

Surrey Heath Borough Council

Executive

15 March 2022

Scheme of Delegation of Functions to Officers

Portfolio Holder	Leader
Head of Service	Gavin Ramtohal – Head of Legal & Democratic Services
Report Author:	Rachel Whillis – Democratic Services Manager
Date Portfolio Holder Signed off the Report	2 March 2022
Key Decision:	No
Wards Affected:	n/a

Summary and purpose

To review the Scheme of Delegation of Functions to Officers in respect of executive functions.

Recommendation

The Executive is advised to RESOLVE that the Scheme of Delegation of Functions to Officers in respect of executive functions be updated, as set out at Annex A to this report.

1. Background and Supporting Information

- 1.1 The review of the Scheme of Delegation of Functions to Officers (SODOFTO) forms part of the holistic review of the Constitution being undertaken by the Monitoring Officer.
- 1.2 The proposals were reviewed by the Governance Working Group at its meeting on 28 January 2022. At its meeting on 23 February 2022, the Council reviewed the SODOFTO in respect of non-executive functions and agreed the changes proposed.

2. The Scheme of Delegation

The Scheme of Delegation and its General Principles

- 2.1 The SODOFTO has been amended to reflect changes to the senior management structure.

- 2.2 In addition, wording has been added to state clearly that a matter being delegated does not preclude the matter being referred to Members if considered appropriate by the officer. This is not a new position but simply clarifies any concerns that might arise.
- 2.3 An additional paragraph has been inserted which seeks to clarify how new policies, along with amendments to policies, are managed as this is a matter that requires clarification. Additional wording has also been inserted in relation to the awarding of contracts.
- 2.4 An additional delegation has been proposed to enable officers to respond to consultations in a timely manner. Such consultations often have short timescales in which to prepare a response. The oversight by Members, including the Portfolio Holder, provides for such matters to be referred to the Executive or committee where they consider appropriate and time permits. A section has also been added to clarify that officers may make speculative bids for grants where there is no commitment for any additional resource at that stage.

Additional delegations

- 2.5 It is proposed to give the Chief Executive delegated authority to make changes to the membership of any of the Executive Working Groups as necessary during the Council year, which will be undertaken in accordance with the wishes of the respective group leader.
- 2.6 A generic delegation relating to the award of grants has been inserted that effectively reflects authorisations already in place.
- 2.7 An additional delegation for awarding Shopfront Scheme grants is proposed for the Head of Investment & Development. This has arisen due the delegation for Shopfront Grants contained within the scheme being out of date. By encompassing it in the SODOFTO, it falls under the generic provision for a delegation to transfer to another officer and/or Portfolio Holder in the event that responsibilities are transferred.
- 2.8 An additional delegation has been added to agree the replacement of playground equipment on a like for like basis, where it is within existing budget or the budget has already been agreed. It is recognised that this function is more operational than directional.
- 2.9 An additional delegation to allow officers agree to enter into or exit any arrangements for the pooling of Business Rates has been proposed to enable a timely response to any proposals. The oversight by the Portfolio Holder, provides for such matters to be referred to the Executive where appropriate and when time permits.

- 2.10 A more generic delegation has been inserted in relation to Housing and Homelessness functions, delegating all decisions to officers except the agreement of any changes to policies. This reflects what is currently happens in practice.
- 2.11 A generic delegation has been added for the Head of Investment & Development to undertake all administrative actions and negotiations in relation to the day to day management of lettings of the Council's estate and property portfolio.

Removal of Delegations

- 2.12 It is proposed to remove the delegation for agreeing the Pantomime title as this is an administrative function. It is recognised that this discussion may still take place with the Portfolio Holder as part of normal arrangements.
- 2.13 The delegation to authorise officers to set the Council Tax Base has been removed at the request of the Revenues and Benefits Manager. This delegation has never been exercised.

Recommendations for delegations not supported by the Governance Working Group

- 2.14 The Governance Working Group considered a proposal to add a new delegation to enable off-street parking fees to be raised every 2 years in line with RPI, after consultation with the Portfolio Holder, for established tariffs only. This had been intended to help to ensure an efficient process and that costs and management were sustainable. Having considered the proposal, the Working Group was of the opinion that this decision should remain with Members.

3. Reasons for Recommendation

- 3.1 The changes to the Scheme have been proposed to address any gaps or inconsistencies, rationalise processes and add procedures that enable further efficiencies in decision making. The proposals have the support of the Governance Working Group.

4. Proposal and Alternative Options

- 4.1 It is proposed that the Executive reviews the proposed amendments and suggests any changes as appropriate.

5. Contribution to the Council's Five Year Strategy

- 1.1 No matters arising at this time.

6. Resource Implications

6.1 There are no specific resource implications arising from the review.

7. Legal and Governance Issues

7.1 The delegation of executive functions to officers is the responsibility of the Executive and cannot be agreed by the Council. The delegation of non-executive functions to officers can only be agreed by the Council. Only the Council can make amendments to the TOR. The Executive is therefore asked to consider

7.2 As part of the previous review of the SODOFTO in 2014, a new approach was undertaken whereby many of the delegations (particularly those from the Planning Applications Committee, the Licensing Committee and the Council in relation to HR functions) would be dealt with on an exceptions basis, i.e. the decisions to be made by the Committee have been identified and reserved to that Committee. Officers are authorised to take all remaining actions relating to that function. This approach has been continued and extended where possible, as it is felt it provides a more flexible and responsive Scheme.

8. Monitoring Officer Comments:

8.1 Article 12 of the Council's Constitution recognises the Monitoring Officer's duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No matters arising at this time.

Equalities and Human Rights

9.2 No matters arising at this time.

Risk Management

9.3 No matters arising at this time.

Community Engagement

9.4 No matters arising at this time.

Annexes

Annex A – Proposed Scheme of Delegation of Functions to Officers

Background Papers

None