

To: All Members of the STANDARDS AND  
GENERAL PURPOSES COMMITTEE  
(Other Members for Information)

When calling please ask for:  
Ben Bix, Democratic Services Manager  
**Legal & Democratic Services**  
E-mail: [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk)  
Direct line: 01483 523224  
Calls may be recorded for training or monitoring  
Date: 21 June 2024

### Membership of the Standards and General Purposes Committee

Cllr Andy MacLeod (Chair)  
Cllr John Robini (Vice Chair)  
Cllr Gemma Long

Cllr Peter Nicholson  
Cllr John Ward  
Cllr Michael Goodridge

### Town/Parish Representatives

Godalming Town Cllr Heagin (Co-  
Optee)

Elstead Parish Councillor Joan  
Holdroyd (Co-Optee)

Dear Member

An extraordinary meeting of the STANDARDS AND GENERAL PURPOSES  
COMMITTEE will be held as follows:

DATE: MONDAY, 1 JULY 2024

TIME: 6.00 PM

PLACE: COUNCIL CHAMBER, MILLMEAD HOUSE, MILLMEAD, GUILDFORD,  
SURREY GU2 4BB

The Agenda for the meeting is set out below. Note this meeting will be held  
Simultaneously with Guildford Borough Council's Corporate Governance and Standards  
Committee.

Yours sincerely

**Susan Sale,**  
**Joint Strategic Director Legal & Democratic Services & Monitoring Officer**

Agendas are available to download from Waverley's website ([www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)), where you can also subscribe to updates to receive information via email regarding arrangements for particular committee meetings.

Alternatively, agendas may be downloaded to a mobile device via the free Modern.gov app, available for iPad, Android, Windows and Kindle Fire.

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk) or call 01483 523351

This meeting will be webcast

---

### **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

### **AGENDA**

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **DECLARATIONS OF INTERESTS**

To receive from Members, declarations of interests 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 - 8)

To confirm the Minutes of the meeting held on 8 April 2024.

4. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any written questions received from Members of the public in accordance with Procedure Rule 11. The deadline for receipt of questions is 5pm on Tuesday 25 June.

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

The Chairman to respond to any written questions received from Members in accordance with Procedure Rule 12. The deadline for receipt of questions is 5pm on Tuesday 25 June.

## **Constitutional Matters**

6. SCHEME OF DELEGATION (Pages 9 - 96)

The Committee is recommended to make the resolutions set out in the report at agenda item 6.

7. NEW FINANCIAL PROCEDURE RULES (Pages 97 - 136)

The Committee is recommended to make the resolutions set out in the report at agenda item 7.

8. NEW CONTRACT PROCEDURE RULES (Pages 137 - 176)

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

9. NEW JOINT COUNCILLOR / OFFICER RELATIONSHIP PROTOCOL (Pages 177 - 196)

The Committee is recommended to make the resolutions set out in the report at agenda item 9.

**For further information or assistance, please telephone  
Ben Bix, Democratic Services Manager, on 01483 523224 or by email  
at [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk)**

This page is intentionally left blank



WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE - 8 APRIL  
2024

**Present**

Cllr Andy MacLeod (Chair)  
Cllr John Robini (Vice Chair)  
Cllr Michael Goodridge  
Cllr Gemma Long

Cllr Peter Nicholson  
Cllr John Ward  
Cllr Joan Heagin (Godalming  
Town Council Co-Optee)

**Apologies**

Cllr Joan Holroyd (Elstead Parish Council Co-Optee)

SGP13/23 MINUTES (Agenda item 2.)

The Committee agreed that the minutes of the meeting on 8 January 2024 were a complete and accurate record.

SGP14/23 DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no interests declared.

SGP15/23 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no question from members of the public.

SGP16/23 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

There were no questions from Members.

SGP17/23 COUNCIL PROCEDURE RULES (Agenda item 6.)

The Committee received a report which recommended a new proposed set of Council Procedure Rules to be adopted into the Waverley Borough Council and Guildford Borough Council Constitutions.

The Committee discussed the proposed Council Procedure Rules at Appendix 1 and proposed the following amendments:

- a) Procedure Rule 2.3 – The Committee voiced apprehension about the Monitoring Officer presiding over the election of the new mayor for the reason that meetings of the Council should always be chaired by a Councillor. The Committee suggested adding wording from Rule 8 to ensure a non-Executive Councillor will preside at the election of the Mayor. The Democratic Services Manager noted the proposed amendment.

- b) Procedure Rule 2.4.1 – The Committee suggested that ‘Wishes of the Political Parties’ is amended to ‘group leaders’ to ensure that such decisions are taken by the leader of the political group, on behalf of the group. It was clarified by the DSM in response to Members that the wishes of political groups could only be expressed through the group leader in accordance with regulations, and no additional wording was necessary. The Committee were satisfied with the response.
- c) Procedure Rule 4.2 – The Committee noted that the list of business does not include business deferred from previous meetings and proposed that wording should be added to clause (vi) to refer back to 3.2(x) i.e. to dispose of any remaining business from the previous Council meeting.
- d) Clause 15.6 – Cllr John Ward commented on the clause and suggested that the Mayor should be allowed to use his discretion to allow a Member to speak again if it would be useful. A clause to allow the discretion of the Mayor should be incorporated. The DSM explained that the Monitoring Officer has advised that there are plenty of opportunities for Members to speak adequately and the point behind this clause is to encourage Members to speak once. The Committee were satisfied with the response.  
Clause 15.13 – Cllr Michael Goodridge referred to the clause and noted that the papers considered at the JCRG included a clause 15.12 & 15.13 (Closure Motions). The clauses have not been included in the papers sent to this Committee. The DSM noted this point and agreed to consult with the Monitoring Officer about the inclusion of Closure Motions in the Council Procedure Rules.
- e) Procedure Rule 25.4 – Some Members raised concerns about the proposal for the Leader to be able to attend and speak at any Committee meeting. Cllr Michael Goodridge noted concerns about this prospect at Overview and Scrutiny meetings, as it opens up the possibility of extensive debate or pressure on the Chair. The Committee understood that the Leader should be able to attend and speak for clarification and informative purposes, but requested that the word ‘once’ be added to clause to limit speaking time.

Proposed amendments to the Council Procedure Rules;

- a) rule 2.3 – adding words from rule 8 to ensure a non-executive Councillor will preside at the election of the Mayor (and may use a casting vote)
- b) rule 4.2 – adding words to vi to dispose of any remaining business from the last Council meeting
- c) rule 25.4 – adding the word ‘once’ to the clause.

**The Committee RESOLVED that;** Subject to review of the proposed amendments by the Monitoring Officer in consultation with the Chair, the new Council procedure rules be recommended to Council for adoption into the Constitution.

SGP18/23 EXCLUSION OF PRESS AND PUBLIC (Agenda item 7.)

There were no items of business to consider in exempt session.

**The meeting commenced at 6.00 pm and concluded at 7.10 pm**

**Chairman**

This page is intentionally left blank

# Guildford & Waverley Borough Councils

Report to: GBC Corporate Governance & Standards Committee /

WBC Standards & General Purposes Committee

Date: 1 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

---

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

changes to the Scheme of Delegation in respect of Executive 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>.

## **2. Recommendation to Committee**

The Corporate Governance and Standards Committee (Guildford) and the Standards and General Purposes Committee (Waverley) are asked to recommend to their respective full Council meetings:

- 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 into their respective Constitutions in so far as the delegations relate to the appropriate council or councils.

The Committees are also asked to RESOLVE:

- 2.2 That the Monitoring Officer be authorised, in consultation with the chairs of both committees, to make such further amendments to the Joint Officer Scheme of Delegation and Proper Officer Scheme as may be necessary to correct errors or for clarification purposes, prior to consideration of these matters by the full councils of each authority.

## **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

---

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

Council in respect of their services, will help to promote more efficient joint working and will support the transformation programme by aligning officer decision making across both Councils.

- 3.2 The recommended changes will improve the governance procedures for each Council and will ensure that there is greater transparency over decision making.
- 3.3 The reductions in financial limits will ensure that key decisions are made by the Executive, thereby promoting accountability and transparency.
- 3.4 Aligning officer delegations into a 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

---

## SCHEME OF DELEGATIONS TO OFFICERS

---

## 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>
<b>1.1</b> WBC 1.1	<b>Introduction</b> These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, sections 14, 19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.	<b>ADD TO GUILDFORD</b>
<b>1.2</b> WBC 2.3 GBC 2	<b>Overarching Delegations</b> 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	<b>RETAIN</b>
<b>1.3</b> WBC 1.4	<b>When a Post is Vacant, a Postholder is Absent, a Post ceases to Exist or there is Organisational Change</b> 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	<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>
---	--	--	---	---

	<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>
--	---	--	--

			<p>7. Any planning application which is required to be referred to the Secretary of State.</p>	
--	--	--	--	--

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</b> <b>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</b> <b>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	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:  A. Pollution control, <b>Drainage &amp; Sanitation, Filthy &amp; Verminous Premises, Wholesome Water Supplies</b> B. Controlled waste & other waste offences C. Air pollution control and clean air D. Smoke free premises E. <b>Stray</b> , Dangerous and/or Out of Control dogs F. Authorisations in relation to controlled processes G. Noise nuisance H. Contaminated land I. Statutory nuisance J. Litter K. Dog fouling <b>and other dog controls</b> L. Graffiti removal M. Abandoned vehicles and other refuse			<b>RETAIN            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  E. Sexual Entertainment Venues  F. Street trading  G. Scrap metal dealers  H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals  I. Game dealers  J. Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis  K. Sunday trading  L. Pavement Licensing  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>	
--	---	--	---	--

			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>	
--	---	--	---	--



	<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>
------------------------------	---	---	---------------------------------------	--

This page is intentionally left blank



## 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]

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

<b>Local Government Act 1972</b>			
<b>Section</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
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: GBC Corporate Governance & Standards Committee /

WBC Standards & General Purposes Committee

Date: 1 July 2024

Ward(s) affected: All

Report of Strategic Director: Finance

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 Financial Procedure Rules

### 1. Executive Summary

- 1.1 It is good practice to keep the Financial Procedure Rules under review, as they form part of the Constitution of the Council(s).
- 1.2 The review of the Financial Procedure Rules has been undertaken by the Joint Constitutions Review Group (JCRG), at their meetings held on 29 May and 20 June 2024.
- 1.3 At its meeting on 20 June 2024, the JCRG agreed to recommend approval of the revised Financial Procedure Rules, 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 to be held simultaneously on Monday 1 July 2024, with a further recommendation that each Committee recommends the adoption of

the revised Financial Procedure Rules to their respective full Council meetings<sup>1</sup>.

## **2. Recommendation to Committee**

2.1 The Corporate Governance and Standards Committee (Guildford) and the Standards and General Purposes Committee (Waverley) are asked to recommend to their respective full Council meetings that the revised Financial Procedure Rules, as set out in Appendix 1 to this report, be adopted into their respective Constitutions.

## **3. Reasons for Recommendation:**

- 3.1 Financial Procedure Rules which are materially the same for both Councils, whilst being owned by each Council in respect of their services, will help to promote more efficient joint working and will support the transformation programme by aligning officer decision making across both Councils.
- 3.2 The recommended changes will improve the governance procedures for each Council and will ensure that there is greater clarity over financial 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 both Councils' Financial Procedure Rules supports the Councils Collaborative and Transformation programme and provides clarity for those officers employed to provide a joint service across both Councils. The rules will replace the existing Financial Procedure Rules (Guildford) and Financial Regulations (Waverley).

---

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

#### **4. Purpose of Report**

- 4.1 This report is presenting, for members' consideration, the proposed revised Financial Procedure Rules, which are set out in Appendix 1.
- 4.2 The purpose of the revised Financial Procedure Rules is to align financial limits and procedures across the two Councils where possible.

#### **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 To conduct its business effectively, a Council needs to ensure that it has sound financial management policies in place which are strictly adhered to. Part of the financial management is having an established set of Financial Procedure Rules which set out the financial policies of the Council. They provide the rules for the Council to follow to protect public money and give clarity to members and officers regarding responsibility for financial management.
- 6.2 Financial Procedure Rules apply to every member and employee of the Council. Both Councils currently each have a different set of Financial Procedure Rules and financial limits. This means that officers must refer in detail to each set of Rules to check them before making a decision. This leads to a lack of clarity for members of the Joint Management Team, as they work across both Councils but with differing decision levels across their services, as well as staff within their teams.
- 6.3 Financial Procedure Rules cover the following general principles:
  - (a) There should be adequate and understood separation of duties so as to maintain control over financial transactions.
  - (b) There should be a clear hierarchy of control.

- (c) There should be adequate training and supervision of staff with management and audit trails.
  - (d) There should be appropriate management of risks.
  - (e) Operational financial procedures should be clearly documented, key risks identified with business continuity plans in place to maintain effective administration of the Council's finances at all times.
- 6.4 The Financial Procedure Rules should be read in conjunction with the proposed new Scheme of Officer Delegation and Contract Procedure Rules, set out elsewhere on this agenda.
- 6.5 The Financial Procedure Rules were also considered by Waverley Borough Council's Audit Committee on 17 June.

## **7. Consultation**

- 7.1 These revised Financial Procedure Rules have been designed with Legal Services so that they form part of a set of constitutional amendments. The Joint Management Team have been made aware of the proposals and asked for any comments. Changes requested by officers are shown in the Rules, for consideration by members.

## **8. Key Risks**

- 8.1 There is a risk of poor decision making and a lack of accountability where financial controls are unclear. This can be mitigated by having a clearly expressed set of Financial Procedure Rules which is the same for both Councils, 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.

## **10. Legal Implications**

- 10.1 Councils have a responsibility to keep their Constitution up to date, under Section 9P Local Government Act 2000. The Financial Procedure Rules form part of the Constitution of the Council.

## **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 revised Financial Procedure Rules attached as Appendix 1 to this report, which have been recommended for approval by the Joint Constitutions Review Group.
- 14.2 The Committee may:
  - (a) accept the draft revised Financial Procedure Rules and agree to recommend them to Council for formal adoption, or

- (b) suggest amendments to any part of the draft revised Financial Procedure Rules, or
- (c) choose not to recommend that the revised Financial Procedure Rules are adopted.

