

## **The Governance Working Group**

Portfolio	Non Executive Function
Ward(s) Affected:	n/a

### **Purpose**

**To consider the recommendations of the Governance Working Group in relation to**

- (a) a revised Scheme of Delegation of Functions to Officers in respect of the non- executive functions of Council; and**
- (b) amendments to Council Procedure Rules and the Petitions Scheme.**

## **The Scheme of Delegation of Functions to Officers**

### **Introduction**

1. The Scheme of Delegation of Functions to Officers has been in existence for many years and has been added to and amended in an ad hoc manner. Despite many revisions it has never been subject to a complete overhaul. The current scheme, because it is detailed and specific, requires constant revision to keep it up to date and inevitably there are gaps in provision.
2. With the increasing speed of change, both external and internal, there is a need for a flexible, generic and user-friendly Scheme of Delegation to meet the needs of a modern local authority. As a result the Scheme of Delegation has been rewritten with a view to achieving these aims.
3. In addition, many of the Council's new Policies and Procedures set out in detail who is responsible for making decisions.
4. As the approach to the new scheme is very different to the existing scheme it is not possible to show tracked changes. However, an audit trail of the migration of the existing delegations into the new scheme has been kept, and is available for Members to view in the Members' Room.

### **The New Approach**

5. The new approach to the Scheme provides for:
  - a. the migration of delegations from subject headings to the Statutory Officers and Executive Head service areas to make the scheme more accessible;

- b. many of the delegations (particularly those from the Planning Applications Committee, the Licensing Committee and the Council in relation to HR functions) to 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. The officers are authorised to take all remaining actions relating to that function;
- c. the removal of day to day management and administrative actions. The scheme now includes only actual decisions;
- d. the removal of outdated and redundant delegations;
- e. the transfer, to the General Principles, of a number of areas common to officers across the Council such as the service of notices, authorisations to enter premises, taking urgent action, etc.

#### New Delegations

- 6. In order to increase efficiency, decrease bureaucracy and reduce costs, a requirement for some new non-executive delegations has been identified. It is, therefore, proposed that the following delegations be amended or added as follows:
  - a. The development delegations from the Planning Applications Committee to be extended to allow officers to determine a wider range of planning applications;
  - b. To allow the Head of Paid Service to amend the Terms and Conditions of Employment for Staff and Human Resources Policies where there are no additional budget implications and where there is a unanimous decision of the Joint Staff Consultative Group;

#### Consultation

- 7. The Planning Applications Committee and Licensing Committee have been consulted in relation to their areas of responsibility and their functions under their Terms of Reference.
- 8. The Planning Applications Committee considered the revised Scheme in relation to Development Management functions at its meeting on 22 September 2014. The Committee recommended that all delegations be adopted as proposed.
- 9. The Licensing Committee considered the revised Scheme in relation to licensing functions at its meeting on 3 September 2014. The Committee proposed that an existing delegation authorising officers to approve increases to hackney carriage fare scales and hackney

carriage and private hire licence fees, after consultation with the Chairman and Vice Chairman, be removed. All other delegations were recommended for adoption.

#### The Governance Working Group

10. The Governance Working Group, at its meetings on 7 November and 12 December 2014, considered in detail the revised scheme.
11. The Working Group endorsed the proposal for a number of delegations, particularly those from the Planning Applications, the Licensing Committees and the Council in relation to HR functions, to 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.
12. The Working Group has recommended
  - a. to the Full Council, in respect of the non-executive; and
  - b. to the Executive, in respect of the executive functions;that the amended Scheme of Delegation of Functions to Officers be adopted.

#### Executive Functions

13. The Executive, at its meeting on 27 January 2015, considered the revised Scheme of Delegation as recommended by the Governance Working Group and resolved that the revised Scheme in respect of the Executive Functions be adopted.

#### Council Functions

14. Annex A sets out the non-executive Council functions only. It should be noted that the authorities delegated to some Executive Heads are solely executive functions and as a result these are not shown in Annex A.

#### **Council Procedure Rules**

15. The Working Group has noted that there are currently no procedure rules to govern Portfolio Holder Question Time. Members felt that a Procedure Rule should be introduced, which would provide that the total time for Portfolio Holder Question Time would be no more than 20 minutes and emphasise that the time was for the Portfolio Holder to receive questions rather than give speeches.

#### **The Petitions Scheme**

16. The Working Group reviewed the Council's Petition Scheme.
17. Members were reminded that, in order for it to be considered, the Scheme required a petition to have received 50 signatures in support of the proposed action. It was agreed that the table in paragraph 3.2 of the Scheme should be amended to make it clearer that only petitions which had received between 50 and 99 signatures would receive a response from the relevant officer. It was, however, also agreed to add a sentence stating that, in the event that a petition did not receive the required 50 signatures, the petition would be passed to the relevant Executive Head or Service Head for information.
18. Members considered whether the signature thresholds which determined how the Council responded to a petition were still relevant and agreed that they should remain the same at the present time.

#### Options

19. The Council may agree, amend or reject the amendments to the Constitution as proposed.

#### Resource Implications

20. In relation to the Scheme of Delegation of Functions to Officers, there will be some savings in officer time, and reduced costs in relation to printing, postage and attendance at meetings. There are no resource implications in relation to the other proposed amendments.

#### Recommendation

21. It is proposed that the Council resolves that
  - (a) the amended Scheme of Delegation of Functions to Officers in respect of the non-executive functions as set out at Annex A, be adopted;
  - (b) a Procedure Rule for Portfolio Holder Question Time be adopted, as follows:
    - 11A. Portfolio Holder Question Time
      - 11A.1 The purpose of Portfolio Holder Question Time is to allow Members to ask questions of the Portfolio Holder which relate to their area of responsibility.
      - 11A.2 One Portfolio Holder, as identified by the Leader, will respond to questions from Members each meeting.

11A.3 The Portfolio Holder may respond orally, by reference to published material or that which is readily available to the members, or in writing. The Questions will be put and answered without debate.

11A.3 The total time allocated to Portfolio Holder Question Time will be no more than 20 minutes.

(c) the Petitions Scheme at Part 4, Section L of the Constitution be amended as follows:

3.2 The response from the Council will depend upon the number of signatures received:

<b>Number of signatures received</b>	<b>Minimum response</b>
<b>50 to 99</b>	A response from the relevant officer
100 to 749	A response from the relevant Member of the Executive
750 to 3,499	Referred to the Executive
3,500 or more	Debated at a meeting of the full Council

Annexes:

Annex A - Scheme of Delegation of Functions to Officers  
– Non Executive Functions

Background Papers:

None

Report Author

Jane Sherman      Democratic Services Manager  
e-mail: jane.sherman@surreyheath.gov.uk

Executive Head of Service:

Richard Payne      Executive Head of Transformation