



GUILDFORD  
B O R O U G H

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## GUILDFORD BOROUGH COUNCIL - RESPONSIBILITY FOR FUNCTIONS

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the structure of the Council must be responsible for certain decisions. The Regulations specify:

- (a) functions which are not to be the responsibility of the Council's Executive;
- (b) functions which may but need not be the responsibility of the Executive ("local choice functions"); and
- (c) functions which are to some extent the responsibility of the Executive.

All other functions not so specified are to be the responsibility of the Executive.

### **Responsibility for Council (Non Executive) Functions**

These functions, which are listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), may not be the responsibility of the Council's Executive. Appendix I identifies these functions and indicates where responsibility lies within the Council. In accordance with legislation, certain decisions on these matters must be taken by the full Council, whilst others may be taken by the full Council, a committee appointed by the Council, officers, or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

### **Responsibility for Local Choice Functions**

Appendix II to this part of the Constitution sets out which "local choice functions" are the responsibility of the Council and/or its committees and which are the responsibility of the Executive.

### **Responsibility for Executive Functions**

"Executive functions" are all the statutory functions of the Borough Council except those listed or referred to in Appendices I and II. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, an individual lead councillor, committee of the Executive, individual local ward councillors, officers or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

### **Joint Responsibility for certain Council (Non-Executive) and Executive Functions**

The Council's Taxi and Private Hire enforcement powers have been delegated jointly to the ten other licensing authorities in Surrey, without prejudice to the Council's ability to exercise those powers itself within the Borough.

The Council has also entered into collaborative working arrangements with Waverley Borough Council resulting in the creation of a single joint management board with Waverley Borough Council, comprised of statutory officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), joint strategic directors and joint executive heads of service.

### **Responsibilities Delegated to Officers**

The extent to which the functions described above have been delegated to officers is shown in the Council's scheme of delegation in this Part of the Constitution.

1. **APPENDIX I: RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS**

“Council functions” are the statutory functions of the Borough Council which may not be exercised by the Executive.

<b>RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS</b>			
<b>Council/Committee</b>	<b>Membership</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<b>Council</b>	48 councillors	The Council is responsible for the functions (in so far as they are a Borough Council responsibility) set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which have not been delegated to any other committee as described above.	Authority to undertake some of these functions has been delegated to officers in accordance with the Council’s scheme of delegation set out in this Part of the Constitution.
<b>Planning Committee</b>	15 councillors appointed by the Council	All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).  All functions relating to:  (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development; (b) the extinguishment of public rights of way over land held for planning purposes; and (c) trees and hedgerows  as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Authority to undertake some of these functions has been delegated to officers in accordance with the Council’s scheme of delegation set out in this Part of the Constitution.

RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS			
Council/Committee	Membership	Functions	Delegation of Functions
<b>Licensing Committee</b>	15 councillors appointed by the Council	<p>Except as otherwise provided in the Licensing Act 2003 and Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.</p> <p>All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p> <p>All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p>	<p>Authority to undertake some of these functions has been delegated to the Licensing Regulatory and Licensing Sub-Committees and officers in accordance with the Council's scheme of delegation set out in this Part of the Constitution.</p>
<b>Corporate Governance and Standards Committee</b>	7 councillors appointed by the Council, and up to 3 co-opted non voting independent members and up to 3 co-opted non voting parish members	<p>In accordance with the Committee's terms of reference, functions relating to:</p> <ul style="list-style-type: none"> <li>(a) the Council's audit and accounts responsibilities and corporate governance activities; and</li> <li>(b) functions relating to ethical standards and the conduct of councillors.</li> </ul>	<p>Authority to undertake some of these functions has been delegated to officers in accordance with the Council's scheme of delegation set out in this Part of the Constitution.</p> <p>Authority to undertake some functions relating to the conduct of councillors has been delegated to the Monitoring Officer and to the Assessment Sub-Committee and Hearings Sub-Committee.</p>

RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS			
Council/Committee	Membership	Functions	Delegation of Functions
<b>Joint Senior Staff Committee</b>	Leader of the Council plus 2 councillors appointed by the Council; and the Leader of Waverley Borough Council plus 2 councillors appointed by that Council	Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the Councils”) as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils’ Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers as provided for by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.	None
<b>Joint Governance Committee</b>	Leader of the Council plus 5 councillors appointed by the Council; and the Leader of Waverley Borough Council plus 5 councillors appointed by that Council	Adopting and exercising such of the functions of the councils as may be delegated by those councils in respect of the governance arrangements for inter-authority working between Guildford Borough Council and Waverley Borough Council.	None

2. APPENDIX II: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

“Local choice functions” are those statutory functions of the Borough Council which can be exercised by either the Council (or a committee or officer of the Council) or by the Leader/Executive.

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS		
Function	Decision-Making Body	Delegation of Functions
Any function under a local act (other than that specified in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations (as amended) or Schedule 1 thereto.	Leader/Executive	Authority to undertake some of these functions has been delegated to officers in accordance with the Council's scheme of delegation set out in this Part of the Constitution.
The determination of any appeal against any decision made by or on behalf of the Council (other than staffing or licensing matters).	Leader/Executive	
The appointment of review boards under regulations under Section 34(4) (determination of claims and reviews) of the Social Security Act 1998.	Leader/Executive	
Any function relating to contaminated land.	Leader/Executive	
The discharge of any function relating to the control of pollution or the management of air quality.	Leader/Executive	
The service of an abatement notice in respect of a statutory nuisance.	Leader/Executive	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.	Leader/Executive	
The inspection of the Borough to detect any statutory nuisance.	Leader/Executive	
The investigation of any complaint as to the existence of a statutory nuisance.	Leader/Executive	
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Leader/Executive	
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader/Executive	

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS		
Function	Decision-Making Body	Delegation of Functions
<p>The making of agreements for the execution of highways works.</p> <p>The appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:</p> <p style="padding-left: 40px;">(ii) the authority;</p> <p style="padding-left: 40px;">(iii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p> <p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>Leader/Executive</p> <p>Council</p> <p>Leader/Executive</p>	<p>Authority to undertake some of these functions has been delegated to officers in accordance with the Council's scheme of delegation set out in this Part of the Constitution.</p>

**GUILDFORD BOROUGH COUNCIL**  
**TERMS OF REFERENCE OF COUNCIL,**  
**LEADER/EXECUTIVE AND COMMITTEES**

**POWERS RESERVED TO FULL COUNCIL**

The following functions must not be exercised by the Executive and, where not otherwise delegated, shall be reserved to the full Council:

1. To adopt, amend (apart from changes to Part 3 in relation to executive functions which will be discharged by the Leader/Executive and reported to Council) or, in accordance with the provisions of Article 17, suspend the Council's Constitution.
2. To make proposals and fulfil any duties to change the Council's executive arrangements, determine whether a referendum is required and pass a resolution to make any such change.
3. To approve the Council's budget, as defined in Article 4.1(b) of the Constitution.
4. To approve, amend, revoke or replace any plan or strategy falling within the Council's policy framework (including any decision required for submission to the Secretary of State).
5. To make decisions on all executive matters which are contrary to or not wholly in accordance with the budget and policy framework, except in cases of urgency or other circumstances defined in the Constitution.
6. To adopt, revise or replace the code of conduct for councillors and co-opted members and arrangements for dealing with allegations of misconduct.
7. To approve for public consultation in accordance with Part 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012 any draft proposals relating to a development plan document.
8. To approve the making of an application to the Secretary of State for the transfer of housing land.
9. To make all necessary arrangements for the discharge of non-executive functions through joint arrangements, including the establishment of joint committees, area committees or delegation to another local authority.
10. To authorise the contracting out of non-executive functions to another body.
11. To accept any delegation of functions from another local authority (in relation to both executive and non-executive functions).
12. To make, amend, revoke, re-enact or enforce byelaws.
13. To promote or oppose local or personal bills.
14. To exercise the Council's functions relating to local government pensions.
15. To exercise the Council's functions in relation to elections and electoral registration.
16. To exercise the Council's functions in relation to community governance arrangements, including those relating to parishes and parish councils, and determine any matters relating to the name and status of areas.
17. To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption and designating a locality as an alcohol disorder zone.



### **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

18. To resolve not to issue casino premises licences.
19. To determine planning applications referred by the Planning Committee in accordance with Council Procedure Rule 26(c).
20. To elect the Mayor and appoint the Deputy Mayor.
21. To elect and remove the Leader of the Council.
22. With the exception of the Executive, to appoint and dissolve committees, determine or amend their terms of reference and alter their size.
23. With the exception of the Executive, to determine the allocation of seats on committees and to make appointments to them.
24. To authorise co-opted members to vote at meetings of the Overview and Scrutiny Committee in accordance with a scheme approved by the Council.
25. To appoint councillors to serve on outside organisations.
26. To determine matters relating to the failure of a councillor to attend meetings for a period of six months.
27. To confer the title of honorary freeman, honorary alderman and honorary officer.
28. To approve, amend, revoke or replace the Council's scheme for councillors' allowances and to determine the levels of all allowances payable to councillors.
29. To determine the amount of any allowance payable to the Mayor or Deputy Mayor.
30. To appoint and dismiss the Joint Chief Executive.
31. To designate officers as the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
32. To appoint proper officers for particular purposes.
33. To determine the terms and conditions on which staff hold office, including procedures for their dismissal, unless otherwise delegated.
34. To exercise such local choice functions as may be set out in Part 3 of this Constitution which the Council has decided should be undertaken by itself rather than the Leader/Executive.
35. To determine policy in respect of the licensing of hackney carriages and private hire vehicles and review such policy upon the recommendation of the Licensing Committee.
36. To determine all other matters which, by law, must be reserved to the Council.

#### **LEADER/EXECUTIVE**

1. To provide leadership and direction for the Council.
2. To prepare the budget and policy framework, as defined in Article 4.1 (a) and (b) of the Constitution, for consideration by the Council.
3. To prepare the following matters for consideration by the Council:
  - (a) any proposals and duties in relation to changes to the Council's executive arrangements; and
  - (b) any proposals from the Council's Independent Remuneration Panel to amend, revoke or replace the Council's scheme for councillors' allowances and the levels of all allowances payable to councillors.
4. At the request of the Leader or a relevant, lead councillor to submit comments or recommendations on non-executive matters outside the budget and policy framework or not specified in (3) above to the full Council prior to their determination.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

5. To amend, withdraw or revoke any plan or strategy within the Council’s policy framework in the following circumstances:
  - (i) if required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval;
  - (ii) if recommended by the person carrying out an independent examination of a development plan document;
  - (iii) if authorised by a determination made by the Council when approving or adopting the plan or strategy; or
  - (iv) if the decision may reasonably be regarded as urgent and the approval of the Overview and Scrutiny Committee chairman or, in his or her absence, the Mayor or Deputy Mayor, has been obtained.
6. To make decisions on all executive matters within the approved budget and policy framework and on all other matters which are not the responsibility of any other part of the Council by virtue of the law or this Constitution.
7. To take decisions which are contrary to or not wholly in accordance with the budget and policy framework in cases of urgency in accordance with the Council’s Budget and Policy Framework Procedure Rules.
8. To approve supplementary estimates and virements in accordance with the Council’s Financial Procedure Rules.
9. To make all necessary arrangements for the discharge of executive functions through joint arrangements, including the establishment of joint committees, area committees or delegation to another local authority.
10. To authorise the contracting out of executive functions to another body.
11. To exercise the Council’s powers in relation to emergencies and disasters.
12. To ensure that all Key (and other significant) decisions are considered by the relevant Executive Advisory Boards prior to the formal consideration of all such decisions by the Executive and to take into account any recommendations made by the Executive Advisory Boards.

### **EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE**

#### **Background**

The Executive Shareholder and Trustee Committee (“the Committee”) has been established by the Executive specifically to discharge the shareholder and trustee functions of the Council. The Committee will meet at least once a year to receive an annual report and annual accounts from the Companies and Charities, but otherwise meetings will be called on an “as and when required” basis to deal with company and charity business.

#### **Membership**

To be determined by the Leader of the Council from time to time. Only members of the Executive may sit and vote on the Committee. A quorum of three and a maximum number of five Executive Members will be appointed to the Committee. Substitutes, who must also be Executive Members, may be permitted at the discretion of the Leader. The Leader and Deputy Leader of the Council shall be the Chairman and Vice-Chairman respectively of the Committee.

#### **Purpose**

To exercise the function of the Council as shareholder and trustee as stipulated by relevant legislation including the Companies Act 2006 and Charities Act 2011 and associated statutory guidance and any guidance issued by relevant regulators.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

### **Remit**

To undertake all functions of the Council as a shareholder and trustee under the Companies Act 2006 and the Charities Act 2011 which may include without limitation:

#### Shareholder duties

- To determine the Shareholder Agreements between the Council and the Companies
- To determine a guidance note for duties of directors (including conflicts of interests)
- To approve and adopt a conflict of interest policy for the Committee
- To make decisions that only the Council as shareholder can make by law e.g. altering a company's Articles of Association and using, where applicable the written resolution procedure to do so, as prescribed by the Companies Act 2006.
- For non-Companies Act 2006 decisions, a process will be followed without using the formal written resolution procedure. In these circumstances, the Chairman of the Committee will sign a document to record the fact that they have approved the decision.
- To consult with the Companies to determine a set of key operating principles the Companies will seek to adapt. These principles will ultimately be agreed by the Companies and the Committee
- To appoint and dismiss directors of the Companies (where power to do so is reserved to the shareholder)
- To appoint and remove a Company Secretary and Auditor
- To agree any loan agreements or draw-down of Council financing (subject to funds being made available by the Council and any previous authorised delegations)
- To agree any reserved matter required by the Articles of Association or Shareholder Agreements
- To agree the Articles of Association or any amendment thereof
- To approve the Companies Delegation Matrix
- To agree and approve the allotment of shares (equity investments)

#### Trustee duties

- To ensure compliance with and further each of the Charities' charitable objects, trust deeds and associated public benefit; including an annual review
- To ensure the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission
- To arrange a Trustee meeting to agree the accounts and Trustee's Annual Report within two months of the financial year ending
- To comply with best practice (Statement of Recommended Practice, SORP) to produce annual accounts and a report that includes an explanation of what the charity has done for the public benefit during the year
- To make strategic decisions including approving annual business plans, management agreements and leases
- To annually review the purposes of the Charities and make any required applications to amend the Charities' governing documents to support effective management of the Charities
- To approve and adopt a conflict of interest policy
- To approve disposals (leases, licences) in accordance with S117 of the 2011 Charities Act 2011 including:
  - To consult the public on the disposal of charity property where required to do so
  - Issue public notices regarding proposed disposal of charity property where required to do so.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

- To approve the formation of management companies where considered to be a suitable mechanism for managing a charity. This could include the charity becoming a member of a management company where suitable to do so.