**15. Background Papers**

- [Existing Financial Regulations – Waverley Borough Council](#) (Part 4 of the WBC Constitution)
- [Existing Financial Procedure Rules – Guildford Borough Council](#) (Part 4 of the GBC Constitution)

**16. Appendices**

Appendix 1: Proposed draft Financial Procedure Rules

## **DRAFT FINANCIAL PROCEDURE RULES**

**Contents: [To be added once approved]**

### **1. Introduction**

- 1.1. The Financial Procedure Rules and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and Officer and anyone acting on its behalf. All decision makers need to ensure that they have the authority under the Constitution to make a decision, and that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
  - 1.2 They link with other internal regulatory documents forming part of the Council's Constitution, for example the Scheme of Delegation and Contract Procedure Rules. They also ensure robust procedures are in place to provide the necessary assurance to the Council about the adequacy of the finance and governance arrangements underpinning the Annual Governance Statement.
  - 1.3 Where critical action becomes necessary as a result of some unforeseen emergency the Chief Executive, in consultation with the Joint Strategic Director - Finance and Monitoring Officer, may take appropriate action in accordance with his delegated powers under the Constitution, and waive the Financial Procedure Rules, provided they have undertaken the necessary consultation with members. Every use of this rule must be reported by the Chief Executive, in writing, to the next available meeting of the Executive or Full Council, as appropriate.
  - 1.4 The Joint Strategic Director - Finance is responsible for maintaining a continuous review of the Financial Procedure Rules and Contract Procedure Rules and submitting any additions or changes necessary to the Full Council for approval. The Joint Strategic Director - Finance is also responsible for reporting, where appropriate, breaches of the Financial
-

Procedure Rules and Contract Procedure Rules to the Audit & Risk Committee/Corporate Governance & Standards Committee.

- 1.5 The Joint Management Team (JMT) is responsible for ensuring that all staff are aware of the existence and content of the Council's Financial Procedure Rules and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Staff and the Constitution. Failure to comply with the Code of Conduct may result in disciplinary action.
- 1.6 The Joint Strategic Director - Finance is responsible for issuing advice and guidance to underpin the Financial Procedure Rules and Contract Procedure Rules that Councillors, Officers and others acting on behalf of the Council are required to follow.
- 1.7 Councillors have a fiduciary duty to local taxpayers to spend money wisely and to balance the interests of those who will pay against the interests of those who will benefit from the expenditure.
- 1.8 If there is a requirement for interpretation or any conflict between these Financial Procedure Rules and any other part of the Constitution, the Monitoring Officer should be consulted. If there is any conflict between these Financial Procedure Rules and the Council's Budget and Policy Framework Rules, at Part 4 of the Constitution, the Council's Budget and Policy Framework Rules prevail.

## **2. Financial management**

### **Responsibilities**

- 2.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, capital programme and treasury management.
- 2.2 The Executive is responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Assistant Directors' service responsibilities as far as possible.
- 2.3 The Audit and Risk Committee/Corporate Governance & Standards Committee has a right of access to all the information necessary to effectively discharge its responsibilities and may consult directly with internal and external auditors. The Audit and Risk Committee/ Corporate Governance & Standards Committee is responsible for a range of matters as set out in Council's Constitution. The Committee's responsibilities with regard to the financial management of the Council include:

- (a) overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit,
- (b) to consider the external auditor's annual audit letter, relevant reports and the report to those charged with governance,
- (c) approving the Council's Annual Statement of Accounts & whether accounting policies have been followed or concerns have arisen that need to be brought to the attention of the Council,
- (d) approving the annual Internal Audit plan, and receiving reports from the Council's Internal Auditor, including the Internal Audit annual report,
- (e) monitoring progress in addressing risk related issues and ensuring the Council's Risk Management arrangements are operating effectively, and
- (f) monitoring the effectiveness of the Council's framework of assurance and internal controls.

2.4 The Joint Strategic Director - Finance (Section 151 Officer) is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. They are responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and all other relevant legislation.

In order to fulfil these statutory duties and legislative requirements the Joint Strategic Director - Finance will:

- (a) set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with them,
- (b) determine the accounting records and systems to be kept by the Council and the form of any supporting records. The Joint Strategic Director - Finance shall ensure that the accounting systems approved are observed and maintained,
- (c) ensure there is an appropriate framework of budgetary management and control,
- (d) monitor performance against the Council's budget and advise upon the corporate financial position,

- (e) ensure proper professional practices are adhered to and to act as Head of Profession in relation to the standards, performance and development of finance staff throughout the Council,
- (f) prepare and publish the Council's Statement of Accounts for each financial year, in accordance with the statutory timetable and arrangements specified by law,
- (g) make proper arrangements for the audit of the Council's annual statement of accounts,
- (h) ensure that claims for funds, including grants, are made by the due date and in compliance with the grant terms and conditions,
- (i) make proper arrangements for the overall management of the Council's Internal Audit function,
- (j) manage the treasury management activities in accordance with the Council's Treasury Management Strategy, Capital & Investment Strategy (GBC), Treasury Management Policy, Treasury Management Investment Strategy (WBC) and Prudential Indicators (both),
- (k) manage the Pension Fund within the scope of the Local Government Pension Scheme Regulations,
- (l) provide advice and guidance to reinforce the Financial Procedure Rules which Members, Officers and others acting on behalf of the Council are required to follow, and ensure controls are in place to deter and detect fraud and error,
- (m) maintain and continuously review the Financial Procedure Rules and make recommendations and implement any changes, and
- (n) take responsibility for advising the Council on corporate financial matters.

Joint Strategic Directors shall have responsibility for advising Members or the Executive on financial matters relevant to their own service areas.

2.5 JMT members are responsible for financial management within their services and spending within the limits of the budgetary framework set by Council. They shall manage the development of budget proposals with a detailed assessment of financial implications within the Budget and Policy Framework agreed by the Council and set out at Part 4 of the Constitution.

### **3. Schemes of Financial Delegation**

- 3.1 The Joint Strategic Directors will establish, operate and keep under review local Schemes of Financial Delegation to ensure that the day-to-day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Financial Procedure Rules, Contract Procedure Rules and associated relevant guidance.

### **4. Revenue budget monitoring and control**

- 4.1 Once the budget is approved by the Council, JMT members are authorised to incur expenditure in accordance with the approved budget, subject to the limits in the Constitution and local Schemes of Financial Delegation to officers. They must, however, maintain effective budgetary control within their service to ensure that spending is contained within the annual budget limit and to secure value for money.
- 4.2 It is the responsibility of the JMT members to control income and expenditure within their service/directorate and to monitor performance, taking account of financial information and guidance provided by the Joint Strategic Director - Finance. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Joint Strategic Director - Finance to any potential overspending or under-achievement of income budgets in a timely manner.
- 4.3 The Joint Strategic Director - Finance, with the support of the Corporate Management Board, is responsible for establishing an appropriate framework of budgetary management and control which ensures that:
- (a) budget management is exercised within annual budget limits unless the Full Council agrees otherwise,
  - (b) timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities,
  - (c) expenditure is committed only against an approved budget,
  - (d) all officers responsible for committing expenditure comply with relevant guidance and Financial Procedure Rules and Contract Procedure Rules,
  - (e) each cost centre has a single named manager, determined by the relevant Assistant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure,

- (f) significant variances from approved budgets are investigated and reported by budget managers regularly,
- (g) reports are made to the Executive and Full Council, by the relevant Joint Strategic Director or Assistant Director, where they are unable to balance expenditure and resources within existing approved budgets under their control,
- (h) reports are produced on the Council's projected income and expenditure compared with the budget on a regular basis,
- (i) schemes of Financial Delegation are maintained for all functions within the JMT member's area of responsibility, and
- (j) a justification is prepared for all new revenue proposals with a significant financial impact, risk profile or policy change.

## **5. Scheme of virement**

5.1 The scheme of virement is intended to enable budgets to be managed with a degree of flexibility within the overall framework determined by the Council, and therefore optimise the use of resources. A virement is the movement of an uncommitted budget from its intended purpose to another purpose to fund expenditure.

5.2 Virements are not permitted:

- where a proposal would adversely affect long-term revenue commitments,
- between revenue and capital budgets, with the exception of external funding movements agreed by the Section 151 Officer, or
- between the HRA and the General Fund, or any trust administered by the Council.

5.3 Any virement with a value greater than £100,000 must be approved by the Executive to a limit of £500,000 and by Council for any greater amount. Full details of limits for officers are set out in Paragraph 42 of these Financial Procedure Rules.

5.4 Budget virements are not subject to the approval limits where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will, however, require the approval of the Joint Strategic Director - Finance.



5.5 All virements must meet the following criteria:

- within Council policy
- no net increase in total revenue expenditure in the initial or any subsequent year as a result of the virement
- requests must be made in writing on the agreed form and signed by the relevant Strategic Director.

5.6 All virements made under delegated authority will be reported by the Joint Strategic Director – Finance to the Audit & Risk Committee (WBC)/ Resources O&S Committee (GBC)/ as part of the budget monitoring report, and a record of all virements will be maintained.

## **6. Supplementary Estimates**

6.1 Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity, approval must be sought for a supplementary estimate.

6.2 Supplementary estimates may only be agreed by the Executive up to £250,000 subject to there being no ongoing revenue implications for future years.

6.3 Any supplementary estimate in excess of £250,000 or where there is an ongoing revenue implication must be approved by the Council.

## **7. Treatment of year-end balances**

7.1 Overspends or underspends in relation to the approved revenue budget may occur for a variety of reasons. For General Fund budgets, there is no 'as of right' carry forward of underspends from one financial year to another except where this is provided for by a binding partnership agreement or other legal agreement with a third party.

7.2 Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Joint Strategic Director - Finance following consideration of the overall financial position, and in consultation with the Leader and Portfolio Holder. All carry forward proposals must be supported by an appropriate Business Case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. Where carry-forwards are agreed, they will be allocated to an Earmarked Reserve until they are utilised.

7.3 Capital schemes can be prone to delay. It cannot be assumed that underspends will automatically roll forward into the following year. Requests to carry forward funding should make clear whether they are due to re-profiling of schemes or for other reasons. Requests for carry forward

should be made to the Joint Strategic Director - Finance who will report variances to the Capital Programme to Council for final approval.

## **8. Accounting Policies, Records and Returns**

- 8.1 The Joint Strategic Director - Finance is responsible for control and assurance and therefore determines appropriate accounting policies and procedures; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council, including the annual statement of accounts.
- 8.2 Financial statements must present fairly the financial position of the Council and its expenditure and income.
- 8.3 All accounts and accounting records will be compiled by the Joint Strategic Director - Finance or under their direction. The form and content of records will be approved by the Joint Strategic Director - Finance along with reconciliation procedures and they will ensure that they are applied consistently.
- 8.4 The Joint Strategic Director - Finance is responsible for ensuring that the annual statement of accounts is prepared and published in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and any International Financial Reporting Standards (IFRS) in place.
- 8.5 All statutory financial returns must be completed in line with published guidelines and timescales.
- 8.6 Financial records must be retained in line with statutory requirements and the Corporate Record Retention Policy.

## **9. Budget and policy framework**

- 9.1 The Council is responsible for agreeing a framework of corporate policies that set out and underpin the Corporate Strategy. The key elements of this framework are:
- (a) The Corporate Strategy – this sets out the longer term aims and objectives for Guildford/Waverley.
  - (b) Medium Term Financial Plan (MTFP) – this brings together the key assumptions about financing resources (including council tax, non-domestic rates and government funding settlements) and spending pressures over the medium to longer term. This enables the Council to plan for financial risks and informs the

setting of financial targets for services in the annual revenue budget and capital programme.

The Joint Strategic Director - Finance will ensure that the MTFP is presented to the Executive and Council as part of the annual budget setting process.

9.2 The responsibilities of the Joint Strategic Director - Finance are to:

- develop a minimum three-year MTFP (including the current budget year)
- undertake a formal review of the MTFP on an annual basis and update where necessary

Joint Strategic Directors must provide information that may be requested by the Joint Strategic Director - Finance to support the MTFP.

9.3 Revenue Budget – this is the financial expression of the Council's Corporate Strategy. It sets out the allocation of resources to services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.

9.4 Capital Programme – Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles, and are usually one-off in nature. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

9.5 Treasury Management Strategy – this sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments. The Executive, in conjunction with the Joint Strategic Director - Finance, will propose an annual Treasury Management Strategy, a set of Prudential Indicators and a policy for making revenue provision for the repayment of debt (referred to as the 'Minimum Revenue Provision' policy) to the Council in advance of the start of the relevant financial year. These will be consistent with the Council's revenue budget and capital programme proposals. These documents are required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council's own Treasury Management Policy Statement and Treasury Management Practices: they will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

9.6 Fees and charges schedule – Joint Strategic Directors and Assistant Directors, in consultation with the Joint Strategic Director - Finance, will follow the relevant charging policy as set out in the annual budget for the

supply of goods or services where charges may be lawfully applied. Charges will be reviewed annually. All new charges, and amendments to existing charges, will be subject to approval in accordance with the Council's Constitution. Officers may vary fixed fees and charges in exceptional circumstances and determine any which are not covered by the annual review, under the Officer Scheme of Delegation (para 2.8.11,12).

9.7 Pay policy - the pay policy statement will be prepared as required by law. At present it is required to set out the Council's policy on the level and elements of remuneration for each chief officer, the remuneration of its lowest paid employees, and the relationship between the remuneration of its chief and other officers. It is also required to address other specific aspects of chief officer remuneration such as remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

## **10. Revenue budget**

10.1 The revenue budget reflects the day to day running costs and associated receipts of the Council. This includes costs for salaries, energy, travelling and other costs incurred in providing services plus income raised by charges, and government grants.

10.2 The Joint Strategic Director - Finance will determine the general format of the budget.

10.3 The Joint Strategic Director - Finance will manage the preparation of the budget, in consultation with the Chief Executive, on an annual basis for consideration by the Council in line with the Budget and Policy Framework Procedure Rules. The annual budget will include allocations to different services and projects, proposed taxation levels and contingencies.

10.4 Detailed budgets, as proposed by Strategic Directors and Assistant Directors, will be subject to challenge and review through a process determined by the Joint Strategic Director - Finance.

10.5 The Joint Strategic Director - Finance is responsible for reporting to Full Council on the robustness of estimates contained within the budget and the adequacy of reserves allowed for in the budget proposals.

10.6 The Council shall not approve amendments to either revenue or capital budgets without first having considered the advice of the Joint Strategic Director - Finance on the financial implications arising.

10.7 The Joint Strategic Director - Finance is responsible for providing appropriate financial information to enable budgets to be monitored

effectively. They must monitor and control expenditure against budget allocations at a corporate level and report to the Executive on the overall position on a regular basis.

## **11. Capital Programme**

11.1 The Capital Programme is the Council's plan of capital projects and spending over future years. The Executive, in conjunction with the Joint Strategic Director - Finance, will manage the preparation of a capital programme, on behalf of the Council, on an annual basis in accordance with the Council's capital projects' governance arrangements.

Capital expenditure of less than £10,000 will be charged to revenue on the grounds of materiality.

