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SECOND ADDITIONAL CIRCULATION



To: All Members of the Council

Town House,
ABERDEEN, 25 February 2020

COUNCIL MEETING

The undernoted items are circulated in connection with the meeting of the **COUNCIL** to be held here in the Town House on **MONDAY, 2 MARCH 2020 at 10.30am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

GENERAL BUSINESS

9.4 Scheme of Governance Review - GOV/20/035 (Pages 3 - 348)

Due to a technical error, some of the tracked changes in the appendices did not display correctly in the original agenda circulation therefore for completeness and ease of reference, we have reissued all of item 9.4.

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	2 March 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Scheme of Governance Review
REPORT NUMBER	GOV/20/035
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Allison Swanson
TERMS OF REFERENCE	7 and 13

1. PURPOSE OF REPORT

This report meets the Council's instruction to report on the operation of the Scheme of Governance annually and makes recommendations for improvement.

The report also presents proposals regarding the reallocation of both committee places and representation on outside bodies, as well as the removal and/or appointment of posts detailed in Standing Order 5.1 in accordance with the decision of the Urgent Business Committee of 19 December 2019.

2. RECOMMENDATION(S)

That Council:-

Scheme of Governance - Introduction

- 2.1 approves Appendix A, the introduction to the Scheme of Governance, with effect from 1 April 2020;

Committee Terms of Reference

- 2.2 approves Appendix B, the revised Committee Terms of Reference, with effect from 1 April 2020;

Powers Delegated to Officers

- 2.3 approves Appendix C, Powers Delegated to Officers, with effect from 1 April 2020, subject to recommendation 2.4;
- 2.4 instructs the Chief Officer - Strategic Place Planning to seek approval from the Scottish Ministers to amend the Planning Scheme of Delegation under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - which relates to “Local Developments”;

Standing Orders for Council, Committee and Sub Committees

- 2.5 approves Appendix D, the revised Standing Orders for Council, Committee and Sub Committee Meetings, with effect from 1 April 2020;

Financial Regulations

- 2.6 approves Appendix E, the revised Financial Regulations, with effect from 1 April 2020;

Procurement Regulations

- 2.7 approves Appendix F, the revised Procurement Regulations, with effect from 1 April 2020;

Member - Officer Relations Protocol

- 2.8 approves Appendix G, the revised Member Officer Relations Protocol, with effect from 1 April 2020;

Scheme of Governance Implementation

- 2.9 authorises the Chief Officer - Governance, following consultation with the Business Manager, to amend the Scheme of Governance as necessary to take account of the decisions at the Council Budget meeting on 3 March 2020;

Committee Compositions, Allowances and Appointments

- 2.10 approves the membership number for each committee as proposed at paragraph 5.2; and sets a composition for each committee and appoints members on the basis that names of members shall be provided to the Chief Officer - Governance after this meeting and that the Chief Officer - Governance be authorised to finalise membership of committees where required;
- 2.11 appoints a Convener and Vice Convener to the committees listed in paragraph 5.2, as appropriate;
- 2.12 makes appointments to the following positions:-
 - a) Lord Provost;
 - b) Depute Provost;

- c) Leader or Co-Leaders of the Council;
- d) Depute Leader of Council (if applicable);
- e) Business Manager; and
- f) Depute Business Manager;

2.13 approves the remuneration of the Lord Provost and one post of Council Leader and the allocation, and amount in each case, of senior councillor allowances, on the basis of the guidance contained in paragraphs 7.2 to 7.3 of the report;

Sub Committees/Working Groups/Joint Committees/Partnerships/Outside Bodies and Other Appointments

2.14 notes that the membership number and composition of the sub committees detailed in Appendix H will be determined by the respective committees;

2.15 approves the membership number for each working group as detailed in Appendix I; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.16 agrees to disband the working groups contained at Appendix J;

2.17 appoints 9 members to the Appointment Panel and agrees the composition of the Panel and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.18 sets a composition for each of the joint committees/partnerships as detailed at Appendix K, and appoints members and substitutes (where applicable) on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.19 considers the appointment of members to the various outside bodies listed in Appendix L to the report; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.20 instructs the Chief Officer - Governance to carry out a further review of outside bodies ahead of the local government elections in elections in 2022 and thereafter report back to Full Council with any proposals as required; and

2.21 notes the resignation of Councillor Donnelly from the licensing board and elects a member to fill the vacancy on the licensing board.

3. BACKGROUND

3.1 On 4 March 2019, Council considered its first review of the Scheme of Governance approved in 2018 to support the implementation of the Target Operating Model. In March 2019, Council approved the updated Scheme of Governance, comprising the following documents:

- a) Introduction to the Scheme of Governance;
- b) Committee Structure and Terms of Reference;
- c) Powers Delegated to officers;
- d) Standing Orders for Council, Committee and Sub Committee Meetings;
- e) Financial Regulations;
- f) Procurement Regulations; and
- g) Member - Officer Relations Protocol.

3.2 Council also instructed the Chief Officer - Governance to report on a further review of the Scheme of Governance in March 2020 and this report now recommends revisions to the Scheme of Governance documents.

3.3 The proposals recommended for approval have been subject to discussion with Directors, Chief Officers and the Governance Reference Group. Each document comprising the Scheme of Governance is appended to the report with track changes indicating the proposed changes/additions.

4. SCHEME OF GOVERNANCE

4.1 Committee Terms of Reference

4.1.1 Officers have reviewed the Terms of Reference to ensure that they are reflective of the general operation of all committees over the past year and have been updated to reflect any areas of business considered which have not clearly aligned to a remit. The document has also been reviewed to ensure it reflects the progress of the Council in respect of the development and implementation of the commissioning approach but also to reflect decisions made by each committee.

4.1.2 In doing so the language used within the document has been reviewed and the style/layout has been amended to ensure the removal of any duplication. The purpose section has also been streamlined for each committee to ensure that the purpose and remit of the committee is clear and transparent for all audiences with less scope for ambiguity.

4.2 Powers Delegated to Officers

4.2.1 The Powers Delegated to Officers have been reviewed to ensure that the document is reflective of current and pending legislation, for example the new Planning (Scotland) Act 2019, as well as existing operational practice. The review also identified any additional delegations that would enable operation of the respective areas to be undertaken in a more effective manner and improve

the operational delivery to our customers. Further to the report to the City Growth and Resources Committee in February 2020 on the Planning (Scotland) Act (PSA), the review has considered the requirements of the PSA on the authority and the Powers Delegated to Officers have been updated to reflect those responsibilities which should be undertaken by the Chief Officer – Strategic Place Planning.

4.3 Standing Orders for Council, Committees and Sub Committee Meetings

4.3.1 The Standing Orders have been reviewed to ensure that any areas for clarification raised at meetings since March 2019 have been considered, the relevant Standing Order updated, or a new Standing Order added. For example, in respect of additions, a new section in respect of Petitions has been added as the document was previously silent on this. It is also proposed that deadlines be put in place for the submission of motions and amendments for consideration at council, committee and sub committee meetings. A separate deadline in respect of motions and amendments for the budget meeting is also proposed. These have been added to support members with the effective operation of meetings and to provide sufficient time to consider the competency and content of the proposals in advance.

4.4 Financial Regulations

4.4.1 The Financial Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance; audit recommendations; the new staff Continuous Review and Development; new financial guidance; use of any new powers/funding arrangements and feedback from consultation.

4.5 Procurement Regulations

4.5.1 The Procurement Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance and to ensure that the Regulations are in line with the Procurement Manual and operational practices.

4.6 Member Officer Relations Protocol

4.6.1 The Member Officer Relations Protocol has been reviewed to ensure that it reflects the organisation's guiding principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019. There is also an amendment in relation to the Members Enquiries protocol where Members are requested to routinely submit enquiries using the corporate Members Enquiries process. This is important to ensure a consistent service is delivered to all members in line with corporate procedures and that data protection requirements are always met. The Protocol also now clearly distinguishes service for case work and service on behalf of a constituent.

4.7 Impact Assessments/Committee Report Template

4.7.1 As part of the review, officers have considered the current report template and the impact and risk assessments required as part of the committee reporting process. It was recognised that a children's rights assessment required to be

reflected in the committee reporting process. Children’s rights are central to the Council’s ongoing commitment to promote and uphold the United Nations Convention on the Rights of the Child (UNCRC) and its work towards Child Friendly City (CFC) Status. Working together, officers have reviewed the existing processes and requirements in respect of impact assessments, and drafted a revised single form covering all assessments. The single form places greater emphasis on the need to consider decision-making as a collaborative process, highlighting the need to consider human and children’s rights and the impact on specific protected groups. In implementing the new assessment, the Council will be well placed to highlight how children and young people are involved directly in decision-making processes which, in turn, will also support our future CFC accreditation bid.

4.7.2 In respect of current and future climate change duties, officers are continuing to investigate and make arrangements to ensure compliance with developing legislation. Environment/climate change has also been added as a category to the Management of Risk section of the report template.

5. COMMITTEE COMPOSITIONS AND MEMBERSHIP

5.1 The position of the Council is currently:-

Aberdeen Labour	9 members
Conservative	10 members
Independent Alliance	3 members
Independent	1 member
Liberal Democrat	3 members
SNP	19 members

5.2 It is proposed that Council continue with the following committee places as detailed in the table below, providing a total of 116 places.

Committee	Total Elected Members
Audit, Risk and Scrutiny	9
Capital Programme	9
City Growth and Resources	9
Education Operational Delivery	13 + 7 external members
Licensing	9
Operational Delivery	13
Pensions	9
Planning Development Management	9
Public Protection	9
Staff Governance	9
Strategic Commissioning	9
Urgent Business	9
Total	116

5.3 It is recommended that Council approves the membership number for each committee as proposed in the table above, and sets the composition for each committee which reflects the composition at Full Council. Following the Council’s decision on the membership number and composition for each

committee, members are asked to supply the Chief Officer - Governance with the names of the elected members for each committee.

6. APPOINTMENTS TO POSITIONS

6.1 In respect of the decision of the Urgent Business Committee of 19 December 2019, Council is recommended to make appointments to each of the following positions:

- Lord Provost;
- Depute Provost;
- Leader or Co-Leaders of the Council;
- Depute Leader of Council (if applicable);
- Business Manager; and
- Depute Business Manager.

Please note that that appointments to Conveners and Vice Conveners is covered under paragraph 7.1.

7. APPOINTMENT OF CONVENERS AND VICE CONVENERS AND PAYMENT OF SENIOR COUNCILLOR ALLOWANCES

7.1 The Council is requested to appoint Conveners and Vice Conveners to the committees in paragraph 5.2 as appropriate. In line with Standing Order 2.7, the Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.

7.2 When making these appointments, the Council must have regard to the following structure for the payment of allowances to Councillors:-

(a) up to 19 Councillors can hold senior positions with an allowance between £23,435 (lower level) and £31,247 (upper level) provided the total is within the maximum permissible of £466,455; and

(b) a basic allowance of £17,854 must be paid as a minimum to each member of the Council as set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2020.

No member can be paid more than one allowance.

7.3 The Council is asked to agree the senior allowances to be paid noting that separate provision is made for the Civic Head (Lord Provost) and the Leader of the Council.

8. SUB COMMITTEES/WORKING GROUPS

8.1 Appendix H to the report details the Council's current sub committees. Please note that in accordance with Standing Order 46.10, the respective parent

committee will determine the Convener/Vice Conveners, as well as setting the membership for the respective sub committees.

- 8.2 Appendix I to the report details working groups and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to approve the membership number for each working group as detailed in Appendix I; and set a composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.
- 8.3 Appendix J presents a list of working groups which are recommended to be disbanded.

9. Joint Committees/Partnerships

- 9.1 Appendix K to the report details the Council's current joint committees and partnerships and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to set a political composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.

10. Appointments to Outside Bodies

- 10.1 The Council is requested to consider the list of current outside bodies at Appendix L; set a composition and appoint members to the appropriate outside bodies and organisations listed therein. The appendix lists the name of the organisation, the number of members previously appointed by the Council, current members and any further information relevant to the appointment.
- 10.2 A review of outside bodies was undertaken in 2017 and reported to Council, alongside a proposed policy which set the criteria on which Aberdeen City Council will appoint Elected Members to Outside Bodies, as well as guidance on Elected Members' roles and responsibilities once appointed and this policy was subsequently approved. Council is recommended to instruct the Chief Officer - Governance to carry out a further review of outside bodies and the associated policy ahead of the local government elections in 2022. This further review will look comprehensively at each of the remaining outside bodies to ensure that they are still active, still require elected member participation, and are still consistent with the strategic goals of the Council.

11. Licensing Board

- 11.1 A Licensing Board is to consist of such number (not fewer than 5 and not more than 10) of members as may be determined by the relevant council. Aberdeen City Council has agreed that the Licensing Board comprise 9 members. The

members of a Licensing Board are to be elected by the council from among its councillors

- 11.2 Councillor Donnelly submitted a notice of resignation by way of email. The clerk to the Board must, on receipt of a notice of resignation, give the Council a copy of the notice. A copy of the notice is attached as Appendix M.
- 11.3 Where there is a vacancy in the membership of a Licensing Board, the Council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy.

11. FINANCIAL IMPLICATIONS

- 11.1 Adopting the recommendations in this report will have no direct financial implications but will help improve the robust governance framework required to support organisational change and achieve budget targets. Adhering to the terms of the Financial Regulations, an integral part of the stewardship of Council funds, will ensure that all the Council's transactions are conducted in a manner demonstrating openness, integrity and transparency.
- 11.2 Senior Councillor allowances are set in accordance with legislation issued by the Scottish Government. The legislation sets a minimum and maximum amount of allowances for Senior Councillors, fixes a maximum number of Senior Councillors and an overall limit on the total allowances paid to Senior Councillors.

12. LEGAL IMPLICATIONS

- 12.1 The Scheme of Governance was designed to assist the Council in complying with its statutory duties and functions, whilst also being consistent with both the principles of the Target Operating Model and the CIPFA principles of good governance. The Scheme of Governance also supports the Council's pursuit of the CIPFA Governance Mark of Excellence.
- 12.2 The legislative bases for the various documents comprising the Scheme of Governance are as follows.
- 12.3 Section 56 of the Local Government (Scotland) Act 1973 - the Council may arrange for the discharge of any functions, subject to some exceptions, by a committee or sub committee. These are set out in the Committee Terms of Reference.
- 12.4 The same section also provides that the Council may arrange for the discharge of any of its functions, subject to some exceptions, by an officer of the Council. These delegations are contained in the Powers Delegated to Officers. Section 43 of the Town and Country Planning (Scotland) Act 1997 also requires the Council to publish a Scheme of delegation setting out how certain planning applications are to be dealt with by officers.

- 12.5 Section 62 of the Local Government (Scotland) Act 1973 empowers the Council to make, vary or revoke standing orders for meetings of Councils, committees and sub committees.
- 12.6 Legislation requires the Council to adhere to stringent financial controls and practices. The Financial Regulations are integral to this requirement.
- 12.7 The Procurement Reform (Scotland) Act 2014 and direct EU legislation must be complied with, and the Procurement Regulations achieve this whilst empowering staff and promoting Best Value.
- 12.8 The Council is required under Section 47 of the Police and Fire Reform (Scotland) Act 2012 and Section 41E of the Fire (Scotland) Act 2005 to scrutinise local police plans and local fire and rescue plans respectively. This is undertaken through the terms of reference of the Public Protection Committee.

13. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	No direct financial implications for the Scheme of Governance	L	The Scheme of Governance itself mitigates against risk of poor financial management, poor value for money, fraud and financial loss.
Legal	The Council's legal obligations are set out in section 12	L	Adherence to the specified legislation ensures accountability
Employee	No direct risk	L	Adherence to the Scheme of Governance protects employees in the undertaking of their roles
Customer	Customers find the decision making structure complex	M	Recommended proposals aim to provide greater clarity on the purpose and remit of each committee
Environment	No direct risk	L	Electronic documents and the paperlight project reduce the impact on the environment through reduced paper use
Technology	No direct risk	L	

Reputational	Failure to update the Scheme of Governance and make other necessary changes could present a reputational risk to the Council	M	Extensive consultation has been undertaken with officers and Elected Members and the recommended proposals are reflective of that process
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14. OUTCOMES

The proposals in this report have no direct impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The revised Terms of Reference will provide greater clarity as to the purpose and remit of each committee and therefore will support participation. The new committee report template ensures that the voice of young people is considered, as well as all protected characteristics stated in the Equality Act 2010.
Governance	This report is concerned with improving the Council's governance arrangements through changes to the Scheme of Governance.
Partnerships and Alliances	The Terms of Reference detail the role of partnerships in respect of each committee undertaking its remit.

15. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

16. BACKGROUND PAPERS

N/A

17. APPENDICES

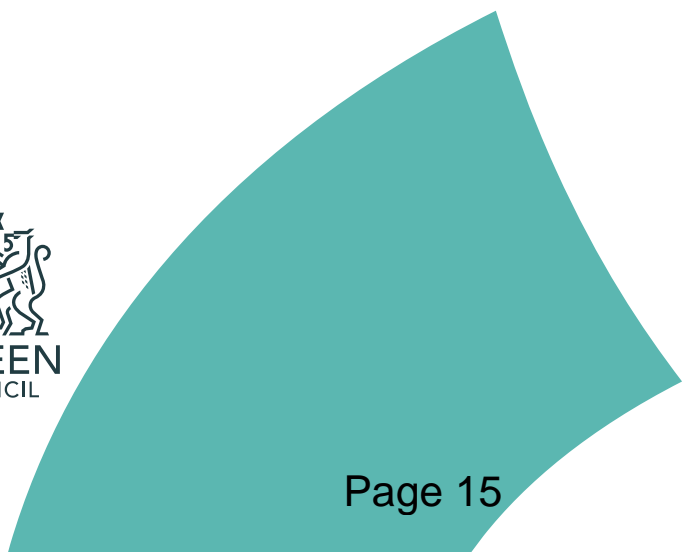
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- C. Powers Delegated to Officers
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- F. Procurement Regulations
- G. Member - Officer Relations Protocol
- H. List of sub committees
- I. List of working groups
- J. List of working groups recommended to be disbanded
- K. List of joint committees/partnerships
- L. List of outside bodies
- M. Email of Resignation of Councillor Donnelly from the Licensing Board

18. REPORT AUTHOR CONTACT DETAILS

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Scheme of Governance

Approved by Council 2 March 2020



Aberdeen City Council

Scheme of Governance

1. Purpose and Interpretation

The Scheme of Governance for Aberdeen City Council is jointly authored by the Chief Officer – Governance, the Chief Officer – Finance and the Head of Commercial and Procurement.

The Scheme of Governance contains key governance documents to facilitate lawful decision making. It is one of the primary sources of assurance required to demonstrate the effectiveness of the Council's systems of internal control, referred to in the Council's approved Local Code of Corporate Governance against which the Annual Governance Statement is set.

These documents should be read and interpreted in conjunction with one another. In the event of any inconsistencies between the documents, advice should be sought from the Monitoring Officer. In the event of a discrepancy between the law and the Scheme of Governance documents, the law will prevail.

The Scheme of Governance contains the following:

DOCUMENT	PURPOSE
Committee Structure and Terms of Reference	Decision making authority delegated by the Council to each Committee and Sub Committee
Powers Delegated to Officers	Decision making authority delegated by the Council to the Chief Executive, Directors and Chief Officers
Standing Orders for Council, Committee and Sub Committee Meetings	Rules of procedure for meetings of Full Council and its Committees and Sub Committees
Financial Regulations	Rules governing financial management of the Council
Procurement Regulations	Rules governing contracting and procurement by the Council
Member Officer Relations Protocol	Rules governing relationships between elected members and Council officers

2. Implementation and Review

The Scheme of Governance was initially approved by Full Council in March 2018 and is subject to the following review arrangements:

- o Annual review alongside the Annual Governance Statement to be led by Chief Officer – Governance and reported to Council, if necessary, with any proposed alterations.
- o The terms of the delegation to Chief Officer – Governance to make minor amendments (i.e. non material) following consultation with the Business Manager.



ACC Committee Terms Of Reference

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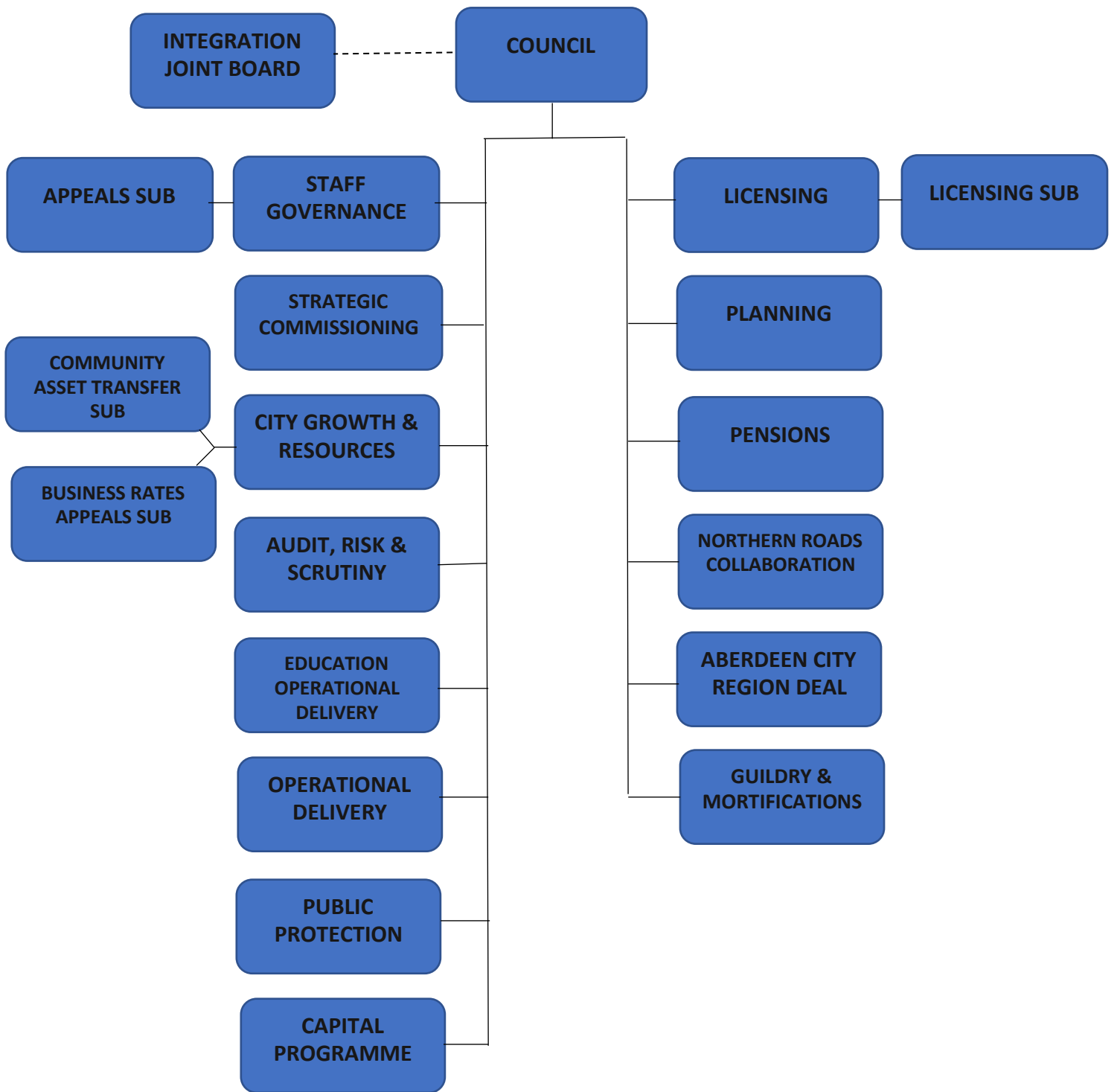
Version 3.0

Effective From 1 April 2020

To be Reviewed March 2021

Application of Policy Council-wide

Policy Author Allison Swanson, Interim Democracy Manager



INTRODUCTION

1. The Council derives its authority from the Local Government (Scotland) Act 1973 and subsequent legislation. In exercising all of its functions and undertaking its responsibilities it must comply with the law.
2. Under s57 of the 1973 Act, the Council is permitted to appoint committees, or with other Councils, joint committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
3. A committee can appoint sub committees to exercise any function delegated to it.
4. Under s56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. The Committee terms of reference should be read in the context of the Powers Delegated to Officers. Any delegation made to an officer shall not prevent the Council, relevant committee or sub committee from exercising the power so delegated.
5. The Council has also delegated powers to the Integration Joint Board of the Aberdeen City Health and Social Care Partnership under the Public Bodies (Joint Working) (Scotland) Act 2014.
6. In accordance with Standing Order 47.7, Council can determine any matter which would otherwise fall to be determined by a committee or sub committee; and under Standing Order 47.8, a committee can determine any matter which would otherwise fall to be determined by one of its sub committees.
7. A committee can at any time refer or make a recommendation on any matter delegated to it to Council, and a sub committee can refer or make a recommendation on any matter delegated to it to Council or to its parent committee.
8. Any decision taken by a committee or sub committee is deemed to be a decision of Council itself.
9. These committee and sub committee terms of reference may be amended only after consideration of a report to Council or the appropriate parent committee by the Chief Officer – Governance.
10. Non material amendments to these committee and sub committee terms of reference can be made by the Chief Officer - Governance, following consultation with the Business Manager without the requirement to report to Council or the appropriate parent committee.
11. Any non material amendments made by the Chief Officer – Governance will be notified to members once completed.
12. The Terms of Reference will be reviewed annually by the Chief Officer – Governance as part of the review of the Scheme of Governance.
13. In exercising their functions, the Council, its committees and sub committees shall
 - i. meet their equalities obligations and take full account of their responsibilities to those customers and citizens with protected characteristics;
 - ii. in accordance with Unicef’s Child Friendly Cities and Communities Programme, ensure, so far as possible, that children are allowed a voice in decisions which affect both them and their City; and
 - iii. work with outside bodies and partners in the emerging civic leadership forums.

