



**Waverley Borough Council**  
Council Offices, The Burys,  
Godalming, Surrey  
GU7 1HR  
[www.waverley.gov.uk](http://www.waverley.gov.uk)

To: All Members of the Council

Ben Bix, Democratic Services Manager

**Legal & Democratic Services**

E-mail: [ben.bix@waverley.gov.uk](mailto:ben.bix@waverley.gov.uk)

Direct line: 01483 523354

Calls may be recorded for training or monitoring

Date: 8 July 2024

Dear Councillor

COUNCIL MEETING - TUESDAY, 16 JULY 2024

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 16 JULY 2024** at **7.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

**Susan Sale**

**Strategic Director Legal & Democratic Services & Monitoring Officer**



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## **AGENDA**

1. **APOLOGIES FOR ABSENCE**

The Mayor to report apologies for absence.

2. **DECLARATIONS OF INTEREST**

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.

3. **MINUTES** (Pages 5 - 14)

To confirm the Minutes of the Annual Council meeting held on 21 May 2024 together with the Extraordinary meeting of Council held on 3 June 2024.

4. **ANNOUNCEMENTS**

Receive any announcements from the Mayor, Leader, Head of Paid Service, Chief Finance Officer or Monitoring Officer. (Council Procedure Rule 3.2 (v))

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

To respond to questions from members of the public, received in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on Wednesday 10 July 2024.

Copies of all questions and statements, except those that have been rejected, will be included on the supplementary agenda pack for the relevant meeting, and will be circulated to all Members and made available to the public via the Council's website, by 5pm on Monday 15 July. The response to a question will take the form of a written response which shall also be included in the supplementary agenda pack published in advance of the meeting.

6. QUESTIONS FROM MEMBERS OF THE COUNCIL

To respond to any questions received from Members of the Council in accordance with Procedure Rule 12.

The deadline for receipt of questions is 5pm on Wednesday 10 July 2024.

Copies of all questions and statements, except those that have been rejected, will be included on the supplementary agenda pack for the relevant meeting, and will be circulated to all Members and made available to the public via the Council's website, by 5pm on Monday 15 July. The response to a question will take the form of a written response which shall also be included in the supplementary agenda pack published in advance of the meeting.

7. CHARTER AGAINST MODERN SLAVERY

*Following, and subject to consideration of this matter at the Executive meeting on 9 July 2024, this report will be published in an agenda supplement.*

8. OFFICER SCHEME OF DELEGATION AND PROPER OFFICER SCHEME  
(Pages 15 - 102)

The Council is recommended to make the resolutions set out in the report at agenda item 8.

9. REVISED FINANCIAL PROCEDURE RULES

*Following, and subject to consideration of this matter at the Audit and Risk Committee meeting on 8 July 2024, this report will be published in an agenda supplement.*

10. REVISED CONTRACT PROCEDURE RULES

*Following, and subject to consideration of this matter at the Audit and Risk Committee meeting on 8 July 2024, this report will be published in an agenda supplement.*

11. REVISED JOINT COUNCILLOR / OFFICER RELATIONSHIP PROTOCOL  
(Pages 103 - 122)

The Council is recommended to make the resolutions set out in the report at agenda item 11.

12. PROPOSED CHANGES TO THE INTER AUTHORITY AGREEMENT (Pages 123 - 130)

The Council is recommended to make the resolutions set out in the report at agenda item 12.

13. REVISED STATEMENT OF COMMUNITY INVOLVEMENT

*Following, and subject to consideration of this matter at the Executive meeting on 9 July 2024, this report will be published in an agenda supplement.*

14. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following Motion, to be moved by the Mayor:

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

15. EXEMPT - HRA PROPERTY DISPOSAL (Pages 131 - 166)

The Council is recommended to make the resolutions set out in the exempt report at agenda item 15.

16. URGENT BUSINESS

Consider any matters deemed urgent by the Mayor, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council

# Agenda Item 3.

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MINUTES of the WAVERLEY  
BOROUGH COUNCIL held in  
the Council Chamber, Council  
Offices, The Burys, Godalming  
on 21 May 2024 at 6.00 pm

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- \* Cllr Penny Rivers (Mayor)
- \* Cllr John Ward (Deputy Mayor)

- |                         |                          |
|-------------------------|--------------------------|
| * Cllr Lauren Atkins    | * Cllr Andy MacLeod      |
| * Cllr Jane Austin      | * Cllr Peter Martin      |
| * Cllr Zoe Barker-Lomax | * Cllr Mark Merryweather |
| * Cllr David Beaman     | * Cllr Kika Mirylees     |
| Cllr Dave Busby         | * Cllr Alan Morrison     |
| * Cllr Laura Cavaliere  | * Cllr David Munro       |
| * Cllr Peter Clark      | * Cllr George Murray     |
| * Cllr Carole Cockburn  | * Cllr Peter Nicholson   |
| Cllr Janet Crowe        | Cllr Nick Palmer         |
| * Cllr Jerome Davidson  | * Cllr Ken Reed          |
| * Cllr Kevin Deanus     | * Cllr Ruth Reed         |
| * Cllr Adam Duce        | * Cllr Connor Relleen    |
| * Cllr Alan Earwaker    | * Cllr Paul Rivers       |
| * Cllr Tony Fairclough  | * Cllr John Robini       |
| * Cllr Paul Follows     | * Cllr Julian Spence     |
| * Cllr Maxine Gale      | * Cllr James Staunton    |
| Cllr Michael Goodridge  | * Cllr Richard Steijger  |
| * Cllr George Hesse     | * Cllr Phoebe Sullivan   |
| * Cllr Michael Higgins  | Cllr Liz Townsend        |
| * Cllr Jerry Hyman      | * Cllr Philip Townsend   |
| * Cllr Jacquie Keen     | * Cllr Terry Weldon      |
| * Cllr Victoria Kiehl   | * Cllr Graham White      |
| * Cllr Andrew Laughton  | * Cllr Michaela Wicks    |
| * Cllr Gemma Long       | * Cllr Steve Williams    |

\*Present

## Apologies

Cllr Dave Busby, Cllr Janet Crowe, Cllr Michael Goodridge, Cllr Nick Palmer and Cllr Liz Townsend

Prior to the commencement of the meeting, at the invitation of the Mayor, Council received a presentation from the pupils of Loseley Fields School

CNL1/24 ELECT A COUNCILLOR, OTHER THAN AN EXECUTIVE MEMBER, TO BE THE MAYOR (Agenda item 1.)

The retiring Mayor, Cllr Penny Rivers, welcomed Councillors and guests to the Annual Meeting of the Council and invited nominations for the election of Mayor of Waverley for the Council year 2024/25.

Cllr David Munro proposed that Cllr John Ward be elected as Mayor of Waverley for the Council year 2024/25, and this was seconded by Cllr Gale. Short speeches in support of their nomination followed.

There being no other nominations, it was **RESOLVED** that Cllr John Ward be elected mayor of Waverley for the Council year 2024/25.

Having been invested with the Mayoral Robes and Chain of Office, Councillor John Ward made the Declaration of Acceptance of Office and took the chair for the remainder of the Council meeting. The Mayor made a Speech of Acceptance, thanking those who had spoken for their kind words and Councillors for electing him.

CNL1/24 APPOINT A COUNCILLOR, OTHER THAN AN EXECUTIVE MEMBER, TO BE THE DEPUTY MAYOR (Agenda item 2.)

The Mayor invited nominations for the appointment of Deputy Mayor for 2024/25.

Cllr Kiehl proposed Cllr Penny Rivers as Deputy Mayor, and this was seconded by Cllr Duce.

There being no other nominations, it was **RESOLVED** that Cllr Penny Rivers be elected Deputy Mayor of Waverley for the Council year 2024/25.

Councillor Penny Rivers made the Declaration of Acceptance of Office and thanked Councillors for electing her as Deputy Mayor.

*The Deputy Mayor was invested with the Badge of Office, together with the Past Mayor's badge; and the Mayor presented the retiring Mayor's Consort with a token of appreciation. The Mayor then invested the Deputy Mayoress with the Badge of Office.*

CNL3/24 APOLOGIES FOR ABSENCE (Agenda item 3.)

Apologies for absence were received from Cllrs Busby, Crowe, Goodridge and Palmer.

CNL4/24 DECLARATIONS OF INTERESTS (Agenda item 4.)

There were no interests declared.

CNL5/24 MINUTES (Agenda item 5.)

The Minutes of the Meeting of the Council held on 23 April 2024 were confirmed and signed.

CNL6/24 RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND/OR MONITORING OFFICER (Agenda item 6.)

There were no announcements.

CNL7/24 VOTE OF THANKS TO THE RETIRING MAYOR (Agenda item 7.)

Cllr Paul Follows proposed a vote of thanks to the retiring Mayor, Cllr Penny Rivers, and yielded to Helen Jackson of the Meath charity to speak in reflection on the retiring Mayor's year.

Councillor Penny Rivers responded to the vote of thanks and expressed her appreciation for the support of Officers and Members throughout her Mayoral year.

CNL8/24 ESTABLISHMENT OF COMMITTEES 2024/25 (Agenda item 8.)

The Mayor moved the recommendations proposing the re-establishment of the Ordinary Committees of the Council for the 2024/25 Council year. Cllr Follows seconded the motion.

There being no speakers, the Mayor moved to the vote and Council

**RESOLVED** unanimously that the committees as set out in paragraph 4.7 of the report be established for the 2024/25 municipal year with committee sizes shown.

CNL9/24 APPOINTMENTS TO COMMITTEES 2024/25 (Agenda item 9.)

The Mayor moved the recommendations proposing the allocation of committee seats in accordance with political balance and the wishes expressed by political group leaders. Cllr Follows seconded the motion.

There being no speakers, the Mayor moved to the vote and Council **RESOLVED** unanimously that:

1. Committee seats be allocated to political groups and Independent Members as set out in Appendix 1;
2. The nominations for membership of the committees and joint committees for the 2024/25 municipal year as shown in Appendix 2 be approved in accordance with the wishes of the political groups;
3. To approve the election of Chairs and Vice-Chairs of the committees as shown in Appendix 2.

CNL10/24 ADOPT THE COUNCIL'S CONSTITUTION AND AGREE THE SCHEME OF OFFICER DELEGATIONS, OTHER THAN THOSE RELATING TO EXECUTIVE FUNCTIONS (Agenda item 10.)

In accordance with Council Procedure Rule 2.2 xiii, Council adopted the Constitution.

CNL11/24 JOINT LEGAL AND DEMOCRATIC SERVICES STRUCTURE PROPOSALS  
(Agenda item 11.)

Councillor Kiehl, Executive Portfolio Holder for Organisational Development and Governance introduced the report which set out the continuation of the creation a robust and sustainable framework within the legal and democratic services functions which would reduce the utilisation of interim staff and instead offer career development opportunities and succession planning through new permanent roles.

The recommendation of the Executive was that 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, and for such arrangements to be included in the Inter-authority Agreement in accordance with s113 of the Local Government Act 1972.

The proposal was duly seconded by Cllr Follows, whereupon the Mayor invited Members to debate the proposal.

Members' speeches against the recommendation included:

- Expressing concern about the Solace report on governance at Guildford Borough Council and the perception of its indirect impact on Waverley Borough Council
- The report sought further annual funding for legal services in addition to that agreed in December 2023; and
- Expenditure on agency staffing had increased since 2021.

Members' statements in favour of the recommendation included:

- That the Solace report related to Guildford Borough Council only
- The Council was responding to long-term reduction in funding from central government by collaborating with Guildford Borough Council
- Many local authorities were facing resource challenges and utilising short term interim resources.

There being no further debate, the Mayor called upon Members to vote by a show of hands and it was

**RESOLVED:** to 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, and for such arrangements to be included in the Inter-authority Agreement in accordance with s113 of the Local Government Act 1972.

The meeting concluded at 7.23 pm

Mayor





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- \* Cllr John Ward (Mayor)
- \* Cllr Penny Rivers (Deputy Mayor)

- |                          |                          |
|--------------------------|--------------------------|
| Cllr Lauren Atkins       | * Cllr Andy MacLeod      |
| * Cllr Jane Austin       | * Cllr Peter Martin      |
| * Cllr Zoe Barker-Lomax  | * Cllr Mark Merryweather |
| Cllr David Beaman        | * Cllr Kika Mirylees     |
| * Cllr Dave Busby        | * Cllr Alan Morrison     |
| Cllr Laura Cavaliere     | * Cllr David Munro       |
| * Cllr Peter Clark       | * Cllr George Murray     |
| * Cllr Carole Cockburn   | Cllr Peter Nicholson     |
| * Cllr Janet Crowe       | Cllr Nick Palmer         |
| Cllr Jerome Davidson     | * Cllr Ken Reed          |
| * Cllr Kevin Deanus      | * Cllr Ruth Reed         |
| * Cllr Adam Duce         | Cllr Connor Relleen      |
| Cllr Alan Earwaker       | * Cllr Paul Rivers       |
| * Cllr Tony Fairclough   | * Cllr John Robini       |
| Cllr Paul Follows        | * Cllr Julian Spence     |
| * Cllr Maxine Gale       | * Cllr James Staunton    |
| * Cllr Michael Goodridge | * Cllr Richard Steijger  |
| * Cllr George Hesse      | * Cllr Phoebe Sullivan   |
| * Cllr Michael Higgins   | Cllr Liz Townsend        |
| * Cllr Jerry Hyman       | * Cllr Philip Townsend   |
| * Cllr Jacquie Keen      | * Cllr Terry Weldon      |
| * Cllr Victoria Kiehl    | * Cllr Graham White      |
| * Cllr Andrew Laughton   | * Cllr Michaela Wicks    |
| * Cllr Gemma Long        | Cllr Steve Williams      |

\*Present

### Apologies

Cllr David Beaman, Cllr Laura Cavaliere, Cllr Jerome Davidson, Cllr Alan Earwaker, Cllr Paul Follows, Cllr Peter Nicholson, Cllr Nick Palmer, Cllr Connor Relleen, Cllr Liz Townsend and Cllr Steve Williams

CNL13/24 RECEIVE ANY DECLARATIONS OF INTERESTS (Agenda item 3.)

