

## REPORT TO ABERDEENSHIRE COUNCIL – 28 JUNE 2018

### REVIEW OF THE SCHEME OF GOVERNANCE

#### 1 Recommendations

The Council is recommended to:

- 1.1 Note the proposed amendments to the Scheme of Governance as detailed in Appendices A and B;
- 1.2 Note that a further report will be presented to the next meeting of Full Council on 27<sup>th</sup> September 2018 seeking approval of the amendments and implementation from 28<sup>th</sup> September 2018; and
- 1.3 Agree that in 2019, there will be six meetings of the Business Services Committee scheduled and that two of the meetings will only be used in the event of urgent business.

#### 2 Background / Discussion

- 2.1 At its meeting on 24<sup>th</sup> November 2016, Full Council approved the new Scheme of Governance and its implementation date of 27<sup>th</sup> January 2017. It was agreed that that the Scheme of Governance would be reviewed and that any amendments required would be reported to Full Council in June 2018.

##### The Review Process

- 2.2 The review of the Scheme of Governance commenced in September 2017 with the re-establishment of the Officers' Review Group within Legal and Governance. Throughout the latter part of 2017 and into early 2018 the Group engaged with Governance Service Champions across the Council through a combination of feedback sessions, "drop-ins" and one on one contact. All services have had the opportunity to raise any issues for improvement and provide feedback on the implementation of the Scheme. Issues highlighted through the monitoring process and from elected Members have also been recorded by officers within Legal and Governance and fed into the review. All queries, feedback and comments have been collated and assessed as part of the review process.
- 2.3 Alongside the work with Service Champions, the implementation of the Scheme has been kept under review by the Governance Officer Transition and Implementation Taskforce (GOTIT) Group. The Group has monitored progress since the Scheme has been implemented and has made recommendations to the Strategic Leadership Team (SLT) on issues of a corporate nature.

## Procedures Committee

- 2.4 The review has also been overseen and shaped through the work of the Procedures Committee. The Committee has the remit to consider proposed changes to the Scheme of Governance and to make recommendations to Full Council.
- 2.5 The Procedures Committee met on 19<sup>th</sup> January, 20<sup>th</sup> April and 25<sup>th</sup> May 2018 and considered various matters arising from the review of the Scheme including but not restricted to:-
- i. The current roles and responsibilities of Policy Committees;
  - ii. The use of Skype technology for elected Member attendance at meetings;
  - iii. Notices of Motion and Member Promoted Issues;
  - iv. The Procurement Approval Process;
  - v. The Policy Development and Review Framework;
  - vi. Grants and Loans;
  - vii. The role of the Audit Committee; and
  - viii. The Committee Review Process.
- 2.6 At its meeting on 20<sup>th</sup> January 2018 the Committee agreed the following recommendations:-
- i. that area committees should be incorporated into the policy development process as a matter of course;
  - ii. that cross-directorate procurements should be presented to the policy committee responsible for the largest spend, following consultation with the chairs and vice-chairs of the other policy committees with budgetary responsibility, and the relevant opposition spokespersons.
- 2.7 At its meeting on 21<sup>st</sup> April 2018 the Committee agreed the following recommendation:-
- i. that the Policy Review and Development Framework be amended to update the advice on privacy impact assessments to reflect the introduction of the General Data Protection Regulations from May 2018 and to ensure that all of the Council's priorities and agreed principles are taken in to account as part of that process and not just the Town Centre First principle as proposed. It was also agreed that a further report would come back to the Procedures Committee at a future date on the corporate Committee Report template.
- 2.8 The Committee's recommendations from its meetings on 20<sup>th</sup> January and 21<sup>st</sup> April 2018 have been incorporated into proposed amendments to the Scheme of Governance and on 25<sup>th</sup> May 2018, the Committee considered and agreed to recommend the amendments to Full Council for approval. In particular the Committee agreed:-
- i. To recommend that new guidance on Notices of Motion is incorporated into Part 4 of the Scheme of Governance;

- ii. To recommend that there is guidance for members on the use of Skype technology for attending meetings;
  - iii. To recommend changes to the Financial Regulations;
  - iv. To recommend changes to the delegated powers of the Audit Committee; and
  - v. To recommend changes to the Scrutiny at Aberdeenshire guidance.
- 2.9 The Committee further agreed at its meeting on 25<sup>th</sup> May to recommend a that Business Services Committee have six meetings scheduled in 2019 with a view to four meetings taking place and the remaining two only used in the case of urgent matters. Full Council is therefore asked to agree that this will take effect from 1<sup>st</sup> January 2019 and be taken into account in the setting of Committee dates for 2019.
- 2.10 The Procedures Committee agreed to delegate authority to the Head of Legal and Governance to propose any additional amendments of a non-material nature received through Service feedback following the meeting on 25<sup>th</sup> May 2018. These have been included in Appendix B and are highlighted where appropriate.
- 2.11 The Procedures Committee further agreed that there were matters that would require further work prior to any changes to the Scheme. In particular, the Committee has agreed that there will be a project ongoing in relation to the Procurement Approval Process. The Procedures Committee will continue to meet to oversee the Procurement Approval Process Project (PAPP) and the implementation of any required changes to the Scheme of Governance. There is also further work to be carried out in relation to the governance and procedures for Grants, Grant Applications and Loans. This work will be developed alongside the PAPP. The Procedures Committee will be making recommendations to Full Council at future meetings in relation to these matters. The Procedures Committee also agreed at its meeting on 25<sup>th</sup> May 2018 to instruct a review of all committee remits, membership and frequency of meetings in relation to conducting committee business after a period of two years from the date of implementation of the Scheme of Governance which will commence in January 2019.

### **Proposed Amendments to the Scheme of Governance**

- 2.12 The proposed amendments have been extracted from each part of the Scheme and are set out in Appendix A. Each change has been highlighted and a box with the explanation is below. The whole of the section has been extracted to give context. Some changes of particular note are examined in more detail, below.
- 2.13 It should be noted that where minor spelling or grammar errors have been made, renumbering or renaming is required, where terminology has been updated or legislation has been added to an appendix, this has not been highlighted, on the basis that these amendments are of a minor nature. Changes of particular note are explained below.

## 2.14 Part 1 - Standing Orders

- (i) Standing Order 5.1 has been amended so it is clear that a person fulfilling the role of a chair of a Council/Committee meeting must be physically present in the venue. This was discussed and agreed by the Procedures Committee.
- (ii) Part 4 of the Scheme comprises procedures and guidance. Standing Order 9 requires a two-stage approval of changes to the Scheme of Governance. However, due to the use of guidance to supplement the powers in the Scheme of Governance, it is proposed that the guidance sections of Part 4 can be amended by a single report to Full Council. This enables swifter consideration of amendments that are required to ensure that best practice is reflected in the Scheme of Governance.
- (iii) Appendix A to the Standing Orders (the Member Promoted Issue form and Guidance) has been removed and put into Part 4E to sit alongside all the other guidance, including the new proposed Notice of Motion guidance.

## 2.15 Part 2A – List of Committee Powers

- (i) At its meeting on 19<sup>th</sup> January 2018, the Procedures Committee agreed to recommend that cross-directorate procurements should be presented to the policy committee responsible for the largest spend, following consultation with the chairs and vice-chairs of the other policy committees with budgetary responsibility, and the relevant opposition spokespersons. This means that multiple policy committees are not receiving work plan reports and contracts can proceed to tender stage more efficient. This recommendation of the Committee has been incorporated into the finance powers of the policy committees. There has also been the addition to the Financial Regulations in Part 3, Section 5.2.7. This addition supports the new delegations.
- (ii) Changes have been made to the scrutiny powers for the Area and Policy Committees to clarify the powers. However, the delegations have not changed. The amendments are to make the delegation clearer and to ensure that the Scrutiny power is not just linked to the Committee Review Process but that the scrutiny role of committees is clear in relation to all matters that are reported to committees.
- (iii) The Audit Committee's remit has also been clarified further in terms of scrutiny referrals and other delegations. In particular the role of the Audit Committee in relation to the Annual Accounts has been clarified to reflect the status quo and to confirm its statutory duty to approve the Accounts prior to endorsement by Full Council.
- (iv) The Area Committee power to delegate to the Area Manager to set local holidays has been removed and transferred to the Area Manager delegations in Part 2B following feedback from Area offices.
- (v) The Aberdeenshire Licensing Forum has been added to the remit of Business Services Committee as agreed previously by Full Council.

## 2.16 Part 2B – List of Officer Powers

- (i) The General Delegations have required some amendments in relation to the designation of Proper Officers and authorisation of officers.
- (ii) The delegation to set local holidays has been added to the Area Managers' delegations.
- (iii) The Head of Legal and Governance's delegations have been clarified to capture current practice and reflect the requirements of licensing legislation. The Licensing Sub-Committee was consulted on the proposed changes at its meeting on 19<sup>th</sup> April, 2018 and had no comments to make.
- (iv) The General Data Protection Regulations (GDPR) has required the appointment of a Data Protection Officer, who has an independent role (not unlike Internal Audit). The required delegations have been added to Section D (Director of Business Services).

## 2.17 Part 2C – List of Planning Delegations

- (i) The majority of the amendments to the planning delegations are of a minor nature, primarily to address terminology and to clarify powers.
- (ii) Certificates of Lawfulness have been delegated to officers given the lack of discretion in their determination under statute.
- (iii) A section on the role of the Cairngorms National Park Authority in the planning process has been added for clarity, to ensure that all planning information is included in one single document. This section reflects the current statutory position.
- (iv) At Appendix E, whilst it is not possible to provide an exact definition on what constitutes a significant departure, some further explanation has been given to aid the guidance on this point. Similarly at Appendix F, a new section on substantial bodies of support has been inserted to explain when the strength of public support becomes a material planning consideration, and that strength is not just based on numbers but on the quality and relevance of the arguments.

## 2.18 Part 3 – Financial Regulations

A first stage review of the Financial Regulations has been undertaken and amendments are proposed in Appendix A. It is intended that further work will be done on these in the coming months, in conjunction with the PAPP and the Grants and Loans project.

## 2.19 Part 4 – Guidance

It is suggested that the name of this section be amended to Procedures and Guidance to be a correct reflection of the content. This part will now contain the following –

- 4A Scrutiny at Aberdeenshire
- 4B Policy Development and Review Framework
- 4C Procurement Guidance
- 4D Financial Delegations Tables
- 4E Notice of Motion Guidance
- 4F Member Promoted Issue Form and Guidance
- 4G Guidance on use of Skype for Business at Council meetings
- 4H Glossary of Terms

- A. As noted above, the Audit Committee's powers in relation to scrutiny referrals has been clarified. To support these amendments to the delegations, there has been a flow chart added to the Scrutiny at Aberdeenshire document which explains the process and timescales, as recommended by Procedures Committee, have been amended.
  - B. The Policy Development and Review Framework has been amended and updated. The Framework has been updated in respect the GDPR, data protection and privacy notices and to ensure that all of the Council's priorities and agreed principles are taken in to account as part of the process.
  - C. The Flowchart has been updated to incorporate the agreed changes to reporting cross directorate/cross area procurement expenditure approvals.
  - D. No changes
  - E. Procedures Committee recommends the approval of the guidance and its addition to the Scheme of Governance.
  - F. This has been removed from Standing Orders and added to this section.
  - G. Procedures Committee recommends the approval of this guidance and its addition to the Scheme of Governance.
  - H. No material changes, corrections have been made.
- 2.20 Proposals for member and officer training and updates on the revised Scheme of Governance, if approved, will be presented to Full Council as part of the report to follow in September 2018.
- 2.21 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 3. Scheme of Governance**
- 3.1 Full Council is able to consider and take a decision on this item in terms of A.2.3 of the List of Committee Powers in Part 2A of the Scheme of Governance as the matter relates to the review and amendment of the Scheme of Governance.

3.2 In accordance with Standing Order 9.1 the Scheme of Governance cannot be altered nor additional provisions created unless a resolution to do so is passed after notice being given at a previous meeting. This report is giving the required notice before the next meeting of Full Council on 27<sup>th</sup> September 2018.

#### **4. Implications and Risk**

4.1 An equality impact assessment has been carried out as part of the development of the proposals set out above. It is included at Appendix C and no negative impact has been identified. It is anticipated that the activity will benefit all protected characteristic groups by providing further clarity in terms of the Council's decision making structure and procedures and compliance with all relevant legislation.

4.2 There are no staffing or financial implications arising from this report at this time as it is giving notice of proposed changes to the Scheme of Governance. Full Council will be ask to approve the changes and implementation of same at its next meeting.

4.3 The following Risks have been identified as relevant to this matter on a Strategic Level BSSR003 Future Governance. The Council needs to be assured that it has the best fit of decision making so as to make it an agile and efficient body and a governance structure that reflects and serves well the communities whose priorities it is here to deliver. The link is [here](#) to the Directorate Risk Registers.

**Ritchie Johnson**  
**Director of Business Services**

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June 14<sup>th</sup> 2018





From mountain to sea

# **Scheme of Governance Part 1- Standing Orders**

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***The forms and guidance on Member Promoted Issues have been removed from the Standing Orders and will be inserted into the suite of guidance in Part 4 of the Scheme of Governance.***

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### Standing Orders

This document contains the rules which regulate the business and proceedings of Aberdeenshire Council and its appointed Committees and Sub-Committees.

#### 1. APPOINTMENTS AND NOMINATIONS

1.1 The first Meeting of Full Council after an ordinary election of Members will be held within 21 days from the date of the election. At that Meeting, Full Council will:-

- a. Elect the Convener of the Council as the Civic Head who shall be called the Provost,
- b. Elect a Deputy Convener of the Council who shall be called the Deputy Provost,
- c. Appoint the Leader **and the Deputy Leader** of the Council,

***This change clarifies that Full Council will also appoint the Deputy Leader at the first meeting.***

- d. Appoint the Chairs and Vice-Chairs of the Policy Committees, the Audit Committee and any Miscellaneous Committees,
- e. Agree composition of Policy Committees, the Audit Committee and any Miscellaneous Committees, having regard to the political proportionality of the Council,
- f. Appoint Members to represent the Council on any Joint Committees, Joint Boards, statutory bodies, partnerships and internal meeting groups,
- g. Agree arrangements for the appointment of external membership to statutory and other committees,
- h. Nominate or appoint Members to serve on various outside bodies,
- i. All appointments and nominations referred to in a. to h. above, will be effective for the full council term unless provided otherwise by statute or a motion to remove a Member or external member is carried by a majority of Members present and voting at the Council or Committee or Sub-Committee meeting as appropriate.

### 3.2 Attendance when a Member is not a member of the Committee

1. Subject to Standing Order 3.2.2, any Member may be present at a Meeting of a Committee of which they are not a member provided that the Member may not speak at the Meeting except **in the following circumstances**
  - a. with the express permission of the Chair.
  - b. when speaking to a Member Promoted Issue**
  - c. when speaking to a Notice of Motion**

***This change clarifies that Members are entitled to speak at a meeting of a Committee of which they are not a Member when speaking to a Member Promoted Issue or a Notice of Motion.***

2. A Member cannot be present at a Meeting or a quasi-judicial hearing for which they are not a member when all of the following three conditions apply:-
  - a. The public have been excluded from the Meeting; and,
  - b. The Meeting is considering a matter where the decision may affect the interests of any person or body; and,
  - c. The decision is made after a hearing by the body where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative.

### 3.3 Ex Officio Rights Members

1. The Provost and Deputy Provost of the Council, ~~(in addition to membership of Committees and Sub-Committees allocated to them as ordinary members of the Council)~~, shall be **entitled to attend and participate in an** ex officio **capacity members of** all other Committees and Sub-Committees of the Council ~~and be entitled to attend their meetings~~ but such **additional membership attendance** shall not confer the right to vote or to have a substitute attend in their place.

***This change ensures the legislative position is accurately reflected in that the Provost and Deputy Provost have the right to attend and participate in all meetings of Committees and Sub-Committees but are not considered Members of those Committees with a right to vote.***

### 3.4 Substitute Members

1. If Members are unable to attend meetings of a Committee or Sub-Committee for which they are a substantive Member, they may be represented by a substitute with full voting rights, provided the name of that substitute has been intimated to the Director of Business Services or to the relevant Committee Officer, before the start of the Meeting. ~~These provisions shall not apply to Area Committees.~~
2. Substitution for part of a Meeting shall not be permitted, but if a Meeting is adjourned to a second day, a different substitute Member may attend the second day provided the name of the substitute is intimated to the Director of Business Services or to the relevant Committee Officer before the start of the Meeting on the second day.
3. Where named substitutes have been appointed, only a named substitute may attend in place of a substantive Member **provided that the named substitute has received any required training.**
4. **The provisions of Section 3.4 shall not apply to Area Committees and Full Council.**

*This change reflects the requirements for training on certain Committees, e.g. the Licensing Sub-Committee. A substitute would require to have undertaken the relevant training in order to participate in the meeting. Formatting changes also clarify that the entirety of the provision does not apply to Area Committees and Full Council.*

## 4

### 4.2 Notices of Motion and Member Promoted **Business Issues**

1. A Member may submit a Notice of Motion to ask:
  - a. In the case of Full Council, for any matter in which the Council has a general interest to be considered at a Meeting of Full Council, and,
  - b. In the case of an Area or Policy Committee, for any matter which can be regarded as competent business for that Area or Policy Committee to be considered at a Meeting of that Area or Policy Committee.
2. The motion must be in a recorded format, identified as being from a Member, and given or sent to the Director of Business Services or the appropriate Area Manager to be received by noon, fourteen calendar days before the relevant next Ordinary Meeting.

3. If the Chair determines that the notice of motion is admissible, this will be included on the Agenda for the next ordinary Meeting. Notices of Motion will be listed on the agenda in the order in which they have been received. If the Chair considers the Notice of Motion deals with the same subject as an item of business otherwise on the agenda the subject matter of the Notice of Motion will be considered as part of the item of business.
4. If the Chair determines that the Notice of Motion is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Monitoring Officer.
5. If a Member who has given a Notice of Motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again absent, the Notice of Motion shall fall.
6. Any Member submitting a Notice of Motion to a Policy Committee or Area Committee for consideration, reporting or determination of the matter shall be invited to attend the Committee. If the mover (Member submitting the Notice of Motion) is not a member of the Committee, they may address that Committee. If the matter is sent to a Sub-Committee by the Committee, the mover shall be invited to attend and may address that Sub-Committee. Provided that unless the mover is a member of the Committee or Sub-Committee to which their motion is referred, they shall not be entitled to vote on the motion.
7. Any Notice of Motion remitted by the Council to a Committee or Sub Committee which is moved but not seconded shall be recorded in the Minutes.
8. A Member may promote and raise business for the attention of Full Council and Area and Policy Committees using the Mechanism for Member Promoted **Issues Business** set out in **Appendix A Part 4E of the Scheme of Governance**.

***These changes reflect the correct terminology for Member Promoted Issues and clarify that the Guidance will now be found in Part 4 of the Scheme of Governance***

## **5. DURING MEETINGS**

### **5.1 Arrangements for Chairing Meetings**

1. At a Meeting the Chair, if **physically** present **at the meeting venue** will preside.

2. If the Chair is absent from a Meeting **or attending remotely**, the Deputy/Vice Chair will preside; if they are both absent **or attending remotely**, another Member chosen by the Members present that day **who is physically present at the meeting venue**, will preside.

***This change is in response to the increase in use of remote participation for meetings and clarifies that the Member chairing the meeting must be physically present at the meeting venue.***

3. At all times during a Meeting, Members will respect the authority of the Chair. If the Chair speaks, any Member who is speaking to the Meeting will stop.
4. At Meetings of Full Council, Members will stand when speaking and will address the Provost; reasonable adjustments will be made by the Provost in situations where standing is not suitable for any Member.
5. The Chair's duty is to preserve order at the Meeting and ensure that Members are given a fair hearing. If two or more Members try to speak at the same time, the Chair will decide who is to speak first.
6. The Chair will decide all matters of order, admissibility and urgency and that ruling will be final.
7. The Chair will ensure that the decision of the Meeting is clear with regard to all matters which form the business of the Meeting.
8. The Chair may, by exception, allow any Member to participate and vote in a Meeting although not actually present at the location where the Meeting is being held whether by way of teleconference, video conference or otherwise.
9. If a Member persistently misbehaves by disregarding rulings by the Chair, or behaves improperly or offensively, or wilfully obstructs the business of the Meeting, the Chair may take the following courses of action sequentially:-
  - a. Warn the Member about their behaviour,
  - b. Tell the Member not to speak during the remainder of the debate on the item being discussed,
  - c. Move that the Member should not speak again during the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried the Member will not speak again during that Meeting,

- d. Move that the Member should be suspended for the remainder of the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried, the Member will leave the Meeting immediately,
  - e. Adjourn the Meeting for a short time as seems reasonable to the Chair in the circumstances.
10. If there is disorder at any Meeting, the Chair will be entitled to adjourn the Meeting to later that day. If that is not practicable, the Meeting may be adjourned to another date and time as the Chair may decide then or afterwards.

### 5.3 Procedural Motions

#### 1. Adjournment

A meeting may be adjourned:-

##### 1.1 By the Chair:-

- a. For a reasonable interval or to another date if they decide there is a good reason to do so.
- b. If at any time during a meeting a quorum is not present.
- c. If there is disorder during a meeting.

##### 1.2 By the Committee following a successful motion to adjourn subject to:-

- a. The Members agreeing a date at the Meeting.
- b. If there is no such agreement, it will be determined by the Chair, either then, or afterwards.
- c. The vote on a motion for adjournment, on being seconded, will be taken without amendment or discussion and by show of hands.
- d. Any subsequent motion to adjourn to another date will not be competent within a period of one hour after the decision on the earlier motion.
- e. If it is decided at the Meeting to adjourn, the remaining business will stand over until a resumed Meeting.
- f. Subject to the Chair's discretion under Standing Order 4.1, proceedings shall start at the point at which they were broken off at the adjournment. A fresh notice of the Meeting will not require to be issued.
- g. If there is sufficient time then Standing Order 2.3 will apply and a fresh notice will be issued.

## 2. Points of Order

- a. Any Member may at any time at any Meeting speak upon a point of order which should be as soon as practicable following the point arising. Reference to the particular Standing Order should be made, which, in their opinion, is being breached.
- b. Any Member who is then addressing the Meeting shall pause to allow the Member making the point of order to speak. No other Member shall be entitled to speak to the point of order raised except by permission of the Chair.
- c. The Chair shall then decide the question and the Member who was addressing the Meeting at the time the point of order was raised shall be entitled (if the ruling **of the Chair** permits them so to do) to continue their speech, ~~giving effect to the ruling of the Chair.~~

***This change simply removes wording considered to be superfluous and clarifies the position regarding the Chair's ruling.***

## 3. Closing the debate

- a. A motion "that the question be now put" will be permitted during discussion of another motion provided the Member moving the motion has not spoken during the debate and where at least five members (excluding the movers and seconders of the original motion and any amendments) have spoken on the matter. The motion "that the question be now put" will be moved, seconded and voted on without discussion.
- b. If the said motion is carried, the mover(s) of the original motion and of any amendment(s) will be entitled to sum up, in reverse order, and the Chair will then put the original motion and amendment(s) to the vote. If the motion "that the question be now put" is not carried, a similar motion may be made after every three additional Members have spoken.

## 5.5 Referring To Full Council

1. ~~In certain circumstances~~ Following a vote at committee, Members can ask for the decision reached to be referred to Full Council for final determination **in accordance with the provisions in this section.**

***This removes superfluous wording and clarifies that the referral must be in accordance with the remaining provisions of the section.***

2. A referral can only be requested when one third or more members of the Committee present and voting on that matter at the meeting:-
  - a. Vote against the decision reached, and,
  - b. Make the request for referral at the time the decision is reached.
3. The referral must be submitted by report to Full Council by the Director of the relevant Service and no action will be taken on the decision reached until the matter has been determined by Full Council.
4. Provided that this does not apply following a vote on:
  - a. The appointment of a member of staff following an interview,
  - b. Appointing Members to Sub-Committees or as representatives of the Council,
  - c. On a matter of urgency,
  - d. Where it would prevent the Council from making a decision or observations within a statutory timescale,
  - e. Decisions by the School Placings and Appeals Committee,
  - f. Decisions on planning applications at Area Committee (which should be referred instead to the policy committee responsible for planning),
  - g. Where the decision is to make recommendation to another Committee or Full Council.

## 6. PUBLIC PARTICIPATION AT MEETINGS

The Council welcomes public participation at its Meetings. The following arrangements are designed to enhance and regulate public participation at Meetings.

### 6.1 Public Access to Meetings

1. Every Meeting of Full Council, its Committees (~~including or~~ Sub-Committees) will be open to the public, except in the special circumstances set out in 3-5 below.

***This clarifies that Sub-Committee meetings are open to the public and that the remaining provisions of the section apply to those meetings, as they do to all other Committee meetings.***

2. Meetings may be webcast by the Council. Otherwise, no person or body shall be permitted, without the permission of the Meeting, to tape record, photograph, video, film or use any other form of electronic, digital or computerised sound or visual recording system during any Meeting.

3. The public must be excluded from a Meeting when an item of business is being considered if it is likely, because of the business itself or what might be said at the Meeting, that confidential information (as meant by the relevant law<sup>1</sup>) would be given to members of the public.
4. Full Council or the Committee may decide, by passing a resolution at any Meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said at the Meeting, that exempt information (as meant by the relevant law as referred to in 6.1.3 above) would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the Meeting it applies to and state the description of the exempt information.
5. Full Council or the Committee, in order to stop or prevent disorderly conduct or other misbehaviour at a Meeting, may exclude or eject members of the public whose presence or conduct is impeding or is likely to impede the Meeting. If a member of the public interrupts any Meeting, the Chair may warn the person. If they continue the interruption the Chair may order that they immediately leave the Meeting.
6. Information as to the proceedings at any meeting from which the public are excluded shall not be given to representatives of the press or to any other person unless such information is provided by the Chair or by a person authorised by the Chair in a press statement, or in the publicly available minute for that item.

## **6.2 Petitions and Requests to Speak for items not on the Meeting Agenda**

1. Members of the public may submit a Petition or a Request to Speak for items not on a Meeting Agenda to a Committee or Full Council in terms of the following provisions.
2. Each Petition or such Request to Speak shall be received by the Director of Business Services not later than noon, fourteen calendar days before the relevant Meeting and state clearly:
  - a. The subject-matter of the Petition or the Request to Speak, and,
  - b. The action, if any, that is proposed that the Council take, and,
  - c. Whether in the case of a Petition, the party to the Petition is also making a Request to Speak at the Meeting.
3. If, in the opinion of the Chair, the subject matter of the Petition and/or the Request to Speak is:

---

<sup>1</sup> Section 50A and Schedule 7A of the Local Government (Scotland) Act 1973

- a. In the case of Full Council, competent and relevant, in terms of its remit or is a matter in which the Council has a general interest, or
- b. In the case of a Committee is competent and relevant, in terms of its remit.

It shall be put before the Meeting.

4. It is at the discretion of the Chair to decide whether to put before the Meeting a Petition or Request to Speak which is received late.
5. If agreed by Full Council or the Committee at the Meeting, the Petition and/or the Request to Speak shall be put before the Meeting for consideration.
  - a. Where there is a Request to Speak (whether with a Petition or on its own), the Meeting will first determine whether to allow the Request to Speak. If allowed, there will be permitted a period of up to five minutes (per Request to Speak) to present to the Meeting, or such other period as the Chair may determine. Not more than two speakers to any one Request to Speak shall be permitted to address the Meeting. The Chair will allow an appropriate period whereby any Member may ask a question relevant to the subject. Only when all requests to speak on the particular matter in question have concluded, will Members discuss the matter.
  - b. Where there is no Request to Speak as part of the Petition, or where it is not agreed by the Meeting to allow the Request to Speak, then the Chair will allow an appropriate period for any Member to ask questions relevant to the subject and for Member discussion on the matter.

### **6.3 Requests to Speak for items on the Meeting Agenda (other than planning applications)**

1. A Request to Speak at a Meeting of a Committee or Full Council may be made by members of the public in terms of the following provisions.
2. The Request to Speak shall be in writing and shall be received:-
  - a. In the case of Full Council or a Policy Committee by the Director of Business Services not later than noon, on the Monday before the date of either Full Council or the relevant Policy Committee Meeting, or
  - b. In the case of an Area Committee by the relevant Area Manager no later than noon on the Friday before the date of the relevant Area Committee Meeting.
3. The Request to Speak must state clearly:
  - a. The subject matter of the Request to Speak,

- b. For which Meeting the Request to Speak is sought; and,
  - c. The action, if any, that is proposed that the Council take.
4. If, in the opinion of the Chair, the subject matter of the Request to Speak, is:
- a. In the case of Full Council, competent and relevant, in terms of its remit or is a matter in which the Council has a general interest, and,
  - b. In the case of a Committee is competent and relevant, in terms of its remit.

It shall be put before the Meeting.

5. It is at the discretion of the Chair to decide whether to put before the Meeting a Request to Speak in terms of this provision which is received late.
6. The Meeting will first determine whether to allow the Request to Speak. If allowed, there will be permitted a period of up to five minutes (per Request to Speak) to present to the Meeting, or such other period as the Chair may determine. Not more than two speakers to any one Request to Speak shall be permitted to address the Meeting. The Chair will allow an appropriate period whereby any Member may ask a question relevant to the subject. Only when all requests to speak on the particular matter in question have concluded will Members discuss the matter.

#### **6.4 Determination of all Petitions and Requests to Speak (other than planning applications)**

1. Having discussed the subject matter of the Request to Speak or the Petition (whether with or without an accompanying Request to Speak), Members will determine one of two courses of action:
- a. Whether simply to note the terms of the Request to Speak or the Petition, or,
  - b. Whether to instruct the relevant officer to provide a report for a subsequent Meeting of Full Council or a Committee.

Provided it will not be competent for the Members to take a substantive decision in the absence of a report referred to in b. above.

#### **6.5 Requests to Speak about planning applications that are on the Meeting Agenda**

1. In the case of requests to speak on planning applications which form part of the Meeting Agenda:

- a. An applicant, consultee or anyone who has submitted a valid representation on a planning application, may, by themselves or through an agent, make a request to speak at a Meeting which is to be considering/determining the application,
- b. Only one Request to Speak may be made by a relevant party in respect of any one planning application at a Meeting which is to be considering /determining the application,
- c. A request to speak must be submitted, in writing, to the Area Manager for the Area within which the application site is located, ordinarily no later than:-
  - i. Noon on the Friday before the date of the Area Committee meeting concerned, or,
  - ii. Noon on the Monday before the date of either Full Council or the Policy Committee meeting concerned.
  - iii. **It is at the discretion of the Chair to decide whether to put before the Meeting a Request to Speak which is received late.**

***This simply addresses a previous omission and ensures that the provisions on requests to speak for planning applications on the meeting agenda are in line with the provisions on requests to speak for other matters insofar as requests received late.***

- d. All persons who have made a valid request to speak will be invited to attend the Meeting concerned, but Full Council or Committee has complete discretion whether requests to speak will be granted or not.
- e. Where requests to speak have been granted the following procedure will apply:
  - i. Speakers, or their representative, will normally be heard in the following order:
    - A. Planning Officer,
    - B. Consultees,
    - C. The applicant, if present,
    - E. Persons supporting the application,
    - F. Objectors,
    - G. Any other speakers.
  - ii. No more than two speakers will be heard per Request to Speak.
  - iii. The maximum time allotted to each request will be up to five minutes or at the discretion of the Chair.
  - iv. A Member may, through the Chair, put any relevant questions to speakers once they have concluded.

- v. Only when all Requests to Speak on the particular application in question have concluded, will Members discuss the matter.

## 8 SUSPENDING STANDING ORDERS

1. Except in the case of Standing Orders numbers 1.1, 2.1.1, 3.1, 4 and 8 any one or more of the Standing Orders may be suspended in any case of urgency or upon motion made on a notice duly given at any Meeting provided that two-thirds of the Members present and voting shall so decide. Any motion to suspend Standing Orders shall be made with a short explanation and, on such motion being seconded, the Chair shall put the same to the Meeting without speeches or discussion. Any vote on such motion shall be by a show of hands.

## 9. REVIEWING THE SCHEME OF GOVERNANCE

1. ~~revisions Parts 1, 2 and 3 within of~~ the Scheme of Governance cannot be rescinded or altered, nor additional provisions created unless:-
  - a. A resolution to do so is passed after notice is given at a previous Meeting of Full Council; or,
  - b. A report is made to Full Council by the Monitoring Officer.

1. **Part 4 can be amended by a resolution of Full Council where no notice has been given at a previous meeting.**

***Correction of numbering to section 8.***

***Section 9 - This will enable amendments to be made to the Guidance documents in Part 4 without having to go through the two stage approval process. Changes to the fundamental parts of the Scheme including Standing Orders, List of Committee and Officer Powers and Financial Regulations will still require to be approved by Full Council.***

## APPENDIX A

### MECHANISM FOR MEMBER PROMOTED ISSUES

1. ~~A Member may complete and submit the attached MEMBER PROMOTED ISSUE FORM ("the form") to the Director of Business Services.~~
2. ~~The Director of Business Services will ensure that a report is compiled by suitably qualified officers within 28 days of receipt of the form.~~

3. ~~The report will then be submitted to the next cycle of Area Committee, Policy Committee or Full Council for consideration of the business proposed.~~
4. ~~The Director of Business Services will ensure that the officers compiling the report liaise with the Member who has raised the issue in the production of the report. The purpose of liaising is to ensure that the Member concerned is assisted to fully narrate and explain the background to the issue and enable the officers to accurately reflect the matter in their report.~~
5. ~~Once it reaches a meeting of the Area Committee, Policy Committee or Full Council, the member who has promoted the issue may propose the recommendations and speak to the report. However, the report remains an officer report in which officers will give their professional views on the issue raised and the implications for the Council in progressing the issue further.~~
6. ~~Whilst officers will strive to ensure that matters raised through this mechanism receive timeous and prompt attention, it is recognised that not all issues can receive the justified treatment they warrant in a short period of time. If the Member promoting the issue is in agreement, the period of 28 days can be extended further as appropriate so as to allow the report to be drafted with all due professional care. In the event of a Member failing to agree to extend the period of 28 days, the Director of Business Services will present a report indicating, so far as possible, the officer response to the issue being promoted and any reasons for the lack of opportunity to make full recommendations on the issue. A decision can be taken by Full Council or Committee as the case may be as to whether to further extend officer consideration of the issue or to deal with matter as presented.~~
7. ~~Area Committee, Policy Committee or Full Council will give full consideration to the promoted issue and take a decision on whether to progress it further and if so minded, give appropriate instructions to officers to enable this to happen.~~

**MEMBER PROMOTED ISSUE FORM**

**SUBMITTED BY MEMBER \_\_\_\_\_, WARD \_\_\_\_\_.**

**FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED:**

**~~IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED, PLEASE OUTLINE?~~**

**~~HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES, PLEASE IDENTIFY ANY INTERESTED PARTIES?~~**

**~~HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM? (OFFICER OR COMMITTEE)~~**

**~~IF THE ISSUE IS SPECIFIC TO ONE OF THE AREAS OF THE COUNCIL, HAS THE AREA MANAGER BEEN CONTACTED AND WHAT WAS THE OUTCOME?~~**

**~~(added to ensure that all relevant officers are contacted before the submission of the MPI)~~**

**SIGNED:**

**DATED:**



From mountain to sea

# **Scheme of Governance**

## **Part 2A - List of Committee Powers**

[ ]



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### List of Committee Powers

This document sets out the powers of each of the Council's Committees to enable them to make decisions about strategic policy and the matters set before them.

This document lists the powers which have been reserved by Full Council and those which have been delegated to the Council's appointed Committees in terms of Section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation.

### General Provisions

1. This List of Committee Powers is subject to these general provisions and:-
  - a. The Local Government (Scotland) Act 1973,
  - b. The Local Government Etc. (Scotland) Act 1994,
  - c. Any other statutes,
  - d. The provisions of the Scheme of Governance,
  - e. The exceptions, limitations and special delegations in this List of Committee Powers,
  - f. The Public Sector Equality Duty.
2. The Committees of the Council shall be delegated all the functions, services, undertakings or other matters, whether in pursuance of statute or otherwise, as contained in the respective sections of this List of Committee Powers.
3. When such functions, services, undertakings or other matters are delegated to a Committee, the Committee shall have the power to exercise the function as the Full Council could have exercised it had there been no delegation.
4. It shall be competent for a Committee, in relation to any matter,
  - a. instead of taking a decision, to make a recommendation to Full Council in which event the matter shall be decided by Full Council after consideration of the Committee's recommendation. Such recommendation must be made in a report submitted to Full Council by the appropriate service.
  - b. Consult with any other Committee prior to taking a decision. Such request must be made in a report submitted to the Committee by the appropriate service.**

***Added for clarity***

5. Full Council may delegate to a ~~Policy Committee, an Area~~ Committee and to an Officer of the Council any of the functions which have been **delegated reserved** to Full Council with the exception of functions that statute requires Full Council to determine **and matters set out in A.1**.

***Added for clarification***

6. A Policy Committee may delegate to an Area Committee or to an Officer of the Council any of the functions which have been delegated to the Committee.
7. An Area Committee **or Sub-Committee** may delegate to an Officer any of the functions which have been delegated to the Committee.

***Added for clarity as this is required in practice***

8. As far as consistent with legislation, Committees have power to delegate to Sub-Committees.
9. In exercising the functions conferred on them, Committees and Officers shall comply with the Standing Orders of the Council insofar as applicable and with any resolutions or instructions given by Full Council.
10. The Full Council may notwithstanding the delegation of any matter to a Committee or Officer, deal with any questions not previously determined in terms of that delegation.
11. Full Council may vary, add to, recall or restrict any delegation.
12. In the event of any purported decision of an Area Committee or any Policy Committee being in the ~~opinion~~ **professional judgement** of the Monitoring Officer or their nominee ultra vires of that Committee's powers, the matter shall be referred to the appropriate Policy Committee or Full Council.

***Changed wording - recommendation from the Procedures Committee***

## A. FULL COUNCIL

All Members of Aberdeenshire Council sit on Full Council and are responsible for electing the Provost, Depute Provost and Committee Chairs and Vice Chairs. Full Council also sets the Council's budgets, council tax, housing rents and approves strategic plans and other reserved matters.

### 2. Committees and Council Structure

- 2.1 Appointment of Committees and the appointment of their Chairs and Vice Chairs other than the Chairs and Vice Chairs of Area Committees.
- 2.2 Changes in committee structure, distribution of functions and responsibilities.
- 2.3 The preparation, review and amendment of the Scheme of Governance.
- 2.4 The resolution of any conflict that may arise on any matter between Committees
- 2.5
  1. **To determine a** decision referred by a Committee on any matter following a division in Committee where:

***Added for consistent use of terminology***

- a. one third or more members of the Committee present and voting on that matter have voted against the successful proposal and,
  - b. one third or more members of the Committee make the referral at the time the decision of the Committee is reached.
2. Any referral must be submitted by report to Full Council by the relevant Service and the decision of the Committee which stands referred shall not be implemented until confirmed by the Full Council.
3. The provision 2.5.1 above shall not apply following a division in Committee:
  - a. making an appointment of a member of staff following interview,
  - b. on appointment of members to Sub-Committees or as representatives of the Council,
  - c. on a matter of urgency,
  - d. where the request would deny the Council from making a decision or observations within a statutory timescale,
  - e. in connection with School Placings and Exclusions Appeal Committee decisions,

- f. after consideration of a planning application by an Area Committee, (in which case the matter shall instead be referred to the Policy Committee responsible for Planning),
  - g. on a matter in which the decision is to make a recommendation to another Committee or Full Council.
- 2.6 The provision of major new services and the discontinuation of major elements of existing ones.

## 5. Corporate

- 5.1 The review, endorsement and approval of the ~~Annual Accounts and Accounts Report~~, Strategic and Local Development Plans, Local Housing Strategy, Local Transport Strategy and all other documents as Full Council may decide.
- 5.2 To endorse the Annual Accounts and Accounts Report.

***Due to the recommendations of the Procedures Committee in relation to Audit Committee powers, this delegation (which is current practice) is with Audit Committee and is required to be removed from Full Council. Full Council retains the power to endorse the Annual Accounts.***

## B. AREA COMMITTEES

There are six Area Committees being Banff and Buchan, Buchan, Formartine, Garioch, Kincardine and Mearns and Marr. These committees determine matters which directly affect their areas and make recommendations to Policy Committees on strategic matters and Council policy.