### **EXECUTIVE ADVISORY BOARDS**

The Council shall appoint two Executive Advisory Boards as follows:

- Community Executive Advisory Board
- Resources Executive Advisory Board

#### **Remits:**

The remits of the Executive Advisory Boards will be aligned with the Joint Management Team structure and cover the service areas indicated below.

#### Community Executive Advisory Board

- Communications and Customer Services
- Community Services
- Environmental Services
- Housing Services
- Regulatory Services
- Commercial Services

#### Resources Executive Advisory Board

- Planning Development
- Regeneration and Planning Policy
- Assets
- Finance
- Legal & Democratic Services
- Organisational Development

Each Executive Advisory Board will consider reports on matters relating to the functions of the Executive that fall within its remit. The remits of each Executive Advisory Board are shown below and are aligned to themes in the Corporate Plan; they will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Boards will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

#### **Membership:**

- (a) Each Executive Advisory Board shall comprise 12 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for each Executive Advisory Board.
- (c) Proportionality rules will apply.
- (d) Substitutes will be allowed in accordance with the rules and procedures of this Constitution, and in respect of each Executive Advisory Board, the Council may appoint up to seven substitute members for each political group.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

### **Meetings:**

- (a) Each Executive Advisory Board shall normally meet on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and possibly ahead of Executive meetings to offer a pre-decision opportunity to make recommendations.
- (b) The relevant Lead Councillor (or other Executive members in the absence of the relevant Lead Councillor) will be expected to proactively attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Boards regarding those matters.
- (c) The quorum of each Executive Advisory Board will be 4.

### **Responsibilities:**

Each Executive Advisory Board will have free range to select their own review topics on which to advise the Executive in addition to the following general responsibilities within its remit:

- (a) To consider and (where necessary) make recommendations on all Key (or other significant) Decisions, prior to the formal consideration of all such decisions by the Executive.
- (b) To assist and advise the Executive in the development of Policy Framework issues.
- (c) To undertake research and reviews for the purpose of advising the Executive on the delivery of Corporate Plan Priorities.
- (d) To advise the Executive at an early stage in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities
- (e) To assist in the development of Executive Decisions
- (f) To assist and advise the Executive as regards budget preparation.
- (g) To develop and maintain a work programme ensuring that there is efficient use of its time

### **Powers:**

Each Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions
- (b) To question and gather evidence from any person (with their consent)
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up, subject to available resources, panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

### **Protocol for their operation:**

- (1) EABS are advisory in nature and do not have any substantive decision-making powers delegated to them. EABs are to act as a source of advice to the Executive.
- (2) EABs will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) EABS will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

The EABs are intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.

- (4) The chairmen and vice-chairmen of the EABs will meet regularly to identify priorities and prepare draft work programmes for consideration and approval by the EABs and, as part of this process, will take into account the forthcoming key or significant Executive decisions set out in the Forward Plan. Subject to paragraph (5) below, those matters identified in the agreed work programmes will be considered by the EABs in detail.
- (5) When considering an Executive decision, the EABs will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that advice from the EAB or any recommendation or suggestion for improvement could realistically lead to change. EAB agendas will list all forthcoming key or significant Executive decisions set out in the Forward Plan, except those that are urgent.
- (6) EABs will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of EABs to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from an EAB is to be made clear in the options considered by the Executive.
- (8) EAB Chairmen and / or Vice-Chairmen shall attend Executive meetings to elaborate on advice given by their respective EABs, and shall receive feedback from the Executive.
- (9) Membership of both an EAB and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly; yet, EABs are advisory and it remains the responsibility of the Executive to formally take and implement the decision.

### **CORPORATE GOVERNANCE AND STANDARDS COMMITTEE**

#### **Statement of purpose**

The Committee has a dual purpose both as an audit committee and a standards committee.

The Committee is a key component of the authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

With regard to standards, the Committee promotes high standards of conduct by councillors and co-opted members and oversees the arrangements for dealing with allegations of misconduct.

### **Audit and Accounts Activity**

1. To consider reports on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements and monitor the progress of high priority actions arising from audit recommendations
2. To consider reports dealing with the management and performance of the providers of the internal and external audit functions.
3. To approve the Internal and External Audit Plans, and significant interim changes.
4. To consider the external auditor's annual letter (including their audit fee), relevant reports (both financial and strategic) and the report to those charged with governance.
5. To consider specific reports submitted by the internal or external auditors
6. To comment on the scope and depth of internal and external audit work and ensure that it gives value for money.
7. To review and approve the annual statement of accounts and Audit Findings Report with specific emphasis on whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
8. To consider reports on the Capital and Investment Strategy prior to their referral to the Executive and Council
9. To consider budget monitoring reports at least on a quarterly basis.

### **Corporate Governance Activity**

10. To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines and make recommendations, as appropriate, in respect of any proposed amendments to the Executive and Council.
11. To consider the Council's arrangements for corporate governance and to recommend such actions necessary to ensure compliance with best practice, together with any relevant corporate governance related issues referred to the Committee by the Joint Chief Executive, a Director, the Leader/Executive or any other committee of the Council.
12. To monitor the effective development and operation of risk management undertaken throughout the Council including the review of the Corporate Risk Register.
13. To consider and approve the Council's Annual Governance Statement in advance of the formal approval of the Council's Statement of Accounts.
14. To consider an annual report of the operation of the whistle-blowing policy, including incidents reported
15. To monitor and audit the Council's equality and diversity policies and approve the Equality Scheme and associated action plan.
16. To monitor bi-annually the Council's performance in dealing with Freedom of Information and Environmental Information Regulations requests.
17. To monitor the Council's progress on various data protection and information security initiatives.
18. To consider annual reports on the work of task groups appointed by the Committee, together with other matters submitted to the Committee periodically by those task groups

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19. To consider bi-annually Planning Appeals Monitoring Reports and S106 Monitoring Reports
20. To consider an annual report on the exercise of powers under the Regulation of Investigatory Powers Act 2000

### **Ethical Standards Activity**

21. To promote and maintain high standards of conduct by councillors and co-opted members<sup>1</sup>
22. To advise the Council on the adoption or revision of the Councillors' code of conduct.
23. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.
24. To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.
25. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons
26. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
27. To monitor and review the operation of the Code of Conduct for Staff and the Protocol on Councillor/ Officer Relations and to make recommendations as appropriate to Council in respect of any necessary amendments.
28. To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer.

### **Accountability arrangements**

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report annually to full Council on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT SENIOR STAFF COMMITTEE TERMS OF REFERENCE**

The Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

### **1.0 MEMBERSHIP**

The Joint Senior Staff Committee shall comprise 6 Councillors, being the respective Leader of each Council plus two Councillors appointed by Guildford Borough Council (one of whom

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<sup>1</sup> A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Reference to councillors or co-opted members in paragraphs 30 and 31 includes councillors or co-opted members of parish councils in the Council's area.



## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

shall be the Leader of the principal Opposition Group) and two Councillors appointed by Waverley Borough Council (one of whom shall be the Leader of the principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

### **2.0 APPOINTMENT**

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

### **3.0 QUORUM**

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each Council being represented at any meeting by at least 1 member).

### **4.0 TIME & LOCATION OF MEETINGS**

The venue and commencement time for meetings of the Joint Senior Staff Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each Council.

### **5.0 CHAIRMAN**

The Joint Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held. In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

### **6.0 VOTING**

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to that decision, will immediately cease. Any such decision will be referred to each Council for determination.

### **7.0 ROLE**

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the Councils”) as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils’ Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers as provided for by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

### **8.0 FREQUENCY OF MEETINGS**

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference.

### **9.0 SUBSTITUTE MEMBERS**

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting.

### **10.0 DELEGATION**

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

### **11.0 WORKING GROUPS**

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

### **12.0 SUB-COMMITTEES**

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating only to that Council.

### **13.0 OFFICER EMPLOYMENT PROCEDURE RULES**

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

### **14.0 FUNCTIONS AND RESPONSIBILITIES**

#### **14.1 Joint Chief Executive/Head of Paid Service**

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to each Council, and subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.
- (vii) To be responsible, subject to (viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

- (viii) The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

### **14.2 Joint Statutory Officer<sup>2</sup> posts**

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process of recruitment and selection of any Joint Statutory Officer post.
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to each Council and, subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.
- (vi) To be responsible, subject to (vii) below, for any disciplinary action regarding any Joint Statutory Officer.
- (vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

### **14.3 Joint Strategic Directors**

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Director.
- (ii) The appointment of any Joint Strategic Director shall be subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Strategic Director.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Director, and where necessary to make recommendations as appropriate for formal approval by each Council.

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<sup>2</sup> Section 151/Chief Finance Officer and Monitoring Officer

### **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

- (v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post.
- (vi) To be responsible, subject to (vii) below, for any disciplinary action regarding any Joint Strategic Director.
- (vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

#### **15.0 SERVICING THE JOINT SENIOR STAFF COMMITTEE**

The Joint Senior Staff Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council.

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

#### **16.0 MEETINGS OF THE JOINT SENIOR STAFF COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**

1. A meeting of the Joint Senior Staff Committee shall be summoned by the Joint Monitoring Officer who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Senior Staff Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) and the Committee resolve to exclude the public.
3. The order of business at meetings of the Joint Senior Staff Committee shall include the following:
  - (a) Apologies for Absence and Substitute Members;
  - (b) Declarations of Interests;
  - (c) Agreement and adoption of the Minutes of the previous meeting;
  - (d) Matters set out in the agenda for the meeting;
  - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.

### **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT GOVERNANCE COMMITTEE**

#### **TERMS OF REFERENCE**

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council ("the councils") in accordance with Section 101 (5) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12

### **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

- (a) The Joint Governance Committee shall comprise the respective Leader of each council, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
  - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990 in respect of each council.
- 3. **QUORUM:** 4 members in total, subject to each council being represented at a meeting by at least two of their members.
- 4. **CHAIR:** The Joint Governance Committee shall be chaired alternately between the councils by the Leader of the Council, hosting the meeting, or in their absence, the Leader of the Council not hosting the meeting, or in both Leaders absence, the Chair shall be appointed by a majority vote of those members present and voting.
- 5. **PLACE OF MEETINGS:** The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting, but the venue may be varied by the Joint Monitoring Officer following consultation with the Leader of each Council.
- 6. **GENERAL ROLE:** Adopting and exercising such of the functions of the councils as may be delegated by those councils in respect of the governance arrangements for inter-authority working between Guildford Borough Council and Waverley Borough Council.
- 7. **FREQUENCY OF MEETINGS:** As and when required, but at least bi-annually.
- 8. **SUBSTITUTES:** Substitutes may be appointed. The respective Group Leaders shall nominate an ongoing main substitute. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the council they represent.
- 9. **ROLE AND FUNCTION:**
  - (i) To undertake periodically a formal review (at least once every 12 months) of all inter-authority agreements, between Guildford Borough Council and Waverley Borough Council, ensuring they continue to be fit for purpose and recommending to both Full Councils any changes required.
  - (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.
  - (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreements or the collaboration risk assessment at such other time as may be determined by the Joint Committee.
  - (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.

### **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

- (v) The Joint Governance Committee may arrange for the discharge of its functions by an Officer, of either Waverley Borough Council or Guildford Borough Council, and in doing so will set out clearly any limits upon such delegation.
  - (vi) The Joint Governance Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
  - (vii) The Joint Governance Committee may establish a Sub-Committee consisting solely of Members of one Council to consider matters solely relating to that Council.
10. **SERVICING THE JOINT GOVERNANCE COMMITTEE:** The servicing of the Joint Governance Committee shall be agreed between the councils' Democratic Services Managers.
11. **MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**
- (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
  - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
  - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
    - (a) Apologies for Absence and notification of substitutes
    - (b) Disclosures of Interest
    - (c) Adoption of the Minutes of the previous meeting
    - (d) Matters set out in the agenda for the meeting
    - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
  - (d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting. The chairman or person presiding shall have the casting vote.

## **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

### **LICENSING COMMITTEE**

1. Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.
2. All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
3. All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
4. To determine any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges.
5. To consider objections following the statutory publication of the fees and charges referred to in 4. above and to approve the final fees and charges.

### **LICENSING REGULATORY SUB-COMMITTEE**

Other than those matters prescribed by the Licensing Act 2003 and Gambling Act 2005, to determine contested licensing applications and disciplinary matters within the purview of the Licensing Committee in accordance with the Council's policies.

### **LICENSING SUB-COMMITTEE**

All relevant functions relating to licensable activities, as described in the Licensing Act 2003 and the Gambling Act 2005.

### **OVERVIEW AND SCRUTINY COMMITTEE (See Article 8 in Part 2 of this Constitution)**

### **PLANNING COMMITTEE**

1. All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. All functions relating to:
  - (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development;
  - (b) the extinguishment of public rights of way over land held for planning purposes; and
  - (c) trees and hedgerowsas specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

## GUILDFORD BOROUGH COUNCIL MEMBERS OF THE EXECUTIVE

As required by the Executive Procedure Rules in Part 4 of this Constitution, the names, addresses and wards of the Leader together with the lead councillors appointed by the Leader to serve on the Executive, including their respective areas of responsibility, are set out in the table below.