- iv. work with outside bodies and partner organisations, locally and nationally, to oversee strategic economic development and its governance in the city and civic leadership forums.
- v. consider the experience of customers and take such action to ensure to ensure that services meet customers' needs

JOINT WORKING WITH COMMITTEES AND NON COUNCIL BODIES

It is recognised that the Council and each committee will maintain an awareness of key issues through the work of other committees, through lead officers, Conveners and Vice Conveners working together. In addition, key issues will be considered following engagement with external organisations and communities, through appropriate forums.

1. ABERDEEN CITY COUNCIL

The Council reserves the following functions:

1. The setting of council tax in accordance with s93(1) of the Local Government Finance Act 1992 or the setting of a reduced amount of council tax under s94 of that Act or paragraph 3 of Schedule 7 to that Act.
2. The setting of a balanced budget annually, including the setting of fees and charges, including the approval of commissioning intentions and service standards
3. The approval of the capital programme.
4. The borrowing of money as provided for in section 56(6)(d) of the Local Government (Scotland) Act 1973.
5. The approval of any annual investment strategy or annual investment report required by any consent issued by Scottish Ministers under s40 of the Local Government in Scotland Act 2003.
6. The approval of the Council's Treasury Management Policy and Strategy.
7. The appointment of committees, including external members, and the number and allocation of committee places, the appointment and removal from office of the Lord Provost, Depute Provost, Leader or Co Leaders and/ or Depute Leader, Business Manager and Depute Business Manager, a convener for each committee and a vice convener as appropriate and the approval of senior councillor allowances.
8. The election of members to the Licensing Board.
9. The review of polling districts and polling places.
10. The administration of trusts in respect of which the Council is sole trustee or the only trustees are elected members and/or officers of the Council, such administration to include the exercise of all trustee powers in terms of legislation, common law and trust deeds.
11. The approval of the Local Development Plan.
12. The approval of an Administration's political priorities.
13. The consideration of the Council's Delivery Plan.
14. The consideration of its annual report of its effectiveness and each committee's annual report of its effectiveness.
15. The consideration, where required, of reports by both the Standards Commission for Scotland and the Financial Conduct Authority, and the overseeing of members' standards of conduct.
16. The establishment of the Appointment Panel in accordance with the Standing Orders for Council, Committees and Sub Committees.
17. The approval of the Council's Scheme of Governance.
18. The approval of the Council/Committee Diary
19. The approval of the Scheme of Establishment for Community Councils.
20. The establishment of Working Groups.

21. To consider any matter which the Council has previously considered and agreed to receive a further report.

Executive Lead: Chief Executive

2. GENERAL DELEGATIONS TO COMMITTEES

1. Each committee can settle claims against the Council arising out of the functions supervised by the committee, irrespective of value so long as the amount can be met from an approved budget, except where an officer has exercised a delegated power.
2. Each committee can vire within those functions in its remit, to the extent set out in the Financial Regulations.
3. Each committee and sub committee can determine any applications for loans, grants, donations and subscriptions except where an officer has exercised a delegated power.
4. Each committee can appoint up to five members, consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the committee subject to the following provisions:
 - 4.1 no more than two members will be appointed to attend a conference outwith the European Union without the approval of the City Growth and Resources Committee;
 - 4.2 in the case of a meeting or conference of interest to more than one committee, no more than six members and officers will be appointed without the approval of the City Growth and Resources Committee; and
 - 4.3 in the event of a disagreement among committees, the matter will be determined by the City Growth and Resources Committee.
5. Each committee will, as required, approve programmes of foreign travel for the financial year ahead as they relate to its remit, in accordance with the Travel Policy.
6. Each committee will consider and respond to petitions addressed to the Council as they relate to its remit, in accordance with the petitions procedure.
7. Except where an officer has chosen to exercise a delegated power, each committee can approve bids to awards programmes or for external funding relative to the remit which it oversees, subject to budget provision.
8. Each committee will, where appropriate:
 - 8.1 approve Council policies and strategies (including partnership strategies) relative to its remit;
 - 8.2 approve appointments to outside bodies relative to its remit;
 - 8.3 meet the requirement to achieve Best Value in performing its role;
 - 8.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance;
 - 8.5 monitor performance relevant to its purpose and remit;
 - 8.6 receive its own committee planner; and
 - 8.7 receive reports, as required, on the implications of proposed draft legislation and evidencing the Council's readiness to comply with the new legal obligations and/or discretionary powers on the functions relative to its remit.

3. EXCLUSIONS FROM DELEGATION TO COMMITTEES

1. Incurring revenue expenditure for which no provision or insufficient provision has been made in the revenue budget, except with the approval of the City Growth and Resources Committee.
2. Acquiring or disposing of any land or buildings or associated interests, except with the approval of the City Growth and Resources Committee.
3. Making representations to or appointing a deputation to meet any Government Minister or Government Department in relation to the financing of the Council or any of its services, except with the approval of the City Growth and Resources Committee.

4. URGENT BUSINESS COMMITTEE

PURPOSE OF COMMITTEE

Subject to relevant legislation, to deal with items of business of an urgent nature that cannot wait for the next meeting of Council or the appropriate committee or sub committee.

REMIT OF COMMITTEE

1. Subject to 1.5 below, to exercise all functions of the Council, or the committee or sub committee which would otherwise have dealt with the matter.

PROCESS

- 1.1 A meeting of the Committee will be called by the Chief Officer - Governance on the instruction of the Chief Executive where the Chief Executive and the Business Manager are satisfied that the relevant business is urgent.
- 1.2 The Chief Officer - Governance may subject to the Business Manager's approval add further matters to the agenda of a meeting already called only where the Chief Executive and the Business Manager are satisfied that the matters are urgent.
- 1.3 Before considering any item of business, the Committee will determine whether the item is urgent and requires to be considered, and if it does, the special circumstances will be specified in the minute.
- 1.4 If the Committee resolves not to consider the matter, the item of business will be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate.
- 1.5 The Committee cannot consider, in terms of Standing Order 5.3, any business relating to the removal of a member from office.

Executive Lead: Chief Executive

5. STRATEGIC COMMISSIONING COMMITTEE

PURPOSE OF COMMITTEE

To approve all internal and external commissioning activity by the Council, in accordance with the commissioning cycle, with the exception of procurement relating to the Capital Programme.

REMIT OF COMMITTEE

1. Analysis

- 1.1** to receive a bi-annual Population Needs Assessment to understand the needs which public bodies must address;
- 1.2** to receive, as appropriate, an in-depth analysis of key groups, priorities and challenges across public services to identify and action potential efficiencies and improvements to help ensure that the needs of customers and citizens are met and commissioning intentions are delivered; and
- 1.3** to receive, as appropriate, sufficiency and market analyses to understand existing and potential provider strengths and weaknesses, and identify and take action in respect of any opportunities for improvement or change in providers.

2. Planning

- 2.1** to endorse the refresh of the Local Outcome Improvement Plan (LOIP, including recommending any changes which may be required);
- 2.2** to approve annual procurement workplans, reflecting the LOIP, the Population Needs Assessment, the Council's commissioning intentions, the Council's service standards, the views of customers and citizens, and the best evidence of effective interventions to ensure a preventative focus on demand reduction.

3. Doing

- 3.1** to approve all procurement activity by the Council, with the exception of procurement relating to the Capital Programme which will be approved by the City Growth and Resources Committee, including
 - 3.1.1** Procurement Business Cases submitted in accordance with Procurement Regulations;
 - 3.1.2** Grants and associated conditions;
 - 3.1.3** Contract management arrangements and Service Level Agreements; and
 - 3.1.4** The establishment of Arm's Length External Organisations (ALEOs) where it is determined that services should not be provided in-house.
- 3.2** when approving procurement activity, the Committee will:
 - 3.2.1** promote investment in the prevention, early intervention and reduction in the demand for services; consider the experience of customers and take such action to ensure to ensure that services to be commissioned are co-designed to meet customers' needs;
 - 3.2.2** ensure that commissioned services are focused on delivering the Council's agreed commissioning intentions and contribution to the LOIP; and
 - 3.2.3** identify potential efficiencies and improvements in quality, including across partner organisations and promote the strategic allocation of resources.

- 3.3 to decommission services, including ALEOs, that do not meet the Council's commissioning intentions and outcomes.
- 3.4 to take such action to ensure that appropriate supply management and capacity building (market facilitation) is in place to ensure a good mix of resilient service providers, that offer customers an element of choice in how their needs are met;
- 3.5 to approve the Strategy Framework to facilitate the delivery of agreed outcomes.

4. Reviewing

- 4.1 to approve amendments to the Council's Performance Management Framework (PMF);
- 4.2 to receive annual reports on the LOIP and Locality Partnership Plans;
- 4.3 to consider and monitor performance associated with the Council's agreed commissioning intentions and ultimate contribution to the LOIP outcomes
- 4.4 to receive annual reports from each of the council's ALEO to enable scrutiny of performance;
- 4.5 to receive an annual procurement performance report to enable scrutiny of performance; and
- 4.6 to receive reports on any change in legislative requirements, policy and population needs which may facilitate opportunities to work differently to improve outcomes or may require revisions to existing commissioning intentions and outcomes.

5. Service Delivery

- 5.1 The Committee will, for the Business Intelligence and Performance Management and Commercial and Procurement clusters:-
 - 5.1.1 oversee, and make decisions relating to service delivery;
 - 5.1.2 approve options to improve/transform service delivery;
 - 5.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
 - 5.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
 - 5.1.5 approve all policies and strategies relative to its remit; and
 - 5.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

Executive Lead: Director of Commissioning

6. CITY GROWTH AND RESOURCES COMMITTEE

PURPOSE OF COMMITTEE

To approve and monitor financial strategies, budgets and financial performance in light of available funding. The Committee will also consider:

- strategies to support the city's economic growth;
- additions to the Capital Programme; and
- recommendations regarding the Council's property and estates portfolio.

The Committee monitors the delivery of all services provided by the Resources Function and the City Growth, Governance and Strategic Place Planning. It scrutinises performance and approves options to improve those services within set budgets to ensure best value and delivery of the Council's agreed outcomes.

REMIT OF COMMITTEE

1. Budgets

The Committee will:

- 1.1 approve recommendations regarding the Council's resources including finance, staffing structures and property; and monitor all Council budgets including all Useable Reserves, and in particular:
 - 1.1.1 scrutinise function budget monitoring reports and make decisions to ensure that Council spending is delivered on budget;
 - 1.1.2 hold budget holders to account for the proper control of the budget for which they are responsible;
 - 1.1.3 approve changes to the budget including vire between function budgets where this is in excess of the amount delegated to officers in the Financial Regulations and Powers Delegated to Officers;
 - 1.1.4 consider and approve Outline and Full Business Cases for projects added to the Capital Programme outwith the budget process
 - 1.1.5 approve annual procurement workplans in respect of the Capital Programme,
 - 1.1.6 approve Procurement Business Cases in respect of projects added to the Capital Programme outwith the budget process, submitted in accordance with Procurement Regulations;
 - 1.1.7 approve the allocation of additional funding or removal of funding to existing projects, both capital and revenue;
 - 1.1.8 approve the addition of new projects to the Capital Programme outwith the budget process;
 - 1.1.9 approve use of the Council's Useable Reserves;
 - 1.1.10 monitor the Code of Guidance on Funding External Bodies and Following the Public Pound and take such action as is required to ensure that the Council meets its duties;

- 1.1.11 receive Moody's formal credit rating reassessment; and
- 1.1.12 approve financial guarantees, including requests received from relevant Admitted Bodies of the Pension Fund.

2. Service Delivery

- 2.1 The Committee will, for the Resources Function and the City Growth, Governance and Strategic Place Planning Clusters:-
 - 2.1.2 make decisions relating to service delivery;
 - 2.1.3 approve options to improve/transform service delivery;
 - 2.1.4 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
 - 2.1.5 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance that efficient controls are in place;
 - 2.1.6 approve all policies and strategies relative to its remit; and
 - 2.1.7 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.
- 2.2 In undertaking the aspects at 2.1, the Committee will ensure that it is acting within the budget set by Council and overseen by this Committee and in accordance with best value and supporting delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

3. City Growth and Strategic Place Planning

The Committee will:

- 3.1 approve reports to support the annual re-assessment of the Council's credit rating;
- 3.2 approve the Council's actions for city growth and place planning except in relation to major infrastructural planning and the Local Development Plan; and
- 3.3 approve key actions required by the Council to facilitate the delivery of strategies (including partnership strategies) and the Inward Investment Plan to support city growth and place planning.

4. Property and Estates

The Committee will:

- 4.1 approve recommendations regarding the Council's assets, property and estates;
- 4.2 hear and determine requests for review under s86(10) of the Community Empowerment (Scotland) Act 2015 against the refusal by officers to approve community asset transfers;
- 4.3 approve the procedure for the Community Asset Transfer Sub Committee; and
- 4.4 approve the acquisition and disposal of land, and property.

7. BUSINESS RATES APPEALS SUB COMMITTEE

PURPOSE OF SUB COMMITTEE

To hear appeals against rating liability under section 238 of the Local Government (Scotland) Act 1947.

REMIT OF SUB COMMITTEE

1. To determine all requests for appeal against the identification of an individual as being responsible for the payment of business rates.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with section 238 of the Local Government (Scotland) Act 1947.
3. The Sub Committee shall comprise five elected members and the quorum shall be three.

Executive Lead: Chief Officer - Finance

8. COMMUNITY ASSET TRANSFER REVIEW SUB COMMITTEE

PURPOSE OF SUB COMMITTEE

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

REMIT OF SUB COMMITTEE

1. To determine all requests for a review of the decision taken by officers or the City Growth and Resources Committee in respect of Community Asset Transfers.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
3. The Sub Committee shall comprise five elected members who have not participated in the original decision at City Growth and Resources Committee and the quorum shall be three.

Executive Lead: Chief Officer - Finance

9. CAPITAL PROGRAMME COMMITTEE

PURPOSE OF COMMITTEE

To monitor the development and delivery of the council's capital programme as well as monitoring the development of the Local development plan.

REMIT OF COMMITTEE

1. The Committee in relation to the capital programme will:-
 - 1.1 scrutinise the progress and delivery of capital projects against the approved business cases
 - 1.2 review progress in the delivery of the benefits of the Capital Programme, including through the receipt and scrutiny of Post Project Evaluations (PPEs) and Post Occupancy Evaluations (POEs); and
 - 1.3 request a report to allow for the detailed consideration of any project which is of particular concern or interest.
2. The Committee will oversee and approve the preparation of the Local Development Plan, subject to final approval thereon being given by Council.

Executive Lead: Chief Officer - Capital

10. OPERATIONAL DELIVERY COMMITTEE

PURPOSE OF COMMITTEE

To monitor the delivery of all services provided by the Customer Services Function and the Operations Function (with the exception of educational services). It will also scrutinise performance and approve options within set budgets to ensure best value and delivery of the Council's agreed outcomes.

REMIT OF COMMITTEE

1. Service Delivery and Performance

1.1 The Committee will, in respect of the Customer Services Function and the Operations Function (with the exception of educational services):-

- 1.1.1 oversee, and make decisions relating to, service delivery;
- 1.1.2 approve options to improve/transform service delivery;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committee(s) on areas affecting the Customer Services Function or the Operations Function (with the exception of educational services) where the authority to approve sits within the remit of another Committee or Sub Committee.

Executive Lead: Chief Operating Officer and the Director of Customer Services

11. EDUCATION OPERATIONAL DELIVERY COMMITTEE

PURPOSE OF COMMITTEE

To advise on and discharge the Council's functions as education authority as set out in the Education (Scotland) Act 1980 and all other relevant legislation and regulations where not otherwise delegated.

The committee will also:

- monitor the delivery of educational services undertaken as education authority and provided by Integrated Children's and Family Services (with the exception of children's social work services which will be monitored by the Operational Delivery Committee);
- make recommendations in respect of school property matters to the City Growth and Resources Committee;
- scrutinise performance; and
- agree changes such as school zoning arrangements (within set budgets), or make recommendations to another committee, for improvements to functions related to education in order to ensure best value and delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

REMIT OF COMMITTEE

1. Service Delivery and Performance

1.1 The Committee will, in respect of educational services (early years and schools) provided by Integrated Children's and Family Services and the management of the school estate undertaken by the Corporate Landlord:-

- 1.1.1 oversee, and make decisions relating to service delivery;
- 1.1.2 approve options to improve/transform service delivery relative to the functions of the Council as education authority under the Education (Scotland) Act 1980 and all other relevant legislation and regulations;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Frameworks and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on school inspections and peer reviews in order to ensure best practice and note any resultant improvement actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committees on areas affecting educational services where the authority to approve sits within the remit of another committee or sub committee.

EXTERNAL MEMBERSHIP

The Committee's membership will include seven persons with voting rights who are not members of the Council. The seven external members will be appointed by the Council at its statutory meeting (or other meeting as appropriate) as follows:-

1. 1. three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973; and
2. in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:
 - 2.1 two teachers employed in educational establishments managed by the Council nominated by the Teachers' Consultative Forum, comprising one representative from primary, including nursery, and one representative from secondary; and
 - 2.2 two parent representatives, selected by the Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary, including nursery, and one representative from secondary.

Executive Lead: Chief Operating Officer and the Director of Customer Services

12. AUDIT, RISK AND SCRUTINY COMMITTEE

PURPOSE OF COMMITTEE

To ensure that the Council has robust arrangements for:

- Good governance including information governance, surveillance, fraud, bribery and corruption;
- Maintaining an effective control environment through an effective approach to risk management; and
- Reporting on financial and performance reporting.

The Committee will also monitor the effectiveness of the Internal Audit function and the Council's implementation of its recommendations, as well as the implementation of the recommendations of its external auditors.

REMIT OF COMMITTEE

1. Risk Management

The Committee will ensure the effectiveness of the Council's risk management system and will:

- 1.1** receive an annual review of the system of risk management and an annual report on the corporate risk register and related action plans;
- 1.2** monitor the implementation of the Council's ALEO Assurance Framework by receiving reports from the ALEO Assurance Hub on the monitoring and mitigation of risks to the Council associated with its ALEOs;
- 1.3** receive an annual report in respect of the Council's information governance;
- 1.4** approve all relevant policies.

2. Internal Audit

The Committee will:

- 2.1** approve the Internal Audit Annual Plan;
- 2.2** consider reports prepared by Internal Audit (with the exception of reports related to Pensions);
- 2.3** monitor compliance with Internal Audit recommendations (with the exception of reports related to Pensions);
- 2.4** monitor the performance of Internal Audit;

3. External Audit

The Committee will:

- 3.1** consider reports prepared by the Council's External Auditor;
- 3.2** monitor the Council's relationship with the External Auditor;
- 3.3** receive reports from the Local Area Network; and
- 3.4** monitor compliance with External Audit recommendations.

4. Governance, Accounts and Finance

The Committee will:

- 4.1** approve the Council's Annual Report and Annual Accounts;
- 4.2** approve the annual governance statement;
- 4.3** approve and monitor the Council's Code of Corporate Governance and approve such action as appropriate; and
- 4.4** monitor the integrity of financial reporting, and governance processes and internal control functions and approve such action as appropriate.

5. Legal obligations

The Committee will:

- 5.1** consider reports in respect of the whistleblowing policy; and
- 5.2** monitor the Council's compliance with its statutory obligations relating to surveillance, information governance, bribery, corruption and fraud, including the approval of all relevant policies.

6. Scrutiny

The Committee will:

- 6.1** once a matter, process or practice has been the subject of a report to Council or committee (including internal and external audits) and the consideration of the matter concluded by Council or said committee action (with the exception of quasi judicial matters and the Appeals, Business Rates Appeals and Community Asset Transfer Review Sub Committees), the committee, to ensure good practice, can determine that further consideration is required. It will not prevent, or alter, any decision being taken and will only review the effectiveness of decision making, or monitoring and may make recommendations to the relevant committee or Council
- 6.2** on occasion, where appropriate and as it sees fit, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest on any particular issue;
- 6.3** request, where appropriate and in terms of any contract or agreement, representatives of external organisations to attend and contribute to meetings; and
- 6.4** receive reports from regulatory bodies and those providing external assurance such as the Scottish Public Services Ombudsman and Inspector of Crematoria, ensure that the Council responds appropriately and monitor compliance with recommendations.

Executive Lead: Chief Officer – Governance

13. STAFF GOVERNANCE COMMITTEE

PURPOSE OF COMMITTEE

To act as a consultative forum for discussion between management, elected members and trade unions, on matters relating to staff in the pursuit of a workplace culture that reflect the requirements of a 21st Century public sector organisation.

Through partnership working the committee will support the Council becoming an employer of choice by promoting positive values, behaviours, training and recruitment and ways of working.

The Committee also acts as safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and keeps under review measures taken to ensure the health and safety at work of employees. The committee provides a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.