11.2 Capital projects - approvals are sought on an individual project basis and reflect the total cost of each project rather than the anticipated expenditure in each year.

11.3 A justification must be made for all capital proposals before approval is sought for inclusion in the Capital Programme. The justification will support decision making, and must identify whole life costs, for revenue and capital. The amount of detail will be proportionate to the value and level of risk. Where there is a greater risk further detail may also be required.

11.4 Any 'in year' approval sought to vary the financial values or implications of a capital scheme, must be supported by an updated justification.

11.5 Once the Capital Programme has been approved, project owners must ensure that the scheme is appropriately managed to achieve appropriate measures in accordance with their previous justification.

11.6 Project owners must provide regular reporting of progress of their schemes to the Executive or relevant project board. Where project performance or outcomes are at risk of significantly varying from the business case the project owner is responsible for taking appropriate mitigating action including the need to seek appropriate approvals as required. All reporting and monitoring activity should be evidenced and recorded in a way that can be accessed to support auditing of project activity. Guidance should be sought from the Joint Strategic Director - Finance if required.

11.7 The Council will approve the re-profiling of spend on approved capital schemes across financial years and carry forward of slippage/accelerated spend into financial years as part of the budget monitoring/setting processes.

## **12. Financing of capital expenditure**

The Joint Strategic Director - Finance will determine the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

## **13. Capital Receipts**

13.1 The Joint Strategic Director - Finance must be informed of all proposed capital receipts including sales of land and buildings so that the effect on financial and property management can be assessed.

13.2 On the advice of the Joint Strategic Director - Finance, the Council will determine how capital receipts will be applied when setting the budget.

## **14. Reserves**

14.1. The Joint Strategic Director - Finance is responsible for advising on the prudent levels of reserves for the Council. The key controls are:

- (a) to maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies,
- (b) for each reserve established, the purpose, usage and basis of transactions should be clearly identified,
- (c) reserves are used only for the purpose for which they were intended,
- (d) Revenue and capital reserves shall be maintained separately.

14.2 Authorisation to establish and add to a reserve is by the appropriate Joint Strategic Director, in conjunction with the Joint Strategic Director - Finance and authorisation to incur expenditure against the reserve is by the appropriate Joint Strategic Director in accordance with the limits in these Financial Procedure Rules.

## **15. Leasing, Rental and Right of Use Agreements**

15.1 Leasing, rental or hire purchase agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. All lease type arrangements must comply with IFRS 16 and be approved by the Joint Strategic Director – Finance for up to £1M whole life value and the Executive if in excess of this value.

## **16. Internal trading activities**

- 16.1 The requirements for a service to be designated as a trading activity include:
- provision of all, or the majority, of their services in an environment where their customers have the option to use them or an alternative service provider; and
  - charging for the full cost of the goods / services they provide, on the basis of an agreed charge or rate.
- 16.2 Services are only permitted to operate as a trading activity with the prior approval of the Council, in consultation with the Joint Strategic Director - Finance and the Monitoring officer.
- 16.3 Trading activities are each required to:
- (a) maintain a Trading Account into which all expenditure related to the provision of their services will be charged (i.e. including direct costs, the full costs of services provided by the Council's support services, any service management provided by senior managers and asset and other accounting charges)
  - (b) receive all income due for work done by the trading activity. Exceptions to the requirement for a Trading Account will apply when the Service funded is occasional and is below a limit value set by the Joint Strategic Director – Finance
  - (c) balance their budget by generating sufficient income to cover the full costs of service provision
  - (d) operate within the Council's overall arrangements and rules for staff and resource management. Council may approve special arrangements in exceptional circumstances, where it can be demonstrated that adherence to these rules and arrangements would lead to the unit becoming uncompetitive and losing work and that the proposed departure does not expose the Council to significant risk.

## **17. Risk Management and Control of Resources**

### **Risk management**

- 17.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
- 17.2 The Council has adopted a Risk Management Policy and Strategy (GBC)/Risk Management Policy (WBC) which has been approved by the

Corporate Governance & Standards Committee (GBC)/Audit and Risk Committee (WBC) and is regularly updated to ensure its continuing effectiveness on a continuous basis.

- 17.3 Joint Strategic Directors are responsible for ensuring the Risk Management Strategy is implemented and that the Risk Management policy operates within their Service. Risk Management should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 17.4 There are several levels of risk register within the Council. There should be a movement of risks both upwards and downwards through the levels and treatment addressed at the most appropriate level of the organisation:
- 17.5 Corporate Risk Register (GBC)/Strategic Risk Register (WBC) - contains risks impacting on the organisation's overall objectives. Strategic Risks are those risks that are outside of the Council's risk appetite and could affect the delivery of the Council's strategic objectives as set out in the corporate strategy and/or MTFP.
- 17.6 Service Risk Registers - contain strategic and operational risks with the potential to impact on the delivery of Service objectives.
- 17.7 Programme/Project/(Partnership – WBC) Risk Register – contain risks associated with delivery of individual projects, managed and reported to the Corporate Management Board (GBC).
- 17.8 The Assistant Director – Organisational Development is responsible for preparing the Council's Risk Management Policy and Strategy and for promoting it throughout the Council to ensure effective management and monitoring of risks.
- 17.9 Business Continuity - The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, as far as is reasonably practicable.
- 17.10. The Assistant Director – Organisational Development is responsible for developing the Business Continuity Strategy. Joint Strategic Directors are responsible for ensuring arrangements are in place to ensure the continuity of service delivery in the event of a disruptive incident. This is managed via the development of robust Business Continuity Plans which are regularly maintained and tested in accordance with the Business Continuity Strategy. This extends to those Council services provided by third parties and the ongoing monitoring and compliance with this requirement via contract performance management.



## **18. Internal Controls**

- 18.1 The Joint Strategic Director - Finance is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 18.2. It is the responsibility of Corporate Management Board to establish sound arrangements for planning, appraising, authorising and controlling their services in order to achieve best value, continuous improvement, economy, efficiency and effectiveness, and for achieving their financial performance targets.
- 18.3. The Council must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses and any action to be taken to address them.

## **19 Audit arrangements**

- 19.1 Internal Audit - the Accounts and Audit Regulations 2015 require the Council to have a sound system of internal control which facilitates the effective exercise of its functions; the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for risk management.
- 19.2 The Council is a partner in the Southern Internal Audit Partnership (SIAP) to deliver its internal audit services. To contribute to the production of the Annual Governance Statement, SIAP is responsible for planning and delivering a programme of independent reviews of the Council's activities, the scope of the programme being based on the Council's corporate objectives and an assessment of the risk which may affect the achievement of these objectives.
- 19.3 SIAP will present reports to the Corporate Governance & Standards Committee/Audit and Risk Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress, with regular reports setting out progress against the annual audit plan. In addition, any matters of material importance in relation to audit matters are also reported to the Corporate Governance & Standards Committee/Audit and Risk Committee.

- 19.4 SIAP staff have, in accordance with the Accounts and Audit Regulations, (with strict accountability for confidentiality and safeguarding records and information), full, free, and unrestricted access to any and all of the Council's premises, personnel, assets, records and third-party fund transactions pertinent to conducting any engagement, including those of the Council's alternative service delivery vehicles. These rights of access should be documented in the service contract.
- 19.5 With regards to organisations participating in partnering arrangements, Internal Audit staff shall have such access to the premises, personnel assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in paragraph 39 below. Partners will be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been specified in existing arrangements then appropriate discussions with partners should take place.

## **20. External Audit**

- 20.1 The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the Local Government Association (LGA) for this purpose.
- 20.2. The Council may, from time to time, be subject to audit, inspection, or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

## **21. Preventing Fraud and Corruption**

- 21.1. The Council has an approved Anti-Fraud and Corruption Policy & Strategy (GBC) which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third-party fund, must be notified immediately to the Head of Internal Audit, in conjunction with other officers detailed in the Council's Counter Fraud and Corruption Strategy.
- 21.2. The Anti-Fraud & Corruption Policy & Strategy also incorporates:
- (a) Anti Bribery Policy
  - (b) Counter Fraud Policy
  - (c) Fraud Prosecution Policy

(d) Anti Money Laundering Policy

21.3 Other policies which support the Council's position on fraud and corruption are:

- Conflict of interests' policy for JMT staff members
- Contract Procedure Rules
- Whistle-blowing policy
- Code of Conduct for Staff

21.4 In addition, all members of staff are required to regularly complete and refresh their level of governance training and to declare any interests they might have on an annual basis.

**22. Insurance**

22.1. The Council is responsible for ensuring that adequate proper insurance arrangements exist.

22.2. The Assistant Director – Organisational Development is responsible for advising the Council on proper insurance cover and managing the Council's insurances.

22.3 The settlement of insurance claims against the Council is subject to the approval limits set out in paragraph 42.

22.4. The Joint Strategic Director - Finance will notify Corporate Governance & Standards Committee/Audit and Risk Committee if the total value of claims during a financial year exceeds £200,000 for any of the following classes of claim:

- Employer liability
- Public liability
- Property
- Motor
- Other

22.5. Joint Strategic Directors & Assistant Directors must comply with all relevant insurance terms and conditions, and:

- (a) notify the Assistant Director – Organisational Development immediately of any loss, liability or damage that may lead to a claim against the Council,

- (b) notify the Assistant Director – Organisational Development promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances,
- (c) consult the Joint Strategic Director - Finance and the Monitoring Officer on the terms of any indemnity that the Council is proposing to give,
- (d) ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim,
- (e) ensure all officers are aware of their responsibilities relating to the use of insurance policies,
- (f) identify and report to the Assistant Director – Organisational Development any changes which could affect risks insured by the Authority, and
- (g) ensure that any conditions affecting insured risks are met and services' actions do not invalidate any claims.

## **23. Assets**

- 23.1 In the context of these Regulations, Assets include buildings, land and infrastructure, furniture, equipment, plant, stores, cash balances and "intellectual property" such as computer software, data and information of all kinds.
- 23.2 All staff have a responsibility for safeguarding the Council's assets and information, including safeguarding the security of the Council's computer systems and paper records, and for ensuring compliance with the Council's data protection, computer and internet security policies.
- 23.3. The Assistant Director - Assets and Property will:
- (a) undertake the role of 'corporate landlord' for non-housing land and buildings
  - (b) ensure the proper security and maintenance of all non-housing premises occupied owned by the Council
  - (c) with Legal Services, hold the title deeds for all Council properties

- (d) ensure non-housing land and buildings are included in the Council's Asset Register where the assets have a value in excess of the Council's de-minimis levels.

23.4. The Assistant Director - Housing will ensure:

- (a) the proper security and maintenance of all housing and homelessness related premises occupied and/or owned by the Council.

23.5 Assistant Directors are responsible for:

- (a) the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management, security and safe use and occupation.
- (b) ensuring that assets are used only for official purposes and that all appropriate rights, licences, and insurances are obtained.

23.6 The Joint Strategic Director - Finance is responsible for the maintenance of a corporate register of the Council's property, plant and equipment assets.

## **24 Land and buildings**

24.1 Land and buildings transactions include:

- freehold acquisitions and disposals
- long leasehold acquisitions and disposals
- short leases as tenant and as landlord
- entering into section 106 agreements as landowner
- release of covenants
- compulsory acquisitions and land compensation claims
- taking and granting easements
- option Agreements
- lease surrenders and exit agreements (including dilapidations).

24.2. Each of these transactions has a financial consequence for the Council and the following approvals are required, in accordance with the Officer Scheme of Delegation:

- up to £200,000 – Assistant Director – Assets and Property, for non-HRA land and buildings (other than commercial property)

- up to £200,000 – Assistant Director – Housing, for HRA land and buildings (other than commercial property)
- £200,000 or more – Executive

## **25. Inventories**

- 25.1. Assistant Directors must ensure that proper arrangements are made to maintain inventories of all items with a replacement value in excess of £500 (GBC limit), including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- 25.2. The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.
- 25.3. Stock is defined as consumable items constantly required and held by a service in order to fulfil its functions. Assistant Directors are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive and/or security-controlled items.
- 25.4. Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Assistant Director is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.

## **26. Asset Disposal/Write-off**

- 26.1. Joint Strategic Directors (in consultation with the Joint Strategic Director - Finance) may authorise the write-off of losses or disposal of assets (excluding land and buildings) up to and including £10,000. Asset disposals will be in accordance with the Contract Procedure Rules. Write offs over £10,000 will require approval as follows:
- Joint Strategic Director – Finance in consultation with the appropriate portfolio holder(s) – up to £50,000
- Executive in respect of any debts of £50,000 or over
- 26.2. Any write off which arises as a result of theft or fraud must be notified to the Joint Strategic Director - Finance immediately.

## **27. Treasury Management**

- 27.1 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities and the Prudential Code.
- 27.2. The full Council is responsible for approving the Treasury Management Strategy.

The Executive has the responsibility of regularly monitoring the Strategy (WBC), and the Joint Strategic Director - Finance has delegated responsibility for administration of day-to-day treasury management decisions (without financial limit) OR

The Resources Overview & Scrutiny Committee (GBC) is responsible for scrutinising treasury management decisions, and the Joint Strategic Director – Finance has responsibility for the administration of day-to-day decisions (without financial limit).

- 27.3 All money in the hands of the Council is controlled by the Joint Strategic Director - Finance.
- 27.4. The Joint Strategic Director - Finance is responsible for reporting to the Executive/Resources Overview & Scrutiny Committee (GBC) periodically in each financial year on treasury management activities undertaken within delegated powers.
- 27.5 Investments and Borrowings - it is the responsibility of the Joint Strategic Director - Finance to:
- (a) ensure that all investments of money are made in the name of the Council or in the name of approved nominees,
  - (b) ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in safe custody,
  - (c) effect all borrowings in the name of the Council, and
  - (d) act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

- 27.6 Trust Funds and Funds Held for Third Parties - it is the responsibility of the Joint Strategic Director - Finance to:
- (a) arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Guildford/Waverley Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Joint Strategic Director - Finance unless any deed otherwise provides,

- (b) arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Joint Strategic Director - Finance, and to maintain written records of all transactions, and
- (c) ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

27.7 Where applicable Charity Commission guidance shall be followed in the preparation of Annual Financial Reports and deadlines for the submission of information to the Commission.

## 28. **Intellectual Property**

28.1 Intellectual property is a generic term that includes inventions and writing. If an employee creates these during employment, then they belong to the Council, not to the employee.

28.2 Like any assets, intellectual property is an essential factor in ensuring business continuity within the Council, and the effective delivery of Council services. It is critical therefore, that the Council puts in place adequate controls over the ownership, storage and use of all intellectual property.

