professional advisors, contractors, members of the community.
---	----	---	--

Based on the above information, is the activity relevant to equality?

<p>Yes – continue to section 2</p> <p>No – please record your reasons why the activity is not relevant to equality</p>	<p>Yes.</p> <p>The activity may have a minimal impact but does not create barriers to any of the groups with protected characteristics.</p> <p>The policy will make the decision making process around Community Asset Transfer clear for Council officers, Councillor and Community groups.</p> <p>As this is a new activity it is unclear and difficult to assess whether or not it will have an impact on any protected groups however it should have a</p>
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	positive impact in giving members of the community an opportunity to have a say in the services delivered by local community groups.
--	--

2. Is the proposed activity accessible for all the protected groups listed below?
(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)

Protected groups	Yes	No	Evidence
Disability	Yes		
Race	Yes		
Gender	Yes		
Sexual orientation	Yes		
Age	Yes		
Religion or belief	Yes		
Transgender or transsexual	Yes		
Marriage and civil partnership	Yes		
Pregnancy or maternity	Yes		

3. Is it likely the proposed activity will have a negative impact on one or more protected groups?

Protected groups	Yes	No	Evidence
Disability		No	
Race		No	
Gender		No	
Sexual orientation		No	
Age		No	
Religion or belief		No	
Transgender or transsexual		No	
Marriage and civil partnership		No	

Pregnancy or maternity		No	
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4. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (*Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?*)

The Council will ensure any negative impact is mitigated through the criteria set out in any management agreement associated with a transfer.

Asset Transfer should have a positive impact by involving the community and offering community groups the opportunity to deliver objectives themselves.

No action plan is required.

5. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (*Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities*).

As this is a new activity it has been difficult to assess any impact. It is suggested that any impact is assessed over the course of the first three years of the policy and the policy and EIA be updated at the first review to reflect any impacts noted during the review period.

6. Has any consultation been carried out (e.g. with employees, service users or the wider community)? Please provide details

N/A

7. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

N/A

8. Conclusion of Equality Impact Assessment - please summarise your findings

It is possible that there may be an very minor impact but this will not be known until the policy is in operation. The nature and intention of each transfer will differ and therefore consideration will be given to any negative or positive impacts when considering expressions of interest and agreeing any ongoing management arrangements.

Name of person completing assessment: Caroline Wallis

Date: 03/05/2024

Job title: Strategic Asset Manager

Senior manager name: Marieke Van der Reijden

Assistant Director of Assets and Property

Date: 03/05/2024

Community Asset Transfer (CAT) List of asset transfers completed, in progress and new requests received

First tranche of transfers as approved by Executive on 08/10/2020

Transferee	Type of transfer	Site	Completed
Haslemere Town Council	Freehold	<ol style="list-style-type: none"> 1. Land at Crown and Cushion Junction (Clements Corner, adj Weydown Road CP) 2. Land adj Weydown Road CP 3. Land at St Christopher's Green 4. Land at Town Meadow 5. Land at Grovers Garden 6. Land at Woodcock Green 	Jan 2021
Witley Parish Council	Leasehold	<ol style="list-style-type: none"> 1. Land at Amberley Road Play Area Milford 	Feb 2021
Farnham Town Council	Freehold	<ol style="list-style-type: none"> 1. Land at Battings Memorial Garden 2. Land at Borelli Garden 3. Land at Gostrey Meadow 4. Land at Halifax Gardens, Rowledge 5. Land at Haren Gardens and Home Park 6. Land at Riverside 7. Land at Riverside Hatchmill 8. Land at Riverside Maltings 	March 2023
Wonersh Parish Council	Leasehold	<ol style="list-style-type: none"> 1. Land at Lordshill Common Shamley Green 2. Land at Wonersh Common, Wonersh 3. Land at Blackheath Grove, Wonersh 	In progress

Appendix 3



Further requests

Proposed Transferee	Type of transfer	Site
Godalming Town Council	Freehold	<ol style="list-style-type: none">1. Lammas Land at junction of Charterhouse Road and Borough Road Godalming2. Lammas land adjacent to Bridge Gate House Bridge Road Godalming3. The Burys Field including Scout Hut and Wilfried Noyce Centre4. Passage from Crown Court CP to High St including public conveniences5. Canon Bowring Recreation Ground excluding equipped play area6. Wiggin's Yard Godalming
Farnham Town Council	Freehold	<ol style="list-style-type: none">1. Weybourne Allotments Farnham
Chiddingfold Parish Council	Freehold	<ol style="list-style-type: none">1. Coxcombe Lane Recreation Ground2. The Green Chiddingfold

Waverley Borough Councils

Report to: Executive

Date: 11 June 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

Author: Deborah Upton, Senior Governance Officer

Email: Deborah.upton@guildford.gov.uk

Report Status: Open

Key Decision: No

Proposed Changes to the Officer Schemes of Delegation

1.1 Executive Summary

A Joint Officer Scheme of Delegation and Proper Officer Scheme with Guildford Borough Council has been developed in accordance with good practice to keep the Officer Scheme of Delegation and Proper Officer Scheme under review, as it forms part of the Constitution of the Council(s). This has been considered by the Joint Constitutions Review Group on 29 May 2024.

2. Recommendation to Executive

The Executive is asked to recommend the delegation of Executive functions set out in the revised Joint Officer Scheme of Delegation and Proper Officer Scheme to the Standards and General Purposes Committee.

3. Reason(s) for Recommendation:

- 3.1 An officer scheme of delegation and proper officer scheme which is materially the same for both Councils, whilst being owned by each Council in respect of their services, will help to promote more

efficient joint working and will support the transformation programme by aligning officer decision making across both Councils.

- 3.2 The recommended changes will improve the governance procedures for each Council and will ensure that there is greater transparency over decision making.
- 3.3 The reductions in financial limits will ensure that key decisions are made by the Executive, thereby promoting accountability and transparency.
- 3.4 Aligning officer delegations into a joint scheme, supports the Councils Collaborative and Transformation programme and provides clarity for those officers employed to provide a joint service across both Councils.

4. Purpose of Report

- 4.1 This report is presenting further revisions to the proposed draft Officer Scheme of Delegations, set out at Appendix One, for members to consider. It also presents a revised Proper Officer Scheme, set out at Appendix Two, which should be read in conjunction with the Officer Scheme of Delegation. The purpose of the revised Scheme of Delegation and Proper Officer Scheme is to try and align decision making across the two Councils where possible.

5. Strategic Priorities

- 5.1 This report will assist in the delivery of the Council's Corporate Plan priorities and collaborative working agenda.

6. Background

- 6.1 Council decision making can be delegated to officers, through a written Officer Scheme of Delegation which is publicly available. For an Officer Scheme of Delegation to be effective, it must clearly set

out the responsibilities of officers and any limitations on their powers. It should contain those areas where the Council is delegating its decisions (whether Executive or Council) and should not contain 'Business as Usual' matters, which form part of an officer's job description.

- 6.2 Both Councils currently each have a different Officer Scheme of Delegation. This means that officers must refer in detail to each Scheme to check their delegated authority before making a decision and, in some areas, the Scheme does not provide authority or has different limits/consultation areas for each Council. This leads to a lack of clarity for members of the Joint Strategic Management Team, as they work across both Councils but with differing decision levels across their services.
- 6.3 Members of the Joint Constitutions Review Group saw the first draft of the revised Scheme set out in Appendix One at their meeting on 24 April 2024, and a revised version on 29 May 2024 which contained the changes made by members in green, and further changes requested by officers in blue. Column 4 (red) contains details of the proposals.
- 6.4 Appendix Two sets out those areas which it is proposed to delete from the existing schemes of delegation, as they represent 'Business as Usual' and are matters which are contained in officers job roles, rather than being decision making which is delegated. This appendix is included for information.
- 6.5 Appendix Three sets out a revised Proper Officer Scheme. Some statutes require a 'proper officer' to be appointed by the Council, to carry out certain functions as required under that Act. Therefore each Council must have a Proper Officer Scheme, as well as an Officer Scheme of Delegation, for completeness of decision making.

6.6 The Officer Scheme of Delegation should be read in conjunction with the Financial Procedure Rules and Contract Procedure Rules, set out elsewhere on this agenda.

7. Consultations

7.1 All members of the Joint Management Team (JMT) have been consulted over the proposed changes. All members of the JMT are supportive of changes to the Scheme(s), as JMT members would welcome further clarity over decision making. The Joint Constitutions Review Group considered the proposal on 29 May 2024.

8. Key Risks

8.1 There is a risk of poor decision making and a lack of accountability where delegations are unclear or are poorly understood. This can be mitigated by having a clearly expressed Officer Scheme of Delegation and Proper Officer scheme, and training officers as necessary.

8.2 There is a risk that by reducing the financial limits, the Executive, whilst having greater oversight, has a busier agenda at its meetings. This can be mitigated by ensuring that Executive decision making provides suitable delegations to officers, thereby ensuring that the Executive have retained overall control and made decisions for officers to implement. It could be further mitigated by the Executive considering greater use of delegated authority to Individual Portfolio Holders where appropriate.

9. Financial Implications

9.1 There are no direct financial implications resulting from this report.

9.2 The indirect financial implication is that officer spending limits will be reduced to key decision levels. There will be a need to refresh the Financial Procedure Rules to reflect these changes, and that will provide an opportunity to ensure that they also contain adequate controls.

10. Legal Implications

- 10.1 Councils can delegate their functions to officers under S101 Local Government Act 1972. Delegation provides for officer decision making with a framework set by members and contributes to the effective operation of the Council, with members able to focus on setting policy and political objectives.
- 10.2 The Joint Officer Scheme of Delegation will need to be adopted by each Council, on the recommendation of the Standards and General Purpose Committee (Waverley) and Corporate Governance and Standards Committee (Guildford).

11. Human Resource Implications

- 11.1 There are no direct HR implications.

12. Equality and Diversity Implications

- 12.1 There are no equality and diversity implications arising from this report. This report has given due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

13. Climate Change/Sustainability Implications

- 13.1 There are no climate change or sustainability implications.

14. Summary of Options

- 14.1 The Executive is asked to consider the further revisions to the new Officer Scheme of Delegation attached as Appendix 1, and the

revisions to the Proper Officer Scheme set out at Appendix Three.
The Executive may:

(a) accept the further revisions to the draft Officer Scheme of Delegation and Proper Officer Scheme and agree to recommend it to the Standards & General Purposes Committee;

(b) suggest amendments to the delegation of Executive functions set out in the draft Officer Scheme of Delegation and Proper Officer Scheme; or

(c) Choose not to recommend that a revised Officer Scheme of Delegation and Proper Officer Scheme be adopted.

15. Background Papers

15.1 Officer Scheme of Delegation & Proper Officer Scheme – Waverley Borough Council

15.2 Officer Scheme of Delegation & Proper Officer Scheme – Guildford Borough Council

16. Appendices

Appendix 1: Proposed draft Officer Scheme of Delegation

Appendix 2: Proposed list of areas to be deleted

Appendix 3: Proper Officer Scheme

GUILDFORD & WAVERLEY BOROUGH COUNCILS

SCHEME OF DELEGATIONS TO OFFICERS

1.0 GENERAL PRINCIPLES

***Text in red to be deleted from final version**

***Changes in blue (since last meeting of JCRG) – Officers**

***Changes in green – requested by members of JCRG**

Col.1 REFERENCES FROM EXISTING SCHEMES	Col.2 General Principles to be observed by all officers before taking any decision under the Scheme of Delegation	Col.3 PROPOSED CHANGES
1.1 WBC 1.1	Introduction These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, sections 14, 19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.	ADD TO GUILDFORD
1.2 WBC 2.3 GBC 2	Overarching Delegations Save in respect of any statutory roles that are not capable of delegation and to any limitations included within this document, any power conferred on a Joint Assistant Director shall be exercisable by any JSD within their area of responsibility or by the Joint Chief Executive, provided that they have the requisite professional qualification, experience and knowledge, where such is required	RETAIN
1.3 WBC 1.4	When a Post is Vacant, a Postholder is Absent, a Post ceases to Exist or there is Organisational Change	ADD TO GUILDFORD

	For the purposes of this Scheme, if the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides, the following shall apply:	
1.3.1 WBC 2.3	In the case of the Joint Chief Executive, the delegation shall be exercisable by an Acting Joint Chief Executive (to include an Interim Joint Chief Executive) or any one of the JSDs, provided that the Acting Joint Chief Executive or JSD has the requisite professional qualification, experience and knowledge, where such is required. This provision includes the Joint Chief Executive's role as Head of Paid Service.	ADD TO GUILDFORD
1.3.2	In the case of a JSD, the delegation shall be exercisable by the Joint Chief Executive or another JSD, provided that the Joint Chief Executive or JSD has the requisite professional qualification, experience and knowledge, where such is required.	NEW ADD TO BOTH
1.3.3	In the case of the Joint Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Joint Monitoring Officer.	NEW ADD TO BOTH
1.3.4	In the case of the Joint s151 Officer, the delegation shall be exercisable by a Deputy s151 Officer in relation to matters which are the responsibility of the Joint s151 Officer.	NEW ADD TO BOTH
1.3.5	In the case of Joint Assistant Directors, the delegation shall be exercisable by the Joint Chief Executive or a JSD, provided that the Joint Chief Executive or JSD has the requisite professional qualification, experience and knowledge, where such is required.	NEW ADD TO BOTH
1.3.6 GBC14	Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.	ADD TO WAVERLEY
1.3.7	In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Monitoring Officer by email at monitoring.officer@guildford/waverley.gov.uk to be retained with the central copy of the scheme of delegations.	NEW ADD TO BOTH
1.3.8 GBC15	Any reference in this Scheme to a Committee or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the	ADD TO WAVERLEY

	subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.	
1.3.9 GBC20	If a matter is delegated to an officer but that delegation cannot be implemented, that should be reported to the Council, Leader/Executive or other delegating body, as appropriate.	ADD TO WAVERLEY
1.4	All Decisions made by Officers. Where decisions are taken by officers under delegated authority the following conditions and rules shall apply:	
1.4.1 GBC 9.11(b)	Any delegation to an officer is subject to any restrictions, conditions or directions of the delegating body.	ADD TO WAVERLEY
1.4.2 GBC12	All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.	ADD TO WAVERLEY
1.4.3 GBC 3(a)	The exercise of a delegated power shall be in accordance with the Council's policies and procedures.	ADD TO WAVERLEY
1.4.4 GBC3(b)	The exercise of a delegated power shall not amount to a new policy or extension or amendment to an existing policy unless the officer has specific delegated authority to do so.	ADD TO WAVERLEY
1.4.5 GBC3(c), 11(a) WBC 1.4	The exercise of a delegated power shall be in accordance with the requirements of the Constitution, including the Contract Procedure Rules and the Financial Procedure Rules, and all relevant legislative provisions.	RETAIN
1.4.6 WBC 2.1 GBC 12	Any officer exercising a delegation shall only do so where provisions has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Procedure Rules.	RETAIN
1.4.7	Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of the Council, Executive, Joint Executive, Individual Executive Member, Committee, Joint Committee or Sub-Committee	NEW ADD TO BOTH