REMIT OF COMMITTEE

1. Partnership approach arrangements

The Committee will:

- 1.1** seek to maintain good relationships and model a partnership approach between the Council and trade unions;
- 1.2** provide a decision making forum, for the resolution of staffing matters that cannot be resolved through normal processes including but not restricted to conditions of service (except teachers¹); and
- 1.3** consider reports by the Chief Officer – People and Organisational Development on matters following a request by a trade union advisor provided always that the Chief Officer – People and Organisational Development is satisfied that the matter is appropriate and relevant to the remit of the Committee and that it raises no question of individual employee issues.

2. Strategic Workforce Plans and Policies

The Committee will:

- 2.1** approve the Framework Agreement for Industrial Relations (the FAIR agreement);
- 2.2** approve strategic workforce plans which reflect the requirements of a 21st Century Council in terms of staff, skills and attributes;
- 2.3** approve framework documentation in relation to workforce culture;
- 2.4** approve strategic training and development plans for the whole organisation;
- 2.5** approve all staff policies, these being policies where the predominant factor affects the expected behaviour and actions of staff;

¹ Teacher conditions of service are not agreed locally – they are agreed at national level, and therefore the Staff Governance Committee would have no locus to make any decisions on teaching terms and conditions.

2.6 monitor equality in employment and ensure that the Council, as an employer, complies with its statutory equal pay and other equality responsibilities; and

2.7 receive people performance data to enable the monitoring of the wellbeing of our staff including but not limited to absence data.

3. Health, Safety & Wellbeing of Staff

The Committee will:

3.1 approve health, safety and wellbeing policies

3.2 approve the Corporate Health and Safety Annual Audit Plan

3.3 monitor performance and compliance across all functions of the Council in respect of

i Health and safety legislation

ii Health, safety and wellbeing policies

iii Health and safety recommendations, including those from external inspection bodies

6. Employment Appeals and Disputes

The Committee will:

6.1 approve the procedure for the Appeals Sub Committee.

MEMBERSHIP

Elected members

Local trades union representatives as advisers – two named advisers from each of the following trades unions:

- Unison
- Unite
- GMB
- Educational Institute of Scotland (EIS)
- Scottish Secondary Teachers' Association (SSTA); and
- VOICE

Executive Lead: Chief Officer – People and Organisational Development

14. APPEALS SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To determine all delegated staff employment issues raised in accordance with Council policy where provision exists for an appeal to this Sub Committee.

REMIT OF THE SUB COMMITTEE

1. The Sub Committee will:
 - 1.1 determine appeals raised in accordance with Council policy where a right to appeal exists against dismissal or final written warning arising from hearings where the right of appeal exists; and
 - 1.2 determine disputes notified by Trades Unions in accordance with the Council's disputes resolution procedures.
2. The Sub Committee will operate in terms of the agreed procedure.
3. The Sub Committee will comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum will be three.

Executive Lead: Chief Officer – People and Organisational Development

15. PUBLIC PROTECTION COMMITTEE

PURPOSE OF COMMITTEE

To receive assurance on the statutory regulatory duties placed on the Council for:

- Child Protection;
- Adult Protection;
- Consumer Protection and Environmental Health;
- Civil Contingency responsibilities for local resilience and prevention; and
- Building control.

To undertake the Council's duties in relation to the Police and Fire and Rescue Services under the Police and Fire Reform (Scotland) Act 2012.

REMIT OF COMMITTEE

1. Child and Adult Protection

The Committee will receive assurance from the Child and Adult Protection Committees on:

- 1.1 the impact and effectiveness of child and adult support and protection improvement initiatives, including:
 - 1.1.1 delivery of national initiatives and local implications;
 - 1.1.2 learning from significant case reviews;
 - 1.1.3 quality assurance;
 - 1.1.4 training and development; and
 - 1.1.5 local evidence based initiatives;
- 1.2 effective working across child and adult protection; and
- 1.3 statistics relating to the Child Protection Register and the Vulnerable People's Database, whilst noting that it has no remit to challenge entries.

The Committee will also:

- 1.4 receive assurance on the outcome of Council's duty to deliver an effective justice service as determined by statutory inspections;
- 1.5 receive assurance on the Council's compliance with statutory duties in respect of child poverty; and
- 1.6 consider the Chief Social Work Officer's Annual Report

2. Local Resilience

The Committee will:

- 2.1 monitor compliance with the Council's duties relating to resilience and local emergencies; this includes reviewing staffing arrangements and systems for incident management

- 2.2 monitor compliance with the Council's duties relating to the provision of a city mortuary, and its adequacy for supporting the needs of mass fatalities;
- 2.3 receive assurance that services are maintaining and reviewing Business Continuity Plans in accordance with the priorities allocated to them;
- 2.4 receive relevant local, regional and national lessons learnt reports and recommendations in respect of emergency planning matters and monitor their implementation; and
- 2.5 monitor the Council's response to the National CONTEST strategy and associated plans relating to Counter Terrorism.

3. Protective Services

The Committee will:

- 3.1 receive assurance in respect of the Council's performance in relation to Trading Standards, Environmental Health (including the Public Mortuary) and Scientific Services;
- 3.2 receive external inspection and audit reports relating to the above services listed at 3.1; and
- 3.3 receive a summary of findings from statutory sampling and analysis work carried out by or on behalf of the Environmental Health and Trading Standards services to ensure compliance with required standards.

4. Building Control

The Committee will consider reports on:

- 4.1 major incidents and fatal accident inquiries and any resulting impact and responsibilities placed on the Council;
- 4.2 activity by Building Standards in relation to public safety and dangerous buildings; and
- 4.3 activity by Building Standards in relation to public safety for unauthorised building work and the unauthorised occupation of buildings.

5. Police and Fire and Rescue Service

In respect of the Council's responsibilities under the Fire (Scotland) Act 2005 and the Police and Fire Reform (Scotland) Act 2012 in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service, the Committee will:

- 5.1 contribute to and comment on the Strategic Police Plan and the Scottish Fire and Rescue Service Strategic Plan when consulted by the relevant national authority;
- 5.2 respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
- 5.3 be involved in the setting of priorities and objectives both for the policing of Aberdeen and for the Scottish Fire and Rescue Service in the undertaking of its functions in Aberdeen;
- 5.4 specify policing measures the Council wishes the local commander to include in a Local Police Plan;

- 5.5 approve a Local Police Plan submitted by the local commander and to approve a Local Fire and Rescue Plan (including a revised plan) submitted by the Scottish Fire and Rescue Service;
- 5.6 receive reports on service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- 5.7 consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- 5.8 agree, with the local commander, modifications to an approved Local Police Plan at any time; and
- 5.9 liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

Executive Lead: Chief Officer - Governance

16. PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning management guidance;
6. conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997.

Executive Lead: Chief Officer – Strategic Place Planning

17. LICENSING COMMITTEE

PURPOSE OF COMMITTEE

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

Mandatory Licences

- Metal Dealer Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer Licences
- Taxi Booking Office Licences

Discretionary Licences

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver Licences
- Second Hand Dealer Licences
- Boat Hire Licences
- Street Trader Licences
- Market Operator Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

Miscellaneous Licences under other Legislation

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatres Act 1968
- Cinema Licence - Cinemas Act 1985
- Safety in Sports Grounds - Safety in Sports Grounds Act 1975

REMIT OF COMMITTEE

The Committee will:

1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);
3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. determine film classifications under the Cinemas Act 1985;
7. determine theatre licences under the Theatres Act 1968; and
8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

18. LICENSING SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

REMIT OF THE SUB COMMITTEE

The Sub Committee will:

1. determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

Executive Lead: Chief Officer – Governance

19. PENSIONS COMMITTEE

PURPOSE OF COMMITTEE

To discharge all functions and responsibilities in respect of the Council's role as administering authority for the North East Scotland Pension Funds (NESPF). This includes managing the investment of the NESPF in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 and other relevant legislation.

The Committee will work alongside the Fund's Local Pension Board to consider any pension compliance matters raised.

Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

REMIT OF COMMITTEE

1. Finance and Risk Management

The Committee will:

- 1.1** approve the Funding Strategy Statement, produced in light of the Fund's assets and liabilities, and appoint or remove Fund Managers or new financial vehicles in furtherance of the strategy;
- 1.2** approve the budget and expenditure in connection with the administration of the Fund;
- 1.3** ensure that an effective system of internal financial control is maintained through scrutinising financial information presented to Committee;
- 1.4** ensure effective risk management of the Fund through monitoring of adherence to the Fund Risk Management Policy and regular scrutiny of the Fund risk register; and
- 1.5** determine applications for Admitted Body Status.

2. Internal and External Audit

The Committee will:

- 2.1** approve the annual audit plans in relation to the Fund; and
- 2.2** consider all reports prepared by the Council's Internal and External Auditors in relation to the Fund.

3. Annual Report and Accounts

The Committee will:

- 3.1** approve the Annual Report and Accounts, including the Annual Governance Statement.

4. Legal Obligations

The Committee will ensure:

- 4.1** compliance with the Local Government Pension Scheme (Scotland) Regulations as amended and with all other legislation governing the administration of the Fund; and
- 4.2** adherence to the principles set out in the Pension Regulator's Code of Practice.

5. Scrutiny

The Committee will:

- 5.1** monitor and approve the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation; and
- 5.2** scrutinise the performance of Fund Managers, including in relation to environmental, social and governance (ESG) and voting matters, through regular performance reports to Committee.

Executive Lead: Chief Officer – Finance

20. GUILDRY AND MORTIFICATION FUNDS COMMITTEE

PURPOSE OF COMMITTEE

To consider applications for payments from certain charitable funds held by the Council which fall into two categories, the Guildry Funds and the Mortification Funds.

REMIT OF COMMITTEE

The Committee will:

- 1.1 consider applications for payments and make recommendations on the appropriate level of allowance to be made.
- 1.2 receive reports from the Lord Dean of Guild in respect of Burgess activity and business.

Executive Lead: Chief Officer – Finance

21. ABERDEEN CITY REGION DEAL JOINT COMMITTEE

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Government on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.
8. Appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

Executive Lead for the Council: Chief Officer – City Growth

22. NORTHERN ROADS COLLABORATION JOINT COMMITTEE

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

Executive Lead for the Council: Chief Officer – Operations



DSE0053/TOR/BR/08/04/2019

Approved by Council 4 March 2019



ACC Committee Terms Of Reference

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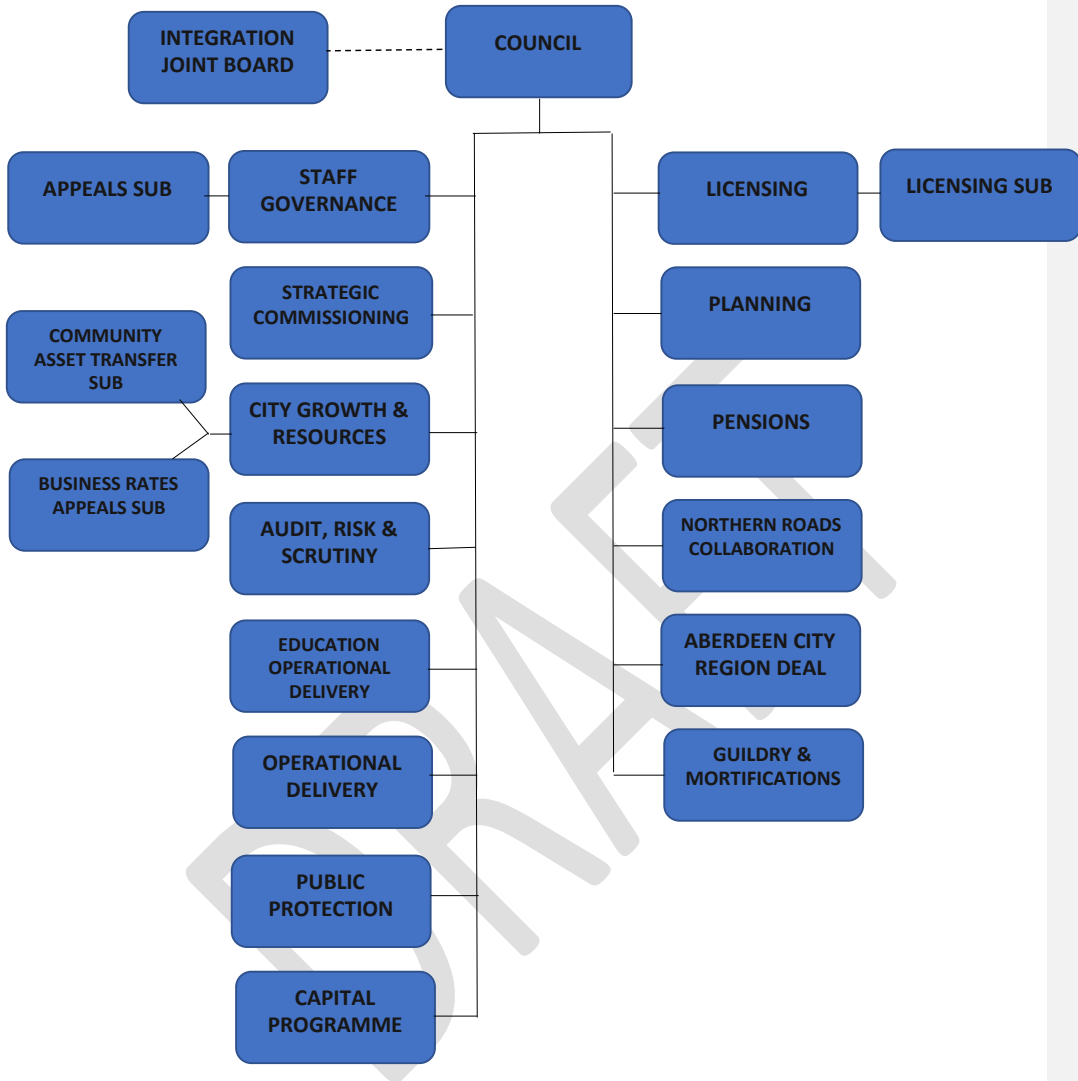
Version ~~2.03.0~~

Effective From ~~6 March 2019~~ April 2020

To be Reviewed March 2021

Application of Policy Council-wide

Policy Author ~~Roderick MacBeath~~ Allison Swanson, Interim Democracy Manager



INTRODUCTION

1. The Council derives its authority from the Local Government (Scotland) Act 1973 and subsequent legislation. In exercising all of its functions and undertaking its responsibilities it must comply with the law.
2. Under s57 of the 1973 Act, the Council is permitted to appoint committees, or with other Councils, joint committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
3. A committee can appoint sub committees to exercise any function delegated to it.
4. Under s56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. The Committee terms of reference should be read in the context of the Powers Delegated to Officers. Any delegation made to an officer shall not prevent the Council, ~~or~~ relevant committee or sub committee from exercising the power so delegated.
5. The Council has also delegated powers to the Integration Joint Board of the Aberdeen City Health and Social Care Partnership under the Public Bodies (Joint Working) (Scotland) Act 2014.
6. In accordance with Standing Order ~~476.7~~, Council can determine any matter which would otherwise fall to be determined by a committee or sub committee; and under Standing Order ~~476.8~~, a committee can determine any matter which would otherwise fall to be determined by one of its sub committees.
7. Any decision taken by a committee or sub committee is deemed to be a decision of Council itself.
8. These committee and sub committee terms of reference may be amended only after consideration of a report to Council or the appropriate parent committee by the Chief Officer – Governance.
9. Non material amendments to these committee and sub committee terms of reference can be made by the Chief Officer - Governance, following consultation with the Business Manager without the requirement to report to Council or the appropriate parent committee.
10. Any non material amendments made by the Chief Officer – Governance will be notified to members once completed.
11. The Terms of Reference will be reviewed annually by the Chief Officer – Governance as part of the review of the Scheme of Governance.
12. In exercising their functions, the Council, its committees and sub committees shall
 - i. meet their equalities obligations and take full account of their responsibilities to those customers and citizens with protected characteristics;
 - ii. ~~in accordance with Unicef’s Child Friendly Cities and Communities Programme, ensure, so far as possible,~~ that children are allowed a voice in decisions which affect both them and their City; and
 - iii. ~~work with outside bodies and partners in the emerging urban governance groups and civic leadership forums.~~

Commented [SD1]: To match proposed revisions to SOS

Commented [AS2]: Removed as reflected directly below in iv

iv. work with outside bodies and partner ~~organisations, locally and nationally, to oversee strategic economic development and its governance in the city in the emerging urban governance groups~~ and civic leadership forums.

Commented [AS3]: Added to reflect and update terminology to ensure clear to all audiences re urban governance groups

iii.v. consider the experience of customers and take such action to ensure to ensure that services meet customers' needs

JOINT WORKING WITH COMMITTEES AND ~~NON~~ COUNCIL BODIES

Commented [AS4]: Added to reflect that this is applicable across the committee structure and to enable removal of this section from each of the Committees

It is recognised that the Council and each committee will maintain an awareness of key issues through the work of other committees, through lead officers, Conveners and Vice Conveners working together. In addition, key issues will be considered following engagement with external organisations and communities, through appropriate forums.

DRAFT

1. ABERDEEN CITY COUNCIL

The Council reserves the following functions:

1. The setting of council tax in accordance with s93(1) of the Local Government Finance Act 1992 or the setting of a reduced amount of council tax under s94 of that Act or paragraph 3 of Schedule 7 to that Act.
2. The setting of a balanced budget annually, including the setting of fees and charges, including the approval of commissioning intentions and service standards.
- 2.3. The approval of the capital programme.
- 3.4. The borrowing of money as provided for in section 56(6)(d) of the Local Government (Scotland) Act 1973.
- 4.5. The approval of any annual investment strategy or annual investment report required by any consent issued by Scottish Ministers under s40 of the Local Government in Scotland Act 2003.
- 5-6. The approval of the Council's Treasury Management Policy and Strategy.
7. The determining of an application for planning permission for a development where a pre determination hearing is held in terms of s38A(1) of the Town and Country Planning (Scotland) Act 1997.
- 6.8. The appointment of committees, including external members, and the number and allocation of committee places/seats, the appointment and removal from office of the Lord Provost, Depute Provost, Leader or Co Leaders and/ or Depute Leader, Business Manager and Depute Business Manager, a convener for each committee and a vice convener as appropriate and the approval of senior councillor allowances.
- 7.9. To elect The election of members to the Licensing Board.
- 8.10. To review The review of polling districts and polling places.
11. The administration of trusts in respect of which the Council is sole trustee or the only trustees are elected members and/or officers of the Council, such administration to include the exercise of all trustee powers in terms of legislation, common law and trust deeds.
- 9.12. The approval of the Local Development Plan.
- 10.13. The approval of an Administration's political priorities.
- 11.14. The consideration of the Council's Delivery Plan.
- 12.15. The consideration of its annual report of its effectiveness and each committee's annual report of its effectiveness.
- 13.16. The consideration, where required, of reports by both the Standards Commission for Scotland and the Financial Conduct Authority, and the overseeing of members' standards of conduct.
- 14.17. The establishment of the Appointment Panels in accordance with the Standing Orders for Council, Committees and Sub Committees.

Commented [AS5]: Addition to reflect that Council approves commissioning intentions and service standards

Commented [AS6]: Transferred to PDMC TORs in light of new Planning (Scotland) Act which removes the requirement for such applications to be determined by Full Council.

Commented [AS7]: Added to reflect reporting re EODC external members

Commented [MO8]: Amended as the term we use is committee places not seats

Commented [AS9]: Added to reflect reports submitted since March and which did not fall under a specific point in the TOR

Commented [AS10]: Added to reflect reports submitted since March and which did not fall under a specific point in the TOR

Commented [AS11]: Added to reflect items considered at the budget meeting

Commented [AS12]: Updated to make it clear that Council receives an annual report on its effectiveness

Commented [AS13]: Updated to provide full title

~~15-18.~~ The approval of the Council's Scheme of Governance.

~~16-19.~~ The approval of the Council/Committee Diary

~~17-20.~~ The approval of the Scheme of Establishment for Community Councils.

~~18-21.~~ The establishment of Working Groups.

~~22.~~ To consider any matter which the Council has previously considered and agreed to receive a further report.

Executive Lead: Chief Executive

Commented [AS14]: added to reflect reports considered by council which did not fall under a specific point in the TOR

Commented [AS15]: Added to reflect reports requested by council and to remove the need for the current practice of putting under TOR in the report "Previous Council Decision"

DRAFT

2. GENERAL DELEGATIONS TO COMMITTEES

1. Each committee can settle claims against the Council arising out of the functions supervised by the committee, irrespective of value so long as the amount can be met from an approved budget, except where an officer has exercised a delegated power.
2. Each committee can vire within those functions in its remit, to the extent set out in the Financial Regulations.
3. Each committee and sub committee can determine any applications for loans, grants, donations and subscriptions except where an officer has exercised a delegated power.
4. Each committee can appoint up to five members, consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the committee subject to the following provisions:
 - 4.1 no more than two members will be appointed to attend a conference outwith the European Union without the approval of the City Growth and Resources Committee;
 - 4.2 in the case of a meeting or conference of interest to more than one committee, no more than six members and officers will be appointed without the approval of the City Growth and Resources Committee; and
 - 4.3 in the event of a disagreement among committees, the matter will be determined by the City Growth and Resources Committee.

~~5. Each committee will, as required, approve programmes of foreign travel for the financial year ahead as they relate to its remit, in accordance with the Travel Policy.~~

Commented [AS16]: Added to reflect Travel Policy requirements

~~6. Each committee will consider and respond to petitions addressed to the Council as they relate to its functions remit, in accordance with the petitions procedure.~~

Commented [AS17]: Function changed to remit throughout as the committee does not have a function.

~~5.7. Except where an officer has chosen to exercise a delegated power, each committee can approve bids to awards programmes or for external funding relative to the remit functions which it oversees, subject to budget provision.~~

~~6.8. Each committee will, where appropriate:~~

~~6.48.1 approve Council policies and strategies (including partnership strategies) relative to its remit;~~

Commented [AS18]: Added to reflect Travel Policy

Commented [SD19]: Updated to reflect that committees will also consider partnership strategies

~~6.48.2 approve appointments to outside bodies relative to its remit;~~

Commented [AS20]: Updated to say remit rather than function

~~6.48.3 meet the requirement to achieve Best Value in performing its role;~~

Commented [AS21]: Updated to say remit rather than function

~~6.48.4 receive the note its own cluster risk registers relative to its remit and scrutinise to ensure assurance;~~

Commented [AS22]: Updated to reflect role and ensure consistent terminology

~~6.58.5 monitor performance relevant to its purpose and remit;~~

~~6.68.6 consider receive note its own committee planner; and~~

Commented [AS23]: Updated to reflect role and ensure consistent terminology

8.7 receive reports, as required, on the implications of proposed draft legislation and evidencing the Council's readiness to comply with the new legal obligations and/or discretionary powers on the functions relative to its remit.

Commented [AS24]: New addition to General Delegations to reflect that committees will receive reports, as required, on the implications of proposed draft legislation.

DRAFT

3. **EXCLUSIONS FROM DELEGATION TO COMMITTEES**

Commented [AS25]: No changes to this section

1. Incurring revenue expenditure for which no provision or insufficient provision has been made in the revenue budget, except with the approval of the City Growth and Resources Committee.
2. Acquiring or disposing of any land or buildings or associated interests, except with the approval of the City Growth and Resources Committee.
3. Making representations to or appointing a deputation to meet any Government Minister or Government Department in relation to the financing of the Council or any of its services, except with the approval of the City Growth and Resources Committee.

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4. URGENT BUSINESS COMMITTEE

PURPOSE OF COMMITTEE

Subject to relevant legislation, to deal with items of business of an urgent nature that cannot wait for the next meeting of Council or the appropriate committee or sub committee.

