

REPORT TO ABERDEENSHIRE COUNCIL – 26 SEPTEMBER 2019

SCHEME OF GOVERNANCE

1 Recommendations

The Council is recommended to:

- 1.1 **Approve the amendments to Part 4 of the Scheme of Governance in Appendices 6 and 7 with implementation on 27th September 2019; and**
- 1.2 **Note the amendments to Parts 1, 2 and 3 of the Scheme of Governance and that a further report requesting approval will be reported to Full Council on 21st November 2019.**

2 Background / Discussion

- 2.1 The Procedures Committee, at its meetings on May 24th and September 6th 2019, agreed to recommend to Full Council, the proposed amendments to the Scheme of Governance detailed in this report.

Proposed Amendments to the Scheme

- 2.2 The proposed changes are set out in the appendices. Each proposal is highlighted in bold red, with an explanation as to the reasoning for the change set out below in a text box.
- 2.3 To ensure that the Scheme of Governance is always improving, the documents are continually reviewed for minor spelling or grammatical errors, renumbering, renaming, terminology that requires to be updated or legislation that requires to be added to an appendix of the Scheme. These changes have not been highlighted, on the basis that these amendments are of a minor nature. Changes of particular note are explained below.
- 2.4 **Appendix 1
Part 1 – Standing Orders**
 - (i) Addition to SO 4.2 so there is clarity that an Elected Member has up to 10 minutes to speak to the Member Promoted Issue report.
 - (ii) Further addition to SO 4.2.5 so that an Elected Member can nominate another Elected Member to propose the notice of motion in their absence.
- 2.5 **Appendix 2
Part 2A – List of Committee Powers**
 - (i) A new General Provision 5 has been added which clarifies that an Area Committee can choose not to use its delegation and can refer the

matter to the relevant Committee or Sub-Committee . This is accepted practice but is not currently reflected in the Scheme in explicit terms.

- (ii) In Area Committee powers Section B.7.1 has been amended to provide, to accord with legislation, that receipt of an adverse representation or objection, not just a material objection, will trigger a decision on a licensing application going to Area Committee.
- (iii) Frequently, supportive representations are received in relation to tree preservation orders. Section 5 (3) of the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 provides that a local authority must consider representations before the order is confirmed. The split of delegation between committee and officer is based on committee determining tree preservation orders that are the subject of objections. The proposed changes to the drafting of the delegations (Part 2A B.8.2 and Part 2B F.4.3) make it clear that a supportive representation will not trigger a report to committee.
- (iv) In Area Committee powers, Section B.9.2.2 has been amended to clarify where two local ward members do not support the Chief Officer's recommendation to make land or buildings surplus the Area Committee will determine the matter. The current provision is based on an officer not agreeing with elected member proposals.
- (v) The Area Committees' powers to approve decisions relating to Common Good (Section B.2) in their areas is being expanded to clarify that it includes decisions relating to change of use of Common Good Land. This updates the delegations in line with the enactment of Section 104 of the Community Empowerment (Scotland) Act 2015 which created a requirement for consultation with the community when planning to dispose or change the use of Common Good Land.
- (vi) Following a decision of Full Council on April 25th 2019, Business Services Committee was delegated authority for the monitoring and scrutiny of future capital projects. All permanent delegations must be added to the Scheme of Governance and the appropriate section of Business Services Committee's powers is Property, as the Property Service has the responsibility for managing the delivery of the capital plan and capital projects. The functions of this Committee have also been clarified with the addition of Commercial and Procurement to Section 1.1 (d).
- (vii) Following the decision of Full Council on 25th April 2019, Communities Committee's delegations are to include the delegation to approve the Council's annual Local Child Poverty Action Report following consultation with Area Committees and Education & Children's Services Committee.
- (viii) Section 25 of the Education (Scotland) Act 2016 is due to be enacted this year. This legislation provides that local authorities appoint a Chief Education Officer. This proper officer position has been added to the appointments that must be approved by Full Council. Clarity has been

given by adding a reserved delegation to Section A. This is also reflected in the general delegation A.15 to Chief Officers as detailed below.

- (ix) The financial powers of area and policy committees have been re-drafted in a more expansive manner to add clarity. The powers now reflect the three stages of the procurement governance process and the procurement plans (currently known as work plans) are embedded in the delegations. Currently, the delegations do not mention work plans, leaving room for multiple interpretations, which leads to inconsistent practice. Communities Committee has the additional delegation to approve procurement plans, Procurement Approval Forms and award reports under direction of the Integration Joint Board. The power to award a direct award over the committee threshold has also been clarified. Currently this is a financial regulation but if included in the delegations it can be delegated to officers, which is regular practice.
- (x) The grants power for all policy committees has been clarified and improved. A threshold of £50,000 has been added to the financial regulations (4.15) and is explained in more detail in paras 4.8 and 4.9.
- (xi) Full Council agreed on June 27th 2019 that all area and policy committees be given the delegation to determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality. As this was a delegation that would last longer than six months, it requires to be added to the Scheme of Governance.
- (xii) A change of name is proposed to the Community Empowerment Appeals Committee to Review Body to more closely reflect its legislative purpose in terms of the Community Empowerment (Scotland) Act 2015. Since January 27th 2017, when the Scheme of Governance was implemented, there have been two meetings of the Community Empowerment Appeals Committee. During the process of convening the meetings, officers considered the role of the Committee against the legislative requirements. The current name is not reflective of the remit and therefore officers have recommended to Procedures Committee that the Committee should be renamed as a Review Body. As provided in Section 86 of the Act, a local authority is required to review the case (i.e. the first decision by the local authority). It is not an appeal. In terms of the Act, an appeal is the remit of Scottish Ministers.

2.6 **Appendix 3** **Part 2B – List of Officer Powers**

- (i) General Delegation A.15 has been updated to include the Chief Education Officer as a proper officer. Section 25 of the Education (Scotland) Act 2016 is expected to come into force this year and will require that Local Authorities appoint a Chief Education Officer. The overall objective of the Chief Education Officer is to ensure the provision of effective, professional advice to the local authority, elected

members and officers, in relation to the authority's provision of services with a bearing on education. The post should assist the authority in understanding the complexities of education service delivery, particularly in relation to the authority's specific statutory duties, and the key role education plays in contribution to the achievement of national and local outcomes. The officer appointed must have such qualifications as may be prescribed by Regulations made by the Scottish Ministers, and such experience as the authority considers appropriate in relation to the carrying out of the advisory function.

- (ii) General Delegations A.16 and A.17 have been re-drafted and improved.
- (iii) Amendments are proposed to general delegations A.23 and A.26 to reflect the ongoing work on the governance around grants. Internal Audit recommended that the Expenditure Approval Process Project (EAPP) consider whether expenditure on grants should have the same parameters as other council expenditure. The interim recommendation from the EAPP team is that there needs to be clarity on where decisions are made and that a simple threshold will achieve this aim, in the interim. The amendments to these delegations will allow Heads of Service to deal with both grants and grants applications to external bodies. The Financial Regulations (4.16) have been amended to put in place a threshold of £50,000 for grant awards and also introduce a requirement that all grants must be added to the Grants Register. These interim changes provide clarity on where decisions are being made and ensure such grants are being registered.
- (iv) The amendments to A.26 are to reflect the operational requirements of dealing with grant applications. When exercising this delegation, Chief Officers must have regard to the requirement to consult with other officers and elected members. A protocol for chief officers be developed (before this change is implemented) on when to consult and when to choose not to exercise a part of the delegation.
- (v) Head of Commercial and Procurement Shared Services has two more proposed delegations that link to the requirements of the Financial Regulations in terms of authorising dispensations not to notify certain call-offs.
- (vi) Additions are proposed to the Head of Finance delegations to give that officer the power to sign and approve the issue of 1997 certificates, required to certify that the local authority has power to enter into the contract and also to maintain the Grants Register. This supports the changes to Financial Regulations.
- (vii) There has been a change of operational responsibility in relation to Building Standards. Head of Housing is now responsible for Building Standards. The required changes have been made to Head of Housing and Head of Planning and Environment. This name change will be applied to all of the Scheme of Governance.

- (viii) In line with the proposed changes to Area Committee powers in relation to tree preservation orders, the Head of Planning and Environment's specific delegation at Section F.4.3 have been amended to permit the issuing of the orders and the amendment and revocation where no adverse representations are received.
- (ix) Head of Legal and Governance's delegations require the deletion of D.8.19 as the delegation to administer unopposed applications to carry out civil marriages outwith registry offices is obsolete.
- (x) The Head of Property and Facilities Management's delegations have been reviewed and added to in terms of the Housing Revenue Account Capital Programme.
- (xi) The Head of Children's Service's delegations in relation to approval of holidays for looked after children, have been clarified and improved. This reflects current practice.
- (xii) The Chief Social Worker Proper Officer delegation has been removed from Head of Children's Services and the specific powers from the Chief Officer of the Integration Joint Board section and placed in their own section (H) of the Scheme. This reflects the current position and ensures transparency as to the appointment and delegations of the proper officer position.