Subject to the General Provisions, the following matters are delegated to these Committees:

### 1. Administrative and General

- 1.1 To determine any matter that is specific to its Area not otherwise properly delegated to any other Committee.
- 1.2 To consider, comment on, make recommendations to **Services and** any other appropriate Committee on any matter or policy which impacts its Area.

***To provide further clarification permitting Area Committees to make comment to Services in addition to Committees, this is a regularly used delegation***

- 1.3 To enact, alter or revoke any Orders, Regulations, Bye-laws or Schemes relating exclusively to its Area.
- 1.4 The appointment of the Chairs and Vice Chairs of their Area Committees
- 1.5 ~~To set or delegate authority to the Area Manager to set local holidays, taking into account local circumstances.~~

***Removed following feedback from area committees and added to Area Manager delegations***

- 1.6 To determine the attendance of members at courses and conferences, within the approved budget allocation.
- 1.7 The appointment of the Area Manager for its respective Area in accordance with agreed HR & OD procedures.
- 1.8 To consider the performance of Police Scotland and the Scottish Fire and Rescue Service for its Area and to make any necessary recommendations to the appropriate Policy Committee or governing body.
- 1.9 To establish sub-committees and working groups.

- 1.10 To approve Regeneration Action Plans where appropriate and receive updates on the delivery of the Regeneration Strategy.

## 2. Common Good and Trusts

- 2.1 To administer Common Good Funds and trusts controlled by the Council for the benefit of its Area.
- 2.2 To determine the disposal **sale or lease of more than 12 months duration** of Common Good assets within its Area before a Common Good Order is sought from the Court.

***it is necessary to have clarity on what a disposal is, hence the additional wording.***

## 3. Community Councils

- 3.1 To determine changes in relation to Community Council boundaries following any required consultation, statutory or otherwise, including affected Community Councils provided that where a Community Council boundary covers more than one Area, the boundary proposals should be considered by each relevant Area Committee. In the event of each Area Committee having a different view, the matter shall be referred to Full Council for determination.
- 3.2 To consider applications for and approve the award of grants to Community Councils within approved budget.
- 3.3 To consider requests by Community Councils for grants or loans for special projects and make recommendations to the relevant Policy Committee.
- 3.4 To determine **an appeal from a Community Council about being put into supported status, where the decision has been made by the Area Manager using delegated powers**, ~~putting a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils and the terms of the supported status.~~
- 3.5 To determine an appeal from a Community Council in respect of maximum membership number ~~or supported status~~, where the original decision has been made by the Area Manager using delegated powers.
- 3.6 To determine, whether to dissolve a Community Council in accordance with the Scheme for the Establishment of Community Councils and if a Community Council is to be dissolved to determine the date of dissolution.

***Changed Post Procedures Committee on May 25th – proposed by Governance Service Champion.  
Area Committees, in accordance with the Scheme, determine appeals on supported status. Area Managers have the delegation to put a CC into supported status. Amended for clarity.***

## **7. (Currently not used)**

***This section is vacant due to the removal of the power to determine leisure services pricing. Full Council agreed to delegate this power to the Communities Committee in April. Any required renumbering will be dealt with prior to any report to Full Council on the review of the Scheme.***

## **8. Licensing**

- 8.1 The matters listed in sections 8.2 - 8.3 shall be delegated to officers of the Council unless objections or representations have been lodged or there is an officer recommendation that an application be refused.
- 8.2 To exercise the Council's functions in terms of the Civic Government (Scotland) Act 1982, as amended in relation to:
- a. Boat Hire Licences.
  - b. Itinerant Metal Dealers Licences.
  - c. Knife Dealers Licences.
  - d. Late Hours Catering Licence.
  - e. Market Operators Licence.
  - f. Metal Dealers Licences.
  - g. Public Charitable Collections.
  - h. Public Entertainment Licences.
  - i. Public Processions.
  - j. Second Hand Car Dealership.
  - k. Sex Shop Licences.
  - l. Sexual Entertainment Licences.
  - m. Skin Piercing and Tattoo Licences.**
  - n. Street Trader's Licences.
  - o. Taxi Booking Office Licences.
  - p. Window Cleaner's Licences.

***Added to reflect legislation. Houses in Multiple Occupation has been deleted from this list as Area Committees do not receive reports on this matter. Current practice is that Business Services Committee deal with HMOs as part of the general licensing remit.***

- 8.3 To grant, revoke, refuse, vary or renew all miscellaneous licences and registrations for their Area, including:
- a. Animal Boarding Establishments.
  - b. Caravan parks and sites.
  - c. Cinemas.
  - d. Dog Breeding Establishments.
  - e. Explosives.
  - f. Hypnotism Permission.**
  - g. Performing Animals.
  - h. Pet Animals.
  - i. Petroleum Storage Certificates and Licences.
  - j. Riding Establishments.
  - k. Venison Dealers Licences.
  - l. Zoos.

***Added to reflect legislation***

## 10. Property

- 10.1 To make recommendations to the appropriate Committee:
1. On the establishment or closure of **Council property that will operate or operated** as work places within its Area (excluding the permanent closure of schools or other educational establishments separately provided for at 5.3 above).
  2. ~~Following consultation with the Aberdeenshire Integration Joint Board, on~~ **On** the establishment or permanent closure of **Council property that operates or operated as Children's Services establishments and Adult Social Care** ~~social work~~ **establishments.**

***Following Procedures Committee on May 25<sup>th</sup> the HSCP and ECS services have recommended that 5.2 be clarified to make it clear about which type of establishments are to be considered and also that it relates to property matters not service delivery from a council property. This would be dealt with under the general remit.***

***Amended as the consultation with the IJB will be done and reported to the policy committee and the ability for the area committee to make timeous recommendations was compromised by linking it to the requirement to consult with the IJB first. The IJB have the power to Direct the Council where to provide services in the function of the IJB and have the power to Direct the cessation of a service from a particular location, which would be done in consultation with the Council through Area Committees. This reflects that where a service is being delivered from, and the disposal of that asset, or otherwise, are separate decisions.***

10.2 To:

1. declare that land and/or buildings are surplus to requirements where at least two Ward Members' proposals for retention have not been agreed by the **Head of** ~~officers in~~ Property and Facilities Management.

***Only one officer must have responsibility***

2. determine the acquisition of land or buildings within that Area where:
  - a. the decision is in accordance with Officers' recommendation and existing Council policy, and,
  - b. the value of the acquisition is £50,000, or more.
3. determine the sale of land or buildings or granting of a grassum lease within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy, and,
  - b. the value of the sale or grassum lease is £100,000 or more.
4. determine granting or renewing of leases, sub-leases, occupancy agreements or licences of land or buildings within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy, and,
  - b. the initial rent receivable under the lease is £30,000 per annum, or more, or,
  - c. the Council's commitment is 21 years or more at any given time.

5. determine the Council taking a lease or licence of land or buildings within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy, and,
  - b. the rent payable under the lease is £30,000 per annum or more, or,
  - c. the lease or licence commits the Council for a duration of 6 years or more at any given time.
6. determine the granting of the transfer of an asset to a community or voluntary group and the terms and conditions of that transfer.

Provided that where the Area Committee does not agree with officers' recommendations or existing Council policy, the decision must be referred to the appropriate Policy Committee for determination.

## 12. Scrutiny

- 12.1 To ~~review~~ **consider and comment on** proposals to amend Council policy **and/or develop Council policy in line with the Policy Development and Review Framework** and make recommendations to the relevant Policy Committee.

***This power has been clarified so it reflects the Framework.***

- 12.2 To review the effectiveness of Council policy implementation and Council service delivery within its Area **and also** in terms of the Committee Review Process and to identify potential improvements and make recommendations to the relevant Policy Committee.

***Making it clear that scrutiny can be done outwith the committee review process***

- 12.3 To receive and review the annual report of activity in accordance with the Scrutiny at Aberdeenshire Guidance and report to appropriate Policy Committee or Full Council as required.
- 12.4 To make recommendations to the relevant Policy Committee regarding improvements to the performance of services within the Area in terms of the Committee Review Process (including reference to the relevant Performance Indicators in terms of Performance Management).

- 12.5 To call upon any officer of the Council or Chair and or Vice-Chair of the Council's Policy Committees to give evidence and/or provide written reports, as appropriate, on any matter for which the Area Committee has a delegated authority in accordance with the Committee Review Process and in the event of the Area Committee being dissatisfied as to the outcome, to report the matter/s in terms of the Scrutiny at Aberdeenshire Guidance to the relevant Policy Committee or to Full Council.
- 12.6 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.
- 12.7 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 12.1 – 12.6 above.

***All Section 12 amendments made to further clarify the committee's role in the scrutiny process and to ensure they are not limited to scrutiny within the committee review process. The delegations have not been restricted at all but made clearer and also provides greater functionality for officers reporting to area committees.***

## C. BUSINESS SERVICES COMMITTEE

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in C.1 below.

### 1. Committee Functions

- 1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Civic Government (Scotland) Act 1982 matters with implications across Area boundaries where objections or observations are received.
- b. Customer Communications and Improvement.
- c. Emergency Planning.
- d. Finance.
- e. Human Resources & Organisational Development (HR&OD) (except human resource matters relating only to teaching staff and associated professionals).
- f. Information and Communication Technology.

- g. Legal and Governance.
- h. Licensing other than Liquor Licensing
- i. Aberdeenshire Licensing Forum**

***Added as the set-up of the forum is a function of the council.***

- j. Property and Facilities Management.
- k. Registration of Births, Deaths and Marriages.
- l. Valuation and Electoral Registration.

This Committee also has specific powers:

## **2. Finance**

- 2.1 To determine policies for management of the finances of the Council and to prepare and review those from time to time as may be necessary for the proper administration of the Council's financial affairs.
- 2.2. To approve banking arrangements for the Council.
- 2.3 To write-off irrecoverable debts of £10,000 or more.
- 2.4 To make recommendations to Full Council regarding the formulation of the annual Revenue Budget and Capital Plan.
- 2.5 To determine appeals against rates assessments and to dispose under any enactment of all other claims or applications for relief from or repayment of charges or rates.
- 2.6 To approve policies for the management and investment of any funds including trust, common good and superannuation funds, under the control of the Council, except that policy for the expenditure of available funds in education and social work trusts shall be under the control of the Policy Committees responsible for education provision, children's services and the Integration Joint Board for Health and Social Care respectively.
- 2.7 To approve and monitor the treasury policy statement dealing with the management of all money and capital market transactions in connection with cash and funding resources of the Council.
- 2.8 To determine a purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded where the matter is in the approved annual Capital Plan or Revenue Budget for the services and functions referred to in 1 above and delegated to the Committee or **where the Committee is Lead Policy Committee (being the committee**

**with the greatest budget contribution) for a cross directorate and cross area contract -**

- a. where the value of the matter exceeds £1,000,000 or,
- b. where the value of the matter is between £50,000 and £1,000,000 and
  - i. the Committee has reserved the right to approve the Business Case following approval of a Work Plan, or
  - ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,
- c. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
- d. relates to more than one Area or,
- e. relates to more than one directorate and the committee is the Lead Policy Committee and that the Chair, Vice Chair and relevant Opposition Spokespersons of policy committee(s) with budgetary contributions have been consulted; or**
- f. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

Provided that in the case of maintenance contracts to be met from revenue, no approval shall be required provided the tender or revised estimate is within the total allowance for maintenance set in the Revenue Budget (see Financial Delegation Tables in Appendix B).

That these provisions shall not apply to the extension of an existing contract for a period of up to twelve months, which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.

***Procedures Committee agreed that only one policy committee is required to approve the expenditure on a cross-directorate/area contract rather than multiple policy committees. Changes to Financial Regulations in 5.2 support this change and provide for consultation with the Chairs, Vice-Chairs and Opposition Spokespersons of policy committees with budgetary contribution of over £50,000.***

***Note this explanation applies to the identical changes made to all policy committees Finance delegations in Sections C, D and E.***

- 2.9 To approve the award of grants for voluntary organisations within approved service budgets.

## 5. Property

- 5.1 To determine the acquisition, sale or lease of land or property not on the Council's Housing account where:
- a. an Area Committee has made a decision in relation to an ~~Community~~ Asset Transfer that is contrary to Officer's recommendations or does not accord with Council policy or,
  - b. the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers
- 5.2. To determine:
1. the establishment or closure of work places, and,
  2. the establishment or permanent closure of council property that has operated as Children's Services or Adult Social Care ~~social work~~ establishments.

~~Provided the matter shall previously have been discussed at~~ **that, as appropriate, Area and Policy Committees and/or Integration Joint Board have been consulted** prior to being determined by this Committee.

### 5.3 To determine policy and policy issues in relation to the

1. **Surplus Property of the Council and**
2. **Asset Transfer of Council property in terms of the Community Empowerment Act 2015.**

***Following Procedures Committee on May 25<sup>th</sup> the HSCP and ECS services have recommended that 5.2 be clarified to make it clear about which type of establishments are to be considered and also that it relates to property matters not service delivery from a council property. This would be dealt with under the general remit***

***5.3 Addition of this delegation to ensure that there is clarity about where responsibility for the policy matters sits, this is because currently there is no provision for the policy matters to be delegated apart from the actual decisions made in relation to particular properties. Strategic oversight sat with P&R, Property and Facilities Management deal with the surplus property management***

## 6. Scrutiny

- ~~6.1 Following consultation with Area Committees (except in the case of minor changes):~~
- ~~1. To review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit and to identify and where appropriate implement potential improvements.~~
  - ~~2. To receive and review the annual report of activity in accordance with the Scrutiny at Aberdeenshire Guidance.~~
  - ~~3. To make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management.~~
- ~~6.2 To call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.~~
- ~~6.3 In accordance with the Policy Development and Review Framework and/or the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.~~
- ~~6.4 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 6.1 - 6.3 above.~~
- 6.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit**
- 6.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).**
- 6.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.**
- 6.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.**

- 6.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 6.3 - 6.4 above.**
- 6.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.**

***The Scrutiny delegations have not changed but have been amended to give clarity and to also be clear that the powers are not limited to the Committee Review Process but these powers can be applied for all matters at committee. There has been no removal of area committee involvement at all. Area Committee consultation has been clarified. The previous drafting was not reflective of practice and amendment is required to ensure that all committees are involved in scrutiny and are part of policy development and review.***

***Note – this explanation applies to the identical changes made to the scrutiny section of each policy committee below.***

## D. COMMUNITIES COMMITTEE

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in D.1 below.

### 1. Committee Functions

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council, are not within the remit of the Aberdeenshire Integration Joint Board or specifically delegated to any other Committee of the Council:

- a. Aberdeenshire Integration Joint Board Monitoring.
- b. Adult Social Work Services, except those delegated to the Aberdeenshire Integration Joint Board.
- c. Community Planning.
- d. Housing.
- e. Lifelong Learning and Leisure
- f. Scottish Fire and Rescue Service.
- g. Scottish Police Authority (Police Scotland).

The Committee also has specific powers:

### 2. Adult Social Work Services (except those delegated to the Aberdeenshire Integration Joint Board)

2.1 To consider and make recommendations to Full Council on the Chief Social Work Officer Annual Report and any related action plan as it relates to 1(a) above.

2.2 To consider and make recommendations to the Policy Committee responsible for Property and Facilities Management on the permanent closure **of council property that operated as Adult Social Care Services** ~~social work~~

***Following Procedures Committee on May 25<sup>th</sup> the HSCP and ECS services have recommended that 2.2 be clarified to make it clear about which type of establishments are to be considered and also that it relates to property matters not service delivery from a council property. This would be dealt with under the general remit***

establishments.

### 3. Finance

- 3.1. Following consultation with the Integration Joint Board to set and approve fees and charges related to social work and social work transport on an annual basis.
- 3.2 To make recommendations to Full Council regarding the formulation of the annual Revenue Budget and the Capital Plan.
- 3.3 To:
1. determine a purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded where the matter is in the approved annual Capital Plan or Revenue Budget for the services and functions referred to in 1 above and delegated to the Committee or ~~where the Committee has been appointed lead Committee for a cross service contract.~~ **where the Committee is Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and cross area contract -**
    - a. where the value of the matter exceeds £1,000,000 or,
    - b. where the value of the matter is between £50,000 and £1,000,000 and
      - i. the Committee has reserved the right to approve the Business Case following approval of a Work Plan or
      - ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,
    - c. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
    - d. relates to more than one Area or,
    - e. **relates to more than one directorate and the committee is the Lead Policy Committee or relates to more than one directorate and the committee is the Lead Policy Committee and that the Chair, Vice Chair and relevant Opposition Spokespersons of policy committee(s) with budgetary contribution have been consulted; or**
    - f. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.
  2. approve expenditure from within the approved annual Capital Plan or Revenue Budget for the Aberdeenshire Integration Joint Board including the determination of purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded.
    - a. where the Aberdeenshire Integration Joint Board has given a Direction to the Council in relation to functions for which it has responsibility for, and,
    - b. where the value of the matter exceeds £1,000,000 or,

- c. where the value of the matter is between £50,000 and £1,000,000 and
  - i. the Committee has reserved the right to approve the Business Case following approval of a Work Plan or
  - ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,
- d. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
- e. relates to more than one Area.

3.4 To approve the award of grants for voluntary organisations within approved service budgets.

## 5. Housing

5.1 To write off irrecoverable debts relating to council house rent arrears (including former tenant arrears) if the value is £10,000 or more (see Financial Delegation Tables in Appendix B).

5.2 To monitor inspection reports from the Housing Regulator.

5.3 To determine the acquisition of land and property proposed to be held on the Council's Housing Account and the sale or lease of land or property currently or previously held on the Council's Housing Account where:-

- a. an Area Committee has made a decision in relation to an **n** Community Asset Transfer that is contrary to Officer's recommendations or does not accord with Council policy, or,
- b. the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers.

## 7. Scrutiny

~~7.1 Following consultation with Area Committees (except in the case of minor changes):~~

- ~~1. To review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit and to identify and where appropriate implement potential improvements.~~
- ~~2. To receive and review the annual report of scrutiny activity in accordance with the Policy Development and Review Framework and to determine and implement the recommended change.~~
- ~~3. To make recommendations and implement improvements to the performance of services in respect of any function within its remit with~~

~~reference to the relevant Performance Indicators in terms of Performance Management.~~

~~7.2 To call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.~~

~~7.3 In accordance with the Policy Development and Review Framework and/or the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.~~

~~7.4 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.1 – 7.3 above.~~

**7.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit**

**7.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).**

**7.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.**

**7.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.**

**7.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.3 - 7.4 above.**

**7.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.**

## E. EDUCATION AND CHILDREN'S SERVICES COMMITTEE

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in E.1 below.

### 1. Committee Functions

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to these functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Children's Social Work Services.
- b. Education.
- c. Human resource matters relating only to teaching staff and associated professionals.

The Committee also has specific powers:

### 3. Education

3.1 Following consultation with the appropriate Area Committee, to exercise the functions relating to:

- a. Setting School capacities, considering available accommodation and capping school rolls, and
- b. Reviewing and implementing school zoning.

3.2 To make recommendations to Full Council on proposals for the permanent closure of schools, **children's social work** or other educational establishments.

3.3 To exercise the statutory functions of the Council under the Schools (Consultation) (Scotland) Act 2010 including those relating to approval of proposals and review of proposals following consultation, but with the exception of matters properly delegated to officers of the Council, and those matters reserved to any other Committee.

3.4 To oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.

3.5 To carry out the duties of the Council in regard to Parent Councils.

- 3.6 To exercise the functions of the Council under the Children and Young Persons (Scotland) Act 1937.
- 3.7 To oversee provision of early years child care to provide the service either internally or externally through commissioning of services in terms of Children and Young People (Scotland) Act 2014.
- 3.8 To oversee Community Learning and Development in terms of The Community Learning and Development Regulations 2013.

#### 4. Finance

- 4.1 To make recommendations to Full Council regarding the formulation of the Council's annual Revenue Budget and the Capital Plan.
- 4.2 Determine a purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded where the matter is in the approved annual Capital Plan or Revenue Budget for the services and functions referred to in 1 above and delegated to the Committee or ~~where the Committee has been appointed lead Committee for a cross service contract.~~ **where the Committee is Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and cross area contract -**
  - a. where the value of the matter exceeds £1,000,000 or,
  - b. where the value of the matter is between £50,000 and £1,000,000 and
    - i. the Committee has reserved the right to approve the Business Case following approval of a Work Plan or
    - ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,
  - c. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
  - d. relates to more than one Area or,
  - e. relates to more than one directorate and the committee is the Lead Policy Committee and that the Chair, Vice Chair and relevant Opposition Spokespersons of policy committee(s) with budgetary contribution have been consulted; or**
  - f. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

Provided that in the case of maintenance contracts to be met from revenue, no approval shall be required provided the tender or revised estimate is within the total allowance for maintenance set in the Revenue Budget (see Financial Delegation Tables in Appendix B).

That these provisions shall not apply to the extension of an existing contract for a period of up to twelve months, which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.

- 4.3 To approve the award of grants for voluntary organisations within approved service budgets.

## 6. Scrutiny

~~6.1 Following consultation with Area Committees (except in the case of minor changes):~~

- ~~1. To review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit and to identify and where appropriate implement potential improvements.~~
- ~~2. To receive and review the annual report of activity in accordance with the Scrutiny at Aberdeenshire Guidance.~~
- ~~3. To make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management.~~

~~6.2 To call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.~~

~~6.3 In accordance with the Policy Development and Review Framework and/or the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.~~

~~6.4 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.1 – 7.3 above.~~

**6.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit**

**6.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).**

- 6.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.**
- 6.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.**
- 6.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 6.3 - 6.4 above.**
- 6.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.**

## **F. INFRASTRUCTURE SERVICES COMMITTEE**

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in F.1 below.

### **1. Committee Functions**

- 1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Aberdeen City Region Deal.
- b. Economic Development and Protective Services.
- c. Planning and Building Standards.
- d. Roads, Landscape Services and Waste Management.
- e. The Northern Roads Collaboration Joint Committee.
- f. Transportation.

The Committee also has specific powers:

### **2. Finance**

- 2.1 To make recommendations to Full Council regarding the formulation of the Council's annual Revenue Budget and Capital Plan.

- 2.2 determine a purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded where the matter is in the approved annual Capital Plan or Revenue Budget for the services and functions referred to in 1 above and delegated to the Committee or ~~where the Committee has been appointed lead Committee for a cross service contract.~~ **where the Committee is Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and cross area contract -**
- a. where the value of the matter exceeds £1,000,000 or,
  - b. where the value of the matter is between £50,000 and £1,000,000 and
    - i. the Committee has reserved the right to approve the Business Case following approval of a Work Plan or
    - ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,
  - c. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
  - d. relates to more than one Area or,
  - e. relates to more than one directorate and the committee is the Lead Policy Committee and that the Chair, Vice Chair and relevant Opposition Spokespersons of policy committee(s) with budgetary contribution have been consulted; or**
  - f. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

Provided that in the case of maintenance contracts to be met from revenue, no approval shall be required provided the tender or revised estimate is within the total allowance for maintenance set in the Revenue Budget (see Financial Delegation Tables in Appendix B).

That these provisions shall not apply to the extension of an existing contract for a period of up to twelve months, which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.

- 2.3 To approve the award of grants for voluntary organisations within approved service budgets.

## 5. Protective Services

- 5.1 To make arrangements to conduct hearings in respect of appeals against fixed penalty notices issued under Sections 1, 2 or 3 of the Smoking, Health & Social Care (Scotland) Act 2005 **and fixed penalty notices issued under Section 1 of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016.**

- 5.2 To make arrangements to consider requests to review penalty charge notices issued under Section 111 of the Housing (Scotland) Act 2006.
- 5.3 To make arrangements to consider requests to review penalty charge notices issued under Section 23B of the Estate Agents Act 1979.
- 5.4 To make arrangements to consider representations to the Council on receipt of a fixed penalty notice served under the Tobacco and Primary Medical Services (Scotland) Act 2010.
- 5.5 To determine the serving of Maintenance Orders under the Housing (Scotland) Act 2006.

### ***New legislation***

## **7. Scrutiny**

- ~~7.1 Following consultation with Area Committees (except in the case of minor changes):
  - ~~1. To review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit and to identify and where appropriate implement potential improvements.~~
  - ~~2. To receive and review the annual report of activity in accordance with the Scrutiny at Aberdeenshire Guidance.~~
  - ~~3. To make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management.~~~~
- ~~7.2 To call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process Guidance and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.~~
- ~~7.3 In accordance with the Policy, Development and Review Framework and/or the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.~~
- ~~7.4 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.1 – 7.3 above.~~

- 7.1 **To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit**
- 7.2 **To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).**
- 7.3 **To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.**
- 7.4 **In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.**
- 7.5 **To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.3 - 7.4 above.**
- 7.6 **To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.**

## **G. AUDIT COMMITTEE**

### **1. Committee Functions**

- 1.1 The following matters are delegated to this Committee:
  - a. Aberdeenshire Integration Joint Board Scrutiny
  - b. External Audit
  - c. Financial Management
  - d. Internal Audit
- 1.2 ~~Following consultation with appropriate Chief Officers, T~~to review the adequacy of:
  1. Internal control systems,
  2. Policies and practices employed to ensure compliance with relevant statutes, directions, guidance and policies,
  3. Financial information presented to the Council, and,
  4. Risk **management and risk** assessment arrangements and procedures.

- 1.3 ~~Following consultation with Council managers, T~~to review financial statements, management letters or reports and compliance with relevant codes of practice.
- 1.4 To manage the relationship with the Chief Internal Auditor ensuring that the Council's Internal Audit function is properly resourced and has appropriate standing within the Council and to review the activities of the Internal Audit function, including its annual work programme.
- 1.5 To manage all aspects of the Council's relationship with its external auditors.
- 1.6 To review and approve the Council's Code of Corporate Governance and annual Self-Evaluation Report.**
- 1.7 To consider and approve for signature the Council's audited Annual Accounts in accordance with the statutory duties under the Local Authority Accounts (Scotland) Regulations 2014.**
- 1.8 To receive and provide feedback on reports from the Integration Joint Board Audit Committee.

## 2. Scrutiny

- 2.1 Review the effectiveness of the Council's delivery of adult social work services on behalf of and under directions from the Aberdeenshire Integration Joint Board.
- 2.2 Refer a matter of service delivery identified for improvement from audit reports to the appropriate Policy Committee and request that the ~~policy~~**Policy** ~~committee~~**Committee:**
- i. conduct the Committee Review Process and**
  - ii ~~conduct the Committee Review Process and~~ **provide a** report to the **next practicable meeting of the** Audit Committee ~~within a specified timescale provided that if~~ **confirming that either:-**
    - a. the Policy Committee will commence the Committee Review Process and will provide a final report to the Audit Committee upon conclusion of that process; or**
    - b. the Policy Committee is satisfied that no scrutiny is required.**

~~a. the timescale has not been achieved, or,  
b. the Policy Committee's report does not provide sufficient reassurance,  
Then the Audit Committee may conduct the Committee Review Process in respect of the original matter and report its recommendations to the Policy Committee.~~

- 2.3 To conduct the Committee Review Process on a matter of service delivery identified for improvement from audit reports and report its recommendations to the Policy Committee in either of the following circumstances:-**
- a. where the Policy Committee has concluded its scrutiny work and reported its findings to the Audit Committee and the Audit Committee is not sufficiently reassured; or**
  - b. where the Policy Committee has reported to the Audit Committee that it does not intend to undertake scrutiny work on the matter identified.**

**Provided that the Audit Committee will not revisit previous stages of the Committee Review Process if these have already been undertaken by the Policy Committee.**

- 2.4** Following a request from the Chief Executive or Full Council to investigate any matter in which the Council has an interest and to call upon any officer of the Council or Chair/Vice-Chair of the Council's Committees to give evidence or provide written reports, as appropriate, all in accordance with the Committee Review Process and to report the matter/s to the relevant Policy Committee or to Full Council as specified in the request.

***As agreed by the Procedures Committee on May 25<sup>th</sup> to recommend to Full Council***

## **O. ABERDEENSHIRE INTEGRATION JOINT BOARD**

The Aberdeenshire Integration Joint Board is a statutory body established by the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2016. The Aberdeenshire Integration Joint Board is required by legislation to carry out the statutory health and social care functions as set out in the Aberdeenshire Integration Scheme prepared under Section 1 of the Public Bodies (Joint Working) (Scotland) Act 2014, which has been approved by the Scottish Ministers.

The Aberdeenshire Integration Joint Board shall have five councillors appointed to its voting membership.

The Aberdeenshire Integration Joint Board has the power and duty to:

1. Prepare and implement a Strategic Plan in relation to the provision of integration functions.
2. Issue a direction to the Council or health board to require it to carry out an integration function.
3. Monitor the performance of delivery of integration functions.
4. Prepare a performance report for the reporting year.
5. Manage resources provided to it by the Council and Health Board for the delivery of integration functions.

The integration functions delegated to the Integration Joint Board to the extent that they apply in respect of persons aged eighteen years and over are set out in Appendix ~~C~~**B**.

## **P. ABERDEENSHIRE COMMUNITY PLANNING BOARD**

The Aberdeenshire Community Planning Partnership is a partnership established by the Community Empowerment (Scotland) Act 2015. Aberdeenshire Council has a statutory duty to participate in the Partnership ~~and is currently the lead authority within the Board~~

### ***Update of current position***

The Aberdeenshire Community Planning Partnership is required to conduct the statutory process of community planning, explicitly focussing on how public bodies work together and with the local community to plan for, resource and provide services which improve local outcomes within Aberdeenshire. The Outcomes are set out in the Aberdeenshire Local Outcomes Improvement Plan, prepared under Part 2 of the Community Empowerment (Scotland) Act 2015.

**The Aberdeenshire Community Planning Partnership has a Board, with representatives from all statutory partners identified in Schedule 1 of the Community Empowerment (Scotland) Act 2015.** ~~The Aberdeenshire Community Planning Board shall have four Members appointed to its membership. There shall also be four appointed substitutes for these~~

***Non-material change made post Procedures Committee of May 25th  
Clarity of position and making membership provision less prescriptive. This does not change the voting position of the council. There is one vote for the council for all the members.***

~~Members.~~ **The Aberdeenshire Community Planning Board shall have Elected Member representation appointed to its membership as determined by the Board's terms of reference. There shall also be appointed substitutes for those Elected Members.**

The Aberdeenshire Community Planning Partnership has a duty to:-

1. Prepare and publish a Local Outcomes Improvement Plan in consultation with community bodies, setting out the local outcomes which the Partnership will prioritise for improving and developing an effective, shared approach to achieve those outcomes,
2. **Prepare and publish locality plans for each locality that it has identified as experiencing significantly poorer outcomes than those experienced elsewhere in the area of the community planning partnership or those experienced generally by persons in Scotland.**

### ***Update of terminology and to reflect current practice***

3. Review and report publicly on its progress towards its Local Outcomes Improvement Plan and Locality Plans and keep the continued suitability of these plans under review; and,
4. Take all reasonable steps to secure the involvement in community planning of any community body which it considers is likely to be able to contribute to it.
5. **As the local authority within the Community Planning Partnership, Aberdeenshire Council has specific duties, along with other identified partners, to:**
  - (a) **facilitate community planning,**
  - (b) **take reasonable steps to ensure that the community planning partnership carries out its functions under this Part efficiently and effectively.**

### ***Update for current practice***

6. Aberdeenshire Council, as a statutory partner body of the Aberdeenshire Community Planning Partnership has a duty to:-

7. Work collaboratively with other partners in carrying out Community Planning,
8. Take account of the Local Outcomes Improvement Plan and locality planning in carrying out any of its own functions,
9. Agree such resources as the Council deem appropriate following consultation with the Community Planning Partnership on what is required to improve local outcomes in the Local Outcomes Improvement Plan and locality planning; and,
10. Encourage the participation of community bodies in Community Planning.

## R. THE TRANSITIONAL PROCEDURES COMMITTEE

~~This is an interim, short-life committee which will operate between 27 January and 17 May, 2017.~~

~~The Committee shall have the same membership as the Business Services Committee with the following remit:~~

- ~~1. To deal with any business which requires to be considered but which cannot practicably be transacted without a further change to the Scheme of Governance.~~
- ~~1. To determine projects or obligations either in principle or at tender stage where the value of the matter exceeds £50,000 and is in the approved annual budget. These provisions shall not apply to the extension of an existing contract for a period of up to twelve months which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.~~
- ~~2. To consider future committee membership and operating schedules, and make recommendations to future council/administration.~~

**The Committee shall have the remit to consider proposed changes to Aberdeenshire Council's Scheme of Governance, and to make recommendations about required amendments to Full Council.**

***The Transitional Committee is no longer established. Procedures Committee is established by Full Council at the statutory meeting at the beginning of the council term. It is proposed to include it in the Scheme of Governance, due to the requirement to keep the Scheme up to date and the project work required to do this.***

**Appendix B will be moved to Part 4 to sit alongside the other guidance documents. The content will be fully reviewed during the ongoing Procurement Approval Process Project**

## APPENDIX B

### 1. Financial Delegation Tables

The following table shows the delegation of approval of a purchase of goods, works or services in **principle** and which are contained within the approved annual budget (with the exception of the extension of an existing contract for a period of up to twelve months).

Value	Delegated To
Where the value of the matter is up to <b>£50,000</b>	Chief Officers
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the officer has been appointed lead Officer if a cross-service matter and c. the Business Case has not been reserved for approval by a committee	Chief Officers
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the approval of the Business Case has been reserved and c. relates exclusively to their Area and d. the decision is in accordance with Officer recommendations	Area Committees
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the approval of the Business Case has been reserved and c. relates to more than one Area or d. the decision of an Area Committee is contrary to Officer recommendations	Appropriate Policy Committee

Where:-

- a. ~~the value of the matter exceeds **£1,000,000**~~
- and
- b. ~~relates exclusively to their Area and~~
- c. ~~the decision is in accordance with Officer recommendations~~

~~Area Committees~~

Where:-

- a. ~~the value of the matter exceeds **£1,000,000**~~
- and
- b. ~~relates to more than one area or~~
- c. ~~the Committee has been appointed lead Committee or~~
- d. ~~the decision of an Area Committee is contrary to Officer recommendations~~

~~Appropriate Policy Committee~~

The following table shows the delegation of approval of a purchase of goods, works or services at **tender stage** and which are contained within the approved annual budget (with the exception of the extension of an existing contract for a period of up to twelve months):

Value	Delegated To
<p>Where:-</p> <ul style="list-style-type: none"> <li>a. <del>the value of the matter <b>exceeds £50,000</b> and</del></li> <li>b. <del>the officer has been appointed lead Officer if a cross service matter and</del></li> <li>c. <del>the Business Case is approved and</del></li> <li>d. <del>the contract award has not been reserved for approval by a committee</del></li> </ul>	<del>Chief Officers</del>
<p>Where:-</p> <ul style="list-style-type: none"> <li>a. <del>the value of the matter exceeds <b>£1,000,000</b></del></li> <li style="padding-left: 20px;">and</li> <li>b. <del>relates exclusively to their Area and</del></li> <li>c. <del>the decision is in accordance with Officer recommendations and</del></li> <li>d. <del>the contract award has been reserved for approval by Committee or</del></li> <li>e. <del>the original estimated value of the contract in the Business Case has increased by 25% or more</del></li> </ul>	<del>Area Committees</del>
<p>Where:-</p> <ul style="list-style-type: none"> <li>a. <del>the value of the matter exceeds <b>£1,000,000</b></del></li> <li style="padding-left: 20px;">and</li> </ul>	<del>Appropriate Policy Committee</del>

- ~~b. relates to more than one area or~~
  - ~~c. the decision is contrary to Officer recommendations and~~
  - ~~d. the contract award has been reserved for approval by Committee or~~
  - ~~e. the original estimated value of the contract in the Business Case has increased by 25% or more~~
- 

## ~~2. Table of Delegation for writing off Bad Debt~~

~~The following table sets out the level of delegation in relation to writing off irrecoverable debts other than Council Tax.~~

<del>Value of Debt</del>	<del>General Debts Delegated to:-</del>	<del>Rent Arrears Delegated to:-</del>	<del>Local Taxes Arrears Delegated to:-</del>	<del>Debts where the Debtor is Bankrupt Delegated to:-</del>
<del>Up to £10,000</del>	<del>Officers</del>	<del>Officers</del>	<del>Officers</del>	<del>Officers</del>
<del>£10,000 or more</del>	<del>Policy Committee responsible for finance</del>	<del>Policy Committee responsible for housing</del>	<del>Policy Committee responsible for finance</del>	<del>Officers</del>

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## ~~3. Guidance on Procurement in the form of an Approval Flowchart is contained in Part 4B of the Scheme of Governance.~~



From mountain to sea

# **Scheme of Governance**

## **Part 2B - List of Officer Powers**

[ ]



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## LIST OF OFFICER POWERS

This document lists the powers which have been delegated by the Council to officers with a view to enhancing the efficient operation of council services in terms of Section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation.

### GENERAL PROVISIONS

1. The powers listed below are those specifically delegated by Full Council to officers to enhance the efficient operation of Council services.
2. The powers granted directly to officers under statute and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively in this document, when set out in the body of this document it is for information purposes only. When Proper Officer positions are set out in the body of this document the Chief Officers are not limited to these positions.
3. The undernoted powers relate only to matters not specifically reserved to ~~Members of the Council~~ **Full Council and Committees** in terms of the Council's Scheme of Governance, with the exception of B.1 which will apply regardless of any such reservation.

***Added for clarity and to comply with statutory provisions as individual members cannot have delegated powers***

4. An officer may choose not to exercise a delegated power and instead make a recommendation to the appropriate committee for the matter to be determined.
5. Where reference is made to a specific statute or regulation, the power of delegation should apply to any subsequent statute or regulation bestowing similar or compatible powers.
6. Any reference to an officer's authority to incur expenditure should be read in conjunction with the Council's Financial Regulations and be subject to available budgetary provision.
7. Any reference to any Chief Officer shall include their substitute.
8. The terms and expressions used throughout the document, shall have the meanings as defined in the Glossary of Terms.

### Limitations of delegations to officers

9. When exercising the authority delegated to them, officers will act in the interests of the Council and in accordance with and subject to:
- a. The law,
  - b. The policies and procedures adopted by the Council,
  - c. The principles of best value,
  - d. The terms and conditions of the Council's Financial Regulations,
  - e. Any appropriate service policy, practice, procedure or any managerial instruction given,
  - f. Matters specifically reserved to Full Council or delegated to a Committee or a Sub-Committee,
  - g. Any relevant provisions contained elsewhere in the Council's Scheme of Governance, and
  - h. The Public Sector Equality Duty.

Provided that:

10. Officers have the right to consult with any other appropriate officer including the Chief Executive on any matter, even though it has been specifically delegated to that officer, or to refer the matter to Full Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained elsewhere in the Council's Scheme of Governance.
11. Officers will consult the Chief Executive or any other appropriate officer where appropriate to do so on issues of a corporate nature or which may have a significant impact on the Council or other Services or on issues which are sensitive or complex in the ~~opinion~~ **professional judgement** of the officer.
12. Officers should consult the Leader or Chair of the appropriate Committee and the Opposition Spokesperson on issues which are sensitive or complex in the ~~opinion~~ **professional judgement** of the officer, or otherwise where consultation appears to be appropriate.
13. Officers should consult Ward Members where a proposed decision or action is likely to significantly affect the constituency interests of those Members, in the **professional judgement** of the officer.

***Altered wording – changed on the recommendation of the Procedures Committee. This explanation applies to all changes of the wording throughout this part of the Scheme.***

14. Where an applicant for a service provided by the Council is a Member or an employee or officer of the Council, the officer within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with such officers including the Chief Executive who may if they consider it appropriate require the officer to refer

the application to Full Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained in the Council's Scheme of Governance.

15. Unless the context requires otherwise officers may only perform a delegated function, power or duty in relation to the service (or services in the case of a Director or the Chief Executive) or areas for which they are responsible.  
**Provided that if a matter is sub-delegated to an officer in another service then this shall be recorded.**

***Cross service delegations are required for some council business. Added for clarity and to confirm the required process***

16. Officers will ensure that they make suitable arrangements to record decisions taken and actions authorised in relation to the discharge of any functions powers and duties delegated to them and will submit such reports as may be required from time to time.

