

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE GUILDFORD AND WAVERLEY JOINT CONSTITUTIONS REVIEW GROUP
25 ARIL 2024

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Andy MacLeod (Joint Chair)
Cllr Sallie Barker
Cllr Paul Follows
Cllr Michael Goodridge

Cllr Catherine Houston
Cllr Gemma Long
Cllr Dominique Williams

Apologies

Cllr Joss Bigmore and Cllr James Jones

16. APOLOGIES FOR ABSENCE (Agenda item 1)

Apologies were received from Cllr Joss Bigmore and Cllr James Jones. Cllr Dominique Williams was present as a substitute for Cllr James Jones.

17. DISCLOSURE OF INTERESTS (Agenda item 2)

There were no disclosures of interest.

18. MINUTES (Agenda item 3)

The minutes of the previous meeting held on 28 March 2024 were agreed.

19. SCHEME OF DELEGATIONS TO OFFICERS (Agenda item 4)

In introducing a report in respect of the above, Susan Sale, Joint Strategic Director of Legal and Democratic Services, expressed her gratitude to Deborah Upton, Senior Governance Officer, for her work in respect of the preparation of this first draft of the Scheme.

The Senior Governance Officer advised that this area of work had commenced with comparing Guildford's and Waverley's Schemes of Delegation to identify any gaps or duplication with a view to resolving those issues and aligning the documents. The work offered an opportunity to undertake a thorough of the Schemes.

1.0 General Principles

The Group was advised that the content of the Scheme of Delegations was largely standard across most local authorities, which had adopted the same model constitution and scheme of delegations further to the Local Government Act 2000 and made subsequent amendments to suit local decision-making arrangements. Stemming from the original general principles of constitutions, the concept of sub delegation from senior officers to more junior officers had evolved and required a written delegation scheme to set out the authority to make decisions in an open and transparent manner. Some work to develop sub delegation in the Guildford Borough Council (GBC) and Waverley Borough Council (WBC) Schemes had been undertaken. Although the Schemes of both Councils already contained some elements of sub delegation, some additions to the WBC Scheme were intended. There were no questions or comments from the Group in respect of this subsection of the Scheme.

2.1 Joint Chief Executive

Attention was drawn to Appendix 2 to the report which listed areas of proposed deletions from the Scheme as they were either within a job description, reflected policy already in place or were matters for the Financial Procedure Rules.

The proposed additions to subsection 2.1.2, which referred to taking critical action on behalf of the Councils, were highlighted. These included a change in terminology from 'urgency decisions' to 'take critical action' to avoid confusion with the urgency powers associated with Executive decision-making. As this subsection included the words 'urgency' and 'emergency' it was agreed that they would be replaced by the term 'critical' in the interests of consistency. It was clarified that column 3 referred to consultees, which in this case was expected to include the notification of the Council and relevant individual councillors at the earliest opportunity. The caveat in column 4 in respect of limitations referred to matters to which the Joint Chief Executive must have regard when exercising the delegation. Subject to the proposed changes, the Group indicated its approval of this subsection.

For the purposes of clarity, minor changes were proposed to subsection 2.1.6, which related to exercising functions concerning health and safety. In response to a member's question, the Group was advised that the Joint Chief Executive had health and safety responsibilities for the Councils' employees throughout the workplace and the Councils' related policies. This did not include general health and safety function area responsibility for councillors and visitors etc which was a matter for the person responsible for facilities management.

The advice of the Joint Assistant Director of Organisational Development was awaited to determine whether WBC would be in a position to adopt the delegation to

determine the annual salary increase to locally determined salary scales as set out in subsection 2.1.8.

It was proposed that the GBC delegation in subsection 2.1.9 for the Joint Chief Executive to approve HR policies would be added to the Scheme of WBC. Following a lengthy discussion regarding the respective roles of councillors and officers in respect of approving and implementing policies, it was agreed that this delegation continue at Guildford and be added to Waverley's Scheme in reflection of the Head of Paid Service's role to manage and to be responsible and accountable for the staff body of the organisations and implement the associated duties and requirements.

2.2 Joint Chief Executive and all Joint Strategic Directors

Subject to the addition of the word 'reasonable' prior to the word 'expenditure', the Group agreed the new delegation in subsection 2.2.2 concerning reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services.

2.3 Joint Strategic Director – Community Wellbeing

The Group expressed its agreement to the addition of two new delegations, namely, subsections 2.3.1 and 2.3.2 concerning toleration of unlawful encampments and lead officer responsibility for safeguarding matters, respectively.