Commented [AS26]: No numbers placed beside purpose section so as to remove the temptation for report authors to refer to this section when selecting relevant section of the TOR.

REMIT OF COMMITTEE

1. Subject to 1.5 below, to exercise all functions of the Council, or the committee or sub committee which would otherwise have dealt with the matter.

PROCESS

Commented [AS27]: Added to reflect that the following aspects are process related

- 1.1 A meeting of the Committee will be called by the Chief Officer - Governance on the instruction of the Chief Executive where the Chief Executive and the Business Manager are satisfied that the relevant business is urgent.
- 1.2 The Chief Officer - Governance may subject to the Business Manager's approval add further matters to the agenda of a meeting already called only where the Chief Executive and the Business Manager- are satisfied that the matters are urgent.
- 1.3 Before considering any item of business, the Committee will determine whether the item is urgent and requires to be considered, and if it does, the special circumstances will be specified in the minute.
- 1.4 If the Committee resolves not to consider the matter, the item of business will be placed on the agenda for the next scheduled meeting of the Council, committee or sub committee as appropriate.
- 1.5 The Committee cannot consider, in terms of Standing Order 5.3, any business relating to the removal of a member from office.

Executive Lead: Chief Executive

5. STRATEGIC COMMISSIONING COMMITTEE

PURPOSE OF COMMITTEE

To approve all internal and external commissioning activity by the Council, in accordance with the commissioning cycle, with the exception of procurement relating to the Capital Programme.

- ~~1. To approve all internal commissioning activity of Council outwith the annual budget meeting, including the approval of service specifications, service standards, performance frameworks and outcomes and intentions.~~
- ~~2. When approving commissioning activity: i. to promote investment in the prevention, early intervention and reduction in the demand for services; and ii. to identify potential efficiencies and improvements in quality and outcomes, including across the public sector.~~
- ~~3. To approve the Council's strategic approach to joint and integrated commissioning across the public and private sectors to ensure that the needs of customers and citizens are met.~~
- ~~4. To identify potential efficiencies and improvements in quality and outcomes, including across partner organisations and public services.~~
- ~~5.1. To promote the strategic allocation of resources to outcomes through commissioning activity.~~

Commented [AS28]: All deleted sections covered above or within the remit

REMIT OF COMMITTEE

~~1. Engaging with Customers and Citizens~~

~~1.1 Following consultation with appropriate forums:~~

- ~~i. to consider the experience of customers; and~~
- ~~ii. to take such action to ensure to ensure that services to be commissioned are co-designed to meet customers' needs.~~

~~2.1. Analysis~~

~~2.1.1~~ to ~~consider receive~~ a bi-annual Population Needs Assessment ~~every two years~~ to understand the needs which public bodies must address;

~~2.1.2~~ to ~~consider receive, as appropriate,~~ an in-depth analysis of key groups, priorities and challenges across public services to identify and action potential efficiencies and improvements to help ensure that the needs of customers and citizens are met and commissioning intentions are delivered; and

~~2.1.3~~ to ~~consider receive, as appropriate,~~ sufficiency and market analyses to understand existing and potential provider strengths and weaknesses, and identify and take action in respect of any opportunities for improvement or change in providers.

Commented [AS29]: Now covered by the introduction

Commented [AS30]: Updated to ensure consistent language and to reflect that this information will be presented in a number of reports, for example procurement BCs.

Commented [AS31]: Updated to ensure consistent language and to reflect that this information will be presented in a number of reports, for example procurement BCs.

3.2. Planning

3.2.1 to endorse the refresh of the Local Outcome Improvement Plan (LOIP, including recommending any changes which may be required);

Commented [AS32]: Updated to reflect it is the refresh and that is from the Council's perspective

3.2.2 to approve annual procurement work-plans, reflecting the LOIP, the Population Needs Assessment, the Council's commissioning intentions, the Council's service standards, the views of customers and citizens, and the best evidence of effective interventions to ensure a preventative focus on demand reduction.

4.3. Doing

4.3.1 To approve all procurement activity by the Council, with the exception of procurement relating to the Capital Programme which will be approved by the City Growth and Resources Committee, including

Commented [AS33]: 4.1. and 4.2 reworded to amalgamate/streamline previous wording.

- 3.1.1 Procurement Business Cases submitted in accordance with Procurement Regulations;
- 3.1.2 Grants and associated conditions;
- 3.1.3 Contract management arrangements and Service Level Agreements; and
- 3.1.4 The establishment of Arm's Length External Organisations (ALEOs) where it is determined that services should not be provided in-house.

4.3.2 when approving procurement activity, the Committee will:

- 3.2.1 promote investment in the prevention, early intervention and reduction in the demand for services; consider the experience of customers and take such action to ensure that services to be commissioned are co-designed to meet customers' needs;
- 3.2.2 ensure that commissioned services are focused on delivering the Council's agreed commissioning intentions and contribution to the LOIP; and
- 3.2.3 identify potential efficiencies and improvements in quality, including across partner organisations and promote the strategic allocation of resources.

4.3.3 to decommission services, including ALEOs, that do not meet the Council's commissioning intentions and outcomes.

Commented [AS34]: Addition to reflect that the committee can decommission

4.3.4 to take such action to ensure that appropriate supply management and capacity building (market facilitation) is in place to ensure a good mix of resilient service providers, that offer customers an element of choice in how their needs are met;

4.3.5 to approve the Strategy Framework to facilitate the delivery of agreed outcomes.

Commented [AS35]: Added to reflect role in terms of Strategy Framework

4.6 to approve commissioning activity, including approval of commissioning intentions/ outcomes which aligns to and supports the delivery of the outcomes contained in the LOIP, and other relevant Strategic Plans;

Commented [AS36]: Covered at 3.1/3.2 above

4.7 to approve the establishment of ALEOs or determine that services should remain in house; to undertake an annual review of ALEOs; and

Commented [AS37]: Covered at 3.1 above

Commented [AS38]: Moved to under the review section

5.4. Reviewing

~~4.1 to approve amendments to the Council's Performance Management Framework (PMF);~~

Commented [AS39]: Refreshed wording to reflect that the PMF has been approved

~~5.14.2 to consider receive annual reports on the LOIP and Locality Partnership Plans;~~

Commented [AS40]: Updated to ensure consistent terminology

~~4.3 to consider and monitor performance associated with the Council's agreed commissioning intentions and ultimate contribution to the LOIP outcomes;~~

~~5.24.4 To scrutinise and not receive annual reports from each of the council's ALEO to enable scrutiny of performance;~~

Commented [AS41]: Moved from doing to reviewing section and updated to reflect the role of the committee

~~5.34.5 to receive an annual procurement performance report to enable scrutiny of performance; and~~

~~5.44.6 to consider receive reports on any change in legislative requirements, policy and population needs which may facilitate opportunities to work differently to improve outcomes or may require revisions to existing commissioning intentions and outcomes.~~

Commented [AS42]: Refreshed wording

Service Delivery

Commented [AS43]: Section added to reflect SCC's role in respect of service delivery – previously silent on this.

5.1 The Committee will, for the Business Intelligence and Performance Management and Commercial and Procurement clusters:-

- 5.1.1 oversee, and make decisions relating to service delivery;
- 5.1.2 approve options to improve/transform service delivery;
- 5.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 5.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 5.1.5 approve all policies and strategies relative to its remit; and
- 5.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

~~5.2 to approve a Performance Management Framework reflecting the Council's commissioning intentions/outcomes, the LOIP, the views of customers and citizens, and the best evidence of effective interventions;~~

Commented [AS44]: Covered at 4.1 above - refreshed wording to reflect that the PMF has been approved

~~5.3 to consider an analysis of any changes in legislative requirements, policy and population needs, and to:~~

Commented [AS45]: Covered by 4.6 above

~~5.3.1 review the overall impact of services to identify and implement revisions needed to commissioning intentions/outcomes; and/or~~

~~5.3.2 to identify and facilitate opportunities to work differently to improve outcomes; and~~

~~5.4 to monitor service delivery against expected outcomes and plans.~~

JOINT WORKING WITH OTHER COUNCIL COMMITTEES

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and attending other committees as observers. Specifically:

1. the Strategic Commissioning and the City Growth and Resources Committees will cooperate to ensure that resources are allocated strategically to support outcomes; and
2. the Strategic Commissioning and the Operational Delivery Committees will cooperate to ensure that the internally commissioned services have clear service specifications which identify contributions to the LOIP outcomes and that funding is available to deliver the service specification.

JOINT WORKING WITH NON-COUNCIL BODIES

This Committee is outward facing and will engage, through appropriate forums, with partners, the third sector and communities in order to ensure a joint and integrated commissioning approach.

Executive Lead: Director of Commissioning

Commented [AS46]: Covered in the introduction section

DRAFT

6. CITY GROWTH AND RESOURCES COMMITTEE

PURPOSE OF COMMITTEE

To approve and monitor financial strategies, budgets and financial performance in light of available funding. The Committee will also consider:

- strategies to support the city's economic growth;
- additions to the Capital Programme; and
- recommendations regarding the Council's property and estates portfolio.

The Committee ~~approve and~~ monitors the ~~in-house~~ delivery of all services provided by the Resources Function, City Growth, and Governance and Strategic Place Planning. It scrutinises performance and ~~approves, make improvements options to improve to~~ those services within set budgets, to ensure best value and delivery of the Council's agreed outcomes. ~~To approve and monitor appropriate short, medium and long term financial strategies and plans for the Council in light of available funding.~~

- ~~1. To approve the addition of new projects and associated budgets to the capital programme, to approve additional funding for existing projects and to approve procurement relating to the Capital Programme.~~
- ~~2. To review the in-year financial performance of the Council and its committees and to make appropriate recommendations where a forecast overspend is projected.~~
- ~~3. To oversee and take action to ensure adherence to the Council's budgetary control system.~~
- ~~4. To approve and monitor an appropriate strategy for the Council's estate, including plans for investment, disposal and maintenance.~~
- ~~5. To approve and monitor Council place-based strategies to support the City's plans for future economic growth.~~
- ~~6. On receipt of the annual re-assessment of the Council's credit rating, to advise Council on appropriate financial strategies in order to preserve or improve the Council's credit rating.~~

REMIT OF COMMITTEE

1. Budgets

The Committee will:

- 1.1 approve ~~changes recommendations to regarding~~ the Council's resources including finance, staffing structures and property; and monitor all Council budgets including all Useable Reserve ~~the Transformation Fund~~, and in particular:
 - 1.1.1 scrutinise function budget monitoring reports and make decisions to ensure that Council spending is delivered on budget;
 - 1.1.2 hold budget holders to account for the proper control of the budget for which they are responsible;

~~take such action as necessary to ensure that the Council's budget is always balanced;~~

Commented [AS47]: No need to limit this to only one usable reserve

- 1.1.3 approve changes to the budget including to vire between function budgets where this is in excess of the amount delegated to officers in the Financial Regulations and Powers Delegated to Officers;
- 1.1.4 ~~review annual workplans and consider~~ scrutinise and approve ~~and approve~~ ~~consider~~ Outline and Full Business Cases for ~~supporting new projects added to the Capital Programme outwith the budget process~~ capital investments, ensuring that all ~~appropriate consultation has been undertaken;~~
- 1.1.5 ~~to~~ approve annual procurement workplans in respect of the Capital Programme,
- 1.1.6 ~~to~~ approve Procurement Business Cases in respect of ~~projects added to the Capital Programme outwith the budget process, the Capital Programme~~ submitted in accordance with Procurement Regulations;
- 1.1.7 approve the allocation of additional funding ~~or removal of funding~~ to existing projects, both capital and revenue;
- 1.1.8 approve the addition of new projects to the Capital Programme ~~outwith the budget process;~~

Commented [AS48]: Updated to clarify that CG&R approval is in respect of capital projects added outwith the budget process

Commented [AS49]: 1.1.5 and 1.1.6 added to reflect position re submission of Procurement BCs for capital projects approved outwith the budget meeting.

Commented [AS50]: Added to reflect that CG&R can stop funding

~~approve procurement relating to the Capital Programme;~~

Commented [AS51]: Covered at 1.1.6 above

- 1.1.9 approve use of the Council's ~~General-Use~~ ~~able~~ Reserves;

Commented [AS52]: Covered by change at 1.1.9 above

~~approve use of the Council's Transformation Fund; and~~

~~scrutinise the implementation of plans and monitor associated budgets; and~~

- 1.1.10 monitor the Code of Guidance on Funding External Bodies and Following the Public Pound and take such action as is required to ensure that the Council meets its duties; ~~and~~

~~1.1.11 receive~~ -Moody's formal credit rating reassessment

Commented [AS53]: Addition to reflect the committee considers Moody's formal reassessment.

~~1.1.11.1.12 approve financial guarantees, including requests received from relevant Admitted Bodies of the Pension Fund.~~

Commented [JB54]: The Council has a number of existing loan and bank guarantees which present a financial obligation. Similarly, from time to time the Council has considered requests from relevant outside bodies that have Admitted Body membership in the Pension Fund.

~~2. Service Delivery~~

~~1.2.2.1~~ The Committee will, for the Resources Function and City Growth, Governance and Strategic Place Planning Clusters:-

- ~~1.2.2.1.2~~ make decisions relating to service delivery;
- ~~1.2.3.1.3~~ approve options to improve/transform service delivery;
- ~~1.2.4.1.4~~ scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- ~~2.1.5~~ receive the cluster risk registers relative to its remit and scrutinise to ensure assurance that efficient controls are in place;
- ~~1.2.5.1.6~~ approve all policies and strategies relative to its remit; and
- ~~1.2.6.1.7~~ receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

Commented [AS55]: Section added to reflect CG&R's role in respect of service delivery – previously silent on this.

~~1.3.2.2~~ In undertaking the aspects at 2.1, the Committee will ensure that it is acting within the budget set by Council and overseen by this Committee and in accordance with best value and supporting delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

2.3. City Growth and Strategic Place Planning

The Committee will:

~~2.23.1~~ approve ~~the annual report from the Economic Policy Panel set up~~ ~~all reports~~ to support the annual re-assessment of the Council's credit rating;

Commented [AS56]: Very prescriptive, broadened as other reports may be submitted in this regard.

~~2.23.2~~ approve the Council's ~~strategies~~ ~~actions~~ for city growth and place planning except in relation to major infrastructural planning and the Local Development Plan; and

~~2.23.3~~ ~~consider and approve on recommending~~ key actions required by the Council to ~~enable~~ ~~facilitate~~ towards the delivery of ~~strategies (including partnership strategies)~~ ~~the Regional Economic Strategy~~ and the Inward Investment Plan to support city growth and place planning ~~and take such appropriate action as it sees fit.~~

Commented [AS57]: Updated to clarify role of committee

3.4. Property and Estates

The Committee will:

~~3.24.1~~ ~~approve~~ ~~Determine, review and monitor a Portfolio Management Strategy~~ recommendations ~~regarding for~~ the Council's ~~assets, property and estates;~~

Commented [SD58]: Updated to reflect that the committee will consider all strategies, including partnership strategies in respect of city growth and place planning

~~3.24.2~~ ~~approve an Estate and Investment Strategy;~~

Commented [AS59]: Updated to cover reflect that the committee will consider all strategies in respect of the Council's property and estates.

~~4.3~~ hear and determine requests for review under s86(10) of the Community Empowerment (Scotland) Act 2015 against the refusal by officers to approve community asset transfers;

Commented [AS60]: Covered above at 4.1

~~3.34.4~~ ~~approve the procedure for the Community Asset Transfer Sub Committee;~~ and

~~4.5~~ approve the acquisition and disposal of land, and property.

Commented [AS61]: Added to be consistent with approval of procedure for the Appeals Sub

JOINT WORKING WITH OTHER COMMITTEES

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

- ~~1. the City Growth and Resources Committee and Strategic Commissioning Committee will cooperate to ensure that resources are allocated strategically to support outcomes.~~
- ~~2. the City Growth and Resources Committee and the Capital Programme Committee will cooperate in promoting city growth and place planning.~~

Commented [AS62]: Covered by introduction

JOINT WORKING WITH NON-COUNCIL BODIES

The Committee, through its lead officers, will regularly consider key issues arising through other external organisations, including:

- the Aberdeen City Region Deal Joint Committee
- Opportunity North East
- the Regional Advisory Board
- Aberdeen Inspired
- VisitAberdeenshire
- the Scottish Cities Alliance

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- the Aberdeen Renewables Energy Group
- the Strategic Development Planning Authority
- EU Regional and Thematic Groups
- the World Energy Cities partnership
- CoSLA

DRAFT

7. BUSINESS RATES APPEALS SUB COMMITTEE

Commented [AS63]: Addition to the Terms of Reference

PURPOSE OF SUB COMMITTEE

To hear appeals against rating liability under section 238 of the Local Government (Scotland) Act 1947.

REMIT OF SUB COMMITTEE

1. To determine all requests for appeal against the identification of an individual as being responsible for the payment of business rates.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with section 238 of the Local Government (Scotland) Act 1947.
3. The Sub Committee shall comprise five elected members and the quorum shall be three.

Executive Lead: Chief Officer - Finance

DRAFT

8. COMMUNITY ASSET TRANSFER REVIEW SUB COMMITTEE

Commented [AS64]: Addition to the Terms of Reference

PURPOSE OF SUB COMMITTEE

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

REMIT OF SUB COMMITTEE

1. To determine all requests for a review of the decision taken by officers or the City Growth and Resources Committee in respect of Community Asset Transfers.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
3. The Sub Committee shall comprise five elected members who have not participated in the original decision at City Growth and Resources Committee and the quorum shall be three.

Commented [JF65]: Added to make clear that procedure is, in part, set out in the Regs.

DRAFT

7.9. CAPITAL PROGRAMME COMMITTEE

PURPOSE OF COMMITTEE

To monitor the development and delivery of the council's capital programme as well as monitoring the development of the Local development plan.

~~those projects flowing from the City Centre Masterplan, the Aberdeen City Region Deal, the Common Good and General Fund Capital Programme and the Housing Revenue Account; and~~

~~those interventions that contribute to the overall place outcomes for the City as a result of investment in infrastructure.~~

- ~~• To approve and monitor major infrastructure planning in the City.~~

REMIT OF COMMITTEE

- The Committee in relation to the capital programme will:-
 - scrutinise the progress and delivery of capital projects against the approved business cases ~~for supporting new capital investments onto the Capital Programme;~~
 - review progress in the delivery of the benefits of the Capital Programme, including through the receipt and scrutiny of Post Project Evaluations (PPE's) and Post Occupancy Evaluations (POE's); and
 - request a report to allow for the detailed consideration of any project which is of particular concern or interest.
- The Committee will oversee and approve the preparation of the Local Development Plan, subject to final approval thereon being given by Council.

JOINT WORKING WITH OTHER COMMITTEES

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-~~

- ~~the Capital Programme Committee and City Growth and Resources Committee will cooperate strategically to promote city growth and place planning and to ensure that resources are allocated to support outcomes.~~
- ~~a key relationship will be required with the Planning Development Management Committee in respect of the preparation of the Local Development Plan.~~

JOINT WORKING WITH NON COUNCIL BODIES

The Committee, through its lead officers, will regularly consider key issues arising through other external organisations, including:

- ~~the Aberdeen City Region Deal Joint Committee~~ • ~~the Aberdeen Renewables Energy Group~~
- ~~Opportunity North East~~ • ~~the Strategic Development Planning Authority~~
- ~~the Regional Advisory Board~~
- ~~EU Regional and Thematic Groups~~

Commented [AS66]: All covered above and streamlined

Commented [AS67]: Deleted unnecessary wording to make remit clearer.

Commented [AS68]: Covered in introduction section.

- Aberdeen Inspired
- the World Energy Cities partnership
- VisitAberdeenshire
- CoSLA
- the Scottish Cities Alliance

Executive Lead: Chief Officer - Capital

DRAFT

8.10. OPERATIONAL DELIVERY COMMITTEE

PURPOSE OF COMMITTEE

To ~~approve and~~ monitor the ~~in house~~ delivery of all services provided by ~~the~~ Customer Services Function ~~(with the exception of educational services)~~, and ~~the~~ Operations Function ~~(with the exception of educational services)~~. It will also, ~~and to~~ scrutinise performance and ~~approve make improvements options, or make recommendations to another committee or sub committee, to improve to those services within set budgets in order, to ensure best value and delivery of the Council's agreed outcomes. including Integrated Children's Services but excluding educational services.~~

~~1. To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, excluding educational services.~~

Commented [AS69]: Making it explicit can only act within budget.

Commented [AS70]: Covered by remit

REMIT OF COMMITTEE

1. Service Delivery and Performance

1.1 The Committee will, in respect of the Customer Services Function ~~and the Operations Function (with the exception of educational services):-~~

- 1.1.1 oversee, and make decisions relating to, service delivery;
- 1.1.2 approve options to improve/transform service delivery;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

Commented [AS71]: Previous TOR reworded and streamlined to be clearer, duplication removed, reflect PMF etc. Consistent wording with CG&R and EODC re Service delivery

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committee(s) on areas affecting the Customer Services Function ~~or~~ the Operations Function (with the exception of educational services) where the authority to approve sits within the remit of another Committee or Sub Committee.

~~1.2 approve all policies, plans and strategies to ensure delivery of the Council's agreed outcomes; and~~
~~1.3 receive reports on inspections and peer reviews in order to ensure best practice and consider any actions arising from those inspections and reviews.~~

~~4. hold the organisation to account for the in house delivery of all services provided by Customer Services and Operations;~~

Commented [AS72]: Covered above

~~5. approve and monitor the in house delivery of services provided by Customer Services and Operations in all areas and take action to ensure that such performance is in line with the outcomes set by Council and the Strategic Commissioning Committee; to scrutinise performance in relation to the delivery of services provided by Customer Services and Operations and to make recommendations for improvements where required.~~

Commented [AS73]: Covered above

~~6. improve results for Public Performance Recording, where this is in line with the Council's own improvement goals, by scrutinising Key Performance Indicators through rigorous performance management arrangements and ensuring that such performance:-~~

Commented [AS74]: Covered above and reflects PMF

~~6.1 is done in a manner which places the customer first and ensures the expected contribution to outcomes;~~

~~6.2 improves the Council's position in national tables; and~~

~~6.3 adheres to financial targets.~~

~~7. provide evidence to the Strategic Commissioning Committee, as requested, on the contribution of in house services to outcomes;~~

Commented [AS75]: Covered by PMF

~~8.5. approve improvements to operational delivery where officers do not have the power to do so;~~

Commented [AS76]: Covered above

~~9. explore and approve options for transforming the service delivery model; and~~

Commented [AS77]: Covered above

~~note proposed peer reviews and inspections by the Local Area Network for the cycle.~~

Commented [AS78]: Covered above

~~To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, excluding educational services to scrutinise performance in relation to Customer Services and Operations in line with the Performance Management Framework and make recommendations for improvements where required.~~

Commented [AS79]: Covered above

~~10.6.~~

JOINT WORKING WITH OTHER COMMITTEES

Commented [AS80]: Covered by introduction

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

~~1. the Strategic Commissioning Committee, the City Growth and Resources Committee and the Operational Delivery Committee will cooperate to ensure that the internally commissioned services have clear service specifications, identifying contributions to the LOIP outcomes, and that sufficient funding is available to deliver the service specification.~~

JOINT WORKING WITH NON-COUNCIL BODIES

~~Officers work closely with Internal Auditors, a service contracted from Aberdeenshire Council, and with external providers of assurance such as External Audit, Audit Scotland and external examining bodies. In addition, officers will work with local representative bodies such as the Disability Equity Partnership and Tenant Participation Groups to understand how effectively services are being delivered to customers and how they can be improved.~~

Executive Lead: Chief Operating Officer and the Director of Customer Services

9.11. EDUCATION OPERATIONAL DELIVERY COMMITTEE

PURPOSE OF COMMITTEE

To advise on and discharge the Council's functions as education authority as set out in the Education (Scotland) Act 1980 and all other relevant legislation and regulations where not otherwise delegated.