There were none.

CNL14/24 IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 11, RECEIVE ANY QUESTIONS OR STATEMENTS FROM THE PUBLIC IN RESPECT OF THE BUSINESS FOR WHICH THE EXTRAORDINARY MEETING HAS BEEN CALLED (Agenda item 4.)

There were none.

CNL15/24 IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 12, RECEIVE QUESTIONS FROM MEMBERS IN RESPECT OF THE BUSINESS FOR WHICH THE EXTRAORDINARY MEETING HAS BEEN CALLED (Agenda item 5.)

There were none.

CNL16/24 APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER (Agenda item 6.)

At the invitation of the Mayor, the Monitoring Officer clarified that the proposed appointment of the Joint Chief Executive as Returning Officer for local elections, the Acting Returning Officer for UK Parliamentary Elections, and Electoral Registration Officer would consequentially conclude the Assistant Director – Organisational Development's appointment to the roles.

Members heard that local authorities would typically appoint their Chief Executive and Head of Paid Service as their Returning Officer, who would then appoint such deputies as necessary. Consultation had been undertaken with all Group Leaders and no objections had been received. The proposal had no impact on salaries, as Acting Returning Officer fees for UK Parliamentary Elections were set out in a statutory instrument.

Councillor Kiehl moved the recommendation, duly seconded by Cllr Fairclough. Councillor Kiehl commended Robin Taylor for performing his duties with diligence and skill and conveyed the thanks of the Council to Robin for his excellent tenure as Returning Officer.

In response to Councillor Hyman, the Mayor confirmed that the timing of the proposal was a consequence of the calling of the General Election, that Mr Wrobel was not the Returning Officer for Guildford Borough Council; and that the maximum fee recoverable by the Acting Returning Officer for UK Parliamentary Elections was set out online.

Having been proposed and seconded, the Mayor put the recommendations to the vote whereupon the Council

**RESOLVED (unanimously):**

1. To appoint, with effect from 4 June 2024, Pedro Wrobel, Joint Chief Executive and Head of Paid Service, as the Returning Officer for local elections, the Acting Returning Officer for UK Parliamentary Elections, and the Electoral Registration Officer; and
2. To appoint, with effect from 4 June 2024, Chailey Gibb, Electoral Services Manager, as Deputy Electoral Registration Officer.

The meeting concluded at 6.43 pm

Mayor

*Clerk's note:* The Joint Chief Executive was not in attendance at this meeting.

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# Guildford & Waverley Borough Councils

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

Author: Deborah Upton, Senior Governance Officer

Email: [Deborah.upton@guildford.gov.uk](mailto:Deborah.upton@guildford.gov.uk)

Report status: Open

## Proposed Changes to the Officer Schemes of Delegation

### 1.1 Executive Summary

- 1.1 It is 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).
- 1.2 The review of the Officer Scheme of Delegation and Proper Officer Scheme has been undertaken by the Joint Constitutions Review Group (JCRG), at their meetings held on 25 April, 29 May and 20 June 2024.
- 1.3 Each Council's Executive<sup>1</sup> has also considered this matter in the context of the Officer Scheme of Delegation which relates specifically to Executive functions. Both Executives gave formal approval to the delegation of Executive functions set out in the revised Joint Officer Scheme of Delegation and Proper Officer Scheme. The Executives also authorised the Monitoring Officer, in consultation with the respective Leader, Deputy Leader & Portfolio Holder, to include any changes to the Scheme of Delegation in respect of Executive

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<sup>1</sup> Waverley's Executive on 11 June and Guildford's Executive on 12 June 2024

functions recommended by the Corporate Governance & Standards Committee or Standards and General Purposes Committee, as appropriate.

- 1.4 At its meeting on 20 June 2024, the JCRG agreed to recommend approval of the new Officer Scheme of Delegation and Proper Officer Scheme, as set out in Appendices 1 and 2 to this report, to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their special meetings to be held simultaneously on Monday 1 July 2024, with a further recommendation that each Committee recommends the adoption of the new Officer Scheme of Delegation and Proper Officer Scheme to their respective full Council meetings<sup>2</sup>.
- 1.5 At its meeting on 1 July 2024, the Standards and General Purposes Committee recommended the adoption of the new Officer Scheme of Delegation and Proper Officer scheme to Council.

## **2. Recommendation to Council**

The Standards and General Purposes Committee recommend:

- 2.1 That the revised Joint Officer Scheme of Delegation and Proper Officer Scheme, as set out in Appendices 1 and 2 to this report, be adopted as part of the Constitution in so far as the delegations relate to Waverley Borough Council.

## **3. Reasons 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.

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<sup>2</sup> Ordinary council meetings scheduled for 16 July (Waverley), and 23 July (Guildford)



- 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 scheme, which is similar for both Councils, 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 presents, for members' consideration, the proposed new Officer Scheme of Delegations, which is set out in Appendix 1, and Proper Officer Scheme, set out in Appendix 2.
- 4.2 Members of the Joint Constitution Working Group have already reviewed a number of previous versions, and the proposed changes are shown in blue on the attached draft Scheme. The words in red are for information only and will be removed from the final scheme.

#### **5. Strategic Priorities**

- 5.1 This report will assist in the delivery of the Councils' corporate 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 included in the Constitutions of both councils and 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 Management Team (JMT), as they work across both Councils but with differing decision levels across their services.
- 6.3 The Officer Scheme of Delegation should be read in conjunction with the revised Financial Procedure Rules and Contract Procedure Rules, set out elsewhere on this agenda.
- 6.4 A 'Proper Officer' is the post designated by the Council to carry out certain functions as required by statute.

## **7. Consultations**

- 7.1 All members of the JMT have been consulted over the proposed changes and are supportive of the changes to the Scheme(s), because they provide welcome further clarity over decision making.

## **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 non-Executive functions to officers under S101 Local Government Act 1972, and the Leader of the Council may delegate Executive functions to officers under Section 9E (2) Local Government Act 2000. Delegation provides for officer decision making within 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 Corporate Governance and Standards Committee (Guildford) and Standards and General Purposes Committee (Waverley).

## **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 Committee is asked to consider the proposed new Officer Scheme of Delegation attached as Appendix 1 to this report, and Proper Officer Scheme attached as Appendix 2, which have been recommended for approval by the Joint Constitutions Review Group.

14.2 The Committee may:

- (a) accept the proposed new Officer Scheme of Delegation and Proper Officer Scheme and agree to recommend it to Council for formal adoption, or
- (b) suggest amendments to any part of the proposed new 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 is adopted.

## **15. Background Papers**

[Existing Officer Scheme of Delegation & Proper Officer Scheme – Waverley Borough Council](#) (Part 3 of the WBC Constitution)

[Existing Officer Scheme of Delegation & Proper Officer Scheme – Guildford Borough Council](#) (Part 3 of the GBC Constitution)

## **16. Appendices**

Appendix 1: Proposed new Officer Scheme of Delegation

Appendix 2: Proposed new Proper Officer Scheme

# GUILDFORD & WAVERLEY BOROUGH COUNCILS

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## SCHEME OF DELEGATIONS TO OFFICERS

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## 1.0 GENERAL PRINCIPLES

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

**\* Revisions shown in blue**

<b>Col.1 REFERENCES FROM EXISTING SCHEMES</b>	<b>General Principles to be observed by all officers before taking any decision under the Scheme of Delegation</b>	<b>Col.3 PROPOSED CHANGES</b>
1.1 WBC 1.1	<p><b>Introduction</b></p> <p>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.</p> <p>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.</p>	<b>ADD TO GUILDFORD</b>
1.2 WBC 2.3 GBC 2	<p><b>Overarching Delegations</b></p> <p>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</p>	<b>RETAIN</b>
1.3 WBC 1.4	<p><b>When a Post is Vacant, a Postholder is Absent, a Post ceases to Exist or there is Organisational Change</b></p> <p>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</p>	<b>ADD TO GUILDFORD</b>

	post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate authorisation 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 <b>Joint Strategic Directors</b> (JSD), provided that they have 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.	<b>ADD TO GUILDFORD</b>
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.	<b>NEW ADD TO BOTH</b>
1.3.3	In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.	<b>NEW ADD TO BOTH</b>
1.3.4	In the case of the s151 Officer, the delegation shall be exercisable by a Deputy s151 Officer in relation to matters which are the responsibility of the s151 Officer.	<b>NEW ADD TO BOTH</b>
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.	<b>NEW ADD TO BOTH</b>
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.	<b>ADD TO WAVERLEY</b>
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 <a href="mailto:monitoring.officer@guildford/waverley.gov.uk">monitoring.officer@guildford/waverley.gov.uk</a> to be retained with the central copy of the scheme of delegations.	<b>NEW ADD TO BOTH</b>
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 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.	<b>ADD TO WAVERLEY</b>

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.	<b>ADD TO WAVERLEY</b>
<b>1.4</b>	<b>All Decisions made by Officers.</b> 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.	<b>ADD TO WAVERLEY</b>
1.4.2 GBC12	All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.	<b>ADD TO WAVERLEY</b>
1.4.3 GBC 3(a)	The exercise of a delegated power shall be in accordance with the Council's policies and procedures.	<b>ADD TO WAVERLEY</b>
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.	<b>ADD TO WAVERLEY</b>
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.	<b>RETAIN</b>
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.	<b>RETAIN</b>
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	<b>NEW ADD TO BOTH</b>
1.4.8	Any officer exercising a delegation shall do so having regard to Health and Safety requirements.	<b>NEW ADD TO BOTH</b>



1.4.9	Any officer exercising a delegation shall do so having regard to Equalities requirements and impact.	<b>NEW ADD TO BOTH</b>
1.4.10	Any officer exercising a delegation shall do so having regard to Data Protection requirements.	<b>NEW ADD TO BOTH</b>
1.4.11	Any officer exercising a delegation shall do so having regard to climate and environmental impact.	<b>NEW ADD TO BOTH</b>
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.	<b>ADD TO WAVERLEY</b>
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.	<b>ADD TO WAVERLEY</b>
1.4.14 GBC7	Where the exercise of powers is subject to prior consultation with another officer, that officer may give their 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.	<b>ADD TO WAVERLEY</b>
1.4.15 GBC 11(e)	An officer exercising a delegation will <b>routinely</b> notify, and consult where appropriate, with local Ward councillors.	<b>ADD TO WAVERLEY</b>
1.4.16 GBC 10	Any officer to whom a delegation is given may waive their 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.	<b>ADD TO WAVERLEY</b>

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.	<b>ADD TO WAVERLEY</b>
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 Scheme of Authorisation in accordance with paragraph 1.5 below in the decision makers name or the nominee's own name.	<b>RETAIN</b>
1.4.19	Any decision which could subject the Council to legal liability shall be taken in consultation with the JSD Legal & Democratic Services.	<b>NEW</b>
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, <b>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 their urgency powers in 2.1.2. below</b>	<b>ADD TO WAVERLEY</b>
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.	<b>NEW</b>
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.	<b>NEW</b>
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 their post.	<b>NEW</b>
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.	<b>NEW</b>

1.4.25 GBC8	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.	<b>ADD TO WAVERLEY</b>
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.	<b>ADD TO WAVERLEY</b>
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.	<b>ADD TO WAVERLEY</b>
<b>1.5</b>	<b>Scheme of Authorisations</b>	
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.	<b>NEW</b>
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 on their behalf (save in respect of statutory roles and proper officer functions that are not capable of nomination or authorisation).	<b>RETAIN</b>
1.5.3	Before making a nomination or authorisation, the officer to whom the power, duty or function is delegated must give consideration and be satisfied that the officer whom they nominate is of an appropriate level, bearing in mind the nature of the authority that they will be exercising.	<b>NEW</b>
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.	<b>NEW</b>