2.7 **Appendix 4** **Part 2C – List of Planning Delegations**

- (i) The title of Head of Planning and Building Standards will be amended to Head of Planning and Environment. This change will also be made in all the relevant parts of the Scheme of Governance.
- (ii) Clarity has been added on the delegation and process when a non-material variation is required to a planning permission. This captures current practice.

2.8 **Appendix 5** **Part 3 – Financial Regulations**

- (i) It is proposed that FR 3.6.5 be amended to remove the project cost tolerance of £100,000. An explanation is provided in the appendix.
- (ii) **Hospitality** – a gap was identified for spend on hospitality over £300 but less than £1000. The approval for this is proposed to sit with Chief Executive and Directors by giving an annual sum of £1000 for hospitality rather than a per event sum. Policy Committees have to approve all spend over £1000 in any event.
- (iii) **Grants** - There has been a substantial amount of work carried out around grants, grant applications and loans. Officers consider that clarity is required on where decisions for grants is taken. Internal Audit has made a recommendation to consider whether grants (along with other types of expenditure) should be considered along the same

parameters as procurement expenditure. This is still an ongoing action for the EAPP Team. Meanwhile a summary of the proposed changes is:-

- Introduce a threshold of £50,000.
- Chief Officers can award £50,000 or less in accordance with Following the Public Pound
- Policy Committees award over £50,000
- A new requirement to aggregate previous awards to any external body within the previous three financial years
- Compulsory use of the Grants Register with a delegation to Head of Finance to maintain the Grants Register.
- Specific delegations to Area Committees to award grants to Community Councils, Support for Business, Business Loans Scotland and regeneration grants.
- Clarity in the Financial Regulations in relation to grant programmes that the Council are administering.

(iv) **FR5.2 and FR5.3 – Authority to incur expenditure and Procurement Governance.** Matters of particular note are set out below. All changes are highlighted and explained in Appendix 3.

- There has been a terminology change. It is widely felt amongst officers that the 'work plan' is not representative of what it actually is and can be conflated with the 'works programme'. It is therefore proposed to rename to procurement plan. Likewise, it is felt that 'business case' is a misnomer as whilst it does set out business need and impact it is not a business case in most people's understanding. Procurement Approval Form (PAF) is a clearer representation of the purpose of the document. For ease the new terminology will be used in this report.
- Consultation should always be proportionate and consultation on all PAF is currently required with the relevant service management team. The proposal is to require consultation on PAFs for procurements of £50,000 or over. This is considered to be proportionate and aids reduction of bureaucracy, empowerment of senior officers and gives more flexibility to service management teams in relation to procurement governance. Efficiency is increased as routine matters can be moved on quickly and this also reflects that the majority of lower value procurements are call- offs from Frameworks that have committee approval already.
- The regulation that provides the governance on the award of contracts (FR5.3.23) has been improved to fill an identified gap as to award of contracts. The additional drafting means that committee will always award the contract where there has been a 25% or more increase from the amount approved by Committee via the procurement plan. Whilst officers were doing this, it was not specified in the financial regulations. This has also been reflected in committee delegations.

- In terms of direct awards, the Financial Regulations provide that officers can only award under the committee threshold of £1m. Committee delegations have been updated to include the direct award of £1m or more and the financial regulation has been made explicit in terms of the required governance.
- (v) **Contract Extensions and Variations** - The financial regulations have been clarified and re-drafted to make the process clear for when there is already a committee approval (normally obtained via the procurement plan or more rarely now from a Policy & Resources Committee decision (council committee that made all expenditure decisions, that ceased to exist on January 27th 2017 following the Future Governance project – all policy committees now make their own expenditure decisions) in place or there is no approval. It is now clear when to go to committee and when an officer is authorised to use delegated powers. There has been no change in the overall position.

2.9 Appendix 6

(i) **Parts 4C and 4D
Procurement Guidance and Financial Delegations tables**

The tables have been expanded to reflect the three stages of the procurement approval process and updated procurement process flowchart.

The changes have improved clarity and actually make the tables useful. Tables for contract extensions and the proposed interim grants threshold has also be added to aid understanding and provide another reference material. The tables and flowchart will be merged to be in one document.

(ii) **Part F
Member Promoted Issue Form and Guidance**

The guidance and form has been revised. An onus on evidence gathering and consultation with officers has been added to the guidance and the format of the form has been improved.

(iii) **Part 4H - Glossary**

- (i) The definition of Head of Service has been amended to include Partnership Managers in the Health and Social Care Partnership. This adds clarity and ensures that those Chief Officers have the correct delegations to deliver their role effectively.
- (ii) The definition of HRA Capital Programme has been added.
- (iii) The definition of Senior Councillor has been added.

2.10 Appendix 7 Part 4J – Petitions Guidance

At its meeting on September 6th 2019, the Procedures Committee considered the draft Petitions Guidance that is detailed in Appendix 7. It has not been set out in red text. The link to the report (item 5) is below.

<http://committees.aberdeenshire.gov.uk/committees.aspx?commid=267&meetid=19505>

Following consideration by Procedures Committee, the petitions guidance has been updated as follows –

- (i) The signature threshold for area committees is 50
- (ii) It has been clarified that there is discretion to allow a lower number of signatures for area committees in exceptional circumstances.
- (iii) The paragraph on E-petitions has been expanded to provide clarity that where addresses of signatories are not contained in the petition, the provider of the e-petition needs to give confirmation that the requisite number of signatories with Aberdeenshire addresses has been met.
- (iv) It has been clarified that Council officers may use the electoral roll and valuation roll to verify the addresses of the signatories.
- (v) Members of Scottish Parliament have been added to the list of suggested people to contact.

The only change not unanimously agreed was in respect of the threshold for signatures for area committees.

Councillor Howatson moved, seconded by Councillor Kille that the threshold for the minimum number of signatures for a petition should be set at Area Committees (50), Policy Committees (100) and Full Council (200).

Councillor Ford moved as an amendment, seconded by Councillor Thomson, that the threshold for the minimum number of signatures for a petition should be Area Committees (15), Policy Committees (100) and Full Council (200).

Members of the Committee voted -

| | | |
|-------------------|-----|--|
| for the motion | (5) | Councillors Howatson, Kille, Owen, N Smith and Stirling. |
| for the amendment | (3) | Councillors Cassie, Ford and Thomson. |

The **motion** was carried.

Following a subsequent request from one third of the Members present and voting to refer the matter to Full Council, it was confirmed that this was not permissible in terms of Standing Order 5.5.4.g as any decision by the Committee would take the form of a recommendation to Full Council.

- 2.11 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 Standing Order 9.1 provides that amendments to Parts 1, 2 and 3 of the Scheme of Governance require notification at a meeting and then approval at the next meeting.
- 3.3 Standing Order 9.2 provides that amendments to Part 4 of the Scheme of Governance do not require the notification report. Amendments can therefore be reported once for approval.

4. Implications and Risk

- 4.1 An equality impact assessment is in Appendix 8. A positive impact has been identified as all residents of Aberdeenshire have at least one protected characteristic (sex) and the improvement of the Council's Scheme of Governance has a positive impact on all residents.
- 4.2 There are no staffing or financial implications. Implementation of the changes will be managed within approved budgets.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACORP004 - Business and organisational change (including: ensuring governance structures support change; and, managing the pace of change) [Corporate Risk Register](#).

No Risks have been identified as relevant to this matter on a Strategic Level.

Ritchie Johnson
Director of Business Services

Report prepared by Ann Overton, Senior Solicitor (Democratic Services) Legal and Governance
September 11th , 2019

APPENDIX 1

Standing Orders

4.2 Notices of Motion and Member Promoted 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, **then prior to the Meeting the Member can nominate another Member (in writing to the Director of Business Services or the appropriate Area Manager with the permission of the other Member) to move the motion or** it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again **absent or has not nominated another Member to move the motion**, 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 set out in **Part 4F of the Scheme of Governance**.
9. **When speaking to the Member Promoted Issue report, whether a Member of the Committee or not, the Member(s) raising the Member Promoted Issue will be permitted a period of up to ten minutes or such other period as the Chair may determine.**

Changes made on the recommendation of Procedures Committee to enable Notices of Motion to be dealt with in absence of elected member and to clarify time allowed for speaking to an MPI. The drafting is consistent with the related section of Standing Orders.

APPENDIX 2

Part 2A – List of Committee Powers

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.
5. **It shall be competent for an Area Committee, in relation to any matter, instead of taking a decision, to make a recommendation to the appropriate Committee or Sub-Committee which has the remit for the matter, in which event the matter shall be decided by the Committee or Sub-Committee after consideration of the Area Committee's recommendation. Such recommendation must be made in a report submitted to the Committee or Sub-Committee by the appropriate service.**

6. Full Council may delegate to a Committee and to an Officer of the Council any of the functions which have been reserved to Full Council with the exception of functions that statute requires Full Council to determine and matters set out in A.1.
7. 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.
8. An Area Committee or Sub-Committee may delegate to an Officer any of the functions which have been delegated to the Committee.
9. As far as consistent with legislation, Committees have power to delegate to Sub-Committees.
10. 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.
11. 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.
12. Full Council may vary, add to, recall or restrict any delegation.
13. In the event of any purported decision of an Area Committee or any Policy Committee being in the 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.