1.4.8	Any officer exercising a delegation shall do so having regard to Health and Safety requirements.	NEW ADD TO BOTH
1.4.9	Any officer exercising a delegation shall do so having regard to Equalities requirements and impact.	NEW ADD TO BOTH
1.4.10	Any officer exercising a delegation shall do so having regard to Data Protection requirements.	NEW ADD TO BOTH
1.4.11	Any officer exercising a delegation shall do so having regard to climate and environmental impact.	NEW ADD TO BOTH
1.4.12 GBC11(b)	Any officer exercising a delegation shall do so as to promote the efficient, effective and economic running of the Council and in furtherance of the Council's Corporate Strategy and values.	ADD TO WAVERLEY
1.4.13 GBC 17	Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme. Such consultation shall be in writing, unless due to urgency that is not practicable, in which case there may be verbal consultation which may be confirmed, by the officer undertaking the consultation to the consultee in writing, as soon as reasonably practicable and, in any event, within 5 working days. The decision remains vested with the delegate who shall be responsible and accountable for the decision and is required to bring independent judgment to bear on the decision. Where consultation is to be with an Individual Executive Member and they are not available, consultation with the Leader will suffice.	ADD TO WAVERLEY
1.4.14 GBC7	Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any circumstances, to remove the need for consultation for each proposal, which should be in writing.	ADD TO WAVERLEY
1.4.15 GBC 11(e)	An officer exercising a delegation will routinely notify, and consult where appropriate, with local Ward councillors.	ADD TO WAVERLEY REMOVE WORD IN BLUE

1.4.16 GBC 10	Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to the full Council, Executive, Joint Executive, Individual Executive Member or relevant Committee, Joint Committee or Sub-Committee, as appropriate.	ADD TO WAVERLEY
1.4.17 GBC 9	Any delegation to an officer is subject to the right of the Council, the Leader, the Executive, the Joint Executive, an Individual Executive Member, the Committee, the Joint Committee, or the Sub-Committee to decide any matter in a particular case if lawful and so allowed under the Constitution.	ADD TO WAVERLEY
1.4.18 WBC 3.1 GBC1	Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of, but not necessarily personally by that officer, or any other officer authorised by that officer in accordance with a sub delegation in accordance with paragraph 1.5 below in the decision makers name or the sub delegate's own name.	RETAIN
1.4.19	Any decision which could subject the Council to legal liability shall be taken in consultation with the JSD Legal & Democratic Services.	NEW
1.4.20 GBC 11, 12	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the JSD Finance, provided that no decision shall be made which is outside of the budgetary framework unless it is taken by the Chief Executive in accordance with his urgency powers in 2.1.2. below	ADD WORDS IN BOLD
1.4.21	Unless specifically stated, no delegation authorises the taking of decisions as to whether or not legal action should be taken or defended by or on behalf of the Council.	NEW
1.4.22	Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.	NEW
1.4.23	Officers shall not have the power to exercise any delegations which fall outside of the individual's actual authority as determined by his/her post.	NEW

1.4.24	Officers shall not have the power to exercise any delegations in a situation where an individual officer is prevented, for whatever proper reason, from exercising such power.	NEW
1.4.25 GBC 8	Subject to any express instructions to the contrary from the delegated body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.	ADD TO WAVERLEY
1.4.26 GBC 21	Functions, matters, powers, authorisations, delegations, duties and responsibilities, shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate, or is conducive, or incidental, to the discharge of anything specified.	ADD TO WAVERLEY
1.4.27 GBC 16	Where a power or duty is delegated to an officer and the exercise of that power or duty is contingent upon the opinion of Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances or conditions have been fulfilled in the name of and with the authority of the Council.	ADD TO WAVERLEY
1.5	Scheme of Authorisations	
1.5.1	Where an officer is authorised to take decisions by a specific resolution of the Council, the Executive, the Joint Executive, an Individual Executive Member, a Committee, a Joint Committee or a Sub-Committee, those decisions will be implemented in their name and not further delegated. All other provisions of paragraph 1.5 of this Scheme must be complied with when exercising this provision.	NEW
1.5.2 GBC 4 WBC 3.1	An officer who reports, or is responsible to, an officer to whom a power, duty or function is delegated may be nominated or authorised by that officer to exercise that delegation (save in respect of statutory roles and proper officer functions that are not capable of nomination or authorisation).	RETAIN
1.5.3	Before making a nomination or authorisation, the officer to whom the power, duty or function is delegated must give consider and be satisfied that the officer whom they nominating is of an appropriate level bearing in mind the nature of the authorisation.	NEW

1.5.4	Any such authorisation is subject to the existing consultation and limitation requirements, and further consultation requirements or limitations can be applied when authorising another officer.	NEW
1.5.5 WBC 3.2 GBC 4	All nominations and authorisations must be made in writing and a copy provided by email to the Monitoring Officer at monitoring.officer@guildford/waverley.gov.uk within 5 working days. The Monitoring Officer shall maintain a central register of authorisations which shall be available on the Council's website.	RETAIN
1.5.6	No nominated officer may authorise another, unless there is express permission from the original authorising officer that the specific power can be shared further. Such permission should be included in the written record of the authorisation provided under paragraph 1.5.4 above. When deciding whether to permit further nominations, the same consideration should be given as outlined in paragraph 1.5.2 above.	NEW
1.6	Management of Exercise of Delegated Powers	
1.6.1 GBC 23	Any decision that is taken in exercise of these delegated powers shall be recorded in writing with reasons why the decision was taken with details of any consultation undertaken, and signed by the officer who made it.	ADD TO WAVERLEY
1.6.2 GBC 24	All delegated decisions shall be a matter of public record unless containing exempt information under schedule 12A of the Local Government Act 1972 and, in respect of executive decisions taken by officers under delegated powers, shall be available for inspection on the Council's website in accordance with regulation 14 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information) Regulations 2012.	ADD TO WAVERLEY
1.6.3 GBC 25	The Joint Chief Executive shall exercise the Council's responsibilities to maintain an adequate and effective system of internal audit of the accounting records and control systems.	ADD TO WAVERLEY
1.8	Proper Officers / Authorised Officers	

1.8.1	Those officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in this Scheme shall exercise the powers, and have the responsibilities, attributed to them by legislation.	NEW
1.8.2 GBC HOPS11	The Joint Chief Executive, appropriate JSD and any other officer expressly authorised by this Scheme may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be provided to the Monitoring Officer by email to monitoring.officer@guildford/waverley.gov.uk within 5 working days and made available on the intranet.	ADD TO WAVERLEY
1.9	Amendment	
1.9.1 GBC 22	The Joint Chief Executive has the power to remove from an Officer at any time a power to take delegated decisions and upon doing so shall notify the Monitoring Officer in writing by email to monitoring.officer@guildford/waverley.gov.uk within 24 hours. If appropriate, the Joint Chief Executive will also notify the Council or other delegating body of the removal of powers.	ADD TO WAVERLEY
1.9.2 WBC D4 WBC 6.1 GBC 13	The Monitoring Officer shall have the power, in consultation with the Head of Paid Service, to amend the delegated authorities to reflect reorganisations, changes in job titles and vacancies, where said changes result in redistributing existing delegations and not the creation of new ones.	RETAIN
1.9.3 WBC 6.1.2	The Monitoring Officer shall have the power to amend the Scheme to reflect new legislation where there is no extension to the limit of the existing delegation.	ADD TO GUILDFORD
1.10	Interpretation	
1.10.1 WBC 7.1	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Byelaws, Directions, Statutory Guidance or other legal provision made thereunder.	ADD TO GUILDFORD

1.10.2 WBC 7.2,	'Appropriate JSD' shall mean the JSD responsible for the function to which the particular exercise of the delegation applies.			ADD TO GUILDFORD
1.10.3 WBC 7.2	'Appropriate Joint Assistant Director' shall mean the Joint Assistant Director responsible for the function/service to which the particular exercise of the delegation applies.			ADD TO GUILDFORD
1.10.4	'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer.			NEW
1.10.5	'The Council' shall mean Guildford Borough Council/Waverley Borough Council, as appropriate.			NEW
1.10.6 GBC 19	All matters of interpretation in respect of delegations to officers will be determined by the Monitoring Officer.			ADD TO WAVERLEY
1.10.7 GBC 18	All enquiries about this document should be made to the Democratic Services Manager / Democratic Services and Elections Manager.			ADD TO WAVERLEY
2.1	Joint Chief Executive			
Column 1 References from Existing Scheme	Decision which can be made/action which can be taken	Column 3 Involvement Members/Officers	of Limits on how the delegation can be exercised	Column 5 Proposed Changes
No	Delegation	Consultation	Limitations	Proposal
2.1.1 WBC C1 – C3	The taking of any action required in connection with the organisation or holding of neighbourhood, parish,			RETAIN

GBC CEX 29, 30	district, county, Parliamentary, police commissioner elections or referenda.			
2.1.2 GBC CEX 2, 3 WBC 4.1	To take any Critical action on behalf of the Councils (including Executive decisions). 'Critical' means a matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, property , infrastructure, reputation or the financial integrity of the Councils.	Where practicable, the Leader, or in their absence, the Deputy Leader. Monitoring Officer S151 Officer	A report on the use of urgency or emergency powers to be taken to the first available Executive and/or Council meeting. So far as possible, any decisions/actions taken shall only take effect on a temporary basis until a relevant Council, Executive, Committee or Member decision has been made.	RETAIN. Add words in bold
2.1.3 Contained in Pay Policy Statement WBC/GBC GBC HOPS 10	The approval of premature terminations, settlement agreements and Special Severance Payments up to £100,000 in accordance with the Pay Policy Statement		All posts below Joint Strategic Director With the approval of the Leader	ADD TO WAVERLEY
2.1.4 WBC F1 GBC DF 48	To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value			RETAIN ADD TO JSD PLACE

2.1.5 GBC HOPS 36	To approve any interim senior officer appointments of up to 12 months, usually in the remit of the Joint Senior Staff Committee	Leader – Waverley Leader - Guildford	Subject to details of any such interim appointments being reported to all members of the Joint Senior Staff Committee	ADD TO WAVERLEY. INCREASE TO 12 MONTHS FROM CURRENT 6 MONTHS.
2.1.6 GBC HOPS4	To exercise all functions relating to Health & Safety relating to the Council's employees			REMOVE 'WORKPLACE' AND ADD WORDS IN BOLD. ADD TO WAVERLEY
2.1.7 GBC HOPS3	In consultation with the Leader and Monitoring Officer, to interpret and (if in an urgent or emergency situation) vary the provisions of the Constitution in the best interests of the Council, subject to the use of this power being reported to the next meeting of the Council, Executive or committee concerned as appropriate.			REMOVE AS CONFLICTS WITH MO RESPONSIBILITIES
2.1.8 GBC HOPS 6	To lead the pay negotiations with the Unions and agree the annual salary increase to locally determined salary scales for grades below Joint Strategic Director level, provided that the cost of such is within the relevant overall budgetary provision.	Leader		ADD WORDS IN BLUE ADD TO WAVERLEY
2.1.9 GBC HOPS 35	To approve any HR policies	Portfolio Holder		ADD TO WAVERLEY
2.2	Chief Executive and all JSDs			

No	Delegation	Consultation	Limitations	
2.2.1 GBC Gen12 GBC HoF1 GBC HOL51 GBC DPO1, HORS34 WBC T8, T9	Grant, review, renew and cancel authorisations under the Regulation of Investigatory Powers Act 2000 in accordance with each Councils' surveillance policy.		Authorising officers must have appropriate training Cannot be exercised by the JSD – Legal & Democratic Services	RETAIN
2.2.2 NEW	Incur expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		In accordance with the Financial Procedure Rules.	NEW PROVISION ADD TO BOTH
2.3	JSD – Community Wellbeing			
No	Delegation	Consultation	Limitations	
2.3.1 NEW	The taking of a decision as to whether the Council will tolerate unlawful encampments for a specified period and purpose, and to keep that decision under constant review.			NEW PROVISION – ADD TO BOTH
2.3.2 NEW	To be the Councils' lead officer responsible for Safeguarding matters			NEW PROVISION ADD TO BOTH
2.3.3 GBC JSD CW1	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession		In line with existing policies and approved capital programme	ADD TO WAVERLEY

	of dwellings, garages, open spaces and parking spaces.			
2.3.4 GBC JSD CW3	To sell land and buildings, whether leasehold, freehold or shared ownership , held in the Housing Revenue Account up to 0.2 hectares in area which are less than £200k in value .	Portfolio Holder Ward Councillor	(a) the Council to receive best consideration (b) the purchaser must pay all the Council's costs in relation to the sale (c) all consents being received	ADD WORDS IN BOLD. ADD WORDS IN BLUE ADD TO WAVERLEY
2.3.5 GBC JSD CW4	To set service charges for the provision of goods, services and works in respect of Council owned land and property held within the Housing Revenue Account and to make in-year adjustments to achieve appropriate cost recovery.			ADD TO WAVERLEY
2.3.6 GBC JSD CW5	To update the HRA Business Plan as required in response to minor changes issued by the government	JSD Finance Portfolio Holder		ADD TO WAVERLEY

2.3.7 GBC JSD CW6, 10	To authorise purchases of land and buildings for the Housing Revenue Account up to £200,000	Leader Portfolio Holder JSD Finance		Change the limit from £1M to £200,000 ADD TO WAVERLEY
2.3.8 GBC JSD CW13	To give consent to future community sponsorship applications as part of the vulnerable persons resettlement scheme	Portfolio Holder	Subject to applicants meeting Home Office criteria.	ADD TO WAVERLEY
2.4	JSD – Legal & Democratic Services & Monitoring Officer			
No	Delegation	Consultation	Limitations	
2.4.1 WBC – T8 & T9 GBC MO11 GBC DF49	To be the Councils' Senior Responsible Officer for all matters related to the Regulation of Investigatory Powers Act 2000, including making changes to policies & procedures where necessary.	Portfolio Holder for changes to policy		RETAIN
2.4.2 WBC T1 GBC HoL&DS	To convene or cancel meetings of Full Council, Cabinet, Cabinet Members, Committees, and other bodies.	Mayor, Leader, Portfolio Holder or Chair as appropriate		Change to JSD Legal for Waverley full Council – Currently CEX
2.4.3 WBC T2	To appoint members to the Independent Remuneration Panel provided that all members shall be notified by email of such appointments.			ADD TO GUILDFORD