Councillor	Areas of Responsibility
<p><b>Leader of the Council and Lead Councillor for Housing</b></p> <p>Councillor Julia McShane</p> <p>75 Applegarth Avenue Park Barn Guildford Surrey GU2 8LX</p> <p>(Westborough Ward)</p>	<p>Homelessness, Housing Advice, Landlord Services, Housing Maintenance and Repairs.</p>
<p><b>Deputy Leader of the Council and Lead Councillor for Regeneration</b></p> <p>Councillor Tom Hunt</p> <p>c/o Guildford Borough Council Millmead House Millmead Surrey GU2 4BB</p> <p>(St. Nicolas Ward)</p>	<p>Corporate Capital Projects, Housing Delivery, Regeneration, Economic Development and Transport.</p>
<p><b>Lead Councillor for Engagement and Customer Services</b></p> <p>Councillor Angela Goodwin</p> <p>27 Guildford Park Road Guildford Surrey GU2 7NA</p> <p>(Onslow Ward)</p>	<p>Communications and Engagement, Complaints, Ombudsman, Customer services, Case Management, Digital services, Freedom of Information, ICT and Business Systems.</p>
<p><b>Lead Councillor for Commercial Services</b></p> <p>Councillor Catherine Houston</p> <p>c/o Guildford Borough Council Millmead House Millmead Surrey GU2 4BB</p> <p>(Shalford Ward)</p>	<p>Building Control, Events, Heritage, Leisure and Off-Street Parking.</p>



**PART 3 – RESPONSIBILITIES OF LEADER AND LEAD COUNCILLORS (APPENDIX)**

Councillor	Areas of Responsibility
<p><b>Lead Councillor for Finance and Property</b></p> <p>Councillor Richard Lucas</p> <p>"Yorkstones" Horseshoe Lane Ash Vale GU12 5LS</p> <p>(Ash Vale Ward)</p>	<p>Finance and Accounting (General Fund/Housing Revenue Account), Internal Audit, Procurement, Revenues and Benefits, Property and Land Assets, Engineers and Facilities.</p>
<p><b>Lead Councillor for Community and Organisational Development</b></p> <p>Councillor Carla Morson</p> <p>11 Foxhurst Road Ash Vale GU12 5DY</p> <p>(Ash Vale Ward)</p>	<p>Careline, Community Grants, Community Safety including Community Safety Partnership, Disabled Facilities Grants, Adaptations, Family Support, Health, Safeguarding, Supporting Vulnerable people, migrants and refugees, Business Transformation, HR, Learning and Development, Payroll, Strategy, Policy and Performance, Programme Assurance, Risk Management and Business Continuity.</p>
<p><b>Lead Councillor for Environment and Climate Change</b></p> <p>Councillor George Potter c/o Guildford Borough Council Millmead House Guildford Surrey GU2 4BB</p> <p>(Burpham Ward)</p>	<p>Bereavement, Green Spaces, Parks, Countryside, Trees, Fleet Operations, Street Cleaning, Waste and Recycling, and Climate Change.</p>
<p><b>Lead Councillor for Regulatory and Democratic Services</b></p> <p>Councillor Merel Rehorst-Smith</p> <p>40 Norwood Road Effingham Surrey KT24 5NX</p> <p>(Effingham Ward)</p>	<p>Air Quality, Corporate Health and Safety, Emergency Planning, Environmental Health/Crime, Food Safety, Licensing, Private Sector Housing, Democratic Services, Elections, Executive and Civic Support, GDPR, Information Security, Governance, Legal, Overview and Scrutiny Support.</p>
<p><b>Lead Councillor for Planning</b></p> <p>Councillor Fiona White</p> <p>28 Ash Close Ash Surrey GU12 6AR</p> <p>(Ash Wharf Ward)</p>	<p>Planning Applications, Planning Enforcement, Planning Integration and Improvement, Planning Policy.</p>

Specific decision-making powers delegated to lead councillors are shown in the attached Appendix.

## GUILDFORD BOROUGH COUNCIL

### DELEGATION TO LEAD COUNCILLORS

#### NOTES ON DELEGATION

1. Any power conferred on a lead councillor shall, in his or her absence, be exercisable by the Leader of the Council.
2. The powers in this document are subject to the provisions of the Council's Constitution.
3. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
4. The exercise of a delegated power, duty or function shall:
  - (a) be in accordance with the Council's policies and criteria;
  - (b) not amount to a new policy or extension of or amendment to an existing policy;
  - (c) be in accordance with any special procedure or protocol; and
  - (d) be in accordance with the requirements of the Constitution.
5. References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
6. Any reference to any Act of Parliament includes reference to regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
7. Subject to any express instructions to the contrary from the Leader/Executive, any power to approve also includes the power to refuse and the power to impose appropriate conditions.
8. Delegation to lead councillors is subject to:
  - (a) the right of the Leader/Executive to decide any matter in a particular case; and
  - (b) any restrictions, conditions or directions of the Leader/Executive.
  - (c) notice of the lead councillor making a decision shall be published in the usual way in advance of the decision being made and such decisions shall when made be recorded in writing and published on the web site for public inspection
9. The lead councillor concerned may in any case in lieu of exercising his or her delegated powers refer to the Leader/Executive for a decision.
10. In exercising delegated powers, the lead councillor shall:
  - (a) take account of the requirements of the Constitution and shall address all legal, financial and other safeguards as if the matter were not delegated;

### PART 3 – RESPONSIBILITIES OF LEADER AND LEAD COUNCILLORS (APPENDIX)

- (b) exercise the delegation so as to promote the efficient, effective and economic running of the Council and in furtherance of the Council's visions and values; and
  - (c) shall, where and when appropriate, report back to the Leader/Executive as to the exercise of those delegated powers.
11. Except as otherwise expressly provided either within this document or by resolution of the Leader/Executive, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
  12. Where a power or duty is delegated to a lead councillor and the exercise of that power or duty is contingent upon the opinion of the Leader/Executive that particular conditions or factual circumstances exist, then the lead councillor 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 Leader/Executive.
  13. All enquiries about this document should be made to the Democratic Services and Elections Manager.
  14. All matters of interpretation in respect of delegations to lead councillors will be determined by the Monitoring Officer.
  15. If a matter is delegated to a lead councillor, but that delegation cannot be implemented, that should be reported to the Leader/Executive.
  16. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within this document 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.
  17. Any decision taken by a lead councillor shall be made in accordance with the Access to Information Procedure Rules and shall be subject to the call in procedure referred to in the Overview and Scrutiny Procedure Rules.
  18. Any Key (and other significant) decisions to be taken by Lead Councillors should be considered by the relevant Executive Advisory Boards prior to the formal consideration of such decisions and Lead Councillors shall have regard to any recommendations made by the Executive Advisory Boards.
  19. The scheme of delegation will be reviewed and approved annually at the first ordinary meeting of the Council after the Annual Meeting.

## **PART 3 – RESPONSIBILITIES OF LEADER AND LEAD COUNCILLORS (APPENDIX)**

### **GENERAL DELEGATION TO ALL LEAD COUNCILLORS**

Within their areas of responsibility, all lead councillors shall be authorised to take the following decisions on behalf of the Leader/Executive:

1. To approve the submission of bids for funding to external organisations (Minute No. EX75 – 2005-06).
2. To approve grants to external organisations within approved budgetary provision (Minute No. EX75 – 2005-06).
3. To approve documents for public consultation other than those concerning the Budget and Policy Framework (Minute No. EX75 – 2005-06).
4. To authorise the invitation of tenders for the continued provision of existing services within approved budgetary provision (Minute No. EX75 – 2005-06).

### **LEAD COUNCILLOR FOR CLIMATE CHANGE AND ENVIRONMENT**

5. In consultation with the Joint Strategic Director (Place), to consider and determine on the Council's behalf any future changes to governance arrangements in respect of the Surrey Hills AONB Partnership (Minute No. EX39 – 2007-08).
6. To approve all uses of Stoke Park, together with any concessions, including for the Surrey County Show (Minute No. EX75 – 2005-06).
7. Following consultation with local ward councillors, to approve responses to Surrey County Council in relation to any proposals to change the public rights of way network affecting Council-owned land (Minute No. EX75 – 2005-06).

### **LEAD COUNCILLOR FOR REGULATORY AND DEMOCRATIC SERVICES**

8. Authority to consider objections following the statutory publication of hackney carriage fare charts and to approve the final table of fares (Minute No. EX81 – 2012-13).
9. To approve changes in working group membership as and when required in circumstances where the Executive is the appointing body (EX7 – 2017-18).

### **LEAD COUNCILLOR FOR FINANCE AND PROPERTY**

10. To approve the write-off of debts up to £50,000 (Minute No. EX75 – 2005-06).

## GUILDFORD BOROUGH COUNCIL

### DELEGATION TO OFFICERS

#### NOTES ON DELEGATION

1. 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 subordinate officer shall be exercisable by any Joint Strategic Director within their area of responsibility or by the Joint Chief Executive.
2. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
3. The exercise of a delegated power, duty or function shall:
  - (a) be in accordance with the Council's policies and criteria;
  - (b) not amount to a new policy or extension of or amendment to an existing policy unless the officer has specific delegated authority to do so; and
  - (c) be in accordance with the requirements of the Constitution, including the Financial Procedure Rules and Procurement Procedure Rules and the delegations contained therein.
4. An officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function in his/her name, provided that officer reports to or is responsible to the delegator. Such transfer of a delegated power must be in writing and communicated to the Monitoring Officer.
5. References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
6. Any reference to any Act of Parliament includes reference to regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
7. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her 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.
8. Subject to any express instructions to the contrary from the Council, Leader/ Executive or committee or sub-committee, any power to approve also includes the power to refuse and the power to impose appropriate conditions.
9. Delegation to officers is subject to:

- (a) the right of the Council, Leader/Executive, committee or sub-committee to decide any matter in a particular case if lawful and so allowed under this Constitution; and
  - (b) any restrictions, conditions or directions of the delegating body.
  - (c) routine notification, and consultation where appropriate, of local ward councillors.
10. The officer concerned may in any case in lieu of exercising his or her delegated powers refer to the Council, Leader/Executive, committee or sub-committee for a decision if lawful and so allowed under this Constitution.
11. In exercising delegated powers, the officer shall:
- (a) take account of the requirements of the Constitution and shall address all legal, financial and other safeguards as if the matter were not delegated;
  - (b) exercise the delegation so as to promote the efficient, effective and economic running of that Service Unit and the Council and in furtherance of the Council's visions and values;
  - (c) shall, where and when appropriate, report back to the Council, Leader/ Executive or appropriate committee or sub-committee as to the exercise of those delegated powers;
  - (d) ensure that any Key (and other significant) executive decisions to be taken under the scheme of delegation to officers are considered by the relevant Executive Advisory Boards prior to the formal consideration of all such decisions and that any recommendations made by the Boards are taken into account; and
  - (e) consult with, or notify, local ward councillors appropriately to ensure there is appropriate consultation and information exchange at a local level.
12. Except as otherwise expressly provided either within this document or by resolution of the Council, Leader/Executive, committee or sub-committee, the exercise and implementation of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
13. The Monitoring Officer shall have the power, in consultation with the Head of Paid Service, to amend 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.
14. Any post specifically referred to below 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.

15. Any reference 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.
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 the 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.
17. With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the delegatee who shall be responsible and accountable for the decision. The delegatee is required to bring independent judgement to bear on the decision and the decision must not consist of the officer adding an imprimatur of approval to what a councillor has decided. If the councillor consulted disagrees with the delegatee, the matter should be referred to the Leader/ Executive for agreement to exercise such delegated power if lawful and so allowed under this Constitution.
18. All enquiries about this document should be made to the Democratic Services and Elections Manager.
19. All matters of interpretation in respect of delegations to officers will be determined by the Monitoring Officer.
20. 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 committee or sub-committee, as appropriate.
21. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within this document 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.
22. The Joint Chief Executive may remove from an Officer at any time a power to take delegated decisions and upon doing so in writing shall within 24 hours notify the Monitoring Officer. If appropriate, the Joint Chief Executive shall also notify the Council of this removal of powers.
23. Any decision that is taken in exercise of these delegated powers shall be recorded in writing with reasons why the decision was taken and signed by the officer who made it.
24. All delegated decisions shall be a matter of public record unless containing exempt information under Schedule 12A to the Local Government Act 1972 and, in respect of executive decisions taken by officers under delegated powers, shall be available for inspection on the Council's website and at the Council's offices (including by access to the Council's website at the Council's offices) in accordance with Regulation 14 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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 and to suspend a member of staff from the workplace for up to 48 hours to enable investigations to be undertaken.



**RESPONSIBILITIES AND POWERS OF THE  
JOINT CHIEF EXECUTIVE/HEAD OF PAID SERVICE**

*The Council has designated Tom Horwood, Joint Chief Executive, as  
Head of Paid Service*

*(In their absence, a Strategic Director shall be appointed by the Joint Chief Executive to deputise for them in that capacity and as the Head of Paid Service)*

1. To report to the Council or the Leader/Executive on the manner in which the discharge of the Council's non-executive and executive functions are co-ordinated, the number and grade of officers required for the discharge of those functions and the organisation of officers.
2. In consultation with the Leader where practicable and the Monitoring Officer, to act in an emergency or in relation to matters of urgency in relation to any functions of the Council, subject to the use of this power being reported to the next meeting of the Council, Executive or committee concerned.
3. 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.
4. To exercise all functions relating to health and safety in the Council workplace.
5. To make changes to the allocation and composition of Services and Joint Strategic Director responsibilities including grading changes provided any grading changes are consistent with the Council's Pay Policy Statement.
6. In consultation with the Leader, to determine 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.
7. To establish or re-organise the staffing structure in the Council.
8. To appoint, discipline, suspend and dismiss staff below Joint Strategic Director level.
9. In relation to staff at Joint Strategic Director level (but subject to Officer Employment Procedure Rules in Part 4 of this Constitution as regards Relevant Officers):
  - to make temporary appointments of no more than one year including acting up arrangements and secondments;
  - to dismiss at the end of temporary or fixed term contracts;
  - to make decisions on appraisals / incremental progression in accordance with Council policies.
10. In consultation with the Leader, to approve premature terminations of employment and settlement agreements for all posts below Joint Strategic Director level subject to the provisions of the pay policy statement.

11. To exercise the power of the Council to appoint appropriate members of staff as proper officer for any purpose in relation to any statutory function or to revoke such appointment.
12. To authorise, in accordance with the Council's policies and the provisions of relevant legislation, investigating officers to seek authorisation from the Magistrates Court to undertake covert surveillance (directed surveillance and covert human intelligence sources) when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
13. To agree compensation payments as part of local settlements, including those in connection with complaints to the Local Government Ombudsman, or the Housing Ombudsman, up to a maximum of £5,000.
14. To act in the place of any officer having delegated authority under this scheme or to transfer any such power from one officer to another in writing, subject to any statutory restrictions.
15. To submit representations to the licensing authority in connection with relevant applications under the Gambling Act 2005 on behalf of the licensing authority.
16. To initiate the review by the licensing authority of premises licences of a particular class or a particular premises licence under Section 200 of the Gambling Act 2005.
17. To act as the Council's proper officer in respect of relevant functions specified in Annex I attached.
18. To undertake a formal review of a decision:
  - (i) by the Lead Specialist - Legal to include any land or property in the Council's list of assets of community value; and
  - (ii) by the Joint Section 151 Officer regarding the assessment of any compensation (Minute No. EX46 – 2012-13).
19. To approve revenue budget virements between cost centres relating to different services and within specific account categories but within the same service unit up to £100,000.
20. To approve revenue budget virements from any budget head within the employees category up to £100,000.
21. To approve revenue budget virements from between any service and any account categories between £100,001 and £200,000 in consultation with the appropriate lead councillor(s) and the lead councillor with responsibility for finance.
22. To approve capital budget virements for schemes on the approved capital programme between £100,001 and £200,000 in consultation with the appropriate lead councillor(s) and the lead councillor with responsibility for finance.