New Provision 5 is added for clarity, an Area Committee can defer to a committee but this is currently not reflected in the General Provisions.

This section will require renumbering.

A. FULL COUNCIL

10. Human Resources

10.1 Appointment and dismissal of the Chief Executive and dismissal of Directors and Area Managers in accordance with agreed Human Resources & Organisational Development (HR&OD) procedures.

10.2 Arrangements for the maintenance of ethical standards of conduct of Councillors and Officers.

10.3 Appointment of the Head of Paid Service, Monitoring Officer, Section 95 Officer, Chief Social Worker and Chief Education Officer as Proper Officers of the Council.

Added for clarity. This is already detailed as a provision to General Delegation A.15 of part 2B of the List of Officer Powers. This addition to Full Council powers gives absolute clarity that Full Council appoints the this named Proper Officers of the Council. currently, this is done via the Scheme of Governance – the named role acts as the Proper Officer.

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

1.10 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

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 sale or lease of more than 12 months duration **or change of use** of Common Good assets within its Area before a Common Good Order is sought from the Court.

B.1.10 added due to Full Council delegation agreed on June 27th 2019

Section 104 of Community Empowerment (Scotland) Act 2015 came into force on June 27th 2018 created a requirement for consultation with the community when planning to dispose or change the use of Common Good Land. This addition clarifies that the delegation sits with Area Committees.

6. Finance and Procurement

6.1 To prioritise revenue expenditure estimates for its Area and to make recommendations to appropriate Policy Committees.

6.2 To comment on capital projects for its Area and to make recommendations to appropriate Policy Committees.

6.3 To authorise expenditure from the Area Committee Budget.

~~6.4.1 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:~~

- ~~a. the value of the matter exceeds £1,000,000 or,~~
- ~~b. 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. they are funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which they are responsible and,~~
- ~~e. they relate exclusively to its Area.~~

~~Provided that if the decision is not in accordance with Officer recommendations or does not accord with existing Council policy then the matter should be referred to the appropriate Policy Committee.~~

~~6.4.2 To 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 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. where the value of the matter is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Business Case only,~~
- ~~d. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,~~
- ~~e. relates exclusively to its Area.~~

6.4.1 To determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where:

- a. the value of the goods or services is £50,000; and**
- b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and**
- c. the matter relates exclusively to its Area.**

6.4.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;

- a. (i) the value of the matter exceeds £1,000,000; or**

- (ii) the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
 - (iii) the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
- b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and
 - c. the matter relates exclusively to its Area.

6.4.3 To award the contract for the purchase of works, goods or services when:

- a. (i) the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
 - (ii) the Chief Officer has chosen not to exercise their delegated power to award the contract; or
 - (iii) the contract is a direct award that exceeds £1,000,000; or
 - (iv) the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and
 - c. the matter relates exclusively to its Area.

Provided that if a decision made under 6.4.1-6.4.3 inclusive is not in accordance with Officer recommendations or does not accord with existing Council policy then the matter must be referred to the appropriate Policy Committee.

Clarity added by splitting into three stages.
Clarity that direct awards over £1m can be awarded by committee

6.5 Authorise support to businesses in Aberdeenshire that exceed £30,000 per business including authorisation of loans from the Business Loans Scotland Scheme.

6.6 Approve grants that exceed £20,000 from the approved budget allocated to Regeneration Town Action Plans.

New power to cover the gap between officer delegation for these particular grants. Adds clarity on where decisions are made.

7. Licensing

7.1 The matters listed in Sections 7.2 – 7.3 shall be delegated to officers of the Council unless ~~material~~ **adverse representations or objections** have been lodged or there is an officer recommendation that an application be refused.

7.2 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.

7.3 To grant, revoke, refuse, vary or renew all miscellaneous licences and registrations for its 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.

Amendment of wording to match legislation

8. Planning

- 8.1 Exercise the powers of Area Committees detailed in the List of Planning Delegations in the Scheme of Governance at Part 2C.
- 8.2 To confirm tree preservation orders where ~~objections or relevant~~ **adverse** representations have been received.
- 8.3 To determine questions of Access Rights and Rights of Way in its Area where the matter has not been already determined by officers in the proper exercise of their delegated powers.
- 8.4 To fulfil the functions of the Council under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 where the matter has not been already determined by officers in the proper exercise of their delegated powers.

Technically positive representations can trigger committee making the determination. The amendment clarifies and captures current practice. The officer delegation has been altered to be consistent.
(Part 2B F.4.3)

9. Property

- 9.1 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. On the establishment or permanent closure of Council property that operates or operated as Children's Services establishments and Adult Social Care establishments.
- 9.2 To:
 1. declare that land and/or buildings are surplus to requirements where at least 2 Ward Members, **following notification that the land and/or buildings are to be declared surplus** ~~proposals for retention have not been agreed by the Head of Property and Facilities Management.~~ **have confirmed within 14 days of the notification that they do not support the Head of Property and Facilities Management's recommendation to declare as surplus.**
 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.

For Sections 9.2.2 – 9.2.6 only 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.

It is more appropriate to link the requirement to go to committee with ward members not supporting a proposal rather than an officer assessing the quality of an elected member proposal. This change ensures consistency with the related Chief Officer delegation in Part 2B Section D.9.6. There is also a clear time scale and requirement for an action to take place that accords with the Surplus Property Policy. The proviso has been clarified as only relating to sale/purchase/lease of property.

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. **Commercial and Procurement.**
- d. Emergency Planning.
- e. Finance.
- f. Human Resources & Organisational Development (HR&OD) (except human resource matters relating only to teaching staff and associated professionals).
- g. Information and Communication Technology.
- h. Legal and Governance.
- i. Licensing other than Liquor Licensing.
- j. Aberdeenshire Licensing Forum
- k. Property and Facilities Management.
- l. Registration of Births, Deaths and Marriages.
- m. Valuation and Electoral Registration.

This Committee also has specific powers:

5. Property

5.1 To determine the acquisition, sale or lease of land or property not on the Council's Housing account where:

1. an Area Committee has made a decision in relation to a Community Asset Transfer that is contrary to Officer's recommendations or does not accord with Council policy or,

2. 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 establishments.

Provided 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 (Scotland) Act 2015.

5.4 To review, monitor and scrutinise the delivery of the Council's capital projects.

C.1.1 (d) Business Services Committee has the remit adds clarity in that Commercial and Procurement are included in this remit. Added in to be alphabetical and there is subsequent re-lettering.

C.5.4 is added following the decision at Full Council on April 25th 2019.

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.

4. General

- 4.1 To determine the attendance of members at courses and conferences relating to matters within the remit of this Committee and within the approved budget allocation.
- 4.2 To approve a Council response to any external consultation on any policy matter falling within the delegation of the Committee.
- 4.3 To establish sub-committees and working groups.
- 4.4 To approve the Council's annual Local Child Poverty Action Report following consultation with Area Committees and Education & Children's Services Committee.**
- 4.5 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.**

Added following decision at Full Council on April 25th 2019. This report is required to comply with Section 13 (1) of the Child Poverty (Scotland) Act 2017.

D.4.5 is added following the decision at Full Council on June 27th 2019
And the same delegation will be added to the area committees and other policy committees

POLICY COMMITTEES

C. BUSINESS SERVICES

E. EDUCATION AND CHILDREN'S SERVICES COMMITTEE

F. INFRASTRUCTURE SERVICES COMMITTEE

~~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.~~

3.3 Where a matter, item or project is to be funded from approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee or where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract, the Committee has the delegated powers to:

3.3.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where

- a. the value of the goods or services is £50,000; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;

- a.
 - (i) the value of the matter exceeds £1,000,000; or
 - (ii) the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
 - (iii) the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.3 Award the contract for the purchase of goods, works or services where:

- a.
 - (i) the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
 - (ii) the Chief Officer has chosen not to exercise their delegated power to award the contract; or
 - (iii) the contract is a direct award that exceeds £1,000,000; or
 - (iv) the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

D. COMMUNITIES COMMITTEE

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 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.~~

3.3 Where a matter, item or project is to be funded from the approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee or where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract and where the Committee is under Direction from the Aberdeenshire Integration Joint Board the Committee has the delegated powers to:

3.3.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where

- a. the value of the goods or services is £50,000; and**

- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;

- a. (i) the value of the matter exceeds £1,000,000; or
- (ii) the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
- (iii) the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.3 To award the contract for the purchase of works, goods or services when:

- a. (i) the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
- (ii) the Chief Officer has chosen not to exercise their delegated power to award the contract; or
- (iii) the contract is a direct award that exceeds £1,000,000; or
- (iv) the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

For all policy committees the finance powers have been amended. Communities Committee has the extra delegation to authorise expenditure on procurement for the IJB.