**A. GENERAL DELEGATIONS TO CHIEF EXECUTIVE, DIRECTORS, CHIEF OFFICER OF THE INTEGRATION JOINT BOARD, AREA MANAGERS AND THE HEADS OF SERVICE ('the Chief Officers')**

Subject to the General Provisions and Limitations, the Chief Officers are authorised to:

1. Appoint employees as required by them and as permitted in terms of this Scheme of Governance to discharge the functions within the overall budget approved by the Council for their service or services.
2. Apply and implement the terms of national and local agreements on salaries and conditions of service to any post or posts and take such other decisions in relation to such posts and the employees who occupy them as they consider necessary in the interests of the effective operation of the Council's Services.
3. Conduct disciplinary and grievance proceedings and make appropriate determinations all in accordance with the Council's approved disciplinary and grievance procedures.
4. Exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract (excluding Directors) in accordance with any relevant policies of the Council.
5. Following consultation with the Head of Human Resources & Organisational Development and appropriate Chief Officers, introduce

major changes to staffing structures, as appropriate and within agreed budgets, subject to observance of:

1. the constraints of Financial Regulations in respect of virement,
  2. agreed Council policies, and,
  3. the use of appropriate contracts where any new post is associated with ring-fenced or time-limited funding,
6. Approve Business Cases, conduct procurements, select tenderers, award contracts including Direct Awards, exercise options to extend contracts and vary contracts in relation to the functions of the service for which they are responsible or where appointed lead officer for cross service procurements in accordance with the Financial Regulations.
7. Where the requirement for works, goods or services extends beyond a single service the Director of Business Services shall agree which Head of Service shall be responsible for leading the procurement, selecting tenderers and awarding the contract.
8. Vire within budget sub-heads, having first notified the Head of Finance in writing.
9. Approve officers authorised to certify invoices for payment.
10. Issue variation orders, within approved budgets, in respect of contracted or assigned works as client or client's agent, where appropriate.
11. Following consultation with the Head of Legal and Governance and the relevant Chief Officer(s), terminate or negotiate the termination of any contract which the Council is entitled to terminate whether due to a breach of contract or otherwise, where it is in the best interest of the Council to do so.
12. In terms of arrangements made from time to time by the Chief Executive, to exercise the functions of the Chief Executive in their absence.
13. Delegate the functions, powers and duties delegated to them to officers ~~within their service or services~~ as deemed appropriate to that Chief Officer.

***Removed as this wording prevents required cross service delegation***

14. Manage the administrative and operational requirements of fulfilling the functions, duties and powers of the relevant service or services.

~~15. Act as or designate a suitably qualified officer to act as a Proper Officer for all the statutory functions of the Council under all relevant legislation~~

~~including Requirements of Writing (Scotland) Act 1995 in relation to the functions of their service or services and to appoint officers as appropriate for the purposes of the administration and enforcement of the legislation, except for the Head of Paid Service, Section 95 Proper Officer, Monitoring Officer and Chief Social Work Officer who shall be subject to direct appointment by Full Council.~~

15. 1. **Act as or designate a suitably qualified officer to act as a Proper Officer for all the statutory functions of the Council under all relevant legislation including the Requirements of Writing (Scotland) Act 1995 in relation to the functions of their service or services (including signing of contracts).**
2. **To appoint officers as appropriate for the purposes of the administration and enforcement of all relevant legislation in relation to the functions of their service or services.**

**Provided that the proper officer positions of Head of Paid Service, Section 95 Proper Officer, Monitoring Officer, and Chief Social Work Officer are subject to direct appointment by Full Council.**

***Split and amended for clarity. The Scheme of Governance approved by Full Council currently provides that specified chief officers must be the above proper officers. The new drafting is a required correction.***

~~16. To authorise suitably qualified officers:~~

- ~~1. to discharge functions set out in this Scheme on their behalf, and,~~
- ~~2. to sign, issue and serve as appropriate:~~
  - ~~a. statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their office,~~
  - ~~b. authorisations to officers to exercise statutory powers (including, where appropriate, the right to enter land and premises in connection with discharge of their duties), and,~~
  - ~~c. identity cards, and such other similar authorisations as may be required, to officers.~~

**16. To sign, issue and serve as appropriate –**

1. **statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their service; and**

**2. identity cards, and such other similar authorisations as may be required, to officers.**

***Removal of duplication and to enable chief officers to have clarity when sub-delegating***

17. Exercise or to designate a suitably qualified officer to exercise the powers and duties of the Council and of an inspector and authorised officer (including, but not limited to **the right to enter land and property**, ~~powers of entry~~, inspection, sampling, seizure of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) as permitted under relevant legislation.

***Delegations 15, 16 and 17 above had some duplication and Services requested clarity on the provision***

18. Review and ensure compliance with the requirements of existing and new legislation and statutory regulations, and the Council's policies in respect of those matters.
19. Implement and ensure compliance with all relevant Health and Safety legislation and related Council policies, procedure and guidance.
20. Authorise, in appropriate circumstances, reports for submission to the Procurator Fiscal and Police Scotland with a view to the initiation of proceedings under any relevant legislation provided the subject of the report is not covered within the Council's regulatory frameworks.
21. Submit a Council response to an external consultation on an Operational Matter which in the view of the Director of the relevant service does not require Member input, provided that the Director shall notify the Chair, Vice Chair and main Opposition Spokesperson of the appropriate Policy Committee that the response has been submitted.
22. Submit a Council response to an external consultation on any policy matter where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee. Any response submitted under this delegated power shall be made following consultation with the Chair and Vice Chair and main Opposition Spokesperson of the appropriate policy committee, where possible, and shall be reported to the next committee meeting.
23. The Chief Executive, Directors and Area Managers are authorised to award grants to external bodies (including individuals, businesses and third sector organisations) included in the approved Revenue Budget

for the services they are responsible for, subject to Financial Regulations.

24. Following consultation with the Chief Officer of the Integration Joint Board, Chief Officers may implement Directions from the Integration Joint Board.
25. Authority to manage the marketing and income generation of the service.
26. Acknowledge receipt, accept and properly allocate grants and monies received by the Council from external bodies.
27. Following consultation with the Head of Finance, sell all surplus plant, equipment or furnishings expected to realise more than £5,000, exclusive of VAT, where no suitable trade-in arrangements have been made.

## B. SPECIFIC DELEGATIONS TO OFFICERS

1. The Delegated Officer (as set out in the table below) is authorised to take a decision on any matter which, in their ~~opinion~~ **professional judgement** requires to be determined by Full Council, Committee or Sub-Committee but by reason of special urgency it is impractical to convene a meeting of the Full Council, Committee or Sub-Committee.
2. Provided that any decision by the Delegated Officer shall be taken following consultation with the:
  - a. Chief Executive (unless the Chief Executive is the Delegated Officer) and,
  - b. the Chair and Vice-Chair and the main Opposition Spokesperson of the Full Council or Policy Committee or Sub Committee; or,
  - c. the Chair and Vice-Chair of the Area Committee.
3. Any decisions taken by Delegated Officers under this delegation which would normally be taken by Full Council, Committee or Sub Committee should be reported to the next meeting of Full Council, Committee or Sub-Committee.
4. Following consultation with the Head of Legal and Governance, the Director of Business Services has the specific delegations to:
  - a. Accept on behalf of the Council the detailed terms of grant from the Scottish Government for projects which have been recommended for approval by the Aberdeen City Region Deal Joint Committee, and
  - b. Approve the issue of offers of grant funding and to agree the terms of such funding in respect of projects which have been recommended for approval by the Aberdeen City Region Deal Joint Committee and approved by the relevant funders.

Provided that there is no authority to issue offers of grant funding for Aberdeen City Region Deal projects which are funded from the Councils own resources unless approved by the relevant Committee of the Council

Any one of the following officers shall be considered as a Delegated Officer for the purpose of making decisions in situations of special urgency

Meeting(s)	Delegated Officer(s)
Aberdeenshire Council	Chief Executive or their substitute Section 95 Proper Officer Monitoring Officer
Business Services Committee and associated Sub Committees	Chief Executive Director of Business Services Section 95 Proper Officer Monitoring Officer
Infrastructure Services Committee and associated Sub Committees	Chief Executive Director of Infrastructure Services Section 95 Proper Officer Monitoring Officer
Education and Children's Services Committee and associated Sub Committees	Chief Executive Director of Education and Children's Services Section 95 Proper Officer Monitoring Officer
Communities Committee and associated Sub Committees	Chief Executive Director of Infrastructure Director of Education and Children's Services Chief Officer of the Integration Joint Board Section 95 Proper Officer Monitoring Officer
Banff and Buchan Area Committee	Area Manager (Banff and Buchan) Chief Executive Section 95 Proper Officer Monitoring Officer

Buchan Area Committee	Area Manager (Buchan) Chief Executive Section 95 Proper Officer Monitoring Officer
Formartine Area Committee	Area Manager (Formartine) Chief Executive Section 95 Proper Officer Monitoring Officer
Garioch Area Committee	Area Manager (Garioch) Chief Executive Section 95 Proper Officer Monitoring Officer
Kincardine and Mearns Area Committee	Area Manager (Kincardine and Mearns) Chief Executive Section 95 Proper Officer Monitoring Officer
Marr Area Committee	Area Manager (Marr) Chief Executive Section 95 Proper Officer Monitoring Officer

All references above to Section 95 are intended to mean Section 95 of the Local Government (Scotland) Act 1973.

## C. CHIEF EXECUTIVE

### 1. Proper Officer Positions

- 1.1 The Chief Executive is appointed by the Council as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989 and accordingly is responsible for reporting to Full Council or the appropriate Committee on:-
1. The manner in which the Council discharges its different functions.
  2. The number and grades of staff required by the Council for the discharge of its functions.
  3. The organisation of the Council's staff.
  4. The appointment and proper management of the Council's staff.
- 1.2 The Chief Executive is appointed by the Council to act as Returning Officer in respect of Parliamentary, Local Authority and Community Council elections and as Counting Officer in respect of Referenda and to discharge the functions of and act as "appropriate officer" in terms of the Representation of the People Act 1983 (as amended) and all other relevant legislation.

### 2. Specific Delegations

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Executive has the following powers to:

- 2.1 Determine the allocation of functions amongst officers.
- 2.2 Vary, add to, recall or restrict any delegation to any officer provided that any permanent change must be reported to Full Council for approval.
- 2.3 Take a decision on any matter which, in their ~~opinion~~ **professional judgement** requires to be determined by Full Council, Committee or Subcommittee but, by reason of special urgency, it is impractical to convene a meeting of such, without the need for prior consultation as provided for in B.2 where such prior consultation is not reasonably practical and such decision shall be reported to the next meeting of by Full Council, Committee or Subcommittee.
- 2.4 Implement the provisions of the Civil Contingencies Act 2004 and the Contingency Planning (Scotland) Regulations 2005.

- 2.5 Determine grading of categories of posts in implementation of review processes initiated within or out with the Council or to correct anomalies in the Council's salary structure as a consequence of review processes, within the limits of existing budgets.
- 2.6 Exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract in respect of Directors in accordance with any relevant policies of the Council.
- 2.7 Following consultation with the Head of Human Resources & Organisational Development to amend terms and conditions of employment of Council employees, mileage rates and subsistence rates.

## D. DIRECTOR OF BUSINESS SERVICES

Subject to the General Provisions and Limitations and in addition to the General Delegations to Chief Officers, the Director of Business Services has the following powers and those powers are also delegated to the following officers:

### 1. Area Managers

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- ~~1.1 Following consultation with the Chair of the Area Committee, allow late applications for public processions to be accepted.~~

**Deleted as not actual practice. This is dealt with by the Licensing Team**

- 1.1 **Set local holidays, taking into account local circumstances.**

**This power has been removed from Area Committee Powers and added here to reflect Officer and Elected Member feedback when recent reports were sent to committee)**

- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
- a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and Governance; and
  - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
    - (i) that an award can be made; and
    - (ii) as to the amount of money that is to be awarded;
 failing which the matter be referred to the relevant Area Committee for determination.

- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.
- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.
- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

## **2. Commercial and Procurement Services – no change**

## **3. Customer Communication and Improvement**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Customer Communication and Improvement is authorised to:

- 3.1 Manage, negotiate and administer all complaints on behalf of the Council in terms of the Scottish Public Services Ombudsman Act 2002.
- 3.2 Manage and protect the corporate brand and reputation and approval of any subsidiary identities.
- 3.3 Authorise delivery of factual information through all media channels.
- 3.4 **Following consultation with appropriate the Chief Officer(s)**, manage the delivery of the functions of the Council in terms of the Community Empowerment (Scotland) Act 2015.
- 3.5 Issue emergency communications in terms of the Civil Contingencies Act 2004.
- 3.6 Following approval of corporate policy, approve new and changes to associated procedures and guidance, subject to appropriate consultation with stakeholders.
- 3.7 Approve Council response to national corporate consultations, following appropriate engagement with stakeholders.

- 3.8 Manage public performance reporting in terms of Part 1 of the Local Government Act 1992.
- 3.9 Manage the delivery of the functions of the Council in terms of the Equality Act 2010.
- 3.10 Manage the delivery of the functions of the Council in terms of the Gaelic Language (Scotland) Act 2005 and British Sign Language (Scotland) Act 2015**

**Non-material change made post Procedures Committee of May 25<sup>th</sup>**

**Consultation requirement and two legislative functions have been added at request of Governance Service Champion. Captures current practice.**

## **4. Finance**

### **Proper Officer Positions**

- 4.1 The Head of Finance is appointed by the Council to act as Proper Officer in terms of s95 of the Local Government (Scotland) Act 1973 and to administer the financial affairs of the Council and to take any necessary action in terms of the Council's Financial Regulations.

### **Specific Delegations**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Finance is authorised to:

- 4.2 Put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- 4.3 Collect council tax, non-domestic rates and miscellaneous tax in accordance with appropriate regulations.
- 4.4 Assess housing benefit and council tax reduction applications and grant benefit in accordance with appropriate regulations.
- 4.5 Determine final appeals on housing benefit and council tax reduction.
- 4.6 Manage the Council's treasury management activities.
- 4.7 Grant, following consultation with the Directors of Business Services and Infrastructure, loans under the home loan scheme.

- 4.8 Sign finance and operating leases on behalf of the Council.
- 4.9 Determine the detailed form and timetable in respect of the Council's Revenue Budget.
- 4.10 Vire between Budget Page or Service Budget up to the value of £100,000, on a given Budget Page, where the Budget Page or Service Budget involved relate to services that are the responsibility of more than one Director, subject to the approval of those Directors.
- 4.11 Approve the virement, up to the value of £100,000, of expected savings on Capital Financing Charges and Interest on Revenue Balances and recharges between services of the Council.
- 4.12 Approve virements, up to the value of £100,000, relating to insurances.
- 4.13 Determine the detailed form and timetable in respect of the Council's Capital Plan and Budget.
- 4.14 Following consultation with appropriate Directors, establish the most appropriate use of specific capital receipts and make suitable recommendations to Full Council for determination.
- 4.15 Prepare the Council's Statement of Accounts, in accordance with proper practices and as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.
- 4.16 Select suitable accounting policies for the Council and ensure that they are consistently applied to the Council accounts relating to each financial year.
- 4.17 Effect all insurance cover and negotiate all claims following consultation with other officers where necessary.
- 4.18 Set up and maintain an asset register of all assets owned by the Council.
- 4.19 Require inventories of all assets other than those included in the asset register to be maintained and updated.
- 4.20 Arrange for subsidiary bank accounts to be kept with a Bank selected by the Policy Committee responsible for Finance.
- 4.21 Authorise arrangements for electronic funds transfer.
- 4.22 Order and control the use of cheques for payment.
- 4.23 Determine the figure at which cheques and electronic transfers from the Council's grouped accounts shall require the signature of a second authorised signatory.
- 4.24 Ensure the proper and safe custody of all funds administered by the Council.

- 4.25 Ensure that proper financial and accounting arrangements are made throughout the Council for the recording, collection, custody, control and disposal of cash.
- 4.26 Receive all money paid to an Officer on behalf of the Council, or to direct this money to be paid to the Council's bank and to authorise a deduction to be made from such money.
- 4.27 Agree maximum cash holdings with services, and to approve holdings in excess of this amount.
- 4.28 Maintain registers of all recurrent income with the exception of Council house rents and arrears.
- 4.29 Dispense with the requirement to issue accounts for chargeable services through the Corporate Debtors System.
- 4.30 Write off irrecoverable debts of up to £10,000 following consultation with the appropriate Director or Directors.
- 4.31 Write off irrecoverable debts of any value where the debtor has been subject to bankruptcy, sequestration or liquidation.
- 4.32 Approve the format of the Council's official purchase order form.
- 4.33 Dispense with the requirement to complete a purchase order form and to maintain a register of such dispensations in accordance with Financial Regulations.
- 4.34 Approve the use of appropriate electronic methods for the signing of purchase orders.
- 4.35 Following consultation with the Head of Commercial and Procurement Services, approve a procurement where works, goods or services require to be commissioned for reasons of extreme urgency, brought about by events unforeseeable by, and not attributable to the Council and where the Financial Regulations cannot be fully complied with. If the value of the work, goods or services is £50,000 or above, the matter requires to be reported to the appropriate Committee.
- 4.36 Prescribe the form of certification used to certify the accuracy of invoices received by the Council.
- 4.37 Following consultation with the Head of Human Resources & Organisational Development, approve the non-recovery of an overpayment to an employee of the Council.
- 4.38 Carry out the Council's functions under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and subsequent legislation.

**4.39 Approve and award travel and further education grants from the Aberdeenshire Educational Trust, in accordance with the approved criteria.**

***Added post Procedures Committee on May 25<sup>th</sup>. This addition was recommended by the Aberdeenshire Educational Trust Sub-Committee. the committee delegate this to the Head of Finance for periods of six months on a regular basis. Section 50 of the Local Government (Scotland) Act 1973 requires that such long term, non-permanent delegations are made clear to the public, hence the inclusion in the Scheme***

## 5. Human Resources and Organisational Development (HR&OD)

no change

## 6. Information and Communication Technology (ICT)

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Information and Communication Technology is authorised to:

- 6.1 Provide appropriate technical and professional support, advice and assistance on the purchase of any ICT software and hardware.
- 6.2 Approve new, and changes to, ICT and Information Security procedures and guidance.
- 6.3 Prepare and implement a records management plan which sets out proper arrangements for the management of Council records in accordance with the Public Records (Scotland) Act 2011.
- 6.4 Implement the requirements of the Freedom of Information (Scotland) Act 2002, Data Protection Acts 1998 and 2018, Regulation of Investigatory Powers (Scotland) Act 2000 and Environmental Information (Scotland) Regulations 2004.

### ***New legislation***

## 7. Internal Audit

The Director of Business Services is responsible for ensuring that the Council operates a professional and objective internal auditing service in accordance with recognised standards and practices in relation to internal auditing. The appointed Chief Internal Auditor is authorised to:

- 7.1 Enter at all reasonable times any Council premises or land.
- 7.2 Have access to such documents of the Council which relate to its accounting and other records for the purpose of internal auditing.
- 7.3 Be supplied with such information and explanations as are necessary for the purpose of internal auditing.
- 7.4 Require any employee or Officer of the Council to produce cash, stores, equipment or any other Council property under their control.

- 7.5 Report directly to Full Council in any instance where they consider it inappropriate to report directly to the Director of Business Services, the Chief Executive or the Audit Committee.

## 8. Legal and Governance

### Proper Officer Positions

The Head of Legal and Governance shall:

- 8.1 Act as Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.
- 8.2 Act as Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50B(2), 50C(2), 50F(2) and 231 of the Local Government (Scotland) Act 1973 and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council, or its Committees and Sub-Committees.
- 8.3 Act as Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office); Section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Members Interests) and the relevant provisions of the Local Government (Scotland) Act 2004.
- 8.4 Act as or to designate a suitably qualified officer to act as Clerk to the Licensing Board in terms of the Licensing (Scotland) Act 2005.
- 8.5 Act as or to designate a suitably qualified officer to act as the "Proper Officer" in terms of Sections, 190, 193, 194, 202 and 204 of the Local Government (Scotland) Act 1973 including the signing and arranging as necessary for the affixing of the Common Seal of the Council to all deeds and other documents which require to be sealed with the Common Seal of the Council.

### Specific Delegations

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Legal and Governance is authorised to:

- 8.6 Raise, settle, defend, conduct, enter into, withdraw or abandon all forms of proceedings on behalf of the Council.
- 8.7 Amend and update the content of the Council's Scheme of Governance documentation to take account of changes to naming conventions for Members, officers, services and committees.
- ~~8.8 Grant applications under Part II of the Civic Government (Scotland) Act 1982 where no objections or representations are received.~~

- ~~8.9 Grant permission for public processions and street collections, where no observations or objections have been received.~~
- ~~8.10 Grant applications under the Cinema and Theatres Acts, applications under the Deer (Scotland) Act 1996, applications under the Zoo Licensing Act 1981 and other similar miscellaneous licences.~~
- ~~8.11 Determine whether special circumstances exist to allow an application for renewal or transfer of an existing licence granted under the Zoo Licensing Act 1981 to be accepted.~~

***Moved to 8.30 below so all licensing powers are grouped together***

- 8.12 Following consultation with the Head of Property and Facilities Management grant or enter into burdens **and discharge burdens and securities**, minutes of waiver, servitudes and wayleaves in relation to Council owned heritable property.

***Required to reflect practice***

- 8.13 Following consultation with the Head of Property and Facilities Management, grant leases, sub-leases, occupancy agreements or licences under 21 years in duration or where the Council's commitment is no greater than 21 years at any given time and where the initial rent is less than £30,000 per annum.
- 8.14 Following consultation with the Head of Property and Facilities Management, to assign, sub-let, vary or terminate any lease, sub-lease, occupancy agreement or licence which has been granted or entered into and to serve all requisite notices for assignation, sub-letting, variation or termination.
- 8.15 Following consultation with the Head of Property and Facilities Management, to conduct a rent review of a lease, sub-lease, occupancy agreement or licence and to serve all requisite notices for review and to engage in negotiation, arbitration or adjudication, as appropriate.
- 8.16 Grant consent in the case of applications for the assignation or sub-lease of subjects, on such terms and conditions, including conditions as to payment or reimbursement of the Council's expenses, as may be appropriate.
- 8.17 Following consultation with the Head of Property and Facilities Management, enter into property leases or licences of up to 6 years in duration, or where the Council has rights to break the lease such that no period without a Council right to break exceeds 6 years, where the initial rent is less than £30,000 per

annum (to fit with Financial Regulations) and where the project is contained within an approved budget.

- 8.18 Following consultation with the Head of Property and Facilities Management, approve the acquisition of heritable property at and under £50,000 in value.
- 8.19 Following consultation with the Head of Property and Facilities Management, approve the sale, or granting of a grassum lease of heritable property at and under £100,000 in value.
- 8.20 Following consultation with the Head of Property and Facilities Management, authorise entering into, variance or renewal of service agreements, or the termination of such agreements where the quality has been unacceptable or conditions have not been met.
- 8.21 Make permanent traffic orders, after approval in principle by the relevant Area Committee, providing no representations have been received as a result of the consultation process and there are no unresolved objections.
- 8.22 Make all temporary traffic orders, including road closures, of up to 18 months' duration (by published order).
- 8.23 Administer unopposed applications to carry out civil marriages outwith registration offices.
- 8.24 Register all births, marriages, deaths, still births and civil partnerships and to perform all other functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- 8.25 Administer and manage the Community Council legal fund.
- 8.26 **Approve amendments to the parts of Schedule 1 and the guidance that is contained in (but is not part of) the Scheme for the Establishment of Community Councils and manage the statutory process for the review of the Scheme for the Establishment of Community Councils.**

***Added to ensure that there is responsibility for the Scheme – changes to electorate numbers and boundaries may be required frequently***

- 8.27 Following consultation with the appropriate Head of Service, to process, negotiate, administer, enforce, discharge or modify **legal** agreements related to and following approval in principle of planning applications. **pertaining to planning applications and the subsequent planning consents.**

***Amended to ensure that all stages of the planning process are covered***

- 8.28 Hold all title deeds, leases and agreements relating to all heritable property in the ownership of the Council and all Standard Securities granted on heritable property by the Council and all leases, orders and other documents which relate to heritable property that the Council has an interest in.
- 8.29 Following consultation with the Head of Housing to enter into agreements, securities, property leases or licences of property for the delivery of Affordable Housing.
- 8.30 To exercise all statutory functions and powers relating to licensing under Part II of the Civic Government (Scotland) Act 1982 not otherwise reserved to a committee or sub-committee.**
- 8.31 Grant applications under Part II of the Civic Government (Scotland) Act 1982 where no objections or representations are received.**
- 8.32 Grant permission for public processions and street collections, where no observations or objections have been received.**
- 8.33 Grant applications under the Cinema and Theatres Acts, applications under the Deer (Scotland) Act 1996, applications under the Zoo Licensing Act 1981 and other similar miscellaneous licences.**
- 8.34 Determine whether special circumstances exist to allow an application for renewal or transfer of an existing licence granted under the Zoo Licensing Act 1981 to be accepted.**
- 8.35 Refuse an application for any licence that requires evidence of the applicant's right to work in the UK if such evidence has not been provided after two letters of reminder have been sent.**
- 8.36 Accept an application for renewal submitted after the expiry of the original licence but within 28 days of the expiry of the original licence, where good reasons for lateness have been given.**
- 8.37 Grant any licence for a period of less than 3 years where no objections or negative representations have been received which would otherwise cause the application to go before the Committee.**
- 8.38 Refuse the renewal of a Taxi Vehicle Licence after two failures of a vehicle test.**
- 8.39 Refuse to accept an application for a Public Entertainment Licence that is submitted less than 6 weeks before the event.**

- 8.40 Following consultation with the Chair of the relevant Area Committee, refuse to accept an application for a Public Entertainment Licence that is submitted between 6 and 8 weeks before the event unless there have been sufficiently exceptional circumstances, notified in writing, to justify the application being submitted late.**
- 8.41 Following consultation with the Head of Economic Development and Protective Services, the Head of Roads and Landscape Services and the Chair of the relevant Area Committee, grant extended operating hours to fairgrounds operating on Council owned property.**

***The licensing powers 8. 35 to 8.41 have been added to reflect the legislation and to capture current practice. It will also reduce the number of fairground extended hour applications that are brought to Area Committees.***

## **9. Property and Facilities Management**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Property and Facilities Management is authorised to:

- 9.1 Arrange and provide cleaning services in Council property either by directly employed staff or by the use of contractors.
- 9.2 Provide and maintain public conveniences.
- 9.3 Provide a valuation and estates service in respect of the valuation and management of heritable property.
- 9.4 Maintain a list of all heritable property owned or leased by the Council, manage the implementation of the Corporate Asset Management Plan and review and challenge the use of the heritable property.
- 9.5 Appeal rating assessments in respect of Council property and determine the conduct and settlement of any such appeal.
- 9.6 Following consultation with Local Ward Members, to declare that land and/or buildings are surplus to requirements in accordance with Council policy. Where two or more Local Ward Members do not support the **Chief** Officer's recommendations, the matter will be referred to the relevant Area Committee for determination.

***Only one officer can have responsibility***

- 9.7 Manage, inspect, assess, instruct and supervise repairs and maintenance of all operational and non-operational property assets.
- 9.8 To act as benefited proprietor to protect the Council's interest or those of the neighbourhood in respect of all Council owned property not on the Housing Account.
- 9.9 Following consultation with the Head of Finance, manage the delivery of the Capital Plan.
- 9.10 ~~Manage the delivery of~~ **Deliver** the Council's construction projects in accordance with the Gateway Process **for and on behalf of all services of the Council.**

***Head of PFM requires the delegations to deliver the construction projects, otherwise other Heads of Service are required to cross service delegate. This change is an efficient way of dealing with required current practice***

## **10. Data Protection Officer**

**The Data Protection Officer is authorised to:**

- 10.1 Monitor the Council's compliance with Data Protection and with the Council's data protection policies and procedures;**
- 10.2 Report any non-compliance to the Director of Business Services;**
- 10.3 Manage internal data protection activities;**
- 10.4 Monitor the internal auditing of data protection matters.**

***Required by statute to reflect the GDPR and the new roles of Data Protection Officer for the Council***

## E. DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Director of Education and Children's Services has the following powers and those powers are also delegated to the following officers:

### 1. Area Managers

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- 1.1 ~~Following consultation with the Chair of the Area Committee, allow late applications for public processions to be accepted.~~

***Deleted as not actual practice. This is dealt with by the Licensing Team under Head of L&G along with all other late licence applications***

- 1.1 **Set local holidays, taking into account local circumstances.**

***This power has been removed from Area Committee Powers and added here to reflect Officer and Elected Member feedback when recent reports were sent to committee***

- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
- a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and Governance; and
  - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
    - (i) that an award can be made; and
    - (ii) as to the amount of money that is to be awarded;

failing which the matter be referred to the relevant Area Committee for determination.

- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.
- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.
- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

## **2. Children's Services**

### **Proper Officer Positions**

- 2.1 The Head of Children's Services is appointed by the Council to act as the Chief Social Work Officer in terms of Section 3 of the Social Work Act 1968 for Council functions and those within the remit of the Integration Joint Board.
- 2.2 The Head of Children's Services shall act as the Proper Officer in relation to the Council's functions in regard to:
  - a. Part IV of the Children and Young Persons (Scotland) Act 1937.
  - b. Children and Young People (Scotland) Act 2014.
  - c. The Matrimonial Proceedings (Children) Act 1958.
  - d. The Children Act 1975.
  - e. The Adoption (Scotland) Act 1978 and the Adoption and Children (Scotland) Act 2007.
  - f. The Foster Children (Scotland) Act 1984.

### Specific Delegations

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Children's Services is authorised to:

- 2.3 Provide support, services, advice and assistance for children and their families under Part II of the Children (Scotland) Act 1995, and to carry out the Council's functions with respect to continuing care, protection and supervision of children under the 1995 Act.
- 2.4 Carry out the Council's functions with respect to adoption and fostering services under the Regulation of Care (Scotland) Act 2001.
- 2.5 Arrange or assist in arranging holidays or other absences appropriate to the needs of any child in the care of the Council in accordance with the policies of the Council.
- 2.6 Carry out the functions of the Council in relation to the adoption of children in terms of the Adoption and Children (Scotland) Act 2007.
- 2.7 Carry out the functions of the Council as Care Authority under the Fostering of Children (Scotland) Regulations 1996.
- 2.8 Determine, following consultation with the Head of Finance assistance with legal fees and medical expenses in relation to adoptions.
- 2.9 ~~Determine~~ **Approve** fees for curators ad litem, foster parents and community carers in accordance with Council policies.

***The Council cannot determine these fees as they are set by the Court.***

- 2.10 Determine applications for grants in line with Council policies and the Financial Regulations.
- 2.11 Following consultation with the Head of Human Resources and Organisational Development, authorise, in appropriate circumstances, referrals and reports for submission to the Scottish Social Services Council.
- 2.12 Implement all types of legislation, as required by the Service relating to Children's Social Work and functions conferred on the Chief Social Work Officer including but not limited to the legislation set out in Section 3 of Appendix D.

### 3. Education

Subject to the General Provisions and Limitations and in addition to the General Delegations and as relates to primary **and secondary** education the

~~Heads of Primary Education and Curriculum Development is are authorised to and as relates to secondary education the Head of Secondary Education and Additional Support is authorised to:~~

***Change of terminology***

- 3.1 Secure the right of every child of school age to be provided with school education directly by, or by virtue of arrangements made or entered into on behalf of the Council as Education Authority.
- 3.2 Secure improvement in the quality of school education with a view to raising standards of education and to prepare the report on Standards and Quality in Aberdeenshire.
- 3.3 Authorise Head Teachers to prepare an annual school plan which will identify the principal achievement targets to be sought in the following academic year and a report on the implementation of the plan as defined in the Standards in Scotland's Schools etc. Act 2000.
- 3.4 Carry out the functions of the Council as Education Authority in relation to the provision of education for children with additional support needs in terms of the Education (Additional Support for Learning) (Scotland) Act 2004.
- 3.5 Determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980.
- 3.6 Authorise the provision of school transport as described in Section 51 of the Education (Scotland) Act 1980 and Section 37 of the Standards in Scotland's Schools etc. Act 2000 within the financial limits agreed by the Council.
- 3.7 Make whatever transport arrangements are deemed to be appropriate where supporting documentation evidences that a child has a serious physical, emotional or psychological problem, condition or disability.
- 3.8 Exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools all in terms of Sections 36-41 of the Education (Scotland) Act 1980.
- 3.9 Exercise, at their discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.
- 3.10 Exercise the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, and pay the approved Convention of Scottish Local Authorities rate to any other education authority

which has provided education for pupils normally resident in the area of the Authority but who are, for various reasons, placed in Schools outwith the Authority.

- 3.11 Implement rates of fees for educational establishments used by the Council outwith the Council's area.
- 3.12 Carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the cleanliness of pupils at schools.
- 3.13 Determine school staffing levels within the limits of resources provided by the Council.
- 3.14 Authorise Head Teachers in Schools to approve appointments, where considered necessary and where budgetary provision exists, of temporary non-teaching staff in schools.
- 3.15 Authorise the distribution of all educational resources received from the Scottish Government within the policies determined for this purpose by the Council.
- 3.16 Where a teacher is compulsorily transferred, authorise payment of the cost of removal expenses in terms of the Council's relevant arrangements or, where appropriate, reasonable daily travel expenses subject to the relevant provisions of the Conditions of Service for teachers in Day Schools.
- 3.17 Arrange programmes of in-service training for teachers and other staff.
- 3.18 Carry out the administration, assessment and award of any education bursaries or other related forms of assistance.
- 3.19 Fix the levels of any tuition fees, examination expenses, and determine rates of pay to examination invigilators.
- 3.20 Approve the participation of school pupils and supervising staff in cultural, social and recreational visits inside and outside the United Kingdom and the reception of visiting pupils and staff.
- 3.21 Approve attendance by relevant employees on authorised youth exchange visits inside and outside the United Kingdom where the employees, as part of their duties, are required to accompany the group undertaking the exchange.
- 3.22 Approve temporary exchange visits by teaching staff inside and outside the United Kingdom.
- 3.23 Issue licences in terms of the Children (Performances) Regulations 1968 as amended or succeeded.

- 3.24 Accept and administer any educational trusts, grants or endowments which may be offered to the Council for schools in its area.
- 3.25 Carry out prosecutions under Section 43(2) of the Education (Scotland) Act 1980, where the Director considers it to be appropriate.
- 3.26 Manage arrangements for curricular and institutional development.
- 3.27 Following consultation with the Head of Human Resources and Organisational Development, authorise, in appropriate circumstances, referrals and reports for submission to the General Teaching Council of Scotland.
- 3.28 Manage the delivery of the functions of the Council as Education Authority in terms of the Equality Act 2010.
- 3.29 Carry out the functions of the Council as Education Authority in relation to the Children and Young People (Scotland) Act 2014 and in relation to the provision of early years child care to provide the service either internally or externally through commissioning of services.
- 3.30 Carry out the functions of the Council as Education Authority in relation to the provision of Community Learning and Development in terms of The Community Learning and Development Regulations 2013,**
- 3.31 Approve joint working arrangements with other bodies including but not limited to colleges, universities and education authorities.**
- 3.32 Secure the provision of pre-school education for those children whose parents request such provision all in terms of Section 1 of the Education (Scotland) Act 1980 and Sections 32 to 34 of the Standards in Scotland's Schools etc. Act 2000.**

***Moved from Section 4 below***

#### **4. Lifelong Learning and Leisure**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Lifelong Learning and Leisure is authorised to:

- ~~4.1 Carry out the functions of the Council as Education Authority in relation to the provision of Community Learning and Development in terms of The Community Learning and Development Regulations 2013.~~

- 4.2 Manage the playing fields, recreational facilities and swimming pools provided or operated by the Council.
- 4.3 Manage arrangements for the Council's library and museums services and the provision of arts development activity.
- 4.4 Set charges for educational establishment lets, leisure facilities and cultural events.
- 4.5 Set charges for sports development coaching and other initiatives.
- 4.6 Undertake leisure programmes for council-managed facilities.
- ~~4.7 Approve joint working arrangements with other bodies including but not limited to colleges, universities and education authorities.~~
- 4.8 Determine applications for grants in line with Council policies and the Financial Regulations.
- ~~4.9 Secure the provision of pre-school education for those children whose parents request such provision all in terms of Section 1 of the Education (Scotland) Act 1980 and Sections 32 to 34 of the Standards in Scotland's Schools etc. Act 2000.~~

***Removed and added to Education section***

**5. Resources and Performance – no changes****F. DIRECTOR OF INFRASTRUCTURE SERVICES**

Subject to the General Provisions and Limitations and in addition to the General Delegations the Director of Infrastructure Services has the following powers and those powers are also delegated to the following officers:

**1. Area Managers**

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- 1.1 ~~Following consultation with the Chair of the Area Committee, allow late applications for public processions to be accepted.~~

***Deleted as not actual practice. This is dealt with by the Licensing Team under Head of L&G along with all other late licence applications***

- 1.1 **Set local holidays, taking into account local circumstances.**

***This power has been removed from Area Committee Powers and added here to reflect Officer and Elected Member feedback when recent reports were sent to committee***

- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
- a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and Governance; and
  - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
    - (i) that an award can be made; and

(ii) as to the amount of money that is to be awarded;

failing which the matter be referred to the relevant Area Committee for determination.

- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.
- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.
- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

## **2. Economic Development and Protective Services**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Economic Development and Protective Services is authorised to:

### **Economic Development**

- 2.1 Determine the award of assistance under the terms of Schemes of Business Development, including Business Gateway, or Employment Support approved from time to time by the Council.
- 2.2 Authorise support to businesses in Aberdeenshire up to a limit of £20,000.
- 2.3 Accept undertakings in terms of Section 219 of the Enterprise Act 2002 where a person has engaged, is engaging or is likely to engage in specified conduct harming the collective interests of consumers.
- 2.4 Approve the allocation of and authorise contracts for the European Social Fund and LEADER grants in accordance with legal obligations.
- 2.5 Manage the implementation and delivery of the Aberdeen City Region Deal.

**Protective Services**

- 2.6 Implement all types of legislation, as required by the Service relating to Environmental Health including but not limited to the legislation set out in Section 1 of Appendix D.
- 2.7 Appoint suitably qualified officers to act as and fulfil the statutory functions of Home Safety Officer and Animal Health and Welfare Officer.
- 2.8 Act as, or arrange for the appointment of a suitably qualified officer to be, the Council's Oil Pollution Officer.
- 2.9 Appoint a suitably qualified officer for the statutory functions and obligations of the Council under all current and relevant legislation relating to Environmental Health and Animal Health and Welfare.
- 2.10 Appoint suitably qualified persons to act as Licensing Standards Officers in terms of Section 13 of the Licensing (Scotland) Act 2005 as amended **and Civic Licensing Standards Officers in terms of Section 82 of the Air Weapons and Licensing Act 2015.**

***Legislative requirement***

- 2.11 Issue licences in respect of houses in multiple occupation, in terms of Housing (Scotland) Act 2006.
- 2.12 Discharge Council functions under Section 19 of the Health and Safety at Work Act 1974 in respect of designating and appointing staff as inspectors and appointing expert witnesses.
- 2.13 Grant or vary miscellaneous licences for, including but not limited to, animal boarding establishment, caravan parks and sites, dog breeding establishments, pet animals, performing animals, keeping dangerous wild animals, riding establishments and to vary or amend the conditions of such licences.
- 2.14 Withdraw notices in terms of the Local Government (Scotland) Act 1973.
- 2.15 Implement all types of legislation, as required by the Service relating to Trading Standards including but not limited to the legislation set out in Section 2 of Appendix D.
- 2.16 Appoint a suitably qualified officer to act as and fulfil the statutory functions of Chief Inspector of Weights and Measures.

- 2.17 Appoint suitably qualified officers for the statutory functions and obligations of the Council under all current and relevant legislation relating to Trading Standards.
- 2.18 Grant or vary miscellaneous licences for, including but not limited to, storage of explosives (including registrations) and petroleum storage (including certificates), and to vary or amend the conditions of such licences.
- 2.19 Grant or refuse a licence to sell fireworks outwith the prescribed period.
- 2.20 Issue, in respect of dangerous products, safety notices such as suspension notices, withdrawal notices, recall notices, requirement to mark and the requirement to warn notices, under the General Product Safety Regulations 2005.
- 2.21 Issue in respect of pyrotechnic articles, safety notices such as suspension notices, compliance notices, withdrawal notices and recall notices.
- 2.22 Grant authorisations for the performance of statutory duties to officers of the service, to officers employed by Aberdeen City Council, and to officers employed by other local authorities who have been appointed to work on enforcement projects with a Scotland wide remit.
- 2.23 Serve suspension notices in relation to any goods suspected to breach the safety provisions under the terms of Section 14 of the Consumer Protection Act 1987.
- 2.24 Give or withdraw a prohibition notice or premises notice under the Psychoactive Substances Act 2016.