23. To extend a closure notice under the Anti-Social Behaviour, Crime and Policing Act 2014 to 48 hours.
25. To keep the Community Engagement Strategy document updated as circumstances require.
26. To agree to webcast such committee or sub-committee meetings as he shall determine, following consultation with the relevant chairman (Minute No. EX64: 2013-14).
27. To approve revised scales of fees for work in connection with the register of electors and elections.
28. To change the location of the Council's designated polling places and polling stations.
29. To create the register for use for a referendum for a neighbourhood development plan or neighbourhood development order (including community right to build order).
30. To hold a referendum on a neighbourhood development plan or neighbourhood development order (including community right to build order).
31. In consultation with the appropriate lead councillor, to agree and implement any future changes and updates to the Council's Complaints Policy and Procedure.
32. In consultation with the Leader of the Council, to amend service provision in accordance with the Council's statutory duties as these may be varied by the Coronavirus Act 2020, regulations and guidance made thereunder.
33. in consultation with the Leader of the Council, political group leaders, local ward councillor(s), and the Monitoring Officer, to make orders under Section 91 of the Local Government Act 1972 in circumstances where a parish council within the borough becomes inquorate, following the procedure approved by the Council on 4 March 2021.
34. To approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme.
35. To approve, where necessary, any human resources policies.

**RESPONSIBILITIES AND POWERS OF THE MONITORING OFFICER**

*The Council has designated Susan Sale as Monitoring Officer.*

*(Statutory duties of the Monitoring Officer must be carried out personally, but may be carried out by the Monitoring Officer's nominated deputies (Claire Beesly and John Armstrong) in cases of absence or illness or where she considers that, in relation to any matter referred to her under the provisions of Part 1 Chapter 7 of the Localism Act 2011, she herself ought not to perform particular functions.)*

1. To maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by councillors, staff and the public.
2. To contribute to the corporate management of the Council, in particular through the provision of professional legal and ethical advice.
3. After consultation with the Head of Paid Service and Chief Finance Officer, to report to the full Council or to the Executive in relation to a non-executive or an executive function (as appropriate) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. (Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.)
4. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Corporate Governance and Standards Committee.
5. To establish and maintain a register of interests of the members and co-opted members of the authority.
6. To make all necessary arrangements to comply with the Council's responsibilities and arrangements for dealing with allegations of misconduct by councillors and co-opted members as set out in Part 5 of this Constitution.
7. To grant dispensations to councillors and co-opted members where the Monitoring Officer considers:
  - (i) that so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or
  - (ii) that, without a dispensation, no member of the Executive would be able to participate on a particular item of business.
8. To advise whether decisions of the Leader/Executive are in accordance with the budget and policy framework.
9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
10. To act as the Council's proper officer in respect of relevant functions specified in Annex I attached.

11. In consultation with the appropriate lead councillor and chairman of the Corporate Governance and Standards Committee, to make future amendments to the Covert Surveillance Policy.
12. To act as one of the Council's official Authorising Officers for covert surveillance operations.
13. To convene, where necessary, an Independent Panel, as provided for in the Officer Employment Procedure Rules.
14. To make such minor amendments to the Whistleblowing Policy as they deem appropriate for the purpose of keeping it up to date.

### **RESPONSIBILITIES AND POWERS OF THE CHIEF FINANCE OFFICER**

*The Council has designated Richard Bates, Interim Executive Head of Finance, as Chief Finance Officer*

*(Statutory duties of the Chief Finance Officer (apart from the administration of the Council's financial affairs) must be carried out personally but may be carried out by his nominated deputy in cases of absence or illness.)*

1. After consultation with the Monitoring Officer, to report to the full Council or to the Executive in relation to a non-executive or an executive function (as appropriate) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
2. To be responsible for the administration of the financial affairs of the Council.
3. To contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
4. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and support and advise councillors and officers in their respective roles.
5. To provide financial information to the media, members of the public and the community.
6. To determine the Council's accounting records (including the form of accounts and supporting accounting records) and the accounting control systems.
7. In connection with the calculations to set the council tax, to report on:
  - (a) the robustness of the estimates made for the purpose of the calculations; and
  - (b) the adequacy of financial reserves.
8. In consultation with the appropriate lead councillor, to approve expenditure to be funded from the Invest to Save Fund.

9. To act as the Council's proper officer in respect of relevant functions specified in Annex I attached.
10. In consultation with the Leader of the Council and the lead councillor with responsibility for finance, to agree the treatment of any year-end balance.
11. 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.
12. To vire repairs and maintenance budgets within the overall budget provision.
13. To implement the Council's borrowing and investment strategies including setting and maintaining the Council's counterparty list.
14. To approve the carrying forward of underspent budgets and the virement of expenditure in accordance with the Council's Financial Procedure Rules.
15. To approve the expenditure of earmarked reserves and provisions for defined uses in accordance with the Council's agreed policy.
16. In consultation with the appropriate lead councillor, to determine and adopt the council tax base each year.
17. To make appropriate compensation payments for minor reinstatement works as a result of land drainage and sewerage schemes.
18. To make reduced charges for the clearance of blocked drains in all cases of severe hardship.
19. To determine the rents for caretakers' accommodation each year in line with the annual salary award.
20. To raise in line with inflation any financial limits specified in delegations to officers, Procurement Procedure Rules or Financial Procedure Rules.
21. To grant discretionary relief from debts up to £1,000 in cases of extreme hardship or for goodwill or over-riding business reasons.
22. To write-off debts in accordance with the limits set out in Financial Procedure Rules.
23. To refund overpayments in accordance with Financial Procedure Rules.
24. To apply for external funding and grants and to certify grant claims and make payments where these are of a statutory nature or within approved budgetary provision.
25. Where confirmation of specific grant income is received after the setting of the revenue or capital budget for the year, to approve, in consultation with the appropriate lead councillor and the lead councillor with responsibility for finance, amendments to the general fund or HRA budgets during the year to incorporate both the grant income and

relevant expenditure (net effect on budget to be nil) and to work with the relevant service leader to ensure the grant or external funding is spent in line with the conditions (if any) attached to it.

26. In consultation with the appropriate lead councillor, to approve revised criteria and operational arrangements for the Concurrent Functions Grant Aid Scheme.
27. In consultation with the appropriate lead councillor, to extend the deadline for up to one year, in exceptional circumstances, for parish councils to claim concurrent functions grants.
28. In consultation with the appropriate lead councillor, to agree concurrent functions grants for urgent schemes identified within a financial year, provided there is sufficient funding available from grant aid no longer required in respect of approved schemes.
29. To estimate and declare the surplus or deficit (as appropriate) on the Collection Fund on or before 15 January each year.
30. In consultation with the Lead Councillor with responsibility for finance, to maximise the use of approved General Fund Capital Programme and approved Housing Investment Programme budgets, including bringing forward of schemes or phases on the approved programme for future years.
31. To undertake the day-to-day management of the Council Tax Collection Fund's transactions and their related calculations as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992).
32. To determine the Precept Schedule of Payment Dates as required by the Local Government Finance Act 1992.
33. To determine changes to an employee's contribution rate pursuant to Regulation 9(3) of the Local Government Pension Scheme Regulations 2013.
34. To authorise moving up to £200,000 from capital projects on the provisional capital programme to the approved capital programme where a business case has been submitted by the responsible officers.
35. To approve revenue budget virements between cost centres relating to the same service and within specific account categories up to £100,000 in consultation with the relevant Director or service leader.
36. To approve capital budget virements for schemes on the approved capital programme up to £100,000 in consultation with the appropriate lead councillor(s) and the lead councillor with responsibility for finance.
37. To approve any changes to existing financial systems and to approve any new systems before they are introduced.
38. In consultation with the lead councillor with responsibility for finance, to approve expenditure to be financed from the Investments' Capital Movements reserve.

39. In consultation with the lead councillor with responsibility for finance, to approve the amount of any transfer to the Investment Property Rent reserve as a result of rent review income above that included in the relevant years' estimates.
40. In consultation with the lead councillor with responsibility for finance, to determine the financing arrangements, including the interest rate applicable to any loans with reference to the Bank of England base rate, granted to North Downs Housing Ltd by the Council.
41. To authorise expenditure from the Council's capital contingency fund for new capital projects up to a maximum gross project cost of £100,000 and for existing approved capital projects up to a maximum of 20% of the gross project cost or £200,000 whichever is the lower amount in accordance with the Council's financial procedure rules for capital virements.
42. In consultation with the Lead Councillor with responsibility for finance, to approve expenditure from the Council's Budget Pressures, Business Rates Equalisation and LABGI reserves.
43. in consultation with the Lead Councillor with responsibility for finance, to make changes to the Treasury Management Practices.
44. To act as one of the Council's official Authorising Officers for covert surveillance operations.
46. In consultation with the Joint Strategic Director (Community Wellbeing), to make monthly payments to the Guildford Borough Tenants' Action Group to cover sundry running expenses.
47. To authorise investigation staff to gather information from employers, banks, and other financial institutions, relating to open and properly authorised and valid investigations.
48. To determine the validity of claims for compensation made to the Council, together with any ancillary matters, under Section 99 of the Localism Act 2011, and to make payments as appropriate.
49. To authorise investigating officers to seek authorisation from the Magistrates Court to undertake covert surveillance (directed surveillance and covert human intelligence sources) in accordance with the Council's policies and the provisions of relevant legislation.

**POWERS RESERVED TO JOINT STRATEGIC DIRECTORS**

1. Within approved budgets, and in line with the Financial Procedure Rules, where appropriate:
  - (a) to determine all employment matters relating to staff graded at service leader or below, including all grading, incremental and market provision issues and the payment of honoraria, unless otherwise provided in the Council's policies;



- (b) to establish or re-organise the staffing structure within their area of responsibility; to appoint, suspend, discipline and dismiss staff within their area and to authorise officers reporting directly to them to appoint, discipline and dismiss staff in accordance with the Council's policies;
- (c) to create additional posts graded below Band 6 as may be required to achieve the Council's agreed level of service;
- (d) to approve variations to the Council's establishment;
- (e) to approve appropriate revised grading levels for posts where the existing salary grade is not sufficient to recruit an officer of the required calibre in accordance with the Council's policies.

**GENERAL DELEGATION TO ALL JOINT STRATEGIC DIRECTORS, EXECUTIVE HEADS OF SERVICE, AND SERVICE LEADERS**

1. To act in accordance with the Council's Procurement and Financial Procedure Rules.
2. To undertake the day-to-day management and operation of staff reporting to them and of the premises and services for which they are responsible in accordance with the policies and procedures laid down by the Council, including:
  - (a) incurring expenditure within approved budgetary provision,
  - (b) authorising the procurement or commissioning of works, goods and services
  - (c) entering into contracts (in consultation with the relevant Lead Councillor where the value is above £200,000), memoranda of understanding or other arrangements,
  - (d) promoting and publicising those services, and
  - (e) ensuring there is regular and appropriate dialogue undertaken between officers and relevant local ward councillors with regard to service delivery and delegated decision making
3. To submit applications for planning permission, or other consents, required in connection with approved schemes or programmes.
4. To control, purchase and dispose of any vehicles, stores, material or equipment on the best terms obtainable.
5. To determine charges for the use of relevant services and events not covered by the annual review of fees and charges.
6. To carry out planning and operations in partnership with appropriate statutory and voluntary agencies as may be required by government regulations or advice or Council policies and, where appropriate, to enter into agreements with those agencies.
7. To authorise officers to undertake consultations in the discharge of their responsibilities.

8. To authorise the employment of consultants within approved budgetary provision.
9. To serve requisitions for information under any legislation within the purview of the Council.
10. To authorise officers for the purposes of issuing fixed penalty notices under any legislation within the purview of the Council.
11. To carry out minor development for which planning permission is not required, provided that the specific expenditure has been authorised.
12. To authorise officers to carry out overt surveillance and inspections, take samples, enter premises, form opinions and take any other necessary action as may be required by law or in accordance with the Council's functions and policies.
13. To authorise officers to obtain warrants authorising entry to property under the provisions of any legislation within the purview of the Council.
14. To sign and serve documents on behalf of the Council.
15. To serve statutory notices on behalf of the Council.
16. To deal with all matters relating to the undertaking of works in default in accordance with the provisions of any legislation within the purview of the Council.
17. To authorise the attendance of councillors and officers at conferences, courses and seminars.
18. To make decisions on performance reviews/incremental progression in accordance with Council policies.
19. To exercise the power of the Council to appoint appropriate members of their staff as proper officer for any purpose in relation to any statutory function for which their service is responsible or to revoke such appointment.
20. To consider complaints from members of staff in accordance with the Council's Grievance Procedure and policies and take appropriate action.
21. To authorise the carrying forward of annual leave of staff from one year to the next in accordance with Council policies.
22. To grant leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
23. In consultation with the appropriate lead councillor, to respond to all consultation papers on the Council's behalf.
24. To act as the Council's proper officer in respect of relevant functions specified in Annex I attached.

25. To offer a small and appropriate non-financial gesture to a complainant in appropriate cases following an investigation under the Council's Complaints Policy and Procedure.
26. To approve in year variations to fees and charges in consultation with the Lead Specialist - Finance, subject to there being no negative ongoing budgetary implications.
27. To approve revenue budget virements between cost centres relating to the same service and within specific account categories up to £100,000 in consultation with the Chief Finance Officer.
28. To act in accordance with the Council's ICT Policies: Manager Policies.

### **JOINT STRATEGIC DIRECTOR: TRANSFORMATION & GOVERNANCE**

#### **Joint Executive Head of Finance**

1. In consultation with the Joint Strategic Director: Community Wellbeing, to make monthly payments to the Guildford Borough Tenants' Action Group to cover sundry running expenses.
2. To authorise investigation staff to gather information from employers, banks, and other financial institutions, relating to open and properly authorised and valid investigations.
3. To determine the validity of claims for compensation made to the Council, together with any ancillary matters, under Section 99 of the Localism Act 2011, and to make payments as appropriate.
4. To authorise investigating officers to seek authorisation from the Magistrates Court to undertake covert surveillance (directed surveillance and covert human intelligence sources) in accordance with the Council's policies and the provisions of relevant legislation.

#### ***Lead Specialist – Finance***

1. In consultation with the appropriate service leader, to adjust fees and charges in the event of changes in the level of value added tax.
2. To do all things necessary to seek repayment of monies debts or loans to the Council including interest thereon.
3. To approve in year variations to fees and charges, in consultation with the relevant Joint Director or relevant Joint Executive Head of Service or service leader, subject to there being no negative ongoing budgetary implications.
4. To add expenditure to the approved capital programme where it is fully financed by grant, s106, SPA and CIL receipts and the project has been approved by the appropriate lead councillor and the relevant Joint Director or relevant Joint Executive Head of Service or service leader.