The current delegations in relation to approval of procurements has been clarified by splitting into the three stages of governance. This adds clarity. The requirement for committee to approve direct awards over £1m has been added to ensure that the financial regulations are reflected in the delegations and this also means that it can be delegated to officers. In addition, expenditure from approved council reserves and statutory funds have been added to policy committee powers – already in area committee powers.

ALL POLICY COMMITTEES

- C. BUSINESS SERVICES COMMITTEE
- D. COMMUNITIES COMMITTEE
- E. EDUCATION AND CHILDREN'S SERVICES COMMITTEE
- F. INFRASTRUCTURE SERVICES COMMITTEE

General

To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

Finance and Procurement

To approve the award of grants **to external bodies**. ~~for voluntary organisations within approved service budgets.~~ **in accordance with Financial Regulations.**

The current delegation does not cover all grants. This is not practical therefore the delegation has been widened . Financial Regulations provide for committee to award in specific circumstances and this is captured in the proposed drafting and threshold (£50,000 and over).

COMMUNITY EMPOWERMENT APPEALS COMMITTEE REVIEW BODY

Change of name from Community Empowerment Appeals Committee to Community Empowerment Review Body to reflect the prescribed legislative role in the Community Empowerment (Scotland) Act 2015.

APPENDIX 3

Part 2B – List of Officer Powers

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

- 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, **Chief Education Officer** and Chief Social Work Officer are subject to direct appointment by Full Council.

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.~~
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 issue of identity cards, and such other similar authorisations as may be required to officers**, the right to enter land and property, inspection, sampling, seizure of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) as permitted under relevant legislation **and in accordance with any issued authorisation warrant.**

15. Addition of the appropriate appointment of a proper officer by Full Council.

16 and 17 The revised drafting improves the ability for Trading Standards and Protective Services to operate effectively.

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.~~
26. **Apply for**, acknowledge receipt **of**, accept, **administer** and properly allocate and **account for** grants and monies received by the Council from external bodies.

A.23 – removal of specific chief officers means that Heads of Service can award grants.

A.26 the additional wording ensures that the operational requirements of work around grant applications are covered by Chief Officer delegations.

1. **Commercial and Procurement Services**

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

- 2.14 Dispense with the requirement to notify a call off from a framework agreement provided such dispensation is recorded.**
- 2.15 Dispense with the requirement for approval to seek alternative provision to a framework agreement or dynamic purchasing system provided such dispensation is recorded.**

Added to reflect proposed changes to the Financial Regulations.

4. **Finance**

- 4.39 Following consultation with the Head of Legal & Governance and the Head of Commercial and Procurement Shared Services, sign certificates in terms of Regulation 4 of the Local Authorities (Contracts) (Scotland) Regulations 1997.**

4.40 Maintain a Grants Register for all awards of grants by the Council to external bodies.

New delegation that is very specific and provides clarity and adequate consultation to this particular legal requirement for provision of 1997 certificates.
Addition of delegation to support the proposed financial regulation to make use of the grants register compulsory

8. Legal and Governance

~~8.1 Administer unopposed applications to carry out civil marriages outwith registration offices.~~

8.2 Following consultation with the Head of Economic Development and Protective Services, the Head of Roads, **Waste** and Landscape Services and the Chair of the relevant Area Committee, grant extended operating hours to fairgrounds operating on Council owned property.

Deletion of obsolete delegation. The Registrar General has this power.

Correction of job title.

8.29 Following consultation with the Chair of the relevant Area Committee, grant extended operating hours to fairgrounds.

Late hours on council grounds are covered in the delegations already as noted above. This addition ensures clarity on decision making and required consultation.

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:

9.9 Following consultation with the Head of Finance, manage the delivery of the general fund Capital Plan

9.10 Following consultation with the Head of Finance and the Head of Housing, manage the delivery of the Housing Revenue Account Capital Programme.

Addition of responsibility. Reflects current practice so adds clarity and clarifies requirements for consultation on the HRA capital programme.

2. Children's Services

Proper Officer Position

~~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.~~

2.1 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~~ **Authorise, as required**, 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 **in and out of the United Kingdom of Great Britain and Northern Ireland.**
- 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 Approve fees for curators ad litem, foster parents and community carers in accordance with Council policies.
- 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.

The Head of Children's Services is required to authorise holidays, this re-drafting adds clarity.

Removal of the proper officer provision as Full Council appointed an officer in the Health and Social Care Partnership to the Proper Officer position of Chief Social Worker. This has to be reflected in the Scheme as it is a permanent change of delegations

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 £30,000 per business including authorisation of loans from the Business Loans Scotland Scheme.**
- 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 Regional Development Fund**, European Social Fund and LEADER grants in accordance with legal obligations.
- 2.5 Manage the implementation and delivery of the Aberdeen City Region Deal.
- 2.6 Approve grants of up to £20,000 from the approved budget allocated to Regeneration Town Action Plans.**

Proposed increase to support for business loans and grants with the addition of Business Loans Scotland Scheme.
The EDRF requires to be added to the funds that the council administer.
Grant awards from budget for Town Action Plans. There are procedures behind this delegation that ensure good governance.

3. **Housing**

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

- 3.1 Determine applications for assistance under Part 2 of the Housing (Scotland) Act 2006 in relation to private housing.
- 3.2 Manage all Housing building construction and maintenance work either by employed staff or by the use of contractors.
- 3.3 Approve assistance for elderly persons and persons with a disability to undertake housing adaptations up to a maximum of £50,000 and to carry out those works, as necessary.
- 3.4 Following consultation with the appropriate Head of Service, approve the provision of minor aids and minor adaptations for the homes of people with disabilities, within the budget available for the purpose and in accordance with approved Council policies.
- 3.5 Determine the implementation of court orders in relation to eviction of tenants from Council owned property.
- 3.6 Subject to specific delegation to Committees and other services, implement the relevant Housing functions required in terms of the Housing (Scotland) Acts and related legislation.
- 3.7 Following consultation with the Head of Legal and Governance, authorise payment in respect of home loss, disturbance or decant payments.
- 3.8 Act as benefitted proprietor to protect the Council's interests or those of the neighbourhood in respect of existing or former Housing Account property.
- 3.9 Implement the requirements of the Tenements (Scotland) Act 2004.
- 3.10 Accept housing applications, manage the waiting list and allocate houses according to Council policy.

- 3.11 Enforce all provisions of Parts 7 and 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, together with associated regulations.
- 3.12 Following consultation with the Head of Property and Facilities Management, purchase properties from the open market utilising the Fast Track protocol, following consultation with the Chair and Vice Chair of the Communities Committee and the Main Opposition Housing Spokesperson and notify local Ward Members, where necessary for meeting homelessness needs or increasing the Council's supply of affordable housing.
- 3.13 Determine building warrants and other applications under the Building (Scotland) Act 2003 and enforce legislation.**
- 3.14 Respond to consultations from Scottish Government, its agencies, other local authorities and organisations on building standards applications/consents and related matters.**

4. Planning and ~~Building Standards~~ and Environment

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Planning and ~~Building Standards~~ **Environment** is authorised to:

- 4.1 Exercise the powers of officers as detailed in the List of Planning Delegations at Part 2C of the Scheme of Governance.
- ~~4.2 Determine building warrants and other applications under the Building (Scotland) Act 2003 and enforce legislation.~~
- 4.3 Issue Tree Preservation Orders and amend and revoke existing **Tree Preservation** orders where no **adverse** third party representation is received.
- 4.4 Determine applications for felling, lopping, topping or removal of trees in conservation areas, or covered by a Tree Preservation Order, for reasons of public interest and amenity.
- 4.5 Determine grant applications for architectural heritage, listed buildings and conservation area grant schemes.
- 4.6 Prepare planning and development briefs for sites in Council ownership, except in the case of significant developments contained within the Local **Development** Plan.
- 4.7 Respond to consultations from Scottish Government, its agencies, other local authorities and organisations on applications/consents and **planning** and environmental ~~policy development~~ matters.
- 4.8 Serve Notices, Fixed Penalty Notices, seek Court Interdicts and take direct action in pursuance of enforcement against, including but not limited to, unauthorised developments, unauthorised displays of advertisements, unauthorised works to Listed Buildings, Waste Land notices, non-compliance

with planning conditions and approved plans, including any actions falling under enforcement legislation.