Commented [AS81]: Added to provide clarity on the role of EODC.

The committee will also:

- monitor the in-house delivery of educational services undertaken as education authority and provided by Integrated Children's and Family Services (with the exception of children's social work services which will be monitored by the Operational Delivery Committee);
- make recommendations in respect of school property matters to the City Growth and Resources Committee;
- scrutinise performance; and
- agree changes such as school zoning arrangements (within set budgets), or make recommendations to another committee, for improvements to functions related to education in order to ensure best value and delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

1. To approve and monitor the in-house delivery of educational services, scrutinise performance and make improvements to those services.

Commented [AS82]: Covered above

2. To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, for educational services.

Commented [AS83]: Covered above

REMIT OF COMMITTEE

1. Service Delivery and Performance

Commented [AS84]: Previous TOR reworded and streamlined to be clearer, duplication removed, reflect PMF etc. Consistent wording with CG&R and EODC re Service delivery

1.1 The Committee will, in respect of educational services (early years and schools) provided by Integrated Children's and Family Services and the management of the school estate undertaken by the Corporate Landlord:-

- 1.1.1 oversee, and make decisions relating to service delivery;
- 1.1.2 approve options to improve/transform service delivery relative to the functions of the Council as education authority under the Education (Scotland) Act 1980 and all other relevant legislation and regulations;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Frameworks and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on school inspections and peer reviews in order to ensure best practice and note any resultant improvement actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

4.21.3 The Committee may make recommendations to the appropriate committee(s) or sub committees on areas affecting educational services where the authority to approve sits within the remit of another committee or sub committee.

Commented [AS85]: Added to reflect practice and provide clarity

hold the organisation to account for the in house delivery of all educational services;

1. approve and scrutinise performance in relation to the monitor the in house delivery of educational services and take action to ensure that such performance is in line with the outcomes set by Council and the Strategic Commissioning Committee; in line with the Performance Management Framework and make recommendations for improvements where required;

Commented [AS86]: Covered above

2. Improve results for Public Performance Recording, where this is in line with the Council's own improvement goals, by scrutinising Key Performance Indicators through rigorous performance management arrangements and ensuring that such performance:-

Commented [AS87]: Covered above

2.1 is done in a manner which places the customer first and ensures the expected contribution to outcomes;

2.2 improves the Council's position in national tables; and

2.3 adheres to financial targets.

3. provide evidence to the Strategic Commissioning Committee, as requested, on the contribution of in house services to outcomes;

2. receive reports on an

Commented [AS88]: Covered above

4. approve improvements to operational delivery where officers do not have the power to do so;

5.3. explore and approve options for transforming the service delivery model; and

Commented [AS89]: Covered above

receive reports on note proposed peer reviews and inspections by the Local Area Network for the cycle JOINT WORKING WITH OTHER COMMITTEES

Commented [AS90]: Covered above

Commented [AS91]: Covered by introduction section

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

1. the Strategic Commissioning Committee, the City Growth and Resources Committee and the Education Operational Delivery Committee will cooperate to ensure that the internally commissioned services have clear service specifications, identifying contributions to the LOIP outcomes and that sufficient funding is available to deliver the service specification.

JOINT WORKING WITH NON COUNCIL BODIES

Officers work closely with Internal Auditors, a service contracted from Aberdeenshire Council, and with external providers of assurance such as External Audit, Audit Scotland and external examining bodies. In addition, officers will work with local representative bodies such as the Disability Equity Partnership and the Aberdeen City Youth Council to understand how effectively services are being delivered to customers and how they can be improved.

EXTERNAL MEMBERSHIP

Commented [AS92]: Condensed wording

The Committee's membership will include seven persons with voting rights who are not members of the Council. The seven external members will be appointed by the Council at its statutory meeting (or other meeting as appropriate) as follows:-

~~1. 1. three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973; and~~

~~1.2. in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:~~

~~1.12.1 two teachers employed in educational establishments managed by the Council nominated by the Teachers' Consultative Forum, comprising one representative from primary, including nursery, and one representative from secondary; and~~

~~1.22.2 two parent representatives, selected by the Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary, including nursery, and one representative from secondary.~~

~~2. —, being:~~

~~3. — one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of that church;~~

~~4. — one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of that church; and~~

~~5. — one other person appointed by the Council having regard:~~

~~6. — to the comparative strength within the City of Aberdeen of all the churches and denominational bodies having duly constituted charges or regularly appointed places of worship there; and~~

~~7.3. — the representation provided for in (i) and (ii) above;~~

~~Education items are matters reported to the Education Operational Delivery Committee which relate to advising on or discharging the Council's functions as education authority which are under the responsibility of the Chief Officer of Integrated Children's and Family Services and the Corporate Landlord.~~

Executive Lead: Chief Operating Officer and the Director of Customer Services

Commented [AS93]: Streamlined and covered above

Commented [AS94]: Covered under purpose

10.12. AUDIT, RISK AND SCRUTINY COMMITTEE

PURPOSE OF COMMITTEE

To ensure that the Council has robust arrangements for:

- Good governance including information governance, surveillance, fraud, bribery and corruption;
- Maintaining an effective control environment through an effective approach to risk management; and
- Reporting on financial and performance reporting.

~~The Committee will also~~ monitor the effectiveness of the Internal Audit function and the Council's implementation of its recommendations, as well as the implementation of the recommendations of its external auditors.

REMIT OF COMMITTEE

1. Risk Management

The Committee will ensure the effectiveness of the Council's risk management system and will:

- 1.1 receive an annual review of the system of risk management and an annual report on the corporate risk register and related action plans;
- 1.2 monitor the implementation of the Council's ALEO Assurance Framework by receiving reports from the ALEO Assurance Hub on the monitoring and mitigation of risks to the Council associated with its ALEOs;
- ~~1.3 receive reports from providers of independent assurance;~~
- ~~1.4.1.3 receive reports to provide assurance on the an annual review report in respect of the Council's information governance; and~~
- 1.4 approve all relevant policies.

2. Internal Audit

The Committee will:

- 2.1 ~~contribute to and~~ approve the Internal Audit Annual Plan;
- 2.2 consider reports ~~issued-prepared~~ by Internal Audit (with the exception of reports related to Pensions);
- 2.3 monitor compliance with Internal Audit recommendations (with the exception of reports related to Pensions);
- 2.4 ~~ensure that there is an adequately resourced Internal Audit service and monitor its the performance of performance Internal Audit;~~
- ~~2.4 to receive an annual report from the Local Area Network detailing areas to be inspected.~~

Commented [AS95]: Updated to ensure consistent terminology

Commented [AS96]: Updated to reflect that audits in relation to pensions are considered by the Pensions Committee

Commented [AS97]: Updated to reflect the committee's role is to monitor the performance of internal audit and not to deal with resourcing

3. External Audit

The Committee will:

- 3.1 consider reports prepared by the Council's External Auditor;
- 3.2 monitor the Council's relationship with the External Auditor;
- 3.3 receive reports from the Local Area Network; and
- 3.4 monitor compliance with External Audit recommendations.

4 ~~Annual Reports and Accounts~~ Governance, Accounts and Finance

The Committee will:

- 4.2 ~~consider and~~ approve the Council's Annual Report and Annual Accounts; ~~and~~
- 4.3 ~~consider and~~ approve the annual governance statement;:-
- 4.4 ~~approve and monitor the Council's Code of Corporate Governance and approve such~~
action as appropriate; and
- 4.4.5 ~~provide independent assurance on,~~ monitor the integrity of financial reporting, and ~~annual~~ governance processes and ~~oversee the effectiveness of~~ internal control functions and approve such action as appropriate.

Commented [AS98]: Updated to ensure consistent terminology

Commented [AS99]: As above

Commented [AS100]: Moved from scrutiny section below

Commented [AS101]: Moved from scrutiny section and wording updated

5 Legal obligations

The Committee will:

- 5.1 ~~seek assurance on the effectiveness,~~ consider reports in respect of the whistleblowing policy; and
- 5.2 ~~ensure the effectiveness of,~~ monitor the Council's compliance with its statutory obligations relating to surveillance, information governance, bribery, corruption and fraud, including the approval of all relevant policies.

6. Scrutiny

The Committee will:

- ~~6.1 consider any previously unscrutinised issue, process or practice, provided that the matter has been the subject of a report to Council or committee and the consideration of the subject matter concluded by Council or said committee;~~
- ~~6.2 where appropriate, review minuted actions from all committees with the exception of the Planning Development Management and Licensing Committees and the Appeals Sub Committee, to ensure good practice. It will not prevent any decision being taken and will only review the effectiveness of decision making or monitoring and may make recommendations to the relevant committee or Council;~~
- 6.1 once a matter, process or practice has been the subject of a report to Council or committee (including internal and external audits) and the consideration of the matter concluded by Council or said committee action (with the exception of quasi judicial matters and the Appeals, Business Rates Appeals and Community Asset Transfer Review Sub Committees), the committee, to ensure good practice, can determine that further consideration is required. It will not prevent, or alter, any decision being taken and will

Commented [AS102]: 6.1 and 6.2 covered by new 6.1 below

Commented [AS103]: Updated wording to clarify previous 6.1 and 6.2

only review the effectiveness of decision making, or monitoring and may make recommendations to the relevant committee or Council

6.36.2 on occasion, where appropriate and as it sees fit, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest on any particular issue;

6.46.3 monitor the Council's continued commitment and adherence to the key elements of good governance and approve such action as is appropriate;

Commented [AS104]: Covered above at 4.4

6.56.4 monitor the implementation of the Council's ALEO Assurance Framework and approve such action as is appropriate;

Commented [AS105]: Covered above at 1.2

6.6 approve and monitor the Council's Code of Corporate Governance;

6.76.5 provide independent assurance on the integrity of financial reporting and annual governance processes and oversee the effectiveness of internal control functions;

Commented [AS106]: Covered at 4.4 above

Commented [AS107]: covered above at 4.3

6.86.6 request, where appropriate and in terms of any contract or agreement, representatives of external organisations to attend and contribute to meetings; and

6.96.7 receive reports from regulatory bodies and those providing external assurance such as the Scottish Public Services Ombudsman and Inspector of Crematoria, ensure that the Council responds appropriately and monitor compliance with recommendations.

JOINT WORKING WITH OTHER COMMITTEES

The Committee will maintain an awareness of issues of mutual interest arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Areas of mutual interest may include, but will not be restricted to:

Commented [AS108]: Covered in introduction

1. a relationship with the Public Protection Committee in terms of the systems in place to manage the public protection risks; and
2. a relationship with the Staff Governance Committee in terms of the systems in place to manage the health and safety risks.

JOINT WORKING WITH NON COUNCIL BODIES

The Committee, through its lead officers, will work jointly with external regulatory bodies to ensure that Council benefits from external review and assurance.

Executive Lead: Chief Officer – Governance

11.13. STAFF GOVERNANCE COMMITTEE

PURPOSE OF COMMITTEE

1. ~~To further develop the existing partnership approach between the Council and all trade unions in order to support the Council becoming an employer of choice.~~
2. ~~To approve and monitor the Framework Agreement for Industrial Relations (“the FAIR agreement”).~~

To act as a consultative ~~body and forum for discussion~~ between management, elected members and trade unions, ~~and act as a forum for discussion~~, on matters relating to staff in the pursuit of a workplace culture that reflect the requirements of a 21st Century public sector organisation ~~staff, f, including, but affecting~~

Through partnership working the committee will support the Council becoming an employer of choice by promoting positive values, behaviours, training and recruitment and ways of working.

The Committee also acts as safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and keeps under review measures taken to ensure the health and safety at work of employees. ~~The committee and~~ provides a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.

3. ~~To approve and monitor workforce strategies which ensure the Council has a workforce fit for the capabilities required to be a 21st century council,~~
4. ~~To approve all staff policies.~~
5. ~~To provide a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.~~
6. ~~To act as a safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and to keep under review measures taken to ensure the health and safety at work of employees.~~
7. ~~To monitor the Council’s compliance with its policies and procedures and ensure that it takes such action to ensure it complies with all health and safety legislation.~~
8. ~~To take the lead in establishing and promoting a positive culture, ways of working and values for the organisation and its staff which will reflect public expectation about the conduct and behaviour of public officials~~

Commented [AS109]: All covered in streamlined purpose or remit

REMIT OF COMMITTEE

1. Partnership approach arrangements

The Committee will:

- 1.1 ~~seek to maintain good relationships and model a partnership approach develop the~~ partnership approach between the Council and trade unions; and
- 1.2 provide a forum decision making forum, where appropriate, for the resolution of staffing matters that cannot be resolved through normal processes for discussion on and resolution of matters of common interest and/or concern, including but not restricted to

Commented [AS110]: Partnership approach now developed reflecting progress

Commented [AS111]: Refreshed wording to provide clarity over remit

conditions of service, ~~or reorganisation/restructure affecting conditions of service~~ (except teachers¹); ~~and~~

1.2.1 ~~arrangements for the strategic training and welfare of all staff; and~~

- 1.3 consider reports by the Chief Officer – ~~People and~~ Organisational Development on matters following a request by a trade union advisor provided always that the Chief Officer – ~~People and~~ Organisational Development is satisfied that the matter is appropriate and relevant to the remit of the Committee and that it raises no question of individual employee issues.

2. ~~Strategic Workforce Plans and Policies Strategies~~

The Committee will:

~~2.1 a~~ Approve the Framework Agreement for Industrial Relations (the FAIR agreement);

~~2.2 a~~ Approve strategic workforce plans which reflect the requirements of a 21st Century Council in terms of staff, skills and attributes;

~~2.3 a~~ Approve framework documentation in relation to workforce culture;

~~determine and monitor the compliance with workforce related strategies which reflect the requirements of a 21st century Council in terms of staff and skills and attributes; and~~

~~2.12.4~~ approve an annual strategic training and development plans for the whole organisation

~~3. Council Policies Affecting Staff~~

The Committee will:

~~2.54~~ develop, approve and monitor the implementation of all staff policies, these being policies where the predominant factor affects the expected behaviour and actions of staff; and

~~2.65~~ monitor equality in employment and ensure that the Council, as an employer, complies with its statutory equal pay and other equality responsibilities.

2.7 receive people performance data to enable the monitoring of the wellbeing of our staff including but not limited to absence data.

~~3. Health, Safety & Wellbeing of Staff~~

The Committee will:

~~3.1~~ approve health, safety and wellbeing policies

~~3.2~~ approve the Corporate Health and Safety Annual Audit Plan

~~3.3~~ monitor performance and compliance across all functions of the Council in respect of
i Health and safety legislation

Commented [AS112]: Deleted, one example sufficient

Commented [AS113]: Updated wording to remove confusion re strategies

Commented [AS114]: Covered under 2.1

Commented [AS115]: Section header removed

Commented [AS116]: Wording updated to clarify what a staff policy is

Commented [AS117]: Section streamlined

¹ Teacher conditions of service are not agreed locally – they are agreed at national level, and therefore the Staff Governance Committee would have no locus to make any decisions on teaching terms and conditions.

ii Health, safety and wellbeing policies

iii Health and safety recommendations, including those from external inspection bodies

~~5.1 — actively reinforce health, safety and wellbeing roles and responsibilities amongst staff;~~

~~5.2 — receive appropriate levels of assurance to monitor compliance with health and safety legislation;~~

~~5.3 — scrutinise and review health, safety and wellbeing policy, performance, trends and improvements;~~

~~5.4 — approve and keep under review the Corporate Health and Safety Annual Audit Plan;~~

~~5.5 — consider reports on health, safety and wellbeing from all services of the Council to help ensure that services are complying with relevant policies; and~~

~~5.6 — monitor compliance with health and safety recommendations.~~

~~5. — **Establishing and Promoting Values for the Organisation**~~

~~The Committee will:~~

~~— 5.1 — approve and promote a Behavioural Framework for the Council.~~

Commented [AS118]: All covered above

Commented [AS119]: Covered at 2.5 above

6. Employment Appeals and Disputes

The Committee will:

6.1 ~~be responsible for approving and keeping under review~~ approve the procedure for the Appeals Sub Committee.

MEMBERSHIP

Elected members

Local trades union representatives as advisers — two named advisers from each of the following trades unions:

- Unison
- Unite
- GMB
- Educational Institute of Scotland (EIS)
- Scottish Secondary Teachers' Association (SSTA); and
- VOICE

JOINT WORKING WITH OTHER COMMITTEES OF THE COUNCIL

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and attending other committees as observers. This will help to ensure that relevant information is shared to aid understanding of workforce performance matters.~~

~~A key relationship will be required with committees in order to be assured that staff are being properly engaged and consulted with on specific transformation proposals.~~

Commented [AS120]: Covered in introduction

~~JOINT WORKING WITH NON COUNCIL BODIES~~

~~The Committee, through its lead officers, will work jointly with external bodies such as the Health and Safety Executive to ensure that Council benefits from external review and assurance.~~

Executive Lead: Chief Officer – People and Organisational Development

DRAFT

14. APPEALS SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To determine all delegated staff employment issues raised in accordance with Council policy where provision exists for an appeal to ~~the former Appeals by Employees Committee or~~ this Sub Committee.

REMIT OF THE SUB COMMITTEE

- ~~1. The Sub Committee shall operate in terms of the agreed procedure.~~
- ~~2. The Sub Committee shall comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum shall be three.~~
1. The Sub Committee will:
 - 1.1 determine appeals raised in accordance with Council policy where a right to appeal exists against dismissal or final written warning arising from hearings where the right of appeal exists; and
 - 1.2 determine disputes notified by Trades Unions in accordance with the Council's disputes resolution procedures.
- ~~2. The Sub Committee will operate in terms of the agreed procedure.~~
- ~~3. The Sub Committee will comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum will be three.~~

Executive Lead: Chief Officer – People and Organisational Development

Commented [AS121]: Made this standalone to be consistent with other Sub Committees

Commented [AS122]: Moved to point 2 and 3 below.

12.15. PUBLIC PROTECTION COMMITTEE

PURPOSE OF COMMITTEE

To ~~provide~~ receive assurance on the statutory regulatory duties placed on the Council for:

- Child Protection;
- Adult Protection;
- Consumer Protection and Environmental Health;
- Civil Contingency responsibilities for local resilience and prevention; and
- Building control.

To undertake the Council's duties in relation to the Police and Fire and Rescue Services under the Police and Fire Reform (Scotland) Act 2012.

REMIT OF COMMITTEE

1. Child and Adult Protection

The Committee will ~~seek assurance~~ receive assurance from the Child and Adult Protection Committees on:

- 1.1 the impact and effectiveness of child and adult support and protection improvement initiatives, including:
 - 1.1.1 delivery of national initiatives and local implications;
 - 1.1.2 learning from significant case reviews;
 - 1.1.3 quality assurance;
 - 1.1.4 training and development; and
 - 1.1.5 local evidence based initiatives;
- 1.2 effective working across child and adult protection; and
- 1.3 statistics relating to the Child Protection Register and the Vulnerable People's Database, whilst noting that it has no remit to challenge entries.

The Committee will also:

- 1.4 ~~receive~~ assurance on the outcome of Council's duty to deliver an effective justice service as determined by statutory inspections;
- 1.5 ~~seek~~ receive assurance on the Council's compliance with statutory duties in respect of child poverty; and
- 1.6 consider the Chief Social Work Officer's Annual Report.

2. Local Resilience

The Committee will:

- 2.1 ~~m~~Monitor compliance with the Council's duties relating to resilience and local emergencies; this includes reviewing staffing arrangements and systems for incident management ~~as well as the systems for incident management;~~
- 2.2 ~~m~~Monitor compliance with the Council's duties relating to the provision of a city mortuary, and its adequacy for supporting the needs of mass fatalities;

Commented [AS123]: The committee receive rather than provide assurance

Commented [AS124]: Addition to cover the Council's duty to deliver an effective justice service

2.3 ~~ensure receive assurance~~ that services ~~are~~ maintaining and reviewing Business Continuity Plans in accordance with the priorities allocated to them;

2.4 ~~consider receive~~ relevant local, regional and national lessons learnt reports and recommendations ~~in respect of emergency planning matters~~ and monitor their implementation; and

~~2.5 monitor the Council's response to the National CONTEST strategy and associated plans relating to Counter Terrorism, consider the results from the Council's self assessment on resilience and CONTEST (the UK Government's Counter Terrorism Strategy) duties and monitor the implementation of associated action plans.~~

Commented [AS125]: Updated to clarify that it is in respect emergency planning matters

Commented [AS126]: Updated terminology and to clarify Committee's remit.

3. Protective Services

The Committee will:

3.1 ~~seek receive~~ assurance ~~from the in respect of the~~ Council's performance in relation to Trading Standards, Environmental Health (including the Public Mortuary) and Scientific Services;

3.2 ~~scrutinise receive~~ external inspection and audit reports relating to the above services listed at 3.1; and

~~approve statutory plans aimed at protecting the public and delivered by or in partnership with Environmental Health and Trading Standards services; and~~

3.3 receive a summary of findings from statutory sampling and analysis work carried out by or on behalf of the Environmental Health and Trading Standards services ~~to ensure compliance with required standards.~~

Commented [AS127]: this is an anomaly, the Committee's remit is regarding assurance – this is an operational delivery matter and should be considered by ODC

4. Building Control

The Committee will consider reports on:

4.1 major incidents and fatal accident inquiries and any resulting impact and responsibilities placed on the Council;

4.2 ~~informal and formal~~ activity by Building Standards in relation to public safety and dangerous buildings; and

4.3 ~~informal and formal~~ activity by Building Standards in relation to public safety for unauthorised building work and the unauthorised occupation of buildings.

5. Police and Fire and Rescue Service

In respect of the Council's responsibilities ~~under the Fire (Scotland) Act 2005 and the Police and Fire Reform (Scotland) Act 2012~~ in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service, the Committee will:

Commented [AS128]: Updated terminology

5.1 contribute to and comment on the Strategic Police Plan and the ~~Strategic Scottish~~ Fire and Rescue ~~Service Strategic~~ Plan when consulted by the relevant national authority;

5.2 respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;

5.3 be involved in the setting of priorities and objectives ~~both~~ for the policing of Aberdeen and for the Scottish Fire and Rescue Service ~~for in~~ the undertaking of its functions in Aberdeen;

- 5.4 specify policing measures the Council wishes the local commander to include in a Local Police Plan;
- 5.5 approve a Local Police Plan submitted by the local commander and to approve a Local Fire and Rescue Plan ~~(including a revised plan) prepared by the local senior officer and~~ submitted by the Scottish Fire and Rescue Service;
- 5.6 ~~monitor receive reports on~~ service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- 5.7 consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- 5.8 agree, with the local commander, modifications to an approved Local Police Plan at any time; and
- 5.9 liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

~~JOINT WORKING WITH OTHER COMMITTEES~~

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and through attending other committees as observers. This will help inform the work of the Committee, specifically:~~

- ~~1. the relationship with the Audit, Risk and Scrutiny Committee in terms of the systems in place to manage the public protection risk; and~~
- ~~2. the relationship with the Staff Governance Committee in terms of ensuring staff have the required skills to underpin public protection.~~

~~JOINT WORKING WITH NON COUNCIL BODIES~~

~~The Committee, through its lead officers, will work jointly with external regulatory bodies and statutory partners to ensure that Council is able to provide a high standard of public safety.~~

~~It will have close links with the work of the Aberdeen City Health and Social Care Partnership's Clinical Governance Committee to explore shared risks and responses to adverse events, the preparation of action plans and the sharing of best practice and learning.~~

Executive Lead: Chief Officer - Governance

Commented [AS129]: Covered by the introduction.