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 <a href="mailto:monitoring.officer@guildford/waverley.gov.uk">monitoring.officer@guildford/waverley.gov.uk</a> within 5 working days. The Monitoring Officer shall maintain a copy of any Scheme of Authorisation and they will be published on the Council's website.	<b>RETAIN</b>
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.	<b>NEW</b>
<b>1.6</b>	<b>Management of Exercise of Delegated Powers</b>	
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.	<b>ADD TO WAVERLEY</b>
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. In respect of <a href="#">executive</a> decisions which fall within <a href="#">the Openness of Local Government Bodies Regulations 2014</a> , these shall be published on the Council's website. <del>in accordance with regulation 14 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information) Regulations 2012.</del>	<b>ADD TO WAVERLEY</b>
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.	<b>ADD TO WAVERLEY</b>
<b>1.8</b>	<b>Proper Officers / Authorised Officers</b>	
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.	<b>NEW</b>

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 <a href="mailto:monitoring.officer@guildford/waverley.gov.uk">monitoring.officer@guildford/waverley.gov.uk</a> within 5 working days and made available on the intranet.	<b>ADD TO WAVERLEY</b>
<b>1.9</b>	<b>Amendment</b>	
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 <a href="mailto:monitoring.officer@guildford/waverley.gov.uk">monitoring.officer@guildford/waverley.gov.uk</a> within 24 hours. If appropriate, the Joint Chief Executive will also notify the Council or other delegating body of the removal of powers.	<b>ADD TO WAVERLEY</b>
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.	<b>RETAIN</b>
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.	<b>ADD TO GUILDFORD</b>
<b>1.10</b>	<b>Interpretation</b>	
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.	<b>ADD TO GUILDFORD</b>
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.	<b>ADD TO GUILDFORD</b>
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.	<b>ADD TO GUILDFORD</b>

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.			<b>NEW</b>
1.10.5	'The Council' shall mean Guildford Borough Council/Waverley Borough Council, as appropriate.			<b>NEW</b>
1.10.6 GBC 19	All matters of interpretation in respect of delegations to officers will be determined by the Monitoring Officer.			<b>ADD TO WAVERLEY</b>
1.10.7 GBC 18	All enquiries about this document should be made to the Democratic Services Manager / Democratic Services and Elections Manager.			<b>ADD TO WAVERLEY</b>
<b>2.1</b>	<b>Joint Chief Executive</b>			
<b>Column 1 References from Existing Scheme</b>	<b>Decision which can be made/action which can be taken</b>	<b>Column 3 Involvement Members/Officers</b>	<b>of Limits on how the delegation can be exercised</b>	<b>Column 5 Proposed Changes</b>
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	<b>Proposal</b>
2.1.1 WBC C1 – C3 GBC CEX 29, 30	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, Parliamentary, police commissioner elections or referenda.			<b>RETAIN</b>

<p>2.1.2 GBC CEX 2, 3 WBC 4.1</p>	<p>To take any <b>Critical action</b> on behalf of the Councils (<b>including Executive decisions</b>).</p> <p>'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, <b>property</b>, infrastructure, <b>reputation</b> or the financial integrity of the Councils.</p>	<p>Where practicable, the Leader, or in their absence, the Deputy Leader. <b>Monitoring Officer</b> <b>S151 Officer</b></p>	<p>A report on the use of <b>Critical Action</b> powers to be taken to the first available Executive and/or Council meeting as appropriate. 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.</p>	<p><b>RETAIN</b> <b>ADD WORDS IN BLUE</b></p>
<p>2.1.3 Contained in Pay Policy Statement WBC/GBC GBC HOPS 10</p>	<p>The approval of premature terminations, settlement agreements and Special Severance Payments up to £100,000 in accordance with the Pay Policy Statement</p>		<p>All posts below Joint Strategic Director</p> <p>With the approval of the Leader</p>	<p><b>ADD TO WAVERLEY</b></p>
<p>2.1.4 WBC F1 GBC DF 48</p>	<p>To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value</p>			<p><b>RETAIN</b></p>
<p>2.1.5 GBC HOPS 36</p>	<p>To approve any interim senior officer appointments of up to <b>6 12</b> months, usually in the remit of the Joint Senior Staff Committee</p>	<p>Leader – Waverley Leader - Guildford</p>	<p>Subject to details of any such interim appointments being reported to</p>	<p><b>ADD TO WAVERLEY</b> <b>ADD/DELETE WORDS IN BLUE</b></p>

			all members of the Joint Senior Staff Committee	
2.1.6 GBC HOPS4	To exercise all functions relating to Health & Safety <b>relating to the Council's employees in the workplace</b>			<b>ADD TO WAVERLEY ADD/DELETE WORDS IN BLUE</b>
2.1.7 GBC HOPS3	<del>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.</del>			<b>REMOVE AS CONFLICTS WITH MO RESPONSIBILITIES</b>
2.1.7 GBC HOPS 6	To 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		<b>*GUILDFORD ONLY</b>
2.1.8 GBC HOPS 35	To approve any HR policies	Portfolio Holder		<b>ADD TO WAVERLEY</b>
<b>2.2</b>	<b>Chief Executive and all JSDs</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
2.2.1 GBC Gen12 GBC HoF1	Grant, review, renew and cancel authorisations under the Regulation of Investigatory Powers Act 2000 in		Authorising officers must have appropriate training	<b>RETAIN</b>



GBC HOL51 GBC DPO1, HORS34 WBC T8, T9	accordance with each Councils' surveillance policy.		Cannot be exercised by the JSD – Legal & Democratic Services	
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 ADD TO BOTH
2.3	<b>JSD – Housing Communities &amp; Environment</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
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 ADD TO BOTH
2.3.2 NEW	To be the Councils' lead officer responsible for Safeguarding matters			NEW 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 of dwellings, garages, open spaces and parking spaces.		In line with existing policies and approved capital programme	ADD TO WAVERLEY

2.3.4 GBC JSD CW3	To dispose of land and buildings, <b>whether leasehold, freehold or shared ownership</b> held in the Housing Revenue Account: (1) up to 0.2 hectares in area and <b>which is less than £200k in value or,</b> (2) <b>where the council is statutorily obliged to dispose in accordance with relevant legislation.</b>	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	<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
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.			<b>ADD TO WAVERLEY</b>
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		<b>ADD TO WAVERLEY</b>
2.3.7 GBC JSD CW6, 10	To authorise purchases of land and buildings for the Housing Revenue Account <b>up to £200,000</b>	Portfolio Holder JSD Finance		<b>ADD TO WAVERLEY ADD WORDS IN BLUE (LIMIT REDUCED)</b>

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.	<b>ADD TO WAVERLEY</b>
<b>2.4</b>	<b>JSD – Legal &amp; Democratic Services &amp; Monitoring Officer</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
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		<b>RETAIN</b>
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		<b>RETAIN MOVE TO JSD - LEGAL FROM CEX (WAVERLEY)</b>
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.			<b>ADD TO GUILDFORD</b>
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	Group Leaders		<b>RETAIN</b>

	allowances, provided that all members shall be notified by email of such appointments.			
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.	<b>ADD TO GUILDFORD</b>
2.4.6 WBC T5	To convene, where necessary, an Independent Panel as provided for in the Officer Employment Procedure Rules.	Leader		<b>ADD TO GUILDFORD</b>
2.4.7 WBC T6	<del>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.</del>			<b>REMOVE AS POLITICAL DECISION</b>
2.4.7 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 (except in relation to Health & Safety at Work). 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).	<b>Relevant AD</b>		<b>RETAIN ADD WORDS IN BLUE</b>

	<p>c. To accept service and defend or settle any proceedings brought against the Council <b>in or before any Court, Tribunal or Inquiry</b> (except in relation to Health &amp; 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> <p>g. <b>the withdrawal of reasons for planning appeals</b></p>			
2.4.8 GBC HOL5	To appoint and instruct legal service providers including external Solicitors and Barristers.			<b>ADD TO WAVERLEY</b>
2.4.9 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.			<b>ADD TO GUILDFORD</b>
2.4.10 WBC A.4.1 GBC HOL4	To seal any document on behalf of the Council.			<b>RETAIN</b>
2.4.11 GBC HOL4	To sign any contract or other legal documents on behalf of the Council.		In accordance with the Contract Procedure Rules.	<b>ADD TO WAVERLEY</b>
2.4.12 WBC ANN 1 A2.1	To authorise the attendance of officers at Court under any statutory provision.			<b>RETAIN</b>

GBC HOL3				
2.4.13 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
2.4.14 GBC HOPS 3	To make minor or consequential amendments to the Council's Constitution.			ADD TO WAVERLEY FOR CONSISTENCY
2.4.15 WBC D.2 GBC MO7	To grant dispensations in respect of Disclosable Pecuniary Interests in accordance with the Localism Act 2011 .			RETAIN
2.4.16 WBC D3 GBC MO6	To appoint members to the Hearing Panel from the membership of the Standards Committee.			RETAIN
2.4.17 GBC Gen17	To authorise the attendance of councillors <del>and officers</del> at conferences, courses and seminars.			ADD TO WAVERLEY REMOVE WORDS IN BLUE
2.4.18 GBC HOL3 15 WBC T1	To approve the timetable of Council & Committee meetings	In consultation with Group Leaders		RETAIN
2.4.19 GBC DEMSEV1	In connection with the Licensing Act 2003 and Gambling Act 2005:  (a) to agree to dispense with a Licensing Sub-Committee hearing where all parties agree that a hearing is unnecessary; (b) following consultation with any			ADD TO WAVERLEY

	designated Licensing Sub-Committee chairman, to adjourn a Licensing Sub-Committee hearing; and (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.			
2.4.20 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	<b>ADD TO WAVERLEY</b>
2.4.21 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.			<b>RETAIN MOVE TO JSD – LEGAL &amp; DEM SERVICES FOR BOTH</b>
2.4.22 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.	AD Planning Development 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.	<b>RETAIN</b>
2.5	<b>JSD – Finance &amp; S151 Officer</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	

2.5.1 GBC RevBen7	To determine any applications and make payments for Housing Benefit, Council Tax Support or similar benefits.			<b>ADD TO WAVERLEY</b>
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, <b>including executing warrants of arrest.</b>			<b>RETAIN ADD WORDS IN BLUE</b>
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.			<b>RETAIN</b>
2.5.4 NEW	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.			<b>NEW - ADD TO BOTH</b>
2.5.5 NEW	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.			<b>NEW – ADD TO BOTH</b>
2.5.6 NEW	To sign off Valuation Agreements.			<b>NEW – ADD TO BOTH</b>
2.5.7 WBC Delegation S4	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council)			<b>ADD TO GUILDFORD</b>



	(b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).			
2.5.8 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' (in accordance with Council policies).	Portfolio Holder		<b>*WAVERLEY ONLY MOVE TO JSD PLACE</b>
2.5.9 GBC FD16	To set the Council Tax base			<b>ADD TO WAVERLEY</b>
2.5.10 GBC DF 19	To determine the rents for caretakers' accommodation each year in line with the annual salary award.			<b>ADD TO WAVERLEY</b>
2.5.11 GBC DF20	To raise in line with inflation <b>and/or any statutory increases</b> , any financial limits specified in delegations to officers, Procurement Procedure Rules or Financial Procedure Rules.			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
2.5.12 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 for payment to be made by instalments or other arrangements.			<b>ADD TO WAVERLEY</b>
2.5.13 GBC DF10	To agree the treatment of any year-end balance.	Leader Portfolio Holder		<b>ADD TO WAVERLEY</b>

2.5.14 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		<b>ADD TO WAVERLEY</b>
2.5.15 GBC DF26	<del>To approve revised criteria and operational arrangements for the Concurrent Functions Grant Aid Scheme.</del>	<del>Portfolio Holder</del>		<b>REMOVE AS BEING PHASED OUT IN GUILDFORD</b>
2.5.15 GBC LSF9	To determine the local average interest rates for local authority mortgages <b>and car loans.</b>			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
2.5.16 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	<b>ADD TO WAVERLEY</b>
2.5.17 GBC DOF13	To take any action relating to borrowing in accordance with the Council's borrowing strategy.	Portfolio Holder		<b>ADD TO WAVERLEY</b>
2.5.18 NEW	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank	Portfolio Holder		<b>NEW</b>
2.5.19 GBC DOF13	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.			<b>ADD TO WAVERLEY</b>
2.5.20 NEW	To make repayments to the Surrey County Council Pension Fund from those			<b>NEW</b>

	reserves earmarked for pensions contributions.			
2.5.21 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.			<b>ADD TO WAVERLEY</b>
2.5.22 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	(a) There must be a full admission. (b) It must be a 1st offence. (c) It must be for sums less than £500. (d) It must be in the public interest. (e) It must not be a complex fraud or attempted fraud.	<b>ADD TO GUILDFORD</b>
2.5.23 GBC LSRB6	To consult non-domestic rate payers in accordance with the National Non-Domestic Rates Rate Payers (Consultation) Regulations			<b>ADD TO WAVERLEY</b>
2.5.24 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	<b>ADD TO GUILDFORD MOVE FROM AD ASSETS &amp; PROPERTY</b>

2.5.25 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		<b>ADD TO WAVERLEY</b>
<b>2.6</b>	<b>JSD- Economy, Planning &amp; Place</b>			
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	<b>ADD TO WAVERLEY</b>
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	<b>Other than S106 Agreements</b>	<b>ADD TO WAVERLEY. MOVE TO JSD PLACE ADD WORDS IN BLUE</b>
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 <b>AD Assets &amp; Property</b>	Relevant consents must be obtained	<b>ADD TO WAVERLEY MOVE TO JSD PLACE ADD WORDS IN BLUE</b>