Subsection 2.3.4 proposed to restrict the sale of land and buildings held in the Housing Revenue Account (HRA) of up to 0.2 hectares in area to those which were less than £200,000 in value. This amount reflected one of the two thresholds for a key decision and the reason for this financial constraint was to limit officer delegation to non-key decisions in monetary terms. The remaining threshold for a key decision, being one of significance affecting two or more wards, was not limited as it was felt that officers should be able to exercise their judgement in this area. 0.2 hectares was a historic amount of land in delegations. The Group agreed that this financial cap be imposed. Subsection 2.3.7 proposed a similar financial restriction in respect of the authority to purchase land and buildings for the HRA. In this connection, it was noted that the Procurement Procedure Rules and Financial Procedure Rules, which sat alongside the Scheme of Delegations, should also contain appropriate financial limits.

As the Group's opinions were divided in respect of subsection 2.3.5, which concerned the setting of service charges for the provision of goods, services and works in respect of Council owned land and property held within the HRA etc., it was agreed that further information would be obtained in this regard and the proposed delegation be reconsidered at the next Group meeting.

It was agreed that subsection 2.3.8, which related to giving consent to future community sponsorship applications as part of the vulnerable persons' resettlement scheme, would be added to Waverley's Scheme.

2.4 Joint Strategic Director – Legal & Democratic Services and Monitoring Officer

Subsection 2.4.7 related to the grant of a continuing leave of absence to a councillor. As this was a political matter to be determined by full Council, it was agreed that it be deleted from WBC's Scheme.

It was noted that the appointment and instruction of legal service providers including external solicitors and barristers, as delegated in subsection 2.4.9, would normally fall within the existing budget. This matter was an exemption under the Constitution as the nature of legal services meant that it was not always possible to seek three quotations from providers as particular expertise may be sought.

2.5 Joint Strategic Director – Finance

No comments or questions from the Group arose in respect of the new subsections regarding the Valuation Office (subsections 2.5.4, 2.5.5 and 2.5.6) or subsection 2.5.9, which concerned the inclusion of properties in the List of Assets of Community Value and making decisions in respect of associated claims for compensation.

The Group agreed with the proposal to transfer subsection 2.5.10, which related to the payment of Community Infrastructure Levy charges, from the Joint Strategic Director for Finance to the Joint Strategic Director for Place as the latter was a more appropriate place for the delegation to sit.

There was no discretion in the setting of the Council Tax base as it involved a calculation based on a formula set by Government and the Group agreed that the related subsection 2.5.11 should be added to Waverley's Scheme.

Subsection 2.5.12 concerned the determination of rents in respect of caretakers' accommodation. As it was unknown whether any caretakers' accommodation existed and this delegation remained applicable, information had been sought from the relevant officer.

With regard to subsection 2.5.13, the Group was advised that the Joint Strategic Director for Finance calculated the inflationary increases in respect of financial limits specified in delegations to officers, Procurement Procedure Rules and Financial Procedure Rules. This process did not impact upon the key decision financial threshold of £200,000. It was agreed that the word 'annually' be added to this subsection.

Although no consultees were suggested in relation to the granting of discretionary relief from debts up to £1,000 under certain circumstances as set out in subsection 2.5.14, there was a principle that officers would consult the relevant ward councillor in the event of a contentious decision.

Subsection 2.5.15 delegated the agreement of the treatment of any year end balances such as those arising from an underspend in respect of an approved scheme. Year end balances were reported to Guildford's Corporate Governance and Standards Committee via outturn reports relating to the General Fund and HRA to inform councillors of any surpluses and the reserves they would be added to. Waverley could follow a similar pattern by reporting balances to its Audit Committee. The same reporting applied to subsection 2.5.16 which related to the carry forward of unspent balances in the General Fund capital programme and the Housing Investment Programme.

It was noted that subsection 2.5.17 would be deleted as the Concurrent Functions Grant Aid Scheme was being phased out in Guildford.

Subsection 2.5.18 would be added to Waverley's Scheme, however, it was doubted that many local authority mortgages remained.

The Group agreed that the Government grants referred to in subsection 2.5.19 be added to WBC's Scheme.

It was reported that subsection 2.5.20, which related to taking any action relating to borrowing in accordance with the Council's Borrowing Strategy, was unlikely to be contentious. The case was similar for subsection 2.5.22.

In response to a member's question as to the need for borrowing in the form of a bank overdraft as described in subsection 2.5.21, the Group was advised that although it was unusual for Councils to have an overdraft, they had a reserve power to borrow in this manner for cash flow purposes, probably on an overnight basis. The Senior Governance Officer undertook to obtain further information in this regard from the Director.

2.6 Joint Strategic Director – Place

Attention was drawn to subsection 2.6.4 which financially restricted strategic and / or operational property acquisitions within the Council's agreed policies up to £200,000 in value, mirroring subsection 2.3.7. Although this limitation could lead to more matters coming before members resulting in less agile decision-making, the next stage of the governance review would consider delegations from the Executive to individual

Executive members, possibly leading to an increase in councillor delegations and a decrease in officer delegations.

2.7 Joint Strategic Director – Transformation and Governance

The Group was advised that this section of the Scheme included additions to Waverley's Scheme which involved uncontentious decisions.