- 4.9 Process, administer and defend planning appeals to Scottish Ministers either by written representation, hearing or Inquiry Sessions, where the application has been determined under delegated powers or the Committee has agreed with Officers' recommendations.
- 4.10 Following consultation with the Head of Legal and Governance, determine questions of access rights and Rights of Way and take such steps as are appropriate to preserve and maintain them including the exercise of all the powers available to the Council under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967.
- 4.11 Fulfil the functions of the Council under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 4.12 Deliver the Council's duties and responsibilities, in partnership with other agencies, in relation to conservation of biodiversity and Protected Species as required by the Nature Conservation Act 2004 and the Wildlife and Countryside Act 1981.

Update to Head of Housing – remit for Building Standards change.

TPO reports go to committee when there has been a representation. Occasionally one positive representation is received and this will trigger a report to Committee. This is not the intention of the legislation. The proposed amendments ensure clarity.

Removal of Building Standards – goes to Housing and update to role of Head of Planning and Environment

H. Chief Social Work Officer

The Chief Social Worker is a Proper Officer 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.

The Chief Social Work Officer has powers including but not limited to the following:

- 1.1 To provide or secure the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in Section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 1.2 To provide after-care services for people who are/have been, suffering from mental disorder as in Section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

- 1.3 To appoint Mental Health officers as in Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervise the discharge of their statutory responsibilities; and,
- 1.4 Discharge the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
 - 1.4.1 The following duties within Section 10 of the Act:
 - a. supervising guardians,
 - b. consulting the Public Guardian and Mental Welfare Commission on matters of common interests,
 - c. receiving and investigating complaints about welfare attorneys and matters of common interests,
 - d. receiving and investigating complaints about welfare attorneys and guardian, and,
 - e. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and,
 - 1.4.2 The following duties within Section 57 of the Act:
 - a. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard, and,
 - b. providing court reports of private applications to be a guardian.

New Section to reflect the separation of the role of Chief Social Worker from the Head of Children's Services and the Chief Officer of the IJB.

APPENDIX 4

Part 2C – Planning Delegations

5. Development Management for all types of Development

g. To vary, after consultation with the appropriate Area Committee Chair and Vice-Chair and Local Ward Members:-

- (i) **in the case of a decision by an Area Committee the Chair and Vice-Chair and Local Ward Members;**
- (ii) **in the case of a decision by the relevant Policy Committee, the Chair, Vice-Chair and Local Ward Members;**
- (iii) **in the case of a decision by Full Council, the Provost, Depute Provost 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 vary planning consents which have been granted by an officer or the relevant appeal body 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.i 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.j 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.k To deal with non-statutory notifications for Council developments, where there have been no objections from the public or other Council Services

Clarification of delegation as to non-material variations. This captures current practice.

APPENDIX 5

Part 3 – Financial Regulations

3.6 Capital Budget Preparation, Monitoring and Management

~~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.~~

Analysis of this provision is that it is archaic and relates to pre Scheme of Governance. The delegations to policy committees to manage resources within approved budgets creates a double delegation and inconsistency. Removal of this provision means that policy committees can manage expenditure on capital projects within approved budgets (using Scheme of Virement). It is still the case that if there is no budget available in the Capital Plan for a policy committee to use for a capital project then Full Council will make the decision. In effect this is removing a tolerance that is not actually supported by approved or available budget.

4.14 Hospitality

~~4.14.1~~ **The Chief Executive and each Director shall be entitled to extend hospitality, subject to adequate Revenue Budget provision up to £300 £1000 (excluding VAT) per occasion annum and where a Director proposes to spend more than £1000 per annum the relevant Policy Committee must approve the additional cost.**

Current drafting leaves a gap for an event that costs more than £300 but less than £1000. The proposed drafting gives an annual budget to the Directors for hospitality of £1000.00. the policy committee would require to approve cost over £1000. Also added Chief Executive.

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~~ Chief Officers shall have authority to award grants included in

the approved Revenue Budget for the service **or services** for which they are responsible up to a value of £50,000 and the relevant Policy Committee shall have authority to award grants that exceed £50,000.

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.

4.15.5 All awarded grants must be recorded in the Council's Grants Register.

4.15.6 When calculating the value of the grant to ascertain whether it is awarded by a Chief Officer or a Policy Committee, it is required to aggregate all grant payments to that external body in the previous three financial years.

4.15.7 The threshold in 4.15.1 does not apply to grants from the European Regional Development Fund, European Social Fund and LEADER. The relevant Chief Officer has the delegation to approve, allocate and authorise these grants in accordance with the agreed legal obligations.

Clarity is required for decision making about award of grants. Internal Audit recommended that the EAPP team consider grants and whether it would be beneficial to have the same parameters set in relation to all council expenditure. The changes have been proposed to ensure that there is clarity on decision making and the addition of a threshold is absolute. Plus the proposed compulsory use of the Grants Register will ensure that payments to external bodies are transparent and that recipients of multiple payments are identified so that there is visibility about where public money is being used. The policy committee delegation has been improved to support these changes as have the general delegations to Chief Officers.

The Council administer grant funds in accordance with agreed terms with the funder. The additional financial regulation makes this clear.

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~~ **procurement work plan listing all the proposed** for all procurements falling within the ~~jurisdiction~~ **remit** 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 **requiring to be added** to the **procurement work plan**.

Provided that where the Council is legally obliged to enter into a self-directed support care contract, contract for examination fees or contract to pay disclosure fees, licence fees and copyright fees the expenditure does not have to be approved in a procurement plan and can be approved by the relevant Chief Officer in the form of an award of contract.

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 **that is estimated to be £50,000 or more** 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 with a Contract Value of £50,000 and over 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 **procurement 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 less than £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 £50,000 and over 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.

5.2.5 – addition of threshold matches procurement plan threshold.

Change of terminology from work plan to Procurement Plan .

Clarity on which non-discretionary expenditure does not have to be on a procurement plan has been added.

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~~ Procurement Approval Form 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 **and includes an officer that the Chief Officer has sub-delegated to, such sub-delegation being recorded and has taken account of the requirements of these Financial Regulations.**

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 **and contract extensions or variations that do not have committee approval.**

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 Shared 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.

Change of terminology from Business Case to Procurement Approval Form
Clarification that a contract extension that has no approval comes under the definition of contract and therefore requires to be approved via a Procurement Plan

Authority to Conduct a Procurement

5.3.12 **Except when applying** Subject to regulations 5.3.26 (special urgency), and 5.3.28 (Social Work Exception) **and 5.3.31- 5.3.33 (Contract Extensions)**, no tender shall be invited or contract entered into (except where the Contract Value is below £10,000) unless a ~~Business Case~~ **Procurement Approval Form** 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 the Committee has reserved the right to approve the ~~Business Case~~ **Procurement Approval Form** following notification of the procurement plan ~~or where 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 for a matter **with a Contract Value of £50,000 or more** in accordance with sub-paragraph (i) above the ~~Business Case~~ **Procurement Approval Form** must have been considered by the Relevant Service Management Team.

The authority to conduct a procurement is given by the approval of the Procurement Approval Form (previously business case) by Committee or Chief Officer. If a Chief Officer is approving then there is a requirement for consultation to provide adequate challenge. This is good governance and practice. However, the requirement to have a formal consultation process for all business cases for lower value matters, is not reflecting the empowerment of officers to make decisions for the service, where they are already managing the budget and the majority of purchases are via framework agreements that are already approved. A change in requirement for PAFs for procurements over £50k and over, reflects that this the threshold for a legally regulated contract and is considered more proportionate.

Procurement Procedures

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. **self-directed support care contracts**, exam fees, licences/copyright, disclosure fees), there is no requirement to obtain the approval of the Head of Commercial and Procurement Services.

Clarifying the examples of non-discretionary spend

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 sub-paragraph (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 sub-paragraph (ii) above the Award Report must have been considered by the relevant service management team.~~

5.3.23 Subject to sub-clause (iv) below and to the submission of a satisfactory Award Report by the Procuring Officer, authority to award contracts following a tendering procedure is delegated to the Chief Officer except in the following cases where authority to award remains with the relevant Committee:

- (i) Where the Contract Value exceeds the approved estimated Contract Value by more than 25%; or**
- (ii) Where the authority to conduct the procurement has been approved by the Chief Officer and the Contract Value is equal to or exceeds the Committee Threshold; or**
- (iii) where the relevant Committee has reserved the right to award the contract.**
- (iv) Where relevant Committee has authorised the conduct of the procurement by approving the Procurement Approval Form, the Award Report having been considered by the Relevant Service Management Team.**

It has been identified that there were two scenarios missing from current FR5.3.23. This has been rectified with the additional drafting which is simpler. It is now clear that committee are required to award a contract where the estimated contract value has increased by more than 25% of the value that was approved in a work plan. In practice this is what has been happening, but clarity in the drafting is preferable.

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, **it has been approved by the relevant Committee on a procurement plan, and the Procurement Approval Form has been approved by Committee or Chief Officer**, the Procuring Officer has **can** submitted an Award Report and **must confirm that** 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.~~
- (vi) In the case of **Social Work Contracts and only when in accordance with the requirements of regulations 5.3.28 – 5.3.30.**

Adding clarity in that a direct award requires to follow the required approval process. This is a common misconception and drafting the explicit requirements into the financial regulation ensures consistency and helps prevent breaches. Only when there is a special urgency situation or there is an exceptional social care contract – can a contract not be approved on the procurement plan and not require an approved Procurement Approval Form to be in place.