5. To approve the form of official orders and associated terms and conditions.
6. To determine petty cash limits.
7. To enter into any arrangements with a creditor or debtor of the Council for payment to be made by way of instalments and any other special arrangements.
8. To refund overpayments in accordance with Financial Procedure Rules.
9. To determine the local average interest rates for local authority mortgages.
10. In connection with the right to buy scheme, to allow tenants to leave on mortgage an amount in excess of that specified in regulations made by the Secretary of State in appropriate cases, such amount not to exceed the aggregate purchase price and the Council's mortgage costs.
11. To pay all accounts properly authorised.
12. To determine the Council's banking arrangements including such overdrafts as may be necessary.
13. To make arrangements for the secure collection and banking of income paid to any of the Council's establishments.
14. In consultation with the Joint Strategic Director Community Wellbeing and the lead councillor with responsibility for finance, to decide on the scheme criteria for applications for flooding and resilience grants and reliefs, such criteria to be in accordance with applicable government guidance and limited to sums that may be recouped in full from the government.
15. To make awards of flooding and resilience grants and reliefs for as long as the government fully reimburses the Council.

***Lead Specialist - Revenues and Benefits***

1. To take all necessary action to implement the provisions of the Local Government Finance Act 1992 and any subsequent legislation in respect of the administration, collection, enforcement and discretionary elements of council tax.
2. To take all necessary action to implement the provisions of the Local Government Finance Acts 1988 and 1992 and any subsequent legislation in respect of the administration, collection, enforcement and discretionary elements of non-domestic rates.
3. To take all necessary action to implement the provisions of the Local Government Act 2003 and any subsequent legislation in respect of the administration, collection, enforcement and discretionary elements of the Business Improvement District.
4. Where appropriate, to exercise the delegations regarding discretionary elements of council tax, business rates and business improvement districts referred to in 1. 2. and

3. above in consultation with the Chief Finance Officer and lead councillor with responsibility for finance.
5. To authorise staff to represent the Council in the Magistrates Court in the course of enforcing council tax, business rates and business improvement district debts.
6. To consult non-domestic rate payers in accordance with the National Non-Domestic Rates Rate Payers (Consultation) Regulations.
7. To determine applications for, and pay, housing benefit, council tax benefit and local council tax support.
8. To determine and grant discretionary housing payments under the scheme set out in the Discretionary Financial Assistance Regulations 2001 and to ensure expenditure does not exceed the amount permitted in the Discretionary Housing Payments (Grants) Order 2001.
9. To take all necessary action to recover overpayments of housing benefit, council tax benefit and local council tax support.
10. To grant mandatory and discretionary relief from non-domestic rates to charities and not-for-profit organisations.
11. To grant discretionary relief from all or part of non-domestic rates for shops in rural settlements.
12. In respect of the non-payment of monies or debts to take all such action as may be necessary to recover such monies.
13. In consultation with the Chief Finance Officer, to grant discretionary relief from debts in cases of extreme hardship or for goodwill or over-riding business reasons.
14. In consultation with the Chief Finance Officer and appropriate lead councillors, to conduct Local Council Tax Support Scheme consultations.
15. In consultation with the Chief Finance Officer and appropriate lead councillors, to approve the detailed criteria to be used in the Local Council Tax Support Scheme (LCTSS) hardship fund.
16. To approve payments from the LCTSS hardship fund

**Joint Executive Head of Legal and Democratic Services**

1. To act as the Council's Senior Responsible Officer for covert surveillance operations.
2. To schedule regular meetings, as required, simultaneously of the Guildford Borough Council and Waverley Borough Council Executives, in consultation with the Leaders of both Councils.

***Lead Specialist - Legal***

1. Subject to being satisfied as to the evidence, to institute, conduct and settle legal proceedings on behalf of the Council in any court of law, tribunal, or other body (including all administrative and ancillary acts incidental thereto).
2. To accept service of and defend legal proceedings on behalf of the Council.
3. To authorise officers to appear on the Council's behalf in proceedings before the courts.
4. To sign all legal documents including executing documents under seal relating to the disposal or acquisition by the Council of any land, property or interests in land, the supply of goods or services or the recovery of monies.
5. To obtain the opinion of counsel or external solicitors on any question concerning the Council's business and to instruct counsel, solicitors, or London Agents to represent the Council in any form of proceedings.
6. To enter into agreements and bonds with developers in accordance with planning and highways legislation and to take all necessary action to secure compliance with such agreements or bonds.
7. In consultation with the relevant Lead Councillor with portfolio responsibility for development control, to vary the terms of agreements made with developers in accordance with planning and highways legislation.
8. To pay compensation for discontinuance and revocation orders provided such compensation is within approved estimate provision.
9. In consultation with the Joint Strategic Director Place, to determine all applications made under Section 17 of the Land Compensation Act 1961.
10. To administer all matters and have full discretion on fees and determine any public path diversion and stopping-up proposals or temporary road closures.
11. In consultation with the Joint Strategic Director Place 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.
12. In consultation with the appropriate lead councillor and Lead Specialist – Finance, to appropriate land on the Council's housing estates to open space or for planning purposes.
13. In consultation with a small panel comprising the appropriate lead councillor and the local ward councillor(s), to consider and determine applications under the Localism Act 2011 for buildings and other land to be listed as land of community value, together with any ancillary matters.

14. In consultation with the Lead Specialist - Finance to complete any documentation pursuant to the submission of charitable accounts to the Charity Commission.
15. In consultation with political group leaders, to approve the timetable of Council and Committee meetings.

***Democratic Services and Elections Manager***

1. 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 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. In consultation with the Leader of the Council and Group Leaders, to make appointments:
  - (a) to fill vacancies remaining on outside organisations following the quadrennial appointments agreed by the Council; and
  - (b) to such other outside organisations of which the Council becomes aware during the course of the year.
3. To determine uncontested appointments of councillors to external organisations.
4. In consultation with the Leader and the chairman of the Overview and Scrutiny Committee, to make arrangements for the deferred publication of the list of decisions and extension of the call-in period in cases where it is not possible to publish the list on the day after the meeting of the Executive.
5. In consultation with the Leader of the Council and the Mayor,
  - (a) to determine future requests for permission to use the coat of arms comprising the shield and motto only, applying the following criteria when considering applications:
    - (i) That the Council will normally only consider requests from organisations that are categorised in at least one of the following types of organisation:
      - local sports clubs
      - local cultural organisations
      - local educational institutions
      - local voluntary/charitable organisations
      - local churches
    - (ii) That organisations be required to demonstrate that they operate principally within the borough or attract their membership mainly from borough residents.

- (iii) That organisations be required to demonstrate that the proposed use of the coat of arms enhances the reputation of the Council.
  - (iv) That we will not permit the coat of arms to be used for any commercial purposes as we would not wish the association with the Council to be deemed as an endorsement of a product or service.
  - (v) That, where permission is granted, the coat of arms must be:
    - (a) used in its true and original form, without any changes;
    - (b) used at a size suitable to make its use meaningful;
    - (c) acknowledged by the user, wherever the coat of arms is displayed by them, that it is a trademark belonging to Guildford Borough Council.
- (b) to grant, where appropriate, a licence for such use on such terms and conditions as he may consider necessary including a fee to cover the Council's legal costs.

***Data Protection Officer***

1. To act as one of the Council's official Authorising Officers for covert surveillance operations.
2. To coordinate the Council's compliance with Data Protection legislation.
3. In consultation with the relevant Lead Councillor, to keep the following policies under review and to approve such updates to these policies and associated supplementary policies, as considered appropriate:
  - Information Systems Security Policy
  - Data Protection Policy
  - Data Breach Response and Notification Procedure

**Joint Executive Head of Organisational Development**

1. To undertake activities necessary to meet the Council's responsibilities in respect of relevant Sustainable Energy and Climate Change legislation.
2. In consultation with the appropriate lead councillor, to make such minor amendments to the Economic Development Strategy and delivery plan as deemed appropriate.

***Lead Specialist - HR***

1. In conjunction with the Lead Specialist - Finance, to interpret and implement salary and wage awards, including their backdating, and alterations to conditions of service for all staff.
2. To administer and make minor amendments to the Council's car leasing scheme within approved budgetary provision.
3. In consultation with the Leader of the Council and Head of Paid Service, to determine



changes in the levels of payment for relocation expenses and allowances for newly appointed staff, such changes to generally reflect inflation since the previous alteration was approved.

4. In conjunction with the Joint Strategic Director Community Wellbeing and Lead Specialist - Finance, to administer all aspects of staff housing schemes, including the nomination of appropriate employees.
5. In consultation with the Leader of the Council, to determine detailed aspects of pension schemes, subject to major issues being submitted to the Council.
6. To determine annual lump sum allowances for all officers on the basis agreed by the Council.
7. In consultation with the Corporate Management Board, to agree holiday arrangements during the Christmas period in accordance with local conditions of service.
8. To determine any amendments to the list of politically restricted posts.
9. To make minor amendments to the Council's Local Disciplinary Policy, Local Grievance Policy, Redundancy Policy and Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 Policy Statement, Local Government Pension Scheme Discretions Policy or other Human Resources policies to reflect any relevant changes to employment legislation.
10. To make changes to human resources procedures that are operational in nature (but not to include changes to policies that confer benefits on staff).
11. In consultation with the appropriate lead councillor and the Corporate Management Board, to give due consideration to any further comments received from groups and individuals that represent the interests of those protected by the current equality legislation on the adopted Single Equality Scheme and to make such amendments to the Scheme as may be deemed appropriate from time to time.
12. In consultation with the appropriate lead councillor and Corporate Management Board, to make such minor amendments to the Equality and Diversity Policy Statement as may be deemed necessary.
13. In consultation with the Leader of the Council or Lead Councillor with responsibility for finance, Joint Chief Executive and the Chief Finance Officer, to make decisions and exercise discretions involving enhanced entitlements under the Local Government Pension Scheme for officers below Joint Director level; to include flexible retirement and enhanced entitlement on redundancy/efficiency of service dismissals.
14. To provide the Council's payroll service, including the enforcement of HMRC compliance advice and any ancillary payroll related services, such as salary sacrifice schemes.
15. To provide all necessary insurance cover and to settle insurance claims.
16. To write-off overpayments of wages and salaries.

17. To administer all aspects of the Council's Car Loan Scheme.

**Joint Executive Head of Commercial Services**

1. To oversee the operation of Guildford Spectrum, Guildford Lido and Ash Manor Sports Centre by the Council's appointed contractor.
2. In consultation with the appropriate lead councillor and the Lead Specialist - Finance, to recommend to the Council's appointed leisure management contractor the variation of all charges (except those defined as "social charges") and the opening hours of Guildford Spectrum, the Lido and Ash Manor Sports Centre.
3. In consultation with the Chief Finance Officer and the appropriate lead councillor, to agree any project to be funded from any surplus generated from the Leisure Partnership Agreement, up to a maximum of £50,000.
4. To authorise lessees to display appropriate temporary advertising material.
5. In consultation with the relevant ward councillor and the Chief Finance Officer, add a new scheme to the General Fund Capital Programme, or amend approved schemes, up to a total value of £40,000 per scheme where the scheme is to be fully funded from s106 contributions and the contribution is in hand.
6. To manage, operate and hire out (including the setting of fees) all relevant Council facilities, including Guildford Museum, Guildford House Gallery, and the Guildhall and to manage tourism and business-related functions.
7. To accept items into the Guildford Borough Council museum and gallery collections.
8. In consultation with the appropriate lead councillor, to make such 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 Guildford Museum and Guildford House Gallery.
9. To manage and operate the Council's car parks in accordance with the Council's agreed policies.
10. To manage and operate on-street parking controls on behalf of and by agreement with Surrey County Council.
11. To operate on-street permit parking schemes in accordance with the relevant traffic regulation order and policies.
12. To close all or part(s) of off-street car parks and on-street parking places for special events and circumstances and to suspend parking charges.
13. To require specific information from drivers of vehicles who appear to have contravened off-street and on-street parking places orders.
14. To obtain information from the DVLA about the registered keeper of vehicles which have

received Penalty Charge Notices and to process Penalty Charge Notices in accordance with the law and policy, including cancelling penalty charges where the circumstances warrant it.

15. To agree, in consultation with the appropriate lead councillor, the introduction of special off-street parking offers for limited agreed periods of time to help promote the town and support businesses.
16. To manage and operate the Council's park and ride sites in accordance with Council policy and to work with Surrey County Council to deliver park and ride services in accordance with agreed policies.
17. To manage and operate markets within the Borough in accordance with the Council's agreed policies.
18. In consultation with the appropriate lead councillor and the Lead Specialist – Finance, and with the agreement of Surrey County Council, to offer a free Saturday park and ride service at suitable and appropriate times of the year when most likely to offer the maximum support to the town centre economy.
19. To publish notices and make orders in relation to the Council's car parks in accordance with agreed policies.
20. In consultation with the appropriate lead councillor, to consider objections to proposed amendments to the off-street parking order.
21. Subject to the receipt of all other necessary consents, to determine applications to hold events in parks, open spaces and recreational facilities (EX19 – 2012/13).
22. To determine applications for any event or activity appropriate to the use of land owned by the Council on behalf of a parish council (EX19 – 2012/13).
23. To promote sporting, recreational, cultural, and community activities, including the negotiation of sponsorship arrangements.
24. To take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities in the Borough.

#### Building Control

25. To determine all building regulations applications and related matters.
26. To take all necessary action to secure compliance with building regulations, including the service of statutory notices and institution of legal proceedings.
27. To exercise the Council's powers for control of demolition.
28. To institute any action necessary to secure buildings against unauthorised entry.
29. To take appropriate action in the exercise of the Council's powers regarding buildings,

structures, sites, earthworks, demolitions and trees that present risks to safety, health or amenity, including the service of notices, court proceedings, the instigation of emergency work and the recovery of expenditure.

**General**

30. To act as responsible officer in relation to the Guildford Community Lottery licence with the Gambling Commission.
31. To make all necessary arrangements for administering the Guildford Community Lottery.
32. To review and adjust fees and charges relating to advertising display banners.
33. To deal with filming requests as deemed appropriate by the nature and location of the request.
34. To participate in the partner authority scheme for local authority building control services.
35. To prepare, in accordance with The Building (Local Authority Charges) Regulations 2010, an annual statement in respect of the building control service for submission and approval by the Council's Chief Finance Officer, which sets out with regard to each financial year necessary financial information.
36. In consultation with the appropriate lead councillor, to review and adjust the level of charges set under the Building Control charging scheme and to publicise any amendments to the scheme, as required by The Building (Local Authority Charges) Regulations 2010.