2.6.4 GBC JSDP1	<del>To approve strategic and/or operational property acquisitions within the Councils agreed policies up to £200k in value.</del>	AD Assets & Property JSD - Finance Portfolio Holder		<b>DELETE AS COVERED IN AD ASSETS &amp; PROPERTY DELEGATIONS</b>
2.6.5 GBC JSDP3	<del>To dispose of non-housing land and buildings up to 0.2 hectares in area and up to £200k in value, within the Councils agreed policies.</del>	JSD Finance Ward Councillor Portfolio Holder	Provided that best consideration is obtained (Waverley only)	<b>DELETE AS COVERED IN AD ASSETS &amp; PROPERTY DELEGATIONS</b>
2.6.6 GBC JSDP4, 5	To authorise purchases of land and buildings up to £200k <b>in value</b> where budget provision exists in the approved general fund capital programme.	Portfolio Holder JSD Finance	<b>Within agreed policies</b>	<b>LIMIT TO £200K ADD TO WAVERLEY MOVE TO AD ASSETS &amp; PROPERTY</b>
<b>Joint Strategic Director – Transformation &amp; Governance</b>				
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			<b>ADD TO WAVERLEY</b>
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		<b>ADD TO WAVERLEY</b>
2.7.3 GBC HR15	To settle any claims where the Council's Insurers may be involved.	JSD Finance		<b>ADD TO WAVERLEY</b>

<b>Joint Chief Executive, all JSDs &amp; Assistant Directors</b>				
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
2.8.1 <b>NEW</b>	To manage the functions for which they are responsible.			<b>NEW ADD TO BOTH FOR CLARITY</b>
2.8.2 <b>GBC HoCommS13, HORS 13</b>	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		<b>ADD TO BOTH AS THEY EXIST IN A NUMBER OF AREAS</b>
2.8.3 <b>GBC Gen7 &amp; Gen23</b>	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)		<b>ADD TO WAVERLEY</b>
2.8.4 <b>NEW</b>	To dispose of lost or uncollected property in accordance with S41 Local Government (Miscellaneous Provisions) Act 1982	JS Director Legal & Democratic Services		<b>NEW ADD TO BOTH</b>

2.8.5 <b>NEW</b>	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).	<b>NEW ADD TO BOTH (ALLOWS FUNCTIONS TO BE TRADED).</b>
2.8.6 <b>GBC Gen11</b>	To carry out minor development for which planning permission is not required.	AD Planning Development		<b>ADD TO WAVERLEY</b>
	<b>Contracts</b>			
2.8.7 <b>NEW</b>	To <del>do all matters</del> 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	<b>NEW ADD TO BOTH</b>
	<b>Financial</b>			
2.8.8 <b>NEW</b>	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	<b>NEW - ADD TO BOTH</b>

2.8.9 <b>NEW</b>	To write off amounts as irrecoverable	JSD Finance and Portfolio Holder	In accordance with the Financial Procedure Rules	<b>NEW - ADD TO BOTH</b>
2.8.10 <b>GBC Plan Pol14 HORS18</b>	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	<b>ADD TO WAVERLEY</b>
2.8.11 <b>GBC LSF1,3, HORS29</b>	To vary, in exceptional circumstances, fixed fees and charges.	Portfolio Holder		<b>ADD TO WAVERLEY</b>
2.8.12 <b>WBC O1 W&amp;X, T6 GBC Gen5 &amp; 26 GBC HCS36, 32 GBC HES 2 3,4, 5, 6 GBC HOPD35 GBC HORS1</b>	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Portfolio Holder	<b>Charges for new areas to be determined by the Executive</b>	<b>RETAIN ADD WORDS IN BLUE</b>



2.8.13 <b>NEW</b>	To submit bids to outside bodies for grant funding provided that match funding is available within budget.	JSD Finance		<b>NEW ADD TO BOTH</b>
	<b>Assets</b>			
2.8.14 <b>NEW</b>	To dispose of surplus assets (other than land and buildings) which are not of historical significance, interest or value.		In accordance with the Financial Procedure Rules	<b>NEW – ADD TO BOTH</b>
	<b>Land</b>			
2.8.15 <b>NEW</b>	To manage land, property and other assets allocated to the functions for which they are responsible.			<b>NEW</b>
2.8.16 <b>GBC HCS33</b>	To decide whether to agree any requests for filming on the Council's property			<b>ADD TO WAVERLEY MOVE TO JOINT MANAGEMENT TEAM FUNCTIONS</b>
2.8.17 <b>GBC HCS6</b>	To manage, operate and hire all relevant Council facilities including setting fees			<b>ADD TO WAVERLEY MOVE TO JOINT MANAGEMENT TEAM FUNCTIONS</b>
	<b>Legal</b>			

2.8.18 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
2.8.19 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
2.8.20 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
2.8.21 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.	ADD TO GUILDFORD MOVE TO ALL JSD/ADs
	<b>Licences, notices etc.</b>			
2.8.22 NEW	The determination of any application for permissions, consents, or licences or for registration within the functions for which they are responsible.		Except where reserved to Council, Executive or Committee	NEW ADD TO BOTH

2.8.23 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.			<b>RETAIN</b>
2.8.24 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.			<b>ADD TO WAVERLEY</b>
2.8.25 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.			<b>ADD TO GUILDFORD</b>
	<b>Planning</b>			
2.8.26 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.			<b>ADD TO WAVERLEY</b>
	<b>Staffing matters</b>			

<p>2.8.27  <b>WBC B.1</b>  <b>(Reserved to HOPS in WBC Constitution)</b>  <b>GBC HOPS 5, 7, 8,</b>  <b>GBC Gen 8,</b>  <b>GBC HR13</b></p>	<p>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.</p>	<p>Consultation as required in the Officer Employment Procedure Rules and HR Policies.</p>	<p>In accordance with Officer Employment Procedure Rules and all HR policies and procedures.</p>	<p><b>RETAIN</b>  <b>MOVE FROM HEAD OF PAID SERVICE TO ALL JSDs/ADs</b></p>
<p>2.8.28  <b>NEW</b></p>	<p>To approve the attendance of officers on courses, seminars and other training events</p>		<p>Subject to budget availability</p>	<p><b>NEW</b>  <b>ADD TO BOTH</b></p>

**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**

<b>3.1 Assistant Director – Housing Services</b>				
<b>Col.1 References to existing schemes</b>		<b>Col.3</b>	<b>Col.4</b>	<b>Col.5 Proposed changes</b>
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
3.1.1 WBC M5 GBC HoH21	To exercise the Council's functions relating to all housing and homelessness functions <b>in accordance with all relevant legislation and policies of the Council.</b>			<b>RETAIN ADD WORDS IN BLUE</b>
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.			<b>ADD TO WAVERLEY</b>
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.			<b>RETAIN</b>
3.1.4 NEW	To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.			<b>NEW ADD TO BOTH</b>

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 <b>AD Assets &amp; Property</b>		<b>ADD TO WAVERLEY REMOVE WORDS IN BLUE</b>
3.1.6 WBC M3 GBC HoH30, 21	To undertake reviews of housing decisions made under relevant Housing legislation	<del>Portfolio Holder</del>	Any officer undertaking the review shall be senior to the officer who made the decision	<b>RETAIN REMOVE REFERENCE TO CONSULTATION WITH PORTFOLIO HOLDER AS DECISION MADE IN ACCORDANCE WITH THE LAW</b>
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		<b>ADD TO WAVERLEY</b>
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 <del>or where other need for possession has arisen</del>			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.1.9 GBC HOH10, 7, 12	To take any action in respect of right to buy under the Housing Act 1985 <b>including the disposal of properties under Right to Buy</b>	JSD Legal & Democratic Services		<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
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	<b>ADD TO WAVERLEY</b>

3.1.11 GBC HoH32	To enter into nomination agreements with housing providers within the Councils agreed policies			<b>ADD TO WAVERLEY</b>
3.1.12 GBC36	To take any action under the Party Wall Act 1996 in respect of properties within the HRA			<b>ADD TO WAVERLEY</b>
3.1.13 GBC25	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	<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
<b>3.2</b>	<b>Assistant Director – Community Services</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
3.2.1 WBC K1	To implement the Councils' policies regarding Community Safety and the reduction of crime and disorder	AD Housing AD Regulatory Services		<b>ADD TO GUILDFORD</b>
3.2.2 NEW	To take any action to combat anti-social behaviour			<b>ADD TO BOTH</b>
3.2.3 WBC K2	To agree service level agreements with voluntary organisations <b>and take any action under the agreements</b>	Portfolio Holder (for GBC) Grants Panel (for WBC)		<b>ADD TO GUILDFORD ADD WORDS IN BLUE</b>
3.2.4 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	JSD - Finance		<b>RETAIN</b>

	Facilities Grants and to waive or reduce repayment having regard to individual circumstances and the Council's criteria			
3.2.5 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.			<b>ADD TO GUILDFORD</b>
3.2.6 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		<b>NEW ADD TO BOTH</b>
3.2.7 GBC HComS1, 4	To approve expenditure from the Project Aspire Reserve & Community Centres Reserve (GBC only)			<b>*GUILDFORD ONLY</b>
3.2.8 GBC HComS10	To administer a crowdfunding platform, including determining the detailed eligibility criteria for voluntary and community organisations (GBC only)			<b>*GUILDFORD ONLY</b>
3.2.9 GBC HORS	To make Public Spaces Protection Orders in accordance with the Anti-			<b>ADD TO WAVERLEY</b>



	social Behaviour, Crime and Policing Act 2014.			
3.2.10 GBC HoCommS3	To make decisions to allocate plots and carry out general management of Council owned gypsy and traveller sites			<b>*GUILDFORD ONLY</b>
3.2.11 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.	<b>ADD TO WAVERLEY</b>
<b>3.3</b>	<b>Assistant Director – Environmental Services</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	
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			<b>ADD TO WAVERLEY</b>
3.3.2 GBC HES8	To nominate suitable persons as medical referees			<b>ADD TO WAVERLEY</b>
3.3.3 WBC L4, Q1	To collect, remove, recycle and dispose of waste, litter & <del>abandoned or unauthorised vehicles</del>			<b>ADD TO GUILDFORD REMOVE WORDS IN BLUE AS NOW IN REGULATORY SERVICES</b>

3.3.4 <b>NEW</b>	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		<b>NEW ADD TO BOTH</b>
3.3.5 <b>WBC L4 GBC 4</b>	To exercise the Council's <b>regulatory</b> functions relating to: Waste collection Recycling Street Cleansing Cemeteries Controlled waste <del>Abandoned vehicles &amp;</del> Other refuse Flood & Water management Fleet servicing Parks Management		Award of Waste collection and recycling contract is reserved to the Executive	<b>RETAIN DELETE WORDS IN BLUE - NOW IN REGULATORY SERVICES</b>

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

3.3.8 GBC HES13	To sign all allotment agreements and resolve appeals on any allotment matters			<b>ADD TO WAVERLEY</b>
3.3.9 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		<b>ADD TO WAVERLEY</b>
3.3.10 GBC HES16	To settle disputes <b>and manage all land held by the Council</b> under the Commons Acts.	JSD Legal & Democratic Services		<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.3.11 GBC HES17	To set up and administer sponsorship schemes for ornamental planting on highway land	Ward Councillor		<b>ADD TO WAVERLEY</b>
3.3.12 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	<b>ADD TO WAVERLEY</b>
3.3.13 NEW	To enter into agreements and manage land within their function including agreeing tree planting, grazing licences, approving benches, entering into stewardship agreements and organising volunteer work parties.	Ward Councillor Portfolio Holder		<b>NEW ADD TO BOTH</b>
3.3.14	To deliver, manage, and operate habitat banks on council owned land <b>including agreeing the pricing schedule</b>	Ward Councillor Portfolio Holder		<b>*GUILDFORD ONLY ADD WORDS IN BLUE</b>

3.3.15 <b>NEW</b>	To settle disputes and take any necessary action in respect of any rights of way or potential rights of way (whether public or private) on land owned by the Council	Ward Councillor Portfolio Holder JSD Legal & Democratic Services		<b>NEW</b> <b>ADD TO BOTH</b>
3.3.16 <b>NEW</b>	To issue work permits and access licences to utility companies for short term works on council owned land	Ward Councillor		<b>NEW</b> <b>ADD TO BOTH</b>
<b>3.4</b>	<b>Assistant Director - Planning Development</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>	