5.3.25 Where the Contract Value is equal to or exceeds the Committee Threshold and the expenditure has been approved by the relevant Committee on a procurement plan, and the Procurement Approval Form has been approved by Committee, ~~Full Council or a~~ the 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) **and the Committee is permitted to delegate the authorisation of a Direct Award to a Chief Officer.**

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. **For the avoidance of doubt, there is no requirement for the contract to**

have been approved on a procurement plan or for a Procurement Approval Form to have been approved.

Again, adding specific criteria into the financial regulations. This aids compliance. Also adds clarity in that a committee can delegate a direct award to an officer.

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.~~

Committee Approval in place

- 5.3.31 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 unless the combined Contract Value exceeds the amount approved by Committee by more than 25% in which case the Relevant Committee shall have the authority to agree the extension or variation following presentation of an Award Report by the Procuring Officer justifying the extension or variation.**

No Committee Approval in place

- 5.3.32 Where there is no relevant Committee approval in place but there are good reasons to justify the extension or variation of the scope of an existing Contract and the value of the extension or variation is less than £50,000, then following presentation of an Award Report by the Procuring Officer justifying the extension or variation, the Chief Officer**

shall have authority to agree the extension or variation subject to Regulation 5.3.34.

5.3.33 Where there is no relevant Committee approval in place but there are good reasons to justify the extension or variation of the scope of an existing contract and the value of the extension or variation is £50,000 or more, the contract extension is required to be approved by the relevant Committee on a procurement plan; and, subject to Regulation 5.3.35;

- (i) if the combined Contract Value of the existing Contract and the extension or variation is equal to or exceeds the Committee Threshold then the relevant Committee shall have authority to agree the extension or variation following presentation of a Report justifying the extension or variation; or
- (ii) if the combined Contract Value of the existing Contract and the extension or variation is less than the Committee Threshold then the relevant Chief Officer shall have authority to agree the extension or variation following presentation of an Award Report justifying the extension or variation.

5.3.34 No contract extension or variation of the scope of an existing contract can be awarded in terms of regulations 3.31-3.33 unless the Head of Commercial and Procurement Services is satisfied that such an extension or variation is permitted by the Procurement Legislation.

Contract extensions have caused difficulty since the Scheme was implemented in January 2017. The differentiation between extensions with approval in place or those with no approval is key. It is now clear when to go to committee and what is required for approval. A contract extension with no approval at the end of a contract term is a direct award and the proposed drafting reflects this.

Framework Agreements

5.3.35 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.

Provided there is Committee approval to incur expenditure from the framework agreement, a call-off from that framework with a Contract Value that less than the Committee Threshold is not required to be on a procurement plan but must comply with regulation 5.3.12.

5.3.36 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 **unless there is an agreed and recorded dispensation.**

5.3.37 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; and
- (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);and
- (iii) All call-off contracts must be reported to the Head of Commercial and Procurement Services **unless there is an agreed and recorded dispensation**; and
- (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.

Specific provisions for approval of call-offs from framework agreements. This captures current practice and advice currently given. It also segues with the requirements of FR5.3.12 – for committee to approve the Business Case (now PAF) for a new contract of £1m or over. Occasionally, dispensations are required and this flexibility has been drafted in to support particular services (Health, Social Care and related services contracts are one example)

Purchase Orders

5.3.42 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 a **Chief Officer** ~~by someone at Head of Service~~, subject to obtaining appropriate approvals. **The Chief Officer may sub-delegate this authority and such sub-delegation must be formally recorded.**

As per the general provisions of Part 2B – List of Officer Powers. Chief Officers can sub-delegate their delegations and must formally record this to comply with section 50G of the Local Government (Scotland) Act 1973. Clarity has been drafted into the provision.

APPENDIX 6

PART 4 – PROCEDURES AND GUIDANCE

The tables are not in red but have been amended to reflect the delegations accurately

PART 4D

Financial Delegation Tables

The following table shows the delegation of approval of a purchase of goods, works or services in **in the format of a Procurement plan** and which are contained within an approved budget

| Value | Delegated To |
|---|------------------------------|
| Where the value of the matter is less than £50,000 (no need to be on a procurement plan) | Chief Officers |
| Where:- <ul style="list-style-type: none"> a. the value of the matter is £50,000 or more; and b. relates exclusively to its Area and c. the decision is in accordance with Officer recommendations and existing Council Policy. | Area Committees |
| Where:- <ul style="list-style-type: none"> a. the value of the matter is £50,000 or more; and b. relates to more than one Area; or c. relates to more than one directorate and the committee is the Lead Policy Committee; or d. the decision of an Area Committee is contrary to Officer recommendations or does not accord with existing Council Policy. | Appropriate Policy Committee |

The following table shows the delegation of approval of a purchase of goods, works or services **when a Procurement Approval Form is required** and which are contained within an approved annual budget

| Value | Delegated To |
|--|------------------------------|
| Where the value of the matter is more than £10,000 but less than £50,000 | Chief Officers |
| Where:- <ol style="list-style-type: none"> a. the value of the matter is between £50,000 and £1,000,000; and b. the officer has been appointed Lead Officer if a cross service matter; and c. the Procurement Approval Form has not been reserved for approval by a committee | Chief Officers |
| Where:- <ol style="list-style-type: none"> d. the value of the matter is between £50,000 and £1,000,000; and e. the approval of the Procurement Approval Form has been reserved; and f. relates exclusively to its Area and g. the decision is in accordance with Officer recommendations and existing Council Policy | Area Committees |
| Where:- <ol style="list-style-type: none"> e. the value of the matter is between £50,000 and £1,000,000; and f. the approval of the Procurement Approval Form has been reserved; and g. relates to more than one Area; or h. relates to more than one directorate and the committee is the Lead Policy Committee i. the decision of an Area Committee is contrary to Officer recommendations or does not accord with existing Council Policy | Appropriate Policy Committee |
| Where:- <ol style="list-style-type: none"> a. the value of the matter exceeds £1,000,000; and | Area Committees |

- b. relates exclusively to its Area and
- c. the decision is in accordance with Officer recommendations and existing Council Policy

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 Policy Committee; or
- d. the decision of an Area Committee is contrary to Officer recommendations or does not accord with existing Council Policy.

Appropriate Policy Committee

The following table shows the delegation of approval of a purchase of goods, works or services at **Contract Award stage both following a tendering procedure or a direct award.**

| Value | Delegated To |
|-------|--------------|
|-------|--------------|

Where:-

- a. the value of the matter is **up to £1,000,000**; and
- b. the officer has been appointed Lead Officer if a cross service matter and
- c. if the value of the matter is £50,000 or more the required approval has been sought on a procurement plan; and
- d. the Procurement Approval Form is approved.

Chief Officers

And where:-

- a. the value of the matter exceeds **£1,000,000** and
- b. the officer has been appointed Lead Officer if a cross service matter; and
- c. the Procurement Approval Form is approved by a Committee; and
- d. the award of the Contract has not been reserved by Committee

Where:-

Appropriate Committee

- a. the Contract Value exceeds the amount approved in the procurement plan by more than 25%; or
- b. the original contract value was below £1,000,000, the PAF was approved by the Chief Officer and the Contract Value now is equal to or exceeds **£1,000,000**; or
- c. the value of the matter exceeds **£1,000,000** and the contract award has been reserved for approval by Committee; or
- d. the contract is a direct award that exceeds **£1,000,000**.

Note for an Area Committee to approve it must be an area specific matter and in accordance with council policy and officer recommendations.

The following table shows the delegation of approval **of contract extensions and variations** in accordance with Financial Regulations.

| Value | Delegated To |
|--|--|
| Where there is committee approval already in place and the combined contract value does not exceed 25% of the approved value | Chief Officers |
| Where there is committee approval already in place and the combined contract value exceeds 25% of the approved value | Appropriate Policy Committee |
| Where there is no committee approval in place and <u>the value of the extension</u> is less than £50,000 | Chief Officers |
| Where there is no committee approval in place and <u>the value of the extension</u> is £50,000 or more and the combined value of the existing contract and contract extension is less than the committee threshold | Appropriate Policy Committee via procurement plan then Chief Officers - Award |
| Where there is no committee approval in place and <u>the value of the extension</u> is £50,000 or more | Appropriate Policy Committee |

and the combined value of the existing contract and contract extension is equal to or exceeds the committee threshold

via Procurement plan and Award

The following table shows the delegation of approval of a **grant** to an external body in accordance with Financial Regulations and the Council's Following the Public Pound Policy

| Value | Delegated To |
|---|------------------------------|
| Where:- the value of the grant is up to £50,000 | Chief Officers |
| Where:- the value of the grant is more than £50,000 | Appropriate Policy Committee |
| Area Committee Budget as allocated by Full Council or specific type of grant as per delegations | Appropriate Area Committee |

PART 4F – MEMBER PROMOTED ISSUE FORM AND GUIDANCE

MECHANISM FOR MEMBER PROMOTED ISSUES

A Member can raise a Member Promoted Issue in terms of Standing Order 4.2.8. It is a mechanism that allows Elected Members to add items to meeting agendas of Full Council, Area and Policy Committees. The issue might be, amongst other things, a single issue, an idea or innovation, a project, protocol or policy review, development or initiative. This list is intended to be descriptive and illustrative but not exclusive. The intention of this mechanism is to give a pathway to a forum for Elected Member promoted issues of whatever type so long as it is competent and capable of being considered and/or implemented by the Council in terms of the Council's functions and legal capacity.