**JOINT STRATEGIC DIRECTOR: COMMUNITY WELLBEING**

1. To deal with all matters relating to the management, maintenance and improvement of land property and other assets held within the Housing Revenue Account. This includes:
  - (a) authorising action to enforce a breach of any conditions and/or terms of a tenancy, licence or lease agreement
  - (b) authorising the institution of any relevant legal proceedings
  - (c) entering into any agreements with third parties for the purposes of managing, maintaining and improving any asset held within the Housing Revenue Account
  - (d) making any decision necessary to comply with the Council's obligations to secure tenants in compliance with relevant prevailing legislation of contractual term under any relevant agreement
  - (e) determining all requests for consents required under the terms of a relevant agreement including leases, transfers and tenancy agreements
  - (f) taking all necessary steps to provide new residential properties and associated assets within the approved budget for such purposes. This includes entering into all necessary agreements with third parties, including statutory and government bodies and demolishing properties
  - (g) negotiating the abortive costs in the event of a transaction not proceeding in

- circumstances where the Council has a liability to pay costs.
- (h) granting licences, easements, rights of way and wayleaves over land held in the Housing Revenue Account.
2. In consultation with the appropriate lead councillor and Lead Specialist - Finance, to adjust up to 20% of the value of the approved capital and revenue housing programmes to maximise use of approved budgets.
  3. In consultation with the appropriate lead councillor and appropriate ward councillor(s), to sell land and buildings held in the Housing Revenue Account up to 0.2 hectares in area, subject to:
    - (a) being satisfied that the Council will receive the best consideration reasonably obtainable, and
    - (b) the purchaser paying all the Council's costs in relation to the sale
  4. 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.
  5. In consultation with the Lead Specialist - Finance and the appropriate lead councillor, to update the HRA Business Plan as required in response to minor changes issued by the government.
  6. To authorise purchases of land and buildings for the Housing Revenue Account up to £12 million, in consultation with the Chief Finance Officer, Leader of the Council and the lead councillors with responsibility for housing and finance where budget provision exists on the approved housing capital programme.
  7. In consultation with the Chief Finance Officer, to review and adjust capital and revenue housing programmes to maximise use of approved budgets.
  8. In consultation with the Chief Finance Officer, to submit opportunity applications for any borrowing approvals or funding which would benefit the Council, subject to the outcome being reported to the lead councillors with responsibility for finance and housing.
  9. To respond to requests for assistance from the UK Border Agency.
  10. To repurchase any sold former Council owned flats or houses to facilitate redevelopment subject to this being within budgeted capital provision.
  11. In consultation with the appropriate lead councillor, to agree any future changes to the housing strategy action plan.
  12. To exercise the Council's powers and functions in relation to the promotion of health, community care and related policies.
  13. In consultation with the appropriate Lead Councillor, to give consent to future community sponsorship applications as part of the vulnerable persons resettlement scheme, subject

to them meeting Home Office criteria.

**Joint Executive Head of Environmental Services**

1. To manage and operate the Council's public conveniences, including the determination of opening hours.
2. To determine and make adjustments to the scale of charges for cesspool emptying and night soil collection to improve competitiveness.
3. In consultation with the appropriate lead councillor and Lead Specialist - Finance, to determine the charging structure for trade waste including applications for exemption from payment.
4. In consultation with the appropriate lead councillor and Lead Specialist - Finance, to vary charges for refuse collection services.
5. In consultation with the appropriate lead councillor and Lead Specialist - Finance, to revise periodically the charging arrangements for garden waste collection services.
6. In consultation with the Lead Specialist – Finance, to make variations to MOT testing fees.
7. To determine cremation and burial arrangements, including charges in consultation with the Lead Specialist - Finance, and to grant rights (e.g. exclusive rights of burial) at Guildford Crematorium and cemeteries.
8. To nominate suitable persons as medical referees at Guildford Crematorium and, in consultation with the Lead Specialist - Finance, to implement approved increases in their fees and to recover any increase from the funeral director/bereaved outside of the annual review of cremation fees.
9. In the case of important hedges, to issue hedgerow retention notices in accordance with the Hedgerow Regulations 1997.
10. To authorise the service of tree replacement notices under Sections 207 and 213 of the Town and Country Planning Act 1990 (as amended).
11. To deal with all matters in relation to high hedges.
12. To manage, operate and let facilities and enter into franchise agreements as appropriate with operators within the Council's parks, open spaces and recreation areas and to determine their opening hours.
13. To permit the Guildford Allotments Society to manage and let allotments and to resolve appeals relating to decisions on applications to erect structures, the service of malcultivation notices and to issue notices to quit.
14. To sign all agreements for the letting of allotments.

15. In consultation with the appropriate lead councillor, local ward councillors and the Chief Finance Officer, 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.
16. In consultation with the Lead Specialist – Legal, to settle disputes under the Commons Acts.
17. In consultation with local ward councillor(s), to deal with sponsored schemes for ornamental planting on highway land.
18. To authorise the waiving of replanting requirements in accordance with Section 206 of the Town and Country Planning Act 1990.
19. On receipt of a hedgerow removal notice, to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997.
20. To make provisional tree preservation orders.
21. In consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), to confirm unopposed tree preservation orders.
22. Following consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), to decide not to confirm a tree preservation order.
23. To determine applications to fell or carry out works to trees, which are subject to a tree preservation order or within a conservation area.
24. To determine, in consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), Tree Preservation Order applications where fewer than ten objections have been received.
25. In consultation with the Lead Councillor with portfolio responsibility for Environment and relevant ward councillors, to deliver, manage, and operate habitat banks on appropriate council owned land.

### **Joint Executive Head of Housing Services**

#### ***Special Projects Housing Lead***

1. In consultation with the Lead Specialist - Finance, to enter into any arrangements with a creditor or debtor of the Council, in respect of the Housing Revenue Account, for payment to be made by way of instalments.
2. In consultation with the Lead Specialist - Finance, to write-off debts in accordance with the limits set out in the Council's Financial Procedure Rules.
3. To pay statutory and other compensation arising out of the decisions and activities of the

Council, including:

- (a) under the Tenants' Right to Compensation Scheme;
  - (b) under the Land Compensation Act 1973 (home loss and disturbance allowances);  
and
  - (c) under the Council's discretionary schemes in respect of costs associated with tenants' relocation or alterations to their homes up to a maximum of £500.
4. To refund overpayments in accordance with Financial Procedure Rules.
  5. To apply to the court for an order suspending the right to buy in appropriate cases in accordance with Section 192 of the Housing Act 2004.
  6. To instigate forfeiture or other proceedings to recover possession of a property in cases where a residential leaseholder breaches the conditions of their lease.
  7. To apply for a warrant of possession for breach of the terms of a suspended possession order.
  8. To instigate proceedings to recover possession of shared ownership properties and deal with granting of all or any consents required for works to shared ownership properties.
  9. In consultation with the appropriate lead councillor, to approve amendments to tenants' participation compacts and successor agreements including "Local Offers".
  10. To approve the sale of houses and determine all associated matters in accordance with the right to buy scheme and the Council's agreed policies.
  11. To approve the disposal of small pieces of HRA land adjoining former Council-owned properties to the owners.
  12. In consultation with the Chief Finance Officer:
    - To exercise the Council's functions in respect of matters relating to Part II of the Housing Act 1985 (as amended) and disposals of dwellings under the Council's policy;
    - Determination of applications to purchase under the Housing Act 1985 or Council policy;
    - Determination of valuations under Right to Buy or Voluntary Council sales;
    - Determination of discount and sale price;
    - Determination of liability for shared costs following disposals of Council dwellings and calculation of service charges;
    - Sale or otherwise parting with possession of whole or part of property in mortgage to the Council.
  13. In consultation with the appropriate lead councillor, to extend the lease term of equity share houses and flats, using a protocol to be agreed with the lead councillor, in cases where the leaseholder does not have a statutory entitlement.



14. To determine applications:

- (a) to extend the lease term of flats in accordance with the Leasehold Reform, Housing and Urban Development Act 1993; and
- (b) to transfer the freehold of houses in accordance with the Leasehold Reform Act 1967

on terms to be agreed in consultation with the appropriate lead councillor.

15. Subject to compliance with the provisions of housing legislation and any associated regulations or guidance, to administer and determine applications for assignments by way of mutual exchange.
16. To take all relevant action in relation to current and former occupiers of temporary and supported accommodation in accordance with the policies agreed by the Council.
17. To manage and administer all aspects of supported housing.
18. To enter into contracts for the provision of housing support and related services with Surrey County Council.
19. To offer introductory tenancies followed by flexible tenancies of either two or five years in accordance with the Council's tenancy strategy and undertake all management issues relating thereto.
20. To manage and administer including dealing with all financial matters in accordance with the Council's policies all aspects of sheltered housing.
21. To discharge the duties of the Council in accordance with legislation, Council policy and with regard to published guidance in relation to:
- (a) the provision of housing advice and assistance; and
  - (b) all matters relating to homelessness and the prevention of homelessness and people in housing need.
22. To undertake a review of any decision taken under delegated power no. 21 above and to nominate other appropriate officers to carry out such reviews.
23. In consultation with the Lead Specialist - Finance and in accordance with the Council's homelessness prevention strategy, to operate private leasing, rent deposit, bond or similar schemes to prevent homelessness enabling applicants to remain in their present home or obtain accommodation from other landlords on the basis agreed by the Council including:
- (a) the authorisation of payments on behalf of households to relevant third parties (such as landlords, letting agents, inventory companies, mortgage companies and so on), by way of a non-refundable grant or recoverable interest free loans;

- (b) legal action to recover outstanding loans made for rent in advance or other purposes and to recover monies claimed against bonds by landlords under such schemes.
- 24. In consultation with the Lead Specialist - Finance to administer any government grant funding received by the Council for homelessness prevention or similar purposes in line with the funding criteria set down and with the priorities identified under the homelessness prevention strategy including the acquisition, commissioning and contracting of services from third parties in accordance with the Council's policies and procedures.
- 25. To agree terms for the lease from private landlords and other housing providers of premises to be used for the provision of temporary or permanent accommodation for people in housing need and to enter into all necessary arrangements with the owners and tenants of such properties.
- 26. In consultation with the appropriate lead councillor, to review and update the Homelessness and Housing Strategy action plans.
- 27. To administer the Council's low-cost home ownership service in accordance with Council policy and to exercise discretion in its application where so permitted.
- 28. To make all necessary contractual and conveyancing arrangements in connection with the Council's equity sharing scheme.
- 29. To discharge the duties of the Council in accordance with legislation, Council policy and with regard to published guidance in relation to the publication of a housing allocation scheme and the administration of that scheme including nominations to registered providers of social housing, transfers.
- 30. To undertake a review of any decision taken under delegated power no. 29 above and to nominate other appropriate officers to carry out such reviews.
- 31. In consultation with the appropriate lead councillor to make such minor amendments to the Housing Allocation Scheme as may be deemed necessary in the future in the light of revised government guidance, case law, clarification and/or interpretation of policy and general operation of the policy.
- 32. To enter into nomination agreements with housing providers (both registered and non registered).
- 33. To make payments to tenants:
  - (a) vacating Council-owned housing in accordance with the cash incentive scheme; or
  - (b) moving to smaller rented accommodation up to the maximum amounts approved by the Council or where appropriate, to arrange and pay for removals for tenants up to the maximum amount permitted.
- 34. In consultation with the Chief Finance Officer and appropriate lead councillor and subject

to being satisfied that the Council will receive the best consideration reasonably obtainable to accept terms for the granting, renewing, reviewing and varying of leases of Council-owned land and property held in the Housing Revenue Account.

35. In relation to the Council's land and premises leased or licensed to others and in consultation with the appropriate lead councillor and relevant Director to approve proposals for assignment, sub-letting or surrender of leases and for change of use.
36. In relation to properties held in the Housing Revenue Account, to perform all functions of the Council as landowner, in respect of its responsibilities and powers under the Party Wall Act 1996, including the service and response to statutory notices, appointment of party wall surveyors and compliance with all steps required by any party wall award.
37. To operate a care and repair service and, in respect of Council-owned dwellings, to arrange for the works to be carried out.
38. To secure the restoration or continuation of supplies of water, gas and electricity to premises provided or to be provided for housing purposes and to recover any sums expended from the appropriate person.
39. To pay statutory and other compensation arising out of the decisions and activities of the Council, including:
  - (a) for damage or disturbance caused by works undertaken by the Council up to a maximum of £500; and
  - (b) decorating allowances for new or existing occupants, where this is considered appropriate and cost-effective to facilitate lettings
40. To bring forward proposals for affordable housing development on Council and privately owned sites within the borough.

**Joint Executive Head of Community Services**

1. In consultation with the appropriate lead councillor, to approve expenditure from the Project Aspire reserve.
2. To manage and administer including dealing with all financial matters in accordance with the Council's policies all aspects of:
  - (a) day centres;
  - (b) meals on wheels service;
  - (c) community transport;
3. To determine all matters relating to the management and maintenance of gypsy and traveller sites.
4. In consultation with the lead councillor with responsibility for finance and the Chief Finance Officer, to approve expenditure from the Community Centres reserve.

5. To progress arrangements for consented community sponsorship with the Home Office and with Resettle@Guildford.
6. To manage and administer including dealing with all financial matters in accordance with the Council's policies all aspects of:
  - (a) central emergency communications system (including the determination of fees and the submission of tenders for other emergency standby services); and
  - (b) care and repair (home improvement agency)
7. To operate a care and repair service and in respect of Council-owned dwellings, to arrange for the works to be carried out.
8. In consultation with the Lead Councillor with responsibility for safeguarding children and vulnerable adults, to review and amend the Safeguarding Policy in response to changes in legislation, guidance, or practice in the future.
9. In consultation with relevant Lead Councillors, to make all necessary arrangements to operate Council grant funding schemes, including determining the detailed eligibility criteria and rules of operation.
10. To make all necessary arrangements to administer a crowdfunding platform, including determining the detailed eligibility criteria for voluntary and community organisations wishing to raise funds and making financial contributions towards qualifying projects.
11. To waive or reduce repayment of disabled facilities grants having regard to individual circumstances and the Council's agreed criteria.
12. In relation to the care and repair service, to determine applications for grants for adaptations to dwellings for the chronically sick and disabled within the criteria adopted by the Council.
13. To review and amend the Council's Statement of Policy and Procedures on Anti-Social Behaviour as required by legislation.

**Joint Executive Head of Communications and Customer Services**

1. To coordinate the Council's compliance with Freedom of Information legislation.
2. In relation to Freedom of Information legislation:
  - (a) to add further classes of information to the Council's Publication Scheme in consultation with the Leader of the Council and Management Team; and
  - (b) to make appropriate amendments to the list of documents available under the Publication Scheme.
3. In consultation with the Leader of the Council, to make such minor amendments to the Communications Strategy as may be deemed necessary.