<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:</p> <ul style="list-style-type: none"> <li>(a) reserve matters applications,</li> <li>(b) listed building consent,</li> <li>(c) conservation area consent,</li> <li>(d) express consent to display advertisements,</li> <li>(e) hazardous substances consent pursuant to the Planning Acts</li> <li>(f) development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order;</li> <li>(g) determinations in connection with prior notification procedure under T&amp;CP (General Permitted Development) Order.</li> <li>(h) Non material amendments and minor material amendments applications</li> <li>(i) Details to comply with conditions, <b>discharge conditions</b> and variation/removal of condition applications.</li> <li>(j) Prior notifications and prior approval notices and permissions in principle</li> </ul> <p>To determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment.</p>		<p>The following matters are reserved to the Planning Committee:</p> <ol style="list-style-type: none"> <li>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 AD Planning Development have major strategic implications for the authority.</li> <li>2. Planning applications where a Councillor asks that the application be determined by the Planning Committee and puts forward relevant planning grounds to the Joint Executive</li> </ol>	<p><b>RETAIN ADD WORDS IN BLUE FORMATTING CHANGED</b></p>
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	<p>To make Screening and Scoping Opinions.</p> <p>To undertake Screening Opinions and Appropriate Assessments pursuant to Part IV of the Conservation (Natural Habitats and Conservation) Regulations 1994.</p>		<p>AD 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	<del>Not to determine if the Ward Member disagrees</del> To report the matter to the Planning Committee if the Ward Member disagrees with the proposed response to the Consultation	<b>RETAIN</b> <b>ADD/DELETE WORDS IN BLUE</b>
3.4.3 WBC 01 GBC HPD14	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192) & <del>established use certificates</del> . <b>Certificates of Lawfulness of existing or proposed use or development.</b>	JSD Legal & Democratic Services where necessary.		<b>RETAIN</b> <b>ADD/DELETE WORDS IN BLUE</b>
3.4.4 WBC 01 GBC HOPD4	To give, make and confirm any Order or Direction under the Planning Acts			<b>RETAIN</b>
3.4.5 WBC 01(O) GBC HES10 GBC HPD18	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out			<b>RETAIN</b>

	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).			<b>RETAIN</b>
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.			<b>ADD TO GUILDFORD</b>
3.4.8 WBC 01	All matters relating to the Planning (Hazardous Substances) Act, 1990.			<b>ADD TO GUILDFORD</b>
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			<b>ADD TO GUILDFORD</b>
3.4.10 WBC 03 GBC HOL6	To negotiate and enter into, discharge or vary planning or other agreements regulating or controlling the use of development of land	JSD – Legal & Dem Services	<b>Not where the determining body for any associated planning application is a committee.</b>	<b>RETAIN ADD/DELETE WORDS IN BLUE</b>

<p>3.4.11 WBC O1(G)(H)(I)(J) GBC DPD13, 12</p>	<p>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.</p>			<p><b>RETAIN</b></p>
<p>3.4.12 NEW</p>	<p>To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 in respect of Temporary Markets.</p>	<p>Ward Members</p>		<p><b>NEW ADD TO BOTH</b></p>
<p>3.4.13 WBC L3 &amp; 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><b>RETAIN ADD TO PLANNING DEVELOPMENT (CURRENTLY ENV. SERVICES FOR GBC)</b></p>

3.4.14 WBC DELEGATION O1(S) GBC HoPD32	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			RETAIN
3.4.15 WBC DELEGATION O1(T) GBC HoPD33	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.			RETAIN
3.4.16 WBC DELEGATION O1(X) GBC HOPD34	To maintain the Local Land Charges Register and issue certificates of search.			RETAIN
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	<del>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)</del>			REMOVE AS NO LONGER APPLICABLE
3.4.18 GBC HOPD 27	To undertake an annual review of the pre-application charging regime and revising the fees if appropriate <b>including agreeing pre-planning application fees</b>	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			REMOVE

	<del>reserved matters and applications for consent to display advertisements.</del>			
3.4.19 GBC HOPD6	To <del>agree</del> <b>make an application for</b> the award of costs against <del>any party to an appeal, and to agree to settle an award of costs against or in favour of the Council in relation to planning appeals, and the costs to be awarded to the Council.</del>	JSD – Legal & Democratic Service Portfolio Holder	Up to £50,000 costs against the Council	<b>ADD TO WAVERLEY ADD/DELETE WORDS IN BLUE</b>
3.4.20 GBC HOPD5	To decline to determine repetitive applications <b>pursuant to S70 Town &amp; Country Planning Act 1990.</b>			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.4.21 NEW	Agreeing compensation payable under the Planning Acts.	JSD Finance	Up to £200k	<b>NEW – ADD TO BOTH</b>
3.5.22 WBC P2 & P3	All matters relating to the naming and numbering of streets.	Portfolio Holder Ward Councillors		<b>ADD TO GUILDFORD MOVE TO AD PLANNING DEVELOPMENT</b>
3.	<b>JOINT ASSISTANT DIRECTOR – REGENERATION AND PLANNING POLICY</b>			
3.5.1 WBC P1	To make all decisions and take all actions and exercise all powers in respect of the Councils Planning Policy functions in accordance with adopted policies and relevant legislation.			<b>ADD TO GUILDFORD</b>
3.5.2 GBC HOOD1	In consultation with the appropriate lead councillor, to make such minor amendments to the Economic Development Strategy and delivery			<b>ADD TO WAVERLEY</b>

	plan as deemed appropriate.			
3.5.3 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			<b>ADD TO WAVERLEY</b>
3.5.4 GBC Plan Pol4	To make factual changes necessary to ensure that all Supplementary Planning Documents remain up to date			<b>ADD TO WAVERLEY</b>
3.5.5 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			<b>ADD TO WAVERLEY</b>

3.5.6 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.			<b>ADD TO WAVERLEY</b>
3.5.7 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	<b>ADD TO WAVERLEY</b>
3.5.8 GBC Plan Pol9	To receive, consider, publicise/consult upon, assess <b>and decide</b> 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 requests may overlap), and Neighbourhood Forum designation requests (including to adjudicate or decline to consider an application), and to publicise decisions made.			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.5.9 GBC Plan Pol10	To organise independent examinations for neighbourhood plans and neighbourhood development orders and to take any actions considered			<b>ADD TO WAVERLEY</b>

	necessary in response to recommendations within an examination report.			
3.5.10 GBC Plan Pol11, 18	To carry out Habitats Regulations Assessments, Strategic Environmental Assessments and Equalities Impact Assessments, screening opinions and other assessments as required <b>for the purpose of Development Plans.</b>			<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
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.			<b>ADD TO WAVERLEY</b>
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		<b>ADD TO WAVERLEY</b>
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.			<b>ADD TO WAVERLEY</b>
<b>3.6</b>	<b>Assistant Director – Organisational Development</b>			



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, <del>inconsequential and</del> administrative amendments to the Councils' Human Resources Policies & Car Leasing Scheme	Head of Paid Service JSDs & Assistant Directors	Within approved budgets	ADD TO WAVERLEY DELETE WORDS IN BLUE
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
3.6.7 NEW	To agree severance payments up to £20,000 in accordance with the Council's agreed policy and process	JSD Finance Relevant JSD	Must be agreed by the Leader	NEW ADD TO BOTH

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 relating to the following:</p> <ul style="list-style-type: none"> <li>A. Pollution control, <b>Drainage &amp; Sanitation, Filthy &amp; Verminous Premises, Wholesome Water Supplies</b></li> <li>B. Controlled waste &amp; other waste offences</li> <li>C. Air pollution control and clean air</li> <li>D. Smoke free premises</li> <li>E. <b>Stray</b>, Dangerous and/or Out of Control dogs</li> <li>F. Authorisations in relation to controlled processes</li> <li>G. Noise nuisance</li> <li>H. Contaminated land</li> <li>I. Statutory nuisance</li> <li>J. Litter</li> <li>K. Dog fouling <b>and other dog controls</b></li> <li>L. Graffiti removal</li> <li>M. Abandoned vehicles and other refuse</li> </ul>			<b>RETAIN</b> <b>ADD WORDS IN BLUE</b>

	<p>N. Prevention of crime and disorder, <b>including anti-social behaviour</b></p> <p>O. Drug and alcohol abuse/misuse of substances</p> <p>P. Food safety</p> <p>Q. Health &amp; Safety</p> <p>R. Pest Control</p> <p>S. <b>Sunday Trading</b></p> <p><b>T. Unauthorised encampments</b></p> <p><b>U. Public Health funerals</b></p> <p><b>V. Control of infectious diseases</b></p> <p><b>W. Public Space Protection Orders</b></p>			
<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 licensing functions in accordance with any legislation and/or any adopted policy(ies) of the Council relating to the following:</p> <p>A. Personal, premises, club premises licences and Temporary Event Notices</p> <p>B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)</p> <p>C. House to house and street collections</p>		<p>Not to make decisions in respect of the following:</p> <p>a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</p> <p>b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing and Regulatory Committee;</p>	<p><b>RETAIN</b> <b>ADD HACKNEY CARRIAGE FEES FOR WAVERLEY (CURRENTLY EXECUTIVE FUNCTION)</b> <b>ADD WORDS IN BLUE</b></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>M. <b>Temporary Use Notices &amp; Occasional Use Notices under the Gambling Act 2005</b></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 Regulatory Committee;</p> <p>(f) all applications and appeals</p>	
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			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 MOVED 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 <b>as a Category 1 responder</b> in accordance with legislation and the Councils adopted policy(ies).			ADD TO GUILDFORD ADD WORDS IN BLUE
3.7.5 WBC DELEGATION Q9	To authorise officers of other Surrey Licensing Authorities participating in a Joint Warranting Scheme to enforce all relevant Hackney Carriage and Private Hire licensing legislation.			ADD TO GUILDFORD
3.7.6 NEW	All matters related to the Council's powers and duties in relation to rivers			ADD TO BOTH

3.7.7 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		<b>ADD TO WAVERLEY</b>
3.7.8 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.			<b>ADD TO GUILDFORD</b>
3.7.9 GBC DF 17, 18	To exercise the Council's powers in respect of land drainage including any compensation payments or reduced charges	JSD - Finance		<b>ADD TO WAVERLEY MOVE FROM FINANCE (GBC) TO REGULATORY</b>
3.7.12 WBC DELEGATION Q7	<del>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.</del>	Ward Councillors		<b>DELETE FUNCTION NOT CARRIED OUT</b>
3.7.10 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>ADD TO GUILDFORD</b>

	<p>b) to apply for a review of a premises licence</p> <p>c) to apply for a review of a club premises certificate</p>			
<p>3.7.11 WBC Q14 GBC HORS16, 17, 20, 21, 22, 23, 25, 26, 28</p>	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.			<b>RETAIN</b>
<p>3.7.12 NEW</p>	All matters relating to the investigation of cases under the Health & Safety at Work legislation.	JS Director Legal & Democratic Services	Duly appointed inspectors	<b>NEW ADD TO BOTH</b>
<p>3.7.13 WBC K4</p>	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.			<b>ADD TO GUILDFORD</b>
<p>3.7.14 GBC HORS5 WBC Q8</p>	To exercise the Councils' regulatory functions relating to Animal Welfare.			<b>RETAIN</b>
<p>3.7.15 WBC DELEGATION L1</p>	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			<b>ADD TO GUILDFORD</b>

	necessary administration of the deceased's estate in liaison with the Treasury Solicitor.			
3.3.16 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		<b>ADD TO WAVERLEY MOVE FROM ENV. SERVICES (GBC)</b>
3.3.17 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			
<b>3.8</b>	<b>Assistant Director – Assets &amp; Property</b>			
3.8.1 MODIFIED TO FIT WBC GBC HoA2	To <b>take all actions in relation to</b> the improvement, refurbishment and maintenance of the Council's <del>non-housing</del> property portfolio not specifically the responsibility of other officers.	<del>Leader or Portfolio Holder</del>	<del>Not to agree expenditure from the Repairs &amp; Maintenance Fund in excess of £20k</del> <b>Within agreed budgets</b>	<b>RETAIN Add/Delete words in BLUE</b>
3.8.2 GBC HoA1	To undertake all actions in relation to the administration of the Councils <del>non-housing</del> estate and property portfolio including appropriation <b>where the value of land is less than £200K</b>		<b>Not in respect of HRA property other than commercial properties</b>	<b>ADD TO WAVERLEY ADD/DELETE WORDS IN BLUE LIMIT VALUE OF APPROPRIATION TO £200K</b>



<p>3.8.3 WBC N14 GBC HoA3, 15, 18</p>	<p>To <b>acquire and dispose of land and property in connection with the Council's functions and to grant leases, variations, tenancies, rights, easements, licences, consents and wayleaves of, in, or over buildings or land in connection with the Council's functions, in accordance with Council policies and within the approved General Fund capital programme.</b></p>	<p>Portfolio Holder JSD Finance <b>Portfolio Holder – Housing (in respect of HRA commercial assets leases)</b> <b>Any relevant AD</b></p>	<p>Acquisition and disposal of land is only authorised where the value is <b>All transactions are limited to less than £200,000 Not in respect of HRA other than commercial properties</b> 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</p>	<p><b>RETAIN LIMIT TO £200k ADD/DELETE WORDS IN BLUE</b></p>
<p>3.8.4 GBC HOA19</p>	<p>To exercise the Council's powers affecting the design, improvement or maintenance of unadopted roads in their ownership</p>			<p><b>ADD TO WAVERLEY</b></p>
<p>3.8.5 GBC HOA4</p>	<p>In relation to premises leased or licensed to others:</p>	<p>Portfolio Holder JSD Finance where there are financial implications</p>	<p><b>Not in respect of HRA (other than commercial</b></p>	<p><b>ADD TO WAVERLEY ADD/DELETE WORDS IN BLUE</b></p>