2.4.4 GBC DEMSERV2 WBC T3	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances, provided that all members shall be notified by email of such appointments.	Group Leaders		RETAIN
2.4.5 WBC T4	To make changes to the membership of any of the Council's Committees as necessary during the Council year, in accordance with the wishes of the respective Group Leaders		Any changes to be reported to the next meeting of the Council.	THIS IS IN THE GBC CONSTITUTION BUT NOT SCHEME OF DELEGATION. ADD TO SCHEME FOR CONSISTENCY
2.4.6 WBC T5	To convene, where necessary, an Independent Panel as provided for in the Officer Employment Procedure Rules.	Leader		ADD TO GUILDFORD – CURRENTLY ANY OFFICER
2.4.7 WBC T6	To grant a continuing leave of absence to a councillor in relation to the Local Government Act 1972 s 85, in consultation with the group leaders. All decisions to be reported to all Members.			REMOVE AS THIS IS A POLITICAL DECISION
2.4.8 WBC ANN 1 A.1.1 GBC LSL1, 2	Legal Proceedings: a. To determine what, if any legal action should be taken following any investigation into a criminal matter			RETAIN

	<p>(except in relation to Health & Safety at Work).</p> <p>b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice or Community Penalty Notice (except in relation to Health & Safety at Work).</p> <p>c. To accept service and defend or settle any proceedings brought against the Council (except in relation to Health & Safety at Work).</p> <p>d. To take any action incidental or inclusive to or which would facilitate any action under this paragraph.</p> <p>e. To administer simple cautions.</p> <p>f. To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.</p>			
2.4.9 GBC HOL5	To appoint and instruct legal service providers including external Solicitors and Barristers.			ADD TO WAVERLEY
2.4.10 WBC A7	To determine whether or not a simple caution or other alternative to prosecution should be administered following an investigation into an alleged criminal offence.			ADD TO GUILDFORD
2.4.11 WBC A.4.1 GBC HOL4	To seal any document on behalf of the Council.			RETAIN

2.4.12 GBC HOL54	To sign any contract or other legal documents on behalf of the Council.		In accordance with the Contract Procedure Rules.	ADD TO WAVERLEY
2.4.13 WBC ANN 1 A2.1 GBC HOL53	To authorise the attendance of officers at Court under any statutory provision.			RETAIN
2.4.14 GBC HOCCS1,2	To action requests for review under Data Protection and Freedom of Information legislation.		Review by an officer more senior than the decision maker.	ADD TO WAVERLEY
2.4.15 GBC HOPS 3	To make minor or consequential amendments to the Council's Constitution.			ALREADY IN WAVERLEY CONSTITUTION BUT ADD TO SCHEME FOR CONSISTENCY
2.4.16 WBC D.2 GBC MO7	To grant dispensations in respect of Disclosable Pecuniary Interests in accordance with the Localism Act 2011.			RETAIN
2.4.17 WBC D3 GBC MO6	To appoint members to the Hearing Panel from the membership of the Standards Committee.			RETAIN
2.4.18 GBC Gen17	To authorise the attendance of councillors and officers at conferences, courses and seminars.			REMOVE REFERENCE TO OFFICERS. ADD TO WAVERLEY
2.4.19 GBC HOL5 15 WBC T1	To approve the timetable of Council & Committee meetings	In consultation with Group Leaders		RETAIN
2.4.20 GBC DEMSERV1	In connection with the Licensing Act 2003 and Gambling Act 2005:			ADD TO WAVERLEY

	<p>(a) to agree to dispense with a Licensing Sub-Committee hearing where all parties agree that a hearing is unnecessary;</p> <p>(b) following consultation with any designated Licensing Sub-Committee chairman, to adjourn a Licensing Sub-Committee hearing; and</p> <p>(c) following consultation with any designated Licensing Sub-Committee chairman, to extend a time limit in respect of a Licensing Sub-Committee hearing where necessary in the public interest.</p>			
2.4.21 GBC DemServ5	To determine future requests for permission to use the coat of arms comprising the shield and motto only, including a licence for such use including the Councils legal costs.	Leader & Mayor	On agreed criteria	ADD TO WAVERLEY
2.5.9 WBC Delegation E2 GBC HoPD38	To include properties in the List of Assets of Community Value and make decisions in relation to claims for compensation.			HEAD OF PLANNING DEV HAS DELEGATION AT GUILDFORD. PROPOSE ADD TO JSD – LEGAL & DEM SERVICES FOR BOTH
2.5	JSD – Finance & S151 Officer			
No	Delegation	Consultation	Limitations	

2.5.1 GBC RevBen7	To determine any applications and make payments for Housing Benefit, Council Tax Support or similar benefits.			ADD TO WAVERLEY
Duplication of GBC RevBen7	To make payments of Housing Benefit and Council Tax Support or similar benefits			REMOVE - DUPLICATION
2.5.2 WBC – S7 GBC LSRB3	To take all necessary actions relating to the demand, collection and the recovery of Council Tax Rates, National Non-Domestic Rates and any other local levy or collected taxes, including executing warrants of arrest.			ADD WORDS IN BOLD
2.5.3 WBC S5 GBC LSRB4, 8, 10, 11	To determine entitlement to mandatory, discretionary and other rate relief applications, including National Non-Domestic Rate relief.			RETAIN
2.5.4 NEW	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.			NEW – ADD TO BOTH
2.5.5 NEW	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.			NEW – ADD TO BOTH
2.5.6 NEW	To sign off Valuation Agreements.			NEW – ADD TO BOTH

2.5.8 WBC Delegation S4	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).			ADD TO GUILDFORD
2.5.10 WBC Delegation E3	To determine applications from developers to meet some or all of their obligations to pay Community Infrastructure Levy (CIL) charges through 'payment in kind' (as defined in Waverley's Phasing and CIL-in-kind policies).	Portfolio Holder		PROPOSE ADD TO JSD PLACE
2.5.11 GBC FD16	To set the Council Tax base			ADD TO WAVERLEY
2.5.12 GBC DF 19	To determine the rents for caretakers' accommodation each year in line with the annual salary award.			DELETE/ADD TO WAVERLEY as appropriate
2.5.13 GBC DF20	To raise in line with inflation and/or any statutory increases , any financial limits specified in delegations to officers, Procurement Procedure Rules or Financial Procedure Rules.			ADD TO WAVERLEY
2.5.14 GBC DF21, GBC LS7, GBC LSRB13	To grant discretionary relief from debts up to £1,000 in cases of extreme hardship or for goodwill or over-riding business reasons, and to enter into any arrangements with a creditor or debtor			ADD TO WAVERLEY

	for payment to be made by instalments or other arrangements.			
2.5.15 GBC DF10	To agree the treatment of any year-end balance.	Leader Portfolio Holder		ADD TO WAVERLEY
2.5.16 GBC DF11	To adjust the Council's approved General Fund capital programme and the Housing Investment Programme to carry forward any unspent balances where a project has been delayed.	Leader Portfolio Holder		ADD TO WAVERLEY
2.5.17 GBC DF26	To approve revised criteria and operational arrangements for the Concurrent Functions Grant Aid Scheme.	Portfolio Holder		REMOVE AS BEING PHASED OUT IN GUILDFORD
2.5.18 GBC LSF9	To determine the local average interest rates for local authority mortgages and car loans.			ADD TO WAVERLEY
2.5.19 GBC LSF14, 15 HoCommServ9	To administer any government grants in line with any set scheme criteria and to determine the criteria if none exists.	Portfolio Holder	To be within the budgetary provision	ADD TO WAVERLEY
2.5.20 GBC DOF13	To take any action relating to borrowing in accordance with the Council's borrowing strategy.	Portfolio Holder		ADD TO WAVERLEY
2.5. 21	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank	Portfolio Holder		NEW

2.5.22 GBC DOF13	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.			ADD TO WAVERLEY
2.5.23	To make repayments to the Surrey County Council Pension Fund from those reserves earmarked for pensions contributions.			NEW
2.5.24 GBC LSRB1 & 5	To investigate allegations of housing benefit or council tax benefit fraud and authorise officers to represent the Council in the Magistrates Court in the course of their duties.			ADD TO WAVERLEY
2.5.25 WBC A7.1	In respect of housing benefit and council tax fraud, to determine whether a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence.	JSD Legal & Democratic Services	There must be a full admission. It must be a 1st offence. It must be for sums less than £500. It must be in the public interest. It must not be a complex fraud or attempted fraud.	ADD TO GUILDFORD
2.5.26 GBC LSRB6	To consult non-domestic rate payers in accordance with the National Non-Domestic Rates Rate Payers (Consultation) Regulations			ADD TO WAVERLEY

2.5.27 GBC LSRB14, 15	To conduct Local Council Tax Support Scheme consultations and set the criteria to be used in the hardship fund and approve payments	Portfolio Holder		ADD TO WAVERLEY
2.6	JSD- Place			
2.6.1 GBC HoHousing 3(b)	To make payments of any compensation due and to determine all applications made under Section 17 of the Land Compensation Act 1961 for certificates of appropriate alternative development.	JSD - Legal & Democratic Services JSD - Finance	Within approved budgets	ADD TO WAVERLEY
2.6.2 GBC LegServ11	To enter into such contracts, agreements, memorandums of understanding or other legal or quasi legal documents on behalf of the Council as may be required for the furtherance of the aims of the Thames Basin Heaths Special Protection Area Avoidance Strategy	JSD Legal & Democratic Services Currently in Legal delegation		IN LEGAL DELEGATION FOR GUILDFORD. PROPOSE MOVE TO JSD PLACE ADD TO WAVERLEY
2.6.3 GBC Legal12	To appropriate the Council's land (non HRA) for open space or planning purposes.	JSD - Legal & Democratic Services JSD – Finance Currently in Legal delegation	Relevant consents must be obtained	IN LEGAL DELEGATION FOR GUILDFORD. PROPOSE MOVE TO JSD PLACE ADD TO WAVERLEY

2.6.4 GBC JSDP1	To approve strategic and/or operational property acquisitions within the Councils agreed policies up to £200k in value.	Head of Assets JSD - Finance Portfolio Holder		LIMIT TO £200K ADD TO WAVERLEY
2.6.5 GBC JSDP3	To dispose of land and buildings up to 0.2 hectares in area and £200k in value , within the Councils agreed policies.	JSD Finance Ward Councillor Portfolio Holder	Provided that best consideration is obtained	LIMIT TO £200K ADD TO WAVERLEY
2.6.6 GBC JSDP4, 5	To authorise purchases of non-HRA land and buildings up to £200k where budget provision exists in the approved general fund capital programme.	Portfolio Holder JSD Finance		LIMIT TO £200K ADD TO WAVERLEY
Joint Strategic Director – Transformation & Governance				
2.7.1 GBC DPO2 DPO3	To act as the Senior Information Risk Owner for both Councils in respect of the function of Information Security including making any changes to relevant policies			ADD TO WAVERLEY
2.7.2 GBC HR15	To put in place appropriate insurance cover for all necessary risks with a suitable amount of cover, and make payments into the insurance fund.	JSD Finance		ADD TO WAVERLEY
2.7.3 GBC HR15	To settle any claims where the Council's Insurers may be involved.	JSD Finance		ADD TO WAVERLEY

	Joint Chief Executive, all JSDs & Assistant Directors			
No	Delegation	Consultation	Limitations	
	General			
2.8.1	To manage the functions for which they are responsible.			ADD TO BOTH FOR CLARITY
2.8.2 GBC HoComms13, HORS 13	To make minor amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of the Council, Committee or Executive.	Portfolio Holder		ADD TO BOTH AS THEY EXIST IN POCKETS
2.8.3 GBC Gen7 & Gen23	To respond to consultations.	The Leader and relevant Executive Member (in respect of Executive matters) or the relevant committee (in respect of non-Executive matters)		ADD TO WAVERLEY
2.8.4	To dispose of lost or uncollected property in accordance with S41 Local Government (Miscellaneous Provisions) Act 1982	JS Director Legal & Democratic Services		NEW ADD TO BOTH

2.8.5	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which the officer is responsible.	JSD Legal & Democratic Services JSD Finance	Provided that any sharing of services is included within the S113 Agreement made between WBC (1) and GBC (2).	NEW ADD TO BOTH (ALLOWS FUNCTIONS TO BE TRADED).
2.8.6 GBC Gen11	To carry out minor development for which planning permission is not required.	Head of Planning Dev		ADD TO WAVERLEY
	Contracts			
2.8.7	To do all matters take any action in relation to procurement and the letting of contracts for goods and services, within approved budgets.	Where specified in Contract Procedure Rules, JSD Finance and JSD - Legal & Democratic Services	In accordance with Contract Procedure Rules	NEW ADD TO BOTH
	Financial			
2.8.8	To manage budgets allocated to the functions for which they are responsible, including authority to incur expenditure on items included in the approved Revenue Estimates or Capital Programme, except where the Council has placed a reservation on any such item.		In accordance with the Financial Procedure Rules	NEW ADD TO BOTH

2.8.9	To write off amounts as irrecoverable	JSD Finance and Portfolio Holder	In accordance with the Financial Procedure Rules	NEW ADD TO BOTH
2.8.10 GBC Plan Pol14 HORS18	To determine and award grant applications in relation to the functions for which they are responsible, other than award of grants to voluntary sector organisations.		In accordance with the Financial Procedure Rules	ADD TO WAVERLEY
2.8.11 GBC LSF1,3, HORS29	To vary, in exceptional circumstances, fixed fees and charges.	Portfolio Holder		ADD TO WAVERLEY
2.8.12 WBC O1 W&X, T6 GBC Gen5 & 26 GBC HCS36, 32 GBC HES 2 3,4, 5, 6 GBC HOPD35 GBC HORS1	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Portfolio Holder	Charges for new areas to be determined by the Executive,	RETAIN. Add words in green.
2.8.13	To submit bids to outside bodies for grant funding provided that match funding is available within budget.	JSD Finance		NEW ADD TO BOTH
	Assets			

2.8.14	To dispose of surplus assets (other than land and buildings) which are not of historical significance, interest or value.	Portfolio Holder Head of Assets	In accordance with the Financial Procedure Rules	
	Land			
2.8.15	To manage land, property and other assets allocated to the functions for which they are responsible.			NEW
	Legal			
2.8.16 GBC Gen 13	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which they are responsible.	JSD – Legal & Democratic Services		ADD TO WAVERLEY
2.8.17 GBC Gen15 GBC HCS13, 19 HOA8	To sign, issue and serve and respond to all notices required by statute or otherwise to be given by the Council and all necessary advertisements, in relation to functions for which they are responsible.	Portfolio Holder		ADD TO WAVERLEY
2.8.18 GBC HCS14	To issue fixed penalty notices and community penalty notices where permitted by statute in relation to the functions for which they are responsible.			ADD TO WAVERLEY

	Licences, notices etc.			
2.8.19	The determination of any application for permissions, consents, or licences or for registration within the functions for which they are responsible.		Except where they are reserved to Council, Executive or Committee	NEW ADD TO BOTH
2.8.20 WBC A6 GBC Gen9	The issue and service of any notice or requisition for information concerned with matters within the functions for which they are responsible.			RETAIN
2.8.21 GBC Gen16	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which they are responsible.			ADD TO WAVERLEY
2.8.22 WBC A8	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.			ADD TO GUILDFORD
	Planning			
2.8.23 GBC Gen3	To make application for all consents required in relation to planning permission and Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible.			ADD TO WAVERLEY

	Staffing matters			
2.8.24 WBC B.1 (Reserved to HOPS in WBC Constitution) GBC HOPS 5, 7, 8, GBC Gen 8, GBC HR13	To determine and take action in relation to all staff matters within their service area, in accordance with the Officer Employment Procedure Rules and HR Policies.	Consultation as required in the Officer Employment Procedure Rules and HR Policies.	In accordance with Officer Employment Procedure Rules and all HR policies and procedures.	RETAIN CHANGE FROM HEAD OF PAID SERVICE TO ALL JOINT SENIOR MANAGERS
2.8.25	To approve the attendance of officers on courses, seminars and other training events		Subject to budget availability	NEW ADD TO BOTH

DELEGATIONS: SPECIFIC FUNCTIONS – ASSISTANT DIRECTORS

Subject to the foregoing, there are delegated to the Officer(s) listed below those matters detailed in column 2 subject to the consultation requirements in column 3 and limitations in column 4 below.