28.3 Assistant Directors will ensure that their staff are aware of the Council's rights over intellectual property.

## 29. **Staffing**

29.1 Council staff are an essential part of providing the highest level of quality services. Staff are the greatest single item on which the Council spends its budget. It is therefore crucial that procedures and guidance issued by Human Resources are followed precisely. In order to provide the highest level of service, the Council must recruit and retain high calibre, knowledgeable staff, qualified to an appropriate level within the resources available.

29.2 The Head of Paid Service is responsible for providing overall management to staff and is also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job. The Assistant Director – Organisational Development acts as an advisor to Joint Strategic Directors on areas such as HR policy and procedures.

29.3 Assistant Directors have primary responsibility for their establishment and are accountable for compliance with establishment and financial controls. They are responsible for:



- (a) ensuring that all changes to staffing levels are communicated to Human Resources as soon as possible to ensure financial and operational records are kept up to date
- (b) for instructing Human Resources and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses where applicable

29.4 The Joint Strategic Director - Finance will:

- (a) ensure that budget provision exists for all existing and new Officers and prepare an annual staffing budget for services, in consultation with Assistant Directors and ensure it is an accurate forecast of staffing levels.
- (b) ensure arrangements for payment to the appropriate bodies, of all statutory taxation and other payroll deductions

### **30. Retention of records**

- 30.1 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.
- 30.2 The Council, in common with other public and private organisations, has certain statutory obligations it must meet for the retention of its records. It also must fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.
- 30.3. The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records, however, may need to be kept for longer periods, e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. Guidance on the appropriate retention period is given in the Council's Record Retention & Disposal Schedule (GBC)/Data Retention Policy (WBC).
- 30.4. All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also considers legislative requirements such as the Limitation Act, GDPR, Data Protection Act; Freedom of Information requirements; and the business needs of the Service.

## **31. Financial Systems and Procedures**

### **Banking Arrangements**

- 31.1. All bank accounts must be titled impersonally in the name of Guildford/Waverley Borough Council.
- 31.2. Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Joint Strategic Director - Finance. No bank accounts may be opened, or arrangements made with any other bank except by agreement with the Joint Strategic Director - Finance.
- 31.3. Bank transfers must be authorised by the Joint Strategic Director - Finance, or those officers authorised to sign through the agreed local Scheme of Financial Delegation or in accordance with the Treasury Management Policy.
- 31.4. Direct debits can only be set up with the prior approval of Finance in line with the local scheme of delegation for the Finance Directorate.
- 31.5. Payments must be authorised in line with local Schemes of Financial Delegation and the Contract Procedure Rules.
- 31.6. Assistant Directors must:
- (a) make secure arrangements for the receipt of income and subsequent prompt banking, and
  - (b) adhere to the banking instructions issued by the Joint Strategic Director - Finance

### **Income**

- 31.7. The Joint Strategic Director - Finance is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council.
- 31.8. Charges will be reviewed annually in line with the Schedule of Fees and Charges. The Schedule of Fees and Charges Policy will be approved by Council as part of the annual budget setting process unless otherwise authorised under the Officer Scheme of Delegation.
- 31.9. Council officers must comply with guidelines issued by the Joint Strategic Director - Finance for the safe and efficient collection and recording of all money due to the Council.

## **Bad Debts**

- 31.10 The Council has a Corporate Debt Recovery Policy (GBC) / an Income & Debt Collection Policy (WBC) with the guiding principle that customers have a responsibility to pay amounts that have been properly assessed as being due. The Council is committed to using the most appropriate and effective recovery methods available to it. In certain circumstances and for justifiable reasons it will be necessary to classify some debts as irrecoverable and to recommend that they be written off; however, this does not preclude pursuit of the debt.
- 31.11 Joint Strategic Directors will critically review outstanding debts on a regular basis, in conjunction with the Joint Strategic Director - Finance, and take prompt action to write off debts no longer deemed to be recoverable. Joint Strategic Directors will recommend to the Joint Strategic Director - Finance all debts to be written off in line with the following approval limits:
- up to and including £10,000 – Strategic Director in consultation with the Joint Strategic Director - Finance
  - £10,000 - £50,000 – Joint Strategic Director – Finance in consultation with the relevant portfolio holder(s)
  - more than £50,000 – Executive
- 31.12. The Corporate Management Board is responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports. A record must be maintained for all debts written off.

## **Purchase of goods and services**

- 31.13 Joint Strategic Directors and Assistant Directors are responsible for providing all appropriate information and instructions to the Finance directorate to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- 31.14. Except for purchases by Purchase Card, imprest accounts, periodic payments such as rent or rates, Grant payments, contributions made to other Public Sector Bodies and Subscriptions all purchases must be supported by an official requisition and purchase order unless previously agreed with the Corporate Procurement Team (GBC).
- 31.15 All purchases must have regard to these Financial Procedure Rules, Contract Procedure Rules, Officer Scheme of Delegation and local Schemes of Financial Delegation.

- All requisitions and purchase orders must be authorised in accordance with the approved budget and must comply with the thresholds set out in the Contract Procedure Rules.
- 31.16 Assistant Directors must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- 31.17. Assistant Directors must consult the Joint Strategic Director - Finance on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.

## **32. Payment of Invoices**

- 32.1. All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- 32.2. All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- 32.3. Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.
- 32.4. The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Corporate Procurement Team.
- 32.5. Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Joint Strategic Director - Finance.

## **33 Non-invoice Payments**

- 33.1. Where Assistant Directors wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted in a form approved by the Corporate Procurement Team.
- 33.2. Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant local Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are

available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.

- 33.3. Appropriately authorised requests for payment will be processed and paid by BACS.
- 33.4. Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Joint Strategic Directors and Assistant Directors must consider, in conjunction with the Corporate Procurement Team, other alternative options which may be more appropriate.
- 33.5. Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the payroll system and not treated as a non-invoice payment.
- 33.6. Purchase cards are an effective method of payment for goods and services of low value and for one off purchases, but should only be used if no other method of payment is available. Assistant Directors are responsible for the appropriate deployment and management of Purchase cards within their service in accordance with the local Scheme of Financial Delegation.

#### 34 **Imprest Accounts**

- 34.1. In the limited circumstances when no other option is available, the Joint Strategic Director - Finance may provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council of up to £100 per transaction. Where circumstances require individual payments in excess of £100, approval to set-up a local arrangement must be sought from the Joint Strategic Director - Finance.
- 34.2. Joint Strategic Directors and Assistant Directors are responsible for ensuring that the rules of operation issued by the Joint Strategic Director - Finance are adhered to, and that:
- local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements.
  - adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT.
  - arrangements are being operated for legitimate Council business only.
- 34.3. Local arrangements may not be used in any circumstances to circumvent either these Financial Procedure Rules or the Contract Procedure Rules.

## **35 Payment to Members**

- 35.1. The Joint Strategic Director – Legal & Democratic Services will arrange for payments to Members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances set out in Part (6) of the Constitution.

## **36 Taxation**

- 36.1. The Joint Strategic Director - Finance is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council either directly, because of its own activities, or indirectly, because of service delivery through external partners.
- 36.2. The Joint Strategic Director - Finance will ensure that:
- (a) proper arrangements are in place for the administration and accounting for taxation,
  - (b) timely completion of statutory returns as directed by HMRC e.g. VAT and PAYE, and
  - (c) provision of up-to-date guidance for officers on taxation

## **37 Critical Action payments**

- 37.1. Emergency payments may arise because of unforeseen circumstances (e.g. as a consequence of a natural disaster, a civil emergency or a court order etc.) where budget provision has not been made and the payment cannot be covered within the relevant service's existing budget. Critical Action payments can only be made in extenuating circumstances by the Chief Executive in consultation with others, in accordance with the Officer Scheme of Delegation.
- 37.2. Details of Critical Action payments made will be reported retrospectively to the Executive or Council as appropriate.

## **38 Transparency**

- 38.1. To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, over £500 in line with legislation.
- 38.2. The Council also complies with all other legislation in relation to transparency of information, including the Openness of Local Government Bodies Regulations 2014.

## **39 External Arrangements**

### **Partnerships**

- 39.1 Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. It does not include situations where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project in which case the Contract Procedure Rules cover the arrangement.
- 39.2. Forming of partnerships - The approval of both the Joint Strategic Director - Finance and the Monitoring Officer must be obtained prior to the Council entering into any formal partnership agreement. The approval of the Joint Strategic Director - Finance must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership.
- 39.3 A partnership agreement must be produced which ensures that:
- legal status and financial viability of the arrangement are clearly established and acceptable
  - the Council's financial commitment to the partnership is quantified and that this can be accommodated within the existing budget provision
  - financial and corporate governance arrangements in place for the partnership are robust, and acceptable from the Council's perspective
  - the Council is not exposed to undue financial, legal or reputation risk as a consequence of its involvement in the partnership
  - the Council's own financial accounting and reporting requirements can be satisfied
  - the arrangements for dispute resolution and for exiting the arrangement are identified
  - a performance monitoring framework must be established to ensure that the objectives of the partnership are met.
- 39.4 The Council is responsible for approving delegations and frameworks for all partnerships, and the Audit & Risk Committee (WBC) is responsible for reviewing the governance arrangements. Partnerships must be approved by the Executive or the Corporate Management Board depending on the scale of the project and the Officer Scheme of Delegation and the Financial Procedure Rules.

- 39.5 Joint Strategic Directors will ensure that:
- the approval of the Joint Strategic Director - Finance and the Monitoring Officer is obtained prior to entering into a partnership agreement.
  - a business case is completed which demonstrates that the risks associated with the arrangement are minimal, or that appropriate arrangements are in place to mitigate any such risks.
  - the partnership agreement and arrangements will not impact adversely upon the services provided by the Council or upon its finances.
  - the proposed financial contribution by the Council to the partnership can be met from existing budget provision.
  - Council approval is secured for all delegations and frameworks for the proposed partnership.
- 39.6 Delegation of budget to a partnership - the delegation of budget to a partnership (whether the arrangement is binding on the parties or not), where money is normally spent in accordance with the wishes of a group of individuals or organisations, is subject to approval by the Joint Strategic Director – Finance up to £25,000 and in excess of this by the Executive.
- 39.7. Financial Administration - where the Council is the ‘accountable body’ for the Partnership these Financial Procedure Rules, Contract Procedure Rules and all other relevant policies and procedures will apply.

#### **40 Bidding for Grant Funding**

- 40.1 All grant bids are subject to the prior approval of the Joint Strategic Director – Finance who shall make the application. No grant application shall increase revenue spending without an identified budget, and any grant bid for £200,000 or more shall be approved by the Executive.
- 40.2. All grant bids must be approved, and monies received before commencing any spend.
- 40.3. The receipt of grant income and related expenditure is subject to these Financial Procedure Rules and Contract Procedure Rules.
- 40.4 The Joint Strategic Director – Finance shall ensure that “exit strategies” are in place to support the winding up of any service provision that is financed from time limited specific grants or third-party contributions.

#### **41. Support to other organisations**

- 41.1. Grants, donations and contributions may be made in accordance with these Financial Procedure Rules and any approved grant scheme, subject



to there being adequate provision in service budgets and the appropriate approvals being sought.

- 41.2. Loans to third parties - loans may be provided by the Council to third parties and the Executive shall approve any such loans.
- 41.3 Monies invested with banks and other financial institutions – to be undertaken in line with the Treasury Management Strategy
- 41.4. Loans to third parties for the purpose of financing expenditure which, if incurred by the Council, would constitute approved capital expenditure, to be approved by the Joint Strategic Director – Finance.

**42 Financial limits**

- 42.1 Whilst financial limits may have been referred to in the relevant sections of these Financial Procedure Rules, all approval limits have been brought together in this section for ease of reference.

**Revenue budget virements**

<b>Delegations</b>	<b>Decision Maker</b>	<b>Constitution</b>
Up to and including £100,000 within a service area	Assistant Director with agreement of the JSD - Finance and relevant JSD	Part 4.7 Budget and Policy Framework Procedure Rules (paragraph 7)
Up to and including £100,000 across service areas	Assistant Director(s) with the agreement of the relevant JSD and JSD - Finance	
In excess of £100,000	Executive ( <i>GBC &amp; Waverley</i> )	
In excess of £500,000	Council ( <i>currently GBC only</i> )	

**Capital Programme virements**

<b>Delegations</b>	<b>Decision Maker</b>	<b>Constitution</b>
Up to and including £100,000	Relevant Joint Strategic Director in consultation with the JSD – Finance and Portfolio Holder(s)	Part 4.7 Budget and Policy

	<i>(Currently WBC - AD only)</i>	Framework Procedure Rules (paragraph 7)
In excess of £100,000 and up to £500,000	Executive	
In excess of £500,000	Council <i>(Currently WBC - Exec decision only)</i>	

### Capital Expenditure

<b>De-minimis</b>	<b>Constitution</b>
Capital expenditure will be charged to revenue on the grounds of materiality if it is less than £10,000 <i>(Currently WBC do not set out)</i>	Part 4, Financial Procedure Rules (paragraph 11.1)

### Settling insurance claims – *(currently silent at WBC)*

<b>Delegations</b>	<b>Responsible Officer(s) and/or Committee</b>	<b>Constitution</b>
Up to and including £20,000	Joint Strategic Director – Finance <i>(currently CEX at GBC)</i>	Part 4, Financial Procedure Rules (paragraph 22.3)
In excess of £20,000 but no more than £150,000	Joint Strategic Director – Finance in consultation with CMB	
In excess of £150,000 but no more £0.5m	Audit & Risk Committee/Corporate Governance & Standards Committee	

### Land and building transactions

<b>Delegations</b>	<b>Responsible Officer(s) and/or Committee</b>	<b>Constitution</b>
Up to £200,000	Assistant Director - Assets and Property (non-housing)	Part 4, Financial

Up to £200,000	Assistant Director - Housing (housing and homelessness)	Procedure Rules (paragraph 24.2) & Officer Scheme of Delegation
£200,000 or more	Executive	

### Disposal of assets

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £10,000	Assistant Director (in consultation with the Joint Strategic Director - Finance)	Part 4, Financial Procedure Rules (paragraph 26.1) & Contract Procedure Rules para 47
In excess of £10,000 but no more than £50,000	Joint Strategic Director (in consultation with the Joint Strategic Director - Finance)	
In excess of £50,000	Executive (in consultation with the Joint Strategic Director - Finance)	

### Write-offs

Delegations	Responsible Officer(s) and/or Committee	Constitution
<b>Inventory:</b>		
Up to 3% of the value of stores held at the start of the financial year ( <i>current GBC limit</i> )	Assistant Director (in consultation with the Joint Strategic Director of Finance)	Part 4, Financial Procedure Rules (paragraph 26.1)
In excess of 3%	Executive	
<b>Bad Debts:</b>		
Up to and including £10,000	Any Joint Strategic Director in consultation with JSD - Finance	Part 4 Financial Procedure Rules (paragraph 31.11)
More than £10,000	Executive ( <i>GBC currently £50,000</i> )	