	<p>(a) to approve revisions in rent;</p> <p>(b) to agree variations in the terms of covenants;</p> <p>(c) to approve, as landlord, proposals for new building works and alterations <del>(except in relation to land and premises held in the Housing Revenue Account).</del></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 <del>where possession is required by the Council for any purpose or where such action is justified in the interests of good estate management;</del></p> <p>(h) to approve the payment of all forms of statutory compensation where appropriate; and</p>	<p><b>Portfolio Holder (Housing) for HRA non-commercial leases Relevant Assistant Director/JSD</b></p>	<p>property) or Housing Association leases.</p>	
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	<p>(i) to make arrangements for the re-letting of premises</p> <p>(j) <b>to arrange for the issue of relevant notices under the Landlord &amp; Tenant Act where required</b></p>			
<p>3.8.6 GBC HOA5</p>	<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 <b>Portfolio Holder – Housing (in respect of HRA commercial leases)</b></p>	<p><b>Not in respect of HRA (other than commercial property)</b></p>	<p><b>ADD TO WAVERLEY ADD WORDS IN BLUE</b></p>
<p>3.8.7 GBC HOA6</p>	<p>To grant leases to organisations receiving grant support from the Council on such terms and conditions as shall be considered appropriate.</p>	<p>Portfolio Holder JSD Finance <b>Assistant Director/JSD Place</b></p>		<p><b>ADD TO WAVERLEY ADD WORDS IN BLUE</b></p>
<p>3.8.8 GBC HOA7</p>	<p>To agree the terms for the variation of restrictive covenants <b>on land formerly owned by the Council.</b></p>	<p>Portfolio Holder</p>		<p><b>ADD TO WAVERLEY ADD WORDS IN BLUE</b></p>

3.8.9 GBC HOA9	To determine applications for agreements in respect of access of light and air.			<b>ADD TO WAVERLEY</b>
3.8.10 GBC HOA10	To determine the siting of advertisement boards for Council-owned commercial or industrial premises.			<b>ADD TO WAVERLEY</b>
3.8.11 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.	<b>ADD TO WAVERLEY</b>
3.8.12 GBC HOA13	To <del>perform all functions</del> of the Council as landowner in respect of its responsibilities and powers under the Party Wall Act 1996 <b>including issuing and responding to statutory notices.</b>		Not in respect of HRA land	<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.8.14 GBC HOA14	<del>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.</del>			<b>DELETE AS NO LONGER REQUIRED</b>
3.8.15 GBC HOA19	<del>To determine all matters relating to the siting of bus shelters, bus stops, seats and other street furniture.</del>	AD Planning Development		<b>DELETE AS NO LONGER REQUIRED</b>

3.8.13 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 provided that there is sufficient budget		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	<b>ADD TO GUILDFORD ADD WORDS IN BLUE</b>
3.8.14 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.	<b>*GUILDFORD ONLY</b>
3.8.15 GBC HOA3(c)	To sell, licence or lease land for the use of statutory undertakers	<b>Any relevant AD</b>		<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.8.16 GBC HCS4	To authorise lessees to display temporary advertising material	AD Commercial Services		<b>ADD TO WAVERLEY MOVE TO AD - ASSETS</b>
3.9	<b>JOINT ASSISTANT DIRECTOR – COMMERCIAL SERVICES</b>			
3.9.1 WBC R3, R.4 GBC HCS26	To issue and serve notices pursuant to the Building Act 1984 and Building			<b>RETAIN</b>

	Regulations and to carry out works in default and recover costs.			
3.9.2 WBC R2 GBC HCS25	To decide all Building Regulations applications in accordance with Building Regulations current at the time of deposit.			<b>RETAIN</b>
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"> <li>i. Highways Act 1980</li> <li>ii. Road Traffic Regulation Act 1984</li> <li>iii. Road Traffic Regulation Act 1991</li> <li>iv. Traffic Management Act 2004</li> </ul>	Portfolio Holder in respect of charges	<ul style="list-style-type: none"> <li>i. The adoption of and amendments to the Council's Car Parking Strategy;</li> <li>ii. The setting of off-street car parking charges other than for a limited period for the promotion of the town &amp; support to business</li> </ul>	<b>RETAIN</b>
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		<b>RETAIN</b>

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 opening hours.	Relevant Portfolio Holder Strategic Director - Finance		<b>*GUILDFORD ONLY</b>
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		<b>*GUILDFORD ONLY</b>
3.9.7 GBC HCS7	To accept items into any of the Council's Museum or gallery collections			<b>ADD TO WAVERLEY</b>
3.9.8 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.			<b>ADD TO WAVERLEY</b>
3.9.9 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	<b>ADD TO WAVERLEY</b>
3.9.10 GBC HCS17	To manage and operate markets		Within agreed policies	<b>ADD TO WAVERLEY</b>

3.9.11 GBC HCS20	To consider <b>and determine</b> objections to proposed amendments to the off-street parking order.	Portfolio Holder	<b>Not in relation to fees and charges</b>	<b>ADD TO WAVERLEY ADD WORDS IN BLUE</b>
3.9.12 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.			<b>*GUILDFORD ONLY</b>
3.10	<b>JOINT ASSISTANT DIRECTOR – COMMUNICATIONS &amp; CUSTOMER SERVICES</b>			
3.10.1 GBC LS ICT1	To replace and upgrade hardware, software and infrastructure <b>within the balance of the IT Renewals Fund</b>	JSD - Finance	<b>Within agreed ICT plans</b>	<b>ADD TO WAVERLEY REMOVE WORDS IN BLUE</b>
3.10.2 NEW	To be the link officer with the Commissioner for Local Administration in England ('Local Government Ombudsman')	JSD Legal & Dem Services (in respect of maladministration)		<b>NEW ADD TO BOTH</b>



<p>3.10.3 GBC CEX 13</p>	<p>To authorise payments <b>or the provision of other benefits under s.92 Local Government Act, 2000 (payments in cases of maladministration)</b> or by way of local settlement in relation to Local Government Ombudsman complaints.</p>	<ol style="list-style-type: none"> <li>1. Appropriate Assistant</li> <li>2. Director, JSD Legal &amp; Dem Services and, if over £1000, JSD Finance</li> </ol>	<p>Maximum £5000 local settlement</p>	<p><b>ADD TO WAVERLEY REMOVE WORDS IN BLUE - MALADMINISTRATION MUST GO TO MEMBERS.</b></p>
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## 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

<b>Local Government Act 1972</b>			
			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

<b>Local Government Act 1972</b>			
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)

<b>Local Government Act 1972</b>			
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	

<b>Local Government Act 1972</b>			
	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	

<b>Local Government Act 1974</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Monitoring Officer	Deputy Monitoring Officer(s)

<b>Health &amp; Safety at Work etc. Act 1974</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
S19-22 Health & Safety at Work Act 1974	To appoint inspectors and authorise enforcement powers	Assistant Director Regulatory Services	

<b>Local Land Charges Act 1975</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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	

<b>Local Government Miscellaneous Provisions Act 1976</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Representation of the People Act 1983</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Building Act 1984</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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	
<b>s.93 Building Act 1984</b>	<b>Authentication of documents</b>	<b>Assistant Director Commercial Services</b>	



<b>Building Act 1984</b>			
s.95 Building Act 1984	General power of entry in relation to building regulations	Assistant Director Commercial Services	

<b>Public Health (Control of Disease) Act 1984</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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	
<b>s.60 Public Health Control of Disease Act 1984</b>	<b>Accepting service of notices, orders and other documents</b>	<b>Assistant Director Regulatory Services</b>	

<b>Local Government &amp; Housing Act 1989</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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)

<b>Local Government (Committees and Political Groups) Regulations 1990</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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)

<b>Food Safety Act 1990</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
s.27(1) Food Safety Act 1990 (as amended)	Appointment as public analyst	Assistant Director Regulatory Services <i>(need to hold the relevant qualification)</i>	
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)	

<b>Local Government Contracts Act 1997</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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)

<b>Local Government Finance Act 1998</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

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

<b>Freedom of Information Act 2000</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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)

<b>Local Government Act 2000</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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)

<b>Criminal Justice &amp; Police Act 2001</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
	Power to enter premises and seize items where the Council has a power of seizure	All Assistant Directors	

<b>Proceeds of Crime Act 2002</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
	Actions and obligations under the Act	S151 Officer	Deputy S151 Officer

<b>Local Elections (Principal Areas) (England and Wales) Rules 2006</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Local Elections (Parishes &amp; Communities) (England and Wales) Rules 2006</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Cremation (England and Wales) Regulations 2008</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
Regulation 31	Person appointed as the Registrar	Assistant Director Environmental Services	

<b>Localism Act 2011</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
s.29 Localism Act 2011	Establish and maintain a register of members' and coopted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)

<b>Localism Act 2011</b>			
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)

<b>Local Authorities (Referendums)(Petitions)(England)Regulations 2011 Local Authorities (Conduct of Referendums) England) Regulations 2012</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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

<b>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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	

<b>Anti-Social Behaviour, Crime and Policing Act 2014</b>			
<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
s.1	Power to seek an injunction	Assistant Director – Regulatory Services	Assistant Director – Community Services
s.43	Power to issue Community Protection Notices	Assistant Director – Regulatory Services	Assistant Director – Community Services
s.52	Power to issue fixed penalty notices	Assistant Director – Regulatory Services	Assistant Director – Community Services
s.59	Power to make Public Spaces Protection Orders	Assistant Director – Regulatory Services	Assistant Director – Community Services
s.76	Power to seek Closure Orders and/or issue Closure Notices	Assistant Director – Regulatory Services	Assistant Director – Community Services

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

# **Guildford & Waverley Borough Councils**

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

Author: Susan Sale

Email: [susan.sale@guildford.gov.uk](mailto:susan.sale@guildford.gov.uk)

Report status: Open

Key Decision: No

## **Joint Councillor/Officer Relationship Protocol**

### **1. Executive Summary**

- 1.1 A good relationship based on mutual trust, respect and courtesy, between Councillors and Officers is essential for the smooth running of the Council.
- 1.2 The Joint Councillor/Officer Relationship Protocol governs the different roles and responsibilities of Councillors and Officers, sets out expectations and provides a framework for how they should work together.
- 1.3 The Joint Constitutions Review Group (JCRG) reviewed the Councillor/Officer Relationship Protocol at its meeting held on 29 May 2024. The JCRG agreed to recommend approval of a new Joint Councillor/Officer Relationship Protocol, as set out in Appendix 1 to this report, to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their special meetings held simultaneously on Monday 1 July 2024, with a further recommendation that each Committee

recommends the adoption of the Joint Councillor/ Officer Relationship Protocol to their respective full Council meetings<sup>1</sup>.

- 1.4 At its meeting on 1 July 2024, the Standards and General Purposes Committee recommended that the Joint Councillor/Officer Relationship Protocol be adopted as part of the Council's Constitution.

## **2. Recommendation to Council**

The Standards and General Purposes Committee recommend:

- 2.1 That the Joint Councillor/Officer Relationship Protocol, as set out in Appendix 1 to this report, be adopted as part of the Council's Constitution.

## **3. Reasons for Recommendations**

- 3.1 It is imperative, for the benefit of those who live, work and do business in our Borough's, that Councillors and Officers are clear on their differing roles and responsibilities and have good working relationships between them based on mutual trust and respect.
- 3.2 It is good practice for Councils to have a Protocol in place setting out the expectations arising from the relationship between Councillors and Officer.

## **4. Status of Report**

- 4.1 No part of this report is exempt from publication.

## **5. Strategic Priorities**

- 5.1 Good working relationships between Councillors and Officers goes to the heart of a resilient and well-managed Council which is one of the corporate priorities in the forthcoming draft Corporate Strategy.

## **6. Background**

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<sup>1</sup> Ordinary council meetings scheduled for 16 July (Waverley), and 23 July (Guildford)



- 6.1 The roles of Councillors and Officers are very different. Councillors are elected by the electorate to serve their constituents and are elected until the end of their term of office. Officers are recruited and employed by the corporate body of the Council and are accountable to the Head of Paid Service.
- 6.2 Councillors are responsible for the strategic framework of the Council and Officers are responsible for the delivery of that framework.
- 6.3 Officers are always politically impartial, and it is essential that Councillors respect that and do not attempt to compromise the political impartiality of Officers.
- 6.4 Both Councillors and Officers are ultimately working for the communities they serve and that is best achieved by having clarity around their different roles and responsibilities and having relationships that are based on mutual trust, respect and courtesy.
- 6.5 Councillors are bound by the Code of Conduct for Councillors and Officers are bound by the Code of Conduct for Officers. The Councillor/Officer Relationship Protocol should be read in conjunction with the respective codes and seeks to provide guidance and governance for the interaction and relationship between Councillors and Officers.
- 6.6 Should a Councillor be in breach of the provisions of this Protocol it could result in formal action under the standards regime if the conduct also amounts to a breach of the Code of Conduct for Councillors. Should an Officer be in breach of the provisions of this Protocol it could result in formal action being taken in accordance with the Council's Disciplinary Policy.

