

Guildford & Waverley Borough Councils

Report to: Joint Constitution Review Group

Date: 29 May 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

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Proposed Changes to the Officer Schemes of Delegation

1.1 Executive Summary

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

2. Recommendation to Executive/ Committee/ Council

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

3. Reason(s) for Recommendation:

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

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

4. Purpose of Report

- 4.1 This report is presenting further revisions to the proposed draft Officer Scheme of Delegations, set out at Appendix One, for members to consider. It also presents a revised Proper Officer Scheme, set out at Appendix Two, which should be read in conjunction with the Officer Scheme of Delegation. The purpose of the revised Scheme of Delegation and Proper Officer Scheme is to try and align decision making across the two Councils where possible.

5. Strategic Priorities

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

6. Background

- 6.1 Council decision making can be delegated to officers, through a written Officer Scheme of Delegation which is publicly available. For an Officer Scheme of Delegation to be effective, it must clearly set out the responsibilities of officers and any limitations on their powers. It should contain those areas where the Council is delegating its decisions (whether Executive or Council) and should

not contain 'Business as Usual' matters, which form part of an officer's job description.

- 6.2 Both Councils currently each have a different Officer Scheme of Delegation. This means that officers must refer in detail to each Scheme to check their delegated authority before making a decision and, in some areas, the Scheme does not provide authority or has different limits/consultation areas for each Council. This leads to a lack of clarity for members of the Joint Strategic Management Team, as they work across both Councils but with differing decision levels across their services.
- 6.3 Members saw the first draft of the revised Scheme set out in Appendix One at their meeting on 24 April 2024, and this next version contains the changes made by members in green, and further changes requested by officers in blue. Column 4 (red) contains details of the proposals.
- 6.4 Appendix Two sets out those areas which it is proposed to delete from the existing schemes of delegation, as they represent 'Business as Usual' and are matters which are contained in officers job roles, rather than being decision making which is delegated. This appendix is included for information.
- 6.5 Appendix Three sets out a revised Proper Officer Scheme. Some statutes require a 'proper officer' to be appointed by the Council, to carry out certain functions as required under that Act. Therefore each Council must have a Proper Officer Scheme, as well as an Officer Scheme of Delegation, for completeness of decision making.
- 6.6 The Officer Scheme of Delegation should be read in conjunction with the Financial Procedure Rules and Contract Procedure Rules, set out elsewhere on this agenda.

7. Consultations

- 7.1 All members of the Joint Management Team (JMT) have been consulted over the proposed changes. All members of the JMT are supportive of changes to the Scheme(s), as JMT members would welcome further clarity over decision making.

8. Key Risks

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

9. Financial Implications

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

10. Legal Implications

- 10.1 Councils can delegate their functions to officers under S101 Local Government Act 1972. Delegation provides for officer decision making with a framework set by members and contributes to the

effective operation of the Council, with members able to focus on setting policy and political objectives.

- 10.2 The Joint Officer Scheme of Delegation will need to be adopted by each Council, on the recommendation of the Standards and General Purpose Committee (Waverley) and Corporate Governance and Standards Committee (Guildford).

11. Human Resource Implications

- 11.1 There are no direct HR implications.

12. Equality and Diversity Implications

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

13. Climate Change/Sustainability Implications

- 13.1 There are no climate change or sustainability implications.

14. Summary of Options

- 14.1 The Working Group are asked to consider the further revisions to the new Officer Scheme of Delegation attached as Appendix 1, and the revisions to the Proper Officer Scheme set out at Appendix Three. The Working Group may:

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

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

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

15. Background Papers

- 15.1 Officer Scheme of Delegation & Proper Officer Scheme – Waverley Borough Council
- 15.2 Officer Scheme of Delegation & Proper Officer Scheme – Guildford Borough Council

16. Appendices

Appendix 1: Proposed draft Officer Scheme of Delegation

Appendix 2: Proposed list of areas to be deleted

Appendix 3: Proper Officer Scheme