

# Guildford & Waverley Borough Councils

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

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Report status: Open

## Proposed Changes to the Officer Schemes of Delegation

### 1.1 Executive Summary

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

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

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

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

## **2. Recommendation to Council**

The Standards and General Purposes Committee recommend:

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

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

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

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

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

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

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

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

- 5.1 This report will assist in the delivery of the Councils' corporate priorities and collaborative working agenda.

#### **6. Background**

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

- 6.2 Both Councils currently each have a different Officer Scheme of Delegation. This means that officers must refer in detail to each Scheme to check their delegated authority before making a decision and, in some areas, the Scheme does not provide authority or has different limits/consultation areas for each Council. This leads to a lack of clarity for members of the Joint Management Team (JMT), as they work across both Councils but with differing decision levels across their services.
- 6.3 The Officer Scheme of Delegation should be read in conjunction with the revised Financial Procedure Rules and Contract Procedure Rules, set out elsewhere on this agenda.
- 6.4 A 'Proper Officer' is the post designated by the Council to carry out certain functions as required by statute.

## **7. Consultations**

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

## **8. Key Risks**

- 8.1 There is a risk of poor decision making and a lack of accountability where delegations are unclear or are poorly understood. This can be mitigated by having a clearly expressed Officer Scheme of Delegation and Proper Officer scheme, and training officers as necessary.
- 8.2 There is a risk that by reducing the financial limits, the Executive, whilst having greater oversight, has a busier agenda at its meetings. This can be mitigated by ensuring that Executive decision making provides suitable delegations to officers, thereby ensuring that the Executive have retained overall control and made decisions for officers to implement. It could be further mitigated by the Executive considering greater use of delegated authority to Individual Portfolio Holders where appropriate.

## **9. Financial Implications**

- 9.1 There are no direct financial implications resulting from this report.
- 9.2 The indirect financial implication is that officer spending limits will be reduced to key decision levels. There will be a need to refresh the Financial Procedure Rules to reflect these changes, and that will provide an opportunity to ensure that they also contain adequate controls.

## **10. Legal Implications**

- 10.1 Councils can delegate non-Executive functions to officers under S101 Local Government Act 1972, and the Leader of the Council may delegate Executive functions to officers under Section 9E (2) Local Government Act 2000. Delegation provides for officer decision making within a framework set by members and contributes to the effective operation of the Council, with members able to focus on setting policy and political objectives.
- 10.2 The Joint Officer Scheme of Delegation will need to be adopted by each Council, on the recommendation of the Corporate Governance and Standards Committee (Guildford) and Standards and General Purposes Committee (Waverley).

## **11. Human Resource Implications**

- 11.1 There are no direct HR implications.

## **12. Equality and Diversity Implications**

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

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

- 13.1 There are no climate change or sustainability implications.

## **14. Summary of Options**

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

14.2 The Committee may:

- (a) accept the proposed new Officer Scheme of Delegation and Proper Officer Scheme and agree to recommend it to Council for formal adoption, or
- (b) suggest amendments to any part of the proposed new Officer Scheme of Delegation and Proper Officer Scheme, or
- (c) choose not to recommend that a revised Officer Scheme of Delegation and Proper Officer Scheme is adopted.

## **15. Background Papers**

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

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

## **16. Appendices**

Appendix 1: Proposed new Officer Scheme of Delegation

Appendix 2: Proposed new Proper Officer Scheme