## **7. Options**

- 7.1 One option is to adopt a Joint Councillor/Officer Relationship Protocol to set out the differing roles and responsibilities and the expectations around the relationship between the two.
- 7.2 Another option is not to adopt a Joint Councillor/Officer Relationship Protocol.

## **8. Consultation**

- 8.1 Consultation has taken place with the Democratic Services Managers and the Deputy Monitoring Officers of both Guildford Borough Council and Waverley Borough Council, as well as the Statutory Officers for both Councils.
- 8.2 Consultation has taken place with the Leader of each Council, the Chair of the Corporate Governance & Standards Committee at Guildford Borough Council and the Chair of the Standards & General Purposes Committee at Waverley Borough Council and all relevant Portfolio Holders at each Council.
- 8.3 The proposal was also considered by the Joint Constitutions Review Group who supported the proposed Joint protocol.

## **9. Key Risks**

- 9.1 Without such a Protocol, there is a risk that Councillors and Officers are unclear as to their respective roles and responsibilities and do not optimise the relationship between themselves for the good of the communities they serve.
- 9.2 Lack of clarity of roles can lead to misunderstandings and ultimately to complaints.

## **10. Legal Implications**

- 10.1 Councillors must comply with section 27 Localism Act 2011 which provides that they have a duty to promote and maintain high standards of conduct. Further, Councillors are bound by the provisions of the Code of Conduct for Councillors.
- 10.2 Officers must comply with the provisions of their contract of employment the Code of Conduct for Officers and other employment policies and procedures. Some Officers are also covered by the provisions of the Local Government Officers (Political Restrictions)

Regulations 1990, and have to comply with the requirements of their professional bodies.

## **11. Financial Implications**

11.1 There are no financial implications arising from this report.

## **12. Human Resources Implications**

12.1 There are no human resources implications arising from this report.

## **13. Equality and Diversity Implications**

13.1 There are no equality and diversity implications arising from this report.

## **14. Climate Change and Sustainability Implications**

14.1 There are no climate change and sustainability implications arising from this report.

## **15. Background Papers**

[Guildford Borough Council Constitution](#)

[Waverley Borough Council Constitution](#)

## **16. Appendices**

Appendix 1: Draft Joint Councillor/Officer Relationship Protocol

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## JOINT PROTOCOL ON COUNCILLOR & OFFICER RELATIONSHIPS

### 1. INTRODUCTION

- 1.1 This document is intended to provide guidance and direction in the way that Councillors and Officers work together in carrying out the business of the Council for the good of the local community.
- 1.2 It seeks to build on the clear benefits of ensuring that, from their different roles, Councillors and Officers develop effective and efficient internal working relationships that best serve the collective goal of improving the quality of life for those who live, work and do business in our local community.
- 1.3 Whilst this Protocol gives guidance and direction, the document should not be seen as being prescriptive. Rather it should be regarded as a tool that helps ensure that the codes of conduct and policies that prescribe activities and behaviours are neither compromised nor breached.
- 1.4 This guidance will not cover every specific eventuality, but the broad principles included in the document set standards for acceptable behaviour that should fit every eventuality.
- 1.5 Mutual understanding and basic respect between Councillors and Officers are the greatest safeguard of the integrity of the Council.
- 1.6 This Protocol forms part of the Council's Constitution and an electronic copy will be available to all Councillors upon their election to the Council and to all Officers upon their recruitment to the Council. It shall also be included in induction training and periodic refresher training.
- 1.7 Questions on the interpretation of this Protocol will be determined by the Monitoring Officer.
- 1.8 The [Corporate Governance and Standards Committee](#) / [Standards and General Purposes Committee](#) will be responsible for reviewing the practical application of this Protocol and will make appropriate suggestions for its improvement and development.

1.9 The Protocol is supplementary to the Councillors' Code of Conduct and Officer Code of Conduct contained in this Constitution.

## **2. REVIEW**

2.1 This Protocol will be reviewed at least every four years by the [Corporate Governance and Standards Committee](#) / [Standards and General Purposes Committee](#).

## **3. GENERAL PRINCIPLES**

3.1 Both Councillors and Officers should aspire to conduct their relations, at all times, on a professional basis. Relations must be based on mutual trust, respect and courtesy and neither Councillor nor Officers should seek to take unfair advantage of their position.

3.2 Officers must, at all times, display political impartiality and Councillors must, at all times accept the political impartiality of Officers and not attempt to compromise it, for example, by demanding that an Officer change their professional advice or Officer report.

3.3 Councillors and Officers must have mutual respect for confidentiality where that is important to the relationship and where that does not compromise the duty of Officers to serve the public. Officers must make that clear before entering into any confidential discussions with Councillors.

3.4 Whilst Councillors and Officers are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole, via their reporting line to the Head of Paid Service. Their job is to advise Councillors (individually and collectively) and to carry out the Council's work under the direction of the Head of Paid Service. Councillors should understand that Officers have a contract of employment with the Council as a corporate body and not, as such, with individual Councillors or the Executive.

3.5 Officers are bound by the Code of Conduct for Officers distributed to all staff on the commencement of their employment and, in some cases, by the codes of their professional associations.

- 3.6 Councillors are bound by the Council's Code of Conduct for Councillors.
- 3.7 Breaches of this Protocol by a Councillor may result in a complaint to the Monitoring Officer if it appears that the Code of Conduct for Councillors has also been breached. Breaches of this Protocol by an Officer may lead to disciplinary action, if they amount to a breach of the Code of Conduct for Officers.

#### **4. THE ROLE OF COUNCILLORS**

- 4.1 Councillors are responsible to the electorate. Their job is to represent their constituents, to agree policy and to take all decisions that are not delegated to Officers.
- 4.2 Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.
- 4.3 Councillors deal with individual casework and act if appropriate as an advocate for constituents in resolving particular concerns.
- 4.4 Councillors balance different interests identified with their Ward and represent the Ward as a whole.
- 4.5 Councillors are available to represent the Council on other external bodies as set out in the Constitution.
- 4.6 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.
- 4.7 Councillors are not authorised to instruct Officers other than:
- Through the formal decision-making process;
  - To request the provision of resources provided by the Council for Councillors' use; or
  - Where Officers have been specifically allocated to give support to a Councillor or group of Councillors
- 4.8 Councillors may not initiate or certify financial transactions, or enter into a

contract in writing or orally on behalf of the Council, or direct any Officer to do so. Letters which may commit the Council to any action should not be sent in the name of any Councillor without having the consent of the Monitoring Officer. Councillors should not give any assurances to any person outside the Council, nor make any public statements which may be interpreted as making a formal commitment on any matter where a formal decision has yet to be made.

- 4.9 No Councillor should meet with a developer or contractor concerning negotiations for the disposal of land or the terms of a contract outside the formal meeting processes of the Council unless a Council Officer is present and a note is made of the content of the discussion at the meeting. Such meetings might occasionally take place on an initial exploratory basis, but should not continue beyond that. Officers should then pursue any negotiations arising.
- 4.10 Councillors must not take actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation to take into account, when reaching decisions, any advice provided by the Monitoring Officer or Chief Financial Officer (s151 Officer).
- 4.11 Members roles on the employment of staff are limited to:
- The appointment of specified senior posts as set out in the Officer Employment Procedure Rules;
  - Determining Human Resources policies and conditions of employment; and
  - Hearing and determining specific appeals as set out in the Officer Employment Procedure Rules.
- 4.12 An Executive Member wanting to make a decision about a matter in his or her portfolio should ensure that other Councillors and senior Officers who need to know of the matter are informed, particularly on issues of joint responsibility or mutual interest and in appropriate cases to brief the whole Executive.

## **5. THE ROLE OF OFFICERS**

- 5.1 Officers are responsible for day-to-day managerial and operational decisions within the authority. Their job is to give advice to councillors and



the public, to take all delegated decisions and to carry out the Council's work in a professional manner. Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

- 5.2 The role of Officers is to seek to assist Councillors, within the restrictions of their levels of authority, with a view to enabling Councillors to fulfil their roles.
- 5.3 Officers also have a role to ensure that Councillors are properly informed about information to which they have a right of access having regard to the Council's Access to Information Procedure Rules.
- 5.4 Officers should not use professional expertise to discourage or intimidate Councillors from pursuing lines of inquiry.
- 5.5 There may be service level agreements set out regarding the timescales for responding to particular queries or referrals from individual Councillors. These may vary dependent on the seniority of a Councillor or the topic in question. For example, responses to the Leader of the Council or the Leader of any political group may need to be given more speedily than a referral from a backbench Councillor. Responses to matters of urgency, for example regarding the safeguarding of vulnerable adults or children can require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe. Both Officers and Councillors have to prioritise their work. When their priorities do not coincide, they should discuss and agree a mutually acceptable timescale for response.
- 5.6 Officers must not allow their own personal or political opinions to interfere with their work. Officers have a contractual and legal duty to be impartial.
- 5.7 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly recorded. Officers have a responsibility to ensure that the Council functions within the legislative framework.
- 5.8 Officers of the Council have an overriding duty to serve the public in good faith without fear or favour of anyone. Officers must always act to the best of their abilities in the best interests of the Council as expressed in the

Council's formal decisions.

- 5.9 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and to be aware of the implications for Councillors, the media or other sections of the public.
- 5.10 Officers have the right not to support Councillors in any role other than that of a Councillor, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities applying to certain Officers holding politically restricted posts.
- 5.11 Senior Officers shall agree mutually convenient times for regular contact with Executive Members and Group Leaders.

## **6. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS**

- 6.1 The conduct of Councillors and Officers should be such as to inspire mutual confidence and trust.
- 6.2 The key elements are a recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3 There must be no bullying and/or intimidating behaviour between Councillors and Officers.
- 6.4 Informal and collaborative two-way contact between Councillors and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.5 Any Councillors and Officers who form a close personal relationship, either a Councillor with an Officer, a Councillor with a Councillor, or an Officer with another Officer, shall disclose the relationship to the Monitoring Officer.
- 6.6 If a Councillor or Officer becomes aware of an inappropriate relationship that may or does affect their work and/or the reputation of the Council, they should bring this to the attention of the Monitoring Officer.

- 6.7 It is not enough to avoid actual impropriety. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could arise or be perceived to arise. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the Officer on a personal basis, and vice versa.
- 6.8 Officers work to the instructions of their Senior Officers, not individual Councillors. It follows that, whilst such Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should direct their requests and concerns to a senior Officer, or an Officer that the senior Officer has confirmed beforehand may be approached directly. Senior Officers shall ensure that Councillors are adequately informed of such arrangements.
- 6.9 Officers will do their best to give timely responses to Councillor's enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior Managers. Councillors may discuss and give their views upon work priorities with senior Officers.
- 6.10 Councillors will endeavour to give timely responses to enquiries from Officers and to make themselves available to Officers who may require their views by way of consultation on various matters.
- 6.11 An Officer shall not discuss with a Councillor, personal matters concerning themselves or another individual Officer. This does not prevent an Officer raising on a personal basis, and in their own time, a matter with their Ward Member.
- 6.12 Councillors and Officers should respect each other's free non-working time and private lives.
- 6.13 Councillors and Officers must comply with and promote the Council's policies on equality and diversity.

## **7. RELATIONS WITH STATUTORY OFFICERS**

7.1 In reaching their decisions, Councillors must have regard to the advice given by Officers and in particular, that offered by the:

- a) Chief Finance Officer, whose duties are prescribed under section 114 of the Local Government Finance Act 1988;
- b) The Monitoring Officer, whose duties are prescribed under section 5 of the Local Government and Housing Act 1989. The Monitoring Officer should be consulted when there is any doubt as to the Council's power to act; or in determining whether any action proposed lies within the policy framework agreed by the Council; or where the legal consequences of action or failure to act by the Council might have important repercussions.
- c) The Statutory Officers of the Council are the Head of Paid Service (usually the Joint Chief Executive), the Monitoring Officer and the Chief Finance Officer (or Section 151 Officer). All have a duty to advise the Council as a corporate body. The ability of these Officers to discharge their duties depends not only on effective working relations with their Councillor colleagues, but also on the flow of information and access to the debating processes of politicians. As such, it is crucial that Councillors have a good working relationship with their Statutory Officers that are based on a clear understanding of their roles and responsibilities.

## **8. PARTY GROUPS AND OFFICERS**

8.1 Officers' support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

8.2 Party group meetings, as opposed to meetings of a body such as the Executive that may consist only of members of one political party, are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings have no status as formal Council decisions.

- 8.3 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner. In particular, if a briefing is offered to one party, then it should be offered to all party groups.
- 8.4 Councillors must not do anything which compromises or is likely to compromise Officers' impartiality.
- 8.5 At party group meetings where some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Code of Conduct for Councillors. They do not have the same rights to Council information as Councillors.