2.8 Joint Chief Executive and all Joint Strategic Directors & Assistant Directors

This section consisted of general delegations to allow officers to manage services for which they were responsible as additions to the Schemes of one or both Councils. It was confirmed that the reference to the determination and award of grant applications in subsection 2.8.10 did not include the voluntary sector.

3.0 Specific Functions – Joint Assistant Directors

3.1 Housing Services

These delegations were person specific to a role. It was proposed that the reference to consultation with a portfolio holder in subsection 3.16, which related to the review of housing decisions under relevant housing legislation, be deleted as there was a requirement to make such decisions under legislation with no discretion. Some subsections had been added to Waverley's Scheme in the interests of consistency and were general and not contentious.

3.2 Community Services

New delegations regarding combating anti-social behaviour and managing Council owned gypsy and traveller sites together with some extra wording had been added to this section.

3.3 Environmental Services

Subsection 3.3.15, regarding the approval and grant of seasonal concession licence agreements, would be transferred to Regulatory Services in the interests of consistency across both Councils. Sub delegation could be employed in the event that more than one officer had responsibility in the service area in order to allocate the overall responsibility to one post.

3.4 Planning Development

There were some changes to the wording in this area including granting the Assistant Director the authority to determine reserved matters applications (subsection 3.4.1) and to update terminology (subsection 3.4.3). The need to make the suggested wording change to subsection 3.4.2 was agreed. It was confirmed that there was no limit in respect of pre-planning advice application fees. It was also agreed that a requirement to consult the ward councillor(s) be added to subsection 3.4.13 relating to temporary markets.

3.5 Regeneration and Planning Policy

Wording had been added to this section with a view to achieving consistency.

Further to a query in respect of the naming and numbering of streets (subsection 3.5.2), the Group was advised that this service was currently delivered by different teams across the Councils and it was therefore proposed that overall responsibility for the service would be allocated to Planning Policy with the option to sub delegate.

As there was doubt around which officer was responsible for the delegation concerning neighbourhood development plans and orders, information was being sought in this area.

3.6 Organisational Development

Several new delegations had been included in this section which related to confirmation of staff appointments and implementation of pay and grading functions.

3.7 Regulatory Services

New delegations concerning approval of non-animal related circuses (subsection 3.7.7) and the powers and duties in relation to rivers (subsection 3.7.8) had been added to this section to reflect tasks undertaken. Subsection 3.7.7 would be moved to the Assistant Director of Commercial Services and a requirement to consult the ward councillor(s) would be added.

3.8 Assets and Property

The Joint Assistant Director of this service area had requested the inclusion of a purchase policy which was yet to be considered by WBC. As there was some confusion around the interpretation of highways in subsection 3.8.5, it was suggested that the term was replaced by the word 'roads' and the Senior Governance Officer undertook to review this wording. It was felt that the phrase 'move to' in column 5 in this section should say 'add to' for consistency and clarity purposes.

3.9 Commercial Services

A number of delegations in this section had been retained owing to the statutory nature of building services. Some delegations would be added to Waverley's Scheme in relation to buildings facilities whilst others were Guildford specific and would not feature in Waverley's Scheme. Further to a query regarding subsection 3.9.8, which concerned fees for managing, operating and hiring relevant Council facilities, additional information would be sought from the relevant officer.

It was agreed that the wording of subsection 3.9.14, concerning the holding of events, should be amended by deleting the words following 'facilities' to improve the clarity.

3.10 Communications and Customer Services

Additional wording had been added to subsection 3.10.1 to state that replacement and upgrade of hardware, software and infrastructure should be within the balance of the IT Renewals Fund.

Changes to subsection 3.10.3 reflected that maladministration payments were to be reported to the Monitoring Officer and determined by members.

20. DRAFT WORK PROGRAMME (Agenda item 5)

As there had been insufficient time for the Group to review its draft Work Programme at this meeting, members were invited to submit any comments thereon to the Joint Strategic Director of Legal and Democratic Services via e-mail.

21. DATE OF NEXT MEETING (Agenda item 6)

It was noted that the next meeting of the Group would be held at 5:00 pm on Wednesday 29 May 2024 when members would have an opportunity to re-visit the Scheme of Officer Delegations in the light of responses to their queries. As the Financial Procedure Rules and Procurement Procedure Rules complemented the Scheme of Delegations, it was proposed to prioritise them and bring at least the Financial Procedure Rules to the next Group meeting for consideration. The intention was that all the documents would be submitted to the same cycle of Standards Committee and Council meetings for approval. It was proposed that the Standards Committees of both Councils would meet simultaneously in the same room to aid discussion together before each Committee progressed to considering their own scheduled items of business. There was a provisional meeting date of 1 July 2024 at 6:00 pm and relevant officers would liaise and confirm the details.