The expectation is that the Elected Member has researched the issue, has taken the opportunity to engage with the relevant Service and/or Area Manager, wherever appropriate, and is aware of current action being taken and options available to have the subject matter addressed, has evidence of the need for the Member Promoted Issue and there is clarity in that the issue is not being dealt with elsewhere in the Council. Going through this process will assist Elected Members in formulating the terms of the MPI. Guidance should also be sought from Legal and Governance on wording and competency.

If there is evidence that there is a duplication or that the matter is being resolved then the Elected Member will be advised of this and can withdraw the request.

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 **for up to 10 minutes**. 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(S) _____, WARD(S) _____.

| | |
|---|--|
| <p>1. FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED</p> | |
| <p>2. IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED? PLEASE OUTLINE</p> | |

| | |
|---|--------------|
| <p>3. HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES? PLEASE IDENTIFY ANY INTERESTED PARTIES</p> | |
| <p>4. HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM (OFFICER OR COMMITTEE)?</p> | |
| <p>5. IF AN ISSUE PARTICULAR TO AN AREA, HAS THE AREA MANAGER BEEN CONSULTED, IF SO WHEN AND WHAT WAS THE OUTCOME?</p> | |
| <p>6. SUMMARISE THE PREFERRED OUTCOME OF THE MEMBER PROMOTED ISSUE</p> | |
| <p>Signed</p> | <p>Dated</p> |

PART 4H - GLOSSARY

| | |
|-------------------------|---|
| "Head of Service" | Means a senior officer responsible for strategic delivery of council services and includes Partnership Managers in the Health and Social Partnership |
| "HRA Capital Programme" | Means the Housing Revenue Account related capital priorities for the current year and future years. |
| "Senior Councillor " | Means a councillor who holds a significant position of responsibility in the Council's political management structure and has been designated as such in terms of and remunerated in accordance with the provisions of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 (SSI 2007/183) as amended by The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008 (SSI 2008/415) |

APPENDIX 7

Aberdeenshire
COUNCIL



Guidance on Petitions

Why petition?

A petition is a formal written request to Aberdeenshire Council in respect of a particular cause. Taking part in a petition is one way that members of the public can raise awareness of a particular issue that they want the Council to consider and it can have a positive outcome by creating informed and open debate on the matter.

Submitting a petition does not guarantee the action sought will be achieved but it is an important tool for communities to raise awareness of matters that are important to them.

Things to consider before submitting a petition

Before submitting a petition you should consider whether there are any other forums that could resolve your issue. You should ask yourself the following questions:-

- Have you raised the issue with the Council directly, e.g. as an email to the relevant department, a comment or complaint?
- Have you sought assistance from your local Elected Member, Member of Scottish Parliament or Member of Parliament?
- Have you spoken with your Community Council or Area Partnership?

Where other avenues have been pursued you should advise the Council of the outcome when submitted your petition.

Please note that this guidance does not apply to petitions submitted in response to planning applications. You can find out further information from the Council's Planning Service at www.aberdeenshire.gov.uk/planning.

Who can submit a petition?

You can submit a petition if you are an **individual** who lives in Aberdeenshire or a **local business owner** or **voluntary organisation**.

Councillors are exempt from submitting a petition but could use the Member Promoted Issues mechanism in the Council's Scheme of Governance to raise any relevant matters.

Aberdeenshire Council possesses the ability to translate petitions received in a foreign language. There is also out-sourcing facilities for petitions received in Braille.

Who can sign a petition?

A petition can be signed by any person however **only signatures with an Aberdeenshire address** will be taken into account when calculating whether the petition meets the minimum number of signatures. Council officers **may** use the electoral roll and valuation roll to verify the addresses of the signatories.

The petitioner must sign a declaration when submitting the petition confirming that the information contained within the petition is true and genuine.

How many signatures are required?

The minimum number of signatories will depend on which Committee is considering the petition.

For Area Committees, the minimum number of signatories is 50.

A matter which is specific to an area will generally be considered by the Area Committee. There are six Area Committees – Banff and Buchan, Buchan, Formartine, Marr, Kincardine and Mearns and Garioch.

Fewer signatories may be accepted in exceptional circumstances in respect of a petition to an Area Committee where the issue concerns a small community which could not reasonably be expected to raise at least 50 signatories. The Area Manager following consultation with the appropriate Committee Chair will decide if this

exception applies. If applicable, you will be informed of the decision on this issue in a letter acknowledging the petition.

For Policy Committees, the minimum number of signatories is 100.

The Council's Policy Committees are Business Services Committee, Infrastructure Services Committee, Education and Children's Services Committee and Communities Committee. The remit of each Policy Committee can be found on the Council's [website](#).

For meetings of Full Council, the minimum number of signatories is 200.

Full Council will generally consider matters of general interest to the Council, which do not fall within the remit of any of the Area or Policy Committees.

As noted above only signatures with Aberdeenshire addresses will be taken into account when assessing whether the petition meets the above requirements.

What should a petition contain?

A petition must include the following information:-

- **The title or subject matter of the petition.**
- **A short statement of no more than 250 words which details what action the petitioner wishes the Council to take.**
- **The principal petitioner's name, address, contact details including email address and telephone number and signature.**
- **Whether the petitioner also wishes to speak at a Meeting where the petition will be heard and discussed (Request to Speak).**

A template submission form and template petition are attached to this guidance at Appendix A and Appendix B. This template is also available online to download at www.aberdeenshire.gov.uk. We would encourage use of this template where at all possible.

In addition to the requirements stated above, the petition topic and statement must be about something the Council is responsible for or relate to something the Council does or a service it provides. The petition topic and statement must set out the action that you want the Council to take.

Petitions will not be accepted if:

- They contain false or defamatory statements or offensive or inappropriate language.
- They include information protected by or relating to a court order or interdict.
- They contain the names of individual officers of public bodies.
- Similar or identical petitions have been considered in the past 24 months.
- The issues raised do not fall within the Council's powers and remit.

You should take care not to include any information in the petition that you would not wish to be publicly available.

E-petitions

The Council may accept e-petitions or petitions hosted by an online facility if they meet the criteria set out in this guidance. The Chair of the relevant Committee may choose

to refuse to accept an e-petition if there are concerns regarding its validity. Where the e-petition is managed by an external provider and the e-petition submitted to the Council does not contain the addresses of the signatories, a statement should be provided by the provider confirming that the minimum threshold numbers of signatories with Aberdeenshire addresses has been met, as detailed above. This should be provided at the same time the e-petition is submitted.

Where should I send my petition?

The completed petition and submission form should be sent to:-

**Director of Business Services
Aberdeenshire Council
Woodhill House
Aberdeen
AB16 5GB**

Please ensure that all material submitted with the petition is securely attached together. It is recommended that you retain a copy of the petition for your records.

Alternatively a legible, electronic copy of the petition can be emailed to petitions@aberdeenshire.gov.uk

You will be sent an acknowledgement when we have received your petition.

What happens after I've submitted my petition?

Your petition will be considered by the Director of Business Services and the Councillor who is the Chair of the relevant Committee. They will consider whether your petition complies with the requirements set out above and also whether it can be considered by the Committee as a competent and relevant matter.

Matters that will **not** be considered include the following:-

- Planning, licensing or other matters where representations from the public are dealt with by another process.
- A matter that is considered commercially sensitive or confidential.
- Employee terms and conditions of employment.
- Matters that are the subject of any current court proceedings
- Matters which would disclose exempt information under Part I of Schedule 7A of the Local Government (Scotland) Act 1973

If your petition is **not accepted**, you will be notified of the reasons why.

If your petition is **accepted**, you will be notified of the date and time of the Committee meeting at which it will be considered. Please note the Committee will still have to decide at the meeting whether to accept the petition for consideration and may decline to do so at the meeting, in which case you will be advised on the day of the reasons for this.

What happens at the meeting?

Prior to the meeting a written report will have been prepared by a Council Officer explaining that you have submitted the petition and setting out the procedure to be

followed. This will have been published with the rest of the agenda for the meeting and will be available online at the Council's website.