***All words in red to be deleted**

3.1 Assistant Director – Housing Services				
Col.1 References to existing schemes		Col.3	Col.4	Col.5 Proposed changes
No	Delegation	Consultation	Limitations	
3.1.1 WBC M5 GBC HoH21	To exercise the Council's functions relating to all housing and homelessness functions in accordance with all relevant legislation and policies of the Council.			ADD WORDS IN BLUE RETAIN
3.1.2 GBC HoH29	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.			ADD TO WAVERLEY
3.1.3 WBC M2 GBC HoH30	To nominate people on the Council's Housing Register to properties in accordance with the Council's Housing Allocations Policy.			RETAIN
3.1.4 NEW	To determine and where appropriate give consent for alterations or			NEW ADD TO BOTH

	extensions to former Council houses and flats.			
3.1.5 GBC HoH25	To lease property or land in connection with the Council's housing function, for the purpose of providing accommodation for those in housing need.	Leader Portfolio Holder JSD – Finance Head of Assets		ADD TO WAVERLEY
3.1.6 WBC M3 GBC HoH30, 21	To undertake reviews of housing decisions made under relevant Housing legislation		Any officer undertaking the review shall be senior to the officer who made the decision	REMOVE REFERENCE TO CONSULTATION WITH PORTFOLIO HOLDER AS DECISION MADE IN ACCORDANCE WITH THE LAW
3.1.7 GBC HOH1	To enter into any instalment or other arrangements with a creditor or debtor of the Council in respect of the HRA	JSD - Finance		ADD TO WAVERLEY
3.1.8 GBC HOH6, 7, 8	To take any necessary action to recover possession of a property where a tenant or leaseholder is in breach or where other need for possession has arisen			ADD TO WAVERLEY ADD WORDS IN BLUE
3.1.9 GBC HOH10, 7, 12	To take any action in respect of right to buy under the Housing Act 1985	JSD Legal & Democratic Services		ADD TO WAVERLEY
3.1.10 GBC HoH 13, 14, 34	To determine any leasehold applications including for lease extensions, grants, renewals, variations, sub-letting and change of use in respect of property within the Housing Revenue Account	Portfolio Holder JSD Finance	Provided the Council obtains best consideration	ADD TO WAVERLEY

3.1.11 GBC HoH32	To enter into nomination agreements with housing providers within the Councils agreed policies			ADD TO WAVERLEY
3.1.12 GBC36	To take any action under the Party Wall Act 1996 in respect of properties within the HRA			ADD TO WAVERLEY
3.2	Assistant Director – Community Services			
No	Delegation	Consultation	Limitations	
3.2.1 WBC K1	To implement the Councils' policies regarding Community Safety and the redirection of crime and disorder	AD Housing AD Regulatory Services		ADD TO GUILDFORD
3.2.2 NEW	To take any action to combat anti-social behaviour			ADD TO BOTH
3.2.3 WBC A7	To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence.	JS Director Legal & Democratic Services AD – Regulatory Services	There must be a full admission. It must be a minor matter. It must be in the public interest. It must be a first offence. To exclude the administration of the caution.	ADD TO GUILDFORD

3.2.4 WBC K2	To agree service level agreements with voluntary organisations and take any action under the agreements	Portfolio Holder (GBH) Grants Panel (WBC)		ADD WORDS IN BLUE ADD TO GUILDFORD
3.2.5 WBC K3 GBC HCommS11	To determine applications for Housing Grants (not Social Housing Grants) and the taking of all steps concerned with certification of payment of the same, including Disabled Facilities Grants and to waive or reduce repayment having regard to individual circumstances and the Council's criteria	JSD - Finance		RETAIN
3.2.6 WBC K5, L5	To take any action under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.			ADD TO GUILDFORD (Currently given to a number of officers so will need sub-delegation if appropriate)
3.2.7 NEW	All matters relating to consultations with Surrey Police and other bodies in relation to Anti-Social Behaviour.	Portfolio Holder AD Housing AD Regulatory Services		NEW ADD TO BOTH
3.2.8 GBC HComS1, 4	To approve expenditure from the Project Aspire Reserve & Community Centres Reserve (GBC only)			GUILDFORD ONLY

3.2.9 GBC HComS10	To administer a crowdfunding platform, including determining the detailed eligibility criteria for voluntary and community organisations (GBC only)			GUILDFORD ONLY
3.2.10 GBC HORS	To make Public Spaces Protection Orders in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.			ADD TO WAVERLEY
3.2.11 GBC HoCommS3	To make decisions to allocate plots and carry out general management of Council owned gypsy and traveller sites			
3.2.12 GBC JSD CW13	To give consent to future community sponsorship applications as part of the vulnerable persons resettlement scheme	Portfolio Holder	Subject to applicants meeting Home Office criteria.	ADD TO WAVERLEY
3.3	Assistant Director – Environmental Services			
No	Delegation	Consultation	Limitations	
3.3.1 GBC HES7	To exercise the Councils' regulatory functions relating to burials, issuing exclusive rights of burial, rights to erect memorials, cremations and the maintenance of churchyards and consecration of land			ADD TO WAVERLEY

3.3.2 GBC HES8	To nominate suitable persons as medical referees			ADD TO WAVERLEY
3.3.3 WBC L4, Q1	To collect, remove, recycle and dispose of waste, litter & abandoned or unauthorised vehicles			ADD TO GUILDFORD
3.3.4 NEW	To authorise the waiving or reduction of charges for special refuse collections, commercial waste collections, green waste collections and clinical waste collections	JSD – Finance Portfolio Holder		NEW ADD TO BOTH
3.3.5 NEW	To issue fixed penalty notices upon commercial traders for unlawful management of commercial waste			NEW ADD TO BOTH
3.3.6 WBC L4 GBC 4	To exercise the Council's regulatory functions relating to: Waste collection Recycling Street Cleansing Cemetaries Controlled waste Abandoned vehicles & other refuse Flood & Water management Fleet servicing Parks Management		Award of Waste collection and recycling contract is reserved to the Executive	RETAIN

	<p>And take any action under the following legislation (or any subsequent amendments):-</p> <ul style="list-style-type: none"> i. the Control of Pollution Act 1974 (as amended) ii. the Environmental Protection Act 1990 iii. the Environment Act 1995 iv. the Dog (Fouling of Land) Act 1996 v. The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003 vi. Clean Neighbourhoods and Environment Act 2005 vii. the Refuse Disposal (Amenity) Act 1978 viii. Environment Act 1995 			
3.3.9 NEW	To undertake all matters related to the inspection and maintenance of Council owned trees	Head of Planning Development if subject to TPO		NEW ADD TO BOTH
3.3.10 NEW	To undertake all matters relating to the design, installation, inspection and maintenance of all Council owned play areas			NEW ADD TO BOTH

3.3.11 GBC HES13	To sign all allotment agreements and resolve appeals on any allotment matters			ADD TO WAVERLEY
3.3.12 GBC HES15	To release Special Protection Area (SPA) endowment funds of up to £40,000 per year per site for ongoing maintenance of the relevant individual Suitable Alternative Natural Greenspace (SANG) sites	Portfolio Holder Ward Councillor JSD Finance		ADD TO WAVERLEY
3.3.13 GBC HES16	To settle disputes under the Commons Acts.	JSD Legal & Democratic Services		ADD TO WAVERLEY
3.3.14 GBC HES17	To set up and administer sponsorship schemes for ornamental planting on highway land	Ward Councillor		ADD TO WAVERLEY
3.3.15 GBC HES12	To approve and grant seasonal concession licence agreements on behalf of the Councils	Portfolio Holder JSD Legal & Democratic Services Head of Planning Development	WITHIN ENV. SERVICES DELEGATION AT GBC	ADD TO REGULATORY SERVICES FROM ENV. SERVICES (GBC) ADD TO WAVERLEY
3.3.16 NEW	To approve non animal related Circuses	Ward Councillor		
3.3.17 NEW	All matters related to the Council's powers and duties in relation to rivers			

3.3.18 GBC Gen11	To take any action in respect of environmental protection under all relevant statutes, including the issue of fixed penalty notices or community penalty notices for littering, fly tipping and dog fouling			
3.4	Assistant Director - Planning Development			
No	Delegation	Consultation	Limitations	

<p>3.4.1 WBC O1 (A) (B) (D)(E)(f) GBC HOPD29, 28, 10, 9, 2, 1</p>	<p>To determine applications for Planning permission, including reserve matters applications, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including:</p> <p>a. development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order; and</p> <p>b. determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order.</p> <p>c. Non material amendments and minor material amendments applications</p> <p>d. Details to comply with conditions and variation/removal of condition applications.</p> <p>e. Prior notifications and prior approval notices and permissions in principle</p> <p>f. To determine the need for an Environmental Impact Assessment</p>	<p>The following matters are reserved to the Planning Committee:</p> <p>1. Planning applications defined as 'major' by the Government (i.e. 10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare) and which in the judgement of the Joint Executive Head of Planning Development have major strategic implications for the authority.</p> <p>2. Planning applications where a Councillor asks that the application be determined by the Planning Committee and puts forward relevant planning grounds to</p>	<p>ADD WORDS IN BOLD RETAIN</p>
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	<p>and/or a Strategic Environmental Assessment.</p> <p>g. To make Screening and Scoping Opinions.</p> <p>h. To undertake Screening Opinions and Appropriate Assessments pursuant to Part IV of the Conservation (Natural Habitats and Conservation) Regulations 1994.</p>		<p>the Joint Executive Head of Planning Development in consultation with the Chair of the Planning Committee.</p> <p>3. A householder application with 10 or more valid letters of representation with a view contrary to the officer recommendation.</p> <p>4. A major or minor application (non-householder) with 20 or more valid letters of representation with a view con contrary to the officer recommendation.</p> <p>5. Any planning application where the Council is the applicant.</p> <p>6. Any planning application where the applicant is a Borough Councillor or employee of the Council</p>	
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			<p>7. Any planning application which is required to be referred to the Secretary of State.</p>	
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3.4.2 WBC 01 (V) GBC HOPD25, 8	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including, but not limited to, Neighbourhood Plans, Canal Conservation Area and neighbouring Council & County Council planning applications, unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order (other than those where the proposed amendment is minor or non-material).	In respect of Neighbourhood Plans, in consultation with Portfolio Holder and Ward Member	Replace 'Not to determine if the Ward Member disagrees' with 'To report the matter to the Planning Committee if the Ward Member disagrees with the proposed response to the Consultation'	RETAIN MAKE CHANGES SET OUT IN BOLD
3.4.3 WBC 01 GBC HPD14	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192) & established use certificates. Certificates of Lawfulness of proposed use or development.	JSD Legal & Democratic Services where necessary.		RETAIN ADD WORDS IN BOLD
3.4.4 WBC 01 GBC HOPD4	To give, make and confirm any Order or Direction under the Planning Acts			RETAIN
3.4.5 WBC O1(O) GBC HES10 GBC HPD18	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out			RETAIN

	works in default including ruins and dilapidated buildings and neglected sites (Building Act 1984, Section 79) and to authorise the service of tree replacement notices under Section 207 and 213 of the Town and Country Planning Act 1990 (as amended).			
3.4.6 WBCO1(K) GBC HES11 & HPD24	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).			RETAIN
3.4.7 WBC 01	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters referred to above.			ADD TO GUILDFORD
3.4.8 WBC 01	All matters relating to the Planning (Hazardous Substances) Act, 1990.			ADD TO GUILDFORD
3.4.9 WBC01	To issue serve modify or withdraw notices in relation to breaches of conditions or any other matter under the Planning Acts			ADD TO GUILDFORD
3.4.10 WBC 03 GBC HOLLS6	To negotiate and enter into or vary planning or other agreements regulating or controlling the use of development of land		Not where the determining body for any associated planning	RETAIN ADD TO HEAD OF PLANNING FROM LEGAL DELETE WORDS IN BOLD

			application is a committee.	
3.4.11 WBC02 GBC HOL57	To make variations and minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	JSD Legal & Dem Services Chair of Planning Committee Ward Councillors (with the exception of deeds of variation that secure all original clauses, secured for applications under s73 or s73A)	Not where the variation relates to the proposed tenure mix and amount of affordable housing.	RETAIN MOVE FROM LEGAL TO PLANNING DEVELOPMENT
3.4.12 WBC O1(G)(H)(I)(J) GBC DPD13, 12	To decide whether to take any action in respect of planning enforcement, including to issue, serve modify, revoke or withdraw any enforcement action or notices under the Planning Acts, etc and to remove unauthorised signage and remedy the condition of land.			RETAIN
3.4.13	To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 in respect of Temporary Markets.	Ward Members		NEW ADD TO BOTH

<p>3.4.14 WBC L3 & O1(L)(M)(P)(Q)(R). THIS WAS ALSO WITHIN THE DELEGATION OF THE AD - COMMUNITY SERVICES GBC - within delegation of Env. Services GBC HES18, 19 GBC HPD23, 19, 20,21,22 GBC HPD 3.5.18, 19, 20, 3, 4</p>	<p>To take any action and give, make, revoke or confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas, the Hedgerow Regulations 1997, and S23 Local Government (Miscellaneous Provisions) Act 1976 and any subsequent amendments or Regulations in respect of this legislation.</p>	<p>Ward Member Chair of Planning Committee</p>	<p>Not to confirm or revoke if there are any objections.</p>	<p>RETAIN ADD TO PLANNING DEVELOPMENT</p>
<p>3.4.14 WBC DELEGATION O1(S) GBC HoPD32</p>	<p>To respond to the Licensing Authority in connection with consultations on applications under the Licencing Act 2003 and Gambling Act 2005 on behalf of the Local Planning Authority</p>			<p>RETAIN</p>
<p>3.4.15 WBC DELEGATION O1(T) GBC HoPD33</p>	<p>To apply to the Licensing Authority for a review of a premises licence or club premises certificate or licence under Section 197 of the Gambling Act 2005.</p>			<p>RETAIN</p>
<p>3.4.16 WBC DELEGATION O1(X) GBC HOPD34</p>	<p>To maintain the Local Land Charges Register and issue certificates of search.</p>			<p>RETAIN</p>