### Emergency (Critical) Payments

<b>Delegations</b>	<b>Responsible Officer(s) and/or Committee</b>	<b>Constitution</b>
Unlimited amount	Chief Executive in consultation with the Monitoring Officer and Joint Strategic Director - Finance	Part 4, Budget & Policy Framework Procedure Rules Para.6, Financial Procedure Rules para 37.1 & Officer Scheme of Delegation Para. 2.1.2

### Delegation of budget to a partnership

<b>Delegations</b>	<b>Responsible Officer(s) and/or Committee</b>	<b>Constitution</b>
Less than £25,000	Chief Officer	Part 4, Financial Procedure Rules (para 39.6)
More than £25,000	Executive	

### Grant funding bids

<b>Delegations</b>	<b>Responsible Officer(s) and/or Committee</b>	<b>Constitution</b>
<b>Revenue &amp; Capital:</b>		
Less than £200,000	Joint Strategic Director - Finance	Part 4, Financial Procedure Rules (para 40.1)
£200,000 and above	Executive	

# Guildford & Waverley Borough Councils

Report to: GBC Corporate Governance & Standards Committee /

WBC Standards & General Purposes Committee

Date: 1 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

Author: Claire Beesly, Legal Services Manager

Email: Claire.beesly@guildford.gov.uk

Report status: Open

## Proposed Changes to the Contract Procedure Rules

### 1.1 Executive Summary

- 1.1 It is good practice to keep the Contract Procedure Rules<sup>1</sup> under review, as they form part of the Constitution of the Council(s).
- 1.2 The review of the Contract Procedure Rules has been undertaken by the Joint Constitutions Review Group (JCRG), at its meeting held on 20 June 2024.
- 1.3 The JCRG agreed to recommend approval of the revised Contract Procedure Rules, 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 to be held simultaneously on Monday 1 July 2024, with a further recommendation that each Committee recommends the adoption of

---

<sup>1</sup> Referred to currently as Procurement Procedure Rules in the GBC Constitution and Contract Procurement Rules in the WBC Constitution

the revised Contract Procedure Rules to their respective full Council meetings<sup>2</sup>.

## **2. Recommendation to Committee**

- 2.1 The Corporate Governance and Standards Committee (Guildford) and the Standards and General Purposes Committee (Waverley) are asked to recommend to their respective full Council meetings that the revised Contract Procedure Rules, as set out in Appendix 1 to this report, be adopted into their respective Constitutions.
- 2.2 The Standards and General Purposes Committee is also recommended to consider whether a Modern Slavery Charter, to include reporting requirements, should be adopted.

## **3. Reasons for Recommendation:**

- 3.1 Contract Procedure Rules which are materially the same for both Councils, whilst being owned by each Council in respect of their services, will help to promote more efficient joint working and will support the transformation programme by aligning officer decision making across both Councils.
- 3.2 The recommended changes will improve the governance procedures for each Council and will ensure that there is greater clarity and oversight over procurements.
- 3.3 The reductions in Contract limits will ensure that key decisions are made by the Executive, thereby promoting accountability and transparency.
- 3.4 Aligning both Councils' Contract Procedure Rules supports the Councils' Collaborative and Transformation programme and provides clarity for all officers who provide support for procurement, as well as for those postholders who are joint officer appointments. The rules will replace the existing Procurement Procedure Rules (Guildford) and the Contract Procurement Rules (Waverley).

---

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

- 3.5 The recommended changes will also implement changes as a result of the Procurement Act 2023 which come in to force on 28 October 2024. This will allow time for changes to be embedded by both Councils and appropriate resource provided and identified.
- 3.6 At Waverley Borough Council the Modern Day Slavery Statement sits within the Council's Safeguarding Policy for Adults and Children as the impact of Modern Day Slavery cuts across many council services. The statement does not include any specific reporting requirements and the Joint Constitutions Review Group has recommended that this is given further consideration.

#### **4. Purpose of Report**

- 4.1 This report is presenting, for members' consideration, the proposed draft Contract Procedure Rules, which are set out in Appendix 1.
- 4.2 The purpose of the revised Contract Procedure Rules is to align contract limits and procedures across the two Councils where possible and implement the Procurement Act 2023.

#### **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 To conduct its business effectively, a Council needs to ensure that it has procurement policies in place which are strictly adhered to. It is a legal requirement under s135(2) of the Local Government Act 1972 that the Council maintains a set of standing orders in relation to contracts for the supply of services, goods and execution of works. Part of good financial management is having an established set of Contract Procedure Rules which set out the policies of the Council. They provide the rules for the Council to follow to protect public money and give clarity to members and officers regarding responsibility for procurement.

- 6.2 Contract Procedure Rules apply to every councillor and employee of the Council. Both Councils currently each have a different set of Contract Procedure Rules and Contract limits. This means that officers must refer in detail to each set of Rules to check them before making a decision. This leads to a lack of clarity for members of the Joint Management Team, as they work across both Councils but with differing decision levels across their services, as well as staff within their teams who support the procurement process.
- 6.3 The Contract Procedure Rules should be read in conjunction with the Scheme of Delegation and Financial Procedure Rules, set out elsewhere on this agenda.
- 6.4 A guide to the key changes is set out at Appendix 2.

## **7. Consultation**

- 7.1 These revised Contract Procedure Rules have been designed with support from the Procurement and Finance teams, so that they form part of a set of constitutional amendments. The Joint Management Team have been made aware of the proposals and asked for any comments which will be reported verbally.
- 7.2 The Contract Procedure Rules have a significant impact across the organisation, and it is recommended that all services are engaged and consulted prior to a final draft being approved. It is also necessary to ensure that they are understandable and accessible to all councillors and officers.

## **8. Key Risks**

- 8.1 There is a risk of poor decision making and a lack of accountability where procurement limits and rules are unclear. This can be mitigated by having a clearly expressed set of Contract Procedure Rules which is the same for both Councils, and training officers as necessary.



8.2 There is a risk that by reducing the contract 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. Finance Implications**

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

9.2 The indirect finance implication is that officer spending limits will be reduced to key decision levels, and that additional resource will be needed to support the increased procurement and legal oversight.

## **10. Legal Implications**

10.1 Councils have a responsibility to keep their Constitution up to date, under Section 9P Local Government Act 2000 and to maintain a set of standing orders in relation to contracts for the supply of goods, services or execution of works. The Contract Procedure Rules form part of the Constitution of the Council.

## **11. Human Resource Implications**

11.1 There are no direct HR implications although there will need to be consideration given to the resourcing of the requirements.

## **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 revised Contract Procedure Rules attached as Appendix 1 to this report, which have been recommended for approval by the Joint Constitutions Review Group.

14.2 The Committee may:

- (a) accept the draft revised Contract Procedure Rules and agree to recommend them to Council for formal adoption, or
- (b) suggest amendments to any part of the draft revised Contract Procedure Rules, or
- (c) choose not to recommend that the revised Contract Procedure Rules are adopted.

## **15. Background Papers**

- [Contract Procedure Rules – Waverley Borough Council](#)
- [Procurement Procedure Rules – Guildford Borough Council](#)

## **16. Appendices**

Appendix 1: Proposed draft Contract Procedure Rules

Appendix 2: Areas of Key Changes

## Contents Page

<b>PART 1 - Introduction</b> .....	3
<b>1. Introduction</b> .....	3
<b>2. Key Principles</b> .....	3
<b>3. Statutory Requirements</b> .....	3
<b>4. Compliance</b> .....	4
<b>5. Scope</b> .....	4
<b>6. Roles and Responsibilities</b> .....	6
<b>PART 2 - Process</b> .....	10
<b>7. Calculating contract value</b> .....	10
<b>8. Thresholds and route to market</b> .....	10
<b>9. Permission to tender</b> .....	11
<b>10. Pre-market engagement</b> .....	12
<b>11. eSourcing</b> .....	12
<b>12. Records</b> .....	12
<b>13. Waivers</b> .....	12
<b>14. Direct award for Covered Procurement (exemption)</b> .....	13
<b>15. Variations</b> .....	14
<b>16. Framework Agreement</b> .....	14
<b>17. Dynamic Purchasing</b> .....	14
<b>18. Assessing suppliers</b> .....	15
<b>PART 3 - General</b> .....	16
<b>19. Purchase Orders</b> .....	16
<b>20. Purchasing Cards</b> .....	16
<b>21. Temporary Staff, Consultants and Professional Services</b> .....	16
<b>22. IR35</b> .....	17
<b>23. Disposal of Land and Property and other Council Assets</b> .....	17
<b>24. Grants</b> .....	17
<b>25. Social Value</b> .....	17
<b>26. Conflicts of interest</b> .....	18
<b>27. TUPE</b> .....	18
<b>28. Modern Slavery</b> .....	19
<b>29. Sustainable Procurement</b> .....	19
<b>30. Tax</b> .....	20
<b>31. Accessibility Standards</b> .....	20

Contract Procedure Rules

Page | 1

**ALL PARTS IN [] ARE ADDITIONAL REQUIREMENTS FOR GUILDFORD BOROUGH COUNCIL**

32. Contract register.....	20
33. Transparency and required notices.....	20
34. Freedom of Information .....	21
35. Work for Third Parties.....	21
36. Partnerships .....	21
37. Review of these Rules .....	22
38. Councillors .....	22
39. Contract Management .....	22
<b>PART 4 - Contracts.....</b>	<b>23</b>
40. Form of Contract .....	23
41. Sealing and signing of contracts .....	23
42. Novation .....	24
43. Financial Security .....	24
44. Insurance .....	24
<b>Appendix 1 - QUICK REFERENCE GUIDE.....</b>	<b>26</b>
<b>Appendix 2 – NOTICES REQUIRED UNDER PA 2023 .....</b>	<b>28</b>
<b>Appendix 3 – USEFUL LINKS.....</b>	<b>29</b>

## **PART 1 - Introduction**

### **1. Introduction**

- 1.1. These Contract Procedure Rules (Rules) set out the framework within which all the procurement activity in the Council is undertaken and spending is managed. They relate to the procuring and/or entering into contracts for the supply of all goods (supplies and materials), services (including consultancy appointments) and works. They ensure that contracts are entered into in a fair, open, non-discriminatory, proportionate, lawful and transparent way. They protect the Council and support the Council's strategic priorities.
- 1.2. Procurement decisions are among the most important decisions a local authority will make in order to ensure that public money is appropriately spent and that goods, services and works represent best value.
- 1.3. All Officers who purchase on behalf of the Council have a responsibility to follow these Rules, including all relevant Council policies and guidance detailed, and failure to do so is a disciplinary offence. Officers must also comply with the Council's Code of Conduct for Officers which forms part of the Constitution. Joint Strategic Directors and Assistant Directors are accountable for all procurement in their respective areas of responsibility and shall take appropriate action in the event of a breach of these Rules.
- 1.4. The Joint Strategic Director - Finance, is responsible for ensuring the Rules are up to date and reflect current law including any retained EU law. Any change in applicable law must be observed until the Rules can be revised.

### **2. Key Principles**

- 2.1. The purpose of these Rules is to provide a structure and process for decisions which ensure that the Council:
  - a) furthers its corporate objectives;
  - b) delivers best value and creates healthy competition;
  - c) maximises public benefit whilst delivering sustainability and social value;
  - d) acts with integrity and transparency;
  - e) treats all suppliers the same;
  - f) does not put a supplier at an unfair advantage or disadvantage;
  - g) has regard to small and medium enterprises.

### **3. Statutory Requirements**

- 3.1. These Contract Procedure Rules (Rules) are the Council's standing orders made under section 135 of the Local Government Act 1972.

- 3.2. Public procurement in the UK is regulated by the Public Contracts Regulations 2015 (PCR 2015) and the Procurement Act 2023 (PA 2023). Other relevant legislation is referenced in Appendix 3.
- 3.3. Where the contract is a **Covered Procurement** then the Council must comply with the tendering requirements set out in the PCR 2015 or PA 2023, or other legislation as applicable.
- 3.4. For the purpose of these Rules, a **Covered Procurement** is a procurement with a value above the statutory threshold (inclusive of VAT where applicable). The statutory thresholds are reviewed every two years to take account of currency fluctuations and for 1 January 2024 to 31 December 2025 are as follows:

Concession (works and services) contract	£5,372,609
Works contract	£5,372,609
Goods or services (inc. works for mixed contracts) contract	£214,904
Light touch regime	£663,540

**4. Compliance**

- 4.1. All procurement activity and resulting contracts made by, or on behalf of, the Council must comply with the relevant legislation and Constitution (including these Rules, Financial Procedure Rules and relevant Council policies).
- 4.2. If there is any conflict between the above the relevant law takes precedence, followed by the Council’s constitution, the National Procurement Policy Statement, these Rules and any Council policies or procedures, in that order.
- 4.3. Where an Officer has deliberately split a contract to avoid a particular procedure, or disregarded these Rules, the relevant Joint Strategic Director in collaboration with the Joint Strategic Director - Legal and Democratic Services and Joint Strategic Director - Finance will have the right to request the procurement to be cancelled.

**5. Scope**

- 5.1. These Rules apply to all procurement undertaken by the Council and any explanation or clarification required should be sought exclusively from Procurement or Legal Services.
- 5.2. **Where an approval is required under these Rules this may be taken by any Officer authorised and nominated by the decision maker in accordance with the Scheme of Delegation. Where**

**Executive approval is required Officers should consider all the decisions which will need to be made throughout the process and these should be sought at the appropriate time.**

5.3. The Council has set the following financial thresholds (excluding VAT) for procurement activity:

- a) Threshold 1 – up to £5,000
- b) Threshold 2 – from £5,000 up to £25,000
- c) Threshold 3 – from £25,000 up to £150,000
- d) Threshold 4 – from £150,000

5.4. Part 2 of these Rules does not apply to the following contracts, which are covered by separate legislation and/or policies. The rest of these rules continue to apply in full:

Type of contract	Legislation, policy or guidance which covers out of scope contract
Land transactions for the acquisition or sale of any interest in land (where there is no connected delivery of services, works or goods for which the land forms part of the pecuniary interest)	Local Government Act 1972, Housing Act 1985 or any related acts or authorities for which reference should be made to the Financial Procedure Rules, and the Council’s policies.
Contracts for permanent or fixed term employment	Employment Rights Act 1996, Human Resources / Recruitment Policies
Unconditional grants and sponsorship agreements	Subsidy control will need to be considered
Financial transactions	Not subject to competition due to their nature
Works orders placed with statutory undertakers	Not subject to competition due to their nature
Procurements that have been jointly procured by another local authority, public sector consortium or collaboration of which the Council is a party but not the lead authority.	The procurement of contracts of this nature will be governed by the constitution of the lead authority.  Internal contract sign-off thresholds will still apply and a conflict assessment must still be undertaken in accordance with these Rules for each Council prior to agreeing to a joint procurement.
Contracts between the Council and a Supplier who is controlled by the Council	Internal contract sign-off thresholds will still apply and a conflict assessment must still be undertaken in accordance with these Rules for both the Council and the Supplier.

