

# Waverley Borough Council

**Report to:** Executive

**Date:** 11 June 2024

**Ward(s) affected:** All

**Report of Strategic Director:** Legal & Democratic Services

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**Report Status:** Open

**Key Decision:** No

## Proposed Changes to the Officer Scheme of Delegation

### 1. Executive Summary

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

### 2. Recommendation to Executive

2.1 That the delegation of Executive functions set out in the revised Joint Officer Scheme of Delegation and Proper Officer Scheme (Appendices 1 and 3) be approved.

2.1 That the Monitoring Officer, in consultation with the Leader, Deputy Leader & Portfolio Holder, be authorised to include any changes to the Scheme of Delegation in respect of Executive functions recommended by the Standards and General Purposes Committee.

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

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

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

### **5. Background**

- 5.1 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 in respect of Executive, or non-Executive functions) and should not contain 'Business as Usual' matters, which form part of an officer's job description.

- 5.2 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.
- 5.3 Members of the Joint Constitutions Review Group saw the first draft of the revised Scheme set out in **Appendix 1** at their meeting on 25 April 2024, and a revised version on 29 May 2024 which contained the changes made by members in green, and further changes requested by officers in blue. Column 4 (red) contains details of the proposals.
- 5.4 **Appendix 2** sets out those areas which it is proposed to delete from the existing schemes of delegation, as they represent 'Business as Usual' and are matters which are contained in officers' job roles, rather than being decision making which is delegated. This appendix is included for information.
- 5.5 **Appendix 3** sets out a revised Proper Officer Scheme. Some statutes require a 'proper officer' to be appointed by the Council, to carry out certain functions as required under that Act. Therefore, each Council must have a Proper Officer Scheme, as well as an Officer Scheme of Delegation, for completeness of decision making.

## 6. Consultations

- 6.1 All members of the Joint Management Team (JMT) have been consulted over the proposed changes. All members of the JMT are supportive of changes to the Scheme(s), as JMT members would welcome further clarity over decision making. As stated above, the Joint Constitutions Review Group considered the proposal at its meetings held on 25 April and 29 May 2024.

## **7. Key Risks**

- 7.1 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.
- 7.2 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.

## **8. Financial Implications**

- 8.1 There are no direct financial implications resulting from this report.
- 8.2 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.

## **9. Legal Implications**

- 9.1 Councils can delegate their functions to officers under S101 Local Government Act 1972. 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.
- 9.2 After the Executive has approved the delegation of Executive functions within the Joint Officer Scheme of Delegation, the Joint Scheme will need to be adopted by each Council, on the recommendation of the Corporate Governance & Standards Committee or Waverley's Standards and General Purposes Committee as appropriate.

## **10. Human Resource Implications**

10.1 There are no direct HR implications.

## **11. Equality and Diversity Implications**

11.1 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.

## **12. Climate Change/Sustainability Implications**

12.1 There are no climate change or sustainability implications.

## **13. Summary of Options**

13.1 The Executive is asked to consider the further revisions to the new Officer Scheme of Delegation attached as **Appendix 1**, and the revisions to the Proper Officer Scheme set out at **Appendix 3**. The Executive may:

- (a) accept the further revisions to the draft Officer Scheme of Delegation and Proper Officer Scheme
- (b) suggest amendments to the delegation of Executive functions set out in the draft Officer Scheme of Delegation and Proper Officer Scheme, or
- (c) choose not to recommend that a revised Officer Scheme of Delegation and Proper Officer Scheme be adopted.

## **14. Background Papers**

14.1 WBC Officer Scheme of Delegation & Proper Officer Scheme

14.2 GBC Officer Scheme of Delegation & Proper Officer Scheme

## **15. Appendices**

Appendix 1: Proposed draft Officer Scheme of Delegation

Appendix 2: Proposed list of areas to be deleted

Appendix 3: Proposed Proper Officer Scheme