On the day of the meeting the Council Officer will present the report to the Councillors present. If you have indicated on the submission form that you wish to speak at the meeting, the Councillors at the meeting will first decide whether or not to accept your request. If they allow it, you will have a period of up to five minutes to present your petition to the Councillors.

You can arrange for someone to represent you at the meeting provided you notify the Council in advance via petitions@aberdeenshire.gov.uk. Alternatively you can have a person accompany you at the meeting to assist you in addressing the Councillors.

Once you have spoken, the Councillors may ask you questions about your petition, the background to it and the action you want the Council to take.

The Councillors will have **two options**:-

1. They can simply **note the terms of your petition**, and **do nothing further**. This may be where the Councillors consider that no action can be taken in relation to the matter you have raised. In these circumstances, the process will be at an end and your petition will not be taken any further; or
2. If they consider the subject matter of your petition requires to be explored further, they can instruct a Council officer with remit for the matter to **provide a report to a later meeting**. The Councillors cannot take any formal decision on the matter until they have had the opportunity to consider that report.

The Councillors will make their decision at the meeting and it will be notified to you in writing, together with the reasons why the decision was made.

What happens next?

If the Councillors have instructed a report for a further meeting then you will be advised of the date and time of the next meeting.

The report on the subject matter of your petition will be presented to a future meeting of the Committee or Full Council. The Councillors present at the meeting will consider the matter and will determine what action to take. In doing so, the Councillors will consider the following factors:-

- Does the Committee considering the report have the **power to take action**?

Each Committee of the Council has specific power in terms of what decisions it can take. If the Committee does not have the power to do anything with the subject matter, it may decide to do nothing further or it may decide to refer it to another Council Committee which does have the power for the decision making. Alternatively the action required may have been delegated to Council officers to whom the Committee could make recommendations.

- Would the action requested in the petition **comply with the Council's Policy**?

Councillors make their decisions in line with law and their own policies. If the action requested is unlawful or contrary to policy, it is unlikely that the Councillors will be able to agree it.

- Is there **work already ongoing** elsewhere in the Council regarding the matter that could ultimately resolve the issue?
- Has a **decision previously been taken** by the Council that is contrary to the action sought?
- Is there **council budget** available?

Any decision made by the Councillors regarding your petition will be notified formally to you.

Where to seek advice?

If you require any further information about submitting a petition or any further Guidance about the process by which a petition may be heard, please use the contact details below:

Director of Business Services
Aberdeenshire Council
Woodhill House
Aberdeen
AB16 5GB
Email: petitions@aberdeenshire.gov.uk

PETITION SUBMISSION FORM-APPENDIX A

Details of the Principal Petitioner

Name:

Address:

Postcode:

Tel No:

Email:

Subject Matter/Title of the Petition

Petition Statement: (Maximum of 250 words detailing what action the petitioner wishes the council to take.)

What action (if any) has been taken to resolve the issue **before** submitting the petition?

| | |
|--|------------|
| | |
| Other Proceedings | |
| Please indicate whether any of the following apply to the issue concerned. | |
| Are the issue(s) raised in the petition currently being dealt with by Aberdeenshire Council? Yes/No | |
| Have the issues raised been dealt by Aberdeenshire Council in the past? Yes/No | |
| Are the issue(s) raised subject to any legal proceedings? Yes/No | |
| Requests to Speak | |
| An opportunity <u>may be</u> given to the petitioner to speak to their petition before the Committee. This decision will be made by the Chair of the Committee. Please indicate below whether you wish to have the opportunity to speak to your petition. | |
| I DO wish to make a brief statement during the meeting. <input type="checkbox"/> | |
| I DO NOT wish to make a brief statement during the meeting. <input type="checkbox"/> | |
| Declaration and Signature of Principal Petitioner | |
| I declare that the information provided by me on the above form is true and correct to the best of my knowledge and belief. | |
| Print Name: | Signature: |
| | Date: |
| Number of people who have signed the petition. | |

| NAME | ADDRESS | SIGNATURE |
|------|---------|-----------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | | |

APPENDIX

EQUALITY IMPACT ASSESSMENT

| | |
|---|---|
| Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions). | |
| Service | Legal and Governance |
| Section | Governance |
| Title of the activity etc. | Review of the Scheme of Governance |
| Aims and desired outcomes of the activity | Update and improvement of the Council's constitutional framework. |
| Author(s) & Title(s) | Ann Overton, Senior Solicitor in Democratic Services |

| | |
|---|--|
| Stage 2: List the evidence that has been used in this assessment. | |
| Internal data (customer satisfaction surveys; equality monitoring data; customer complaints). | Recommendations from Procedures Committee Data collection from Monitoring Solicitors |
| Internal consultation with staff and other services affected. | All Services were consulted via Governance Service Champions. Strategic Leadership Team were consulted. EAPP Board were consulted Internal Audit were consulted |
| External consultation (partner organisations, community groups, and councils). | Not required |
| External data (census, available statistics). | N/A |
| Other (general information as appropriate). | Legislation changes have required updates and amendments to be made to the Scheme of Governance. |

| Stage 3: Evidence Gaps. | |
|---|----|
| Are there any gaps in the information you currently hold? | No |

| Stage 4: Measures to fill the evidence gaps. N/A | | |
|--|-----------|------------|
| 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: |
| | | |
| | | |
| | | |
| | | |

| Stage 5: Are there potential impacts on protected groups? The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination. Who is affected by the activity or who is intended to benefit from the proposed policy and how? Please complete for each protected group by inserting "yes" in the applicable box/boxes below. | | | | |
|--|----------|----------|---------|---------|
| | Positive | Negative | Neutral | Unknown |
| Age – Younger Eliminating unlawful discrimination, harassment and victimisation Advancing equality of opportunity Promoting good relations among and between different age groups | | | x | |
| Age – Older | | | x | |
| Disability | | | x | |

| | | | | |
|---|--|--|---|--|
| Race – (includes Gypsy Travellers) | | | x | |
| Religion or Belief | | | x | |
| Sex | | | x | |
| Pregnancy and maternity | | | x | |
| Sexual orientation – (includes Lesbian/ Gay/Bisexual) | | | x | |
| Gender reassignment – (includes Transgender) | | | x | |
| Marriage and Civil Partnership eliminating unlawful discrimination | | | x | |

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. | Whilst neutral in relation to all the protected characteristics. There is an overall positive that can be applied as good governance around decision making and how a council deals with its business means that all residents benefit and all residents have at least one of the protected characteristics (sex). | |
| | | |
| | | |
| | | |
| | | |
| | | |

Stage 7: Have any of the affected groups been consulted?

| | |
|---|---|
| <p>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?</p> | <p>No external consultation has taken place</p> |
|---|---|

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts? n/a

| <p>These should be included in any action plan at the back of this form.</p> | Mitigating Steps | Timescale |
|--|------------------|-----------|
| | | |
| | | |
| | | |
| | | |
| | | |

Stage 9: What steps can be taken to promote good relations between various groups? n/a

| | |
|---|--|
| <p>These should be included in the action plan.</p> | |
|---|--|

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?

the Governance team constantly monitor and assess the Scheme of Governance. All feedback is recorded and the aim of the process is to ensure that the Council has the best constitutional documents in place. How the Council makes decision affects all residents. Ensuring that the Council have excellent governance procedures in place means that all residents benefit overall.

Stage 11: What equality monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal

| | |
|--|-------------|
| <p>These should be included in any action plan (for example customer satisfaction questionnaires).</p> | <p>none</p> |
|--|-------------|

Stage 12: What is the outcome of the Assessment?

| | | |
|------------------------|----------|--|
| <p>Please complete</p> | <p>1</p> | <p>No negative impacts have been identified –please explain.</p> |
|------------------------|----------|--|

| | | |
|---------------------------|---|---|
| the appropriate box/boxes | The impact on persons with protected characteristics is neutral when considered separately. However overall as all residents have at least one protected characteristic (sex) there is a positive impact. | |
| | 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.

n/a

Stage 14: Sign off and authorisation.

| | | | | |
|-----------------------------|--|---|---|--|
| Sign off and authorisation. | 1) Service and Team | Governance Team in Legal and Governance | | |
| | 2) Title of Policy/Activity | Review of Scheme of Governance (if appropriate) | | |
| | 3) Authors: I/We have completed the equality impact assessment for this policy/activity. | Name: Ann Overton Position: Senior Solicitor Date: August 28 th 2019 Signature: | Name: Position: Date: Signature: | |
| | | Name: Position: Date: Signature: | Name: Position: Date: Signature: | |

| | | |
|---|---|-----------------------------|
| 4) Consultation with Service Manager | Name: Geraldine Fraser Date: August 29 th 2019 | |
| 5) Authorisation by Director or Head of Service | Name: Karen Wiles Position: Head of Legal and Governance Date: August 29 th 2019 | 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. | | Date: |
| 7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk | | Date: |
| (Equalities team to complete) Has the completed form been published on the website? YES/NO | | Date: |