***Lead Specialist - ICT***

1. To replace and upgrade hardware, software and infrastructure within the balance of the IT Renewals Fund.
2. In consultation with the relevant Lead Councillor, to keep the following policies under review and to approve such updates to these policies and associated supplementary policies, as he considers appropriate:
  - ICT Users' Policy
  - ICT Policy for Councillors

**JOINT STRATEGIC DIRECTOR: PLACE**

1. In consultation with the Executive Head of Assets and Property, the Joint Section 151 Officer, and the relevant Lead Councillor with portfolio responsibility for finance and asset management, to approve strategic and/or operational property acquisitions within the set parameters of the Strategic Property Acquisition Procedure.
2. To bring forward and develop proposals for housing development on Council and privately owned sites within the borough and to identify and select appropriate development partners in accordance with the procurement rules and regulations and to report to the Executive accordingly.
3. In consultation with the appropriate lead councillor and subject to being satisfied that the Council will receive the best consideration reasonably obtainable to sell land and buildings up to 0.2 hectares in area, following consultation with the Chief Finance Officer and ward councillor(s) in compliance with the Land and Property Disposal Policy.
4. To authorise purchases of non-housing stock land and buildings up to £1 million in consultation with the appropriate lead councillor, relevant Joint Director, and Chief Finance Officer, where budget provision exists on the approved general fund capital programme.
5. In relation to land and premises occupied or to be occupied by the Council and in consultation with the appropriate lead councillor, relevant Joint Director and Chief Finance Officer to approve the acquisition of land or buildings up to 0.2 hectares in area.

**Joint Executive Head of Regeneration & Planning Policy**

***Policy Lead - Planning Policy***

1. To prepare and maintain an up to date Local Plan (development plan documents) for the Borough for adoption by Full 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

2. To initiate and pursue any suitable opportunities for co-operation with neighbouring planning authorities, and certain other public bodies as laid out in the legislation above, and as specifically required by section 33A of the Planning and Compulsory Purchase Act 2004.
3. To prepare, maintain and publish documents for adoption by the Executive, as required by the Planning and Compulsory Purchase Act 2004 and the relevant regulations, including the following:
  - Supplementary Planning Documents
  - Local Development Scheme
  - Statement of Community Involvement
4. In consultation with the appropriate lead councillor, to make factual changes necessary to ensure that all Supplementary Planning Documents remain up to date.
5. To monitor, prepare and publish information relating to the effectiveness and outcomes of planning policies, and to inform future plan-making, including the following:
  - Annual Authorities Monitoring Reports as required by the Planning and Compulsory Purchase Act 2004 and relevant regulations
  - Brownfield Land Register, as required by the relevant regulations
  - Housing Delivery Action Plan, as required by the National Planning Policy Framework
  - Any other documents required by the National Planning Policy Framework and National Planning Practice Guidance
6. To prepare, and maintain an up to date Community Infrastructure Levy (CIL) for the Borough, for adoption by Full Council, 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.
7. In consultation with the Leader of the Council and appropriate lead councillor, to agree any minor changes to the Surrey Hills AONB Management Plan proposed by the Executive, or any other constituent local authorities, in discussion with the Chairman of the Surrey Hills Board.
8. In consultation with the appropriate lead councillor, to approve annually any additional funding requested in January of each year of the Surrey Hills Partnership Agreement.
9. To receive, consider, publicise/consult upon, and assess 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.
10. To organise independent examinations for neighbourhood plans and neighbourhood

development orders and decide what actions to take in response to recommendations within an examination report.

11. To carry out Habitats Regulations Assessments, Strategic Environmental Assessments and Equalities Impact Assessments as required.
12. In consultation with the relevant ward councillor and the Chief Finance Officer, to add a new scheme to the General Fund Capital Programme, or amend approved schemes, up to a total value of £40,000 per scheme where the scheme is to be fully funded from s106 contributions and the contribution is in hand.
13. To deal with all aspects of proposals to remove the last telephone box from a site, including consultation with local residents and, in consultation with local ward councillors, the publication of initial and final decision notices.
14. To determine all grants in respect of listed buildings and conservation areas.
15. To make inclusions and other amendments to the Council's List of Buildings of Local, Architectural or Historic Interest.
16. To make additions and minor amendments to boundaries in the Gazetteer of Local Historic Parks and Gardens.
17. In consultation with the appropriate lead councillor, to make such minor alterations to improve the clarity of the adopted Guildford Borough Local Plan and Policies Map as may be deemed necessary.
18. To undertake screening opinions and appropriate assessments pursuant to Part IV of the Conservation (Natural Habitats, & c) Regulations 1994.
19. To exercise all delegable functions in relation to the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and associated regulations.
20. To bring forward proposals for affordable housing development on Council and privately owned sites within the borough.

**Joint Executive Head of Assets and Property**

1. To undertake the general management and control of the Council's land and property holdings and to achieve the best economic and social use of land and buildings, including their appropriation for the purposes of achieving the Council's priorities.
2. In consultation with the Chief Finance Officer to vire repairs and maintenance budgets within the overall budget provision.
3. In consultation with the appropriate lead councillor and subject to being satisfied that the Council will receive the best consideration reasonably obtainable:
  - (a) subject to consultation with the Chief Finance Officer when the annual rent or

premium exceeds £199,999, to accept terms for the granting, renewing, reviewing and varying of leases of Council-owned land and property held in the General Fund;

- (b) to grant licences, easements, rights of way and wayleaves over Council-owned land; and
  - (c) to sell or let land for the use of statutory undertakers and to licence land to developers to facilitate development;
4. In relation to the Council's land and premises leased or licensed to others and in consultation with the appropriate lead councillor and relevant Joint Director:
- (a) to approve revisions in rent;
  - (b) to agree variations in the terms of covenants;
  - (c) to approve, as landlord, proposals for new building works and alterations except in relation to land and premises held in the Housing Revenue Account).
  - (d) to approve uses of buildings and land by tenants and licensees.
  - (e) to approve proposals for assignment, sub-letting or surrender of leases and for change of use;
  - (f) to institute all necessary action for forfeiture in the event of non-payment of rent or breach of covenant;
  - (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 where possession is required by the Council for any purpose or where such action is justified in the interests of good estate management;
  - (h) to approve the payment of all forms of statutory compensation where appropriate; and
  - (i) to make arrangements for the re-letting of premises.
5. In relation to land and premises occupied or to be occupied by the Council and in consultation with the appropriate lead councillor, relevant Joint Director and Chief Finance Officer:
- (a) to take leases, licences and other appropriate interests when required by the Council for the proper performance of its functions;
  - (b) to approve all relevant terms, including the level of rental;
  - (c) to approve revisions in rent and other terms; and
  - (d) to approve in the Council's capacity as tenant, proposals for new building works



and alterations.

6. In consultation with the appropriate lead councillor, Lead Specialist – Finance and other relevant service leaders, to grant leases to organisations receiving grant support from the Council on such terms and conditions as shall be considered appropriate.
7. In relation to land and premises formerly in the Council's ownership and in consultation with the appropriate lead councillor, to agree the terms for the variation of restrictive covenants
8. To respond to any notice served upon the Council relating to the continued use of property in the Council's ownership.
9. To determine applications for agreements in respect of access of light and air.
10. To determine the siting of advertisement boards for Council-owned commercial or industrial premises.
11. To deal with all elements of the making and implementation of compulsory purchase orders where authorised by the Council.
12. To acquire land and buildings within confirmed compulsory purchase orders and to purchase in advance of such compulsory acquisition where the Council has resolved to make such an order, provided the payments do not exceed the assessed entitlement to compensation.
13. To perform all functions of the Council as landowner, except where a property is held in the Housing Revenue Account, in respect of its responsibilities and powers under the Party Wall Act 1996, including the service and response to statutory notices, appointment of party wall surveyors and compliance with all steps required by any party wall award.
14. 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.
15. In consultation with the Chief Finance Officer and the appropriate lead councillor, to acquire property within the criteria set out in the Asset Investment Strategy.
16. To determine the organisations to be charged fees for the hire of the Council's accommodation.
17. In consultation with the Chief Finance Officer, the lead councillor with responsibility for finance and assets, and the relevant lead councillor, to accept terms for the disposal of assets for less than the best consideration that can reasonably be obtained where the undervalue (the difference between the market value and the proposed transaction) is £30,000 or less and, for lease transactions, the lease term is 15 years or less.
18. In consultation with the Joint Director Community Wellbeing, the Chief Finance Officer, and the Lead Councillor with portfolio responsibility for Assets, to acquire property within the set parameters of the Property Investment Strategy.

- 19 In consultation with the Joint Executive Head of Planning Development, to determine all matters relating to the siting of bus shelters, bus stops, seats and other street furniture.
- 20 In consultation with the appropriate lead councillor, and relevant agencies and bodies, to carry out powers and duties under the Land Drainage Act 1991, including recovery of costs where appropriate up to a maximum value of £50,000.
- 21 In consultation with the appropriate lead councillor, to enter into such contracts as are necessary to progress the Action Plan associated with the Surface Water Management Plan within the capital resources available.

**Joint Executive Head of Regulatory Services**

1. To determine the scale of charges to be levied on the owners of abandoned shopping trolleys.
2. To exercise the Council's functions and enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014, including:
  - (c) issuing community protection notices; and
  - (d) appointing authorised officers.
3. To pay statutory and other compensation arising out of the decisions and activities of the Council, including:
  - (a) for damage or disturbance caused by works undertaken by the Council up to a maximum of £500; and
  - (b) decorating allowances for new or existing occupants, where this is considered appropriate and cost-effective to facilitate lettings
4. To exercise the Council's powers and duties under the Clean Neighbourhoods and Environment Act 2005, including the service of notices, taking of enforcement action, institution of proceedings, undertaking of works in default and recovery of expenses incurred and any other action necessary to ensure compliance with the legislation.
5. To exercise the Council's powers and duties, including all necessary enforcement and other action to deal with any matter prejudicial to the environment, health, housing standards, community safety, animal welfare or a nuisance, including the service of notices under the appropriate sections of and regulations made under relevant UK legislation and to take any other action necessary to make premises or persons comply with environmental health, housing, safety and pollution legislation, community safety including the institution of proceedings, undertaking of works in default and recovery of expenses incurred and in accordance with the advice or requirements of government agencies.
6. To appoint, as necessary, appropriately trained and competent officers required to deliver functions under Part 1 of the Health Act 2006 and associated Smoke Free Regulations.

7. To appoint authorised officers for the purpose of discharging the Council's duties under the Sunbeds (Regulation) Act 2010
8. To exercise all functions delegated to the Licensing Committee under the Licensing Act 2003 and Gambling Act 2005 save where such functions are by law reserved to the Licensing Committee or Licensing Sub-Committee, including those functions listed in S10(4) Licensing Act 2003 and S154(4) Gambling Act 2005.
9. To exercise all functions in relation to all other licences, certificates or consents under which the Council has regulatory powers including taxi and private hire licences, save where such decisions are by law reserved to Council, the Licensing Committee or Licensing Sub-Committee.
10. To grant or refuse consent for the use of audio and/or video recording systems in hackney carriages and private hire vehicles in accordance with the guidelines agreed by the Licensing Committee and to suspend the use of such systems.
11. To determine, at least on an annual basis, any future changes to the hackney carriage table of fares in accordance with the adopted Taxi Fares Procedure and to authorise statutory publication of the table
12. In consultation with the appropriate lead councillor, to make such future changes to the costs inputted into the approved Hackney Carriage Fare Methodology in the future, as he shall deem appropriate.
13. In consultation with the appropriate lead councillor, to make such minor amendments to the Taxi and Private Hire Policy as may be required from time to time.
14. To undertake the Taxi and Private Hire enforcement powers of the following licensing authorities:
  - Elmbridge Borough Council
  - Epsom and Ewell Borough Council
  - Mole Valley District Council
  - Reigate and Banstead Borough Council
  - Runnymede Borough Council
  - Spelthorne Borough Council
  - Surrey Heath Borough Council
  - Tandridge District Council
  - Waverley Borough Council
  - Woking Borough Council
15. To keep and maintain the various licensing registers in the prescribed form and manner.
16. To deal with all matters relating to the licensing and enforcement of housing standards and houses in multiple occupation, as specified in the housing acts and associated regulations, or adopted by the Council under powers contained in the acts, including the service of any notices or the undertaking of works in default or by agreement.

17. To implement the charging structure for financial penalties imposed to improve housing standards in the private rented sector in accordance with the powers introduced by Section 126 of the Housing and Planning Act 2016 and to make any necessary arrangements to ensure the procedure is process driven with a consistent approach.
18. To determine all matters relating to grants towards the renewal of minor works to private sector housing in accordance with the Council's statutory obligations, discretionary grant policies and budgetary provision.
19. To approve grants towards the cost of providing a separate water service to houses with shared services in accordance with the Council's agreed policies.
20. To authorise the institution of proceedings in respect of failure to provide a tenant with a rent book in the correct form.
21. To make interim and final empty dwelling management orders and promote compulsory purchase orders in respect of long-term empty properties.
22. To determine all matters relating to the licensing, control, management and maintenance of caravan and camping sites, including the issue, renewal, transfer or refusal of licences, certificates or consents under which the Council has regulatory powers, including the imposition of conditions and the charging of fees, where permitted by legislation.
23. To take enforcement action under Parts 1, 2, 3 and 4 of the Housing Act 2004.
24. To undertake activities necessary to meet the Council's responsibilities in respect of relevant Sustainable Energy and Climate Change legislation.
25. To take any and all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.
26. To vary the penalty for non-compliance with The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 when there are extenuating circumstances and upon receipt of written representations.
27. To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, including undertaking any review of a penalty charge notice.
28. To take all necessary action to implement the charging structure and impose financial penalties in accordance with the Private Rented Sector (England) Regulations 2020.
29. To waive or reduce stray dog detention charges in appropriate cases.
30. To exercise the Council's functions and enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014, including:

- (i) securing civil injunctions;
  - (ii) issuing closure notices and securing closure orders;
  - (iii) issuing community protection notices;
  - (iv) implementing public space protection orders; and
  - (v) appointing authorised officers.
31. To apply for injunctive relief in cases of neighbour disputes or complaints of nuisance or where otherwise appropriate.
32. To take all necessary steps in connection with the identification, removal, storage, and disposal of abandoned vehicles in accordance with relevant legislation.
33. To carry out tendering exercises for contracts for the removal of abandoned and unwanted cars.
34. To authorise investigating officers to seek authorisation from the Magistrates Court to undertake covert surveillance (directed surveillance and covert human intelligence sources) in accordance with the Council's policies and the provisions of relevant legislation.