13.16. PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;

~~1.1 for the avoidance of doubt, all major or national applications and all applications subject to a Pre Determination Hearing will be considered by Committee (or Council where appropriate);~~

Commented [AS130]: Covered by remit 2 below

2. visit application sites where agreed;

~~3. authorise the taking of enforcement action;~~

Commented [AS131]: Enforcement of a previous decision – this will now be undertaken through the CO-SPP PDOs and an annual report on all activity to PDMC

~~4.3. make Orders and issue Notices;~~

~~5.4. approve development briefs and masterplans;~~

~~6.5. develop and adopt non-statutory development planning management guidance (supplementary planning guidance);~~

Commented [AS132]: Updated to reflect new Planning Act

~~6. conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and~~

~~7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997; and~~

Commented [AS133]: Transferred from Council to PDMC remit to reflect section 27 of the new Planning Act which comes into force on 1 March 2020 and thereby removes the requirement for such applications to be determined by Full Council.

~~8. review and approve policies and supplementary guidance relating to its function.~~

Commented [AS134]: Covered by number 5 above.

JOINT WORKING WITH OTHER COMMITTEES

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically, key relationships will be required with the Capital Programme Committee which will oversee the preparation of the Local Development Plan to the point where it will be approved by Council.~~

Commented [AS135]: Covered in introduction.

JOINT WORKING WITH NON COUNCIL BODIES

~~The Committee, through its lead officers, will work jointly as appropriate with the Scottish Environment Protection Agency, Historic Environment Scotland and the Planning and Architecture Division of the Scottish Government.~~

Executive Lead: Chief Officer – Strategic Place Planning

14.17. LICENSING COMMITTEE

PURPOSE OF COMMITTEE

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for: Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

Mandatory Licences

- Metal Dealer's Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer's Licences
- Taxi Booking Office Licences

Discretionary Licences

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver's Licences
- Second Hand Dealer's Licences
- Boat Hire Licences
- Street Trader's Licences
- Market Operator's Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner's Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

Miscellaneous Licences under other Legislation

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatres Act 1968
- Cinema Licence - Cinemas Act 1985
- Safety in Sports Grounds - Safety in Sports Grounds Act 1975

POWERS-REMIT OF COMMITTEE

The Committee will:

1. ~~consider~~ **determine** applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. ~~consider~~ **determine** applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);
3. ~~determine~~ ~~consider~~ all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. ~~determine~~ ~~consider~~ landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. ~~determine~~ ~~consider~~ film classifications under the Cinemas Act 1985;
- ~~7. review and approve policies relating to its function;~~
- 8.7. ~~determine~~ ~~consider~~ theatre licences under the Theatres Act 1968; and
- 9.8. ~~determine~~ ~~consider~~ which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

Commented [AS136]: Updated to ensure consistent language

Commented [AS137]: Updated to ensure consistent language

Commented [AS138]: Updated to ensure consistent language

Commented [AS139]: Updated to ensure consistent language

Commented [AS140]: Updated to ensure consistent language

Commented [AS141]: Covered in General Delegations

Commented [AS142]: Updated to ensure consistent language

Commented [AS143]: Updated to ensure consistent language

JOINT WORKING WITH OTHER COMMITTEES

~~The Committee, through its lead officers, Convener and Vice Convener, will regularly consider key issues arising through other committees of the Council, including the Public Protection Committee. This will help ensure that matters of mutual interest are dealt with in the most efficient and effective way.~~

Commented [AS144]: Covered in introduction section

15.18. LICENSING SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

Commented [AS145]: Purpose added

REMIT OF THE SUB COMMITTEE

The Sub Committee will:

1. ~~consider~~ determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. ~~consider and~~ determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Commented [AS146]: Updated to ensure consistent language

Commented [AS147]: Updated to ensure consistent language

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

Executive Lead: Chief Officer – Governance

16.19. 16. PENSIONS COMMITTEE

PURPOSE OF COMMITTEE

To discharge all ~~the~~ functions and responsibilities ~~relating in respect of~~ the Council's role as administering authority for the North East Scotland Pension Funds (NESPF). ~~This includes~~ managing the investment of the NESPF in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 and other relevant legislation.

The Committee will work alongside the Fund's Local Pension Board to consider any pension compliance matters raised.

Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

including:-

- 1.1 ~~approving and monitoring the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation;~~
 - 1.2 ~~managing the investment of the NESPF in accordance with the LGPS (Management and Investment of Funds) (Scotland) Regulations 2010 and other legislation;~~
 - 1.3 ~~receiving regular training to enable the Committee members to make effective decisions under the LGPS Regulations and other relevant legislation and to make decisions in compliance with the Pensions Regulator's Code of Practice; and~~
 - 1.4 ~~working alongside the Fund's Local Pension Board, considering any pension compliance matters raised.~~
2. ~~Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).~~

Commented [AS148]: Covered in purpose above

Commented [AS149]: To be covered in Standing Orders

Commented [AS150]: Covered in purpose above

REMIT OF COMMITTEE

1. Finance and Risk Management

The Committee will:

- 1.1 ~~set the investment objective and~~ approve the Funding Strategy ~~strategy Statement, produced~~ in light of the Fund's ~~assets and~~ liabilities, and appoint or remove -Fund Managers or new ~~financial~~ vehicles in furtherance of the strategy;
- 1.2 ~~approve the budget and~~ expenditure in connection with the administration of the Fund;
- 1.3 ensure that an effective system of internal financial control is maintained ~~through scrutinising financial information presented to Committee; and~~
- 1.4 ensure effective risk management of the Fund ~~through monitoring of adherence to the Fund Risk Management Policy and regular scrutiny of the Fund risk register; and~~
- 1.4.1.5 ~~determine applications for Admitted Body Status.~~

Commented [AS151]: Section reordered

Commented [AS152]: Added to provide clarity in light of report considered earlier in 2019

Commented [AS153]: Transferred from 5.3 below

2. Internal and External Audit

The Committee will:

2.1 approve the annual audit plans ~~in relation to the Pension Fund~~; and

2.2 consider all reports prepared by the Council's Internal and External Auditors in relation to the ~~Pension Fund~~.

Commented [AS154]: Added to make it explicit

Commented [SI155]: Should just say "the Fund"

3. Annual Report and Accounts

The Committee will:

3.1 ~~review and~~ approve the ~~Annual Report and Accounts, including the Annual Governance Statement~~ ~~counting statement~~.

Commented [AS156]: Updated to reflect correct terminology.

4. Legal Obligations

The Committee will ensure:

4.1 compliance with the Local Government Pension Scheme (Scotland) Regulations as amended and with all other legislation governing the administration of the Fund; and

4.2 adherence to the principles set out in the Pension Regulator's Code of Practice.

5. Scrutiny

The Committee will:

~~5.1 approving and monitoring~~ monitor and approve the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation; and

~~5.1.2~~ monitor ~~scrutinise~~ the performance of Fund Managers, including in relation to environmental, social and governance (ESG) and voting matters, through regular performance reports to Committee; and

~~5.2~~ determine applications for Admitted Body status.

Commented [AS157]: Moved to Finance and Risk Management Section as 1.5

Commented [AS158]: Covered in introduction

JOINT WORKING WITH OTHER COUNCIL COMMITTEES

~~The Committee, through its lead officers, will regularly consider key issues arising through other committees, in particular the City Growth and Resources and Staff Governance Committees.~~

JOINT WORKING WITH NON COUNCIL BODIES

~~The Committee, through its lead officers, will work jointly with the Fund's Investment Consultant and Actuary in the management of the Fund and with external contacts such as the provider of the pensions IT programme.~~

Executive Lead: Chief Officer – Finance

20. GUILDRY AND MORTIFICATION FUNDS COMMITTEE

Commented [AS159]: Addition to the Terms of Reference

PURPOSE OF COMMITTEE

To consider applications for payments from certain charitable funds held by the Council which fall into two categories, the Guildry Funds and the Mortification Funds.

REMIT OF COMMITTEE

The Committee will:

- 1.1 consider applications for payments and make recommendations on the appropriate level of allowance to be made.
- 1.2 receive reports from the Lord Dean of Guild in respect of Burgess activity and business.

Executive Lead: Chief Officer – Finance

DRAFT

17.21. 17. ABERDEEN CITY REGION DEAL JOINT COMMITTEE

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Government on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.
8. Appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

Executive Lead for the Council: Chief Officer – City Growth

18.22. 18. NORTHERN ROADS COLLABORATION JOINT COMMITTEE

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

Executive Lead for the Council: Chief Officer – Operations



Powers Delegated To Officers

Approved by Council **24** March 20**2019** |



POWERS DELEGATED TO OFFICERS

DEFINITIONS, PRINCIPLES AND INTERPRETATION

DEFINITIONS

The Council means Aberdeen City Council.

ACC Procurement Regulations means the Aberdeen City Council Procurement Regulations ~~2019~~.

Commented [AS1]: Date not required.

ACC Financial Regulations means Aberdeen City Council's Financial Regulations.

Chief Officers means:-

- (i) the Chief Executive and Directors of the Council;
- (ii) Council officers whose job titles include the term "Chief Officer";
- (iii) the Council's Head of Commercial and Procurement ~~Services~~;
- (iv) the Chief Officer of the Aberdeen City Health and Social Care Partnership; and
- (v) the Chief Finance Officer of the Aberdeen City Health and Social Care Partnership.

Commented [AS2]: Updated throughout to reflect the job title

Scheme of Governance means the Council's Scheme of Governance, comprising the Committee Terms of Reference; ~~the~~ Powers Delegated to Officers; Standing Orders for Council, Committee and Sub-Committee Meetings; ACC Financial Regulations; ACC Procurement Regulations; and ~~the~~ Member-Officer Relations Protocol.

PRINCIPLES

1. This Powers Delegated to Officers document applies from 6 March 2019 and sets out the powers delegated by the Council to officers, pursuant to the Local Government (Scotland) Act 1973. This Powers Delegated to Officers document is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
2. The powers delegated to officers in terms of this Powers Delegated to Officers document are subject to change by decision of the Council in accordance with the Scheme of Governance.
3. The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers and stating the titles of those officers. This Powers Delegated to Officers document is produced in compliance with that duty.
4. Any delegation made to an officer under this Powers Delegated to Officers document shall not prevent the Council or relevant Committee ~~or Sub Committee~~ from exercising the power so delegated provided that the matter in question has not already been determined.
5. This Powers Delegated to Officers document does not permit delegation to an officer of a power which is reserved to the Council or one of its Committees or Sub Committees.
6. The Council shall exercise all its powers and duties in accordance with the law and the Council's constitutional documents. In particular, the exercise of any power contained within this Powers Delegated to Officers document shall be in accordance with the provisions of the Scheme of Governance and shall be subject to there being sufficient funding available to cover the costs of exercising that power. In exercising such a power, the relevant officers shall have due regard to relevant Council policy.

Commented [AS3]: Added to cover sub-committees

In exercising such a power, the relevant officers should be mindful of the potential for political sensitivity or controversy and, where appropriate, should consider consulting with elected members or referring the matter to Council or one of its Committees or Sub Committees. Some of the powers contained herein expressly require consultation with elected members.

7. Except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate. Any such sub-delegations shall be made in writing or confirmed in writing as soon as reasonably practicable. Chief Officers will remain accountable for decisions taken by their sub-delegates. Section 50G of the Local Government (Scotland) Act 1973, regarding maintenance of a list of powers exercisable by officers, shall be complied with.
8. An interim Chief Officer, or an individual formally acting up as a Chief Officer, shall be treated as a Chief Officer for the purposes of this Powers Delegated to Officers document.
9. In the event that a Chief Officer is unavailable, his/her deputy, the Chief Executive (including his/her nominee) or the relevant Director of the Council will have delegated authority to take urgent decisions in the absence of the Chief Officer in question.

INTERPRETATION

1. References to any legislation, circulars, directions, plans, policies, procedures, regulations, ~~byelaws, rules, and guidance and similar things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time. References to any legislation include all subordinate legislation made under that legislation from time to time.
2. References to any committees, ~~sub-committees~~ departments, services, ~~and~~ officer titles, ~~organisations and other things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time.
3. All references to the doing of any-thing or the taking of any action, step or measure, except where the context otherwise requires, include reference to the instructing of or arranging for same.
4. All references to the signing, serving, giving or issuing of any notice or other document include reference to any and all of those actions (and instructing or arranging for such serving, giving or issuing).
5. References to “officers”, “staff” and “employees” mean those of the Council, except where the context otherwise requires.
6. References to “including” (and “include” and any variation thereof) mean including without limiting the generality of any description preceding such term.
7. In the event of any conflict or inconsistency between this Powers Delegated to Officers document and any legislation or rule of law, that legislation or rule of law shall prevail. In the event of any incorrect citation of, or reference to, legislation in this Powers Delegated to Officers document, the relevant provision(s) of this Powers Delegated to Officers document shall be read as referring to the correct legislation.

Commented [AS4]: Added to ensure all potential areas covered.

Commented [AS5]: Added to reflect sub-committees

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1. GENERAL DELEGATIONS TO CHIEF OFFICERS

The following General Delegations may be exercised by any Chief Officer - but **only in relation to a function or matter which falls within their remit or area of responsibility**. This is subject to any express restriction of the exercise of the power to certain Chief Officers only.

1. To exercise any powers conferred on Council officers by any Management Rules or Byelaws made under the Civic Government (Scotland) Act 1982 or Local Government (Scotland) Act 1973 respectively **and to undertake reviews of such Management Rules and Byelaws.**
2. To authorise officers within their function or service to exercise all or any of the statutory powers which have been allocated by the Council to their function or service, with any such authorisations being documented.
3. To sign, give, issue and serve:
 - a. statutory notices, statutory orders and other statutory documents, and
 - b. **other** notices, orders and documents of a legal **nature** (except ~~deeds and contracts and conveyancing deeds~~), and to exercise any powers pursuant to any such notices, orders and documents.
4. To offer services of staff to other local authorities or public or statutory bodies:
 - a. **in** emergencies where the **safety or** protection of the public is at risk or where such services are otherwise essential in the circumstances, or
 - b. subject to the ACC Procurement Regulations, where the Chief Officer identifies an opportunity for income generation for the Council.
5. To provide consultancy services to other persons or organisations and make charges for same, subject always to the provisions of the ACC Procurement Regulations and ACC Financial Regulations.
6. **To** make visits and attend events, meetings, **hearings**, conferences, courses and seminars (and to authorise members of staff to so visit and attend) within the United Kingdom, where s/he considers this to be in the interests of the Council and sufficient budgetary provision exists to cover the cost.
7. To authorise settlement or repudiation of any claim made against the Council (whether by litigation or otherwise), following consultation with the Chief Officer - Governance, and provided that sufficient budgetary provision exists to cover any payment to be made in settlement.
8. To instruct the raising by the Council of any court or tribunal proceedings, or the taking by the Council of any other legal action, and to instruct the enforcement of any orders or decrees obtained thereby.
9. To instruct the defence by the Council of any court or tribunal proceedings, or other legal action, raised or taken against the Council.
10. To approve expenditure under the Council's Relocation Policy provided that sufficient budgetary provision exists to cover such expenditure.
11. To accept gifts on behalf of the Council and to record such gifts in accordance with the Council's policy on gifts and hospitality.

Commented [AS6]: Updated to ensure good practice and therefore that reviews are undertaken of such Management Rules and Byelaws

Commented [AS7]: Clarification of wording to confirm the GD does not cover conveyancing deeds.

Commented [AS8]: Addition of "safety" to provide greater clarity in what circumstances this power would be invoked.

Commented [AS9]: Addition of "hearings" to ensure all reasons why a member of staff may require to travel within the UK are covered.

12. To incur expenditure (not exceeding £500 on any one occasion) on the provision of appropriate hospitality to members and officers of national government, local authorities or public authorities visiting the city, or to consultants or others assisting or co-operating with officers of the Council in carrying out any of the Council's functions provided that the expenditure can be met from existing budgets.
13. To exercise all powers delegated to him/her as a Chief Officer in terms of the ACC Procurement Regulations.
14. ~~To exercise all powers delegated to him/her as a Chief Officer in terms of the Inter-Authority Agreement 3 relating to the NESS Energy Project.~~
- 14.15. To approve changes in hours for existing ~~authorised~~ posts, provided that sufficient budgetary provision exists.
- 15.16. To approve termination of service ~~on medical or capability grounds~~ in accordance with Council policy where such a course of action is supported by a recommendation by the Council's occupational health provider; and to approve termination of service on grounds of trust or confidence or on any other lawful grounds.
- 16.17. To take all decisions regarding employment, retirement, dismissal and training of staff in terms of the Council's Conditions of Service and the Council's employment policies.
18. ~~To make changes to job titles~~ where there are no changes to the post.
- 17.19. To submit ~~Staffing Business Cases requests~~ to the Chief Officer – People and Organisational Development ~~Establishment Control Board in line with agreed processes~~ in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts; changing grades, ~~temporary or one-off amendments to pay, and changing job titles~~, following consultation with the ~~Chief Officer – Organisational Development and the Chief Officer - Finance and~~ with the relevant trades unions, ~~in line with our FAIR agreement.~~
- 18.20. ~~To make appointments to all posts below the level of Chief Officer and to any including Chief Officer posts which are below second tier level.~~
- 19.21. To agree to acquire second hand goods up to a value of £50,000 without a competitive quotation being obtained, provided that he/she obtains in writing (including e-mail) the prior agreement of the Head of Commercial and Procurement ~~Services~~ before effecting the purchase and that the ACC Procurement Regulations are otherwise complied with.
- 20.22. ~~To create and amend procedures, operational plans, protocols and guidance.~~
- 21.23. To implement Council decisions and policies.
- 22.24. To authorise, following consultation with the Chief Officer - Governance, the entering into, variation, extension or termination of any:
 - a. non-disclosure agreements in relation to commercial matters;
 - b. confidentiality agreements in relation to commercial matters; or
 - c. agreement, protocol, memorandum of understanding or other document relating wholly or mainly to the sharing or processing of information.

Commented [AS10]: Added to reflect the decision of Council of 4 March 2019

Commented [AS11]: Removal of unnecessary language

Commented [AS12]: Updated to say in accordance with policy rather be prescriptive.

Commented [AS13]: Procedure re staffing Business Cases reviewed and this GD added to reflect new operational practice regarding approval of changing job titles. Reference to changing job titles subsequently proposed for deletion within GD17.

Commented [AS14]: Procedure re staffing requests reviewed and this GD amended to reflect new operational practice. Reference to changing job titles removed and proposed to be covered in a new standalone GD. Also, links to DP1 under the Director of Resources which is proposed for deletion as now redundant. 'agreed process' has been agreed with Tus where they are involved.

Commented [AS15]: Clearer wording

Commented [AS16]: Added to reflect the current position where plans are developed at an operational level on a regular basis, e.g. improvement plans, action plans, service plans, emergency plans, to give effect to Council decisions and Council approved strategies and policies.

23-25. To approve applications for grant funding. Thereafter, following consultation with the Convener of the City Growth and Resources Committee, to authorise the acceptance of the grants funding provided that the terms and conditions of such funding have been approved by the Chief Officer - Finance and the Head of Commercial and Procurement Services. Expenditure of such grant funding may then be approved by the relevant Chief Officer subject to any such terms and conditions and in compliance with the ACC Procurement Regulations and Financial Regulations.

26. To approve the making of:

a. grants (each with a maximum value of £15,000) to organisations; and

b. grants, awards or prizes (each with a maximum value of £2,500) to individuals,

following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant, award or prize is made subject to terms and conditions approved by the Head of Commercial and Procurement Services. ~~To approve the making of grants of up to £15,000 for organisations and £2,500 for individuals, following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant is made subject to terms and conditions approved by the Head of Commercial and Procurement Services.~~

27. To approve the terms and conditions for grants approved as part of the budget process, following consultation with the Head of Commercial and Procurement

24-28. To approve purchase orders and authorise payments; and to approve officer signatory lists and officer authorisation levels in relation to the raising and approval of purchase orders and the authorisation of payments.

25-29. Following consultation with the Chief Officer - Governance or the Head of Commercial and Procurement Services as appropriate, to approve the entering into of any contractual, legal or other documentation which may be necessary or expedient in connection with the proper exercise of any power, or the proper taking of any decision, by the Chief Officer in question ~~which has been hereby delegated~~, and in compliance with the ACC Procurement Regulations.

26-30. To purchase equipment, goods and services ~~where the expenditure has been approved by the Council,~~ in compliance with the ACC Procurement Regulations and ACC Financial Regulations.

27-31. To approve responses to requests for information made under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 and to take any other action in connection with such requests; and to authorise other officers to approve such responses or take such action.

28-32. To approve responses to complaints made to the Council and to take any other reasonable and proportionate action in relation to such complaints and to authorise other officers to approve such responses or take such action, all in terms of the Complaints Handling Procedure.

29-33. To take action under the Council's Unacceptable Actions Policy and authorise other officers to take such action.

30-34. To appoint persons (i) as interim Chief Officers; or (ii) to act as Chief Officers.

31-35. To produce, publish and issue reports required or requested of the Council by legislation, the UK or Scottish governments, regulatory bodies or other external bodies and notify the relevant Convener.

Commented [AS17]: Wording/layout updated to make power explicit. Approval of the making of awards or prizes also added.

Commented [AS18]: New DP added to reflect the processing of grants approved at the budget meeting.

Commented [AS19]: Deletion of unnecessary wording

Commented [AS20]: Updated to align with current Procurement Regulations where expenditure under the threshold does not require Council approval before undertaking the procurement. Regulations

Commented [AS21]: New DP added to cover responsibility under the Unacceptable Actions Policy.

Commented [AS22]: Additions to cover publishing such reports and to enable Chief Officer to respond to requests by legislation, the UK or Scottish governments, regulatory bodies or other external bodies

32.36. Following consultation with the Chief Officer - Governance, and notification or consultation with Trade Unions in accordance with the Trade Union Consultation protocol where appropriate, to make:

- amendments to Council policy in order to reflect the law, Council or committee decisions, government guidance, regulators' guidance and other Council policies; and
- minor or inconsequential amendments to Council policies including, but not limited to, the correction of obvious, technical or clerical errors and taking account of changes to any names or titles.

Commented [AS23]: Amended to reflect that TUs would be notified/consulted in accordance with TU consultation protocol as appropriate and to ensure a consistent approach across all policies.

Commented [AS24]: Updated to ensure that decisions by council or committee can be reflected

33.37. When acting as Duty Emergency Response Coordinator (DERC):

- to take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:
- an emergency (as "emergency" is defined in the Civil Contingencies Act 2004); or
- any incident that requires the implementation of special arrangements in order to:
 - maintain statutory services at an appropriate level;
 - support the emergency services and other organisations involved in the immediate response;
 - provide support services for the community and others affected by the incident;
 - enable the community to recover and return to normality as quickly as possible; and
 - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda; and

- to implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

34.38. Following consultation with the Business Manager and, where relevant, ward members, to determine Participation Requests under the Community Empowerment (Scotland) Act 2015 and the outcome improvement process to apply. To determine Participation Requests (requests by community participation bodies to participate in outcome improvement processes) under the Community Empowerment (Scotland) Act 2015; and to inform the Business Manager, and members of affected wards, of the receipt and determination of any such requests

Commented [AS25]: Legislation added to clarify meaning of "Participation Requests".

