

## REPORT TO ABERDEENSHIRE COUNCIL – 18 NOVEMBER 2021

### USE OF DELEGATED POWERS BY OFFICERS BY REASON OF SPECIAL URGENCY

#### 1 Reason for Report

- 1.1 To inform Council of the number of occasions upon which Officers had used their delegated powers between April 2021 and September 2021 to take decisions by reason of special urgency.

#### 2 Recommendations

**The Council is recommended to:**

- 2.1 note the occasions when officers used delegated powers between April, 2021 and September, 2021, to take decisions by reason of special urgency, as detailed in the Appendix.**

#### 3 Purpose and Decision Making Route

- 3.1 The Council, at its meeting on 14 January, 2021 (Item 11) considered a report reviewing the Council's governance arrangements implemented in 2020 in response to the Covid-19 pandemic and agreed, amongst other things, to receive biannual reports in future on Officers' Use of Special Urgency Powers.
- 3.2 This report provides Council with information on the number of occasions when decisions have been taken by officers by reason of special urgency over the period from April, 2021 to September, 2021, as detailed in the Appendix to this report.

#### 4 Discussion

- 4.1 The Council is asked to note the report and that further update reports would be presented on a biannual basis, as required.

#### 5 Council Priorities, Implications and Risk

- 5.1 The report helps to deliver the principle of having the right people, in the right place, doing the right thing, at the right time.
- 5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland			X

Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

5.3 An integrated impact assessment is not required because the report is providing information on action previously taken and for which, if required, an impact assessment will have been completed.

5.4 The following Risks have been identified as relevant to this matter on a Corporate and Directorate Level:

[Aberdeenshire Corporate Risks](#)

ACORP009 – Operational Risk Management (including health and safety)

[Business Services' Directorate Risks](#)

BSSR003 – Future Governance

**6 Scheme of Governance**

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and any comments received have been incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

6.2 The Council is able to consider and take a decision on this item in terms of the General Provisions in the List of Committee Powers in Part 2A of the Scheme of Governance.

6.3 The Council's Scheme of Governance authorises officers to take decisions in matters of special urgency.

6.4 Section B1 of Part 2B – List of Officers Powers authorises a Delegated Officer to take a decision on any matter which, in their opinion requires to be determined by Full Council, Committee or Sub-Committee, but by reason of special urgency it is impractical to convene a meeting of the Full Council, Committee or Sub-Committee. Section B2 provides that any decision taken by the Delegated Officer shall be taken after consulting with the Chief Executive and Chair and Vice-Chair and main opposition spokesperson of the Committee, where possible.

6.4 Section 5.3.26 of Part 3 – Financial Regulations authorises a Chief Officer to make a direct contract award in the event of special urgency brought about by circumstances unforeseeable by, and not attributable to the Council provided the Head of Commercial and Procurement Shared Services is satisfied that the award is in accordance with procurement legislation. There is no requirement to

obtain Committee approval in such circumstances and no requirement to undertake consultation if impractical to do so.

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

Report prepared by Ann Riddell, Principal Committee Services Officer  
13 October, 2021

**List of Appendices** – Appendix 1 – List of Use of Delegated Powers by Officers by Reason of Special Urgency.

**APPENDIX 1**

**USE OF DELEGATED POWERS BY OFFICERS BY REASON OF SPECIAL URGENCY**

<b>No.</b>	<b>Committee/Sub-Committee</b>	<b>Chief Officer</b>	<b>Subject</b>	<b>Consultation undertaken with Members (YES/NO)</b>	<b>Date Decision Taken</b>	<b>Date decision to be reported to Committee/Sub-Committee for noting</b>
1.	Formartine Area Committee	Area Manager	Authorised the commencement of the formal consultations for the Prohibition of Driving traffic order for Litterty Bridge, destroyed during the 2019 flooding event	YES	28/04/21	18/05/21
2.	Banff and Buchan Area Committee	Area Manager	Authorised the commencement of the formal consultations for the Prohibition of Driving traffic orders for the bridges in the King Edward area, destroyed during the 2019 flooding event	YES	28/04/21	15/06/21