

Guildford & Waverley Borough Councils

Report to: Joint Constitution Review Group

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Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

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Proposed Changes to the Officer Schemes of Delegation

1. Executive Summary

It is good practice to keep the Officer Scheme of Delegation under review, as it forms part of the Constitution of the Council(s).

2. Recommendation to Executive/ Committee/ Council

The Joint Constitution Review Group (JCRG) is asked to recommend the revised Joint Officer Scheme of Delegation to the Standards and General Purposes Committee (Waverley) and Corporate Governance and Standards Committee (Guildford).

3. Reason(s) for Recommendation:

- 3.1 An officer scheme of delegation which is materially the same for both Councils, whilst being owned by each Council in respect of their services, will help to promote more efficient joint working and will support the transformation programme by aligning officer decision making across both Councils.

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

4. Purpose of Report

- 4.1 This report is presenting a proposed draft Officer Scheme of Delegations, set out at Appendix One, for members to consider. The purpose of the revised Scheme is to try and align decision making across the two Councils where possible.

5. Strategic Priorities

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

6. Background

- 6.1 Council decision making can be delegated to officers, through a written Officer Scheme of Delegation which is publicly available. For an Officer Scheme of Delegation to be effective, it must clearly set out the responsibilities of officers and any limitations on their powers. It should contain those areas where the Council is delegating its decisions (whether Executive or Council) and should not contain 'Business as Usual' matters, which form part of an officer's job description.

- 6.2 Both Councils currently each have a different Officer Scheme of Delegation. This means that officers must refer in detail to each Scheme to check their delegated authority before making a decision and, in some areas, the Scheme does not provide authority or has different limits/consultation areas for each Council. This leads to a lack of clarity for members of the Joint Strategic Management Team, as they work across both Councils but with differing decision levels across their services.
- 6.3 The revised Scheme set out in Appendix One contains the references of the existing delegations in column one, and column 4 contains details of the proposals.
- 6.4 Appendix Two sets out those areas which it is proposed to delete from the existing schemes of delegation, as they represent 'Business as Usual' and are matters which are contained in officers job roles, rather than being decision making which is delegated.
- 6.5 The schemes both contain some areas where clarity is needed, as some officer delegations overlap with each other, some are allocated to an incorrect officer and some areas are missing.
- 6.6 The financial limits in the Scheme are extremely high in some cases e.g. properties can be purchased in the HRA up to £12M by an Officer, on behalf of the Council. The proposal is to reduce all financial limits in the Officer Scheme of Delegation to less than £200,000. This will ensure that all decisions that are key by virtue of their financial impact (ie where the expenditure or income is £200,000 or more) are made by members in the future and helps to set a clear framework for officers.
- 6.7 It is good practice to review the Officer Scheme of Delegation on a regular basis to ensure that it remains fit for purpose and meets the changing needs of the Council. The Council has commissioned a SOLACE Housing Governance Review and a SOLACE Corporate Governance Review, both of which are anticipated to recommend that the Officer Scheme of Delegation be reviewed.

6.8 The Officer Scheme of Delegation should be read in conjunction with the Financial Procedure Rules and Contract Procedure Rules, and these will also need to be revised for the future to ensure that they align with the Officer Scheme of Delegation. These workstreams are included on the JCRG's work programme and will be brought forwards in due course.

7. Consultations

7.1 All members of the Joint Management Team (JMT) have been consulted over the proposed changes. Some responses have been received and changes made, but it is likely that further changes may be necessary before the draft Scheme is finalised. All members of the JMT are supportive of changes to the Scheme(s), as JMT members would 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 training officers as necessary.

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

9. Financial Implications

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

9.2 The indirect financial implication is that officer spending limits will be reduced to key decision levels. There will be a need to refresh

the Financial Procedure Rules to reflect these changes, and that will provide an opportunity to ensure that they also contain adequate controls.

10. Legal Implications

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

11. Human Resource Implications

- 11.1 There are no direct HR implications.

12. Equality and Diversity Implications

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

13. Climate Change/Sustainability Implications

- 13.1 There are no climate change or sustainability implications.

14. Summary of Options

14.1 The Working Group are asked to consider the proposed new Officer Scheme of Delegation attached as Appendix 1. The Working Group may:

(a) accept the proposed draft Officer Scheme of Delegation and agree to recommend it to the Standards & Governance Committee of each Council;

(b) suggest amendments to any part of the draft Officer Scheme of Delegation; or

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

15. Background Papers

15.1 Officer Scheme of Delegation – Waverley Borough Council

15.2 Officer Scheme of Delegation – Guildford Borough Council

16. Appendices

Appendix 1: Proposed draft Officer Scheme of Delegation

Appendix 2: Proposed list of areas to be deleted (to follow)