### **Powers delegated to the Chief Officer of Trading Standards Scotland**

Trading Standards Scotland support the work of local authority trading standards services where there are cross boundary enforcement issues. All trading standards officers employed by Trading Standards Scotland are appointed as officers of the Council. Individuals becoming employed by Trading Standards Scotland will automatically, by virtue of their appointment as trading standards officers of Trading Standards Scotland, be appointed as officers of the Council.

Pursuant to Section 56(1) of the Local Government (Scotland) Act 1973, the Council authorises the Chief Officer of Trading Standards Scotland to:

- 2.25 Discharge the Council's functions as a local weights and measures authority under the legislation set out in ~~Schedule 4~~ **Appendix D, section 2**; and,
- 2.26 Act as an authorised officer for the purposes of that legislation in fulfilment of all functions granted to local weights and measures authorities thereunder.

- 2.27 The Council further authorises the Chief Officer of Trading Standards Scotland to delegate the functions delegated to them by virtue of clause 2.4~~25~~ above to grant authorisations to all or any trading standards officers employed by Trading Standards Scotland to act as authorised officers for the purposes of the legislation set out in 2.1~~5~~ **Appendix D, Section 2** provided that the authorisations of individual officers shall not take effect until such time as their names appear on the list of authorised officers maintained by the Chief Officer of Trading Standards Scotland, a copy of which shall be provided to the Council and kept up-to-date at all times.

***Corrections noted by the service after Procedures Committee on May 25<sup>th</sup> 2018.***

### **3. Housing – no changes**

### **4 Planning and Building Standards – no changes**

### **5 Roads, Landscape Services and Waste Management**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Roads, Landscape and Waste Management Services is authorised to:

- 5.1 As required by the remit of the service, exercise the functions of the Council as local roads authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991 and the Transport (Scotland) Act 2005 and any other relevant legislation. This includes the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on behalf of the Council in terms of the Council's functions relating to roads.
- 5.2 Manage and operate burial grounds and be responsible for the recording of information and undertake the allocation of lairs in accordance with Council policy.
- 5.3 Exercise the functions of the Council in terms of the Flood Risk Management (Scotland) Act 2009.
- 5.4 Act as the Coast Protection Authority in terms of the Coastal Protection Act 1949.
- 5.5 Exercise the functions of the Council under the Environmental Protection Act 1990, as amended by the Environment Act 1995 and relevant regulations, as they relate to the statutory obligations incumbent on the Council in respect of

waste management including enforcement action and the service of fixed penalty notices.

- 5.6 Exercise the functions of the Refuse Disposal (Amenity) Act 1978, as amended by any subsequent legislation, relating to any matter including abandoned vehicles.
- 5.7 Authorise the Harbour Master in any way as they think fit to exercise the functions of the Council in terms of its obligations in terms of the Port Marine Safety Code and Port Facilities Security Plan and other relevant legislation.
- 5.8 Exercise the Roads functions of the Council in terms of the Sewage (Scotland) Act 1968.**

***Section 7 of the Act has been enacted and affects drainage provision. Both Heads of Roads and Transportation require the delegation but can only use the delegation in terms of their own service.***

## 6 Transportation

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Transportation is authorised to:

- 6.1 As required by the remit of the service, exercise the functions of the Council as local roads authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991 and the Transport (Scotland) Act 2005 and any other relevant legislation. This includes the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on behalf of the Council in terms of the Council's functions relating to transport and parking.
- 6.2 Act as, or arrange for the appointment of, a suitably qualified officer to be the Council's vehicle operator and to hold the Council's vehicle operator's licence in terms of the Goods Vehicles (Licensing of Operators) Act 1995 and any relevant regulation.
- 6.3 Implement the functions of the Transport Act 1985 and Transport (Scotland) Act 2001 in relation to bus services.
- 6.4 Exercise the functions of the Council under Section 97 of the Civic Government (Scotland) Act 1982 in relation to street names and house numbers, provided that proposed street names that relate to any individual persons living or dead or where Local Members and Community Council(s) are not in accordance, must be referred to the Area Committee for determination.

- 6.5 Execute relevant documentation in connection with membership and represent the Council at members' meetings of South West Smart Applications Ltd.
- 6.6 **Exercise the Transportation functions of the Council in terms of the Sewage (Scotland) Act 1968.**

***Section 7 of the Act has been enacted and affects drainage provision. As above.***

**G. ABERDEENSHIRE INTEGRATION JOINT BOARD – no changes**

**APPENDIX D – List of relevant legislation**

**SECTION 1 - ENVIRONMENTAL HEALTH**

Abandonment of Animals Act 1960

---

Agricultural Act 1970

---

Agriculture (Miscellaneous Provisions) Act 1968

---

Animal Boarding Establishments Act 1963

---

Animal Health and Welfare Act 1984

---

Animal Health & Welfare (Scotland) Act 2006

---

Animal Health Act 1981

---

Breeding of Dogs Acts 1973 and 1991

---

Breeding & Sale of Dogs (Welfare) Act 1999

---

Caravan Sites & Control of Development Act 1960

---

Civic Government (Scotland) Act 1982

---

Clean Air Act 1993

---

Control of Dogs Order 1992

---

Control of Dogs (Scotland) Act 2010

---

Control of Pollution Act 1974

---

Contaminated Land (Scotland) Regulations 2000

---

Dangerous Dogs Acts 1989 and 1991 (as amended)

---

Dangerous Wild Animals Act 1976

---

Dog Fouling (Scotland) Act 2003

---

Dogs Act 1906

---

Environment Act 1995

---

Environmental Protection Act 1990

---

European Communities Act 1972

---

Fire Safety and Safety of Places of Sports Act 1987

---

Food and Environment Protection Act 1985 (S.19)

---

Food Hygiene (Scotland) Regulations 2006

---

Food Safety Act 1990

---

Gambling Act 2005

---

General Product Safety Regulations 2005

---

Guard Dogs Act 1975

---

Health and Safety at Work etc. Act 1974

---

Housing (Scotland) Act 1987/88/2001/2006

---

Licensing (Scotland) Act 2005

---

Local Government Act 1972

---

Noise and Statutory Nuisances Act 1993

---

Official Feed and Food Control (Scotland) Regulations 2005

---

Official Feed and Food Controls (Scotland) Regulations 2009

---

Pet Animals Act 1951

---

Performing Animals (Regulation) Act 1925 as amended

---

Prevention of Damage by Pests Act 1949

---

Protection of Animals (Scotland) Act 1912 and 1954

---

Public Health (Ships) Regulations 1979

---

Public Health (Ships) (Scotland) Regulations 1971

---

Public Health etc. (Scotland) Act 2008

---

Refuse Disposal (Amenity) Act 1978

---

Riding Establishments Act 1964 and 1970

---

Sewerage (Scotland) Act 1968

---

Smoking, Health and Social Care (Scotland) Act 2005

---

**Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016**

---

The Bovines & Bovine Products (Trade) Regulations 1999

---

The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

---

The Trade in Animals and Related Products (Scotland) Regulations 2012

---

The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

---

Theatres Act 1968

---

Water (Scotland) Act 1980

---

Zoo Licensing Act 1981

## SECTION 2 - TRADING STANDARDS

Agricultural Act 1970

---

Agricultural Produce (Grading & Marking) Act 1928

---

Antisocial Behaviour (Scotland) Act 2004, Secs 122 and 123

---

Children & Young Persons (Protection from Tobacco) Act 1991

---

Civic Government (Scotland) Act 1982

---

Clean Air Act 1993

---

Consumer Credit Act 1974

---

Consumer Protection Act 1987 (including the issue of Suspension Notices under Sec 14)

---

Consumer Protection from Unfair Trading Regulations 2008

---

Consumer Rights Act 2015

---

Copyright Designs & Patents Act 1988

---

Customs and Excise Management Act 1979

---

Education Reform Act 1988

---

Energy Act 1976

---

Energy Conservation Act 1981

---

Environment Act 1995

---

Enterprise Act 2002

---

Estate Agents Act 1979

---

European Communities Act 1972

---

Explosives Act 1875

---

Fireworks Act 2003

---

Food and Environmental Protection Act 1985

---

Hallmarking Act 1973

---

Health and Safety at Work etc. Act 1974

---

Housing (Scotland) Act 2006

---

Intellectual Property Act 2014

---

Medicines Act 1968

---

Motorcycle Noise Act 1987

---

Poisons Act 1972

---

Prices Acts 1974-75

---

Psychoactive Substances Act 2016

---

Road Traffic Act 1988

---

Tobacco Advertising and Promotion Act 2002

---

Tobacco and Primary Medical Services (Scotland) Act 2010

---

Trade Descriptions Act 1968

---

Trade Marks Act 1994

---

Unsolicited Goods and Services Act 1971

---

Video Recordings Act 1984 (as amended by the Video Recordings Act 2010) and 1993

---

Weights and Measures Act 1976 and 1985

---

### **SECTION 3 - CHILDREN'S SOCIAL WORK SERVICES**

Part IV of the Children and Young Persons (Scotland) Act 1937

---

Children and Young People (Scotland) Act 2014

---

The Matrimonial Proceedings (Children) Act 1958

---

The Children Act 1975

---

The Adoption (Scotland) Act 1978  
The Adoption and Children (Scotland) Act 2007

---

The Foster Children (Scotland) Act 1984

---

Social Care (Self-directed Support) (Scotland) Act 2013

---

Social Work (Scotland) Act 1968

---

The Children (Scotland) Act 1995

---

The Children's Hearings (Scotland) Act 2011

---

The Criminal Procedure (Scotland) Act 1995

---

Secure Accommodation (Scotland) Regulations 2013

---

Antisocial Behaviour etc. (Scotland) Act 2004

---

## **SECTION 4 - INTEGRATION JOINT BOARD AND HEALTH AND SOCIAL CARE PARTNERSHIP**

National Assistance Acts

---

Disabled Persons (Employment) Act 1958

---

Social Work (Scotland) Act 1968

---

Chronically Sick and Disabled Persons Act 1970

---

Disabled Persons (Services, Consultation and Representation) Act 1986

---

National Health Service and Community Care Act 1990

---

Criminal Procedure (Scotland) Act 1995

---

Adults with Incapacity (Scotland) Act 2000

---

Housing (Scotland) Act 2001

---

Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001

---

Community Care and Health (Scotland) Act 2002

---

Homelessness etc. (Scotland) Act 2003

---

Mental Health (Care and Treatment) (Scotland) Act 2003

---

Adult Support and Protection (Scotland) Act 2007

---

Public Services Reform (Scotland) Act 2010

---

Social Care (Self-directed Support) (Scotland) Act 2013

---

**Public Records (Scotland) Act 2011**

**Freedom of Information (Scotland) Act 2002**

**Data Protection Act 1998**

**Data Protection Act 2018**

**Regulation of Investigatory Powers (Scotland) Act 2000**

**Environmental Information (Scotland) Regulations 2004**

***Legislation to be incorporated into IJB list***



From mountain to sea

# **Scheme of Governance**

## **Part 2C - Planning Delegations**

[ ]



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## List of Planning Delegations

This document sets out how planning applications and local development matters are dealt with at Aberdeenshire Council. This document lists all delegations relating to the determination of planning applications including those powers reserved to Full Council. This document also contains guidance on objections, material considerations and appeals.

### A. INTRODUCTION

Aberdeenshire Council are responsible for determining applications seeking planning permission and for various consents. These other consents include listed building consent, conservation area consent, advertisement consent and high hedges consent.

The law governing the decision-making processes in terms of such applications is largely contained within the Town and Country Planning (Scotland) Act 1997 (*as amended*) and the Local Government (Scotland) Act 1973 along with various others.

These Acts confirm that certain types of application must be determined by **Members** sitting as the planning authority and others may be taken by Council **officers**.

The purpose of this scheme is to provide the reader with a clear understanding of **who determines which applications** on behalf of the planning authority.

There is also guidance on how to make either an **objection** or to express **support** as well as the procedures when it comes to **predetermination hearings** for both national and major development applications.

This document also details the general powers under **development management** which ensure effective operation of the planning system.

Information on the rights of applicants to **appeal**, whether this is to the Local Review Body where an officer has taken a decision, or to the Scottish Government where a Committee has taken a decision is included.

This document is subject to all exceptions, limitations and delegations in the Scheme of Governance. **It is important to note under the List of Officer Powers in Part 2B of the Council's Scheme of Governance that where powers have been delegated to officers, they may choose not to exercise the power and instead make a recommendation to the appropriate committee for the application to be determined.**

***Added for clarification***

There is a **glossary of terms**, including hyperlinks for easy navigation and process **flow charts**.

This document does not cover delegations in respect of environmental planning, planning enforcement nor for the development of the Local Development Plan. The details of these are included within the Council's Scheme of Governance.

## B. WHAT DOES THE JARGON MEAN?

The table below explains some of the technical language we have to use in this document.

	Explanation
"Advertisement consent"	The regulations <sup>1</sup> provide that where a person seeks to display an advertisement they should in certain circumstances seek the consent of the local authority.
"Appointed Officer"	For purposes of Local Development only means the officer exercising the delegated power.
"Area"	The areas are Banff and Buchan, Buchan, Formartine, Garioch, Marr and Kincardine and Mearns.
"Area Committee"	Aberdeenshire Council is divided into six administrative areas. Each administrative area has an Area Committee to which certain decision-making powers are delegated. The areas are Banff and Buchan, Buchan, Formartine, Garioch, Marr and Kincardine and Mearns.
"Certificate of Appropriate Alternative Development"	An application under the Land Compensation (Scotland) Act 1963 and 1973 (as amended) and the Land Compensation (Scotland) Order 1975.

<sup>1</sup> The term 'advertisement' is defined in the Town and County Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended by the Town and County Planning (Control of Advertisement) (Scotland) Amendment Regulations 1992).

“Certificate of Lawfulness”	An application under <b>s.150 and 151 of the Town and Country Planning (Scotland) Act 1997</b>
“Conservation Area Consent”	An application under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
“ <u>departure</u> ”	A departure application is a planning application that is not in line with, or 'departs from', the Development Plan.
“ <u>development</u> ”	Building, engineering or other operations that take place in, on, over or under the land, or any material change of use of any building or other land. <sup>2</sup>
“ <u>Development Plan</u> ”	The <u>Aberdeenshire Council Local Development Plan</u> which directs decision-making on all land-use planning issues and planning applications in Aberdeenshire. This plan is part of a set of documents which make up the statutory development plan for the area. The Development Plan also includes reference, where appropriate, to the <u>Aberdeen City and Shire Strategic Development Plan</u> .
“Full Council”	A Meeting of Aberdeenshire Council.
“Hazardous Substance Consent”	An application in terms of the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
“hierarchy of development”	All Development is classified as either <u>National</u> , <u>Major</u> or <u>Local</u> .

<sup>2</sup> Defined in Section 26 of the Town and Country Planning (Scotland) Act 1997

“Infrastructure Services Committee”	The Policy Committee of the Council with the delegated decision-making power to deal with planning matters.
“Listed Building Consent”	An application in terms of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
<u>“local development”</u>	Defined as all developments other than national developments and major developments. <sup>3</sup>
“Local Ward Members”	<p>Aberdeenshire is divided into nineteen Multi Member Wards. All Wards are represented by either three or four Members.</p> <p>In the event of a vacancy in a Multi Member Ward, referral from at least two of the total number of Local Members in the relevant ward (including the vacancy) are necessary to refer to <u>Area Committee</u>.</p>
“minor departure”	A slight technical departure which is in the opinion of the planning service insignificant.
“major development”	Described in Schedule 1 to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
<u>“national development”</u>	Development or classes of development designated as a “national development” in the <u>National Planning Framework</u> . <sup>4</sup>
“Pre-Determination Hearing”	These Hearings, where required, enable the views of applicants and those who have made representations to be heard at Committee before a planning decision is taken. These Hearings are only used for National Developments and Major Developments which

<sup>3</sup> Reg. 2(2) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

<sup>4</sup> Under s.3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as inserted by Section 1 of the Planning etc. (Scotland) Act 2006

are classed as significant departures. The procedures can be found in [Appendix G](#).

“Regional Significance”	Where in the professional opinion of the Director of Infrastructure Services following consultation with the leaders of political groups on the Council (and any representative of the Independents, including Non-Aligned Independents) and the Chief Executive that the proposed development has an Aberdeenshire wide impact and not a localised impact.
“Review of Old Minerals Permissions”	An application under <b>s.74 and Schedules 9 and 10 of the Town and Country Planning (Scotland) Act 1997</b> .
Section 42 Applications for variation or removal of conditions	An application under s.42 of the Town and Country Planning (Scotland) Act 1997.
Section 75A Applications for Modification of Section 75 agreement	An application under Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.
<u>“significant departure”</u>	<b>Significantly</b> in conflict with the Development Plan. See <a href="#">Appendix E</a> .
<u>“valid objection”</u>	Please see further details at <a href="#">Section F</a> .
<u>“valid representation”</u>	Please see further details at <a href="#">Section F</a> .

Section C contains the delegations that Aberdeenshire Council has made relating to planning decisions. Any amendment to these delegations must be made by [Full Council](#) through a two stage process.

Section D contains guidance.

***Update to legislation***

## C. DELEGATIONS

### 1. NATIONAL DEVELOPMENT

This section applies to all planning applications for national development.

- 1.1 All applications for national development will be determined by Full Council following consultation with the relevant Area Committee(s) and a Pre-Determination Hearing where required.



### 2. MAJOR DEVELOPMENT- no change

### 3. LOCAL DEVELOPMENT

This section applies to all planning applications falling within the category of local development governed by the Town and Country Planning (Scotland) Act 1997. This section deals with all local development in terms of Section 43A.

The following provisions are also relevant to applications for:-

- Certificates of Appropriate Alternative Developments.
- Conservation Area Consent.
- Hazardous Substance Consent.
- Listed Building Consent.
- Review of Old Minerals Permissions.
- Section 75A Modifications of Section 75 Agreements.
- Section 42 Variations or Removals of Conditions.
- Advertisement consent.

***Certificates of Lawfulness have been removed from the list. Officers have been given delegation in 3.4 below as there is no discretion in the decision***

Substitute the words “Head of Planning and Building Standards” for “Appointed Officer” where they appear for applications other than local developments.

- 3.1 The Appointed Officer is authorised to determine all applications for local development applications and all applications for agreement or approval required by a condition imposed on a grant of planning permission for development within the category of local development **except** where any of the following apply:-
- a. The application, in the opinion of the Director of Infrastructure Services following consultation with the Chief Executive and the leaders of the political groups on the Council (and any representative of the Independents, including Non-Aligned Independents), is of regional significance then the application will be determined by Full Council. Such applications will be referred to the relevant Area Committee to provide comments before determination by Full Council.
  - b. In the professional opinion of the Appointed Officer, a proposal has a significant impact on more than one Area, the relevant Area Committee where the development is located or is substantially located will determine the application following consultation with the adjacent Area Committee(s). Where there is a difference of opinion between Area Committees then the application will be referred to Infrastructure Services Committee for determination.
  - c. An application for development which is a departure from the Development Plan and is recommended for approval. Such applications will be determined by the relevant Area Committee.
  - d. The Head of Planning and Building Standards is of the professional opinion that the approval of an application would be a significant departure, from the Development Plan and the Area Committee decide to approve the application, the application shall be referred to the Infrastructure Services Committee for determination.
- For the avoidance of doubt, where the Area Committee refuse the application, the application does not require to be referred to another committee.
- e. Applications recommended for approval that are in **accordance** with the Development Plan where there have been **valid objections** from **five or fewer** individuals or bodies with separate postal addresses or premises and, at least **two of the total number of Local Ward Members** in the Ward in which the development is proposed, having been given prior notification of the planning officers recommendation to grant permission, request in writing within five clear working days, that the application be

**referred** to the relevant Area Committee and provide **valid material planning considerations** for the request.

- f. Applications recommended for approval that are in **accordance** with the Development Plan where there have been **valid objections** from **six or more** individuals or bodies with separate postal addresses. Such applications will be determined by the relevant Area Committee.
- g. **Applications recommended for approval where** there is an **unresolved objection** from a consultee (including a community council within whose area the proposed development is to take place). Such applications will be determined by the relevant Area Committee.

***Added to ensure clarity***

- h. Applications recommended for **refusal** that are **contrary** to the Development Plan where in the professional opinion of the Head of Planning and Building Standards, there has been a **substantial body of support** for the development. **Appendix F provides guidance on this point.** Such applications will be determined by the relevant Area Committee.

***Referral to the guidance – useful signpost***

- i. Applications recommended for **refusal** where at least **two Local Ward Members** in the Ward in which the development is proposed, having been given advance notice in writing of the recommendation for refusal by the Planning Officer, request in writing within five clear working days, that the application be **referred** to the relevant Area Committee and provide **valid material planning considerations** for the request. Such applications will be determined by the relevant Area Committee.
- j. Applications submitted by, or on behalf of, a Member of the Authority, or their spouse or partner where the recommendation is to approve. Such applications will be determined by the relevant Area Committee.
- k. An application submitted by, or on behalf of, a Member of the Authority, or their spouse or partner, is recommended for refusal. Such applications shall be determined by the Infrastructure Services Committee.
- l. Applications recommended for approval which have been submitted by, or on behalf of, a member of staff in the Planning and Building Standards Service where the development does not accord with the Development

Plan, or where there has been a valid objection. Such applications will be determined by the relevant Area Committee.

3.2 The following provisions relate only to applications for:-

- Listed Building Consent.
- Conservation Area Consent.
- Hazardous Substance Consent.
- Certificates of Appropriate Alternative Developments.
- Review of Old Minerals Permissions.
- Section 75A Applications for Modification of Section 75 agreement.
- Advertisement Consent.

***There has been re-numbering and certificates of lawfulness have been removed as officers have the delegation to deal with them.***

- a. Applications recommended for approval which have been submitted by the Local Authority or its appointed agents or relate to land in the ownership of the local authority or land in which the local authority has a financial interest where a valid objection has been received. Such applications will be determined by Area Committee.
- b. Applications recommended for refusal which have been submitted by the Local Authority or its appointed agents or relate to land in the ownership of the local authority or land in which the local authority has a financial interest. Such applications will be determined by Area Committee.

### ***Renumbering***

3.3 **The following provisions relate only to applications which are subject to section 75 agreements or developer obligations.**

***New section added for clarity.***

- a. For applications dealt with by officers under delegated powers, the Head of Planning and Building Standards can refuse planning applications for which Section 75 agreements are not completed or Developer Obligations are not paid within four months from the date of instruction to Legal and Governance after the date of decision.

- b. Following consultation with the Chair and Vice Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee. Local Ward Members shall be notified.

**3.4 All applications for Certificates of Lawfulness shall be dealt with by officers.**

***New delegation - required to reflect current requirements and practice***

#### 4. HIGH HEDGES CONSENT

- 4.1 All applications for High Hedges Consent in terms of the High Hedges (Scotland) Act 2013 shall be determined by officers.

#### 5. DEVELOPMENT MANAGEMENT FOR ALL TYPES OF DEVELOPMENT

- 5.1 Council officers have delegated authority from the Council:-

- a. To invalidate applications which are deficient in information or detail to enable a proper assessment to be completed in terms of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- b. To refuse planning applications where the applicant has not provided all requested information within the timescale clearly set out in the request for that information or such other date as may be agreed in writing.
- c. To decline to determine applications in terms of Section 39 of the 1997 Act.
- d. To determine when Environmental Impact Assessments require to be submitted by developers.
- e. To enter Processing Agreements with applicants for planning applications where considered appropriate in the professional opinion of the officer.

- f. To approve detailed matters that have been reserved by condition in the granting of permission/consent by a Committee or by officers **or by the relevant appeal body**

***Added to clarify that approval may come from an appeal body***

- g. To vary, after consultation with the appropriate Area Committee Chair and Vice-Chair and Local Ward Members, planning consents which have been before Committee where the variation is non-material in planning terms (to be determined by the Appointed Officer) or where a condition does not alter the substantive consent.
- h. To determine applications for prior notification and prior approval in respect of development permitted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).
- i. To process, administer and defend planning appeals, after consultation with other services as appropriate, to Scottish Ministers either by written representation, hearing or inquiry Sessions, where the Committee has agreed with officers' recommendations.
- j. To deal with non-statutory notifications for Council developments, where there have been no objections from the public or other Council Services.
- 5.2 Full Council, Infrastructure Services Committee and Area Committees may also be consulted on applications determined by other public bodies such as, but not limited to, applications for windfarms in terms of Section 36 of the Electricity Act 1989.

## **6 CAIRNGORMS NATIONAL PARK AUTHORITY**

### **6.1 The following provisions relate to any application for a proposed development within the Cairngorms National Park which fall within the following statutory provisions:-**

- a. **Section 46 of the Town and Country Planning (Scotland) Act 1997;**
- b. **Section 11 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and**
- c. **Section 18 of the Planning (Hazardous Substances) (Scotland) Act 1997.**

**The Council must notify the Cairngorms National Park Authority of any such application within five days of receipt.**

- 6.2. Where such an application is notified to the Cairngorms National Park Authority, the Authority may choose to exercise the functions of the Council as planning authority where it considers the application raises a planning issue of general significance to the aims of the Cairngorms National Park. In such circumstances the application shall be determined by the Authority.**

***Added to ensure the position insofar as the functions that can be exercised by the Park Authority is reflected in the delegations***

The following section, D, provides guidance:-

#### **D. GUIDANCE**

1. REPRESENTATIONS (OBJECTIONS OR SUPPORT) no change
2. MAKING A COMMENT ON A PLANNING APPLICATION no change
3. MAKING A REQUEST TO SPEAK AT COMMITTEE no change
4. APPEALS no change

#### APPENDIX E - Guidance on what is considered a significant departure

All decisions made by Aberdeenshire Council are made in **accordance** with the Local Development Plan **unless** there are **material planning considerations** which outweigh the policy and are persuasive enough to justify a departure from policy. Each planning application has to be carefully considered against the policies and material considerations before the application can be determined. A proposed development may “tick all the boxes” in relation to most policies but not all. Decision-makers must weigh each consideration and decide whether material considerations are enough to outweigh the policy.

Some proposed developments would be **significantly contrary** to the Local Development Plan. Irrespective of the application’s place in the hierarchy of development. Officers cannot determine applications that are significantly contrary to the plan and need to go to Full Council or Infrastructure Services Committee as appropriate.

It is not possible to give an exhaustive definition for a significant departure. Each application has to be considered on its own merits and so “significance” must be relevant to that application when weighed against the relevant policies. **However, any development which would or could by reason of its scale or nature, or the location of the development, significantly prejudice the implementation of the development plan’s policies and proposals is likely to be considered significant.**

***Added for further explanation to aid the purpose of the guidance***

#### **APPENDIX F – Substantial Bodies of Support**

**When considering whether the strength of public support is a significant material planning consideration, the Council as the planning authority, will take account of all of the following factors:**

- (a) the number of representations in support of the proposal, in the context of the locality;**
- (b) where representation in support is from a group or organisation, the extent to which it may be representative of the community; and**
- (c) the relevance, in planning terms, of those representations.**

**For the avoidance of doubt the number of letters or individuals in support will not be the sole deciding factor as to whether the body of support could be**

***New guidance, added to reflect requirements***

**considered substantial. The Council as the planning authority will also take account of how the number and location of supporters relates to the local and wider population that could legitimately claim to be affected by the development. The quality and relevance of the arguments presented will be paramount.**

**APPENDIX G - Pre-Determination Hearing Procedures no change apart from renaming.**



From mountain to sea

# **Scheme of Governance**

## **Part 3 – Financial Regulations**

[ ]



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## Financial Regulations

Aberdeenshire Council has Financial Regulations to ensure that all decisions are made within agreed budgets and in the correct manner enabling proper, transparent and efficient financial management of the Council. All officers and employees of the Council are subject to the Financial Regulations.

This document provides guidance to officers on the proper procedures for undertaking procurements for works, goods and services.

### 1. INTRODUCTION

- 1.1 Financial regulations provide the framework for managing the Council's financial affairs and apply to every Member and employee of the Council or anyone acting on its behalf.
- 1.2 All Members and employees have a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of these resources is legal, properly authorised, and provides value for money.
- 1.3 It shall be the responsibility of all Directors to ensure that members of their staff are aware of, and comply with the requirements contained in, the Council's Financial Regulations.
- 1.4 The Financial Regulations provide a comprehensive framework and as such are very detailed, however the following guidance has been produced to support the organisation using the regulations:
  - Financial Regulations Lite.
  - Financial Matters – Test Your Knowledge.

These together with the latest approved Financial Regulations can all be found on Arcadia.

- 1.5 It should be noted that the Financial Regulations are approved by Full Council and have precedence over the above guidance.
- 1.6 These Financial Regulations shall not be altered or suspended except by Full Council following consideration of a report from the Head of Finance. Action contrary to the approved Financial Regulation should not be taken prior to this consideration. **where a resolution to do so is passed after notice is given at a previous meeting of Full Council; or, a report is made to Full Council by the Monitoring Officer in accordance with Standing Order 9.**

**This reflects the Scheme of Governance requirements.**

- 1.7 A register of breaches of Financial Regulations will be maintained by the Chief Internal Auditor (CIA). All breaches identified shall be notified to the CIA and entered in the register. Monitoring of the register will be undertaken by the Council's Management **Strategic Leadership** Team quarterly and the Committee responsible for Audit every 6 months.

## 2. GENERAL

- 2.1 The Head of Finance, as the “Proper Officer”, in terms of Section 95 of the Local Government (Scotland) Act 1973, shall be the adviser on financial matters to the Council and all its Committees and shall be responsible for the proper administration of the Council’s financial affairs.
- 2.2 Each Director shall consult the Head of Finance in respect of any matter which is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting thereon to Committee. Such consultations must be in writing, allowing at least five clear working days for consultation.
- 2.3 References in these Regulations to “Directors” are to the Chief Executive, the Service Directors and the Area Managers.
- 2.4 ~~“Committees” refers to the Council’s Policy and Area Committees and “Committee” means any one of them.~~ **This paragraph will be removed from the Financial Regulations.**

**The definition of “Committee” already appears in the Scheme of Governance Glossary**

- 2.4 The following principles shall be observed in the allocation of accounting duties:-

The duties of providing information regarding sums due to or from the Council, and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.

Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

## 3. FINANCIAL PLANNING AND MANAGEMENT

The Council is a complex and diverse organisation responsible for delivering a wide variety of services. It needs to plan effectively and develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The Council’s Budgets are the financial expression of the Council’s plans and policies.

Budget management ensures that once the budget has been approved by the Council, resources allocated and procured are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

### 3.1 Revenue Budget Preparation

- 3.1.1 The detailed form and timetable to be followed in respect of the Revenue Budget shall be determined by the Head of Finance subject to any direction of Full Council and after such consultations with each Director and the Strategic Leadership Team as may be necessary.
- 3.1.2 Estimates of income and expenditure on revenue account shall be prepared by the Head of Finance ~~in conjunction with~~ **for approval by** each Director. These estimates will be submitted to Full Council, and when approved by Full Council, shall constitute the Revenue Budget for the relevant financial year. An electronic version of the Revenue Budget is available.

**This re-wording is reflective of the Scheme of Governance**

- 3.1.3 The responsibility for providing the services included in the Revenue Budget shall lie with the Director concerned subject to any decisions made by the relevant Committee involved.

### 3.2 Revenue Budget Monitoring

- 3.2.1 The Head of Finance shall furnish Directors periodically and on request information on actual expenditure and income compared with the approved Budget. The Head of Finance shall be entitled to receive any clarification deemed necessary on any item of expenditure or income and Directors shall correspondingly provide the Head of Finance with such information as is required from them.
- 3.2.2 The Head of Finance shall report periodically to the relevant Policy Committee on comparisons of actual figures with budget and, for the year as a whole, as soon as possible after Accounts have been compiled. The Committee shall be entitled to seek explanations for any figures in the cost comparison which it deems require special attention.

### 3.3 Revenue Budget Management

- 3.3.1 The responsibility for ensuring that Revenue Budget provisions are not exceeded shall rest with the Director concerned except that this responsibility shall not extend to estimates for financing costs or insurance premiums which are the responsibility of the Head of Finance.
- 3.3.2 If it appears that the amount of any Revenue Budget Grouping may be exceeded, or the amount of any budget grouping of approved income may not be reached, and the excess expenditure or shortfall in income cannot be met by the Director concerned exercising their powers of virement in terms of Financial Regulation 3.4 below, it shall be the duty of the Director ~~after~~ **following** consultation with the Head of Finance, to report fully to the Committee concerned which should endeavour to find the amount required

elsewhere in its Budget. Should, exceptionally, this not be possible, the Committee will **be recommended to** refer the matter to Full Council.

**This re-wording is reflective of the Scheme of Governance**

3.3.3 Any proposal to a Committee, which would involve the incurring of additional expenditure not allowed for in the approved Revenue Budget, shall be accompanied by a report prepared, following consultation with the Head of Finance, by the Director concerned indicating that there is insufficient provision in the Revenue Budget, or making proposals for virement as required by Financial Regulation 3.4 below. Should virement not be possible, authorisation shall only be given after consideration of the expenditure involved by the Full Council.

### 3.4 Scheme of Virement

The scheme of virement is intended to enable the Council, Directors ~~and their staff~~ **and Head of Finance** to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources. The term “virement” refers to the switching of budgetary provision from one budget to another.

**The addition of the Head of Finance reflects the statutory role of the Section 95 Officer**

#### 3.4.1 Definitions:-

**Budget Grouping** means any single section of the Council’s approved Revenue Budget (e.g. Staff Costs, Premises Costs, Supplies and Services etc.).

**Budget Page** means any heading under a main Committee heading comprising several Budget Groupings (e.g. Legal and Governance, Transportation, Affordable Housing, Refuse Collection etc.).

**Service Budget** means one of the main headings as listed in the Revenue Budget Summary page (e.g. Business Services, Infrastructure, Education and Children’s Services etc.).

**£100,000** means the total value of the Budget Groupings in the virement being proposed, in each instance.

3.4.2 Subject to the following limitations, virement may be exercised by Directors, the Head of Finance and the relevant Policy Committee.

3.4.3 Directors may vire between Budget Grouping within a budget regardless of value. They may also vire between Budget Page up to the value of £100,000,

on a given Budget Page, where the Budget Page relates to the Service they are responsible for.

The Head of Finance may vire between Budget Page or Service Budget up to the value of £100,000, on a given Budget Page, where the Budget Page or Service Budget involved relate to Services that are the responsibility of more than one Director, subject to approval of those Directors. Where the value of such virements is equal or greater than £100,000, it requires to be approved by relevant Policy Committee(s). Provided that where more than one Policy Committee has to approve the virement and agreement cannot be reached, the matter will be referred to Full Council for determination.

The relevant Policy Committee may vire between Budget Page or Service Budget where the functions have been delegated to that Committee and the total value of the virement is greater than £100,000.

All virements will be recorded in an electronic version of the Revenue Budget Monitoring.

#### 3.4.4 Limitations:-

Virements of expected savings on Capital Financing Charges and Interest on Revenue Balances and recharges between Services of the Council require to be approved by the Head of Finance (values under £100,000) or Full Council (values equal to or over £100,000).

Virements relating to Insurances require to be approved by the Head of Finance (values under £100,000) or Full Council, (values equal to or over £100,000).

Recurring items of expenditure cannot replace non-recurring savings.

Virement cannot be used to reinstate an item deleted by Committee during Budget consideration.

### 3.5 End Year Flexibility

End Year Flexibility is intended to improve integration of service planning and five year budgeting allowing services to retain some degree of budget under spend to permit investment within the service.

3.5.1 An underspend generated within any Budget Page (except as detailed in 3.5.5 below) may be carried forward to the next financial year and used to defray expenses incurred within the same Budget Page for that Service, subject to the approval of Full Council and the approach set out in 3.5.2-3.5.5.

3.5.2 All overspends in Service Budgets for a financial year will require to be met in full in that financial year and as such will be the first call on any underspends relating to that year's outturn position. If a net underspend occurs in a

financial year then carry forwards up to the value of the net underspend can be approved.

- 3.5.3 To carry forward a request will be required. Requests will be submitted to the Strategic Leadership Team.
- 3.5.4 The Strategic Leadership Team will evaluate requests against the criteria set out in the End Year Flexibility scheme and where they deem suitable will submit to Full Council for approval.
- 3.5.5 Any underspend not receiving approval to carry forward will be transferred to the General Fund Working Balance and will be available for corporate objectives, subject to consultation with the Strategic Leadership Team.
- 3.5.6 If there are any circumstances where a Service is unable to contain expenditure within the overall budget then this will require to be addressed, in the first instance, by the Strategic Leadership Team in terms of Financial Regulation 3.3.
- 3.5.7 Any balances held in respect of Community Development Groups shall be carried forward in total.

### **3.6 Capital Budget Preparation, Monitoring and Management**

- 3.6.1 The detailed form and timetable to be followed in respect of determining the Capital Plan and Budget shall be set by the Head of Finance subject to any direction of the Full Council and after such consultations with each Director and the Strategic Leadership Team as may be necessary.
- 3.6.2 The impact of the Capital Plan on the Revenue Budget shall be measured in accordance with criteria laid down in the Prudential Code. In this respect, the Head of Finance shall propose a set of Prudential Indicators for approval by Full Council, which demonstrate the affordability, sustainability and prudence of the Capital Plan and Budget and shall ensure compliance with the Prudential Code in all other respects.
- 3.6.3 No expenditure on a capital project equal to or greater than the Committee Threshold (as defined in Para 5.3) shall be incurred before it has been the subject of a report to the appropriate Committee. The report by the appropriate Director must include the total estimated capital cost of the project(s) including fees, furniture and equipment and other ancillary costs and the estimated future revenue implications or savings arising from the project over its life.
- 3.6.4 It shall be the responsibility of each Director to ensure that capital expenditure does not exceed the sum approved for the project(s) in the Capital Budget and that expenditure on contracts does not exceed the approved amount of the contract.

- 3.6.5 Where it appears that the cost of any project or group of projects included in the Capital Budget is likely to exceed approved previously reported budget by £100,000, it shall be the duty of the Director concerned to consult with the Head of Finance, and thereafter report to the Full Council for determination.
- 3.6.6 The Head of Finance, following consultation with appropriate Directors, shall establish the most appropriate use of specific capital receipts and make suitable recommendations to the Full Council for determination.
- 3.6.7 The Head of Finance shall report regularly to the Full Council except in relation to Housing Revenue Account capital which shall be reported to the Communities Committee, on the monitoring of capital expenditure as compared with the agreed Capital Budget or Plans. In order to facilitate this, the appropriate Director shall provide the Head of Finance with information on the progress of individual projects.

### **3.7 Accounting Policies and Abstract of Accounts**

The Head of Finance is responsible for the preparation of the Council's Statement of Accounts, in accordance with proper practices and as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March. Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its accounts to present fairly its operations during the year.

- 3.7.1 In view of the above, it shall be the Head of Finance's responsibility to select suitable accounting policies and to ensure that they are consistently applied to the accounts relating to each financial year. It shall be the duty of all Directors to maintain proper financial and accounting records within their service to demonstrate the adequate stewardship of public resources. No such arrangements shall be introduced, discontinued or amended without the approval of the Head of Finance.
- 3.7.2 The Abstract of Accounts for the preceding financial year shall be prepared by the 30 June following, or by such date as may be specified by Scottish Ministers in regulations made under Section 105 of the Local Government (Scotland) Act 1973, and submitted, by that date, to Full Council and to the Controller of Audit. Following completion of the Audit, the Head of Finance shall submit to Full Council, not later than two months following receipt, a certified copy of the Abstract together with the External Auditor's report thereon.
- 3.7.3 Each Director shall be responsible for ensuring that the staff in their Service affords to the Head of Finance such assistance as is necessary to ensure that the deadlines agreed with the Head of Finance for the completion of the Annual Accounts are complied with.

- 3.7.4 Each Director shall provide to the Head of Finance information on Statutory Performance Indicators specified for their service in time to meet the Audit requirements and the statutory timetable of publication of Performance Indicators.

#### **4. RISK MANAGEMENT AND CONTROL OF RESOURCES**

All organisations face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure its continued financial and organisational well-being.