Contract Procedure Rules – Part 1 Introduction

Contracts between the Council and another local authority where the aim is to achieve common objectives for the public benefit.	Internal contract sign-off thresholds will still apply and a conflict assessment must still be undertaken in accordance with these Rules for the Council.
Exempt legal services (advice and representation in connection with judicial or dispute resolution proceedings)	Not subject to competition due to their nature
Alternative dispute resolution services	Not subject to competition due to their nature
Supply of works, goods and services by the Council	Internal contract sign-off thresholds will still apply
Contracts with other contracting authorities to achieve common objectives by co-operating in the public interest.	Referred to as Hamburg or Horizontal arrangements, provided that this is still best value for the Council.
Contracts with entities that are controlled by the Council	Referred to as Teckal or Vertical arrangements, provided that this is still best value for the Council.

5.5. Whilst Officers should always endeavour to uphold the key principles there are occasions when complying with Part 2 of these Rules does not provide sufficient flexibility and provided Procurement and Legal Services are informed in advance Part 2 will not apply to procurement that is within Thresholds 1 to 3 (up to £150,000) in the following circumstances:

- a) Emergency purchases. Where goods, services or works are awarded in a critical situation and authorised by the Chief Executive, or Joint Strategic Director in his absence. Provided that such purchases should be for a limited period. Sufficient funds must be available and signed off by the budget holder. Critical’ means a matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, **property**, infrastructure, **reputation** or the financial integrity of the Councils.
- b) The Council is acting as an agent for another organisation.
- c) Legal services and expert witnesses.
- d) Contracts which are required by the Returning Officer or Electoral Registration Officer.

**6. Roles and Responsibilities**



## Contract Procedure Rules – Part 1 Introduction

- 6.1. All Officers have a duty to report breaches of the Rules to the Joint Strategic Director - Finance or to the Monitoring Officer. Compliance with these Rules is also subject to internal and external audit.
- 6.2. In considering how best to purchase works, goods and services, an Officer shall take into account wider contractual delivery opportunities and purchasing methods such as the collaboration project, setting up or letting under framework agreements, joint procurements with other public authorities, e-procurement methods and the availability of local authority trading and charging powers under the Local Government Act 2003 and the Localism Act 2011.
- 6.3. **Officers** purchasing on behalf of the Council are responsible for:
- a) Acting in compliance with these Rules and all relevant Council policies;
  - b) Identifying relevant existing contracts and ensuring these are used wherever possible.
  - c) Engaging with Procurement **before** approaching the market for any contract in excess of £5,000;
  - d) Ensuring a contract has been completed **before** raising a Purchase Order for purchases within or above Threshold 2.
  - e) Getting Purchase Orders approved **before** the requirements are delivered to the Council.
  - f) Ensure specifications accurately define the requirements.
  - g) Giving consideration to equality, diversity and social value implications.
  - h) Ensuring that Human Resources is consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.
  - i) Contracts are to be managed within Services, either by a dedicated Contract Manager or by a nominated officer.
  - j) Ensuring that commitments made by the Suppliers during the tender process are fulfilled, for example, social value.
  - k) Ensuring the contracts are being used in accordance with what they were procured for.
  - l) Reporting to the Joint Strategic Director any breach in respect of j and k, above.
- 6.4. **Procurement** is responsible for:
- a) Providing expert market knowledge ensuring compliance and delivering best value
  - b) Identifying existing contracts and ensuring these are used where possible.
  - c) Ensuring Officers have the correct tools, information and guidance to deliver a compliant, cost effective and good quality contract.
  - d) Ensuring that Finance have confirmed there is adequate budget available prior to any procurement commencing
  - e) Offering expert advice to Officers procuring within Thresholds 1 and 2 (up to £25k).
  - f) Taking a commercial lead on all procurements within Threshold 3 and 4. (over £150k)

## Contract Procedure Rules – Part 1 Introduction

- g) For contracts above Threshold 2 ensuring Procurement has instructed Legal Services to advise and draft an appropriate level contract.
- h) Ensuring transparency and compliance by publishing required notices, subject to Procurement providing the required information.
- i) Maintaining and publishing the Contract Register.
- j) Maintaining procurement records and records of all material decisions
- k) Reviewing conflict assessments with input from Legal Services and in consultation with the relevant Assistant Director
- l) Reviewing Waiver submissions and maintaining Waiver log
- m) Reviewing Exemption submissions and maintaining an Exemption log
- n) Reviewing spend across all categories quarterly and reporting non-compliance to Executive
- o) Embedding social value and sustainable procurement appropriately across Council procurement activity
- p) Delivering procurement and contracts training to Officers
- q) Manage e-sourcing platform
- r) Updating the internal and external web pages to ensure Officers, Suppliers and residents are kept informed.
- s) Delivering the Procurement Strategy adoption to implement the Council's objectives
- t) Ensuring suppliers are aware of, and follow, the Council's Supplier Code of Conduct when bidding and delivering contracts
- u) Approving all new supplier set up requests
- v) Authorising any Procurement Card transactions outside of the nominated card holders

### 6.5. **Strategic Directors/Assistant Directors** are responsible for:

- a) Ensuring adequate budget provisions are in place prior to approving any procurement activity in compliance with the Financial Procedure Rules
- b) Incorporate within their service plan a list of all current and forecast contract opportunities for the upcoming three years. This list is to be updated as necessary throughout the year and shared with Procurement to inform the pipeline of work
- c) Ensuring that all procurements and contracts within their service comply with these Rules, the Financial Procedure Rules and public procurement legislation and that any necessary authority is in place.
- d) Ensuring that those Officers they approve or nominate to exercise their functions are aware of the strategic direction of the service, have appropriate knowledge and training and have authorisation to engage with Procurement.

Contract Procedure Rules – Part 1 Introduction

- e) Managing contracts within their service to ensure that contracts deliver best value, are operated effectively, efficiently, economically and in accordance with contract provisions
- f) Keep adequate records to comply with these Rules, the Financial Procedure Rules and all relevant legislation.
- g) Review ethical, social and sustainability issues throughout the contract.
- h) Ensuring that all decisions made are published in accordance with the Openness of Local Government Bodies Regulations 2014, if applicable.

## **PART 2 - Process**

### **7. Calculating contract value**

- 7.1. Prior to commencing a procurement exercise Officers must estimate the aggregate contract value; this will determine which threshold the procurement falls under.
- 7.2. The 'contract value' must be calculated in accordance with the relevant legislation and includes the aggregated value over life of the contract, including any extensions and options, exclusive of Value Added Tax (VAT).
- 7.3. Contracts must not be purposefully underestimated, split or packaged with the intention of avoiding the application of these Rules or the relevant legislation. This includes dividing into two or more contracts, or for contracts under the PA 2023 adding services to a works contract.
- 7.4. Spend with suppliers will be monitored regularly by Procurement to ensure contracts are not being disproportionately awarded and exceeding thresholds.
- 7.5. In the case of Framework Agreements, Dynamic Purchasing Systems or Dynamic Purchasing Markets, the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term.
- 7.6. Where the lowest value tender is above the value set in the threshold then prior written approval must be obtained from the Joint Strategic Director – Finance (or in accordance with paragraph 5.2) to accept the tender. Where it becomes a Covered Procurement advice will need to be sought from Procurement and Legal Services as to whether an award can proceed.
- 7.7. Where PA 2023 applies the procurement will be assumed to be a Covered Procurement if there is any uncertainty as to contract value, for example where a term is uncertain or the number of items to be ordered is unclear.

### **8. Thresholds and route to market**

- 8.1. Consideration should always be given to using lots, particularly if it will facilitate opportunities for small and medium enterprises and voluntary organisations. Consideration should be given where appropriate to using a Framework, Dynamic Purchasing System or Dynamic Purchasing Market. A 'competitive tender process' includes any procedure under the relevant legislation but does not include direct award unless an exemption is sought.
- 8.2. These requirements set out the minimum market engagement required at each threshold and Officers should always have regard to the provisions of these Rules and the duty to obtain best value.
- 8.3. Threshold 1 - Procurement below **£5,000**

## Contract Procedure Rules – Part 2 Process

A minimum of one quote must be sought by the Officer. A quote should be obtained by email and must include a clear specification and details of the Council's contract requirements set out in Part 4. Where possible local suppliers should be asked to quote.

A Purchase Order can be used to form the contract but a copy of the quote, conflict assessment and any additional terms and conditions of the supplier must be attached to the Purchase Order request.

### 8.4. Threshold 2 - Procurement valued from £5,000 to £24,999

The Officer should engage with Procurement to discuss the most appropriate route to market in accordance with the principles of these Rules. A minimum of three quotes should be obtained.

Contracts will be signed by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2).

Legal Services will advise on the appropriate form of contract and retain a copy of the contract.

Procurement will keep records including the conflict assessment.

### 8.5. Threshold 3 - Procurements valued from £25,000 to £150,000.

Procurement will lead and must be instructed by the Officer **before** any market engagement is undertaken. Where possible a competitive tender process should be used or a minimum of three quotes should be obtained if agreed by Procurement. All quotes should be obtained through the eSourcing and will require a contract signed by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2).

Legal Services will retain a copy of the contract and Procurement will keep records including the conflict assessment.

### 8.6. Threshold 4 - Procurement valued over £150,000

**Any procurement which is a Key Decision will require approval from Executive (or in accordance with paragraph 5.2) before tender and prior to award.**

Procurement will lead and should be instructed by the Officer **before** any market engagement is undertaken, failure to do so could lead to a breach in the relevant legislation. A competitive tender process should be followed in accordance with the relevant legislation. The procurement must be run through the eSourcing.

Legal Services should be instructed at the earliest opportunity to ensure that there is no delay to the project.

## 9. Permission to tender

## Contract Procedure Rules – Part 2 Process

Authority to commence a procurement is subject to written approval from the Assistant Director, by email (or in accordance with paragraph 5.2). Where the procurement will result in a Key Decision the approval will need to be from Executive (or in accordance with paragraph 5.2) and Procurement will seek the necessary approvals.

### 10. Pre-market engagement

- 10.1. For all procurement in Threshold 4, Procurement should undertake pre-market consultation with potential suppliers to establish the market can meet the requirements in accordance with relevant legislation. This brings the opportunity to the attention of the market and can help with development of the specification. Pre-market engagement is optional for procurement in or below Threshold 3.
- 10.2. Any pre-market engagement must not distort competition and must be in compliance with these Rules.

### 11. eSourcing

- 11.1. All procurements in and above Threshold 2 should be advertised via the Council's eSourcing platform, unless agreed otherwise by Procurement. This ensures that the tender opportunity is advertised to the market in a fair and auditable way.
- 11.2. Procurement are responsible for the publishing of all opportunities via the Council's eSourcing platform.
- 11.3. For all procurements in Threshold 4, all communications with tenderers during procurement **must** be via the eSourcing portal (or equivalent used).

### 12. Records

- 12.1. Officers must keep a full audit trail of documents for all procurements for Threshold 1.
- 12.2. Procurement will keep a full audit trail of documents for all procurements at Threshold 2 and above. Officers should ensure that all correspondence or discussion that takes place in relation to the procurement are fully documented and a copy provided to Procurement.
- 12.3. Records must be kept for a minimum of three years following the award of the contract and then in accordance with the Council's retention policy.

### 13. Waivers

- 13.1. A waiver cannot be granted retrospectively or if doing so would contravene the relevant legislation i.e. for Covered Procurement.
- 13.2. These Rules may be waived in exceptional circumstances where one of the following apply:

## Contract Procedure Rules – Part 2 Process

- a) where the requirement is time critical (applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional).
  - b) the execution of the works or supply of services is of such a specialised nature that in the opinion of the relevant Joint Strategic Director the number of prospective Suppliers able to quote is less than required by these Rules.
  - c) the price of the goods or materials is wholly controlled by government order, statutory undertakers or trade organisations and no satisfactory alternative is available.
  - d) the work to be executed or the goods or materials supplied consist of repairs and/or maintenance to or the supply of parts for existing software, machinery or plant.
  - e) the nature of the market for goods, works or services has been investigated and it is demonstrated that a departure from the Rules is justified.
  - f) it is in the overall best interests of the Council.
- 13.3. A waiver which is not a Key Decision can be approved by the Joint Strategic Director – Finance (or in accordance with paragraph 5.2).
- 13.4. Any waiver which is a Key Decision needs the approval of Executive (or in accordance with paragraph 5.2).
- 13.5. Officers must obtain approval for a waiver by completing a waiver request documenting the reason for which the waiver is sought, budget availability, justification and risk. The waiver request must be completed in full and accurately describe the services needed, forms not completed satisfactorily will be returned.
- 13.6. All requests for waivers should be submitted to Procurement who will make a recommendation before seeking the required approval.
- 13.7. The Joint Strategic Director - Finance must maintain a log of all waivers and these will be reported to the Audit and Risk Committee [Corporate Governance and Standards Committee] on an annual basis.

## 14. Direct award for Covered Procurement (exemption)

- 14.1. Approval may be given for a direct award if a procurement is a **Covered Procurement** in accordance with the relevant legislation. The exemption will only be granted if approved by the Joint Strategic Director - Finance, Joint Strategic Director - Legal and Democratic Services and Procurement (or in accordance with paragraph 5.2).
- 14.2. If the exemption is a Key Decision this will also require the approval of Executive (or in accordance with paragraph 5.2).
- 14.3. The Joint Strategic Director - Finance must maintain a log of all exemptions and these will be reported to the Audit and Risk Committee [Corporate Governance and Standards

## 15. Variations

- 15.1. A variation, including use of options provided for in the original contract, of an existing contract may be approved where it will not result in the contract becoming a Covered Procurement. A variation of an existing contract which will result in it becoming a Covered Procurement may only be approved if it is compliant with the relevant legislation.
- 15.2. A variation which will not result in the total value of the contract exceeding the Key Decision threshold can be approved by the Joint Strategic Director – Finance (or in accordance with paragraph 5.2).
- 15.3. A variation which will result in the total value of the contract exceeding the Key Decision threshold requires the approval of Executive (or in accordance with paragraph 5.2).
- 15.4. Officers must obtain approval for a variation by completing a variation request documenting the reason for which the variation is sought, budget availability, justification and risk. The variation request must be completed in full and accurately describe the services needed.
- 15.5. All requests for variations should be submitted to Procurement who will make a recommendation before seeking the required approval and seek advice from Legal Services where appropriate.