35.39. To order the cessation of any work which is in breach of health and safety legislation or which otherwise poses an unacceptable risk of harm or loss.

36.40. To operate the Scheme of Virement as set out within the ACC Financial Regulations.

37.41. **Directors, Chief Officer - Governance, Chief Officer - Strategic Place Planning and Chief Officer - City Growth only:** To provide a Council response to an external consultation and, thereafter to inform the relevant Convener and Vice Convener and all Group Leaders that the response has been submitted. A response to an external consultation on a strategic matter can only be submitted following consultation with the Leader of the Council.

38.42. Chief Executive and relevant Directors only: To transfer, alter or reallocate staff, activities, responsibilities and clusters functions within the Council's Functional Structure, whether on an interim or permanent basis. For the avoidance of any doubt, this delegated power does not cover such transfers to outside organisations.

Commented [AS26]: Updated to clarify responsibilities within this power.

39.43. To waive fees where the Chief Officer considers this to be appropriate.

44. To provide references or testimonials for current or former service providers, contractors or consultants of the Council.

45. To approve the making of payments from the funds of trusts in respect of which:

Commented [MM27]: Added to take account of full Council decision regarding trusts on 9 Dec 2019

(a) the Council is sole trustee or the only trustees are elected members of the Council, and
(b) that Chief Officer is the lead Council officer, following consultation with the Chief Officer – Finance and provided always that such payments are in accordance with the relevant trust deeds.

2. CHIEF EXECUTIVE

1. To take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:

- an emergency (as “emergency” is defined in the Civil Contingencies Act 2004), or
- any incident that requires the implementation of special arrangements in order to:
 - maintain statutory services at an appropriate level;
 - support the emergency services and other organisations involved in the immediate response;
 - provide support services for the community and others affected by the incident;
 - enable the community to recover and return to normality as quickly as possible; and
 - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda.

2. To implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

3. Following consultation with the Chief Officer - Governance and the Chief Officer – People and Organisational Development, to authorise a settlement agreement with an employee below Chief Officer level, including in relation to his/her leaving the Council’s employment.

~~3.4. Following consultation with the Chief Officer – Governance, the Chief Officer – People and Organisational Development and the Leader of the Council, to authorise a settlement agreement with an employee of Chief Officer level, including in relation to his/her leaving the Council’s employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Officer – Organisational Development, the Chief Officer – Governance and the Leader of the Council.~~

Commented [AS28]: DP3 split into two DPs to make it clearer the different action for an officer below Chief Officer level and for a Chief Officer.

3. DIRECTOR OF CUSTOMER

CHIEF OFFICER - CUSTOMER EXPERIENCE

Revenues and Benefits

1. To administer, collect and enforce recovery of council tax and non-domestic rates in accordance with appropriate regulations, legislation and council policy.
2. To assess and determine housing benefit claims, council tax reduction applications and the scheme for discretionary housing payments, grant benefit and reductions in accordance with appropriate regulations and determine appeals on such applications and claims.
3. To administer the Scottish Welfare Fund in accordance with the terms of the Welfare Funds (Scotland) Act 2015 and associated delegated legislation.
4. To write off debt in accordance with the ACC Financial Regulations.
5. ~~To enforce recovery of Housing Benefit Overpayments and unpaid Penalty Charges Notices and Bus Lane Charges Enforcement Notices in accordance with appropriate regulations, legislation and Council policy.~~
6. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the Children and Young Persons (Scotland) Act 1937 and other legislation relating to the employment of children.~~
7. ~~To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the Children and Young Persons Act 1963 and associated regulations.~~
8. ~~To award Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government~~
9. ~~To administer and award School Clothing Grants (section 23 of the Education (Scotland) Act 2016) which amends the Education Scotland Act 1980~~
10. ~~To administer the Blue Badge Scheme in accordance with the Chronically Sick and Disabled Persons Act 1970 and associated regulations.~~

Commented [AS29]: New DP - Addition to reflect operational responsibilities.

Commented [AS30]: DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

Commented [AS31]: DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

Commented [AS32]: DP transferred from CO-IC&FS to align with operational responsibilities.

Commented [AS33]: New DP - Addition to reflect operational responsibilities.

Commented [AS34]: New DP - Addition to reflect operational responsibilities.

Payroll

- 4.11. To administer the Council's payroll system.

Finance

12. To collect and enforce recovery of all service income due to the Council, excluding housing rents, in accordance with appropriate regulations and legislation.

Appeals - Parking, Bus Lanes and other Enforcement Activity

13. To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

14. To undertake, arrange to be undertaken, authorise and instruct, and to authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

15. To undertake, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team (and/or other officers) to undertake, all activity relating to the processing and issue of parking permits in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation.

This delegated power includes (but is not limited to) issuing, and approving and rejecting applications for and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue approve or reject applications for:

- contractor parking permits;
- permits for NHS medical staff (e.g. i.e. Doctors/GPs);
- permits for contractor NHS care staff;
- monthly permits for off street car parks; and
- permits for Aberdeen City Council staff;

Commented [AS35]: Both DPs Transferred from Chief Officer – Early Intervention and Community Empowerment to align with operational responsibilities.

Commented [AS36]: New DP - Addition to reflect operational responsibilities.

and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue such permits and approve or reject applications for such permits.

CHIEF OFFICER - EARLY INTERVENTION AND COMMUNITY EMPOWERMENT

Libraries

- ~~1.~~ To exercise statutory powers to provide and manage public libraries; ~~and the to provide and manage the Council's library and information service.~~
- ~~1.2.~~ To prescribe loan periods for articles borrowed from the Council's libraries and collections; and to make charges for the borrowing of items, other than books or periodicals from the Council's collections or the provision of any service provided at libraries.
- ~~2.3.~~ To grant permission for the reproduction of photographs, documents or books and to impose appropriate charges.
- ~~3.4.~~ To grant applications for permission to use accommodation within the Central Library or any community library on the usual terms, conditions and charges applying thereto.

Community Learning

- ~~5.~~ To attend to the general management of community centres and community learning centres within the Council's ownership ~~and, following determination of funding provision by Full Council, to issue funding letters to the relevant organisations.~~
- ~~4.6.~~ To manage the Creative Learning Programme.
- ~~7.~~ To provide programmes of adult education.
- ~~5.8.~~ To ~~create~~ and deliver the Community Learning and Development ~~strategy~~ Plan

Housing Allocations

- ~~9.~~ To ~~maintain a common housing register and to~~ allocate Council homes in accordance with the Council's letting and allocation policies.

Housing Tenancies

- ~~10.~~ To manage Council tenancies and housing estates in line with service policies, tenancy agreements and relevant legislation including, but not limited to, the various Housing (Scotland) Acts; and to sign, and authorise officers to sign, tenancy agreements relating to Council houses.
- ~~6.11.~~ To sign, and to authorise ~~Local Housing Managers~~ Locality Inclusion Managers to sign, Notices of Proceedings for Recovery of Possession of Council houses, in terms of the Housing (Scotland) Act 2001.
- ~~7.12.~~ To instruct, following consultation ~~with the Chief Officer – Customer Experience,~~ the raising on behalf of the Council of proceedings for recovery of possession of Council houses on any of the grounds specified in paragraphs 1 - 15 inclusive of Part 1 of schedule 2 to the Housing (Scotland) Act 2001 or otherwise in terms of that Act or on any other lawful grounds.
- ~~To authorise Locality Inclusion Managers Local Housing Managers to instruct the raising on behalf of the Council of proceedings for recovery of possession of Council houses on grounds of rent arrears, in terms of the Housing (Scotland) Act 2001.~~
- ~~8.13.~~ To deal with cases of unauthorised or irregular occupation of Council houses by persons other than the tenant and to instruct the raising on behalf of the Council of proceedings for recovery of possession of such Council houses.

Commented [AS37]: Added to reflect decision of ODC in January 2020

Commented [AS38]: New DP - Added to reflect operational responsibilities.

Commented [AS39]: updated to reflect Council policy

Commented [AS40]:
Updated to reflect current designations – changed from Local Housing Managers to Locality Inclusion Managers.

Commented [AS41]:
Updated to include in following consultation with the Chief Officer – Customer Experience, to align with operational responsibilities.

Commented [AS42]:
Deleted as covered by DP10

9-14. To make decisions, and take or instruct all necessary action, in relation to succession to Council house tenancies and vacancy and abandonment of Council houses.

10-15. To authorise home loss and discretionary payments under the provisions of the Land Compensation (Scotland) Act 1973, schedule 2 of the Housing (Scotland) Act 2001 and related legislation, regulations and guidance.

Housing Revenue Account

16. To authorise payments from the Housing Revenue Account as required to maintain the wellbeing of tenants.

17. To maintain a current Housing Revenue Account Business Plan.

18. To ~~write off~~ following consultation ~~with the Chief Officer – Customer Experience~~, -Former Tenants' Arrears and associated housing debts in accordance with the ACC Financial Regulations, ~~reporting any such instances to City Growth and Resources Committee~~.

Commented [AS43]: Updated wording to align with organisational responsibilities and to include provision to report to CG&R Committee.

Property Factoring

19. To act as the Responsible Person for the purposes of section 3 of the Property Factors (Scotland) Act 2011.

Communities

20-21. To ~~administer~~ funding, develop and maintain appropriate ~~scrutiny and governance~~ arrangements for the Fairer Aberdeen Fund and the Common Good Fund.

Commented [AS44]: Added scrutiny to reflect role undertaken.

21-22. To deliver participatory budgeting, following consultation with the Convener of the City Growth and Resources Committee and the Chief Officer - Finance, provided that sufficient budgetary provision exists for the purpose for which the participatory budgeting process is being delivered.

22-23. To update and maintain Locality ~~Improvement~~ Plans.

Commented [AS45]:
Updated terminology

24. Following consultation with the Chief Officer - Governance, to create, amend and implement procedures concerning the Community Empowerment (Scotland) Act 2015, including in relation to Participation Requests, all in accordance with Council policy.

23-25. To ~~create~~~~undertake~~ and report to ~~Committee~~ on the Council's Child Poverty Action Plan and ~~Child Poverty Action Report~~.

Commented [AS46]: New DP - Addition to reflect operational responsibilities.

Homelessness

26. To undertake the Council's statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing (Scotland) Acts.

24-27. To ~~create~~ and monitor the implementation of the Council's Rapid Rehousing Transition Plan.

Commented [AS47]:
New DP - Addition to reflect operational responsibilities.

25-28. To provide out of hours emergency services for homeless persons, including the carrying out of urgent repairs.

26-29. To assess homeless applications and provide a range of temporary and permanent accommodation in accordance with the Housing (Scotland) Acts and Homelessness (Scotland) Act 2003.

27-30. To administer a homelessness prevention fund in order to prevent and reduce instances of homelessness.

~~28.31.~~ To increase the relative priority of homeless families and couples where the short-term supply and demand for housing is impacting on the Council's statutory duty to offer appropriate permanent housing.

~~29.32.~~ To write off debts, following consultation with the Chief Officer – Customer Experience, in relation to homelessness in accordance with the ACC Financial Regulations.

Commented [AS48]:
Updated wording to align with organisational responsibilities.

Antisocial Behaviour

~~30.33.~~ To prepare and review a Local Antisocial Behaviour Strategy, in consultation with the Chief Constable of the Police Service of Scotland, as required by Part 1 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~34.~~ To authorise relevant officers to implement Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~35.~~ To authorise applications for Antisocial Behaviour Orders (ASBOs) and interim ASBOs, to revoke or extend ASBOs, and the taking of other legal actions or measures under the Crime and Disorder Act 1998 and the Antisocial Behaviour etc. (Scotland) Act 2004.

~~31.36.~~ To authorise action under Part 7 (Housing: Antisocial behaviour notices) of the Antisocial Behaviour etc. (Scotland) Act 2004.

Equalities

~~32.37.~~ To manage and support encampments of Gypsy and Travelling Community to ensure that the needs of both the Gypsy and Travelling Community and the settled community are being met and liaise with the Chief Officer - Governance in cases of unauthorised encampments in considering whether to seek legal action for eviction on Council owned land.

~~33.38.~~ To provide services to travelling persons including, but not limited to, the management and maintenance of a site for travelling persons.

~~34.39.~~ To ensure that the Council complies with the Equality Act 2010 and its public sector general equality duty and specific equalities duties.

~~35.40.~~ To engage with marginalised and seldom heard equality and communities of interest groups so that their issues and needs can be identified and addressed where appropriate in Council policy, plans and strategies.

~~36.41.~~ To develop, publish, support, monitor and review the Council's Gaelic Action Plan.

~~37.42.~~ To develop, publish, support, monitor and review the Council's BSL (British Sign Language) Action Plan.

Terrorism

~~40.~~ ~~To advise the Council on strategies and policies for the development and implementation of counter-terrorism programmes.~~

Commented [AS49]:
Removed as not a decision making delegation.

Parking, Bus Lanes and other Enforcement Activity

~~38.43.~~ To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic

Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a appointing and authorising City Wardens and other officers to be parking attendants and to issue Penalty Charge Notices; and

~~b issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates;~~

~~c taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges); and~~

~~eb~~ taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to the immobilisation, removal, storage and disposal of vehicles.

Commented [A550]: Sections b and c in respect of appeals transferred to CO-CE to align with operational responsibilities.

~~39. To~~ undertake, arrange to be undertaken, authorise and instruct, and to authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to) :-

~~40.44. and~~ issuing, and authorising ~~officers in the Parking and Bus Lane Appeals Team~~ City Wardens and other officers to issue, ~~Charge Notices and Charge Certificates,~~ and

~~a taking, authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges);~~

Commented [A551]: Section b transferred to CO-CE to align with operational responsibilities.

~~41.45.~~ To instruct, and to authorise City Wardens and other officers to undertake, environmental enforcement activity in terms of the Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, Smoking, Health and Social Care (Scotland) Act 2005 and any other legislation relevant to public health.

~~42.46.~~ To authorise City Wardens and other officers to issue fixed penalty notices in terms of the Dog Fouling (Scotland) Act 2003.

Private Sector Housing

47. To:

a Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;

b Make third party applications to the Housing and Property Chamber First-Tier Tribunal for Scotland under Chapter 4, Housing (Scotland) Act 2006; and

c Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the

Commented [A552]: Transferred from CO-OPS DPs to align with operational responsibilities.

Integration Joint Board approved budget available for the purpose and in accordance with approved policies.

48. To:-

- a** Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;
- b** Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;
- c** Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;
- d** Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;
- e** Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;
- f** Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;
- g** Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and
- h** Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.

49. To:-

- a** Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;
- b** Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and
- c** Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.

50. To authorise the Private Sector Housing Strategy Officer to instruct the Chief Officer - Governance to prepare and sign "Notice of Potential Liability for Costs" as and when required.

Commented [MM53]: Deleted the Housing Strategy and Performance Manager – incorrect title

CHIEF OFFICER - DIGITAL AND TECHNOLOGY

1. To engage with potential suppliers and to pilot new information and communications technologies (ICT) systems, subject to the ACC Procurement Regulations.
2. ~~To implement hardware and software ICT solutions to meet business needs.~~ To determine and implement hardware and software ICT solutions, including the application or removal of restrictions and tools, to meet business needs and to protect the security of the Council's ICT systems.
3. To alter ICT service hours and availability of ICT support.

Commented [MM54]: To recognise that the CO requires flexibility to proactively take action to prepare for or respond to information security weaknesses/cyber attacks as well as adapt to newly developed technology.

4. DIRECTOR OF COMMISSIONING

1. To exercise all powers delegated to him/her in terms of the ACC Procurement Regulations.
2. To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a Direction from the Integration Joint Board to the Council and/or a relevant business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works) or the turnover from the contract is estimated to be £4.5m or more (concessions), subject to the approval of the Chief Officer - Finance and the Head of Commercial and Procurement Services.

Commented [AS55]: Updated to reflect concession contracts and to align with the change to the Procurement Regulations

HEAD OF COMMERCIAL AND PROCUREMENT SERVICES

1. To have overall responsibility for creating and amending procurement procedures in terms of the ACC Procurement Regulations and in accordance with Council policy.
2. To ensure that the Procurement Manual relevant Procurement Guidance Notes are in place and that necessary revisions are made to these it on a regular basis to reflect changes in legislation, Council policy or good practice, in terms of the ACC Procurement Regulations.
3. To exercise all responsibilities and powers delegated to him/her under the ACC Procurement Regulations.
4. To sub-delegate his/her responsibilities and powers under the ACC Procurement Regulations to managers and team leaders within his/her Service.
5. To approve the entering into, variation, extension or termination of any contract or agreement in circumstances where, following after consultation with the relevant Chief Officer (or his/her deputy or nominee), he/she is satisfied that it is competent and in the interests of the Council to do so.
- 5-6. To sign (and to authorise the Team Leader of the Commercial Legal Team to sign) contracts, agreements, notices and other documents to which the Council is a party.
- 6-7. To authorise the entering into of an agreement with any person (including another local authority) for:
 - a. the supply by the Council to that person of any goods or materials;
 - b. the provision by the Council for that person of any services;
 - c. the use by that person of any property belonging to or facilities under the control of the Council and, without prejudice to paragraph (b) above, the placing at the disposal of that person of the services of any person employed in connection with the property or facility in question;
 - d. the carrying out by the Council of works of maintenance in connection with land or buildings for the maintenance of which the person is responsible;subject to compliance with the Local Authorities (Goods and Services) Act 1970 and any other relevant legislation, and Aberdeen City Council keeping trading accounts for the relevant trading operation in accordance with proper accounting practices.
- 7-8. To arrange and effect, and to authorise the Insurance Officer to arrange and effect, all insurance cover on behalf of the Council.

Commented [AS56]: Replacement of "Procurement Guidance notes" with "Procurement Manual" to reflect current terminology.

Commented [AS57]: Updated to reflect Team Leader of Commercial Legal Team

Commented [AS58]: Reviewed wording to provide greater clarity.

Commented [AS59]: New DP for Head of Commercial and Procurement. The Chief Officer – Governance already has this DP and has, up until now, authorised officers in C&P to do this via a sub-delegation, however it would be preferable for the Head of C&P to have it as well to avoid sub-delegation as the person who is sub-delegating retains responsibility for the actions of the person they have given authority to and where they are C&P matters the Chief Officer – Governance is often not involved.

8.9. To settle or repudiate, and to authorise the Insurance Officer and other officers to settle or repudiate, all claims made against the Council which involve the Council's insurers. Such settlement or repudiation shall follow consultation with other officers where necessary.

9.10. To agree minor amendments to the Memorandum and Articles of Association of Arm's Length External Organisations (ALEOs) of the Council where those amendments do not alter the extent of the Council's control over that ALEO, and to execute written resolutions or vote at a general meeting of an ALEO on behalf of the Council in relation thereto.

Commented [AS60]: New DP - Additional delegation to deal with minor amendments to the Articles of Association of an ALEO that really has no material impact on the Council.

**CHIEF OFFICER - BUSINESS INTELLIGENCE AND PERFORMANCE
MANAGEMENT**

1. To put in place an appropriate framework and internal controls across all functions which provide assurance of effective and efficient organisational performance against the Council's outcomes.
2. To put in place an appropriate control environment and effective internal controls which provide assurance of adherence with the requirements of Statutory Performance Indicators for the statutory duty of Public Performance Reporting.
3. To authorise the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy, and procedures and guidance; and to approve, implement and amend procedures relating to data protection and the GDPR.

Commented [AS61]: Transferred from CO-Governance to align with operational responsibilities.

5. CHIEF OPERATING OFFICER

CHIEF OFFICER - INTEGRATED CHILDREN'S AND FAMILY SERVICES

Education

1. ~~To take steps to~~ discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education), and in doing so:
 - a. having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standards in Scotland's Schools etc. Act 2000);
 - b. endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of that Act); and
 - c. raising standards in Scotland's schools (section 3D of that Act).
2. To prepare an accessibility strategy under the Education (Disability Strategies and Pupil's Educational Records) (Scotland) Act 2002.
3. To operate cross border arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980).
4. To make decisions as to limiting the capacity of schools, the management of roll capping and the reservation of school places in both primary and secondary school.
5. To set school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980).
6. To make decisions on requests for deferred entry to schools.
7. To admit children to pre-school education (Children and Young People (Scotland) Act 2014).
8. To administer the Council's scheme of Devolved School Management.
9. To consider applications for early entry to school.
10. ~~To manage and determine~~ make decisions on placing requests, including the publishing of information on arrangements in accordance with the provisions of sections 28A and 28B, and representing the Council at any placing appeal committee in accordance with sections ~~28E-28C~~ or ~~28F-28E~~, of the Education (Scotland) Act 1980.
11. ~~To manage and determine~~ make decisions on placing requests under schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 and represent the Council at any placing appeal committee or ~~Additional Support Needs Tribunal~~ First-tier Tribunal.
12. To agree or refuse requests for access to pupil educational records in accordance with the Pupils' Educational Records (Scotland) Regulations 2003.
13. To enforce attendance at school, including the serving of notices, making and issuing Attendance Orders and instructing proceedings against parents in respect of children's nonattendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980).

Commented [AS62]: Clearer wording of power.

Commented [AS63]: Changed "manage and determine" to "make decisions on" to make the power clearer and to try and use consistent language throughout. Also section numbers refined for accuracy

Commented [AS64]: Changed "manage and determine" to "make decisions on" to make the power clearer and to ty and use consistent language throughout and ASNT no longer exists under that name.

14. To allow pupils to miss school (section 34 of the Education (Scotland) Act 1980).
15. To exclude pupils from school (regulation 4 of the Schools General (Scotland) Regulations 1975) and represent the Council at any exclusions appeal committee in accordance with section 28H of the Education (Scotland) Act 1980 or at the First-Tier Tribunal
16. To promote the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006).
17. To provide support and guidance to Parent Councils (Scottish Schools (Parental Involvement) Act 2006).
18. To consider applications and award bursaries (section 49 of the Education (Scotland) Act 1980).
19. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the~~
20. ~~To discharge the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937) and other legislation relating to the employment of children.~~
- 21-20. Following consultation with the Chief Officer - People and Organisational Development, to sign agreements reached by the Local Negotiating Committee for Teachers.
- 22-21. To provide or arrange in-service training for staff.
- 23-22. To provide the education authority's representatives on the Appointment Committees for all Statutory Appointments.
24. ~~To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.~~
- 25-23. To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).
- 26-24. To consult on, prepare and publish a two year plan for day care services to children in need in terms of section 19 of the Children (Scotland) Act 1995 and section 55 of the Children and Young People (Scotland) Act 2014.
- 27-25. To provide early learning and childcare under section 27 of the Children (Scotland) Act 1995.
28. ~~To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.~~
- 29-26. To submit a proposal which affects or relates to denominational schools to the Scottish Ministers for their consent in accordance with the Schools (Consultation) (Scotland) Act 2010.
- 30-27. To implement the duties and exercise the powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004.
- 31-28. To implement the duties and exercise the powers set out in the Education (Scotland) Act 2016.
- 32-29. To consent to the withdrawal of children from school in terms of the Education (Scotland) Act 1980.

Commented [EF65]: This was missing. Whilst Exclusion appeals have not yet transferred to the Tribunal, and may not – this future proofs this power.

Commented [AS66]: Transferred to CO – Customer Experience to align with operational responsibilities.

Commented [AS67]: Transferred to CO – Customer Experience to align with operational responsibilities

Commented [AS68]: Transferred to CO – City Growth to align with operational responsibilities.