##### **4.1 Internal Control**

Internal controls are the mechanisms put in place by management to: manage and monitor progress towards the Council's objectives; ensure compliance with legislation, regulations and policies; ensure that operations are efficient and effective; ensure that financial information and reporting is reliable; and to protect the organisations assets and resources.

- 4.1.1 It shall be the responsibility of the Head of Finance to assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- 4.1.2 It shall be each Director's responsibility to ensure that the established controls are being adhered to, to seek guidance from the Head of Finance and Chief Internal Auditor when it is identified that controls require change and to advise of identified failures to comply with established controls.

##### **4.2 Insurances, Indemnities and Guarantees**

One of the tools used in managing risk is the arranging of suitable insurance cover. This assists in lessening the likelihood of financial burden on the organisation in the event of loss and helps in the management of expenditure.

- 4.2.1 It shall be the responsibility of the Head of Finance to effect all insurance cover and negotiate all claims following consultation with other officers where necessary.
- 4.2.2 Directors shall give prompt notification to the Head of Finance of all new risks, properties, equipment or other vehicles which require to be insured and of any alterations affecting existing insurances.
- 4.2.3 Directors shall immediately notify the Head of Finance in writing of any loss, liability or damage or any event likely to lead to a claim, and inform the police if they consider that criminal activity may have taken place. Where a direct

compensation payment is being considered as an alternative to the submission of an insurance claim the Director concerned will seek, in writing, agreement of the Head of Finance prior to payment which will be subject to the limits set out in the Scheme of Governance.

- 4.2.4 The Head of Finance shall annually, or at such other period as may be considered necessary, review all insurances following consultation with other Directors as appropriate, and may report thereon to the Policy Committee responsible for Finance if required.
- 4.2.5 Directors shall consult the Head of Finance and the Head of Legal and Governance respecting the terms of any indemnity and guarantees which the Council is requested to give. All such guarantees must be referred to Policy Committee responsible for Finance.

### 4.3 Assets

The Council holds **significant** assets in the form of property, vehicles, equipment, furniture and other items ~~worth, collectively, many millions of pounds~~. It is important that these assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

**Including a generic value is not required**

- 4.3.1 The general security of the Council's accommodation shall be the responsibility of the Director of ~~Business Services~~. **responsible for Property and Facilities Management**. Subject to this, each Director is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control and shall consult the Director of ~~Infrastructure Services~~ **responsible for Property and Facilities Management** and the Head of Finance in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

**This change in wording removes the need for future changes in the Financial Regulations should the Directorate responsibilities change**

### 4.4 Heritable Property

- 4.4.1 The Head of Finance will set up and maintain an asset register of all assets owned by the Council (with the exception of minor items covered by Regulation 4.6), recording the holding account, the purpose for which held, the

location, the extent, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

- 4.4.2 The Head of Legal and Governance will ensure custody of all title deeds under secure arrangements.
- 4.4.3 The advertising of property for lease and the initial consideration of offers shall be dealt with by the appropriate Committee or ~~Director~~ **Chief Officer**, on reports from the officer concerned ~~following consultation with the Head of Legal and Governance.~~ **Head of Legal and Governance following consultation with the Head of Property and Facilities Management in accordance with the Scheme of Governance, Part 2B, paragraphs 8.12 to 8.20.**

**Updated to reflect the Scheme of Governance**

- 4.4.4 Property shall only be let or disposed of in accordance with Council Policy.

#### **4.5 Stocks and Stores**

- 4.5.1 Responsibility for the care and custody of stocks and stores under their control shall rest with each Director, who shall ensure that such assets are secure and adequately accounted for. Records shall be maintained detailing the location, movement and balance of items held which shall themselves be subject to a regular independent physical check.
- 4.5.2 Each Director shall supply to the Head of Finance such information as is required in relation to stores for the accounting, costing and financial records, timeously on request. Surplus materials, stores, or equipment shall be disposed of in accordance with Regulation 4.7.

#### **4.6 Inventories**

- 4.6.1 Inventories shall be maintained of all assets other than those included in the Asset Register and shall record an adequate description of furniture, fittings and equipment, plant and machinery etc., as required by the Head of Finance.
- 4.6.2 Each Director shall be responsible for maintaining an inventory of the assets under their control, and for taking action in relation to discrepancies.
- 4.6.3 The Council's property shall not be removed otherwise than in accordance with the ordinary course of Council business or used otherwise than for the Council's purpose, except with specific written authorisation from the Director concerned.

#### 4.7 Disposal of Assets

- 4.7.1 All **Following consultation with the Head of Finance all** surplus plant, vehicles, equipment and furnishings **which are individually** expected to realise more than £5,000 (exclusive of VAT), where no suitable trade-in arrangements have been made, shall be offered for sale by the appropriate Director **Chief Officer** following consultation with the Head of Finance ensuring that best value is achieved and can be demonstrated. Items expected to raise more than £5,000 (exclusive of VAT) individually, should be offered for sale **either** by open invitation or sold at auction.

**It was not clear from the regulation whether the value of £5,000 related to individual assets or a number of assets. The use of the term Chief officer is reflective of the Scheme of Governance**

- 4.7.2 Where the value is less than or equal to £5,000, the asset should be offered **considered** for use elsewhere in the Council, and if no alternative internal use is identified the disposal route elected should represent best value.

**It was highlighted during the review that not every asset is suitable for use elsewhere in the Council**

#### 4.8 Treasury Management

Many millions of pounds pass through the Council's accounts each year. Because of this, codes of practice have been established which aim to provide assurances that Council money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of Council assets.

- 4.8.1 The recommendations of the Chartered Institute of Public Finance and Accountancy Code of Practice on Treasury Management in the Public Services described in Section 4 of that Code shall be adhered to by the Council. Section 4 of the Code contains four key recommendations relating to the policies and practices to be adopted by local authorities, reporting arrangements, the management and control of risk and best value.
- 4.8.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:

A treasury management policy statement, stating the policies and objectives of its treasury management activities suitable treasury management practices, setting out the manner in which the Council will seek to achieve those policies and objectives, these to be maintained by the Head of Finance.

- 4.8.3 The content of the policy statement and treasury management practices will follow the recommendations contained in sections 6 and 7 of the Code, (subject only to amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations). The Council shall set out its strategy and procedures to ensure compliance with the Code in a Treasury Management Policy Statement and this shall be monitored by the Policy Committee responsible for Finance.
- 4.8.4 The Policy Committee responsible for Finance will receive reports on treasury management policies and practices, including an annual strategy and plan in advance of the year. The Head of Finance shall report, through the Policy Committee responsible for Finance Bulletin, on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to him/her. Within the Statement of Accounts, they shall report on the Treasury Management activities for the previous financial year.
- 4.8.5 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Policy Committee responsible for Finance and for the execution and administration of treasury management decisions to the Head of Finance. The Head of Finance will act in accordance with the Council's policy statement and treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.
- 4.8.6 The Head of Finance shall normally act as a Registrar for all Stock, Bonds, Bills etc., and shall maintain records of all monies borrowed by the Council. Where required to facilitate a particular method of borrowing, the Council's Banker or other agent approved by the Policy Committee responsible for Finance may be appointed Registrar.

#### **4.9 Banking Arrangements**

- 4.9.1 The Bank Account of the Council will be kept with the Bank selected by the Policy Committee responsible for Finance and where required, the Head of Finance shall arrange for subsidiary accounts to be kept with that Bank. All such Bank Accounts shall be in the name, or incorporate the name, of the Council.
- 4.9.2 Except where in special circumstances it is not possible to borrow on the Money Market, the Bank Account shall not be overdrawn in excess of the sum authorised by the Council and agreed with its Bankers.
- 4.9.3 Arrangements for electronic funds transfer shall be authorised by the Head of Finance or other officer designated by him or her.
- 4.9.4 Any cheques issued shall bear the signature or the facsimile of one of the authorised signatories agreed by the Council. The ordering of and the control of cheques shall be the responsibility of the Head of Finance.

4.9.5 Cheques and electronic transfers out with the Council's grouped accounts in excess of a figure determined by the Head of Finance shall require the signature of a second authorised signatory.

4.9.6 All monies received shall be paid into the Council's Bank Account daily or at such other intervals as arranged with the Head of Finance.

#### **4.10 Investments, Loans, Common Good and Trust Funds**

4.10.1 The Council shall make the necessary arrangements for the proper administration of each Trust Fund in accordance with the conditions laid down by the Trust or other Deed.

4.10.2 The Head of Finance shall ensure the proper and safe custody of all Funds administered by the Council.

4.10.3 All investments of money under the control of the Council shall be managed by the Head of Finance in accordance with the Council's Investment Policy and shall be in the name of the Council or in the name of nominees approved by the Head of Finance who will report the need for such nominees to the Policy Committee responsible for Finance.

4.10.4 All documents of title to any investments or securities, the property of or in the name of the Council or its nominees, shall be held in the custody of the Head of Finance, save that the title deeds of all property in its ownership and Standard Securities granted on heritable property shall be in the custody of the Head of Legal and Governance.

4.10.5 All Trust Funds under the control of the Council shall be in the name, or incorporate the name, of the Council.

4.10.6 All officers acting as Trustees by virtue of their official position shall deposit all securities etc., relating to the Trust with the Head of Finance unless the Deed otherwise provides.

#### **4.11 Staffing**

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

4.11.1 It shall be the responsibility of all ~~Directors~~ **Chief Officers** to ensure that the Council's Policy in relation to the recruitment and selection of staff is fully complied with and that all other HR & OD Policies approved by the Council are adhered to.

**The change to Chief Officer complies with the Scheme of Governance**

4.11.2 Appointments of all employees shall be made in accordance with approved establishments, grades, and rates of pay. ~~Directors~~ **Chief Officers** shall have discretion as to the incremental salary point on which employees are to be placed within the approved salary scale for the post, subject to the existence of sufficient provision in the Revenue Budget.

**The change to Chief Officer complies with the Scheme of Governance**

#### 4.12 Internal Audit

~~The requirement for an internal audit function for local authorities is implied by section 95 of the Local Government (Scotland) Act 1973, which specifies that every local authority “shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer has responsibility for those affairs”. Scottish Office Circular 5/85 states that “effective internal audit cover is regarded as a matter of good practice.”~~ **The Local Authority Accounts (Scotland) Regulations 2014, which came into force in October 2014, make it a statutory requirement for all Scottish Local Authorities to have an internal audit function.**

**This reflects the statutory position with regard to the internal audit function in local authorities**

4.12.1 A continuous internal audit, under the independent control and direction of the Director of Business Services, shall be arranged to carry out a continuous review and appraisal of the internal controls of the Council and prepare such reports on these as may be required or appropriate. Work will be planned to provide reasonable, rather than absolute, assurance and shall be undertaken in accordance with the ~~United Kingdom Public Sector Internal Audit Standards~~ **United Kingdom Public Sector Internal Audit Standards**. Such Internal Audit work shall not absolve management of the responsibility to ensure that all financial transactions are undertaken in accordance with the Council's Financial Regulations and ~~Standing Orders~~ **Scheme of Governance** and that adequate systems of internal control exist to safeguard assets and secure the accuracy and reliability of records.

**A link has been inserted to the UK Public Sector Internal Audit Standards**

4.12.2 Internal Audit shall have authority to –

- a. Enter at all reasonable times any Council premises or land.
- b. Have access to all records, documents and correspondence relating to any financial and other transactions of the Council.
- c. Require and receive such explanations as are necessary concerning any matter under examination.
- d. Require any employee of the Council to produce cash, stores, equipment or any other Council property under their control.

4.12.3 It shall be the responsibility of all Directors to ensure that access and explanations requested by Internal Audit are provided in a timely manner on all occasions.

4.12.4 The Chief Internal Auditor has the right to report direct to the Full Council in any instance where they deem it inappropriate to report direct to the Director of Business Services, Chief Executive, or the Committee responsible for Audit.

4.12.5 Upon receipt of a report by the Chief Internal Auditor, the Director of the Service concerned shall respond fully within one calendar month.

4.12.6 Where recommendations resulting from Internal Audit work are agreed, the Director of the Service concerned shall ensure that these are implemented within the agreed timescale. Regular progress reports will be sought by Internal Audit and it is the responsibility of the appropriate Director to ensure that these are provided when requested along with explanations of any recommendations not implemented within the agreed timescale.

#### **4.13 Prevention of Fraud and Corruption**

The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether from inside or outside the organisation. The Council's expectation of propriety and accountability is that Members and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

4.13.1 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores, equipment or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, the Director concerned shall immediately notify the Chief Executive, the Head of Finance, Head of Human Resources and Organisational Development and the Chief Internal Auditor, as appropriate, who shall take such steps as may be considered necessary by way of investigation and report.

4.13.2 In order to assist in the prevention of fraud and corruption appropriate internal controls will be established in accordance with Financial Regulation 4.1.

4.13.3 All Members and employees will be expected to comply with the Council's **Strategy for the Prevention and Detection of Fraud, Bribery and Corruption and Disclosure of Information (Whistleblowing) and Anti-fraud and Corruption Policies Policy**.

**This paragraph has been amended to reflect the current Strategy title**

#### 4.14 Hospitality

4.14.1 Each Director shall be entitled to extend hospitality, subject to adequate Revenue Budget provision up to £300 (excluding VAT) per occasion.

~~4.14.2 When hospitality is estimated to cost in excess of £300, but not more than £1,500 (exclusive of VAT) per occasion, written approval shall first be obtained from the following three Members: the Provost, Chair and Vice Chair of the relevant Policy or Area Committee.~~

**This paragraph is to be removed as only a Committee or Sub-Committee can have delegated powers to approve spend. Expenditure up to £1000 is now proposed to be dealt with under the Chief Officers general delegation A6 in Part 2B of the Scheme of Governance.**

~~4.14.2 Hospitality estimated to cost in excess of £1,500 (exclusive of VAT) **Where hospitality is to be provided and it is estimated to cost in excess of £1,000 (exclusive of VAT)** per occasion it shall require the prior approval of the relevant Policy Committee.~~

4.14.3 Reasonable hospitality extended to Council employees by current or prospective clients, customers or suppliers, is an accepted practice, but the acceptance of excessive hospitality or gifts, other than mere tokens, goes beyond what is proper for a public official, regardless of whether such gifts actually do, or are intended to, influence him or her in an official capacity. Any hospitality or gifts must be recorded in a register kept for the purpose by the Head of Legal and Governance.

4.14.4 Subject to 4.14.4, gifts may only be accepted by employees provided they fall within the terms of the specific Inland Revenue exemption (ITEPA 2003, s 324) for gifts from third parties. This effectively limits the value of gifts to £250 including VAT.

4.14.5 Hospitality or gifts received by Members must be dealt with in accordance with the Councillors' code of Conduct and must be recorded in a register kept for the purpose by the Head of Legal and Governance.

#### 4.15 Payment of Grants and Subsidies

The awarding of Grants are means by which the Council provides subsidies or funding to external bodies, (including individuals, businesses and third sector organisations) to further the aims of those external bodies. Grants should not be used to procure works, goods or services which the Council would otherwise have to procure in accordance with Regulation 5.3.

- 4.15.1 Subject to compliance with Regulation 4.16 and the Scheme of Governance each Director shall have authority to award grants included in the approved Revenue Budget for the services for which they are responsible.
- 4.15.2 Each grant award should be subject to the Council's Follow the Public Pound procedure.
- 4.15.3 Grants may only be awarded on written terms and conditions using grant award letters or grant agreements on terms approved by the Head of Legal and Governance.
- 4.15.4 Any amendments to such terms and conditions will require the prior approval of the Head of Legal and Governance.

#### 4.16 State Aid

State Aid Law is the means by which the European Union regulates funding or subsidies granted by the State to commercial entities to ensure that such State assistance does not adversely affect trade between Member States and undermine the functioning of the European common market. An award of State funding or subsidy is unlawful unless it is granted under the terms of an exemption authorised by the European Commission or has been individually assessed and approved by the European Commission through its notification process. The potential consequences of awarding unlawful State Aid are that the aid payments and schemes can be suspended, the entity receiving the aid may require to repay it with interest and a competitor could sue the State and the aid recipient for damages.

- 4.16.1 It shall be each Director's responsibility to ensure that the Council fully complies with State Aid Law in respect of any funding or subsidy granted by the Council to a third party. Each Director shall ensure that a State Aid Risk Assessment is undertaken where they consider that such funding or subsidy could potentially be subject to State Aid Law.
- 4.16.2 Where any funding or subsidy granted by the Council to a third party is considered to be State Aid and is administered under Commission Regulation (EC) No 1998/2006 (relating to de minimis aid), the relevant Director shall ensure that details of the grant of funding or subsidy (including a copy of the de minimis declaration signed by the third party) are included in a central database.

#### **4.17 Shared Services**

Shared Services are arrangements where the Council collaborates with other public authorities to obtain works, goods or services. These types of arrangements are excluded from the full application of the Public Contracts (Scotland) Regulations 2015 and therefore do not need to be publicly tendered. However, there are rules governing the creation of a properly constituted shared service arrangement and these rules must be followed.

- 4.17.1 Identification of a Shared Service arrangement should be undertaken following consultation with the Head of Commercial and Procurement Services and should only be entered into where the Director of the relevant services can demonstrate that such arrangement represents best value to the Council.
- 4.17.2 Approval to enter into a Shared Service arrangement, where the value of the shared services is equal to or greater than Committee Threshold (as detailed in Paragraph 5.3 below) should be sought from the relevant Committee. Existing Shared Services arrangements will be subject to review and approval in accordance with regulation 4.17.6.
- 4.17.3 Shared Services arrangements may only be entered into on written terms and conditions approved by the relevant Director following consultation with the Head of Legal and Governance.
- 4.17.4 Shared Services arrangements must comply with the European rules on such arrangements including that any payments due under such arrangements are only in respect of reimbursement of costs.
- 4.17.5 The Head of Commercial and Procurement Services shall maintain a register of agreements for shared services and each relevant Director shall ensure that the prescribed information as detailed by the Head of Commercial and Procurement Services is communicated to him or her on an annual basis.
- 4.17.6 Shared Services arrangements should be subject to review and renewal of approval at least every four years.

#### **4.18 Sponsorship**

Sponsorship is defined as “Any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and the sponsored party, contractually provides financing or other support in order to establish an association between the sponsor’s image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits”.

- 4.18.1 Commercial Sponsorship arrangements must comply with the Aberdeenshire Council Policy and Procedures on Commercial Sponsorship in the Public Sector.

- 4.18.2 Commercial Sponsorship will be co-ordinated by the Head of Commercial and Procurement Services who will maintain a central register of all commercial sponsorship agreements.
- 4.18.3 All commercial sponsorship agreements must be based on a written agreement. For agreements with a value less than £1,000, an exchange of letters will be sufficient evidence of a written agreement. For agreements with a value in excess of £1,000, a full contract is required.

## 5. FINANCIAL SYSTEMS AND PROCEDURES

### 5.1 Income

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

- 5.1.1 All rents, fees, and charges levied by the Council shall be reviewed in accordance with the Council's Charging Policy.
- 5.1.2 It shall be the duty of the Head of Finance to ensure the proper recovery of all monies due to the Council. To this end, they shall ensure that proper financial and accounting arrangements are made throughout the Council for the recording, collection, custody, control and disposal of cash.
- 5.1.3 All receipt forms, books, tickets, and other such documents shall be ordered and supplied to Services by or with the approval of the Head of Finance, who shall require to be satisfied as to the arrangements for their control.
- 5.1.4 All money received by an Officer on behalf of the Council shall without delay be paid to the Head of Finance or, as they may direct, to the Council's Bank or Girobank account or transmitted directly to any other body or person entitled thereto. No deduction may be made from such money save to the extent that the Head of Finance may specifically authorise. Appropriate accounting entries shall be effected in a timely and accurate manner to record all income due and collected.
- 5.1.5 Maximum limits for cash holdings ~~shall be agreed with, and shall not be exceeded without the express permission of~~ **shall be held securely and shall not exceed the limits set by** the Head of Finance **unless by prior express permission.**

**This change in wording reflects the absolute nature of the requirement to hold cash securely on Council premises to avoid financial loss to the Council**

- 5.1.6 In respect of recurrent income, the Head of Finance shall maintain registers, issue accounts and collect same, except in relation to Council house rents and rent arrears where the responsibility shall rest with the Director of Infrastructure Services who shall account for these to the satisfaction of the Head of Finance.
- 5.1.7 Accounts for other chargeable services shall be issued by the ~~Director~~ **Chief Officer** concerned utilising the corporate debtors system unless dispensation has been given by the Head of Finance. The Head of Finance shall be responsible for collection and pursuit of outstanding sums, in accordance with the Corporate Debt Policy and where relevant instructions approved by the Policy Committee responsible for Finance.

**The change to Chief Officer complies with the Scheme of Governance**

- 5.1.8 Where payment for a service is in advance of the service being delivered i.e. payment is made when the service is ordered, the Directors responsible for the service delivery shall account for these upfront payments to the satisfaction of the Head of Finance.**

**This is being inserted to reflect that some services are now paid upfront and therefore no longer require the issue of an account**

- 5.1.9 An irrecoverable debt is one where there is no reasonable prospect of recovery. Once formally written off, no active pursuit of the debt will normally be undertaken.
- 5.1.10 Irrecoverable debts up to a value of £10,000 may be written off by the Head of Finance following consultation with the appropriate Director. Debts in excess of £10,000 may be written off only after due consideration and approval by the Policy Committee responsible for Finance. Debts in excess of £10,000 relating to council house rent arrears (including former tenant arrears) may be written off only after due consideration and approval by the ~~Communities Committee~~ **the Policy Committee responsible for Housing**. All irrecoverable debts, where the debtor has been subject to bankruptcy, sequestration or liquidation, may be written off by the Head of Finance.

**This change has been made to provide flexibility in the event that there are changes to the remits of Policy Committees**

5.1.11 If the impact of such a write-off is such that it will result in the amount of any revenue budget head being exceeded, or an income figure not being reached, then the provisions of Regulation 3.3.2 shall apply.

## 5.2 Authority to Incur Expenditure

5.2.1 Each Director shall have authority to incur expenditure included in the approved Revenue Budget for the services for which they are responsible up to the level of the Budget provision subject to Regulations 5.2.2 to 5.2.5 below and the authorisation limits set out in the Scheme of Governance to officers.

5.2.2 Each Director shall be responsible for reporting to the relevant Committee prior to the beginning of each financial year with a proposed work plan for all procurements falling within the jurisdiction of the Committee with a Contract Value of £50,000 or more and updating the Committee from time to time in the event of any new procurements with a Contract Value of £50,000 or more being added to the work plan.

5.2.3 Expenditure on the alteration, maintenance or repair of buildings may not be incurred until appropriate technical or professional advice has been taken from the Director of Business Services except in relation to routine maintenance of houses provided under the Housing Acts and included in the Housing Revenue Account.

5.2.4 Expenditure on I.T. software and hardware may not be incurred until appropriate technical or professional advice has been taken from the Head of Information and Communication Technology.

5.2.5 Expenditure on Consultants may not be incurred until after consultation with the Strategic Leadership Team and the approval of the Head of Finance is received.

5.2.6 Single items of expenditure on supplies, goods, works, materials or services shall require competitive quotations in accordance with tendering arrangements set out in Regulation 5.3.

**5.2.7 For a contract of over £50,000 that is cross-directorate and cross-area, there is no requirement for each policy committee which makes a budgetary contribution to approve the expenditure on a directorate work plan. The policy committee with the greatest budgetary contribution will be the lead policy committee and this committee has the delegated power to approve all of the expenditure on that contract provided**

**a. That if the budgetary contribution of the other policy committee(s) is up to £50,000 then the appropriate Chief Officer has the delegated power to approve that part of the expenditure on the contract.**

**b. That the Chair, Vice-Chair and relevant opposition spokesperson of the other policy committee(s) with a budgetary contribution of over**

**£50,000 to the contract must be consulted and the results of the consultation must be reported to the lead policy committee, prior to the determination of the expenditure on the contract.**

**This paragraph has been added to reflect the recommendation of Procedures Committee on 20<sup>th</sup> April 2018**

### 5.3 Procurement of Works, Goods or Services

Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council has a responsibility to achieve best value through economy and efficiency whilst following the key principles of equal treatment, non-discrimination, transparency and proportionality.

The Council's procedures should help to ensure that Services obtain value for money from their purchasing arrangements whilst complying with legal obligations and procurement principles.

Officers should seek assistance from the Commercial and Procurement Service and refer to the Procurement Guidance Notes (Part 4B of the Scheme of Governance).

#### Definitions

5.3.1 The following definitions will apply to regulation 5.3:

**Award Report** means a formal report for approval by a Chief Officer or Committee, as the case may be, (conforming to a template approved by the Head of Commercial and Procurement Services) seeking authority to award a contract for the purchase of works, goods or services.

**Business Case** means a formal report for the approval of a Chief Officer or Committee, as the case may be, (conforming to a template approved by the Head of Commercial and Procurement Services) seeking authority to conduct a procurement for the purchase of works, goods or services.

**Chief Officer** means a Chief Officer of the Council having delegated authority to conduct a procurement process and award contracts in accordance with the Scheme of Governance.

**Committee** means the relevant committee of the Council having delegated authority to conduct a procurement and award a contract in terms of the Scheme of Governance.

**Committee Threshold** means a Contract Value of over £1,000,000.

**Contract** means a contract entered into or to be entered into by the Council and a supplier for works, goods or services and includes a framework agreement or a call-off contract under a framework agreement unless the context requires otherwise and also includes income or savings generating arrangements as described in regulation 5.3.38.

**Contract Value** means, subject to regulation 5.3.8 (Aggregation), the total value of a contract (exclusive of VAT) payable by the Council under the contract over the whole life of the contract (including any optional extension periods or any value transferred to the supplier by way of a concession or rights or some other asset/non-cash transfer).

**Direct Award** means the award of a Contract without the Council having sought quotes or tenders.

**EU Thresholds** means the contract value thresholds set out in the Public Contracts (Scotland) Regulations 2015 governing the applicability of those Regulations to public contracts.

**Procurement Guidance Notes** means the procurement guidance notes published by the Head of Commercial and Procurement Services and as amended from time to time.

**Procurement Legislation** means the Procurement Reform (Scotland) Act 2014, the Public Contracts (Scotland) Regulations 2015, the Procurement (Scotland) Regulations 2016 and any other legislation which amends this legislation or governs public procurement in Scotland.

**Procuring Officer** means an officer of the Council responsible for administering a procurement process having been approved by the Head of Commercial and Procurement Services for such purpose in accordance with regulation 5.3.3(iii) (and which officer may be referred to as a “Delegated Procurer” in the Procurement Guidance Notes”).

**Scheme of Governance** means the Council’s Scheme of Governance authorising Committees and Officers, as the case may be, to exercise powers on behalf of the Council.

5.3.2 In the event of conflicting terms the following order of priority will apply:

- (i) Procurement Legislation,
- (ii) Part 2 of the Scheme of Governance, Delegations,
- (iii) Part 3 of the Scheme of Governance - Financial Regulations,
- (iv) Part 4 **CB** of the Scheme of Governance - Procurement Guidance Notes

### **Head of Commercial and Procurement Services**

5.3.3 The Head of Commercial and Procurement Services shall be responsible for:

- (i) Overall management of the procurement function of the Council,
- (ii) Maintaining an up to date Contracts Register in accordance with the requirements of the Procurement Legislation for the monitoring of all contracts and framework agreements developed or in use across the Council, which shall include the value and amount of each contract (where able to be so identified),
- (iii) Designating suitable officers as Procuring Officers and maintaining a register of Procuring Officers,
- (iv) Organising appropriate training for Procuring Officers,
- (v) Publishing the Procurement Guidance Notes and ensuring that a monitoring process is in place.

### **Procuring Officers and Guidance**

- 5.3.4 No officer shall be permitted to undertake a procurement process unless that officer has been designated a Procuring Officer by the Head of Commercial and Procurement Services.
- 5.3.5 The Head of Commercial and Procurement Services may at their discretion withdraw an officer's authority to administer procurements and remove that officer from the register of approved Procuring Officers.
- 5.3.6 Procuring Officers shall observe all Procurement Legislation, the Scheme of Governance, (including the Financial Regulations) and the terms of the Procurement Guidance Notes when administering procurements.
- 5.3.7 Procuring Officers shall notify the Head of Commercial and Procurement Services of details of all Contracts with a Contract Value of £50,000 or more for which they are responsible (a) which have been entered into by the Council during the current financial year (with sufficient information to enable the Head of Commercial and Procurement Services to maintain an accurate and up to date Contracts Register) and (b) prior to 31 March, details of all proposed Contracts for which they will be responsible during the next financial year. All information to be provided in a format approved by the Head of Commercial and Procurement Services.

### **Aggregation of Contracts**

- 5.3.8 Where a Contract is one of a series of similar Contracts, across the Council for the same category of goods, or specific requirements needed to complete a project, the value of each must be aggregated to determine the relevant Contract Value. In the foregoing circumstances the Procuring Officer should seek guidance from the Head of Commercial and Procurement Services before proceeding. The splitting of requirements into smaller lots or orders or shorter contract periods in an attempt to avoid the Contract Value limits in these regulations is expressly prohibited.

### **Contract Term**

- 5.3.9 All contracts should have a defined duration or be capable of being terminated on a fixed period of notice by the Council.
- 5.3.10 Contracts will be subject to review by the relevant Head of Service at least every four years. A Contract may only be continued beyond the initial period if it continues to represent best value and provided the appropriate approval is obtained in accordance with these regulations.

### **Internal Suppliers and Cross Authority Arrangements**

- 5.3.11 Where works, goods or services can be provided by another Service of the Council, orders should be placed with that Council Service, unless best value will be achieved by external provision. If it is believed that best value can be achieved by external provision then, advice on the way to proceed shall be sought from the Head of Commercial and Procurement Services by the purchasing service following consultation with the in-house provider. It is the responsibility of the manager of the in-house provider to ensure that best value is achieved by either (a) providing such goods or carrying out such works or services or (b) assisting in contracting with an external provider.

### **Authority to Conduct a Procurement**

- 5.3.12 Subject to regulations 5.3.26 (special urgency) and 5.3.28 (Social Work Exception), no tender shall be invited or contract entered into (except where the Contract Value is below £10,000) unless a Business Case has been approved by the Chief Officer or Committee, as the case may be, and the Head of Commercial and Procurement Services has been notified. The allocation of a budget as part of the Council's budget setting process is insufficient. The method of authorising the initiation of a procurement process is dependent on the estimated Contract Value as follows:
- (i) Where the estimated Contract Value is below the Committee Threshold – either - the Chief Officer (subject to sub-paragraph (iii) below), or the relevant Committee where
    - a) the Committee has reserved the right to approve the Business Case following notification of the work plan, or
    - b) a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan
  - (ii) Where the estimated Contract Value is equal to or more than the Committee Threshold –the relevant Committee,
  - (iii) Before a Chief Officer can authorise the initiation of a procurement process in accordance with sub-paragraph (i) above the Business Case must have been considered by the relevant service management team.

## **Procurement Procedures**

### Contracts less than £10,000

5.3.13 Where the Contract Value is estimated to be less than £10,000 the Procuring Officer must obtain a minimum of one written quote and be able to demonstrate that best value has been achieved.

### Contracts equal to or over £10,000, but less than £50,000

5.3.14 Subject to regulation 5.3.24, where the Contract Value is estimated to be £10,000 or more but less than £50,000, competitive quotations must be sought and obtained in writing from at least four suppliers, including, where appropriate, internal service providers. The Public Contracts Scotland website must be used for the advertisement of such Contracts, unless the Head of Commercial and Procurement Services has given express permission otherwise. Should the Procuring Officer be unable to obtain four written quotes, a request should be submitted to the Head of Commercial and Procurement Services (using the form approved by the Head of Commercial and Procurement Services for such purpose) to obtain their prior consent to proceed with fewer than four quotations. Where there is no alternative supplier, and the Council is legally obliged to make the payment (e.g. exam fees, licences/copyright, disclosure fees), there is no requirement to obtain the approval of the Head of Commercial and Procurement Services.

### Contracts £50,000 and above

5.3.15 Subject to regulation 5.3.24 if the Contract Value is estimated to be £50,000 or more a formal competitive tendering process shall be undertaken in accordance with the Procurement Legislation and the Procurement Guidance Notes. The Public Contracts Scotland website must be used for the advertisement of such Contracts, unless the Head of Commercial and Procurement Services has given express permission otherwise.

### Contracts above EU Thresholds

5.3.16 Where the value of the contract is estimated to exceed the relevant EU Threshold or it is anticipated that there might be cross border interest in the procurement the advice of the Head of Commercial and Procurement Services must be sought.

## **Tender Opening**

5.3.17 Tenders must be submitted via electronic means or unless the Head of Commercial and Procurement Services agrees otherwise. Where tenders are to be submitted via electronic copy only, the Head of Commercial and Procurement Services must be consulted on the method for receipting and recording of tenders. In the case of hard copy tender submission tenders shall be opened by an officer in the presence of two other officers who shall be

Directors, Heads of Service or Service Managers whose service is not connected to the contract being let.

### **Selection and Down Selection**

5.3.18 Where the shortlisting of interested parties or down selection of tenderers is permitted as part of a procurement process the Chief Officer shall have authority to select the parties to be invited to tender or to be allowed to continue in the tendering process, as the case may be.

### **Tender Evaluation**

5.3.19 Tenders shall be evaluated by an evaluation panel in accordance with the procedures set out in the Procurement Guidance Notes.

5.3.20 Tenders shall be evaluated in accordance with the quotation or tender award criteria set out in the invitation to quote or tender, and on the basis of establishing which offer is the most economically advantageous. No other criteria shall be applied.

5.3.21 A written record shall be maintained outlining the evaluation process, recording the process followed, the criteria applied, and detailing the reasons for the decision and incorporated into the Award Report. This record shall be retained as per the Council's Retention Policy and is further detailed within Procurement Guidance Notes.

### **Post Tender Negotiation**

5.3.22 Post tender negotiations may only be considered where permitted by the Procurement Legislation and then only with the written approval of the Head of Commercial and Procurement Services of the approach to be adopted.

### **Authority to Award Tendered Contracts**

5.3.23 Subject to the submission of a satisfactory Award Report by the Procuring Officer, authority to award contracts following a tendering procedure is permitted as follows:-

- (i) Where the Contract Value is less than the Committee Threshold – Chief Officer,
- (ii) Where authority to conduct the procurement has been approved by the relevant Committee and the Contract Value does not exceed the amount approved by Committee by more than 25% – Chief Officer (subject to subparagraph (v) below),
- (iii) Where authority to conduct the procurement has been approved by a Chief Officer the Contract Value is equal to or exceeds the Committee Threshold – Committee,
- (iv) Where authority to conduct the procurement has been approved by Committee and the Contract Value both exceeds the Committee

Threshold and exceeds the amount approved by Committee by more than 25% - Committee,

- (v) Before a Chief Officer can award a Contract in accordance with subparagraph (ii) above the Award Report must have been considered by the relevant service management team.

#### **Authority to make a Direct Award (including special urgency)**

5.3.24 Notwithstanding regulation 5.3.23, a Chief Officer may authorise a Direct Award but then only in the following circumstances:

- (i) Where the Contract Value is below £10,000 and the Chief Officer is satisfied it represents best value,
- (ii) Where the Contract Value is £10,000 or more but less than £50,000, the Procuring Officer has presented a satisfactory Award Report demonstrating best value and the Head of Commercial and Procurement Services either consents in accordance with regulation 5.3.14 or is satisfied that there is no practical or economically sensible alternative,
- (iii) Where the Contract Value is £50,000 or more but below the Committee Threshold, the Procuring Officer has submitted an Award Report and the Head of Commercial and Procurement Services is satisfied that there are grounds for permitting a Direct Award in accordance with the Procurement Legislation (which grounds may include awarding a call-off contract to a supplier under a framework agreement without re-opening competition),
- (iv) For the purchase of second hand goods in accordance with regulation 5.3.37,
- (v) In the case of special urgency as set out in regulation 5.3.26, and
- (vi) Where the exceptional procedure (social work) applies in accordance with regulation 5.3.28.

5.3.25 Regardless of the Contract Value, Full Council or a Committee may authorise a Direct Award provided the Head of Commercial and Procurement Services is satisfied that there are grounds for permitting a Direct Award in accordance with the Procurement Legislation (which grounds may include awarding a call-off contract to a supplier under a framework agreement without re-opening competition).

5.3.26 In the event of special urgency brought about by circumstances unforeseeable by, and not attributable to the Council, a Chief Officer may authorise a Direct Award provided the Head of Commercial and Procurement Services is satisfied and provides written confirmation that there are grounds for permitting a Direct Award in accordance with the Procurement Legislation.

5.3.27 If there is any doubt about whether there are grounds for permitting a Direct Award in accordance with the Procurement Legislation the Head of Commercial and Procurement Services shall consult with the Head of Legal and Governance before agreeing that the action is justified in the circumstances.

### Exceptional Procedure for Social Work Contracts

5.3.28 Where the Chief Officer of the Integration~~ed~~ Joint Board (for Adult Social Work Contracts) or the Head of Children's Services (for Children's Social Work Contracts) is satisfied that the following conditions apply, they each have delegated authority to enter into a Contract with one provider where the requirement falls within the Health and Social Services classification designated within Schedule 3 in the Public Contracts (Scotland) Regulations 2015 and the Contract Value does not exceed €750,000:

- (i) Where the Chief Officer of the Integrat~~ed~~ Joint Board or the Head of Children's Services is satisfied that the requirement of the contract is unique and, after research, only one suitable source of supply can be identified,
- (ii) When, for reasons of extreme urgency or risk to life or health and wellbeing, brought about by events unforeseen by the Council, the other procurement procedures cannot be complied with,
- (iii) Where, for example in the case of certain residential or supported living services, there are only limited spaces available for a specific type of care and those spaces only become available occasionally and at short notice, or
- (iv) Where the Council is instructed by a Children's Hearing or Educational Tribunal to place a child in a particular setting.

5.3.29 Under the exceptional procedure referred to in Regulation 5.3.28 contracts can be of an indeterminate period. In these circumstances the Contract Value shall be calculated based on the known or estimated value of the contract over a period of four years. Any such contracts will be subject to review by the Chief Officer or the Head of Children's Services at least every four years. Any such contracts may only be continued beyond four years if they continue to represent best value and provided the Chief Officer of the Integrat~~ed~~ Joint Board or the Head of Children's Services is satisfied the relevant conditions in regulation 5.3.28 continue to apply.

5.3.30 Where this exceptional procedure described in regulation 5.3.28 has been used, the Chief Officer of the Integrat~~ed~~ Joint Board or the Head of Children's Services must report to Head of Commercial and Procurement Services the contract values, names of provider and types of service commissioned/ procured by this means and, if the Contract Value meets or exceeds the Committee Threshold, make a report to the relevant Committee.

### Contract Extensions and Variations

5.3.31 Where there are reasons to justify the extension or variation of the scope of an existing Contract and the combined Contract Value of the existing Contract and the extension or variation is less than the Committee Threshold, the Chief Officer shall have authority to agree the extension or variation following presentation of an Award Report by the Procuring Officer justifying the extension or variation and subject to the Head of Commercial and

Procurement Services being satisfied that such an extension or variation is permitted by the Procurement Legislation.

5.3.32 Subject to regulation 5.3.33, where there are good reasons to justify the extension or variation of the scope of an existing Contract and the combined Contract Value of the existing Contract and the extension or variation is equal to or exceeds the Committee Threshold, the Committee shall have authority to agree the extension or variation following presentation of an Award Report by the Procuring Officer justifying the extension or variation and subject to the Head of Commercial and Procurement Services being satisfied that such an extension or variation is permitted by the Procurement Legislation.

5.3.33 There shall be no requirement to report to Committee or seek Committee approval to extend a contract where the option to extend was included in the original Committee approval. The authority to exercise an option to extend in these circumstances shall be delegated to the Chief Officer.

### **Framework Agreements**

5.3.34 A framework agreement is a general term for agreements with suppliers which set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the framework agreement. These regulations also apply to framework agreements and call-off contracts including the thresholds for approval of expenditure and authority to award Contracts.

5.3.35 Where the Council has entered into a framework agreement with external suppliers covering the provision of goods, works or services for the whole Council, orders for such goods, works or services shall be placed with the contracted suppliers. The approval of the Head of Commercial and Procurement Services must be sought before seeking alternative provision.