3.4.17 WBC DELEGATION O2(Z) GBC HOPD12	To make and confirm Article 4 Directions where there are no objections.			RETAIN
3.4.18 GBC HOPD30,31	To carry out Building for Life Assessments and to issue and publish the appropriate certificate (including carrying out the work for neighbouring Councils and determining the charge)			REMOVE DELEGATION
3.4.19 GBC HOPD 27	To undertake an annual review of the pre-application charging regime and revising the fees if appropriate including agreeing pre-planning application fees	Portfolio Holder JSD Finance		ADD TO WAVERLEY ADD WORDS IN BLUE
3.4.20 GBC HOPD28	To determine fees for planning and other related applications, approval of reserved matters and applications for consent to display advertisements.			REMOVE
3.4.21. GBC HOPD6	To agree the award of costs against the Council in relation to planning appeals, and the costs to be awarded to the Council.	JSD – Legal & Democratic Service Portfolio Holder	Up to £50,000 costs against the Council	ADD TO WAVERLEY
3.4.22 GBC HOPD5	To decline to determine repetitive applications.			ADD TO WAVERLEY
3.	JOINT ASSISTANT DIRECTOR – REGENERATION AND PLANNING POLICY			
3.5.1 WBC P1	To make all decisions and take all actions and exercise all powers in			ADD TO GUILDFORD

	respect of the Councils Planning Policy functions in accordance with adopted policies and relevant legislation.			
3.5.2 WBC P2 & P3	All matters relating to the naming and numbering of streets.	Portfolio Holder and Ward Councillors		ADD TO GUILDFORD ADD TO HEAD OF PLANNING DEVELOPMENT
3.5.3 GBC HOOD1	In consultation with the appropriate lead councillor, to make such minor amendments to the Economic Development Strategy and delivery plan as deemed appropriate.			ADD TO WAVERLEY
3.5.4 GBC Pol Lead Plan Pol 1	To prepare and maintain an up to date Local Plan (development plan documents) for adoption by the Council under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, and the relevant regulations, including the Town and Country Planning (Local Planning) (England) Regulations 2012; and to assemble the necessary evidence base and all other documents and commission all reports required to facilitate and inform the policy making process, including the Sustainability Appraisal and Strategic Environmental Assessment, and Habitats Regulations Assessment			ADD TO WAVERLEY

3.5.5 GBC Plan Pol4	To make factual changes necessary to ensure that all Supplementary Planning Documents remain up to date			ADD TO WAVERLEY
3.5.6 GBC Plan Pol5	To prepare and publish all information required by legislation, including Annual Authorities Monitoring Reports, Brownfield Land Register, Housing Delivery Action Plan and any other required documents			ADD TO WAVERLEY
3.5.7 GBC Plan Pol6	To prepare, and maintain an up to date Community Infrastructure Levy (CIL) under the Planning Act 2008, and the relevant regulations; and to assemble the necessary evidence base and all other documents and commission all reports required to facilitate and inform the CIL making process.			ADD TO WAVERLEY
3.5.8 GBC Plan Pol7, 8	To agree any minor changes to the Surrey Hills AONB Management Plan and to approve any additional funding in respect of the Surrey Hills Partnership Agreement	Leader Portfolio Holder Chairman – Surrey Hills Board	Additional funding requests to be approved annually in consultation with Portfolio Holder	ADD TO WAVERLEY
3.5.9 GBC Plan Pol9	To receive, consider, publicise/consult upon, assess and decide proposed neighbourhood development plans, and neighbourhood development orders (including community right to build orders), area designation requests from qualifying bodies (including to adjudicate or decline to consider an application where multiple			ADD TO WAVERLEY INCLUDE 'DECIDE' TO ENSURE CLARITY ON DECISION MAKER

	requests may overlap), and Neighbourhood Forum designation requests (including to adjudicate or decline to consider an application), and to publicise decisions made.			
3.5.10 GBC Plan Pol10	To organise independent examinations for neighbourhood plans and neighbourhood development orders and to take any actions considered necessary in response to recommendations within an examination report.			ADD TO WAVERLEY
3.5.11 GBC Plan Pol11, 18	To carry out Habitats Regulations Assessments, Strategic Environmental Assessments and Equalities Impact Assessments, screening opinions and other assessments as required for the purpose of Plan Making.			ADD TO WAVERLEY ADD WORDS IN BLUE
3.5.11 GBC Plan Pol 15, 16	To make inclusions and other amendments to the Council's List of Buildings of Local, Architectural or Historic Interest and to make additions and minor amendments to boundaries in the Gazetteer of Local Historic Parks and Gardens.			ADD TO WAVERLEY
3.5.12 GBC Plan Pol 17	To make such minor alterations to improve the clarity of the adopted Local Plan and Policies Map as may be deemed necessary.	Portfolio Holder		ADD TO WAVERLEY

3.5.13 GBC Plan Pol2	To initiate and pursue any suitable opportunities for co-operation with neighbouring planning authorities, and certain other public bodies as set out in legislation, and as specifically required by section 33A of the Planning and Compulsory Purchase Act 2004.			ADD TO WAVERLEY
3.6	Assistant Director – Organisational Development			
No	Delegation	Consultation	Limitations	
3.6.1 NEW	To confirm the appointment of staff on the satisfactory completion of probationary period.	Appropriate Line Manager		NEW ADD TO BOTH
3.6.2 NEW	To implement decisions arising from the Council's pay and grading procedure.	JSD - Finance		NEW ADD TO BOTH
3.6.3 NEW	To implement any locally agreed pay settlements.	JSD - Finance		NEW ADD TO BOTH
3.6.4 GBC HR8	To maintain a register of politically restricted posts and ancillary matters.			ADD TO WAVERLEY
3.6.5 GBC HR2 & HR9, HR12	To make minor, inconsequential and administrative amendments to the Councils' Human Resources Policies & Car Leasing Scheme	Head of Paid Service JSDs & Assistant Directors	Within approved budgets	ADD TO WAVERLEY

3.6.6 GBC HR3	To determine changes in the levels of payment for relocation expenses and allowances for newly appointed staff, in line with inflation	Head of Paid Service Leader JSD Finance		ADD TO WAVERLEY
3.7	Assistant Director - Regulatory Services			
No	Delegation	Consultation	Limitations	
3.7.1 WBC DELEGATION Q1 & Q3 & Q6 & Q8 GBC HORS6, 31, 30, 32	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance with any legislation and/or any adopted policy(ies) of the Council in respect of the following:</p> <ul style="list-style-type: none"> A. Pollution control, Drainage & Sanitation, Filthy & Verminous Premises, Wholesome Water Supplies B. Controlled waste C. Air pollution control and clean air D. Smoke free premises E. Stray, Dangerous and/or Out of Control dogs F. Authorisations in relation to controlled processes G. Noise nuisance H. Contaminated land 			RETAIN ADD WORDS IN BLUE

	<ul style="list-style-type: none"> I. Statutory nuisance J. Litter K. Dog fouling and other dog controls L. Graffiti removal M. Abandoned vehicles and other refuse N. Prevention of crime and disorder, including anti-social behaviour O. Drug and alcohol abuse/misuse of substances P. Food safety Q. Health & Safety R. Pest Control S. Sunday Trading T. Unauthorised encampments U. Public Health funerals T. Control of infectious diseases 			
<p>3.7.2 WBC DELEGATION Q2, Q8 GBC HORS8, 9, 11</p>	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance with any legislation and/or any adopted policy(ies) of the Council in respect of the following:</p> <ul style="list-style-type: none"> A. Personal, premises, club premises licences and Temporary Event Notices B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for 		<p>Not to make decisions in respect of the following:</p> <ul style="list-style-type: none"> a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council; b) approval and amendments to policies relating to functions under the Acts set out above 	<p>RETAIN ADD HACKNEY CARRIAGE FEES FOR WAVERLEY (CURRENTLY EXECUTIVE FUNCTION)</p>

	<p>offences that might affect the suitability of a person to hold a licence)</p> <p>C. House to house and street collections</p> <p>D. Club gaming/club machine permits and small society lotteries</p> <p>E. Sexual Entertainment Venues</p> <p>F. Street trading</p> <p>G. Scrap metal dealers</p> <p>H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</p> <p>I. Game dealers</p> <p>J. Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis</p> <p>K. Sunday trading</p> <p>L. Pavement Licensing</p>		<p>which is reserved to the Licensing and Regulatory Committee;</p> <p>c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Executive;*</p> <p>d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;</p> <p>e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and</p>	
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			Regulatory Committee; (f) all applications and appeals reserved to the Licensing Sub Committee (g) Street Collections to provide funding for a major local national or international disaster, to be determined after consultation with the Chair of the Licencing & Regulatory Committee	
3.7.3 WBC Q5 GBC LS8	To exercise the Council's powers relating to temporary road closures.			RETAIN BUT CHANGE DELEGATION TO REGULATORY SERVICES FROM LEGAL (GBC).
3.7.4 WBC Q4	To take any action necessary with regard to the Council's Emergency Planning functions as a Category 1 responder in accordance with legislation and the Councils adopted policy(ies).			ADD TO GUILDFORD ADD WORDS IN BOLD
3.7.5 WBC DELEGATION Q9	To authorise officers of other Surrey Licensing Authorities participating in a Joint Warranting Scheme to enforce			ADD TO GUILDFORD

	all relevant Hackney Carriage and Private Hire licensing legislation.			
3.7.8 NEW	All matters related to the Council's powers and duties in relation to rivers			ADD TO BOTH
3.9.9 GBC Gen11	To take any action in respect of environmental protection under all relevant statutes, including the issue of fixed penalty notices or community penalty notices for littering, fly tipping and dog fouling, and community protection notices.	AD Community Services		ADD TO WAVERLEY
3.7.10 WBC Q2 & Q12	To exercise the Council's powers in respect of environmental health including water supply, sewerage and drainage, vermin and nuisance including determining any charges for works undertaken.			ADD TO GUILDFORD
3.7.11 GBC DF 17, 18	To exercise the Council's powers in respect of land drainage including any compensation payments or reduced charges	JSD - Finance		ADD TO ASSETS FROM FINANCE (GBC) ADD TO WAVERLEY
3.7.12 WBC DELEGATION Q7	On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to: (a) applications for operators' licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and (b) reviews undertaken of existing licences.	Ward Councillors		DELETE

3.7.13 WBC DELEGATION Q10	On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: a) to make a relevant representation b) to apply for a review of a premises licence c) to apply for a review of a club premises certificate			ADD TO GUILDFORD
3.7.14 WBC Q14 GBC HORS16, 17, 20, 21, 22, 23, 25, 26, 28	To exercise all the Council's regulatory functions and take all necessary action in relation to unlawful evictions, Caravan sites, Fitness and Standards of Housing and Houses in Multiple Occupation and all other matters relating to properties in the private rented sector, in accordance with legislation.			RETAIN
3.7.15	All matters relating to the investigation of cases under the Health & Safety at Work legislation.	JS Director Legal & Democratic Services	Duly appointed inspectors	NEW ADD TO BOTH
3.7.16 WBC K4	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.			ADD TO GUILDFORD
3.7.17 GBC HORS5 WBC Q8	To exercise the Councils' regulatory functions relating to Animal Welfare.			RETAIN

3.7.18 WBC DELEGATION L1	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.			ADD TO GUILDFORD
3.3.15 GBC HES12	To approve and grant seasonal concession licence agreements on behalf of the Councils	Portfolio Holder JSD Legal & Democratic Services Head of Planning Development	WITHIN ENV. SERVICES DELEGATION AT GBC	ADD TO REGULATORY SERVICES FROM ENV. SERVICES (GBC) ADD TO WAVERLEY
3.8	Assistant Director – Assets & Property			
3.8.1 MODIFIED TO FIT WBC GBC HoA2	To take all actions in relation to the improvement, refurbishment and maintenance of the Council's non-housing property portfolio not specifically the responsibility of other officers.	Leader or Portfolio Holder	Not to agree expenditure from the Repairs & Maintenance Fund in excess of £20k Within agreed budgets	RETAIN Add/Delete words in BLUE
3.8.2 GBC HoA1	To undertake all actions in relation to the administration of the Councils estate and property portfolio including appropriation where the value of land is less than £200K			ADD WORDS IN BOLD LIMIT VALUE OF APPROPRIATION TO £200K ADD TO WAVERLEY
3.8.3 WBC N14 GBC HoA3, 15, 18	To acquire and dispose of land in connection with the Council's functions and to grant leases, variations, tenancies, rights, easements, licences, consents and	Portfolio Holder JSD Finance Portfolio Holder – Housing (in respect of	Acquisition and disposal of land is only authorised where the value is £200,000 or less	RETAIN LIMIT TO £200k MAKE CHANGES SET OUT IN BLUE

	wayleaves of, in, or over buildings or land in connection with the Council's functions, in accordance with Council policies.	HRA commercial assets)	Not in respect of HRA residential leases Not to grant or renew leases in excess of 25 years, other than qualifying applications made under the Leasehold Reform Act 1967 where the price reflects the independent valuation and all costs are met by the applicant	
3.8.4 GBC25 – sits with Head of Housing	To acquire property or land in connection with the Council's housing function, for the purpose of providing emergency and temporary accommodation.	Portfolio Holder JSD Community Wellbeing JSD Finance	Within agreed budget provided that a business case is agreed	MOVE TO HOUSING ADD 'BUSINESS CASE NEEDED JSD FINANCE TO BE CONSULTED' ADD TO WAVERLEY
3.8.5 GBC HOA19	To exercise the Council's powers affecting the design or maintenance of highways			REMOVE as not applicable
3.8.6 GBC HOA4	In relation to premises leased or licensed to others: (a) to approve revisions in rent;	Portfolio Holder JSD Finance where there are financial implications	Not in respect of HRA non-commercial property or Housing	ADD TO WAVERLEY ADD WORDS IN BOLD ADD/DELETE WORDS IN BLUE