## 16. Framework Agreement

A contract may be awarded by calling-off a Framework providing the following criteria are met:

- a) The call-off is done in accordance with the terms and conditions of the Framework;
- b) Value for money can be demonstrated; and
- c) The outcome was not decided prior to identifying the Framework.

For contracts at Threshold 3 and above legal advice should be sought to ensure that the Framework complies with the Council's requirements under these Rules and any necessary access agreements will need to be entered into by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2).

## 17. Dynamic Purchasing

- 17.1. Contracts based on either a Dynamic Purchasing System or Dynamic Purchasing Market may be awarded provided they comply with the relevant legislation. For contracts at Threshold 3 and above legal advice should be sought to ensure compliance with the Council's requirements under these rules and any necessary access agreements will need to be



## Contract Procedure Rules – Part 2 Process

entered into by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2) and agreed by the Joint Strategic Direction, Finance.

- 17.2. The Officer is responsible for the specification development and technical evaluation criteria which is to be included in the procurement documentation.
- 17.3. Tenders can be assessed on a price only, price and technical split or technical basis. Where there is a price and technical split the weightings and split will be determined by Procurement taking into account the requirements of the service in order to determine the most advantageous tender.
- 17.4. The specification must be a clear and comprehensive description of the requirements and should incorporate measurable and, so far as is possible objective, quality and performance criteria.
- 17.5. Where the Council wishes to nominate a sub-contractor then this should be specified in the tender documentation including clarification of the process being used by the Council to select the nominated sub-contractor.
- 17.6. Procurement is responsible for the procurement documentation and for providing advice, as appropriate, on the specification and technical evaluation to produce the most advantageous solution over the lifetime of the contract.

## **18. Assessing suppliers**

- 18.1. For procurements at Threshold 2 and below at least one Officer should undertake an evaluation and record the reasons for awarding the contract.
- 18.2. For procurements at Threshold 3 and above at least two Officers are required to undertake a technical evaluation unless agreed otherwise by Procurement.

## **PART 3 - General**

### **19. Purchase Orders**

- 19.1. Purchase Orders should be raised within the Council's purchasing system following the completion of the contract.
- 19.2. Invoices must be received electronically and should be emailed to [invoices@guildford.gov.uk] for payment. They must include the Purchase Order number.
- 19.3. Any invoice received that cannot be matched to a purchase order will be referred back to the budget manager.

### **20. Purchasing Cards**

- 20.1. The Council makes use of Purchase Cards. These are effectively credit cards which are used to make small purchases in a wide range of situations and should only be used as a last resort , where there are no contracts in place. Officers who are supplied with a purchasing card must refer to the guidance for further information.

### **21. Temporary Staff, Consultants and Professional Services**

- 21.1. Procurement works closely with Human Resources to manage the Council's temporary agency workforce needs. As the Council's contract will be with the agency and not the individual worker these Rules apply in full. [Prior to any appointment an Establishment Control Form must be completed.]
- 21.2. [The Council has a contract for the provision of temporary agency staff via a neutral vendor service supplier and no further procurement exercise is necessary to utilise this contract. All temporary agency workforce must be sourced via this contract in the first instance.
- 21.3. Where the neutral vendor is unable to source suitable candidates after a minimum of two weeks, other agencies, on the provision that the agency is registered with the neutral vendor for a payroll function, can be accessed.
- 21.4. Where it is not possible to use the neutral vendor referred to in 21.2 and 21.3 then these Rules will apply in full.] The contract value will be calculated as the total spend payable including the Supplier's pay and any agency margin. References must be sought prior to any contractor, agency worker or consultant starting their assignment.
- 21.5. All contractors, agency workers and other consultants must abide by the terms of the contract with the Council and follow the Council's Code of Conduct for Officers.
- 21.6. Any contractor, agency worker or other consultant whose contract will extend beyond 2 years will need approval from Executive (or in accordance with paragraph 5.2).

## **22. IR35**

- 22.1. IR35 relates to off-payroll working. This is where a supplier is operating and providing services to the Council via an intermediary, such as a limited company, and were it not for that arrangement, they would be considered an employee and within IR35.
- 22.2. It is the responsibility of the Council to determine if IR35 applies or not and any unpaid tax can be claimed back if the Council makes the decision wrong. The Officer should use the online tool to prepare a Status Determination Statement copies of which will need to be retained and sent to the supplier and fee payer (if via an agency).
- 22.3. If a contract is within IR35 this means that it will be treated as an employment contract for the purposes of tax and National Insurance only. These Rules still apply
- 22.4. Further IR35 advice can be found by contacting the HR Team.

## **23. Disposal of Land and Property and other Council Assets**

All land and property which is considered to be surplus to the Council's service requirements must be considered in accordance with the Council's Asset Management Strategy. Any disposal of land, property or other Council Assets should be done in accordance with the Financial Procedure Rules [and the Asset Disposal Policy] and the Scheme of Officer Delegations.

## **24. Grants**

The making of unconditional grants is not subject to these Rules. Officer must follow the rules and guidance for each individual grant and are reminded to take into account the legal requirements concerning subsidy control.

## **25. Social Value**

- 25.1. The Public Services (Social Value) Act 2012 came into force on 31st January 2012. The Act requires the Public Sector to consider how they can use contracts to enhance the wider wellbeing of the community. This complements existing procurement legislation and reinforces social value as part of the value for money considerations.
- 25.2. Social value can be achieved by generating benefits to society, the economy and positive impacts to the environment and local communities via our external spend. It can be created in many ways and has wide ranging benefits.
- 25.3. The Act currently applies to Covered Procurement service contracts but shall be considered in all procurements where applicable and it shall be the responsibility of Procurement. Social value forms part of a bidder's commitments at tender stage and should be tailored to the subject nature of the contract being awarded.

- 25.4. Social Value for each tender must contain a minimum weighting of 5% of the evaluation scoring.
- 25.5. It is the Contract Manager's responsibility to ensure social value is being delivered during the life of the contract.

## **26. Conflicts of interest**

- 26.1. Officers and Councillors must comply with their respective Code of Conduct to avoid any conflict between their own interests and those of the Council. Any Officer, Councillor or consultant who has reason to believe that there is a conflict of interests in respect of a supplier should report this to the Monitoring Officer. At any point during the procurement process, if an Officer or Councillor becomes aware that they have a direct or indirect pecuniary interest in a contract which the Council has entered into, or proposes to enter into, their interest must be recorded within the conflict assessment. This includes interests by their close associates or family members. Failure to declare an interest by an Officer, of which the Officer is aware, is a disciplinary offence; failure to declare an interest by a Councillors, of which the Councillors is aware could amount to a breach of the Code of Conduct for Councillors or a criminal offence.
- 26.2. A conflict assessment must be undertaken for all procurement activity and before any activity commences. The assessment should take account of all those involved or influencing the procurement (including developing the specification and tender documentation) and the future management of the contract including Officers, Councillors and consultants. The conflict assessment must identify any actual, potential or perceived conflicts of interests throughout the life of the contract and be proportionate to the level of contract.
- 26.3. In accordance with paragraph 5, where procurements have been jointly procured by another local authority, public sector consortium or collaboration of which the Council is a party but not the lead authority a separate conflict assessment must still be undertaken prior to commencing the joint procurement.
- 26.4. If a conflict of interest is identified then the assessment will set out what mitigation is being put in place to ensure that suppliers are not put at an unfair advantage or disadvantage. The Monitoring Officer must approve all conflict assessments where mitigation is being put in place.
- 26.5. For all contracts the conflicts assessment must be:
- a) held by Procurement or, where there is no formal written contract, attached to the Purchase Order
  - b) regularly reviewed throughout the life of the contract by the Contract Manager.

## **27. TUPE**

## Contract Procedure Rules – Part 3 General

- 27.1. Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply when an employee of the Council or of a supplier providing a service to the Council may be affected because of a change in the service provider.
- 27.2. Officers must ensure that any TUPE issues are considered and advice is sought from Legal Services before proceeding with the procurement. Where it is considered that an individual may be transferring to or from the Council advice should also be sought from Human Resources.

## 28. Modern Slavery

- 28.1. The Modern Slavery Act 2015 ("MSA") is designed to tackle slavery and human trafficking through the consolidation of previous legislation and the introduction of new measures. Specifically, it introduces new requirements for organisations in regard to their business and supply chains and creates a criminal offence for non-compliance.
- 28.2. Modern Slavery is defined as slavery, servitude, forced or compulsory labour, human trafficking and exploitation was put in place.
- 28.3. [The Council adopted the Modern Slavery Motion in 2020 and has an obligation to publicly report annually on its progress.]

## 29. Sustainable Procurement

- 29.1. Sustainable procurement, put simply, is the process by which an organisation meets their purchasing needs in a way that achieves value for money, on a whole life basis, whilst benefitting the organisation, its customers, the wider society and economy and protecting the environment.
- 29.2. The Council has declared a climate emergency across the borough with an ambition of reducing the Council's carbon emissions to net-zero by 2030. As such for every procurement within the scope of these Rules the environmental impact of its activities must be considered. To help do this, suppliers bidding for contract opportunities will be asked, where appropriate;
  - a) to demonstrate their awareness of relevant environmental issues through their own policies;
  - b) for deliverables enhancing or delivering sustainability.
- 29.3. Typically sustainable procurement should follow the following principles:
  - a) Adopting social, economic and environmental factors alongside the typical price and quality considerations into the organisations handling of procurement processes and procedures.
  - b) Planning ahead to manage demand, effective ongoing contract management and dealing with supply chain risks and impacts.
  - c) Incorporating sustainable procurement into future contracts in order to facilitate a reduction in our supply chain emissions.

29.4. It is the Contract Manager’s responsibility to ensure sustainability is being delivered during the life of the contract.

### **30. Construction Tax**

- 30.1. The VAT reverse charge for construction came into effect on 1 March 2021. The reverse charge applies to any services related to the construction of buildings and the materials, but not to professionals’ fees like those of architects, surveyors, or consultants. A reverse charge means that the end user of the works will be accountable for the VAT rather than the supplier. Officer must ensure that Finance are advised if the Council is not the end user.
- 30.2. The Construction Industry Scheme (CIS) requires that the Council deducts money from payments to sub-contractors and pays it to HMRC as a contribution towards the sub-contractors’ tax and National Insurance. Officer must ensure that all CIS information is provided when setting up the new supplier and that invoices for works where CIS deductions are required include a breakdown of labour and materials.

### **31. Accessibility Standards**

- 31.1. The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into effect in 2018. This Act builds upon existing obligations under the Equality Act 2010.
- 31.2. Any procurement that will result in a public facing website where the Council or a supplier on its behalf is presenting information relating to the Council or services the Council offer, must comply with the Act and Regulations and must meet the new accessibility standards.
- 31.3. Officers must ensure that the Council’s Communications Teams advice is sought.

### **32. Contract register**

The Council is committed to displaying information that explains how its money is spent. The Local Government Transparency Code 2015 requires Local Authorities to publish any expenditure that exceeds £500 and maintain a contracts register of all contracts over £5,000. This can be found on the Councils public website and is updated every three months.

### **33. Transparency and required notices**

- 33.1. Under the relevant legislation the Council has a statutory obligation to publish notices in relation to procurement activity. It is the responsibility of the Assistant Directors to ensure that Officers provide Procurement with the relevant information to ensure that the statutory requirements are complied with.

## Contract Procedure Rules – Part 3 General

- 33.2. Notices are published through the Council’s eSourcing and for procurements over £25,000 notices must be completed and published by Procurement.
- 33.3. For procurement activity to which the PCR 2015 applies it is mandatory that any advertised opportunity over £25,000 is published on Contracts Finder and any Covered Procurement must be published on Find a Tender Service (FTS). A contract award notice must also be published on FTS for all awarded contracts.
- 33.4. For procurement activity to which the PA 2023 applies there are a number of mandatory notices that must be published on the central digital platform (see Appendix 2). Procurement will advise on the relevant notices depending on the contract value and route to market.

### **34. Freedom of Information**

In accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, the Council has an obligation to publish specific information and to provide information to members of the public upon request. That is subject to certain disclosure exemptions such as where confidential or commercially sensitive information may be withheld.

### **35. Work for Third Parties**

- 35.1. The Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2) must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.
- 35.2. All contracts must comply with Part 4 of these Rules.

### **36. Partnerships**

- 36.1. Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:
- a) the terms of reference; and
  - b) where appropriate, a scheme of delegation to officers to operate within the partnership.
  - c) Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these Rules.
- 36.2. The heads of terms for all partnership arrangements shall be approved by the relevant Assistant Director and Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2).
- 36.3. The Assistant Director shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

### **37. Review of these Rules**

These Rules shall be reviewed and updated on a regular basis and at least once a year. Save in the case of revisions to thresholds or otherwise arising out of a change in the law, any changes to these Rules shall be approved and adopted by the Council. Revisions to thresholds, or otherwise arising out of a change in the law, shall be dealt with by the Joint Strategic Director - Legal and Democratic Services in consultation with the Joint Strategic Director - Finance.

### **38. Councillors**

- 38.1. No Councillor shall have authority to agree the award of any contract on behalf of the Council unless they are an Executive member with the appropriate delegated authority.
- 38.2. No Councillor shall have authority to issue any instruction or variation to a supplier on behalf of the Council.

### **39. Contract Management**

- 39.1. It is the Officer's responsibility to ensure that there is a robust contract management plan in place that is proportionate to the scale and scope of the contract. This should include, but is not limited to:
- a) Accountability, roles and responsibility
  - b) Strong governance procedures
  - c) Measure and report on performance and use KPIs and data efficiently to incentivise good performance
  - d) Drive continuous improvement, value for money and capture innovation
  - e) Adopt and encourage mature commercial behaviours
- 39.2. Any variations (including extensions) to a contract may only be made in accordance with paragraph 15.
- 39.3. Procurement must be kept advised as to any performance concerns and should be contacted for further advice and support as necessary. The Officer is responsible for ensuring that Procurement have the necessary information to be able to comply with relevant legislation and where required notices about payments, performance and termination.
- 39.4. A contract can only be terminated following advice from the Legal Service.
- 39.5. Procurement will provide Assistant Directors on a monthly basis with a list of all contracts highlighting those which are expiring in the next six months.