5.3.36 Officers may procure works, goods and services under external framework agreements provided that authority to incur expenditure has been approved in accordance with these regulations and also provided that:

- (i) Use of an external framework agreement by the Council has been approved in writing by the Head of Commercial and Procurement Services,
- (ii) No material change may be made to the call off terms under the framework agreement. (Calling-off from the framework may only be done in accordance with the procedures laid down within that framework),
- (iii) All call-off contracts must be reported to the Head of Commercial and Procurement Services,
- (iv) If the aggregate Contract Value of call-off contracts under a framework agreement is likely to exceed the Committee Threshold then the authority of the relevant Committee to incur the expenditure should be obtained in advance of the Committee Threshold being exceeded.

### **Purchase of Second Hand Goods**

5.3.37 Second hand goods up to a value of £50,000 may be acquired without a competitive quotation being obtained provided that:

- (i) The Chief Officer can demonstrate that the purchase is necessary to facilitate service delivery,
- (ii) The Chief Officer can demonstrate that the purchase represents best value, having given due consideration to the cost of an equivalent new purchase and estimated life of the asset both from new and current age,
- (iii) The goods have been subject to inspection to ascertain their physical condition, with a record kept of the outcome of the inspection,
- (iv) The Council has clear title to the goods, and
- (v) The Chief Officer obtains in writing (including e-mail) the prior consent of the Head of Commercial and Procurement Services before effecting the purchase.

### **Income and Savings Generating Arrangements**

5.3.38 The requirements in relation to the award of Contracts and the approval thresholds detailed throughout regulation 5.3 will apply equally to:

- (i) Contracts resulting in the generation of income,
- (ii) Contracts transferring a benefit/asset to a supplier, the relevant value of which will be the value of the benefit transferred net of any income received or gross of cost incurred by the Council as a result of the arrangement, and
- (iii) Arrangements based on a review of activities resulting in a saving to the Council where a percentage of that saving is paid to the contractor.

### **Purchase Orders**

5.3.39 Subject to regulation 5.3.40 the purchase of all works, goods or services shall be ordered or instructed on an official purchase order form, which shall be in a format approved by the Head of Finance. Where by reason of urgency or necessity an oral order is issued, it must be confirmed immediately in writing by the issue of an official purchase order form. The supplier shall be requested to quote order numbers on all invoices.

5.3.40 The Head of Finance has authority to dispense with the requirement to complete a purchase order and shall maintain a register of such dispensations. Purchasing with a purchase card is subject to this dispensation.

5.3.41 The purchase order with the relevant contract references/schedule numbers, included where appropriate, shall be signed in manuscript by the Director or other authorised signatory, or by appropriate electronic methods as approved by the Head of Finance. All Directors must furnish the Head of Finance with a list of signatories approved for this purpose, and shall advise him or her of

additions to or deletions from the list as they occur. The officer approving the purchase order should be satisfied that there will be appropriate budgetary provision covering the estimated cost prior to authorisation. All purchase orders or contracts of £50,000 and above in value must be authorised by someone at Head of Service level or above, subject to obtaining appropriate approvals.

- 5.3.42 Regulation 5.3.39 does not apply to supplies of metered services, periodical payments such as rent and rates, and petty cash purchases.

#### 5.4 Payment of Accounts

In order to ensure the probity of payments, it is essential that appropriate controls are in operation to confirm that the expenditure has been appropriately committed in accordance with Regulation 5.3, the works, goods or services have been supplied to the Council in a satisfactory manner, and costs are in accordance with estimates.

- 5.4.1 The ~~Director~~ **Chief Officer** issuing an order is responsible for examining, verifying and certifying the accuracy of the related invoice(s) and similarly for any other payment voucher or account. Such certification shall be ~~in manuscript~~, in a manner **method** or form **format** prescribed by the Head of Finance, ~~by or on behalf of the Director~~. The names of officers authorised to sign such records shall be submitted by each ~~Director~~ **Chief Officer** to the Head of Finance, together with specimen signatures and initials, and this list shall be ~~amended on the occasion of any change therein~~ **updated regularly**. ~~The Head of Finance can provide Services with a dispensation in respect of the authorisation of invoices~~. Where a purchase order has been raised on the i-Procurement system, the approval of this purchase order can be taken as authority for paying the resultant invoice (subject to the goods / services having been “receipted” on the system, and the resultant invoice matching the goods ordered / **and** received and the value being within a tolerance level specified by the Head of Finance).

**The re-wording of this paragraph allows a more efficient process for paying suppliers subject to appropriate internal controls**

- 5.4.2 Certified accounts shall either (a) be passed without delay to the Head of Finance who shall make payment after examining them and making such enquiries and receiving such information and explanations as are deemed necessary, or (b) be paid by the Head of Finance after processing by the Director concerned in accordance with procedures agreed by the Head of Finance. Apart from petty cash payments and other payments of imprest/advances, the normal method of payment of money due from the Council shall be by electronic funds transfer.

5.4.3 Such floats or imprests as the Head of Finance considers appropriate shall be provided for Services or sections of the Council requiring them for the purposes of defraying petty cash and other expenses as may be approved by the Head of Finance for payment in cash. Such accounts shall be maintained on an imprest system in a manner prescribed by the Head of Finance.

## 5.5 Salaries and Wages

Staff costs are the largest item of expenditure for most Council Services. It is therefore important that payments are accurate, timely, made only when they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded.

5.5.1 With the general exception of pensions to former employees, the payment of salaries, wages, compensations and other emoluments to all employees of the Council shall be made by the Head of Human Resources and Organisational Development.

5.5.2 Each Director shall notify the Head of Human Resources and Organisational Development without delay and in the form prescribed by him or her, of all matters affecting the payment of such emoluments and, in particular:

- a. Appointments, resignations, dismissals, suspensions, secondments and transfers,
- b. From duty for sickness or other reason, apart from approved leave,
- c. Changes in remuneration, other than normal increments and pay awards and agreements of general application,
- d. Information necessary to maintain records of service for superannuation, income tax etc.

5.5.3 All time records or other pay documents shall be in a form prescribed or approved by the Head of Human Resources and Organisational Development and shall be certified by or on behalf of the Director concerned. Certified documents shall either (a) be passed without delay to the Head of Human Resources and Organisational Development who shall make payment after examining them and making such enquiries and receiving such information and explanations as are deemed necessary, or (b) be paid by the Head of Human Resources and Organisational Development after processing by the Director concerned in accordance with procedures agreed by the Head of Human Resources and Organisational Development. The names of officers authorised to sign such records shall be submitted by each Director to the Head of Human Resources and Organisational Development, together with specimen signatures and initials, and this list shall be amended on the occasion of any change therein.

5.5.4 Should it be established that an employee has been overpaid, recovery will be pursued. Should the employee's Service believe that there are mitigating circumstances, non-recovery may only be permitted if the Head of Finance

gives written approval, following consultation with the Head of Human Resources and Organisational Development.

## **5.6 Travelling and Subsistence Allowances**

- 5.6.1 All payments in respect of travelling and subsistence allowances shall be at rates determined from time to time by the Council and in accordance with the Council's scheme for the payment of travelling and subsistence allowances T&S Policy.
- 5.6.2 All claims for payment of travelling and subsistence allowances by staff shall be duly certified and submitted to the Head of Human Resources and Organisational Development on the approved form, made up to the last day of each month, accompanied by VAT receipts (where appropriate) for expenditure incurred and submitted as soon as possible. The names of officers authorised to certify such records shall be sent to the Head of Finance by each Director, together with specimen signatures and initials and shall be amended on the occasion of any change.
- 5.6.3 The certification by or on behalf of the Director shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the mileage and expenses incurred are reasonable and agree with the journey description detailed, and the allowances are properly payable by the Council.
- 5.6.4 Payment to Members of the Council who are entitled to claim travelling or other allowances will be made by the Head of Human Resources and Organisational Development upon receipt of the prescribed form duly completed and accompanied by valid receipts for all subsistence claimed.

**Supplementary Information****(NB: does not form part of Financial Regulations)****Procurement of Works, Goods or Services - Further Considerations****A. Which Supplier**

Consideration needs to be given as to whether an internal supplier or current contracted/framework supplier can be used.

Where a framework agreement or contracted supplier exists for a particular commodity then these must be used.

**B. Calculating the Contract Value**

The value of the contract is the total value paid to the supplier over the whole life of the contract (not just the first year).

Do not include VAT when calculating the contract value.

For example,

If purchasing a computer system which costs £40,000 in year 1 and £8,000 per year for years 2 to 4 then the total value of the contract is £64,000 and committee approval is required.

If purchasing goods from a supplier with whom we do not have a current contract of £5,000 in year 1 and £6,000 thereafter then the total value of the contract is £11,000 and four quotes must be sought. The total amount of money to be spent on a particular project or range of goods or services must be totalled to provide the overall value.

Purchase orders or contracts should not be split in order to influence the procurement procedures which need to be followed or to avoid compliance with financial regulations.

**C. Approval Limits**

A minimum of one written quotation must be sought for purchases under £10,000 where there is no current contract or framework agreement with supplier(s). In addition the procuring officer must be able to demonstrate the route adopted represents best value.

Four written quotations must be sought for contract values between £10,000 and £49,999 inclusive.

Approval to tender and purchase works, goods or services for £50,000 and over but less than the Committee Threshold must be obtained from a Chief Officer.

Approval to tender and purchase works, goods or services equal to or over the Committee Threshold must be obtained from the relevant Area or Policy Committee.

Contract Value*	Requirement**	Approval
Less than £10,000	A minimum of 1 written quote and demonstration that procurement route represents best value.	Chief Officer
£10,000 - £49,999	4 competitive written quotations.	Chief Officer
£50,000 - Committee Threshold	Competitive Tender Procedure – follow Procurement Journey.	Chief Officer
Committee Threshold and over	Competitive Tender Procedure – follow Procurement Journey.	Relevant Committee

\*total value paid to the supplier/received by the Council over the whole life of the contract

\*\*if internal supplier or current contracted/framework supplier exist these must used.

#### **D. Raising a Purchase Order**

A purchase order must be raised for all goods or services unless a dispensation has been received from the Head of Finance.

An authorised signatory form must be completed and sent to the Head of Finance for each person who authorises a purchase order.

Only those officers at Head of Service level or above can approve purchase orders greater than £50,000.

#### **E. What is a Contract?**

A contract is an agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration.

Contracts can be either written or oral. There is no minimum monetary value required for a contract to exist. A purchase order represents a contract.

**F. Identifying Central Contracts**

A register of contracts is maintained by the Head of Commercial and Procurement Services.

**G. Demonstrating Best Value in Accordance with 5.3.13**

Where the total value of the contract is estimated to be less than £10,000 over the term of the purchase/contract the procuring officer must obtain a minimum of one written quote and be able to demonstrate that best value has been achieved. Best value can be demonstrated by for example:

- Securing 4 competitive quotes,
- Referring previous experience of the procuring items, or
- Previous examples of items procured.



From mountain to sea

# **Scheme of Governance**

## **Part 4 – Procedures and Guidance**

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***This part has been expanded to contain the procedures and guidance. Committee is making recommendations on Parts 4A, 4B, 4E and 4G.***

***4C was previously in 4B and has been moved and it has been updated to reflect the recommendation made by Committee in respect of cross directorate/cross area contracts and lead policy committees.***

***The MPI form has an additional question. This has been added so all consultation is clarified from the start of the process.***

**Visit [aberdeenshire.gov.uk](http://aberdeenshire.gov.uk).**



From mountain to sea

# **Scheme of Governance**

## **Part 4A - Scrutiny at Aberdeenshire**

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## Scrutiny at Aberdeenshire

This document forms part of the council's Scheme of Governance and provides information and guidance on how Aberdeenshire Council monitors and reviews performance and service delivery and undertakes scrutiny.

### 1.1 What Is Scrutiny?

Scrutiny, or challenge and review is fundamental to transparent, accountable decision making and performance improvement. Scrutiny is about assessing the impact of the council's strategic policy and planning on communities and residents. Guidance on how the council develops and reviews these policies is contained in the Policy Development and Review Framework in Part 4B.

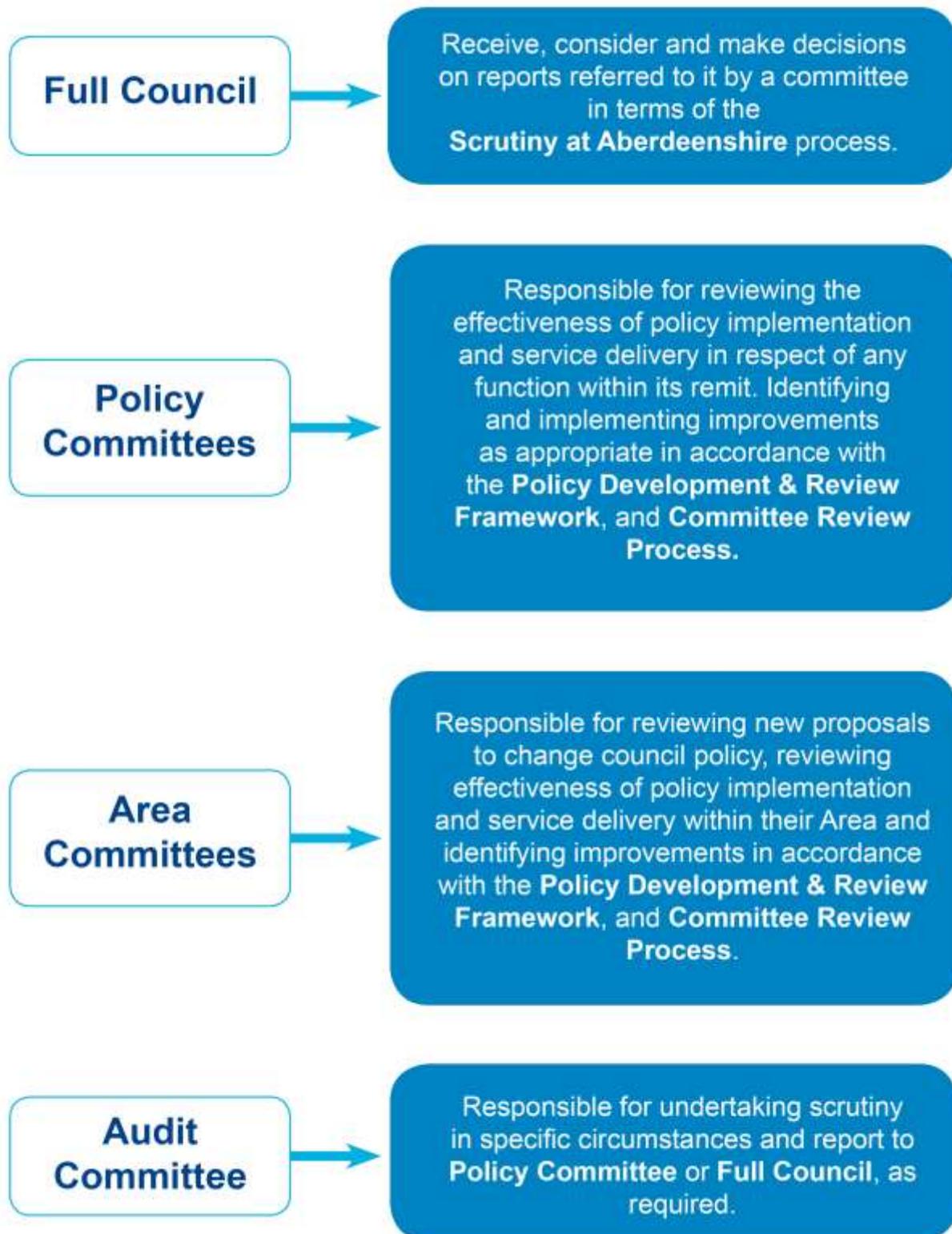
### 1.2 Members' Responsibilities

Members' responsibility for scrutiny is underpinned by four principles:



### 1.3 Governance

In the same way that scrutiny is the responsibility of every Member, every committee has a scrutiny remit.



## 1.4 In Practice

Members are undertaking scrutiny continually whether when considering performance reports, approving new policies, plans and strategies, or considering regular budget monitoring reports. Examples of formal and informal scrutiny include:

### Formal

- Performance reports (including benchmarking)
- Strategies (where these carry performance-related information for monitoring)
- Policy development/approval/review
- Capital & Revenue monitoring
- Management information
- External inspection reports
- Internal/external Audit reports
- Resident consultation/feedback (e.g. Reputation Tracker, Citizen Panel, Complaints, Local consultation)
- Referral from Audit Committee

### Informal

- Performance sessions outwith committee
- Members' surgeries
- Ward forums
- Joint Area Committee/Area Management Team meetings

## 1.5 Delving Deeper

There will be occasions when area and policy committees and the Audit Committee will wish to further assure themselves and may want to undertake further scrutiny.

Triggers for this include:

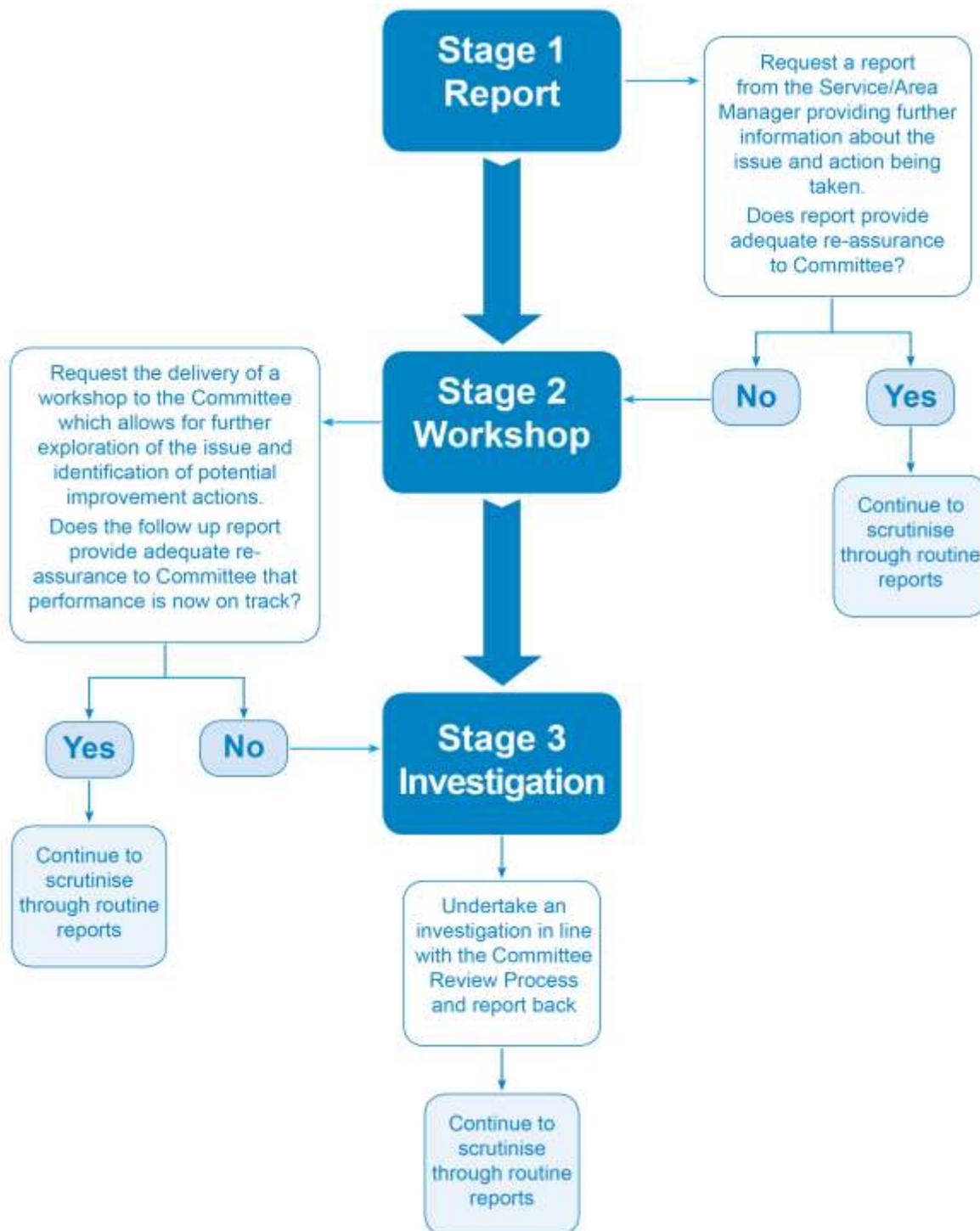
For Area and Policy Committees only -

- Performance monitoring (via trends, targets) or monitoring of projects/actions is indicating that performance is continually declining or static – this includes customer satisfaction/outcome indicators,
- National performance audits or benchmarking data indicates our residents are not experiencing as effective service delivery as others in Scotland/region or we are not improving as quickly or significantly as others,
- Internal or external scrutiny activity has indicated a requirement for improvements in an area of service delivery,
- Advice from the Feedback team based on complaints received,
- Feedback from constituents,
- Awareness of local issues that are becoming critical.

For the Audit Committee only -

- Where the report from the Chief Officer of the Integration Joint Board on the Council's delivery of adult social work services under direction of the Integration Joint Board identifies a requirement for improvement,
- Where internal or external audit reports have indicated a requirement for improvements in an area of service delivery and the response from the policy committee does not provide sufficient reassurance,
- At the request of the Chief Executive or Full Council, to investigate any matter in which the Council has an interest.

The Committees can seek further assurance or take action through a three-stage process, described below and in further detail in the Committee Review Process.



The outcome of any of these three stages can be to make recommendations for improvement action or policy review to the appropriate governance structure. There is further guidance available on lead officer roles and responsibilities for each stage and on undertaking an investigation.

## 1.6 Monitoring

Each committee can receive an annual report, or such other reports as required which will confirm the outcome of any further assurance scrutiny processes that the committee has undertaken during the year. The report is prepared by the appropriate Director or Area Manager.

## 2 Committee Review Process

The Committee Review Process specifies the roles and responsibilities of committees and lead officers in the review process and provides a step by step guide to delivering the three stage scrutiny process in a clear and consistent manner.

**Area Committees** – Responsible for reviewing new proposals to change council policy, reviewing effectiveness of policy implementation and service delivery **within their Area** and identifying potential improvements in accordance with the Policy Development and Review Framework. This also allows area committees to have a holistic review of a particular local issue involving different Services.

**Policy Committees** – Responsible for reviewing the effectiveness of policy implementation and service delivery **in respect of any function within its remit** and identifying and implementing improvements as appropriate in accordance with the Policy Development and Review Framework.

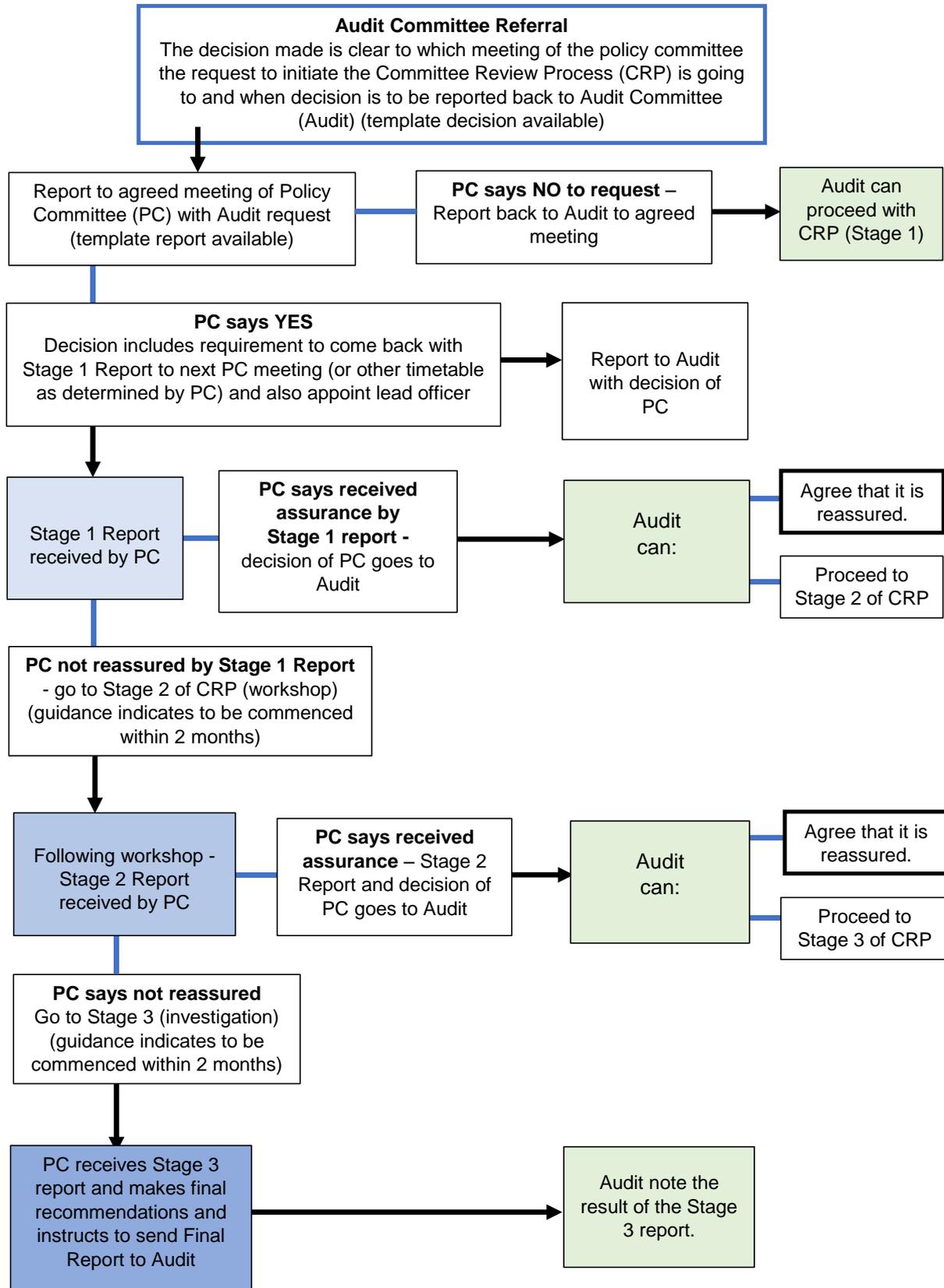
**Audit Committee** is responsible for reviewing:-

- The effectiveness of the Council's delivery of adult social work services on behalf of and under direction from **the Integration Joint Board**,
- **In terms of its own remit**, an area of service delivery identified for improvement from an audit report where, in exceptional circumstances, having already referred the matter to the relevant policy committee for consideration and having not received sufficient reassurance,
- Any matter in which the Council has an interest following a request from the Chief Executive or Full Council.

When Audit Committee determine to refer a matter to a policy committee, the referral process is detailed in the flow chart below is to be followed.

There are template reports and guidance for officers on [Arcadia](#). This is in internal link only and will only work for those with access to Arcadia. Those without access to Arcadia will need to contact the Democratic Services team in Legal and Governance by email [governance@aberdeenshire.gov.uk](mailto:governance@aberdeenshire.gov.uk).

### Audit Committee Scrutiny Referral Process



**Lead Officers** – Responsible for managing delivery of the three stage scrutiny process. Further guidance on lead officer responsibilities is included [here](#).

**The following will apply for ALL stages of the review process –**

1. **How?** - The Review Process is instigated by the committee by a request in the minutes of the meeting.

2. **Who?** - The Lead Officers are:

Area Committee - Area Manager,  
Policy and Audit Committees - Service Appointed Officer.

Further guidance on lead officer responsibilities is included [here](#).

3. **Consultation** - The lead officer should consult with Services through Area or Service Management Teams to determine:

- Is a topic already being addressed? If so, report findings from review underway to committee to determine if further assurance is required, or
- Is new legislation or guidance expected within the next year, and
- Can they support the request for further assurance with current resources/information? If not refer to Directorate.

4. **Prioritising** - In the unlikely event that a significant number of requests for further reassurance are received, Lead Officers should use their professional judgement and the [scoring mechanism](#) to prioritise requests.

5. **Outcome** - A report must go back to the relevant Committee for the decision on findings and any improvement action to be recommended.

### 3 Lead Officer Roles & Responsibilities

This section specifies the Lead Officer roles and responsibilities in terms of managing the three stage scrutiny process to ensure this is delivered in a clear and consistent manner.

#### STAGE 1 – Report

- Prepare Report in response indicating either that the issues are already known about and action is being taken or that the issue has been noted and the review will be progressed. This should normally be delivered ~~within a maximum of 2 calendar months~~ **to the next meeting of the policy committee or other date that has been agreed by the policy committee**. If not achievable, deliver progress report within that timescale.
- Present Report to the Committee., ~~if required.~~
- Respond to outcome of Committee consideration, as appropriate.

#### STAGE 2 – Workshop

- Agree date of Workshop. If not identified by the Committee, this should normally be delivered within a maximum of 2 calendar months **of the decision to move to Stage 2**. If not achievable, deliver progress report within that timescale.
- Prepare pre Workshop briefing note to Committee.
- Deliver Workshop - Informal session bringing key officers/external partners together with Members to further explore the issue and identify potential improvement actions. Could also be start of scoping something more substantial where required.
- Note-take Workshop including outcomes (*Service Administrative Support Team*).
- Report Workshop outcomes and any associated service actions back to Committee for consideration of further action required.

#### STAGE 3 – Investigation

- Follow the formal investigation process [here](#).
- When - if not identified by the Committee, this should be commenced within a maximum of 2 calendar **months of the decision to move to Stage 3**. If not achievable, deliver progress report within that timescale.
- Agree and prepare scope of investigation using SMART (Specific, Measurable, Achievable, Realistic, and Timescale) principles with Committee.
- Prepare background briefing – the written briefing contains links to any research with which the Committee may wish to familiarise themselves.
- Identify internal, and where appropriate, external witnesses to provide evidence.

- Invite witnesses to evidence gathering sessions (*Service Administrative Support Team*).
- Support Committee to identify key questions to ask witnesses.
- Deliver Lead Officer presentation to start investigation.
- Note-take all evidence gathering sessions (*Service Administrative Support Team*).
- Provide factual summary note of each session and make available via Ward Pages (*Service Administrative Support Team*).
- Support Investigation Group to draft report and their recommendations based on evidence gathered.
- Final report to be agreed by Investigation Group.
- Report recommendations to Strategic Leadership Team, where considered appropriate, and prepare management response and action plan.
- Report investigation outcomes and any associated service actions back to Committee for agreement.
- Report recommendations to appropriate Committee or Full Council where required.
- Provide update on management response and the progression of implementing recommendations to appropriate committees as part of annual reporting process or more frequently where requested.

#### **4 Scoring Mechanism for Lead Officer– Prioritising Requests**

This scoring mechanism is a tool which can be used in addition to professional judgement to assist Lead Officers in identifying priorities for review in the unlikely event that multiple requests are received from Committees.

Criterion	Score
<ul style="list-style-type: none"> <li>• Topic is subject to, or arising from, new legislation or process (within 6 months)</li> <li>• Topic is already subject to Service Review</li> <li>• Topic is already under investigation by another Committee (unless joint approach agreed)</li> <li>• Topic is going to come before Committee within forthcoming 6 months</li> </ul>	Allow this process to conclude before further consideration
<ul style="list-style-type: none"> <li>• Topic is outwith council's control</li> </ul>	1
<ul style="list-style-type: none"> <li>• There is the ability to resource improvement action and/or have powers to do so</li> </ul>	2
<ul style="list-style-type: none"> <li>• Significant issue which has been the focus of media attention or other wider public interest</li> </ul>	2
<ul style="list-style-type: none"> <li>• Significant and systemic issue raised by multiple individuals or group through direct contact with Elected Member(s) e.g. via surgeries which gives rise to cause for concern in terms of the operation of a service</li> </ul>	2
<ul style="list-style-type: none"> <li>• Significant systemic issue which Member(s) have identified as a concern</li> </ul>	2
<ul style="list-style-type: none"> <li>• Significant systemic issue raised through the community via a community organisation</li> </ul>	3
<ul style="list-style-type: none"> <li>• This is a topic of consistent under-performance as demonstrated by performance reporting at area/service level, benchmarking or external inspection or audit report(s)</li> </ul>	4
<ul style="list-style-type: none"> <li>• It is possible to undertake early intervention and/or impact of scrutiny on effectiveness or service performance of topic in question</li> </ul>	5

The scoring should be added with those scoring highest representing highest priority and a spreadsheet is available to assist with calculation.

## 5 Stage 3 - Investigation Process

This section provides guidance on undertaking an investigation as specified in stage three of the scrutiny process, where it is deemed to be required.

## 5.1 Who

The Group undertaking the investigation (Investigation Group) could include all members of the committee, a smaller group of Members only, a joint Member/Officer working group or joint group of Members and external partners but the **decision on any action required** should always be taken by the Committee that instigated the investigation. Where all members of a committee are appointed to the Investigation Group, the Chair of the Committee will Chair the Investigation Group and in all other cases the Chair will be appointed by members of the Investigation Group.

## 5.2 How

The investigation could be undertaken 'traditionally' over a period of weeks, or through a rapid improvement event. The stages described below would happen in both types of investigation, however if undertaken as a rapid improvement event, the timeline would be condensed.

## 5.3 Defining the remit

As originally proposed, a topic may be quite loosely defined. If chosen for investigation, the definition of the issue must be clarified to allow a precise focus. The previous workshop session is likely to have focused and defined the area of interest.

Additional information can be sought which will further define the remit of any subsequent investigation. This work is carried out by the lead officer.

Terms of reference should be completed and agreed by the Investigation Group. This will define the specific scope of the investigation, identify potential experts and witnesses who it is thought may advance the investigation, and indicate potential costs which may be incurred in completing the investigation. The terms of reference statement define the intent, as it is perceived at the start of the process, of how the investigation will proceed, but may need to be amended to allow the Investigation Group to pursue additional evidence sources, or lines of questioning which arise during the investigation timetable.

## 5.4 Utilising external experts

In the process of agreeing the remit of the investigation, the Investigation Group may decide to engage an external expert to be part of the review. If it is decided that such assistance would benefit the investigation, a survey will be made of appropriate experts who may be able to guide the Investigation Group. These experts are generally external to the council, accredited professionals, or academics, with a background in the topic under discussion. They have the role of being able to provide a framework of general understanding of the issue, acting as a touchstone for assessing and responding to the information gathered during the investigation

process, and also sharing their experience of the issue in its context wider than Aberdeenshire. External experts must be engaged through the appropriate processes under procurement procedures and financial regulations.

## 5.5 Background papers

When an investigation remit has been agreed, the lead officer should identify any information on the topic that could be considered by the Investigation Group to provide general awareness and context. This may take the form of internal spreadsheets, policy documents or committee reports, published research, or other external information. It could also be a session with the external expert, if one is appointed.

## 5.6 Setting in context

When the background papers have been made available to the Investigation Group, and any contextual briefing has been provided by the external expert, the investigation process should begin with a session led by the service(s) concerned, which identifies the current situation relating to the topic under discussion. This session is intended to allow members of the Investigation Group to increase their awareness of the current status of the issue under investigation, in addition to providing a service perspective. This may not be required if the Stage 2 workshop has already provided this to members' expectations.

## 5.7 Gathering Evidence

Evidence gathering sessions hear from witnesses, either individually, or in groups. The witnesses should have been identified in the terms of reference adopted for the investigation. Witnesses may be either external to the authority or may be drawn from its staff resources. This may include the undernoted:-

- Members and council employees, at any level, asked to attend because they have particular knowledge or expertise relevant to the investigation topic,
- Representatives of the Council's partner organisations invited to give an external viewpoint on the area being investigated. This is an important opportunity to develop relationships with partner and external organisations, and to increase the Council's understanding of their work,
- Representatives of service users, invited to attend to give their views on how services are meeting their needs and possible improvements,
- Officers from other councils/bodies doing the same/academics.

All appropriate means are used to inform members of the Investigation Group of the matter under review. Investigations could involve fact-finding visits to council offices or facilities to meet service users and employees on the front line. Visits to other local authorities, or providers of similar services may also be undertaken.

Prior to any session, the lead officer should brief witnesses appropriately. Witnesses are encouraged to provide comprehensive answers and to feel free to raise additional issues related to the topic.

Notes should be taken of the session, highlighting factual, salient points of the discussion. These notes should be confirmed for factual accuracy and representation by the witness, officers and members attending the session.

Generally, evidence gathering sessions are not held in public. This is intended to allow witnesses to give comprehensive answers which may involve the disclosure of confidential information.

## **5.8 Preparing Recommendations**

Once the Investigation Group has heard all the evidence, and drawn its conclusions and recommendations, a formal investigation report is prepared by the lead officer on behalf of the Investigation Group. This is best achieved through a 'wrap-up' session, where the Investigation Group meet informally, with all witness session notes available to them, and discuss what has been learnt in the investigation. The report should highlight key points, the Investigation Group's conclusions and recommendations.

## **5.9 Agreeing Actions**

The appropriate leadership or directorate team should confirm actions to be taken in response to the recommendations. The investigation report, along with the action plan should be formally reported back to the Committee.

## **5.10 Monitoring**

When the action plan has been approved, the Committee should be provided with progress updates as part of the annual reporting exercise, or more frequently, where requested. Committee should formally confirm when no further progress updates are required.



From mountain to sea

# **Scheme of Governance**

## **Part 4B - Policy Development and Review Framework**

[ ]



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## Part 4B - Policy Development & Review Framework

The Policy Development & Review Framework is the process for development, monitoring and formal review of policies within Aberdeenshire and includes provision for consideration of recommendations for the development or review of policies as part of the three stage scrutiny process.

### 1 OVERVIEW

#### 1.1 Introduction

Based on good practice, self-evaluation and stakeholder feedback, the Policy Framework comprises the overarching principles and procedures used for the development and monitoring and formal review of policy within Aberdeenshire Council.

#### 1.2 Purpose

The Policy Framework seeks to:

- Confirm the principles that guide policy development and review,
- Establish standardised procedures to ensure that policies are developed, approved, monitored and reviewed consistently,
- Provide a comprehensive, single point of reference for information relating to policy development and review.

#### 1.3 Scope of the Framework

The principles and procedures outlined in the Policy Framework relate to the development and review of council policies as well as providing a guiding framework for the development of service or function specific policies.

#### 1.4 Structure of the Framework

The Policy Framework document comprises the principles that underpin the development and review of policies and the key procedural stages (Initiation; Development; Approval; Implementation and Monitoring & Review).

#### 1.5 Policy Definition

The Policy Framework specifically focuses on the development of policies as defined below. For avoidance of doubt definitions are also provided for other related tools such as documents that may be used to support a policy in order to achieve a specific objective.

### 1.5.1 Policy

A policy is a formal, concise, accessible statement on how the council intends to conduct business and deliver services. Generally it will be a statement of intent with rules that influence and enable decision making. A policy statement will lessen the risk of conflict and remove the opportunity for unfair selective application of rules. A **new policy or a revision to a policy** must be consulted on **in accordance with this framework before being approved by the appropriate policy committee** and any changes to the policy must also be approved. An example of a simple policy statement is

***Ensures that it is absolutely clear that the framework must be followed when creating a new policy or revising a policy***

#### *Confidentiality Policy*

*It is our policy to keep confidential all personal information about the children, families, staff and volunteers involved in our service.*

*Personal information about families in relation to Child Protection concerns will be shared on a need to know basis in line with our Child Protection Policy.*

### 1.5.2 Regulation

A regulation will provide a framework for managing a specific aspect of the Council's business and would normally apply to every employee and any individual or organisation acting on the council's behalf. It is rare that the council would develop its own regulations – more usually the council will be obliged by law to follow regulations associated with specific legislation and governed by Scottish, UK or EU law. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are the council's Financial Regulations.

The following definitions are for tools and documents that are likely to be developed in order to deliver a policy. These are statements of actions. These are not policies in their own right and do not have the same status as a policy.

### 1.5.3 Procedure

A procedure is a written statement that describes how a policy or specific legislation will be put into action within the council. A procedure does not require approval by policy or area committee but should be approved by the relevant Leadership Team. Where linked to a policy, a procedure can be amended in isolation from the associated policy. However if the amendment results in any aspect of the policy being compromised or unable to be delivered as intended, the policy must be reviewed and reapproved by committee as necessary.

A simple example of a procedure is:

#### *Confidentiality Procedures*

- *Parents will have access to records kept in the service, but only in relation to their own child.*
- *All new staff and volunteers will be informed of our confidentiality policy and procedures as part of their induction programme.*
- *Information held in the service in relation to Child Protection Concerns will be stored in a separate locked drawer and will be shared only on a need to know basis in line with our Child Protection Policy and with Data Protection Legislation.*

#### **1.5.4 Protocol**

A protocol is a system of informally agreed rules that explain the correct conduct and procedures to be followed in specifically identified situations. *A protocol does not require committee approval but should be agreed on by the appropriate Leadership Team. An example of a protocol is:*

Protocol for royal and ministerial visits - This protocol would aim to outline the steps to be followed in advance of, and during organisation of, such an event.