**Joint Executive Head of Planning Development**

1. To determine all planning and other related applications except where:-
- (a) the applicant is the Council
  - (b) it is known the applicant is a councillor or officer of the Council
  - (c) a councillor has requested that the application be determined by the Planning Committee
  - (d) any Director refers the application to the Planning Committee
  - (e) the threshold for representations received contrary to officer recommendations is reached as set out in the current Planning Committee public speaking arrangements
  - (f) the application has a major strategic implication for the authority
2. To approve non-material amendments to approved plans in accordance with the criteria specified by the Council.
3. To make directions or notify applicants of the requirement for further information.
4. To determine the extent of neighbour notification in relation to any planning or related application.
5. To decline to determine repetitive applications.
6. To exercise the Council's powers and duties in relation to Planning Inspectorate appeals

in consultation with the Lead Specialist – Legal, Chief Finance Officer, and the relevant lead councillor with portfolio responsibility for planning development, including the negotiation and settlement of awards of costs against the Council up to a maximum level of £50,000, and the negotiation and settlement of such costs when they are awarded in the Council's favour.

7. To agree planning performance agreements and extensions of time where they relate to the determination of planning applications.
8. To respond to all consultations from neighbouring authorities on planning and related applications, except where such applications are of a strategic nature or a local ward councillor disagrees with the proposed response.
9. To make decisions on applications for determination of what constitutes development for the purpose of development control.
10. To determine whether prior approval is required in respect of developments permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
11. To make and confirm all Article 4 directions where there are no objections
12. To issue notices, undertake default works, authorise entry, require discontinuance and any other actions necessary or expedient, with regard to all matters specified in planning and associated legislation
13. To decide not to take enforcement action when it is not considered expedient to do so (in relation to medium and high priority cases as set out in the enforcement plan) following consultation with the appropriate lead councillor and relevant local ward councillor(s), who shall be given seven days' notice of such decision.
14. To determine applications for lawful development and established use certificates
15. To authorise the waiving of replanting requirements in accordance with Section 206 of the Town and Country Planning Act 1990.
16. On receipt of a hedgerow removal notice, to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997.
17. In the case of important hedges, to issue hedgerow replanting notices in accordance with the Hedgerow Regulations 1997.
18. To authorise the service of tree replacement notices under Sections 207 and 213 of the Town and Country Planning Act 1990 (as amended).
19. To make provisional tree preservation orders.
20. In consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), to confirm unopposed tree preservation orders.

21. Following consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), to decide not to confirm a tree preservation order.
22. To determine applications to fell or carry out works to trees, which are subject to a tree preservation order or within a conservation area.
23. To determine, in consultation with the Chairman of the Planning Committee and the relevant local ward councillor(s), Tree Preservation Order applications where fewer than ten objections have been received.
24. To deal with all matters in relation to high hedges.
25. To respond to consultations from the Basingstoke Canal Authority in respect of works to trees in the Canal Conservation Area.
26. To determine fees for planning and other related applications, approval of reserved matters and applications for consent to display advertisements.
27. In consultation with the appropriate lead councillor and Chief Finance Officer, to review the pre-application charging regime, including the level of fees, annually.
28. To determine the need for environmental impact assessments and to make screening and scoping opinions.
29. To undertake screening opinions and appropriate assessments pursuant to Part IV of the Conservation (Natural Habitats, & c) Regulations 1994.
30. To carry out Building for Life Assessments and to issue and publish the appropriate certificate.
31. To carry out the work referred to in 30. above at the request and on behalf of neighbouring councils and to set, and periodically vary, the charge in respect of providing this service.
32. To respond to the licensing authority in connection with consultations on applications under the Licensing Act 2003 and Gambling Act 2005 on behalf of the local planning authority.
33. To apply to the licensing authority for a review of a premises licence or club premises certificate or licences under Section 197 of the Gambling Act 2005.
34. To maintain the local land charges register and issue certificates of search
35. In consultation with the appropriate lead councillor, to review and adjust the level of fees charged for the Assisted Land Charges Service for private search companies
36. To deal with all matters relating to the numbering, renumbering, naming and renaming of streets and premises in streets in consultation with the appropriate lead councillor and ward councillors.

37. In consultation with the relevant Lead Councillor, to publish a scheme of charges for services provided in relation to Street Naming and Numbering.
38. To maintain and publish the Council's list of land of community value and a list of unsuccessful nominations in accordance with the requirements of the Localism Act 2011.



**GUILDFORD BOROUGH COUNCIL**  
**SCHEDULE OF PROPER OFFICERS**

**Introductory Provisions**

1. The legislation specified below in respect of the list of “proper officers” shall include any other enactment which may, directly or indirectly, replace it with or without amendment.
2. In the event of any officer mentioned below being, for any reason, unable to act or in the event of the relevant post being vacant, the Joint Chief Executive or a nominated deputy in his/her absence, shall be authorised in consultation with the Leader of the Council either to undertake that proper officer role themselves or nominate in writing another officer to undertake that role.
3. In the event that an officer is not otherwise identified within this Constitution as a proper officer in respect of any enactment, the proper officer for the function shall be the Joint Chief Executive. The Joint Chief Executive may nominate another officer to undertake that function in writing.

**Public Health Act 1936**

Section 84	Cleansing or destruction of filthy or verminous articles	Joint Strategic Director Place
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**Local Government Act 1972**

Section 13	To act as parish trustee	Monitoring Officer
Section 83(1) - (3)	To witness and receive declarations of acceptance of office by the Mayor, Deputy Mayor and councillors	Democratic Services and Elections Manager Monitoring Officer
Section 84	To accept written notice of resignations from persons holding office as Mayor, Deputy Mayor or councillor	Democratic Services and Elections Manager
Section 88(2)	To convene a meeting of the Council for the purposes of electing a Mayor following a casual vacancy in that office	Joint Chief Executive
Section 89(1)(b)	To accept notice in writing from electors requiring an election to fill a casual vacancy on the Council	Returning Officer
Section 100(B)(1)	To supply copies of papers to the press	Democratic Services and Elections Manager
Section 100(B)(2)	To exclude from public inspection those reports (or parts of reports) likely to be considered in the absence of the public	Monitoring Officer
Section 100(B)(7)(c)	Making available to the press other documents already supplied to councillors	Democratic Services and Elections Manager
Section 100(C)(2)	To make a written summary in lieu of confidential minutes	Democratic Services and Elections Manager
Section 100(D)(1)(a)	To compile a list of background papers to a report	any joint strategic director, executive head of service, or service leader

## PART 3 – DELEGATION TO OFFICERS

Section 100(D)(5)(a)	To identify background papers on which a report is based which have been relied on in preparing the report	any joint strategic director, executive head of service, or service leader
Section 100(F)(2)	To identify documents not open to inspection by councillors under Section 100(F)(1)	Monitoring Officer
Section 115(2)	To receive all monies due to the Council from every officer employed by the Council	Executive Head of Finance
Section 137A	To receive a deposited statement (or any report or accounts) from voluntary organisations in receipt of financial assistance from the Council setting out the use to which that assistance has been put	Lead Specialist - Finance
Section 146(1)	To make certain statutory declarations and give certain certificates relating to securities on the alteration of the name or area of the Council	Executive Head of Finance
Section 151	To be responsible for the proper administration of the financial affairs of the Council	Chief Finance Officer
Section 191	To receive notices from Ordnance Survey in relation to ascertaining or locating local authority boundaries	Joint Chief Executive
Section 210 (6)	To exercise the powers in relation to a charity when the corresponding officer in whom such powers are invested is absent and to act as charity trustee in the absence of corresponding officer	Monitoring Officer
Section 225(1)	To receive and give receipt for any document required to be formally deposited	Democratic Services and Elections Manager
Section 228	To make arrangements for the inspection of Council minutes	Democratic Services and Elections Manager
Section 229(5)	To certify photographic copies of documents for use in legal proceedings	Monitoring Officer
Section 234(1) - (2)	To sign formal notices, orders or other documents made or issued by the Council other than those under seal and other than those specifically delegated to another officer	Any joint strategic director
Section 236(10)	To send copies of all byelaws made by the Council to the County Council	Monitoring Officer
Section 238	To certify a printed copy of Council byelaws	Monitoring Officer
Section 248	To maintain a roll of the Freemen of the Borough	Democratic Services and Elections Manager
Schedule 12 (Paragraph 4(2)(b))	To issue and serve summonses to meetings of the Council	Joint Chief Executive
Schedule 12 (Paragraph 4(3))	To receive formal notification from councillors requesting that a summons be sent to an alternative address	Democratic Services and Elections Manager
<b>Health and Safety at Work etc. Act 1974</b>		
Sections 19 - 22	To appoint inspectors and authorise various	Joint Strategic Director

## PART 3 – DELEGATION TO OFFICERS

enforcement powers

Place or Executive Head  
of Regulatory Services

### Local Government (Miscellaneous Provisions) Act 1976

Section 41	To certify copy resolutions, orders, reports, minutes, records of executive decisions and copy instruments appointing officers to perform certain functions	Democratic Services and Elections Manager
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### Representation of the People Act 1983

Section 8	To act as Registration Officer for the registration of Parliamentary and Local Government Electors	Joint Chief Executive
Section 28	To act as Acting Returning Officer at Parliamentary Elections	Joint Chief Executive
Section 35	To act as Returning Officer for the election of Councillors of the Borough and for the election of Councillors of Parishes within the Borough	Joint Chief Executive

### Building Act 1984

Section 61	To authorise access to any works being carried out to repair, reconstruct or alter a drain	Joint Strategic Director Community Wellbeing
Section 78	To take emergency action in relation to dangerous buildings and structures	Joint Strategic Director Community Wellbeing

### Public Health (Control of Disease) Act 1984

All Sections	<p>All provisions including:</p> <ul style="list-style-type: none"> <li>● Removal of body to mortuary or for immediate burial (Section 48)</li> <li>● Authentication of documents (Section 59)</li> </ul>	<p>Joint Strategic Director Community Wellbeing or Executive Head of Environmental Services and Local Health Service Consultants in Communicable Disease Control</p>
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### Local Government and Housing Act 1989

Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Head of Paid Service
Section 4	Head of Paid Service	Joint Chief Executive
Section 5	Monitoring Officer	Executive Head of Legal & Democratic Services
Section 15 - 17	To receive various notices relating to political groups and political balance on committees under relevant regulations	Democratic Services and Elections Manager
Section 18	To implement a scheme of councillors' allowances	Joint Chief Executive

### Food Safety Act 1990

Section 5	All functions required of an authorised officer	Joint Strategic Director Place or Executive Head
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## PART 3 – DELEGATION TO OFFICERS

<b>Party Wall etc. Act 1996</b>		of Regulatory Services
Section 10(8)	To select a third surveyor, if required, during a neighbour dispute about building projects	Joint Strategic Director Community Wellbeing
<b>Crime and Disorder Act 1998</b>		
	To ensure compliance with the provisions of the Crime and Disorder Act in relation to the prevention of crime and disorder	Joint Chief Executive
<b>The Local Authorities (Standing Orders) (England) Regulations 2001</b>		
Part II of Schedule 1	To receive details of proposed officer appointments and dismissals To notify each member of the Executive of (i) the name of the person to whom the appointor/dismissor wishes to make an offer of appointment/dismiss; (ii) any other particulars relevant to the appointment/dismissal which the appointor/dismissor has notified to the proper officer; and (iii) the period within which any objection to the making of the offer/dismissal is to be made by the Leader on behalf of the Executive To notify the appointor/dismissor that no objection was received by him within that period from the Leader	Monitoring Officer
<b>Proceeds of Crime Act 2002</b>		
	To meet the Council's obligations in relation to the Proceeds of Crime Act	Executive Head of Finance
<b>Local Elections (Principal Areas) Rules 2006</b>		
Rule 50	To receive the names of persons elected to the Council from the Returning Officer	Democratic Services and Elections Manager
<b>The Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b>		
Rule 5	To receive requests for an election to fill a casual vacancy in the office of a parish councillor	Returning Officer
Rule 50	To receive the names of persons elected to parish councils from the Returning Officer	Democratic Services and Elections Manager
<b>Cremation (England and Wales) Regulations 2008</b>		
Regulation 32	Person appointed as registrar to register all cremations carried out by the cremation authority	Bereavement Services Manager

**Localism Act 2011**

Section 33	To receive written requests by a member or co-opted member of the authority, to grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.	Monitoring Officer
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**The Local Authorities (Referendums) (Petitions) (England) Regulations 2011**

Regulations 4, 7, 8, 11, 13 and 14	<ul style="list-style-type: none"> <li>• To establish and publish the verification number each year</li> <li>• To deal with procedures for post-announcement petitions</li> <li>• To determine whether petitions should be amalgamated</li> <li>• To deal with procedures on receipt of petition</li> <li>• To comply with publicity requirements on receipt of a valid or an invalid petition</li> </ul>	Monitoring Officer
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**The Local Authorities (Conduct of Referendums) (England) Regulations 2012**

Regulation 4	To publish information in connection with referendums	Monitoring Officer
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**The Local Government Act Referendums Rules**

Rule 41	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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**The Local Government Act Referendums (Combination of Polls) Rules**

Rule 43	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Regulations 2 and 15	<ul style="list-style-type: none"> <li>• To identify as background papers those documents which disclose any facts or matters on which a report or an important part of a report is based and were relied on to a material extent in preparing the report.</li> <li>• To compile a list of background papers to a report</li> </ul>	any joint strategic director, executive head of service, or Service Leader
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Regulation 7 (2)	To agree when it is appropriate to exclude from the copy of any report the whole, or any part, of the report which relates only to matters during which the meeting is likely to be a private meeting.	Monitoring Officer
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Regulation 7 (7)	Following a request to supply copies of agendas and other documents, to agree in the case of any item, a copy of any other document supplied to members of the executive in connection with the item.	Democratic Services and Elections Manager
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Regulation 10	<ul style="list-style-type: none"> <li>• To give notice to the relevant overview and scrutiny committee chairman where it has been</li> </ul>	Democratic Services and Elections Manager
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**PART 3 – DELEGATION TO OFFICERS**

impracticable to publish intention to make a key decision under Regulation 9

- To make available at the Council offices for inspection by the public and to publish on the Council's website, a copy of the notice.

Regulation 12	To produce, as soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 12.	Democratic Services and Elections Manager
Regulation 13	To produce, as soon as reasonably practicable after an individual member has made an executive decision, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 13.	Democratic Services and Elections Manager
Regulation 14	To ensure that copies of any records and reports (or parts of reports) considered at the meeting or, as the case may be, considered by the individual member or officer which are relevant to a decision recorded in accordance with regulations 12 or 13, are made available for inspection by members of the public, as soon as is reasonably practicable, at the Council offices and on the website.	Democratic Services and Elections Manager
Regulation 20	To determine whether any document or part of a document contains or may contain confidential or exempt information or the advice of a political adviser or assistant.	Monitoring Officer