## **PART 4 - Contracts**

### **40. Form of Contract**

- 40.1. Contract award notification and assessment summaries shall be issued by Procurement when the evaluation has been completed and the procurement report signed off and approved.
- 40.2. Legal Services should be instructed by Procurement for all contracts in and above Threshold 2 at the earliest opportunity to ensure that there is no delay.
- 40.3. Except in exceptional circumstances, and with the written approval of the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2), all contracts must be signed or sealed **before** works commencing or goods or materials being received.
- 40.4. All contracts shall:
- a) specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the contract and any other terms and conditions that may be agreed;
  - b) require payment to be made within 30 days of receipt of a valid invoice;
  - c) contain a copy of the tender submission;
  - d) give the Council the right to cancel the contract, and recover from the Supplier the amount of any loss resulting from such cancellation, as a result of bribery;
  - e) reserve rights of audit to the Council where the Supplier makes payments to, or collects income on behalf of, the Council;
  - f) only permit sub-contracting with the Council's express consent and a requirement that the Supplier impose on the sub-contractors equivalent requirements in terms of equality, health and safety, bribery and corruption, insurance, data protection, modern slavery and payment provisions;
- 40.5. Threshold 4 contracts must also include a right to terminate the contract where:
- a) there has been substantial modification which would have required a new procurement procedure under relevant legislation;
  - b) the Supplier should, at the time of the contract award, should have been excluded from the procurement procedure; or
  - c) a UK court has declared that the contract should not have been awarded to the Supplier in view of a serious breach of the relevant legislation.

### **41. Sealing and signing of contracts**

- 41.1. Contracts within Threshold 1 shall be the subject of a Purchase Order, unless Legal Services have advised that a formal written contract is required. A copy of the quote and conflict assessment should be attached to the Purchase Order request. If there is a requirement for additional terms

## Contract Procedure Rules – Part 4 Contracts

and conditions these can be signed by the relevant Assistant Director (or in accordance with paragraph 5.2).

- 41.2. Contracts within Threshold 2 should be the subject of a formal written contract signed by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2), unless Legal Services have advised that a Purchase Order is sufficient in which case the process in 41.1 can be followed.
- 41.3. Contracts within Threshold 3 and 4 shall be the subject of a formal written contract signed by the Joint Strategic Director - Legal and Democratic Services (or in accordance with paragraph 5.2) or under seal in accordance with legal advice.
- 41.4. Every contract valued at £200,000 or more shall be sealed with the common seal of the Council provided the award decision has been approved by the Executive (or in accordance with paragraph 5.2) or the decision has been delegated by them, in accordance with the terms of the Constitution.

## 42. Novation

- 42.1. Novation refers to where one of the contracting parties in the original contract is replaced by an entirely new party that assumes the rights and obligations of the original party.
- 42.2. Novation is not permitted without the express consent of the Assistant Director and Joint Strategic Director - Legal and Democratic Services (in accordance with paragraph 5.2).

## 43. Financial Security

- 43.1. The Officer must assess the impact of the contract failing upon the Council's ability to perform its duties and the Council's reputation **before** commencing any procurement activity. Appropriate safeguards should be included in the requirements.
- 43.2. Where the procurement falls in Threshold 4 and the impact of the contract failing is deemed to be high, Officers must consult with Finance to agree a proportionate financial standing check for the bidders. This must be published in any tender documents.
- 43.3. The Joint Strategic Director – Finance (in accordance with paragraph 5.2) will consider whether financial security, parent company guarantee and/or a performance bond are required if there is any concern about the stability of the bidder or for any contract in excess of £1million. Any decision should be recorded by Procurement.

## 44. Insurance

- 44.1. The following are recommended requirements for insurance level for each and every claim:
  - a) Employers Liability Insurance: £5,000,000
  - b) Public Liability Insurance: £10,000,000

## Contract Procedure Rules – Part 4 Contracts

- c) Professional Indemnity Insurance: £2,000,000
  - d) Product Liability Insurance: Should be proportionate to the product being purchased.
- 44.2. Before commencing any procurement activity Officers must consider whether the recommended insurance cover in paragraph 44.1 is proportionate to the contract. In doing so Officers must have regard to whether the insurance levels requested may present an obstacle for small or medium enterprises. Advice should be sought from the Insurance Officer if it is considered that the insurance levels should be increased or decreased and any variation must be agreed by the relevant Assistant Director.
- 44.3. For all procurement activity above Threshold 4, the relevant Assistant Director must confirm that they consider the insurance levels are appropriate.
- 44.4. Procurement will request copies of any relevant insurance documents on contract awards. The Contract Manager should ensure that updated copies are requested as required.

## 45. Liability

- 45.1. Liability levels must be set before commencing any tendering activity and consideration needs to be given to the correct liability levels to ensure that this does not present a barrier for small and medium enterprises.
- 45.2. Liability cannot be limited for supplying goods without the right to do so, fraud, personal injury or death. In all other circumstances unlimited liability should only be used in exceptional circumstances and the approval of the Assistant Director must be provided with reasons.
- 45.3. In setting liability limits consideration needs to be given to the financial, reputational and operational loss which might be incurred by the Council as a result of the supplier failing to deliver in accordance with the contract. Liability may be appropriately limited by reference to the insurance levels, the contract value or a percentage of the contract value.

## Appendix 1 - QUICK REFERENCE GUIDE

This Table provides a quick checklist of requirements:									
	Aggregate Value including extensions £ (exc. VAT)	Transparency	Method	Receipt of quotes	Who is authorised to carry out Procurement	Contract Options	Who must approve the procurement	Who signs the contract on the Council's behalf	Records (held for a minimum of 3 years)
Threshold 1	£0 to £5,000	Published spend over £500	Minimum of one quote	Email	Officer	Purchase Order	Assistant Director	Assistant Director (if required)	<i>Held in finance system:</i> Purchase Order Quote Conflict assessment
Threshold 2	£5,000 to under £25,000	Contract Register	Minimum of three quotes	Email <i>or</i> eSourcing platform	Officer (consulting with Procurement)	Council form Supplier T&Cs Purchase Order	Assistant Director	Strategic Director - Legal and Democratic Services	<i>Held by Procurement:</i> Procurement Report Conflict assessment  <i>Held by Legal:</i> Contract
Threshold 3	£25,000 to under £150,000	Contract Register Procurement Notices	Competitive procedure (or three quotes as advised by Procurement)	eSourcing platform	Procurement	Council form	Assistant Director & Joint Strategic Director - Finance		
Threshold 4	Over £150,000	Contract Register	Competitive procedure	eSourcing platform	Procurement	Council form	Assistant Director & Joint Strategic Director - Finance		
Threshold 4	Additional requirements over £200,000 (Key Decision)	Procurement Notices	Covered Procurement – in accordance with relevant legislation				Executive	Sealed	Committee Report

## Appendix 1 - QUICK REFERENCE GUIDE

Where an approval is required under these Rules this may be taken by any Officer authorised and nominated by the decision maker in accordance with the Scheme of Delegation. Where Executive approval is required Officers should consider all the decisions which will need to be made throughout the process and these should be sought at the appropriate time.

## Appendix 2 – NOTICES REQUIRED UNDER PA 2023

<b>Type of notice</b>	<b>Relevant provisions</b>	<b>Purpose</b>
Pipeline Notice	s93 PA 2023 Reg. 15 Procurement Regulations 2024 (PCR 2024)	Mandatory annual notice setting out planned procurement over £2million for the next 18 months.
Preliminary Market Engagement Notice	s17 PA 2023 Reg. 17 PCR 2024	Mandatory if preliminary market engagement is undertaken.
Planned Procurement Notice	s15 PA 2023 Reg. 16 PCR 2024	An optional notice setting out the intention to undertake a tender exercise.
Tender Notice	s21, s87 PA 2023 Regs. 18 – 21 PCR 2024	Mandatory notice published inviting tenders for both Covered Procurement (s21) or an advertised contract over £30,000 (inc. VAT) (s87).
Dynamic Markets Notice	s39 PA 2023 Reg. 25 PCR 2024	Mandatory notice setting out the intention to set up a Dynamic Market.
Transparency Notice	s44 PA 2023 Reg. 26 PCR 2024	Mandatory notice setting out the intention to make a direct award.
Contract Award Notice	s50 PA 2023 Reg. 27 PCR 2024	Mandatory notice published on award of contract which commences the standstill period.
Contract Details Notice	s53, s87 PA 2023 Regs. 32 – 36 PCR 2024	Mandatory notice setting out the details when the contract is completed for the award of a Covered Procurement (s53) or a contract over £30,000 (inc. VAT) (s87).
Procurement Termination Notice	s55 PA 2023 Reg. 37 PCR 2024	Mandatory notice published when a decision is taken not to award a contract.
Contract Performance Notice	s52, s71 PA 2023 Reg. 39 PCR 2024	Mandatory notice every 12 months and on termination for contracts valued over £5million to assess performance against KPIs
Contract Change Notice	s75 PA 2023 Reg. 41 PCR 2024	Mandatory notice if a Covered Procurement is varied and there is an increase or decrease of the term by more than 10% or the value by more than 10% for goods and services or 15% for works.
Payments Compliance Notice	s69 PA 2023 Reg. 38 PCR 2024	Mandatory notice every 6 months setting out the Council's compliance with the 30 day payment term.
Contract Termination Notice	s80 PA 2023 Reg. 40 PCR 2024	Mandatory notice when a Covered Procurement contract is terminated.

## Appendix 3 – USEFUL LINKS

[Procurement Act 2023](#)

[The Health Care Services \(Provider Selection Regime\) Regulations 2023](#)

[Public Contracts Regulations 2015](#)

[The Utilities Contract Regulations 2016](#)

[The Concession Contracts Regulations 2016](#)

[The Public Services \(social value\) Act 2012](#)

[The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)

[Modern Slavery Act 2015](#)

[Social Value Act 2012](#)

[Local government Transparency Code 2015](#)

[Freedom of Information Act 2000](#)

[IR35 Guidance](#)

[Local Government Act 1999 \(Section 3; best value\)](#)

[National Procurement Policy Statement](#)

This page is intentionally left blank



## Areas of Key Change

It is recognised at this point that the rules still require some refinement to ensure that they are accessible to all Officers. It should be noted that there has been only limited consultation with services at this point and these draft rules may need alteration following consultation. There is also a resourcing issue, particularly for WBC, given the new statutory requirements.

The rules have been drafted to allow some flexibility for both Councils during a period of adaptation so whilst the rules set the principles, they do not set out the specific process. This allows each Council to draft their current documentation to provide the information during a transitional period. It is hoped that in time it will be possible to develop aligned processes and agreed templates meeting the needs of both Councils.

The revisions not only align both authorities but take account of the requirements which come into force on 28 October 2024 under the Procurement Act 2023.

### **1. Introduction**

This is updated reflecting both authorities' previous positions and there is no material change.

### **2. Key Principles**

This is an update to the previous Key Principles to reflect the changes in the Procurement Act 2023 and the Government policy.

### **3. Statutory Requirements**

This is updated to reflect the current thresholds and the implementation of the Procurement Act 2023 but there is no material change.

### **4. Compliance**

This has been updated to reflect the implementation of the Procurement Act 2023. There is a material change in creating a provision allowing the JSD Legal and Democratic Services and JSD Finance to terminate a procurement procedure if it is considered that the contracts have been disaggregated to avoid the procurement thresholds. This provides additional protection for the council and assists the Statutory Officers to undertake their duties.

## **5. Scope**

This has been significantly updated for both councils and sets out circumstances where:

- (a) there is no requirement to comply with Part 3 of the rules; and
- (b) circumstances where there is no requirement to comply, provided they are under the procurement threshold.

The distinction between (a) and (b) is that those requirements within (a) are entirely excluded from the procurement legislation and are therefore a statutory exclusion, whereas those in (b) are not excluded and therefore compliance is still required with the legislation for above threshold procurements.

Another significant change is that previously both councils excluded the entirety of the rules whereas the exclusion now is limited to Part 3 which is the procurement process. This means that all other statutory requirements, payment provisions, best value are still applicable and provides additional security for both councils.

For procurements being carried out by another authority leading (e.g. by Surrey CC on behalf of all the districts and boroughs or Guildford on behalf of Waverley) then there is a new requirement for a conflict assessment to be undertaken.

For both councils the awarding of a contract through a Framework has been removed from exclusions as this does not provide for adequate protection for the councils and it is dealt with elsewhere.

A limit has been placed on excluding contracts because they are 'urgent' so that this can only be used in critical situations by the Chief Executive.

An additional exclusion in (b) has been added for the Returning Officer.

WBC – Contracts with agencies for supply of staff have been removed from the exclusions as this is not compliant with the legislation

## **6. Roles and responsibilities**

GBC – there is very little change.

WBC – there is a shift for WBC to a centralised procurement model.

## **Part 2 – PROCESS**

This part has substantial changes for both councils to provide for implementation of the Procurement Act 2023. Fundamental changes have been made to levels and involvement of Procurement.

A new threshold has been introduced for £5,000 - £24,999 still providing quite a light touch but the involvement of procurement. For all contracts over £25,000 it is now expected that Procurement will lead, this is a change for both councils. There is more flexibility for both councils in this threshold allowing there to be a focus on the above threshold procurements which are likely to increase.

GBC – The threshold for involving Procurement has risen to £5,000 which should allow more flexibility and should release some capacity in Procurement to focus on the higher value work. There is a requirement at this level to obtain two quotes.

WBC – The requirement for officers has been increased to be two quotes to ensure that there is always a level of competition.

### **23. Land and other Council assets**

GBC – At GBC this is already dealt with under separate policies.

WBC – This was covered in some detail in the previous rules, and it is recommended that WBC adopt a policy to deal with asset disposal. This should not form part of the Contract Procedure Rules.

### **26. Conflicts of interests**

This is substantially updated for both authorities to comply with the new statutory requirements and where not a legal requirement because it reflects good practice, openness and transparency.

### **28. Modern Slavery**

GBC – There is no change for GBC

WBC – Has not adopted a Modern Slavery motion or Charter and has no obligation so there is a slight variation in the drafting.

### **39. Contract Management**

There are new requirements in relation to contract management which are reflected in these provisions.

This page is intentionally left blank

# Guildford & Waverley Borough Councils

Report to: GBC Corporate Governance & Standards Committee /  
WBC Standards & General Purposes Committee

Date: 1 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 to be 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>.

## **2. Recommendation to Committee**

2.1 The Corporate Governance and Standards Committee (Guildford) and the Standards and General Purposes Committee (Waverley) are asked to recommend to their respective full Council meetings that the proposed Joint Councillor/Officer Relationship Protocol, as set out in Appendix 1 to this report, be adopted into their respective Constitutions.

## **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**

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.

---

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

- 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

This page is intentionally left blank

## 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.