#### **1.5.5 Guidance**

Guidance may be associated with a procedure or a policy and will provide advice and direction on how to deal with a particular situation. Guidance does not require approval by policy or area committee and can be reviewed and refreshed as required.

#### **1.5.6 Strategy/Plan**

Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. There are certain types of strategies and plans that may include a policy statement – for example the Local Development Plan – and these must be approved at committee. It is likely that specific processes and procedures will exist for these types of plans that will ensure appropriate governance however contact the Performance Manager within Business Services to discuss if unsure.

A strategy or plan should not be used to identify a statement of intent without seeking the appropriate consultation and approval.

A simple flowchart has been developed to help determine what type of tool is being developed. This is attached as Appendix 1 to this document.

### **1.6 Governance and Authority**

As stated in 1.5 above, a policy must be approved by Members through the appropriate committee. The Councillors' Code of Conduct: 3rd Edition - December

2010 published by the Scottish Government states that the role for Members is to 'determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and ~~senior employees~~ **Chief Officers** to help ensure that the policies of the council are implemented.'

***Correct officer insertion and used of up to date terminology. This explanation applies to all changes to Chief Officer.***

The council's Scheme of Governance confirms the authority of each committee in relation to all policy matters and resource issues. The Scheme of Governance is available [here](#).

Prior to approval at the appropriate committee, all new or reviewed policies must be approved by the appropriate Directorate Leadership Team. In addition, ~~policies that will be approved by Aberdeenshire Council~~ corporate policies must be considered **and endorsed** by Strategic Leadership Team prior to any formal consultation being undertaken.

***Amended for clarity***

## 2 PRINCIPLES

Policies developed under the framework should:

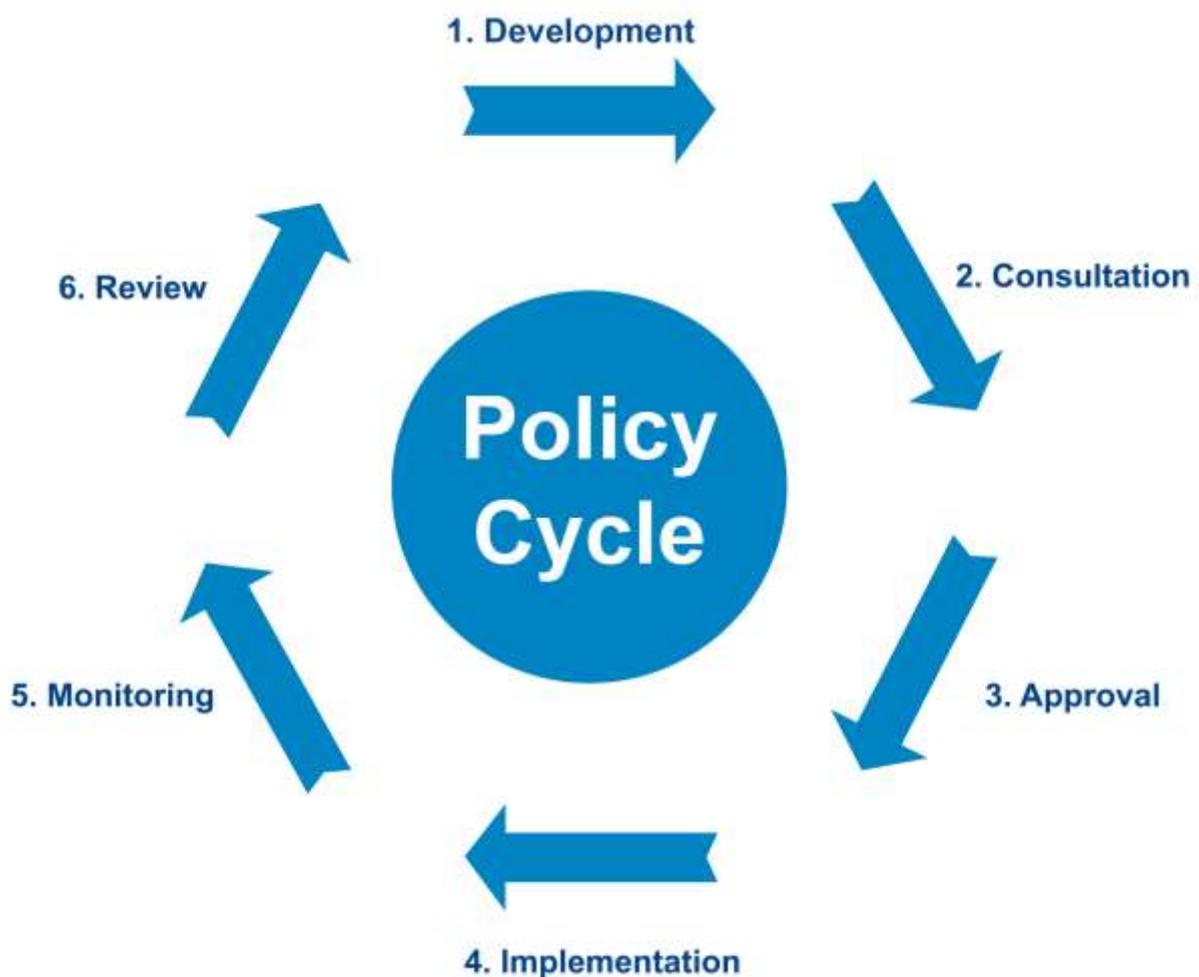
- ~~Reflect and support the council's vision and strategic outcomes and priorities.~~  
**Enable effective delivery of the priorities for the organisation as determined by the Council Plan agreed by Full Council,**
- Be consistent with national legislation and institutional statutes, regulations and other policies,
- Be guided by best practice and Best Value,
- Be clear, transparent and easily accessible,
- Be informed by consultation and communication with relevant stakeholders.
- Be monitored and periodically reviewed to ensure relevance and fitness for purpose,

- Ensure the council is contributing to a more equal society through advancing equality and good relations in our day-to-day business and compliance with the Public Sector Equality Duty.

***Included the reference to the council's priorities.***

### 3 PROCESS

The policy development process follows a six-stage model (see below). This ensures that the policy cycle is continuous with regular monitoring and review, allowing Aberdeenshire Council to adapt to change. This section outlines each stage of the policy cycle.



At each stage of the policy there must be consideration given to equalities.

## 3.1 Development

### 3.1.1 Commissioning stage

Policy development may be commissioned or initiated by policy committees, ~~senior managers or any other council officer~~ **Chief Officers or Service Managers**. An area or policy committee may recommend a policy is developed as a result of scrutiny undertaken. A policy committee may also request the development of a specific policy following the annual review of their policy framework.

Any council officer may also recommend a proposal for further investigation to their line manager or Head of Service. In most cases the senior officer will be identified as the 'policy sponsor' and will oversee the development of the policy. They may identify a responsible officer or working group to undertake the policy development.

Irrespective of how a policy idea is commissioned, time must be spent during this stage in dialogue with the appropriate policy chair/vice-chair to secure agreement for the policy to come to committee. Further political discussion may be required or beneficial through pre-agenda or political group discussion, or sometimes Policy Budget Steering Group.

**It must be evident at the commissioning stage how the policy is directly supporting the priorities of the Council as determined by the Council Plan.**

***Update to ensure the agreed council priorities are referenced in the Framework***

### 3.1.2 Categorisation within the policy framework

All policies must align to a policy committee and the functions delegated to that committee.

**A policy should be aligned to one policy committee only and approved by that policy committee.** If a policy applies to more than one service (~~but not all~~) it must include specific provisions for each service or note any exceptions/additions within any supporting tools or documents. This is also the case for policies which apply council-wide but have specific implications for individual services.

***Added for clarification***

### 3.1.3 Statutory policies and regulations

Where there is a statutory requirement to deliver a service or operate in a specific way **and** the council has no ability to deviate from the statutory direction, organisational procedures or other appropriate tool or document should be developed rather than a policy. The appropriate committee should be made aware of the legislation through a report or briefing.

### 3.1.4 Policy research

In order to establish precedent and inform the policy process, research must be conducted into existing internal policies or similar external examples. This ensures that problems can be identified early on in the process and improve the quality of the final document.

**Officers must ensure that the research includes consideration of overarching principles for the council such as Town Centre First Principles, Sustainability and the Carbon Budget and the medium Term Financial Strategy to ensure the policy being developed or reviewed is not detrimentally impacting or contradicting corporate principles.**

***Added to ensure that policies are reviewed and developed in accordance with the council priorities and principles***

Effective research at this stage may also provide ideas and discussion points for implementation and monitoring, and ensures that the council is able to adapt its approach to provide the best value to customers.

Evidence should be gathered, including from partners, to be shared and presented in an accessible way, in good time for members to assimilate prior to discussion. Evidence would include local socio-economic data and the result of locality-based engagement, taking cognisance of Audit Scotland guidance, and Community Empowerment Act guidance.

### 3.1.5 Equalities

All policies must comply with the Public Sector Equality Duty. During the development of a policy, give due regard or consciously consider the need for the policy to:

1. Eliminate discrimination, harassment and victimisation,
2. Advance equality of opportunity between those who have protected characteristics and those who don't,
3. Foster good relations between those who have protected characteristics and those who don't.

During the development stage of a policy an Equalities Impact Assessment must be completed to demonstrate the impact on any protected characteristic and any mitigating actions that can be taken.

### 3.1.6 Fairer Scotland Duty

The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland in April 2018. It places a legal responsibility on particular public bodies in Scotland to actively consider ('pay due regard to') how they can reduce inequalities of outcomes caused by socioeconomic disadvantage, when making strategic decisions.

To fulfil the council's obligations under the Duty, the key requirements that must be met are:

- to actively consider how to reduce inequalities of outcome in any major strategic decision made; and
- to publish a written assessment, showing how this has been done.

The Duty is subject to a three year implementation phase, however, interim guidance is already available to help public bodies, such as the council, begin to consider the duty. There is more information about the Duty within the Policy Development Toolkit for officers.

#### ***Statutory requirement***

### 3.1.7 Data Protection Impact Assessment

As part of the process for developing (or reviewing) a policy, consideration must be given to undertaking a Data Protection Impact Assessment (DPIA, also known as privacy impact assessment or PIA). A DPIA is a tool which can help identify the most effective way to comply with data protection obligations and meet individuals' expectations of privacy. It can minimise the privacy risks associated with a policy for any individual that may be impacted by the policy. Privacy can relate to information (e.g. information about the person) or physical (e.g. maintaining a person's own physical space or solitude – for example from intrusion as a result of acts of surveillance). Further information and guidance on undertaking a DPIA is provided in Policy Development Toolkit for officers.

#### ***Statutory requirement***

### 3.1.8 Engagement

Engagement should be on a locality basis and should be designed to be as inclusive and engaging as possible using formats such as workshops or facilitated sessions. Engagement should be undertaken early on in the process whilst ideas are being formulated and before decisions on options have been taken. Members from the locality should be involved in any engagement activity.

Where there is an anticipated impact on particular stakeholders or individuals with protected characteristics then engagement activity must involve impacted groups. For example if devising a policy on Gypsy Travellers, there must be evidence of engagement with the Gypsy Travellers community.

### 3.1.9 Drafting

Officers should draft policy taking into account Member engagement and any other appropriate stakeholder engagement. At this stage consideration should be given to the delivery or operation of the policy and where necessary scenarios 'walked through' to ensure implications and risks are understood and can be managed or mitigated.

## 3.2 Consultation

- 3.2.1 Prior to consultation the draft policy should be endorsed for consultation by the appropriate Directorate Management Team and for those policies that are corporate, (e.g Engagement Policy, Printing Policy, Charging & Fees Framework), Strategic Leadership Team must also endorse the draft policy for consultation.** Policies should be subject to a consultation period for a minimum of 21 days. Consultations will seek comments from internal representative groups (i.e. services) concerned with the policy and should also include representations from recognised trade unions as well as any other interested parties, internal or external, including Members.

***Added for clarity***

- 3.2.2** Specifically there must be consultation with area committees. A starter paper should be submitted to all appropriate area committees detailing the core issues and how the proposed policy change might affect each Area or Service. Such reports should be submitted timeously to Area Managers to enable discussion at Area Management Teams should this be considered appropriate. The starter paper should set out the timetable for the area committee to submit its views and for the eventual consideration of the matter by policy committee.

- 3.2.3** Where an impact has been identified for individuals with protected characteristics, there must be evidence of consultation with representative groups.
- 3.2.4** Good practice is to provide feedback on the outcome of the consultation and confirm where comments have been approved or rejected. Reasons for these decisions must also be included. All consultation documents must be prepared for presentation to policy sponsors, and appropriate committee including decisions and reasons as described.
- 3.2.5** All consultation promotes equality of opportunity for all people and giving consideration to the nine protected characteristics - age, religion or belief, sex (gender), sexual orientation, disability, race, pregnancy and maternity, marriage and civil partnership and gender reassignment.
- 3.2.6** This consultation process follows the standard consultation code of practice for the council.

### 3.3 Approval

#### 3.3.1 Policy approval process

Policy approval should be a two-stage process. In the first instance, draft policies, amended as appropriate as a result of the consultation process, must be presented by the responsible officer or policy sponsor to be ~~approved by a senior officer~~ **agreed by a Chief Officer**. Approval may be delegated to a Service Manager as per the List of Officer Powers (Part 2B).

**Chief** Officer agreed drafts should then be recommended for approval to the relevant policy committee at the next available opportunity. All policies, whether new or revised, must be approved ~~by Members~~ **by the appropriate policy committee based on Part 2A List of Committee Powers**.

***Correct terminology and clarifying that committees make decisions.***

When preparing recommendations for approval to the relevant committee, consideration should be given to seeking delegated authority to make minor changes to the policy without reverting back to committee.

#### 3.3.2 Supporting Tools & Documents approval process

Any supporting tools or documents developed in line with related policies, such as procedures and guidance, should be approved by a **Chief** ~~senior~~ Officer as per the Scheme of Governance.

Approval of supporting tools and documents by committee is not necessary by default, there may be specific circumstances where committee approval would be appropriate. The decision to seek approval at committee should be made in conjunction with the policy sponsor or ~~senior~~ **Chief** Officer.

Where supporting tools or documents requires updating as a result of statutory changes, advice should be sought from the policy sponsor or ~~senior~~ **Chief** Officer to determine if the update is actually impacting on the aligned policy and proposing changes at policy level. If it is it, the policy should be reviewed in line with the review process.

### 3.3.3 Policy directory and access

All approved policies must be stored in a central council policy directory and must be accessible by all staff. Where relevant, copies should also be made available to the public, via the council's website. The directory will be administered by the ~~performance improvement team~~ **Policy, Performance & Improvement Team** and may only be edited by ~~approved officers~~ **those officers nominated as policy sponsor or responsible officer for an individual policy.**

***Correct team name and added clarity on responsible officer***

## 3.4 Implementation

### 3.4.1 Policies should have designated dates to determine:

When the policy was approved,

When the policy becomes effective,

When the policy expires or is eligible for review (see section 3.6).

### 3.4.2 All policies must be accessible to all employees who use it or are affected by it. They must also be communicated across the council so that employees are aware.

### 3.4.3 All policies must be accessible to the residents and communities who will be affected by it. Policies should be published on the council's website and accessible copies (in other formats or languages) should be made available as requested.

### 3.4.4 Policies should designate the officer responsible through the List of Officers Powers (Part 2B) for developing supporting tools and documents in order to implement approved policies. This includes drafting guidelines, procedures and any other related documents.

## 3.5 Monitoring

- 3.5.1** Policies should be monitored in line with standard processes and procedures. This should be done by the responsible officer who developed the policy. They must maintain an issues log to review the policy over its lifecycle and be presented at any future policy review.
- 3.5.2** Each policy committee will consider an overview of their policy framework on an annual basis to identify gaps or review requirements.
- 3.5.3** ~~Corporate Leadership Group~~ **Chief Officers** will review the complete policy framework periodically to ensure synergy and manage conflict as appropriate.

## 3.6 Policy review process

### 3.6.1 Year 1 Review

During the first year following implementation of a policy, work should be undertaken to monitor and assess its success and, where appropriate, minor revisions proposed. ~~Reviewers will draw on monitoring information provided by the responsible officer but may also seek feedback from staff using the policy on an operational level. The process should be led by an officer with experience in the policy area, but not the responsible officer.~~ **Generally, this will be undertaken by the responsible officer and should include feedback from staff using the policy on an operational level.** The reviewer will submit proposed revisions to policies or supporting documents to the ~~policy review steering group~~ **Directorate Management Team** as necessary which can determine the method for taking forward.

***Correct terminology and added clarity***

### 3.6.2 Ongoing Review

Once established, policies must be subject to a full review within five years. Members, through policy committees and area committees, also have the discretion to request a policy review at any time. Additionally, incoming administrations may instruct the responsible senior officer to initiate a review where policies are not consistent with revised priorities.

- 3.6.3** Policy and area committees may also identify a requirement to review (or develop) a policy through the **Part 4A** Scrutiny at Aberdeenshire process.

***correct terminology***

**3.6.4** When considered by the policy committee annual overview, policies are categorised using a traffic light system to indicate readiness for review. This also considers the impact of the policy on protected characteristics as defined by the Equality Act 2010. The categories are defined as follows:-

**(a) Red** – Review required.  
Policy is older than four years.  
Policy is believed to have a negative or unknown impact on people with protected characteristics.  
External or other factors give just cause for review for example a permanent reduction in resources

**(b) Amber** – For monitoring.  
Policy is over three years old.  
External or other factors that could give just cause for review for example a permanent reduction in resources are anticipated within one-three years.

**(c) Green** – No action.  
New or recently revised policy - subject to regular monitoring under the Year 1 Review process.  
Policy is less than three years old.

**3.6.5** Each policy committee will annually consider the need to review existing policies supported by the appropriate chief officer.

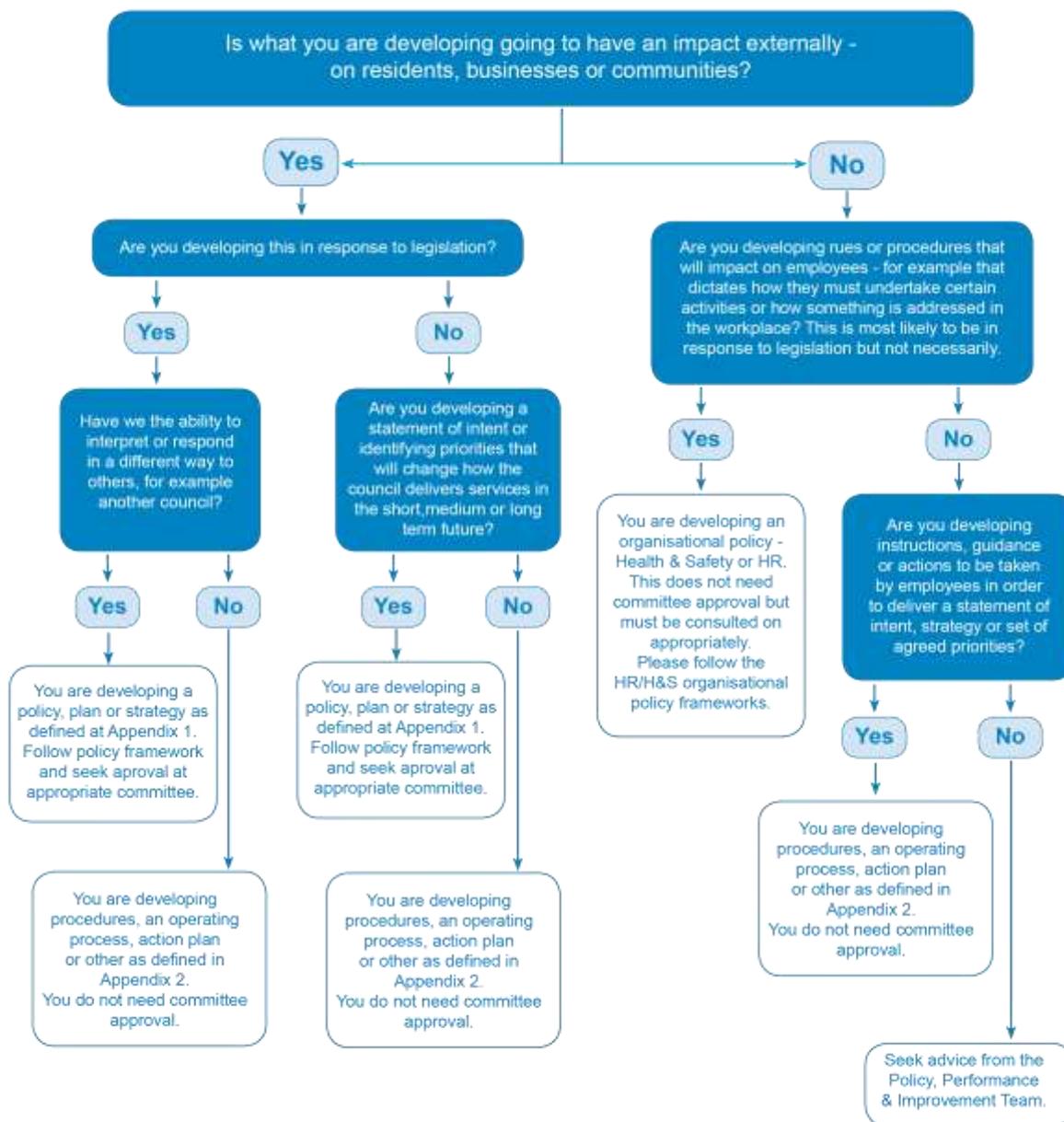
**3.6.6** Policies may be renewed with no amendments by the policy committee and no further action is required.

**3.6.7** A policy is identified as requiring review if it meets any of the following criteria:

- Policy does not fit with the current strategic objectives of the council (e.g. Council Plan) or priorities of Members,
- Policy is not fit for purpose at the present time, for example as a result of changed statutory requirements,
- Policy must be altered due to statutory obligations,
- Policy conflicts with other existing policies,
- Policy is to be consolidated as part of a new policy,
- The relevant policy committee has requested a full review as part of scrutiny recommendations,
- Unintended impact on those with protected characteristics has been identified,
- An area committee has requested a policy review as part of the **Scrutiny Committee Review Process**.

***Clarifying that it is not limited to the committee review process. policy review can be done through general scrutiny***

- 3.6.8** In the event that a policy requires review, the policy committee will instruct a working group to investigate and review the policy, propose amendments or replacements, and present to the steering group at a future date. This review should also consider the impact on any related policy instruments and the need to review or renew these.
- 3.6.9** Policies may also be reviewed or amended before their due date by any officer with appropriate authority under the List of Officers Powers (Part 2B). Additionally, they may be reviewed at the discretion of Members.
- 3.6.10** Supporting tools and documents should be also be reviewed within a five year period in line with the review of the policy (as described at section 6.3.6.2). All supporting tools and documents should identify the officer responsible for conducting reviews within the body of the text.
- (a) Supporting tools and documents may be renewed with no amendments by the responsible ~~senior~~ **Chief** Officer through the List of **Officer** Powers to Officers.
  - (b) Section 3.6.8 should inform any review.
  - (c) Members do not by default, have a right to review or amend supporting tools and documents, in so far as they relate to operational matters, but may comment and give recommendations through committees to specify certain provisions.



## Flowchart Appendix 1

The Policy Framework specifically focuses on the development of policies as defined below. For avoidance of doubt definitions are also provided for other related tools such as documents that may be used to support a policy in order to achieve a specific objective.

**Policy** – A policy is a formal, concise, accessible statement on how the council intends to conduct business and deliver services. Generally it will be a statement of intent with rules that influence and enable decision making. A policy statement will lessen the risk of conflict and remove the opportunity for unfair selective application of rules. A policy must be consulted on and approved through the appropriate policy and any changes to the policy must also be approved. An example of a simple policy statement is:

### *Confidentiality Policy*

*It is our policy to keep confidential all personal information about the children, families, staff and volunteers involved in our service.*

*Personal information about families in relation to Child Protection concerns will be shared on a need to know basis in line with our Child Protection Policy.*

**Regulation** – A regulation will provide a framework for managing a specific aspect of the council's business and would normally apply to every employee and any individual or organisation acting on the council's behalf. It is rare that the council would develop its own regulations – more usually the council will be obliged by law to follow regulations associated with specific legislation and governed by Scottish, UK or EU law. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are *the council's Financial Regulations*.

**Strategy/Plan** – Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. If the strategy or plan identifies a statement of intent that will impact on the development of policy (for example the Local Transport Strategy will impact on potentially planning, development management and roads policy) then the appropriate consultation and approval should be sought.

## Flowchart Appendix 2

The following definitions are for tools and documents that are likely to be developed in order to deliver a policy. These are statements of actions. These are not policies in their own right and do not have the same status as a policy.

**Procedure** – A procedure is a written statement that describes how a policy or specific legislation will be put into action within the council. A procedure does not require approval by policy or area committee but should be approved by the relevant Leadership Team. Where linked to a policy, a procedure can be amended in isolation from the associated policy. However if the amendment results in any aspect

of the policy being compromised or unable to be delivered as intended, the policy must be reviewed and reapproved by committee as necessary.

A simple example of a procedure is:

#### *Confidentiality Procedures*

- *Parents will have access to records kept in the service, but only in relation to their own child.*
- *All new staff and volunteers will be informed of our confidentiality policy and procedures as part of their induction programme.*
- *Information held in the service in relation to Child Protection Concerns will be stored in a separate locked drawer and will be shared only on a need to know basis in line with our Child Protection Policy and with Data Protection Legislation.*

**Protocol** – A protocol is a system of informally agreed rules that explain the correct conduct and procedures to be followed in specifically identified situations. A protocol does not require committee approval but should be agreed on by the appropriate Leadership Team. An example of a protocol is:

*Protocol for royal and ministerial visits - This protocol would aim to outline the steps to be followed in advance of, and during organisation of, such an event.*

**Guidance** – Guidance may be associated with a procedure or a policy and will provide advice and direction on how to deal with a particular situation. Guidance does not require approval by policy or area committee and can be reviewed and refreshed as required.

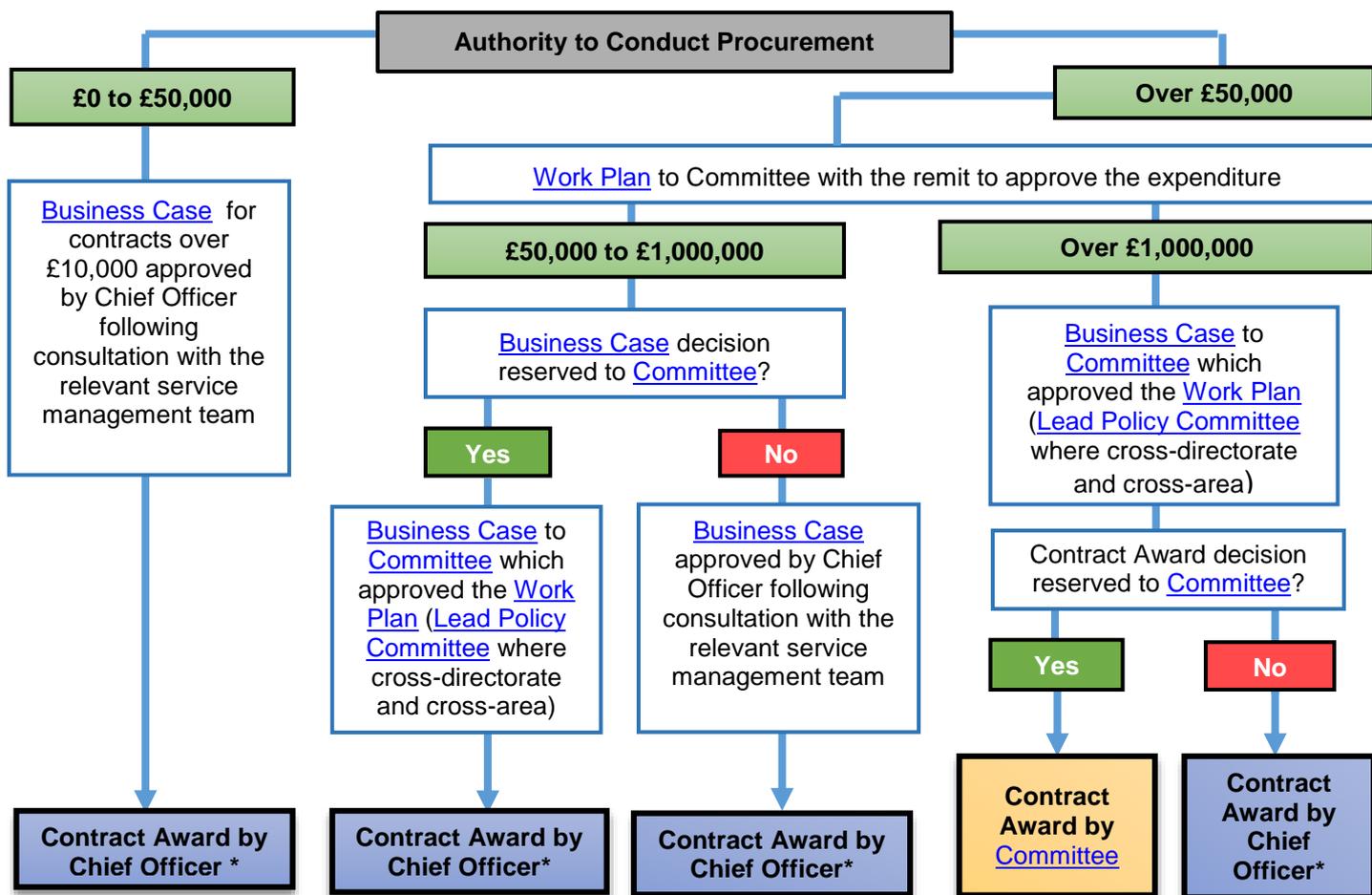
**Strategy/Plan** – Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. An example would be the Customer Communication & Improvement Service Business Plan or the Improvement Strategy.

There are certain types of strategies and plans that may include a policy statement – for example the Local Development Plan – and these must be approved at committee. It is likely that specific processes and procedures will exist for these types of plans that will ensure appropriate governance however contact the Policy, Performance & Improvement Team within Business Services to discuss if unsure.

A strategy or plan should not be used to identify a statement of intent without seeking the appropriate consultation and approval.

**PROCUREMENT GUIDANCE**

This flowchart sets out the procurement approval process as contained in the powers delegated to committees and officers in Part 2 of the Scheme of Governance.



**Work Plan**

**Annual Directorate Work Plan:** Each Committee receives a Work Plan at the start of the financial year which sets out the anticipated procurements of over £50,000 for the year falling under its remit, specifying estimated costs for each item. Where there is budgetary contribution to a procurement from more than one policy committee, the policy committee with the largest budgetary contribution is the Lead Policy Committee. The Lead Policy Committee has the delegated power to approve the addition of procurements over £50,000 to the relevant directorate work plans. (expenditure up to £50,000 is approved by the relevant Chief Officer) The Lead Policy Committee also has the delegated power to approve the Business Case for cross directorate/cross area items.

**Supplementary Work Plan:** Where an item requires to be procured for an estimated sum over £50,000 and this has not been included in the Annual Directorate Work Plan but is still within budget it shall be brought to the relevant Committee in a supplementary Directorate Work Plan before being procured.

**Which Committee?**

**Area Committee:** where a procurement is to be funded from approved budget and is exclusive to the area (provided in accordance with officer recommendation and Council Policy).

**Policy Committee:** where procurement to be funded from the approved budget for services within remit and relates to more than one area or where decision of Area Committee is not in accordance with officer recommendation or Council policy.

**Lead Policy Committee:** where procurement relates to more than one Policy Committee service budget and in more than one area and the Lead Policy Committee has the largest budgetary contribution.

**Business Case:** Provided for each item over £50,000 detailing justification of the item/project with further information on costs.

**\*Contract Award:** Before a Chief Officer awards a contract, it is required to comply with Financial Regulation 5.3.23 as to consultation with the relevant service management team.

## PART 4D

## 1. Financial Delegation Tables

The following table shows the delegation of approval of a purchase of goods, works or services in **principle** and which are contained within the approved annual budget (with the exception of the extension of an existing contract for a period of up to twelve months).

Value	Delegated To
Where the value of the matter is up to <b>£50,000</b>	Chief Officers
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the officer has been appointed lead Officer if a cross service matter and c. the Business Case has not been reserved for approval by a committee	Chief Officers
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the approval of the Business Case has been reserved and c. relates exclusively to their Area and d. the decision is in accordance with Officer recommendations	Area Committees
Where:- a. the value of the matter <b>exceeds £50,000 and is up to £1,000,000</b> and b. the approval of the Business Case has been reserved and c. relates to more than one Area or d. the decision of an Area Committee is contrary to Officer recommendations	Appropriate Policy Committee
Where:- a. the value of the matter exceeds <b>£1,000,000</b> and b. relates exclusively to their Area and c. the decision is in accordance with Officer recommendations	Area Committees

Where:-

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>a. the value of the matter exceeds <b>£1,000,000</b><br/>and</li> <li>b. relates to more than one area or</li> <li>c. the Committee has been appointed lead<br/>Committee or</li> <li>d. the decision of an Area Committee is contrary<br/>to Officer recommendations</li> </ul> | <p>Appropriate Policy<br/>Committee</p> |
|---|---|

The following table shows the delegation of approval of a purchase of goods, works or services at **tender stage** and which are contained within the approved annual budget (with the exception of the extension of an existing contract for a period of up to twelve months).

Value	Delegated To
-------	--------------

Where:-

- |  |                       |
|--|-----------------------|
| <ul style="list-style-type: none"> <li>a. the value of the matter <b>exceeds £50,000</b> and</li> <li>b. the officer has been appointed lead Officer if a<br/>cross service matter and</li> <li>c. the Business Case is approved and</li> <li>d. the contract award has not been reserved for<br/>approval by a committee</li> </ul> | <p>Chief Officers</p> |
|--|-----------------------|

Where:-

- |  |                        |
|--|------------------------|
| <ul style="list-style-type: none"> <li>a. the value of the matter exceeds <b>£1,000,000</b><br/>and</li> <li>b. relates exclusively to their Area and</li> <li>c. the decision is in accordance with Officer<br/>recommendations and</li> <li>d. the contract award has been reserved for<br/>approval by Committee or</li> <li>e. the original estimated value of the contract in<br/>the Business Case has increased by 25% or<br/>more</li> </ul> | <p>Area Committees</p> |
|--|------------------------|

Where:-

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>a. the value of the matter exceeds <b>£1,000,000</b><br/>and</li> <li>b. relates to more than one area or</li> <li>c. the decision is contrary to Officer<br/>recommendations and</li> <li>d. the contract award has been reserved for<br/>approval by Committee or</li> </ul> | <p>Appropriate Policy<br/>Committee</p> |
|---|---|

- e. the original estimated value of the contract in the Business Case has increased by 25% or more
- 

## 2. Table of Delegation for writing off Bad Debt

The following table sets out the level of delegation in relation to writing off irrecoverable debts other than Council Tax.

Value of Debt	General Debts Delegated to:-	Rent Arrears Delegated to:-	Local Taxes Arrears Delegated to:-	Debts where the Debtor is Bankrupt Delegated to:-
Up to <b>£10,000</b>	Officers	Officers	Officers	Officers
<b>£10,000</b> or more	Policy Committee responsible for finance	Policy Committee responsible for housing	Policy Committee responsible for finance	Officers

## 3. Guidance on Procurement in the form of an Approval Flowchart is contained in Part 4C of the Scheme of Governance.

**PART 4E****GUIDANCE ON NOTICES OF MOTION**

Aberdeenshire Council welcomes the submission of Notices of Motion from its Members. This guidance will support Members in using Notices of Motion effectively and encourages and promotes good practice.

The Scheme of Governance makes provision for individual Members to raise matters for consideration at Full Council, Policy and Area Committee meetings. This may be in the form of a **Notice of Motion** or by using the **Mechanism for Member Promoted Issues** as provided for in Standing Order 4.2.

Both provisions are intended to provide a degree of flexibility. It is for Members to determine which method will best meet their requirements. This guidance is for Notices of Motion, there is separate guidance on Member Promoted Issues.

The procedure and timescale for the submission and consideration of a Notice of Motion is detailed in **Appendix A**.

For Full Council, this can be used to address matters in which the Council has a general interest and in the case of Area and Policy Committees, for any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

When determining the admissibility of the Notice of Motion for Full Council and whether the subject matter of the Notice of Motion is of general interest to Aberdeenshire Council, the Provost may have regard to any of the following:

1. the relevancy of the subject matter to Aberdeenshire;
2. any impact on local concerns and issues;
3. any impact on residents of Aberdeenshire;
4. the work and functions of Aberdeenshire Council.

As examples of matters of general interest, Notices of Motion that have been admissible are –

- *Royal Bank of Scotland closures*, as a matter relevant to Aberdeenshire
- *Pausing of Universal Credit* as a matter that may impact local concerns and issues
- *Fair Transitional State Pension arrangements for all women born on or after 6 April 1951* as a matter that may impact residents of Aberdeenshire
- *Council commending the Aberdeenshire Child Protection Committee in response to child trafficking and exploitation*, as a matter relating to the work and functions of Aberdeenshire.

Prior to lodging a Notice of Motion, Members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This will assist Members in formulating the terms of the Notice of Motion. Guidance should also be sought from Legal and Governance on wording and competency.

Members must submit their Notice of Motion to the Director of Business Services (or the appropriate Area Manager in respect of Notices of Motion to Area Committees) and should set out the proposal succinctly and clearly. When submitting a Notice of Motion, Members should provide information to the Director, or Area Manager, where appropriate, on any steps taken to have the subject matter dealt with by the relevant Service.

Notices of Motion are not always guaranteed to be at the start of the meeting. If the Notice of Motion relates to an item of business that is on the agenda of the meeting, if deemed admissible, the Chair will indicate that the Notice of Motion will be considered at the time of the item of the related business.

Otherwise, if there is more than one Notice of Motion, they will be considered in the order of received by the Director of Business Services.

It should be noted that if the subject matter is already being dealt with by the service and is, or is due to be, reported to a future meeting of the Council/Committee, this may be a ground for inadmissibility at the discretion of the Provost/Chair.

For requests for urgent Notices of Motion which have been submitted after the deadline, the Chair will consider if the matter is genuinely urgent in considering its admissibility. In having regard as to whether the matter is urgent, the timing of when the issue first emerged may be considered, and whether that precluded normal procedure being followed.

## APPENDIX A – NOTICE OF MOTION

### Definition of Notice of Motion

1. A Notice of Motion is a proposal by a Member formally submitted in terms of the approved procedures to a Meeting of Council, Policy or Area Committee for discussion and thereafter possible adoption as a resolution.

### When to use a Notice of Motion

2. For Council - to address matters specifically reserved to Council, as specified in Part 2A of the Scheme of Governance, or for matters in which the Council has a general interest.
3. For Area and Policy Committees - to address any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

### How to submit a Notice of Motion

4. A Notice of Motion must be in a recorded format, identified as being from a Member and given or sent to the Director of Business Services (for Council and Policy Committee matters) or to the relevant Area Manager (for Area Committee matters) to be **received by noon, fourteen calendar days before the relevant next Ordinary Meeting**.
5. Notices of Motion may not be submitted for consideration at Special Meetings of Council, Area or Policy Committee.

### At the Meeting

6. If a Member who has given a notice of motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again absent, the notice of motion shall fall.
7. Any Member submitting a notice of motion to a Policy Committee or Area Committee for consideration, reporting or determination of the matter shall be invited to attend the Committee. If the mover (Member submitting the notice of motion) is not a member of the Committee, they may address that Committee. If the matter is sent to a Sub-Committee by the Committee, the mover shall be invited to attend and may address that Sub-Committee. Provided that unless the mover is a member of the Committee or Sub-Committee to which their motion is referred, they shall not be entitled to vote on the motion.
8. Any notice of motion remitted by the Council to a Committee or Sub Committee which is moved but not seconded shall be recorded in the Minutes.