	<p>(b) to agree variations in the terms of covenants;</p> <p>(c) to approve, as landlord, proposals for new building works and alterations (except in relation to land and premises held in the Housing Revenue Account).</p> <p>(d) to approve uses of buildings and land by tenants and licensees.</p> <p>(e) to approve proposals for assignment, sub-letting or surrender of leases and for change of use;</p> <p>(f) to institute all necessary action for forfeiture in the event of non-payment of rent or breach of covenant;</p> <p>(g) to arrange for the termination of leases or licences, including the issue of relevant notices to quit and notices under the Landlord and Tenant Act where possession is required by the Council for any purpose or where such action is justified in the interests of good estate management;</p> <p>(h) to approve the payment of all forms of statutory compensation where appropriate; and</p> <p>(i) to make arrangements for the</p>	<p>Portfolio Holder (Housing) for HRA non-commercial property Relevant Assistant Director/JSD</p>	<p>Association leases.</p>	
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	re-letting of premises			
3.8.7 GBC HOA5	<p>In relation to land and premises occupied or to be occupied by the Council</p> <p>(a) to take leases, licences and other appropriate interests when required by the Council for the proper performance of its functions;</p> <p>(b) to approve all relevant terms, including the level of rental;</p> <p>(c) to approve revisions in rent and other terms; and</p> <p>(d) to approve in the Council's capacity as tenant, proposals for new building works and alterations.</p>	<p>Portfolio Holder JSD Place JSD Finance</p>		ADD TO WAVERLEY
3.8.8 GBC HOA6	To grant leases to organisations receiving grant support from the Council on such terms and conditions as shall be considered appropriate.	<p>Portfolio Holder JSD Finance Assistant Director/JSD Place</p>		<p>ADD TO WAVERLEY ADD WORDS IN BLUE</p>
3.8.9 GBC HOA7	To agree the terms for the variation of restrictive covenants on land formerly owned by the Council.	Portfolio Holder		<p>ADD TO WAVERLEY ADD WORDS IN BLUE</p>
3.8.10 GBC HOA9	To determine applications for agreements in respect of access of light and air.			ADD TO WAVERLEY

3.8.11 GBC HOA10	To determine the siting of advertisement boards for Council-owned commercial or industrial premises.			ADD TO WAVERLEY
3.8.12 GBC HOA11	To deal with all elements of the making and implementation of compulsory purchase orders where authorised by the Council, including acquiring land and buildings within confirmed compulsory purchase orders and purchasing in advance of such compulsory acquisition where the Council has resolved to make such an order		Payments not to exceed the assessed entitlement to compensation.	ADD TO WAVERLEY
3.8.13 GBC HOA13	To perform all functions -of the Council as landowner in respect of its responsibilities and powers under the Party Wall Act 1996 including issuing and responding to statutory notices.		Not in respect of HRA land	ADD TO WAVERLEY ADD WORDS IN BLUE
3.8.14 GBC HOA14	To make applications for the provision of architectural and building surveying services to those bodies covered by the Local Authorities (Goods and Services) Act 1970.			DELETE AS NO LONGER REQUIRED
3.8.15 GBC HOA19	To determine all matters relating to the siting of bus shelters, bus stops, seats and other street furniture.	Head of Planning Development		DELETE AS NO LONGER REQUIRED
3.8.16 WBC N11	To agree changes to the cost of supplying gas and electricity services in accordance with the terms of the service supply contract.	Leader Portfolio holder	In accordance with the Contract Procedure Rules	ADD TO GUILDFORD CHANGE RESPONSIBILITY TO JSD -FINANCE

3.8.17 WBC N15	To take all actions to alleviate flooding under the Water Management Acts, Water Act 1989 and Land Drainage Act 1991 relating to the Council's land drainage functions.		The following matters are reserved to the Executive: i. approval of the annual Drainage Works Programme. ii. authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part-fund from the Drainage Reserve	ADD TO WAVERLEY
3.8.18 GBC HOA17	To accept terms for the disposal of assets for less than the best consideration that can reasonably be obtained.	Portfolio Holder JSD Finance Relevant JSD	Must be in accordance with the Council's policies.	CURRENTLY GUILDFORD ONLY.
3.8.19 GBC HOA3(c)	To sell, licence or lease land for the use of statutory undertakers			ADD TO WAVERLEY
3.9	JOINT ASSISTANT DIRECTOR – COMMERCIAL SERVICES			
3.9.1 WBC R3, R.4 GBC HCS26	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default and recover costs.			RETAIN
3.9.2 WBC R2	To decide all Building			RETAIN

GBC HCS25	Regulations applications in accordance with Building Regulations current at the time of deposit.			
3.9.3 WBC R.6, R.7 GBC HCS9, 11,12, 15	To make all decisions, take all actions and exercise all powers in respect of the Council's car parks and on street parking functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's parking functions: <ul style="list-style-type: none"> i. Highways Act 1980 ii. Road Traffic Regulation Act 1984 iii. Road Traffic Regulation Act 1991 iv. Traffic Management Act 2004 	Portfolio Holder in respect of charges	<ul style="list-style-type: none"> i. The adoption of and amendments to the Council's Car Parking Strategy; ii. The setting of off-street car parking charges other than for a limited period for the promotion of the town & support to business 	RETAIN
3.9.4 WBC R1	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	Relevant Portfolio Holders		RETAIN
3.9.5 GBC HCS1	To manage the operation of Guildford Spectrum, Guildford Lido and Ash Manor Sports Centre by the Council's appointed contractor and to the variation of all charges (except those defined as "social charges") and the	Relevant Portfolio Holder Strategic Director - Finance		RETAIN – GUILDFORD ONLY

	opening hours.			
3.9.6 GBC HCS3	To agree any project to be funded from any surplus generated from the Leisure Partnership Agreement, up to a maximum of £50,000	Relevant Portfolio Holder Strategic Director - Finance		RETAIN – GUILDFORD ONLY
3.9.7 GBC HCS4	To authorise lessees to display temporary advertising material	AD Commercial Services		ADD TO AD - ASSETS IN CONSULTATION WITH HEAD OF COMMERCIAL ADD TO WAVERLEY
3.9.8 GBC HCS6,	To manage, operate and hire all relevant Council facilities including setting fees			ADD TO WAVERLEY
3.9.9 GBC HCS7	To accept items into any of the Council's Museum or gallery collections			ADD TO WAVERLEY
3.9.10 GBC HCS8	To make any amendments to the Heritage Services Forward Plan, policies and policy statements as may be necessary to fulfil any changing requirements of Museum Accreditation, or relevant legislation, during the life of the phase 2 standard, for any of the Council's museums or galleries.			ADD TO WAVERLEY
3.9.11 GBC HCS16, 18	To manage and operate park and ride sites and deliver park and ride for Surrey County Council and to offer a free Saturday Park and Ride service at suitable times of the year when most likely to offer the maximum support to the local economy.	Portfolio Holder JSD – Finance	In accordance with agreed policies and with the agreement of Surrey County Council	ADD TO WAVERLEY

3.9.12 GBC HCS17	To manage and operate markets		Within agreed policies	ADD TO WAVERLEY
3.9.13 GBC HCS20	To consider and determine objections to proposed amendments to the off-street parking order.	Portfolio Holder		ADD WORDS IN BLUE ADD TO WAVERLEY
3.9.14 GBC HCS21, 22	To determine applications to hold events in parks, open spaces and recreational facilities including on behalf of a parish council		Subject to all necessary consents being in place	ADD TO WAVERLEY
3.9.15 GBC HCS30, 31	To act as responsible officer in relation to the Guildford Community Lottery licence with the Gambling Commission and to make all necessary arrangements for administering the Guildford Community Lottery.			GUILDFORD ONLY
3.9.16 GBC HCS33	To decide whether to agree any requests for filming on the Council's property			ADD TO WAVERLEY
3.10	JOINT ASSISTANT DIRECTOR – COMMUNICATIONS & CUSTOMER SERVICES			
3.10.1 GBC LS ICT1	To replace and upgrade hardware, software and infrastructure within the balance of the IT Renewals Fund	JSD - Finance	Within agreed ICT plans	REMOVE WORDS IN BOLD ADD TO WAVERLEY

<p>3.10.2</p>	<p>To be the link officer with the Commissioner for Local Administration in England ('Local Government Ombudsman')</p>	<p>JSD Legal & Dem Services (in respect of maladministration)</p>		<p>NEW ADD TO BOTH</p>
<p>3.10.3 GBC CEX 13</p>	<p>To authorise payments or the provision of other benefits under s.92 Local Government Act, 2000 (payments in cases of maladministration) or by way of local settlement in relation to Local Government Ombudsman complaints.</p>	<ol style="list-style-type: none"> 1. Appropriate Assistant 2. Director, JSD Legal & Dem Services and, if over £1000, JSD Finance 	<p>Maximum £5000 local settlement</p>	<p>REMOVE WORDS IN BOLD - MALADMINISTRATION MUST GO TO MEMBERS. ADD TO WAVERLEY</p>

APPENDIX TWO

List of areas which it is proposed to delete from the Scheme of Delegation, as they are either (1) within a job description (2) there is already a policy in place (3) they are matters for the Financial Procedure Rules.

HEAD OF PAID SERVICE		
Ref	Description	
GBC1	To report to the Council or the Leader/Executive on the manner in which the discharge of the Council's non-executive and executive functions are co-ordinated, the number and grade of officers required for the discharge of those functions and the organisation of officers.	Within role
GBC3	In consultation with the Leader and Monitoring Officer, to interpret and (if in an urgent or emergency situation) vary the provisions of the Constitution in the best interests of the Council, subject to the use of this power being reported to the next meeting of the Council, Executive or committee concerned as appropriate	Urgency powers exist for CEx
GBC4	To exercise all functions relating to health and safety in the Council workplace	Within HR policies
GBC11 & 17	To exercise the power of the Council to appoint appropriate members of staff as proper officer for any purpose in relation to any statutory function or to revoke such appointment. To act as the Council's proper officer in respect of relevant functions specified in Annex I attached.	In Proper Officer Scheme
GBC 19-22	19. To approve revenue budget virements between cost centres relating to different services and within specific account categories but within the same service unit up to £100,000. 20. To approve revenue budget virements from any budget head within the employees category up to £100,000. 21. To approve revenue budget virements from between any service and any account categories between £100,001 and £200,000 in consultation with the appropriate lead councillor(s) and the lead councillor with responsibility for finance. 22. To approve capital budget virements for schemes on the approved capital programme between £100,001 and £200,000 in consultation with the appropriate lead	These financial delegations should all be contained in the Financial Procedure Rules

	councillor(s) and the lead councillor with responsibility for finance.	
GBC 23	To extend a closure notice under the Anti-Social Behaviour, Crime and Policing Act 2014 to 48 hours	Head of Community Safety & Regulatory Services have the powers to make these orders.
GBC25	To keep the Community Engagement Strategy document updated as circumstances require	Within AD Comms & Communication
GBC26	To agree to webcast committee meetings in consultation with the Chairman	Business as usual and within JSD Legal & Dem Services
GBC32	To amend service provision in accordance with the Council's statutory duties as these may be varied by the Coronavirus Act 2020, regulations and guidance made thereunder	Not necessary as varied by the Act
GBC33	Appointments to Inquire Parish Councils under S91 Local Government Act 1972	Proper Officer Scheme
WBC C1	Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.	This is part of the RO role – not a council function
WBC C2	To amend the designation of a Polling Place, where within six months of an election (a) a designated polling place unexpectedly becomes unavailable; and (b) it is impractical to report to Council.	This is part of the RO role – not a council function
WBC C3	To appoint Deputy Electoral Registration Officers subject to appointees holding satisfactory qualifications and experience as required.	This is part of the RO role – not a Council function
Joint Strategic Director – Legal & Dem Services (Monitoring Officer)		
GBC2	To contribute to the corporate management of the Council, in particular through the provision of professional legal and ethical advice	Job role
GBC3	To report to the full Council or to the Executive in relation to a non-executive or an executive function (as appropriate) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.	Job role & statutory provision for MO
GBC4	To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Corporate Governance and Standards Committee	Job Role

GBC5	To establish and maintain a register of interests of the members and co-opted members of the authority	Job role & statutory provision for MO
GBC8	To advise whether decisions of the Leader/Executive are in accordance with the budget and policy framework	Job role & statutory provision for MO
GBC9	To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors	Job role & statutory provision for MO
GBC13	To convene, where necessary, an Independent Panel, as provided for in the Officer Employment Procedure Rules	Job Role & rules
JOINT STRATEGIC DIRECTOR – FINANCE (S151 OFFICER)		
GBC1	After consultation with the Monitoring Officer, to report to the full Council or to the Executive in relation to a non-executive or an executive function (as appropriate) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully	Job role
GBC2	To be responsible for the administration of the financial affairs of the Council	Job Role
GBC3	To contribute to the corporate management of the Council, in particular through the provision of professional financial advice	Job Role
GBC4	To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and support and advise councillors and officers in their respective roles	Job Role
GBC5	To provide financial information to the media, members of the public and the community.	Job Role
GBC6	To determine the Council's accounting records (including the form of accounts and supporting accounting records) and the accounting control systems	Job Role & FPR
GBC7	In connection with the calculations to set the council tax, to report on: (a) the robustness of the estimates made for the purpose of the calculations; and (b) the adequacy of financial reserves	Job role
GBC8	In consultation with the appropriate lead councillor, to approve expenditure to be funded from the Invest to Save Fund	Financial Procedure Rules
GBC10	In consultation with the Leader of the Council and the lead councillor with responsibility for finance, to agree the treatment of any year-end balance	Job Role/Financial Procedure Rules
GBC12	To vire repairs and maintenance budgets within the overall budget provision	Financial Procedure Rules

GBC13	To implement the Council's borrowing and investment strategies including setting and maintaining the Council's counterparty list	Job role
GBC14	To approve the carrying forward of underspent budgets and the virement of expenditure in accordance with the Council's Financial Procedure Rules	Job Role
GBC15	To approve the expenditure of earmarked reserves and provisions for defined uses in accordance with the Council's agreed policy	Job Role
GBC22	To write-off debts in accordance with the limits set out in Financial Procedure Rules	Financial Procedure Rules
GBC23	To refund overpayments in accordance with Financial Procedure Rules	Financial Procedure Rules
GBC29	To estimate and declare the surplus or deficit (as appropriate) on the Collection Fund on or before 15 January each year.	Job Role
GBC30	To maximise the use of approved General Fund Capital Programme and approved Housing Investment Programme budgets, including bringing forward of schemes or phases on the approved programme for future years	Job role
GBC31	To undertake the day-to-day management of the Council Tax Collection Fund's transactions and their related calculations as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992).	Job role
GBC34	To authorise moving up to £200,000 from capital projects on the provisional capital programme to the approved capital programme where a business case has been submitted by the responsible officers.	Financial procedure rules
GBC35	To approve revenue budget virements between cost centres relating to the same service and within specific account categories up to £100,000 in consultation with the relevant Director or service leader	Financial Procedure rules
GB36	To approve capital budget virements for schemes on the approved capital programme up to £100,000 in consultation with the appropriate lead councillor(s) and the lead councillor with responsibility for finance.	Financial Procedure Rules
GBC37	To approve any changes to existing financial systems and to approve any new systems before they are introduced	Job role
GBC38	In consultation with the lead councillor with responsibility for finance, to approve expenditure to be financed from the Investments' Capital Movements reserve.	Financial Procedure Rules
GBC39	To approve the amount of any transfer to the Investment Property Rent reserve as a result of rent review income above that included in the relevant years' estimates.	Financial Procedure rules

GBC40	To determine the financing arrangements, including the interest rate applicable to any loans with reference to the Bank of England base rate, granted to North Downs Housing Ltd by the Council	Should be within the loan agreement
GBC41	To authorise expenditure from the Council's capital contingency fund for new capital projects up to a maximum gross project cost of £100,000 and for existing approved capital projects up to a maximum of 20% of the gross project cost or £200,000 whichever is the lower amount in accordance with the Council's financial procedure rules for capital virements	Financial Procedure Rules
GBC42	To approve expenditure from the Council's Budget Pressures, Business Rates Equalisation and LABGI reserves.	Financial Procedure Rules
GBC43	To make changes to Treasury Management practices	Job Role, Financial Procedure Rules
GBC46	To make monthly payments to the Guildford Borough Tenants' Action Group to cover sundry running expenses.	Job Role
GBC47 (also in JSD Transformation & Governance)	To authorise investigation staff to gather information from employers, banks, and other financial institutions, relating to open and properly authorised and valid investigations	Job role of investigatory staff
GBC HOF3 (also in JSD Transformation & Governance)	To do all things necessary to seek repayment of monies debts or loans to the Council	Job Role
GBC HOF4	To add expenditure to the approved capital programme where it is fully financed by grant, s106, SPA and CIL receipts and the project has been approved by the appropriate lead councillor and the relevant Joint Director or relevant Joint Executive Head of Service or service leader	Financial Procedure Rules
GBC LSF5	To approve the form of official orders	Job Role
GBC LSF6	To determine the amount of petty cash	Financial Procedure Rules
GBC HOF7	To refund overpayments in accordance with Financial Procedure Rules	Job Role
GBC11	To pay all accounts properly authorised	
GBC HOF13 (also in JSD Transformation & Governance)	To make arrangements for the secure collection and banking of income paid to any of the Council's establishments	Job role/Financial Procedure rules
GENERAL DELEGATION TO JOINT STRATEGIC DIRECTORS		
WBC	To make strategic management decisions relating to the Councils functions as they relate to [insert service]	Job Role
General Delegation to Joint Strategic Directors, Exec Heads etc.		