## **9. COUNCILLORS' ACCESS TO DOCUMENTS AND INFORMATION**

- 9.1 This part of the Protocol should be read in conjunction with the Access to Information Procedure Rules.
- 9.2 Councillors may request Senior Officers to provide them with such information, explanation, and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if it is in the public domain, and it is not barred from being given, by any legislative restriction, such as data protection legislation.
- 9.3 A Councillor should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:
- Where to do so is likely to breach data protection legislation, or
  - Where the subject matter is one in which they have a personal or disclosable pecuniary interest as defined in the Code of Conduct for Councillors
- 9.4 Information given to a Councillor must only be used for the purpose for which it was requested.

- 9.5 Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 9.6 When requested to do so, Officers will keep confidential from other Councillors advice requested by a Councillor.
- 9.7 Councillors and Officers must not prevent another person from gaining access to information which that person is entitled by law.

## **10. INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES**

- 10.1 Councillors or Officers with questions about the implementation or interpretation of any part of this Protocol should seek the guidance of the Joint Monitoring Officer.
- 10.2 A Councillor will not raise matters relating to the conduct or capability of an Officer at any public session of a meeting. A Councillor who is unhappy about the actions taken by, or the conduct of, an Officer should:
- Avoid personal attacks on, or abuse of, the Officer at all times;
  - Ensure that any criticism is well founded and constructive;
  - Never make a criticism in public.
- 10.2 If a Councillor has a concern regarding an Officer's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with the Officer's Assistant Director or Strategic Director.
- 10.3 Should any further action with regard to an Officer's conduct or behaviour be undertaken, it will be in accordance with the appropriate employment rules and procedures.
- 10.4 An Officer will not raise matters relating to the conduct or capability of a Councillor at any public session of a meeting.
- 10.5 If an Officer has a concern regarding a Councillor's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with the Joint Monitoring Officer or the Joint Chief Executive. The Monitoring Officer or Chief Executive will consider how the complaint or allegations should be dealt with and take such action as they consider appropriate which may be to raise the matter confidentially with

the Councillor and / or the relevant Group Leader or in respect of more serious complaints deal with it in accordance with the Code of Conduct for Councillors if they relate to an alleged breach of the Code.

## **11. SUPPORT SERVICES TO COUNCILLORS AND POLITICAL GROUPS**

- 11.1 Support services will be provided to assist Councillors only in discharging their role as Councillors.
- 11.2 Councillors will ensure they are up to date with and in compliance with all Council policies in respect of IT, information security and data protection.

## **12. REPORTS AND CORRESPONDENCE**

- 12.1 A Strategic Director will be responsible for the contents of a report. Councillor queries about report contents will be addressed to the report author. Issues arising between a Councillor and a report author will be referred to the appropriate Strategic Director. If unresolved the matter will pass to the Joint Chief Executive for resolution, in consultation with the Council Leader.
- 12.2 Correspondence between a Councillor and an Officer will not be copied by the Officer to any other Councillor, nor by the Councillor to any other Councillor, unless the individual who initiated the correspondence copied it to other Councillors in which case the responder shall copy their correspondence to those other Councillors.
- 12.2 If it is necessary to copy correspondence to another Councillor, this should be made clear to the original Councillor through notation on the correspondence.
- 12.3 A system of 'silent copies' (Bcc) should never be employed. Correspondence sent to all Councillors or groups of Councillors will make the circulation list clear.
- 12.4 Official letters on behalf of the Council will be sent in the name of the appropriate Officer rather than in the name of a Councillor. Letters which create obligations or give instructions on behalf of the Council will never be sent out in the name of a Councillor.

12.5 Councillors and Officers will undertake training in the principles of the General Data Protection Regulation and will apply those principles when producing and storing personal information.

### **13. WARD COUNCILLORS**

13.1 Whenever a significant meeting is organised by the Council to consider a local issue, all Councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, Ward Councillors will be notified at the outset of the exercise.

13.2 Officers will not normally attend meetings arranged by Councillors unless this has been discussed and agreed with the appropriate Assistant Director or Strategic Director in advance in order that proper representation and briefing can be arranged.

### **14. CEREMONIAL EVENTS**

14.1 The Mayor, or in their absence the Deputy Mayor, will be the appropriate person to lead/ represent the Council at ceremonial events which are of particular significance or are not specifically associated with the office of the Leader, a particular Portfolio / Committee / Sub-Committee.

14.2 Local Ward Councillors should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards.

14.3 Any Councillor taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Councillor is representing the Council as a whole.

14.4 Further guidance is contained in the Communications Handbook/ Media guidelines.

14.5 Officers will not generally be invited to hospitality arising from the Council's ceremonial events.



## **15. ROLES OF COUNCILLORS AND TRAINING REQUIREMENTS**

15.1 Councillors are asked to commit to the Training and Development opportunities that are afforded to elected Councillors, including a full Induction Programme at the commencement of each term of office. There are also mandatory training requirements for the Regulatory Committees (Planning and Licensing) to which Councillors, appointed to serve on these Committees, are required to commit.

## **16. INDEPENDENT / CO-OPTED PERSONS**

16.1 This Protocol applies equally to those persons who are co-opted on to any of the Council's committees or any other bodies.

## **17. UNDUE PRESSURE**

17.1 To ensure that the business of the Council is carried out effectively, Councillors and Officers should endeavour to create a cordial working relationship with each other.

### **Councillors should:**

- Be aware of how they speak with and relate to Officers, avoiding undue pressure;
- Avoid personal attacks on Officers, particularly in publications, press statements or meetings attended by the public;
- Avoid words or actions which could undermine respect for Officers by the public;
- Never require an Officer to carry out work on a matter which is not justified in terms of budgetary controls, Council policy or the Officer's duties and responsibilities.

### **Officers should:**

- Be aware of how they speak with and relate to Councillors;
- Remember at all times that they work in a political environment;
- Any Officer who is personally connected to a Councillor must notify their Strategic Director. Officers must not use undue influence over a Councillor, nor develop close personal friendships that could

compromise or be perceived to compromise the integrity of their actions.

## **18. SUMMARY**

The working relationship between Councillors and Officers is integral to the successful operation of an effective local authority. Politicians and managers have vital roles to play in providing a form of joint leadership which is based on shared knowledge, skills and experience. And at the heart of this relationship should be a common vision, shared values and mutual respect.

# Guildford & Waverley Borough Councils

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

Author: Deborah Upton, Senior Governance Officer

Email: [Deborah.upton@guildford.gov.uk](mailto:Deborah.upton@guildford.gov.uk)

Report Status: Open

Key Decision: No

## Proposed Changes to the Inter Authority Agreement

### 1.1 Executive Summary

The Joint Governance Committee terms of reference include a requirement to undertake a formal review (at least annually) of the Inter-Authority Agreement (IAA) to ensure it continues to be fit for purpose and recommend to both Councils any changes required.

1.2 There are now three IAAs and the proposal is to move to one IAA which better meets the needs of the Councils.

1.3 The Joint Governance Committee considered this matter at its meeting on 3 June 2024.

## **2. Recommendation to Council**

The Joint Governance Committee recommends to Council that:

1. The Monitoring Officer be authorised to enter into a new Inter-Authority Agreement to include the revisions set out in Appendix One.
2. The Monitoring Officer be authorised to terminate all previous Inter-Authority Agreements.
3. The Monitoring Officer be given delegated authority to agree a revised data sharing protocol for insertion in the new IAA.

## **3. Reason(s) for Recommendation:**

- 3.1 An Inter-Authority Agreement which clearly sets out the parameters within which the Councils are working in partnership will help to ensure good governance of shared arrangements.
- 3.2 The revisions to the IAA will ensure that the Councils are able to progress with sharing of staff and that this is more agile, helping to support the Councils' collaborative transformation programme.
- 3.3 The revised Agreement also has improved cost sharing and termination provisions, allowing the parties to withdraw from the Agreement in a managed way to ensure that there is no detriment to service provision.
- 3.4 A data sharing protocol is necessary to ensure that the Council comply with their data protection responsibilities. Providing delegated authority to the Monitoring Officer will ensure that the Councils can enter into the Agreement as the earliest point.

## **4. Purpose of Report**

- 4.1 This report is presenting proposals for a new Inter Authority Agreement to replace the existing three, with revisions as set out at Appendix One, for members to consider.

## **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 The Councils have entered into the following IAAs:-
- (a) IAA dated 16 November 2021 in relation to a Joint Chief Executive
  - (b) IAA dated 13 September 2022 in relation to a Joint Management Team
  - (c) IAA dated 20 October 2023 in relation to Temporary Staff sharing arrangements
- 6.2 One of the roles of the Joint Governance Committee is to review the IAAs and recommend any changes to the Councils. It must carry this out at least annually, and this is the review meeting for 2024.
- 6.3 This is an opportunity to rationalise the three existing Agreements into one, new Inter-Authority Agreement and in doing so, to ensure that it reflects the Councils' current positions regarding shared staffing, costs, termination, data sharing and other important areas. It also provides the ability to learn from our collaboration and to ensure that we can 'future-proof' the new Inter-Authority Agreement.
- 6.4 The Monitoring Officer commissioned external specialist Solicitors, Bevan Brittan, to provide a revised Agreement and their suggested changes are set out at Appendix One.
- 6.5 The review has also highlighted that further work is needed on the data sharing agreement between the Councils. We are starting a data audit to understand what data is currently shared, and how, and what it is proposed to share for the future. This will inform a new data sharing schedule to be agreed to ensure both Councils

comply with their data protection obligations, and it is proposed that the Monitoring Officer be given delegated authority to enter into this once it is finalised, to ensure that there is no delay.

- 6.6 In addition, now that we have been operating the collaborative working arrangements for some time, we have recognised that further work is needed on the Conflicts of Interest Policy for those officers who work across the two Councils. A revised policy will be drafted and consultation undertaken with staff and the union, before bringing it before this Committee for approval.

## **7. Consultations**

- 7.1 The proposed revisions to the Inter-Authority Agreement have no effect on staff and therefore there has been no consultation.

## **8. Key Risks**

- 8.1 There is a risk that, by having three overlapping Agreements, there is a lack of clarity as to what provisions should be operated and by whom. Having just one Agreement which covers all areas will result in improved governance and a clear line of sight over the areas which are covered and the responsibilities of the various officers.

## **9. Financial Implications**

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

## **10. Legal Implications**

- 10.1 Section 101(5) Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly.
- 10.2 The terms of reference of the Joint Governance Committee (9(i)) provide that it should ensure the IAAs remain fit for purpose and recommend any changes required to both full Councils.

## **11. Human Resource Implications**

- 11.1 There are no direct HR implications at this stage as there are no staffing changes proposed.

## **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 Committee is asked to consider the proposed revisions to the Inter-Authority Agreements attached as Appendix 1, in order that one revised Inter-Authority Agreement be entered into for the future. The Committee may:

- (a) accept the revisions to the Inter-Authority Agreement and agree to recommend them to each full Council;

- (b) suggest amendments to any of the proposed revisions; or

- (c) choose not to recommend that a revised Inter-Authority Agreement is entered into.

## **15. Background Papers**

- (a) IAA dated 16 November 2021 in relation to a Joint Chief Executive

- (b) IAA dated 13 September 2022 in relation to a Joint Management Team
- (c) IAA dated 20 October 2023 in relation to Temporary Staff sharing arrangements

## **16. Appendices**

Appendix 1: Proposed changes to the Inter-Authority Agreement



Appendix One

Inter-Authority Agreements – Table of proposed changes

Section	Area	Current	Proposed	Reason
	Governance & Decision Making	Sets out the Terms of Reference of the Committees	Refer to the Committees by name	Allows for the terms of reference to change without the agreement being amended
11. NEW	Defaults	N/A	If one party defaults on the agreement then the Leader is notified and the default must be referred to the JGC if not remedied within 30 days.	This allows for a proportionate process to give the parties time to resolve disputes which do not amount to fundamental breaches of the Agreement.
12. NEW	Dispute Resolution	N/A	If the JGC cannot resolve the matter, then it is referred to full Council where it can be sent to mediation.	
15. NEW	Copyright & Intellectual Property	N/A	IP rests in the Council for whom it was created, or jointly if for both	This provides clarity over this area
16.	Indemnity	Each party indemnified by the other unless negligence or wilful misconduct	Addition so that loss or costs incurred as a result of the IAA will be shared jointly, and the parties will co-operate with each other, but each party has to mitigate their loss.	Provision strengthened to ensure the parties work together and that costs are shared equally.
17.	Termination for Cause	Each party may terminate with immediate effect	Each party to give nine months notice	This is a minimum amount of time for the parties to put themselves back into a position where they can function independently
18.	Termination without cause	Each party has to give six months notice	Each party has to give at least 12 months notice to expire on 31 March	This allows the parties a reasonable period of time to make staffing arrangements, unpick data etc.

26. New	Mutually Agreed Termination	N/A	Either party can give notice if they can no longer legally fulfil their obligations e.g. S114 Notice has been served	This provides for unforeseen events beyond a parties control
Schedule 4	Staffing	N/A	The Agreement now contains schedules showing WBC shared staff, GBC shared staff and JMT staff.	This provides clarity over the employment of staff, which will be necessary as more staff are added to joint working arrangements
	Pensions	Pension strain is paid by the employing authority	Pension strain is split 50:50	There is a disproportionate expense to WBC if they employ the majority of staff

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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