**PART 4F****MECHANISM FOR MEMBER PROMOTED ISSUES**

1. A Member may complete and submit the attached MEMBER PROMOTED ISSUE FORM (“the form”) to the Director of Business Services.
2. The Director of Business Services will ensure that a report is compiled by suitably qualified officers within 28 days of receipt of the form.
3. The report will then be submitted to the next cycle of Area Committee, Policy Committee or Full Council for consideration of the business proposed.
4. The Director of Business Services will ensure that the officers compiling the report liaise with the Member who has raised the issue in the production of the report. The purpose of liaising is to ensure that the Member concerned is assisted to fully narrate and explain the background to the issue and enable the officers to accurately reflect the matter in their report.
5. Once it reaches a meeting of the Area Committee, Policy Committee or Full Council, the member who has promoted the issue may propose the recommendations and speak to the report. However, the report remains an officer report in which officers will give their professional views on the issue raised and the implications for the Council in progressing the issue further.
6. Whilst officers will strive to ensure that matters raised through this mechanism receive timeous and prompt attention, it is recognised that not all issues can receive the justified treatment they warrant in a short period of time. If the Member promoting the issue is in agreement, the period of 28 days can be extended further as appropriate so as to allow the report to be drafted with all due professional care. In the event of a Member failing to agree to extend the period of 28 days, the Director of Business Services will present a report indicating, so far as possible, the officer response to the issue being promoted and any reasons for the lack of opportunity to make full recommendations on the issue. A decision can be taken by Full Council or Committee as the case may be as to whether to further extend officer consideration of the issue or to deal with matter as presented.
7. Area Committee, Policy Committee or Full Council will give full consideration to the promoted issue and take a decision on whether to progress it further and if so minded, give appropriate instructions to officers to enable this to happen.

**MEMBER PROMOTED ISSUE FORM**

SUBMITTED BY MEMBER \_\_\_\_\_, WARD \_\_\_\_\_.

FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED:

IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED? PLEASE OUTLINE:

HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES? PLEASE IDENTIFY ANY INTERESTED PARTIES:

HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM? (OFFICER OR COMMITTEE):

**IF AN ISSUE PARTICULAR TO AN AREA, HAS THE AREA MANAGER BEEN CONSULTED, IF SO WHEN AND WHAT WAS THE OUTCOME?**

SIGNED:

DATED:



## From mountain to sea

### Part 4G

**The following guide sets out the recommended procedures for remote participation at Full Council and Committee meetings.**

#### **1. Introduction**

Members should always seek to attend Full Council and Committee meetings in person. However, it is recognised that there will be occasions where this is not possible. In these circumstances members should first seek to appoint a substitute member (other than for Area Committees and Full Council) to attend in their place. If a substitute cannot be found Members may in exceptional circumstances request to join remotely using the following guide.

#### **2. Standing Orders**

Standing Order 5.1.8 states that “the Chair may, by exception, allow any Member to participate and vote in a Meeting although not actually present at the location where the Meeting is being held whether by way of teleconference, video conference or otherwise.” Therefore, the Chair must be satisfied that there are exceptional circumstances which would merit a Member joining a meeting remotely.

#### **3. Chairing Meetings and Quorum**

Members participating remotely will be included when calculating the quorum of the meeting. Accordingly, there will not require to be a quorum of Members physically present at the meeting venue.

However, the Elected Member chairing the meeting must be physically present at the meeting venue. Accordingly, should the appointed Chair of the Committee wish to attend the meeting remotely the Vice Chair or, if the Vice Chair is not physically present, a Chair appointed by the members present would preside.

#### **4. Prior to the Meeting**

Any Member wishing to participate remotely should where possible send a request by email to the Committee Officer for the relevant Committee at the earliest opportunity to allow sufficient time to consult with the Chair and, where remote attendance is agreed, organise any requirements. Members should be aware that when requesting remote attendance, a minimum of 4 working hours' notice is required as facilities may not be readily available.



## From mountain to sea

### 4.1

- (a) The Chair will make a decision in accordance with Standing Order 5.1.8 and with consideration to equality, accessibility and inclusiveness in relation to joining Council meetings. The Chair will have regard to the facilities available.
- (b) If technology equipment is required, the Committee Officer will contact Aberdeenshire Council's ICT Service Desk.
- (c) If the meeting room requires adjustments in how it is to be set up the Committee Officer will contact the Property and Facilities Team.

4.2 The Committee Officer, on behalf of the Chair, will provide confirmation to the Member(s), on whether the request has been authorised at the earliest opportunity.

- (a) Should authorisation not be given an explanation will be provided to the Member(s).
- (b) Where authorisation has been provided the Committee Officer will send a Skype meeting invite via Outlook to the Member(s) for joining the meeting.

4.3 Time permitting, a test may be conducted before the meeting start time with the Member(s) joining who wish to participate remotely. This will be via a Skype invite in advance of the meeting. The Member(s) should ensure they are available for the test otherwise any connection issues may not be identified ahead of the meeting.

4.4 The meeting room and equipment prior to the meeting shall be set up in such a way that, where possible, the Chair can see and hear the Member(s) joining remotely.

## 5. At the Meeting

5.1 The Chair will confirm at the beginning if any Member(s) are joining remotely and that he/she can see and hear all Member(s) participating remotely. The Committee Officer will confirm the names of those in attendance at the meeting.

- (a) Member(s) joining remotely should activate their video functionality. The Chair may in exceptional circumstances authorize in advance of the meeting a Member taking part by audio access via a telephone line.



## From mountain to sea

- 5.2 Member(s) joining remotely will be required to be in a quiet private location and will be asked to confirm this at the start of the meeting. Members will also be informed that when not speaking their microphones must be muted.
- 5.3 If a recording of the meeting is required all Members attending the Meeting must be notified and agree to the recording in accordance with Standing Order 6.1.2.
- (a) Skype has the feature and functionality to record audio and video. Any Member joining remotely who seeks to record the meeting without permission from the Chair and the other Members attending the Meeting would be in breach of Principle 1 of the Data Protection Act 1998.
- 5.4 Should a Member joining a Committee meeting remotely lose connection the Chair has authority to call a short adjournment to determine if the link can quickly be re-established.
- (a) If the connection cannot be re-established the Chair can continue with the business and the remote Member would be deemed to have left the Meeting at the time the connection failed.
- 5.5 A remote Member(s) participating in a vote will cast his/her vote as if participating in a roll call vote.
- 5.6 As noted above, Member(s) participating remotely should ensure that their microphone is on mute until such time as they are invited to speak by the Chair. The Member can alert the Committee Officer by Skype message if they wish to speak at any point and the Committee Officer shall notify the Chair of the request. Alternatively, the Member can verbally indicate their wish to speak if possible. For the avoidance of doubt, it would be prudent for the Chair to check with any Member participating remotely if they wish to speak during an item.
- 5.7 A remote Member(s) who has declared an interest in an item and withdrawn must pause the Skype link whilst the item is being considered. An instant message via Skype will be sent to the Member to advise when to rejoin the meeting.
- 6. Quasi-Judicial and Regulatory Matters including Planning**
- 6.1 Quasi-judicial and regulatory matters include but are not limited to any planning applications before Area Committees, Infrastructure Services Committee and Full Council and licensing applications before Area Committees, the Licensing Sub-Committees and the Licensing Boards.



## From mountain to sea

- 6.2 Member(s) attending remotely at meetings where quasi-judicial and regulatory matters are being considered will not be permitted to participate by audio and must be in a position to use the Skype video function. In determining such applications, all Committee Members must be able to receive and consider the same information.
  - 6.3 Any presentations submitted as part of an application must be shared with the Member attending remotely via the Skype Present Screen function.
  - 6.4 Any additional papers submitted at the meeting and accepted by the Committee must be provided to the remote Member. The Chair may agree to adjourn the meeting for a short period to facilitate this and to give time for Members to consider the new information.
  - 6.5 The Chair must confirm with the remote Member(s) that the Member(s) is/are satisfied that they have received the same information as those Members physically present and feel able to participate in the determination of the application. If a Member advises that their connection to the meeting has not been sufficiently stable and has compromised their access to information, they should consider not taking part in the decision.
- 7. Confidential and Exempt Items**
- 7.1 If the Committee meeting includes exempt items, the Chair will identify the Member(s) via the video functionality.
  - 7.2 The Member(s) joining remotely must confirm that they are in a secure private location and that there are no other persons present in the room.



From mountain to sea

# **Scheme of Governance**

## **Part 4H - Glossary of Terms**



## Interpretation

The Interpretation Act 1978 shall apply to the interpretation of this scheme of delegation as it applies to the interpretation of an Act of Parliament.

Any reference in this Scheme to legislation including delegated or subordinate legislation should be taken as including any amendments, replacements and re-enactments of such legislation currently in force.

Unless the context otherwise requires, words importing the singular shall include the plural and vice-versa.

Where a particular term is not defined, follow the literal rule of interpretation and apply the plain and ordinary meaning of the term.

## Definitions

In this Scheme of Governance, unless the context otherwise requires, the following words and expressions shall have the meanings hereinafter respectively assigned to them,

Term	Definition
“the 1973 Act”	Means the Local Government (Scotland) Act 1973.
“the 1985 Act”	Means the Local Government (Access to Information) Act 1985.
“the 1989 Act”	Means the Local Government and Housing Act 1989.
“the 1992 Act”	Means the Local Government Finance Act 1992.
“the 1994 Act”	Means the Local Government etc. (Scotland) Act 1994.
“the 2000 Act”	Means the Ethical Standards in Public Life etc. (Scotland) Act 2000.
<b>A</b>	
“Aberdeen City Region Deal”	Means the tripartite agreement between the UK and Scottish Governments as well as Aberdeen City and Aberdeenshire Council aimed at building the north east economy.
“Abstract of Accounts”	Means the published condensed summary of the Council’s accounts.

“Access Rights”	Means the statutory rights covering access to land for certain purposes in terms of the Land Reform (Scotland) Act 2003.
“Act”	Means an Act of Parliament or any amendment, replacement or variation thereof including subordinate legislation made thereunder.
“Administration”	Means the ruling group formed by the majority of Members on the Council.
“Adjournment”	Means an agreed suspension to a Meeting.
“Adjudication”	Means the legal process of resolving or determining a dispute.
“Affordable Housing”	Means housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be in the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, and discounted low cost housing for sale including plots for self-build, and low-cost housing without subsidy.
”Agenda”	Means the list of items outlining the date, time, location and order of business of any Meeting.
“Aligned Independent”	Means a Member who has pledged to support the Administration or the Opposition.
”Amendment”	Means a formal seconded proposal against a Motion to be discussed and voted on in a Meeting.
“Annual Accounts”	Means the yearly accounts of the Council demonstrating proper stewardship of the Council’s financial affairs.
“Annual Accounts Report”	Means the statutory report containing the Annual Accounts of the Council.
“Appeals Committee”	Means a committee to deal with any appeals under the Council’s Human Resources & Organisational Development policies.
“Arbitration”	Means a form of alternative dispute resolution aimed at resolving matters without the involvement of the Court.
“Area”	Means the geographical area covered by the jurisdiction of the Council or may refer to an administrative area. The Council has 6 administrative areas known as Banff and Buchan; Buchan; Garioch; Formartine; Kincardine and Mearns; and Marr.

“Area Committee”	Means an administrative area Committee comprised of Ward Members from within the applicable area.
"Area Manager"	Means the Chief Officer of the Council who acts as principal policy advisor to an Area Committee and executes decisions made by the Committee where appropriate.
“Asset Register”	Means a register of the assets of the Council.
“Asset Transfer”	Means the transfer of management or ownership of land or buildings from the Council to a community group in terms of the Council’s Community Asset Transfer Policy.
"Assets”	Means property, vehicles, equipment, furniture and other items under the control of the Council in accordance with Financial Regulations.
“Assignment”	Means an act of transfer.
“Audit”	Means an official inspection or systematic review of an organisation.
“Audit Committee“	Means the Committee who reviews the performance and effectiveness of the Council and identifies any potential improvements.
“Authorised Officer”	Means an officer authorised by the Council to carry out a specific task or function.
“Authorised Signatory”	Means an officer who has been duly authorised to sign documents on behalf of the Council.
<b>B</b>	
“Best Value”	Means the statutory duty of the Council to ensure continuous improvement in performance whilst maintaining an appropriate balance between quality and cost.
“Budget Grouping”	Means any single section of the Council’s approved Revenue Budget.
“Budget Page(s)”	Means the way in which budgets are laid out under Committee headings.
“Burden(s)”	Means registered and effective conditions placed upon land which impose positive or negative obligations on the owner or occupier.
“Business Case”	Means a formal report for the approval of a Chief Officer or Committee, seeking authority to conduct a procurement for the purchase of works, goods or services.

“Business Gateway”	Means the publicly funded service contributing to the economic wellbeing of Scotland by providing access to free business support services.
“Bye-law(s)”	Means a regulation made by the Council and confirmed by the Scottish Ministers relating to the Aberdeenshire area.
<b>C</b>	
“Capital Plan”	Means the Council’s capital priorities for the current year and future years.
“Care Inspectorate”	Means the external body responsible for regulating and inspecting care services in Scotland.
“Career Development Schemes”	Means a scheme run by the Council to develop the skills of officers with a view to career advancement.
“Chair”	Means the person duly appointed to preside at a Meeting.
“Chief Executive”	Means the Chief Executive appointed by the Council who fulfils the statutory officer role of “Head of Paid Service” who provides strategic leadership for the Council’s Services ensuring that its direction and policies are put into action.
“Chief Internal Auditor”	Means the senior officer appointed to head the internal audit function of the Council.
“Chief Officer(s)”	Means a politically restricted statutory or non-statutory Chief Officer, as defined in section 2 of the 1989 Act including the Chief Executive, Directors, Area Managers, Heads of Services and the Chief Officer of the Integration Joint Board.
“Chief Officer of the IJB”	Means the Chief Officer of the Integration Joint Board appointed in accordance with section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014.
“Chief Social Work Officer”	Means the Officer duly appointed by the Council in accordance with section 3 of the Social Work (Scotland) Act 1968 to ensure the provision of appropriate professional advice in the discharge of local authorities’ statutory social work duties .
“Chief Social Work Officer Annual Report”	Means the annual statutory report of the Chief Social Work Officer covering social work services within Aberdeenshire.
“Chief Officer of Trading Standards”	Means the head of Trading Standards Scotland who have a duty to coordinate and enforce cross boundary and national casework as well as undertake the specialist functions of tackling illegal money lending and crime.

“Civic Head”	Means the individual elected by the local authority to act as the Council’s civic leader and who has the responsibility of chairing full council meetings and acting as the ceremonial figurehead for the local authority area.
“Coast Protection Authority”	Means the Council acting under the Coast Protection Act 1949 with the role of inspecting and maintaining coast protection structures in its ownership with the objective of preventing erosion and damage and in the interests of public safety.
“Committee”	Means a formal group appointed by Full Council with responsibility for making decisions in accordance with the delegations specified within the Council’s Scheme of Governance. Any reference to a “Committee” shall unless the context otherwise requires includes reference to a Policy Committee, an Area Committee, the Audit Committee or any other Committee or Sub-Committee of the Council.
“Committee Officer”	Means an Officer who administers, supports and provides procedural advice to meetings of Full Council, Committees, Working Groups, Joint Boards and other bodies as well as to Members, Officers and the general public.
“Committee Threshold”	Means a Contract Value of over £1,000,000.
“Common Good”	Means for the advantage or benefit of everyone in a particular location.
“Common Good Fund(s)”	Means property held by the Council for the Common Good of a particular location.
“Community Asset(s)”	Means land and buildings owned or managed by community groups for the good or the benefit of the community.
“Community Asset Transfer”	Is an alternative to Asset Transfer and means the transfer of management or ownership of land or buildings from the Council to a community group in terms of the Council’s Community Asset Transfer Policy.
“Community Council”	Means a voluntary body, independent of the Council, set up in terms of either the Local Government (Scotland) Act 1973 or the Local Government etc. (Scotland) Act 1994 with the role of representing, channelling and expressing the views of their local community and established by the Council’s Scheme for the Establishment of Community Councils.
“Community Council Legal Fund”	Means the fund to which Community Councils can apply to assist them in accessing private legal advice.
“Community Planning”	Means a process ensuring public agencies work together with the community to plan and deliver better services.

“Compulsory Acquisition”	Means the acquisition of land without the landowner’s consent by the Council by way of a Compulsory Purchase Order confirmed by the Scottish Ministers.
“Confidential information”	Means information as defined in Section 50A (2) and (3) of the Local Government (Scotland) Act 1973, which cannot be made available to the press or public.
“Contract Registers”	Means a register of the Council’s contracts.
“Corporate Asset Management Plan”	Means a strategic plan for management of the Council’s Assets.
“Corporate Debtors System”	Means the internal system used to track outstanding balances due to the Council.
“Corporate Leadership Group”	Means the group providing strategic leadership across the Council.
"Council"	Means the Aberdeenshire Council constituted by virtue of and incorporated under the Local Government etc. (Scotland) Act 1994.
“Councillors’ Code of Conduct”	Means the Councillors’ Code of Conduct made by Scottish Ministers and approved by the Scottish Parliament under the Ethical Standards in Public Life (Scotland) Act 2000.
“Court Interdict(s)”	Means an order of the court which prohibits or forbids a specific action.
“Critical Friend”	Means the provision of constructive yet candid feedback following scrutiny activity with the aim of encouraging continuous improvement.
<b>D</b>	
“Decision by Lot”	Means in the case of an equality of votes where the matter relates to the appointment of a Member to any particular office, the selection of a Member by the drawing of lots, to be administered by a Committee Officer in a format agreed with the Members concerned prior to the selection.
“Delegated Officer”	Means the officer authorised for a particular purpose.
“Delegation”	Means the assignment of responsibility, duties or authority to a Committee, Sub-Committee or officer to carry out specific activities or functions.

"Deputy Provost"	Means the Member elected deputy Convenor of the Council in accordance with Section 4 of the 1994 Act to act as deputy civic head.
"Deputy / Vice-Chair"	Means the Member duly appointed by the Council to preside at the meeting of a Committee or Sub-Committee, in the absence of the Chair.
"Direct Award"	Means the award of a Contract without the Council having sought quotes or tenders.
"Direction"	Means the mechanism for the Integration Joint Board to instruct the Council and NHS Grampian as sections 26 - 28 of The Public Bodies (Joint Working) (Scotland) Act 2014.
"Director"	Means a Chief Officer appointed by the Council to provide strategic leadership to one of the Council Directorates.
"Directorates"	Means the collective term for services under the responsibility of a Director.
<b>E</b>	
"Education Authority"	Means a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
"Electoral Boundaries"	Means the geographical boundaries of constituencies within Aberdeenshire.
"Employment Support"	Means the service providing support to the unemployed to assist them with getting and keeping paid employment.
"Equalities Impact Assessment"	Means an assessment which must be completed during the development stage of a policy in order to demonstrate the impact on any protected characteristic and any mitigating actions that can be taken.
"European Social Fund"	Means the European Union's financial instrument for supporting employment in its member states as well as promoting economic and social cohesion.
"Ex-Officio"	Means a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office.
"Exempt Information"	Means information which is exempt under Sections 50J and Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 and therefore cannot be made available to the press or public.
"External Audit"	Means Audit carried out by a person or body independent of the Council.

“External Auditor(s)”	Means the person or body carrying out External Audit activity.
“External Framework Agreements”	Means a framework put in place by the Council to govern the behaviour of external organisations with which they have contracted or entered into partnership.
“External Member”	Means a person validly appointed to a Committee, Sub-Committee, Local Area Committee or Working Group who is not an elected Member of the Council.
<b>F</b>	
“Fast Track Protocol”	Means a protocol to allow the Head of Property to purchase without going through the usual channels.
“Finance Leases”	Means a lease where the Council has a gross investment in a lease, made up of the minimum lease payments expected to be received over the remaining term and the residual value anticipated for the property when the lease comes to an end.
“Financial Regulations”	Means the rules approved by the Council to ensure public money is spent correctly and responsibly.
“Fixed Penalty Notice(s)”	Means a notice offering the discharge of any liability or conviction of a stated offence by payment of a fixed penalty in terms of the applicable legislation.
“Full Council”	Means the collective term for all Members or the term used to describe a Meeting to which all Members are entitled to attend.
<b>G</b>	
“Gateway Process”	Means the approach for the management of all the Council’s capital projects.
“General Teaching Council of Scotland”	Means the external body responsible for promoting, supporting and developing the professional learning of teachers.
“Governance”	Means the way in which the Council is directed and controlled.
“Grassum Lease”	Means a lease where an initial lump-sum is paid at the outset in addition to regular rent.
“Group Leader”	<b>Means the person who is the person appointed by a political group of the Council as its leader.</b>

“Guardian(s)”	Means a person appointed by the Court to act and make decisions on behalf of an adult with incapacity.
“Guidance”	Means a document associated with a procedure or a policy which provides advice and direction on how to deal with a particular situation or situations. Guidance does not require to be approved by any Policy or Area Committee within the Council and will be reviewed and refreshed by services as required.
<b>H</b>	
“Harbour Master”	Means the senior officer responsible for enforcing the regulations of a particular harbour or port.
"Head of Service"	Means a senior officer responsible for strategic delivery of council services.
“Homelessness”	Means having no accommodation which you are legally entitled to occupy or in certain circumstances where a person does have accommodation.
“Houses in Multiple Occupation”	Means a property rented out by at least 3 (unrelated) people who share the bathroom or toilet and kitchen.
“Housing Revenue Account”	Means the budget for monies in connection with housing revenue.
“HR & OD”	Means Human Resources and Organisational Development.
<b>I</b>	
“Imprests” or “Advances”	Means a fund used by a business for small items of expenditure and restored to a fixed amount periodically.
“Integration Joint Board”	Means a joint board of the Council and NHS Grampian set up under the Public Bodies (Joint Working) (Scotland) Act 2014.
“Internal Audit”	Means the independent audit function of the Council and their activities.
“Internal Control”	Means the process for assuring achievement of the Council’s objectives in operational effectiveness and efficiency, reliable financial reporting, and compliance with laws, regulations and policies and that controls risks.
“Internal Control Systems”	Means the collective name of the systems used by the Council to assure achievement of objectives in terms of operational effectiveness, efficiency, reliable financial

reporting and control, appropriate risk management and compliance with legislation, regulation and policy.

“Intervention Order”

Means a court appointment which authorises an officer to act and take specific action or actions on behalf of an adult with incapacity.

**J**

“Joint Board”

Means a board established in accordance with legislative provisions between the Council and one or more other public authorities.

“Joint Committee”

Means a committee established between the Council and one or more other public authorities.

**K**

**L**

“LEADER Grants”

Means an award of funding in terms of the LEADER initiative contained within the current Scottish Rural Development Programme.

“Leader of the Council”

Means the Member(s) appointed to that office by the Council.

“Licences of Land or Buildings”

Means a licence to occupy land or buildings under certain conditions.

“Licensing Standards Officer”

Means an officer appointed by the Council in terms of the Licensing (Scotland) Act 2005 to ensuring compliance with legislation and providing guidance, information and mediation services to interested parties.

“List of Committee Powers”

Means the list of powers delegated to Committees and reserved to Full Council.

“List of Officer Powers”

Means the list of powers delegated to Officers.

“List of Planning Delegations”

Means the list of powers relating to the determination of planning applications and development management.

“Local Community Plans”

Means a plan which brings together the plans of a range of public services, community groups and voluntary organisations and sets out the actions and priorities for a local area for the next 3 years.

“Local Development Plan”	Means the document setting out all planning policy relating to the Aberdeenshire area.
“Local Outcome Improvement Plan”	Means a plan which brings together the plans of a range of public services, community groups and voluntary organisations and sets out the actions and priorities for a local area.
“Local Government Pension Scheme”	Means the occupational pension scheme for people employed within Local Government in Scotland.
“Local Housing Strategy”	Means the sole strategic document on housing and housing related services across the local authority area including homelessness, housing support and fuel poverty.
"Local Review Body"	Means the Committee of the Council that considers applications for review for planning decisions refused by officers under delegated powers in respect of local development.
“Local Transport Support”	Means the document setting out how the Council will aim to cater for the needs of all transport users across the region, ensuring that existing resources are used and developed to their full potential.
<b>M</b>	
“Main Opposition Housing Spokesperson”	Means the Member of the main opposition group within the Council appointed as their housing spokesperson.
“Mechanism for Member Promoted Issues”	Means the process used and followed by Members who wish to promote a matter or issue for discussion at a Meeting.
“Meeting”	Means a meeting of Full Council and/or any Committee or Sub-committee of the Council.
“Member”	Means a Councillor elected in terms of the Local Government etc. (Scotland) Act 1994.
“member”	Means any person appointed as a member of a Committee, Sub-Committee, Outside Body or Working Group, whether or not they are entitled to vote.
“Members of the public”	Means a member of the general public and/or representatives of the press or media industries.
“Minute”	Means the formal written record of the decisions taken at a Meeting.
“Minutes of Waiver”	Means a document waiving of a right or claim.

“Miscellaneous Committee”	Means any Committee or Sub-Committee not specifically defined within this Glossary of Terms.
“Miscellaneous Licences”	Means the collective term for all licences not dealt with under the Civic Government (Scotland) Act 1982.
“Monitoring Officer”	Means the Chief Officer designated by the Council under Section 5 of the 1989 Act, or, the person nominated as a deputy under 5(7).
“Motion”	Means a formal seconded proposal to be discussed and voted on in a Meeting.
<b>N</b>	
"Notice"	Means advance notice in writing or sent by email or any other electronic means.
“Notice of Motion”	Means a proposal by a Member formally submitted in terms of the approved procedures to a Meeting for discussion and thereafter possible adoption as a resolution.
“Non-Aligned Independent”	Means a Member who has not aligned themselves with either the Administration or the Opposition.
<b>O</b>	
“Occupancy Agreement(s)”	Means a formal agreement that allows a buyer to occupy a property before the finalisation of a sale usually in consideration with the payment of rent.
"Officer"	Means an employee of the Council or those designated as such by Full Council.
“Operating leases”	Means a form of short term lease typically for vehicles and property.
“Operational Matter”	Means a matter or action required in order to execute agreed strategies and policies.
"Opposition"	Means any Group or Member not forming part of the Council Administration.
“Order(s)”	Means a form of subordinate legislation.
“Ordinary Meeting(s)”	Means a Meeting included within the annually agreed schedule of Meetings.
“Outside Bodies”	Means external organisations to which Members have been nominated by the Council.

P	
“Performance Indicators”	Means a measurement used to evaluate the performance of the Council in terms of particular activity.
“Performance Management”	Means the process used by the Council to identify whether it is on course to deliver its priorities and key objectives and if relevant where improvements are needed.
“Petition”	Means a formal written request to the Council in respect of a particular cause.
“Points of Order”	Means an appeal to the Chair for clarification or for a ruling on a matter of procedure.
“Policy”	Means a formal, concise, accessible statement on how the Council intends to conduct business and deliver services. It will generally be a statement of intent with rules that will influence and enable decision making. A policy must be consulted on with Area and Policy Committee and approved through the appropriate Policy Committee.
“Policy Committee”	Means a Committee of the Council which deals with business at Aberdeenshire-wide level.
“Policy Directory”	Means the central register of all approved policies of the Council.
“Privacy Impact Assessment”	Means the process which helps identify and minimise the privacy risks with a policy for any individual that may be impacted by the policy.
“Procedural Motion”	Means a motion which relates solely to the procedure of a Meeting.
"Proper Officer"	Means an officer appointed by the Council to perform a specific function as required by statute.
“Protective Services”	Means the term used by the Council to cover both Trading Standards (Consumer Protection) and Environmental Health (Environmental Protection).
“Protocol”	Means a system of informally agreed rules that explain the correct conduct and procedures to be followed in specifically identified situations which have been approved by the appropriate Leadership Team.
"Provost"	Means the Member elected Convenor of the Council in accordance with Section 4 of the 1994 Act to act as the civic head and includes in his/her absence the Depute Provost.

"Prudential Code"	Means the code established by the Chartered Institute of Public Finance & Accountancy to support local authorities in making capital investment decisions
"Public Holidays"	Means 1 January, 2 January, Good Friday, May Day, Christmas Day and Boxing Day.
"Public-Sector Equality Duty"	Means the duty of the Council to eliminate discrimination, harassment, victimisation, advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
<b>Q</b>	
"Quasi-Judicial"	Means a body which has powers, discretion and procedures of a regulatory nature including but not limited to the determination of licensing and planning applications or School Placing Request Appeals.
"Quorum"	Means the minimum number of members required to be present to validate the proceedings of a Meeting.
<b>R</b>	
"Rating Assessments"	Means an assessment of the rateable value of your property carried out by the Scottish Assessor.
"Record Management Plan"	Means the statutory plan setting out the procedures for secure and appropriate record management in terms of all Council information.
"Regeneration Action Plan"	Means a document setting out proposed projects to revitalise the area to which it relates.
"Regeneration Strategy"	Means the strategy for the Council's plans to deliver regeneration in partnership with our stakeholders.
"Regulation(s)"	Means a form of subordinate legislation or depending on context a tool providing a framework for managing a specific aspect of the Council's business.
"Report"	Means a report prepared for consideration at a Meeting, published and circulated to any relevant Members and Officers.
"Request to Speak"	Means a request from a member of the public (including a petition), in terms of Standing Orders, to speak in front of a Meeting.
"Requisition"	Means a mechanism used by the members to call a special meeting.

“Returning Officer”	Means a person duly appointed by the Council for the election of Members to the local authority.
“Revenue Budget”	Means the amount of money allocated to the maintenance and growth of the Council based on the forecast of revenue, expenses and capital expenditures.
“Rights of Way”	Means the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.
<b>S</b>	
“Scottish Ministers”	Means the collective term for the Members of the Scottish Government who exercise statutory functions.
“Scottish Social Services Council”	Means the independent regulator for the social service workforce in Scotland.
“Scheme for the Establishment of Community Councils”	Means the scheme implemented by the Council in terms of the Local Government etc. (Scotland) Act 1994 to govern the establishment of Community Councils in Aberdeenshire.
“Scheme of Governance”	Means the combined constitutional documents of the Council including Standing Orders, Delegations and Financial Regulations.
“Scheme of Virement”	Means the rules contained within the Financial Regulations which govern the virement process within the Council.
“School Placings and Exclusions Appeal Committee”	Means a Committee that hears appeals about most placing requests and all exclusions.
“Scrutiny”	Means the way in which performance, decisions and plans of the Council are examined by Members.
“Secret ballot”	Means a voting method in which a voter's choices in an election or a referendum are anonymous, forestalling attempts to influence the voter by intimidation and potential vote buying. The system is one means of achieving the goal of political privacy.
“Section 95 Proper Officer”	Means the Chief Finance Officer duly appointed under the Section 95 of the Local Government (Scotland) Act 1973 being the Accountable (Proper) Officer for the administration and governance of the financial affairs of the Council.
“Senior Officer”	Means an officer designated as such by the Council.
“Service”	Means a department or branch of a local government that provides specified service/activities/accommodation required by the public.

“Service Budget”	Means the financial budget allocated to a service within the Council.
“Service Manager”	Means a senior officer who is responsible for strategic development and operational oversight of a particular service.
“Service Plan”	Means a plan prepared by a Council supporting the overall Council plan which identifies the service’s key objective and delivery priorities over a three year period.
“Servitude(s)”	Means a heritable right possessed by one person to use another’s property.
“Shared Services”	Means any arrangement where the Council collaborates with other public authorities to obtain works, goods or services.
“Shared Service Agreements”	Means an internal or external agreement covering the sharing of a service or services.
“Single Outcome Agreement”	Means the agreement between the Community Planning Partnership and the Scottish Government which sets out what we as a Council hope to achieve for Aberdeenshire and how our success will be measured.
“SLT”	Means the Strategic Leadership Team which consists of Chief Executive, Directors of Services, Monitoring Officer, and Section 95 Officer.
“Special Meeting(s)”	Means a Meeting which is not included in the annually agreed schedule of Meetings and is called by the Chair or on a signed Requisition.
“Standard Security”	Means the registered document providing security over heritable property.
“Standing Orders”	Means the rules which regulate the business and proceedings of all Meetings.
“Statute(s)”	Means written law passed by a legislative body.
“State Aid”	Means any advantage granted by a public authority (such as a Council) through state resources on a selective basis to any organisations that could distort competition and trade in the European Union (EU).
“Statement of Accounts”	Means a summary of all balances to the Council detailing all credits and debits to the accounts over a given time period.
“Statutory consultations”	Means a formal consultation with stakeholders which is required and governed by statute.

“Strategic Plan”	Means high-level strategic plans setting out a long-term vision for the future of the Area and how we will change the way we use land.
“Strategy / Plan”	Means a statement identifying principles and actions required to deliver the visions and outcomes stated by the Council.
“Sub-Committee”	Means a group which is established by a Committee to deal with specific issues.
“Sub-Lease”	Means a legal agreement by which someone who is renting property is allowed to rent it to someone else for a period of time.
“Subordinate Legislation”	Means legislation which is secondary to Acts of Parliament.
“Subsidiary identities”	Means distinct brands of Aberdeenshire Council such as Active Aberdeenshire, Worksmart, and Macduff Aquarium.
“Substantive Member”	Means a Member appointed to a particular post who may appoint a substitute to act in their absence.
“Suitably Qualified”	Means having the required qualifications and experience to fulfil the specific role in question.
“Summons”	Means an invitation or order to appear.
<b>T</b>	
“Treasury Policy Statement”	Means a policy relating to the financial management of the Council.
<b>U</b>	
“Ultra Vires”	Means acting beyond the scope of powers/authority granted.
<b>V</b>	
“Vire”	Means the action of transferring funds from one financial account to another.
“Virement”	Means the process of transferring items from one financial account to another.
<b>W</b>	
“Ward”	Means the electoral divisions of the Council’s area.

“Wayleaves”	Means a privilege enabling access to land.
“Welfare Attorney”	Means a person appointed by an individual under a Power of Attorney to make decisions about their welfare and health.
“Working Group”	Means a group set up by a Committee to work on a particular area of the Council’s business and to report back to that Committee.



## APPENDIX B

### **Requests for changes to the Scheme of Governance received after the Procedures Committee meeting of 25 May 2018 which are considered to be NON material changes (paragraph 2.9 in the report refers)**

1. Part 2A List of Committee Powers –
  - (a) Area Committees (B.3.4) - power to determine an appeal from a Community Council clarified.
  - (b) Property Provision - Area Committees (B.10.1.2), Business Services Committee (C.5.2) and Communities Committee (D.2.2) powers to make recommendations in respect of property decisions for premises used for children's services/adult social care establishments clarified and terminology updated.
  - (c) Aberdeenshire Community Planning Board (Section P) changed to reflect Board's terms of reference for appointment of members.
  - (d) Business Services Committee (C.5.3) and Communities Committees (D.5.3.a) – reference to Community Asset Transfer changed to Asset Transfer – as per advice from Community Empowerment Steering Group.
  - (e) Area Committees – removal of licenses for houses in multiple occupation as these are dealt with by the Licensing Sub-Committee.
2. Part 2B List of Officer Powers –
  - (a) Head of Corporate Communication and Information (3.4 and 3.10) – amended to reflect current practice following feedback from Service.
  - (b) Head of Finance (4.39) – added to reflect delegation made by Aberdeenshire Educational Trust Sub-Committee.
  - (c) Head of Economic Development and Protective Services – updates to Trading Standards delegations.
  - (d) Appendix B - Section 4. Addition of required legislation to Integration Joint Board. This is for clarification and transparency.

## EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Business Services
Section	Legal and Governance
Title of the activity etc.	Review of the Scheme of Governance to ensure the decision making structure and governance arrangements of the Council are fit for purpose
Aims of the activity	To consider the Scheme of Governance and any amendments, additions or changes that are required since implementation on January 27 2017.
Author(s) & Title(s)	Ann Overton - Senior Solicitor, Legal and Governance

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data).	<ul style="list-style-type: none"> <li>No specific surveys were created. Since the implementation of the Scheme of Governance, L&amp;G officers have been monitoring queries and comments on the Scheme and collating to feed into the review.</li> </ul>
Internal consultation with staff and other services affected.	<ul style="list-style-type: none"> <li>Meetings and workshops with the Council’s Governance Service Champions. The champions are a group of cross-service representatives which have been trained on the governance of the Council and provide the link to Services. Each champion is responsible for ascertaining their services requirements in respect of any amendments to the Scheme of Governance. This information has been collected via regular meetings and by L&amp;G officers being available to support services on governance matters.</li> <li>Meetings with the Council’s Monitoring Solicitors via and Committee Officers Group.</li> <li>Meetings with GOTIT (cross service officer group tasked with overseeing the implementation of the Scheme of Governance)</li> </ul>
External consultation (partner organisations, community groups, and councils).	No specific external consultation has taken place.

External data (census, available statistics).	none
Other (general information as appropriate).	none

### Stage 3: Evidence Gaps.

Are there any gaps in the information you currently hold?	The Review of the Scheme of Governance will be an ongoing project in relation to approval of Procurement, the Governance of Grants, Grants Applications and Loans and Area Committees and delegated powers in relation to road traffic orders. There will also be further work required on the Financial Regulations in terms of Shared Service matters.
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### Stage 4: Measures to fill the evidence gaps.

What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	Timetabled meetings of the Procedures Committee, Governance Service Champions and GOTIT are planned to oversee the further work required.	July 2018-January 2019
	The corporate report template will also be reviewed by the Procedures Committee. Whilst an operational matter, this review will ensure that knowledge and understanding of the Council's governance arrangements and council priorities are clear and reflected in the reports that committees receive.	September 2018

### Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger	Yes			
Age – Older	Yes			
Disability	Yes			
Race – (includes Gypsy Travellers)	Yes			

Religion or Belief	Yes			
Gender – male/female	Yes			
Pregnancy and maternity	Yes			
Sexual orientation – (includes Lesbian/ Gay/Bisexual)	Yes			
Gender reassignment – (includes Transgender)	Yes			
Marriage and Civil Partnership	Yes			

Stage 6: What are the positive and negative impacts?

Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	The outcome of the review process will be to provide further clarity in terms of the Council's decision-making structure and process and compliance with all relevant legislation which will be of benefit to all protected groups.	

Stage 7: Have any of the affected groups been consulted?

If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No direct consultation specifically aimed at the protected characteristic groups was conducted. The project was required to review the Council's Scheme of Governance structure Consultation has taken place with all Stakeholder Groups to ensure proposals and associated governance documentation comply with all relevant legislation and meet business requirements.
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Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
	Mitigating Steps	Timescale
These should be included in any action plan at the back of this form.	N/A	

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	An updating plan will be developed where key messages that require to be communicated to all stakeholders, which will include people with protected characteristics, will be identified.

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?
The activity delivers clear direction on the decision-making process and of governance arrangements which is supported by appointed Governance Champions for each Service. The Scheme of Governance is the suite of governance documents for the Council and is accessible online. It is necessary to keep the Scheme up to date and fit for purpose. For those who cannot or do not wish to access information online, access via public offices will continue to be provided as previously.

Stage 11: What equality monitoring arrangements will be put in place?	
These should be included in any action plan (for example customer satisfaction questionnaires).	Equality considerations will be taken in to account as part of the activity delivery and roll out to all staff. The monitoring that would be carried out to support staff in this process will be built in to the plan.

Stage 12: What is the outcome of the Assessment?		
Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	The activity will benefit all protected characteristic groups by providing further clarity in terms of the Council’s decision making structure and procedures and compliance with all relevant legislation.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.

	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

\* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.				
Sign off and authorisation.	1) Service and Team	Business Services, Legal and Governance		
	2) Title of Policy/Activity	Review of the Scheme of Governance		
	3) <b>Authors:</b> I/We have completed the equality impact assessment for this policy/activity.	Name: Ann Overton Position: Senior Solicitor Date: 13.06.2018 Signature:	Name: Position: Date: Signature:	
		Name: Position: Date: Signature:	Name: Position: Date: Signature:	
	4) Consultation with Service Manager	Name: Lauren Cowie Date: 13.06.2018		
5) Authorisation by Director or Head of Service	Name: Geraldine Fraser Position: Acting Head of Service Date: 13.06.2018	Name: Position: Date:		

	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee.	<b>Page: 364</b> Date:
	7) EIA author sends a copy of the finalised form to: eia@abdnshire	Date:
(Equalities team to complete) Has the completed form been published on the website?		Date:

Action Plan						
Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications	
Review EIA and Action Plan as required following Full Council decision on recommendations from Procedures Committee	June 2018	January 2019	Geraldine Fraser	Scheme of Governance	To be met within project resources.	
Update Services on changes to Scheme of Governance using Governance Service Champions, advice note and Arcadia	July 2018	January 2019	Geraldine Fraser	Cascade of update to all required officers	To be met within project resources.	