GBC1	To act in accordance with the Council's Procurement and Financial Procedure Rules	Job Role
GBC2	To undertake the day-to-day management and operation of staff reporting to them and of the premises and services for which they are responsible in accordance with the policies and procedures laid down by the Council	Job Role
GBC20	To consider complaints from members of staff in accordance with the Council's Grievance Procedure and policies and take appropriate action	HR policies
GBC21	To authorise the carrying forward of annual leave of staff from one year to the next in accordance with Council policies	HR policies
GBC22	To grant leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds	HR policies
GBC27	To approve revenue budget virements between cost centres relating to the same service and within specific account categories up to £100,000 in consultation with the Chief Finance Officer	Financial Procedure Rules
GBC28	To act in accordance with the Council's ICT Policies	Job Role
JOINT STRATEGIC DIRECTOR – TRANSFORMATION AND GOVERNANCE		
GBC LSF4	To add expenditure to the approved capital programme where it is fully financed by grant, s106, SPA and CIL receipts and the project has been approved	Financial Procedure Rules
GBC LSF11	To pay all accounts properly authorised	Job Role
GBC LSRev&Ben 2	To take all necessary action to implement the provisions of the Local Government Finance Acts 1988 and 1992 and any subsequent legislation in respect of the administration, collection, enforcement and discretionary elements of non-domestic rates	Job Role
GBC LSRev&Ben7	To determine applications for, and pay, housing benefit, council tax benefit and local council tax support	Job Role
GBC LSRev&Ben9	To take all necessary action to recover overpayments of housing benefit, council tax benefit and local council tax support	Job Role
GBC LSRev&Ben12	In respect of the non-payment of monies or debts to take all such action as may be necessary to recover such monies	Job Role
GBC LSLegal14	To complete any documentation pursuant to the submission of charitable accounts to the Charity Commission	Job Role
GBC DemServ4	To make arrangements for the deferred publication of the list of decisions and extension of the call-in period in cases where it is not possible to publish the list on the day after the meeting of the Executive	Consitution
Head of Organisational Development		

GBC HOD1	To undertake activities necessary to meet the Council's responsibilities in respect of relevant Sustainable Energy and Climate Change legislation	Job Role
GBC HOD5	To determine detailed aspects of pension schemes	HR Policies/SCC decisions
GBC HOD6	To determine annual lump sum allowances for all officers on the basis agreed by the Council	Job Role
GBC HOD7	To agree holiday arrangements during the Christmas period in accordance with local conditions of service	Job Role
GBC HOD10	To make changes to human resources procedures that are operational in nature	Job Role
GBC HOD14	To provide the Council's payroll service, including the enforcement of HMRC compliance advice and any ancillary payroll related services, such as salary sacrifice schemes	Job Role
Head of Commercial Development		
GBC HoComm Serv 5	In consultation with the relevant ward councillor and the Chief Finance Officer, add a new scheme to the General Fund Capital Programme, or amend approved schemes, up to a total value of £40,000 per scheme where the scheme is to be fully funded from s106 contributions and the contribution is in hand	Financial Procedure Rules
GBC HoComm Serv23	To promote sporting, recreational, cultural, and community activities, including the negotiation of sponsorship arrangements	Job Role
GBC HoComm Serv 24	To take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities in the Borough	Job Role
GBC HoComm Serv 34	To participate in the partner authority scheme for local authority building control services.	Job Role
GBC HoComm Serv 35	To prepare, in accordance with The Building (Local Authority Charges) Regulations 2010, an annual statement in respect of the building control service for submission and approval by the Council's Chief Finance Officer	Job Role
JOINT STRATEGIC DIRECTOR – COMMUNITY WELLBEING		
GBC JSDCW2	To adjust up to 20% of the value of the approved capital and revenue housing programmes to maximise use of approved budgets	Financial Procedure Rules
GBC JSDCW7	To review and adjust capital and revenue housing programmes to maximise use of approved budgets	Financial Procedure Rules
GBC JSDCW7	To submit opportunity applications for any borrowing approvals or funding which would benefit the Council	Financial Procedure Rules
GBC JSDCW9	To respond to requests for assistance from the UK Border Agency	Job Role

GBC JSDCW11	To agree any future changes to the housing strategy action plan.	Job Role/Plan
GBC JSDCW12	To exercise the Council's powers and functions in relation to the promotion of health, community care and related policies	Job Role
Joint Head of Environmental Services		
GBC HES25	To deliver, manage, and operate habitat banks on appropriate council owned land	Job Role
Joint Head of Housing Services		
GBC HoH2	To write-off debts in accordance with the limits set out in the Council's Financial Procedure Rules	Financial Procedure Rules
GBC HoH3	To pay statutory and other compensation arising out of the decisions and activities of the Council	Policies/Job Role
GBC HOH4	To refund overpayments in accordance with Financial Procedure Rules	Financial Procedure Rules
GBC HOH15	To administer and determine applications for assignments by way of mutual exchange	Job Role/Policy
GBC HOH16	To take all relevant action in relation to current and former occupiers of temporary and supported accommodation in accordance with the policies agreed by the Council	Job Role/Policy
GBC HOH17	To manage and administer all aspects of supported housing	Job Role
WBC M.2	To make decisions to depart from the Council's Allocations Policy in special needs circumstances	Job Role/Policy
GBC HOH19	To offer introductory tenancies followed by flexible tenancies of either two or five years in accordance with the Council's tenancy strategy	Policy/Job Role
GBC HOH20	To manage and administer including dealing with all financial matters in accordance with the Council's policies all aspects of sheltered housing	Job Role/Policy
GBC HOH23	To operate private leasing, rent deposit, bond or similar schemes to prevent homelessness enabling applicants to remain in their present home or obtain accommodation from other landlords on the basis agreed by the Council	Job Role/Policy
GBC HoH24	To administer any government grant funding received by the Council for homelessness prevention or similar purposes in line with the funding criteria	Job Role
GBC HoH26	To review and update the Homelessness and Housing Strategy action plans	Job Role/Strategy
GBC HoH27	To administer the Council's low-cost home ownership service in accordance with Council policy and to exercise discretion in its application where so permitted	Job Role/Policy
GBC HoH28	To make all necessary contractual and conveyancing arrangements in connection with the Council's equity sharing scheme	Job Role/Policy
GBC HoH33	To make payments to tenants in accordance with the cash incentive scheme	Job Role/Policy

GBC HoH37	To operate a care and repair service and, in respect of Council-owned dwellings, to arrange for the works to be carried out	Job Role
GBC HoH38	To secure the restoration or continuation of supplies of water, gas and electricity to premises provided or to be provided for housing purposes and to recover any sums expended from the appropriate person	Job Role
GBC HoH39	To pay statutory and other compensation including disturbance and decorating allowances	Policy/Job Role
GBC HoH40	To bring forward proposals for affordable housing development on Council and privately owned sites within the borough	Job Role
JOINT HEAD OF COMMUNITY SERVICES		
GBC HCommServ2	To manage and administer including dealing with all financial matters in accordance with the Council's policies in respect of day centres, meals on wheels, community transport	Policy/Job Role
GBC HoCommServ7	To operate a care and repair service and in respect of Council-owned dwellings, to arrange for the works to be carried out	Job Role
GBC HoCommServ12	To determine applications for grants for adaptations to dwellings for the chronically sick and disabled within the criteria adopted by the Council	Policy/Job Role
JOINT STRATEGIC DIRECTOR – PLACE		
GBC JSD PLACE 2	To bring forward and develop proposals for housing development on Council and privately owned sites within the borough and to identify and select appropriate development partners in accordance with the procurement rules and regulations and to report to the Executive accordingly	Job Role
JOINT HEAD OF REGENERATION AND PLANNING POLICY		
GBC HoRPR3	To prepare, maintain and publish documents for adoption by the Executive, as required by the Planning and Compulsory Purchase Act 2004 and the relevant regulations	Job Role
GBC HORPR12	To add a new scheme to the General Fund Capital Programme, or amend approved schemes, up to a total value of £40,000 per scheme where the scheme is to be fully funded from s106 contributions and the contribution is in hand	Financial Procedure Rules
GBC HORPR13	To deal with all aspects of proposals to remove the last telephone box from a site,	Job Role
GBC HORPR19	To exercise all delegable functions in relation to the Self-build and Custom Housebuilding Act 2015	Proper Officer Scheme
GBC HORPR20	To bring forward proposals for affordable housing development on Council and privately owned sites within the borough	Job Role

JOINT HEAD OF REGULATORY SERVICES		
GBC HORS7	To appoint authorised officers for the purpose of discharging the Council's duties under the Sunbeds (Regulation) Act 2010	Proper Officer Scheme
GBC HORS10	To grant or refuse consent for the use of audio and/or video recording systems in hackney carriages and private hire vehicles in accordance with the guidelines agreed by the Licensing Committee and to suspend the use of such systems	Policy/Job Role
GBC HORS14	To undertake the Taxi & Private Hire enforcement powers of other licensing authorities	Set out in Agreement
GBC HORS15	To keep and maintain the various licensing registers in the prescribed form and manner	Job Role
JOINT HEAD OF PLANNING DEVELOPMENT		
GBC HOPD7	To agree planning performance agreements and extensions of time where they relate to the determination of planning applications	Job Role/Member decision

Proper Officer and Authorised Officer Functions

The Council designates Proper Officers to carry out functions allocated by law. Power to appoint Proper Officers is delegated to the Chief Executive, following consultation with the JSD - Legal & Democratic Services, unless legislation requires the appointment to be made by Full Council.

The deputy Proper Officer is shown after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act. If the proper officer and the deputy are both absent or unable to act, then the Chief Executive is appointed to act or may allocate the function to another officer.

This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the Proper Officer.

The following Proper Officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.

*The words in green are additions to the Proper Officer Scheme

Public Health Act 1961			
Act	Function	Officer	Deputy
s.37 Public Health Act 1961	Verminous Articles	Joint Strategic Director – Community Wellbeing	Assistant Director Regulatory Services

Local Government Act 1972			
Section	Function	Officer	Deputy
s.13 Local Government Act 1972	To act as Parish Trustee	JSD – Legal & Democratic Services	Deputy Monitoring Officer(s)
s.83 Local Government Act 1972	Declarations of acceptance of office	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.84 Local Government Act 1972	Receipt of resignations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.86 Local Government Act 1972	To declare any vacancy in office	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of Mayor	JSD - Legal & Democratic Services	Democratic Services & Elections

			Manager/Dem Services Manager
s.89(1) Local Government Act 1972	Receive notices to fill casual vacancies of Councillors	Chief Executive	JSD – Legal & Democratic Services
s.100B(1)(2), (7)(c) and 100H Local Government Act 1972	Supplying reports and other documents to the press & public and excluding those which are not likely to be considered in open session;	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100C(2) Local Government Act 1972	Making a written summary of proceedings to provide a record without disclosing exempt information.	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100D(1)(a) and (5)(a) Local Government Act 1972	To compile a list of background papers to a report	Chief Executive, any JSD or Assistant Director	
s.100F(2) Local Government Act 1972	Identify documents not open to inspection by Councillors	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100G Local Government Act 1972	Maintain a list of members	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.100G Local Government Act 1972	Maintain a list of delegations to officers	MO	Deputy Monitoring Officer(s)
s.115(2) Local Government Act 1972	To receive monies due to the Council from Officers	JSD - Finance	Deputy S151 Officer
s.146(1) Local Government Act 1972	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council	JSD - Finance	Deputy S151 Officer
s.151 Local Government Act 1972; ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or District Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	JSD - Finance	Deputy S151 Officer

s.191(2) Local Government Act 1972	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries	JSD - Place	Assistant Director - Planning Development
s.210 Local Government Act 1972	In respect of powers about charities	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.222 Local Government Act 1972	Prosecute or defend legal proceedings	JSD - Legal & Democratic Services	Any officer or other suitably qualified person appointed in writing by the JSD – Legal & Democratic Services
s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.228 Local Government Act 1972	To make arrangements for the inspection of Council minutes	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment other than those delegated to another officer	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.238 Local Government Act 1972	Certification of printed copies of byelaws	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	JSD – Legal & Democratic Services
Sch.12 Para.4(2)(b) Local Government Act 1972	Signing and serving summonses to attend meetings	JSD – Legal & Democratic Services	
Sch.12 Para.4(3) Local Government Act 1972	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

Sch.12 Para.25 Local Government Act 1972	Certifying copy resolutions of the council passed before 1975 disapplying public health statutes	JSD – Community Wellbeing	Assistant Director Regulatory Services
Schedule 14(25) Local Government Act 1972	To certify resolutions for the purposes of legal proceedings	JSD – Legal & Democratic Services	Deputy Monitoring Officer(s)
Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Joint Strategic Director – Community Wellbeing	Assistant Director Regulatory Services
Sch.29 Para.4(1)(b) Local Government Act 1972	Adaptation, modification and amendment of enactments	JSD - Legal & Democratic Services	Deputy Monitoring Officer(s)
s.79 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Removal of Noxious Matter	AD Regulatory Services	
s.84 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous Articles	AD Regulatory Services	
s.85 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous People	AD Regulatory Services	
	Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager
	Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	JSD - Finance	

Local Government Act 1974			
Act	Function	Officer	Deputy

Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Monitoring Officer	Deputy Monitoring Officer(s)
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Health & Safety at Work etc. Act 1974			
Act	Function	Officer	Deputy
S19-22 Health & Safety at Work Act 1974	To appoint inspectors and authorise enforcement powers	Assistant Director Regulatory Services	

Local Land Charges Act 1975			
Section	Function	Officer	Deputy
s.9 Local Land Charges Act 1975	Act as local registrar for the registration of local land charges and the issue of official certificates of search.	AD Planning Services	

Local Government Miscellaneous Provisions Act 1976			
Act	Function	Officer	Deputy
s.41	To certify copies of Resolutions Orders reports or Minutes of the Council or any Predecessor Authority	JSD – Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

Representation of the People Act 1983			
Act	Function	Officer	Deputy
s.8 Representation of the People Act 1983	Electoral Registration Officer	JSD - Legal & Democratic Services	Electoral Services Manager
s.28 Representation of the People Act 1983	Acting Returning Officer at Parliamentary Elections	JSD - Legal & Democratic Services	Officer(s) appointed in writing by the Returning Officer
s.35 Representation of the People Act 1983	Returning Officer for local elections	JSD - Legal & Democratic Services	Officer(s) appointed in writing by the Returning Officer
s.67(7)(b) Representation of the People Act 1983	Receive declarations and give public notice of election agents' appointments	JSD - Legal & Democratic Services	Electoral Services Manager

ss.81, 82 and 89 Representation of the People Act 1983	To receive, inspect and publish returns and declarations of election expenses	JSD - Legal & Democratic Services	Electoral Services Manager
Representation of the People Act 1983	Undertake duties at council elections which are required to be undertaken not by the Returning Officer but by the Proper Officer	Returning Officer	Deputy Returning Officer(s)
s.131 Representation of the People Act 1983	Providing accommodation for holding election court	JSD - Legal & Democratic Services	Democratic Services & Elections Manager/Dem Services Manager

Building Act 1984

Act	Function	Officer	Deputy
S.61 Building Act 1984	Permitted to have free access to drainage repairs	Assistant Director Commercial Services	
s.78 Building Act 1984	Authorise action in relation to dangerous structures	Assistant Director Commercial Services	
s.93 Building Act 1984	Authentication of documents	Assistant Director Commercial Services	
s.95 Building Act 1984	General power of entry in relation to building regulations	Assistant Director Commercial Services	

Public Health (Control of Disease) Act 1984

Act	Function	Officer	Deputy
ss.48 and 59 Public Health (Control of Disease) Act 1984 (as amended)	Infectious diseases and dead bodies; preparation of certificate to Justice of Peace for removal of body to mortuary and for burial; authentication of documents	Assistant Director Regulatory Services	
s.60 Public Health Control of Disease Act 1984	Accepting service of notices, orders and other documents	Assistant Director Regulatory Services	

Local Government & Housing Act 1989			
Section	Function	Officer	Deputy
s.2(4) Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Assistant Director – Organisational Development	Lead Specialist - HR
s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive	JSD – Legal & Democratic Services
s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Any Joint Strategic Director
s.5 Local Government and Housing Act 1989	Monitoring Officer	JSD – Legal & Democratic Services	Officer(s) appointed in writing by the Monitoring Officer
ss.15-17 Local Government and Housing Act 1989	Undertake all matters relating to the formal establishment of Political Groups, and give effect to the wishes of Political Groups in making appointments of members to committees	Monitoring Officer	Deputy Monitoring Officer(s)

Local Government (Committees and Political Groups) Regulations 1990			
Act	Function	Officer	Deputy
Regs.8-10, 1315 and 17 Local Government (Committees and Political Groups) Regulations 1990	Receipt of notice re Political Groups; give effect to the wishes of Political Groups in making appointments of members to committees	Monitoring Officer	Deputy Monitoring Officer(s)

Food Safety Act 1990			
Act	Function	Officer	Deputy
s.27(1) Food Safety Act 1990 (as amended)	Appointment as public analyst	Assistant Director Regulatory Services (need to hold the relevant qualification)	
s.49 Food Safety Act 1990 (as amended)	Sign any document authorised or required to be made, given or issued by the Food Authority	Assistant Director (Regulatory Services)	

Local Government Contracts Act 1997			
Act	Function	Officer	Deputy
s.2 Local Government Contracts Act 1997	To certify that the Council has the power to enter into a contract	JSD – Legal & Democratic Services	Deputy Monitoring Officer(s)

Local Government Finance Act 1998			
Section	Function	Officer	Deputy
ss.114, 115 & 115B	Responsibility for JSD - Finance reports	JSD – Finance	Deputy S151 officer
s.116	Notify external auditor of meeting under the Act to consider a report of the JSD - Finance	JSD – Finance	Deputy S151 Officer

Crime & Disorder Act 1998			
Section	Function	Officer	Deputy
All	To ensure compliance with the Council's duties	JSD Community Wellbeing	AD Community Safety

Freedom of Information Act 2000			
Section	Function	Officer	Deputy
s.36 Freedom of Information Act 2000	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Monitoring Officer	Deputy Monitoring Officer(s)

Local Government Act 2000			
Act	Function	Officer	Deputy
s. 21A Local Government Act 2000 (as amended)	Decision making in respect of Councillor Call for Action	JSD – Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager

Local Authorities (Standing Orders) (England) Regulations 2001			
Section	Function	Officer	Deputy

Sch.1, Part II, Paras.5-6 Local Authorities (Standing Orders) (England) Regulations 2001	Notification to Executive and objections to be considered concerning appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers	Monitoring Officer	Deputy Monitoring Officer(s)
Part II	Notify the Executive of the person whom it is proposed that the Council appoint as a Chief Officer, Deputy Chief Officer, Statutory Chief Officer or Non-Statutory Chief Officer or Head of Paid Service.	Monitoring Officer	Deputy Monitoring Officer(s)

Criminal Justice & Police Act 2001

Act	Function	Officer	Deputy
	Power to enter premises and seize items where the Council has a power of seizure	All Assistant Directors	

Proceeds of Crime Act 2002

Act	Function	Officer	Deputy
	Actions and obligations under the Act	S151 Officer	Deputy S151 Officer

Local Elections (Principal Areas) (England and Wales) Rules 2006

Act	Function	Officer	Deputy
S.50(b)	To receive the names of elected Councillors from the Returning Officer	JSD - Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager
Sch.2 Para.54 Local Elections (Principal Areas)(England and Wales) Rules 2006	Registration officer for the retention and destruction of documents following an election	Electoral Registration Officer	Deputy ERO

Local Elections (Parishes & Communities) (England and Wales) Rules 2006

Act	Function	Officer	Deputy
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Rule 5	To receive requests for an election to fill a casual vacancy	Chief Executive	JSD – Legal & Democratic Services
S.50	To receive the names of elected Parish Councillors from the Returning Officer	JSD - Legal & Democratic Services	Dem Services & Elections Manager/Dem Services Manager
Sch.2 Para.54 Local Elections (Principal Areas)(England and Wales) Rules 2006	Registration officer for the retention and destruction of documents following an election	Electoral Registration Officer	Deputy Electoral Registration Officer

Cremation (England and Wales) Regulations 2008

Act	Function	Officer	Deputy
Regulation 31	Person appointed as the Registrar	Assistant Director Environmental Services	

Localism Act 2011

Act	Function	Officer	Deputy
s.29 Localism Act 2011	Establish and maintain a register of members' and coopted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
s.30-31 Localism Act 2011	Receipt of members' and coopted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)
s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)

Local Authorities (Referendums)(Petitions)(England)Regulations 2011 Local Authorities (Conduct of Referendums) England) Regulations 2012

Act	Function	Officer	Deputy
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Proper Officer function for all sections of the Regulations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager

Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function for all sections of the Regulations	JSD - Legal & Democratic Services	Democratic Services & Elections Manager
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Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Act	Function	Officer	Deputy
All Regs. under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Make records available for inspection	JSD - Legal & Democratic Services	Democratic Services & Elections Manager
Reg.15	List of background papers	All JSDs and Assistant Directors	

Anti-Social Behaviour, Crime and Policing Act 2014

Act	Function	Officer	Deputy
s.1	Power to seek an injunction	Assistant Director – Regulatory Services	
s.43	Power to issue Community Protection Notices	Assistant Director – Regulatory Services	
s.52	Power to issue fixed penalty notices	Assistant Director – Regulatory Services	
s.59	Power to make Public Spaces Protection Orders	Assistant Director – Regulatory Services	
s.76	Power to seek Closure Orders and/or issue Closure Notices	Assistant Director – Regulatory Services	

Data Protection Act 2018

Act	Function	Officer	Deputy
ss.69, 70-71 Data Protection Act 2018	Designated Data Protection Officer	Information Governance & Data Protection Officer	

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Waverley Borough Council

Report to: Executive

Date: 11 June 2024

Ward(s) affected: All

Report of Director: Strategic Director Legal and Democratic Services

Author: Ben Bix, Democratic Services Manager

Email: ben.bix@waverley.gov.uk

Lead Councillor responsible: Leader of the Council

Email: paul.follows@waverley.gov.uk

Report Status: Open

Key Decision: No

Supplementary Estimate – Democratic Services Restructure

1. Executive Summary

- 1.1 Corporate Management Board agreed to a revised organisational structure for the Democratic Services Team on 8 April 2024. The revised structure addresses service change, creates greater opportunities within the team, and enhances capacity.

2. Recommendation to the Executive

That the Executive approves:

- 2.1. A Supplementary Estimate of £55,187 (2024/25) to restructure the Democratic Services team (Option 3).

That the Executive notes:

- 2.2. That a parallel strand of work to restructure the management team of the Joint Strategic Director of Legal and Democratic Services is underway, as reported to Executive on 7 May 2024. That report proposes a Joint Assistant Director of Democracy and Governance and a Joint Head of Governance Role. This will address risk in the short term, cognisant of a longer-term desire to deliver a shared service

approach to both services. An evidence-based decision was made to focus on ensuring that the provision of services within each Council is based on solid foundations. These efforts will support the delivery of excellent and resilient services for now, but they will also provide a pathway to future sustainable shared services.

- 2.4 That this broader work has been taken into account in the restructure of the Democratic Services team.

3. Reason(s) for Recommendation:

- 3.1. To fund growth in the democratic services team to enhance capacity.

4. Exemption from publication

- 4.1. Not exempt from publication.

5. Purpose of Report

- 5.1. A review of the Democratic Services team has been undertaken to identify the extent to which it was able to support the full range of requirements the team need to support.
- 5.2. The review identified the need to increase capacity and to revise existing roles for which a growth bid decision is required.

6. Strategic Priorities

- 6.1. Local, open, participative government – the Council is committed to an open, inclusive approach to communications and decision making.

7. Background

- 7.1. The last 5 years has seen a significant change in the traditional roles undertaken within Democratic Services functions. Meetings are held in a variety of locations and formats and almost all public meetings are now webcast, greater enabling public participation.
- 7.2. Additionally, the importance of effective and transparent decision making has increased, particularly in the context of the greater number of councils experiencing significant financial difficulties. The need to ensure that Elected Members are fully equipped to undertake

their responsibilities alongside their ability to build constructive but appropriately challenging relationships with officers is also critical. Democratic Services are the 'engine room' for organising the Forward Plan, setting up meetings, tracking reports, clerking and webcasting meetings; together with publishing minutes and decisions.

7.3. The revised structure for democratic services will:

- Enable a fit for purpose, sustainable future for Democratic Services at Waverley Borough Council
- Encourage the development of a strong customer focused, value driven and resilient service
- Ensure we are able to provide comprehensive support to Elected Members
- Support career development and progression for democratic services team members – increasing knowledge and experience of different aspects of Democratic Services provision
- Improve management arrangements ensuring that there is clarity around roles, encouraging appropriate autonomy
- Enable strategic and operational work to be better defined and executed.

8. Consultations

8.1. Human Resources, Finance, and Corporate Management Board were consulted by the Strategic Director and the Democratic Services Manager.

8.2. New role descriptions were prepared and reviewed and agreed by the Job Evaluation Panel in April 2024.

9. Key Risks

9.1. Not properly resourcing the Democratic Services function may lead to a deterioration of service. The revised structure addresses that risk.

10. Financial Implications

- 10.1. This proposal will cost an additional £55k which is not budgeted in 2024/25. Waverley have set a balanced budget and do not have reserves for the purpose of growth request. The only way to fund this will be to repurpose reserves that were agreed in 2024/25 budget setting.
- 10.2. It should be noted that this additional cost was not considered as part of the Medium-Term Financial Plan when this was taken to Council in February. This growth will be an additional impact to the budget gap going forward.
- 10.3. The proposal enhances team leadership and administration with new roles, together with providing competitive salaries to enable staff retention and attract experienced candidates.

11. Legal Implications

- 11.1. This is a non- key decision requesting a supplementary estimate only.

12. Human Resource Implications

- 12.1. Human Resources were consulted throughout and advised on the process. Existing staff will be formally consulted on the revised structure once funding has been approved, and as guided by HR policies.

13. Equality and Diversity Implications

- 13.1. There are no direct equality and diversity implications.

14. Climate Change/Sustainability Implications

- 14.1. There are no direct climate change or sustainability implications.

15. Summary of Options

- 15.1. Three options were considered:
 - Option 1 - Do nothing
 - Option 2 - Collaborate with Guildford Borough Council
 - Option 3 - Restructure

- 15.2. Option 1 means that the team will retain the same structure. Experience will grow within the team, but without structural change the resilience needed within the team and career progression and succession planning will not be delivered effectively.
- 15.3. Option 2 is an approach taking in other Local Government organisations. Bringing two teams together to build a service can be successful. However, a number of fundamental building blocks need to be in place to support that first and Option 3 prepares the foundations for Waverley as identified in paragraph 15.4 of the report to Executive on 7 May 2024.
- 15.4. Option 3 (recommended) involves restructuring the current team. Introducing new roles and reconfiguring responsibilities will deliver capacity, support resilience and provide a platform for a sustainable future, enabling a pathway to future sustainable shared services. This option requires a supplementary estimate as set out in this report.

16. Conclusion

- 16.1. A supplementary estimate is requested to fund the restructuring of the democratic services team to introduce new roles and reconfigure responsibilities to enhance capacity, support, resilience and to provide a platform for a sustainable future.

17. Background Papers

- 17.1. Report to Corporate Management Board, 8 April 2024

18. Appendices

- 18.1. None

Service	Sign off date & Initials
Finance / S.151 Officer	As per CMB 8/4
Legal / Governance	As per CMB 8/4
HR	As per CMB 8/4
Equalities	N/A
Director	18/4/2024 - SS
Lead Councillor	18/4/2024
Executive Liaison/briefing	Re-routed to Executive Briefing - Non-key Leader decision
Committee Services	18/4/2024

Please ensure the following service areas have signed off your report.
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