Commented [AS69]: Transferred to CO – Corporate Landlord to align with operational responsibilities.

33-30. To authorise the approval of early retirement requests from teachers and non-teaching staff within the function in accordance with agreed policy.

34-31. To offer recruitment and retention incentive payments for hard to fill professional teaching posts.

35-32. To sign and date co-ordinated support plans in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 and the Education (Co-ordinated Support Plan) (Scotland) Regulations 2005.

36-33. To provide transport for pupils and students (section 51 of the Education (Scotland) Act 1980).

37-34. To provide child guidance services (section 4 of the Education (Scotland) Act 1980).

38-35. ~~To make decisions about the provision of other food and drink to pupils who are eligible for free school meals e.g. breakfast and the provision of school food and drink for non-eligible children and whether or not to charge for such provision (section 53 of the Education (Scotland) Act 1980). To provide school meals (section 53 of the Education (Scotland) Act 1980).~~

39-36. To provide clothing (section 54 of the Education (Scotland) Act 1980).

~~**40.** To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the (Children and Young Persons Act 1963) and associated regulations.~~

~~**41-37.** To award Education Maintenance Allowances (section 72(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government. currently sits with financial inclusion service (dereks team I think)~~

Commented [AS70]: Updated to clarify responsibilities and to reflect that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS

Commented [AS71]:
Transferred to CO – Customer Experience to align with operational responsibilities.

Commented [AS72]:
Transferred to CO – Customer Experience to align with operational responsibilities.

Children's Social Work

42-38. To delegate the Chief Social Work Officer role to Lead Service Managers when the Chief Officer - Integrated Children's and Family Services is absent or as otherwise required. Any such delegation shall be made in writing.

43-39. To take necessary steps to discharge the Council's duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, the Adoption and Children (Scotland) Act 2007, the Looked After Children (Scotland) Regulations 2009, the Adoption Agencies (Scotland) Regulations 2009 and other legislation relating to children's social work matters.

44-40. Where the carer of a person over 18 years of age is a child under 18 years of age, to assist Health and Social Care staff to assess the carer's needs and provide information about the assessment in terms of sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968 and the Carers (Scotland) Act 2016.

45-41. To make direct payments to individuals to allow them to purchase community care services or, if they are disabled, to assist them to care for their children (aged up to 18 years) under the Social Care (Self-directed Support) (Scotland) Act 2013.

- 46.42.** To make direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children's services under the Social Care (Self-directed Support) (Scotland) Act 2013.
- 47.43.** To bury or cremate any child or young person who was in the care of, or receiving help from, the Council immediately before their death in terms of section 28 of the Social Work (Scotland) Act 1968.
- 48.44.** To decide whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals, in terms of section 20 of the Social Work (Scotland) Act 1968.
- 49.45.** To provide and maintain whatever residential and other establishments are needed for the Council's functions under Part II of the Children (Scotland) Act 1995.
- 50.46.** To recover from other local authorities any costs for services provided to people ordinarily resident in the areas of those authorities under the Social Work (Scotland) Act 1968, in terms of section 86 of that Act.
- 51.47.** To authorise the following finance-related matters in accordance with ACC Financial Regulations and Council policies:
- a. reimbursing carers and substitute carers for loss or damage (ex gratia) of up to ~~£500~~£1000,
 - b. reimbursing staff for loss or damage (ex gratia) of up to ~~£500~~£1000;
 - c. making payments to staff for emergency expenses (ex gratia) of up to £50; and
 - d. reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (ex gratia), where it would be in the interests of the Council to maintain goodwill.
- 52.48.** To provide reports and information to the courts in private law proceedings in terms of section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995.
- 53.49.** To assess and recover contributions for "maintainable" children looked after by the Council in terms of sections 78 to 82 of the Social Work (Scotland) Act 1968.
- 54.50.** Where there is an assessed need, to pay allowances to people who have children and young people residing with them in terms of section 50 of the Children Act 1975.
- 55.51.** To provide an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007.
- 56.52.** To supervise and provide reports to the court in respect of non-agency adoptions in terms of sections 18 and 19 of the Adoption and Children (Scotland) Act 2007.
- 57.53.** To take necessary or facilitative steps to implement arrangements for the adoption of children.
- 58.54.** To provide adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007.
- 59.55.** To approve and pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007.

Commented [AS73]:

To amend DP 50 to increase the figure from £500 to £1000 to ensure that carers and staff are not left in a financially detrimental position as a result of loss or damage.

- 60-56.** To secure the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984).
- 61-57.** To publish information about services for children in terms of section 20 of the Children (Scotland) Act 1995.
- 62-58.** To safeguard and promote the welfare of children looked after by the Council and give them the opportunity to fulfil their potential in terms of section 17 of the Children (Scotland) Act 1995.
- 63-59.** To safeguard and promote the welfare of children in need, giving help “in kind or in cash” in terms of section 22 of the Children (Scotland) Act 1995.
- 64-60.** To minimise the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment in terms of sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the Social Care (Self-directed Support) (Scotland) Act 2013.
- 65-61.** To provide accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it, in terms of section 25 of the Children (Scotland) Act 1995.
- 66-62.** To provide accommodation in terms of section 25 of the Children (Scotland) Act 1995.
- 67-63.** To provide accommodation and maintenance for children looked after by the Council in terms of section 26 of the Children (Scotland) Act 1995.
- 68-64.** To provide after-care for children (under 26 years of age) who were previously looked after by a local authority in terms of section 29 of the Children (Scotland) Act 1995 and continuing care under section 26A of the Children (Scotland) Act 1995.
- 69-65.** To provide financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age in terms of section 30 of the Children (Scotland) Act 1995.
- 70-66.** To review cases of children looked after by the Council in terms of section 31 of the Children (Scotland) Act 1995.
- 71-67.** To remove children from residential establishments in terms of section 32 of the Children (Scotland) Act 1995.
- 72-68.** To accept responsibility for orders made in respect of children in other parts of the United Kingdom where the child is now ordinarily resident in Aberdeen in terms of section 33 of the Children (Scotland) Act 1995.
- 73-69.** To provide short-term refuges where a child may be at risk of harm in terms of section 38 of the Children (Scotland) Act 1995.
- 74-70.** To make enquiries and provide information to the Principal Reporter to the Children’s Panel where children may need compulsory measures of care in terms of section 60 of the Children’s Hearings (Scotland) Act 2011.

75-71. Where a child may be at risk of significant harm, to investigate the matter and if need be apply for the following orders:

- Child Assessment Order (under section 35 of the Children’s Hearings (Scotland) Act 2011);
- Child Protection Order (under sections 37 to 39 of the Children’s Hearings (Scotland) Act 2011);
- Emergency Child Protection Order to a Justice of the Peace (under section 55 of the Children’s Hearings (Scotland) Act 2011); and
- Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995).

76-72. To provide reports on children and their social background for a Children’s Hearing in terms of section 66 of the Children’s Hearings (Scotland) Act 2011.

77-73. To implement the measures contained in Orders made by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

78-74. To recommend that a Compulsory Supervision Order is reviewed by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

79-75. Where assessed as necessary, to apply to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007.

80-76. To apply for variation or revocation of a Permanence Order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007.

81-77. To provide information to the Courts and arrange accommodation for the detention of children being prosecuted for, or convicted of, criminal offences in terms of sections 42, 43, 44 and 51 of the Criminal Procedure (Scotland) Act 1995.

82-78. To make purchases, outside the central purchasing arrangements, of necessary food, clothing and other essential items for children in care of the Council and living within the Council’s residential establishments for young people.

83-79. To offer recruitment and retention incentive payments for hard to fill professional social work posts.

84-80. To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).

85-81. To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

86-82. To place a child in foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

87-83. To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.

CHIEF EDUCATION OFFICER

1. To approve, in consultation with the Early Learning and Childcare Programme Board, specific grants from the Partner Providers Grant Funding Scheme, to individual Early Learning and Childcare Providers, to support infrastructure projects and increase quality provision for the delivery of expanded hours of Early Learning and Childcare.

Commented [AS74]: New section – power below added to reflect decision of CG&R Committee.

CHIEF OFFICER - OPERATIONS AND PROTECTIVE SERVICES

Roads and Infrastructure Services

1. To maintain a list of public roads including classification of roads network.
2. To manage and maintain all roads on a list of public roads including power to reconstruct, alter, widen, improve or renew any such road within approved budgets.
3. To exercise the control of road occupations, reporting to the next relevant committee if any member objects to the proposed decision.
4. To manage and implement the requirements of the New Roads and Street Works Act 1991.
5. To implement arrangements for both temporary and permanent traffic management and related street furniture.
6. To commence and complete the statutory procedure set out in the Local Authorities Traffic Order (Procedure) (Scotland) Regulations 1999 and undertake all necessary preparation prior to making orders under the Road Traffic Regulation Act 1984, sections 1, 2 and 4 (road traffic orders), only bringing the matter before the Operational Delivery Committee where, following consultation with such members as the Chief Officer deems appropriate, an objection is received or where there are unresolved outstanding objections arising from the statutory/ public consultation process.
7. To make and sign permanent traffic orders and implement them where the statutory/public consultation process yields no objections or, where objections have been received, the orders have gained the appropriate committee approval; and to authorise second tier and third tier roads officers to sign and implement such orders in these circumstances.
8. To make and sign, and to authorise second and third tier roads officers to sign, temporary traffic orders.
9. To commence and complete the statutory procedure set out in the Road Humps (Scotland) Regulations 1998 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to road humps, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
10. To commence and complete the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to stopping up and redetermination, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
11. To exercise operational management of “on-street” and “off-street” parking facilities.
12. To authorise the removal of private vehicles which have unpaid Penalty Charges Notices recorded against them in accordance with the Road Traffic Regulation Act 1984, Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation

Order 2003 and the Removal and Disposal of Vehicles Regulations 1986 and any other relevant legislation.

13. To represent the Council's interests with regard to coast protection and flood prevention matters including the development of the Flood Risk Management Plan.

13-14. To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications

Commented [AS75]: New DP - Reflects practice and mirrors the power available to Environmental Services.

Environmental Services

14. In accordance with the Burial and Cremation (Scotland) Act 2016 and associated Regulations:

- following consultation with the Chief Officer - Finance, to accept bequests requiring provision by the Council for the upkeep and maintenance in perpetuity of individual graves and tomb stones in cemeteries under the control of the Council in such cases where the amount of the bequest is sufficient to cover the cost of maintenance and upkeep of the grave and of any tombstone;
- to act as Registrar of Burials and Cremations and to act as the keyholder for crematorium buildings;
- to ensure the proper disposal of the ~~dead~~ deceased while taking into account requests of the bereaved;
- to operate the Council's crematorium and to maintain, renew and repair the crematorium buildings;
- to provide facilities for and make available memorials to the ~~deceased~~ deceased;
- to manage arrangements for appointments and statutory paperwork for disposal of the ~~dead~~ deceased, including implementing, monitoring and maintaining systems and records of any disposal of the ~~dead~~ deceased and issuing any extracts of such records;
- to maintain identification of the remains throughout the process of cremating the ~~deceased~~ deceased; and
- to arrange for the supervision of exhumations.

Commented [AS76]: Amended terminology to align with other sections of the PDOs.

Commented [AS77]: Amended terminology to align with other sections of the PDOs.

15. To carry out the Council's duties in regards to the Wildlife and Natural Environment (Scotland) Act 2011.

16. Following consultation with the Chief Officer - Governance, to negotiate, authorise and sign agreement(s) with NHS Grampian and their associated funeral service provider(s) to bury or cremate pregnancy loss provided by NHS Grampian, all in accordance with Scottish Government guidance and best practice.

16-17. To approve and execute allotment site regulations, make minor amendments to such regulations and administer and manage allotments, including granting, varying and terminating allotment leases and maintaining a list of individuals who request allotments, all in terms of the Community Empowerment (Scotland) Act 2015 and other relevant legislation.

Commented [AS78]: New PDO added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015 and other relevant legislation and to enable the CO to approve and sign off the Regulations currently out for consultation

Waste Services

17. To set commercial waste charges.
18. To authorise officers to enforce the provisions of the Environmental Protection Act 1990.
19. To remove and dispose of abandoned vehicles in terms of the Refuse Disposal (Amenity) Act 1978.
20. To authorise officers to remove, store and return to any owner any bin blocking a street.
21. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to agree that, notwithstanding the terms of the Council's Waste Service Contract, the commencement and handover dates have been achieved, provided that the Altens East Plant operator shall continue to use its reasonable endeavours to ensure the Altens East Plant Contractor passes the Plant Function Tests and Mass Balance Tests (as those terms are defined in the Waste Service Contract).
22. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to approve expenditure on repairs and maintenance to sites owned by the Council, that are procured by the Altens East Plant operator on behalf of the Council, provided that the Altens East Plant operator conducts the procurement in accordance with the ACC Procurement Regulations and that the expenditure is capable of being met from existing budgets.
23. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree non material variations or supplemental agreements to the Waste Service Contract, including but not limited to, or as a consequence of:-
 - variations necessitated due to a change in taxation and/or any applicable legislation or subordinate legislative provision, EU regulation or directive having direct effect, provision of common law or other binding law, requirement of any authorisation, licence, permission, consent or permit or rule of any court of competent jurisdiction and any local, national or supranational agency, inspectorate, minister, ministry, official or public or statutory person (whether autonomous or not), or of the government of the United Kingdom or the European Union, which exists at any time during the life of the contract;
 - the approval of fixed term waste trials;
 - amendments to reporting requirements;
 - changes in the price index used for the indexation of elements of the contract prices; and
 - the approval of repairs and maintenance of sites owned by the Council that are serviced by the Altens East Plant operator under the Waste Management Services contract (for example Ness Farm, Hill of Tramaud).
24. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree variations to the Waste Management Services Contract following a decision of the Council to:-
 - a. change its waste collection operations;

- b. change the opening hours of Council sites serviced by the Altens East Plant operator under the Waste Services Contract;
 - c. close Council owned facilities currently serviced by the Altens East Plant operator under the Waste Services Contract; and
 - d. add new facilities to be serviced by the Altens East Plant operator under the Waste Services Contract.
25. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement **Services** and the Convener of the Operational Delivery Committee, to negotiate and conclude the variations necessary to the Waste Management Services Contract in relation to the acceptance of third party recycle and/or residual waste at Altens East Plant provided that the nature of those variations results in a net reduction of the Council's operational costs of the Altens East Plant.
26. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement **Services** and the Convener of the Operational Delivery Committee, to give Suez consent to bid for:-
- a. the inclusion of the Altens East Plant on framework agreements for waste and recycling services; and
 - b. individual contracts to provide waste and recycling services to third parties (i.e. other local authorities or commercial entities) using the Altens East Plant to process the waste and/or recycle, as and when such opportunities arise, contingent upon the variation to the Waste Services Contract in number 25 above having been concluded.

Protective Services

- 43-51.** To authorise officers as required in respect of the rights of entry and inspection contained in section 5 of Part I of the Civic Government (Scotland) Act 1982.
- 44-52.** To authorise the issue of Certificates under section 39(4) of the Civic Government (Scotland) Act 1982 regarding the compliance of vehicles, kiosks or moveable stalls with relevant regulations made under section 1(3) of the Food Safety Act 1990.
- 45-53.** To authorise the issue of Certificates under section 50 of the Licensing (Scotland) Act 2005 regarding the compliance of premises with regulations made under section 1(3) of the Food Safety Act 1990 relating to construction, layout, drainage, ventilation, lighting and water supply or concerned with the provision of sanitary and washing facilities.
- 46-54.** To take such action as is necessary with regard to the administrative arrangements under Part 1 of the Food and Environmental Protection Act 1985.
- 47-55.** To authorise persons, under section 5 of the Food Safety Act 1990, to act in matters arising under the said Act.
- 48-56.** To appoint, under Regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006, authorised officers for the purpose of enforcing the said Regulations.

49-57. To designate, under section 5 of the Public Health etc. (Scotland) Act 2008, an appropriate number of competent persons for exercising, on behalf of the Council, the functions relating to protection of public health contained in the Act.

50-58. To:

- i. enforce and ensure compliance with (and authorise officers to enforce and ensure compliance with) the Health and Safety at Work etc. Act 1974; and
- ii. appoint as inspectors under section 19 of that Act such persons as he/she considers necessary for carrying into effect the provisions of that Act and other relevant statutory provisions and, in each case, delegate to those persons the powers to be exercised by them.

51-59. To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.

52-60. To undertake Port Health duties under the Public Health (Scotland) Act 1945 and the Airports Authority Act 1965.

53-61. To enforce and ensure compliance with (and to authorise officers to enforce and ensure compliance with) the relevant environmental health and public health provisions of the following legislation:

- a Prevention of Damage by Pests Act 1949;
- b Public Health (Scotland) Act 2008;
- c Caravan Sites and Control of Development Act 1960;
- d Private Water Supplies (Scotland) Regulations 2006;
- e Water Supply (Water Quality) (Scotland) Regulations 2000;
- f Housing (Scotland) Act 1987;
- g Housing (Scotland) Act 2006;
- h Housing (Scotland) Act 2001;
- i Control of Pollution Act 1974;
- j Noise and Statutory Nuisance Act 1998;
- k The Clean Air Act 1993;
- l Civic Government (Scotland) Act 1982;
- m Dog Fouling (Scotland) Act 2003 (pursuing recovery of unpaid fixed penalties and notifying the Procurator Fiscal of requests for hearings);
- n Environmental Protection Act 1990;
- o Control of Dogs (Scotland) Act 2010;
- p any legislation relating to hazardous substances or radiation; and
- q any other legislation relating to environmental health or public health matters.

54-62. To grant, manage and revoke licences under the Caravan Sites and Control of Development Act 1990 (as amended).

55-63. To engage, as required, temporary staff in the event of an emergency mortuary being required for use, having regard to the scale of the emergency.

56-64. To authorise officers under section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 to exercise the powers contained in section 7 and also in schedule 1 to the Act.

57-65. To appoint and authorise Licensing Standards Officers to exercise powers in terms of section 13 of the Licensing (Scotland) Act 2005.

58-66. To authorise officers to enforce the appropriate provisions of the following legislation:-

- a Animal Boarding Establishments Act 1963;
- b Animal Health Act 1981;
- c Animal Health and Welfare (Scotland) Act 2006;
- d Breeding of Dogs Act 1973;
- e Breeding and Sale of Dogs (Welfare) Act 1999;
- f Dangerous Wild Animals Act 1976;
- g Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009;
- h Performing Animals (Regulation) Act 1925;
- i Pet Animals Act 1951;
- j Riding Establishments Act 1964 and Riding Establishments Act 1970;
- k Zoo Licensing Act 1981;
- l Animal By-Products (Scotland) Regulations 2003; and
- m Animal By-Products (Scotland) (Enforcement) Regulations 2013.

59-67. To authorise any official veterinary surgeon, acting for the Council, for any of the statutory purposes for which an official veterinary surgeon is required.

60-68. To appoint a chief inspector of weights and measures and authorise appropriately qualified officers to exercise the statutory functions of the Council as a local weights and measures authority.

61-69. To authorise the chief inspector of weights and measures to exercise the powers conferred on the Council, in its capacity as the local weights and measures authority, by consumer protection and trading standards legislation.

62-70. To exercise the Council's power to grant and refuse, renew, vary or revoke a petroleum storage certificate or a petroleum storage licence in terms of the Petroleum (Consolidation) Regulation 2014.

63-71. To authorise officers of the Trading Standards Service to issue, vary and revoke product safety notices under section 14 of the Consumer Protection Act 1987 and regulations 11 to 15 of the General Product Safety Regulations 2005.

64-72. To authorise officers of the Trading Standards Service to exercise the powers contained in the Tobacco and Primary Medical Services (Scotland) Act 2010.

65-73. To authorise officers of the Environmental Health and Trading Standards Services to enforce the Single Use Carrier Bags (Scotland) Regulations 2014.

66-74. To authorise officers of ~~the~~ Trading Standards Scotland ~~Investigations Team~~ to carry out specific trading standards and consumer protection enforcement work within Aberdeen City Council's jurisdiction.

Commented [AS79]: Updated title

67-75. To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications.

68-76. To appoint a public analyst and Food Examiner to perform the duties detailed in the relevant sections of the Food Safety Act ~~1990~~1960.

Commented [AS80]: Correct date

69-77. To appoint an Agriculture Analyst under section 67 of the Agriculture Act 1970.

70-78. To exercise the Council's power to grant, renew or amend an Explosives Licence in terms of the Explosives Regulations 2014.

71-79. To exercise the Council's power to refuse to issue or to revoke an Explosives Licence in terms of the Explosives Regulations 2014.

72-80. To exercise the Council's power to issue or refuse assent for an Explosives Licence, where the application is made to another relevant licensing authority in terms of the Explosives Regulations 2014.

73-81. To exercise the Council's power to issue or to refuse to issue or to revoke a licence to supply fireworks outwith the restricted dates in terms of the Fireworks Regulations 2004.

82. To establish, hold, manage, regulate and administer markets in accordance with section 27 of the Local Government and Planning (Scotland) Act 1982, to otherwise exercise all powers under section 27 in relation to those markets (except the power to make byelaws) and to take all decisions relating to the day-to-day administration of those markets.

82. [To deliver free school meals to eligible school pupils \(section 53 of the Education \(Scotland\) Act 1980\).](#)

Commented [MM81]: Added to reflect responsibilities that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS.

Private Sector Housing

74. To:

a ~~Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;~~

b ~~Make third party applications to the Housing and Property Chamber First Tier Tribunal for Scotland, under Chapter 4, Housing (Scotland) Act 2006; and~~

Commented [AS82]: Complete PSH sectioned transferred to CO-EI&CE to align with organisational responsibilities

~~c—Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the Integration Joint Board approved budget available for the purpose and in accordance with approved policies.~~

~~75.—To:—~~

- ~~a—Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;~~
- ~~b—Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;~~
- ~~c—Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;~~
- ~~d—Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;~~
- ~~e—Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;~~
- ~~f—Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;~~
- ~~g—Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and~~
- ~~h—Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.~~

~~76.—To:—~~

- ~~a—Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;~~
- ~~b—Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and~~
- ~~c—Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.~~

~~77.—To authorise the Housing Strategy and Performance Manager and the Private Sector Housing Strategy Officer to instruct the Chief Officer—Governance to prepare and sign “Notice of Potential Liability for Costs” as and when required.~~

6. DIRECTOR OF RESOURCES

1. ~~To determine all matters (including Business Cases) submitted or referred to the Establishment Control Board.~~
2. ~~To approve (or to nominate a person as having authority to approve) any procurement, contract and/or business case for the inclusion of a project onto the Council's Capital Programme, as a result of a decision of the Aberdeen City Region Deal Joint Committee and/or a relevant business case, where the estimate value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or the turnover from the contract is estimated to be £4.5m or more (concessions), following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services.~~
2. ~~To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a decision of the Pensions Committee and/or a relevant procurement business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or turnover from the contract is £4.5m or more (concessions) following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services.~~
3. ~~To approve outline, full and procurement business cases for all capital projects approved as part of the budget process for the purposes of capital processes and Procurement Regulations, following consultation with the Chief Officer – Capital, Head of Commercial and Procurement -and Conveners of the Capital Programme Committee and the City Growth and Resources Committee and undertake all necessary procurement exercises for each of these capital projects within budget allocated, following consultation with the Head of Commercial and Procurement Services, and thereafter enter into to authorise the entering into any necessary contracts.~~

Commented [AS83]: Procedure re staffing Business Cases reviewed and this DP is no longer required in light of the updated GD regarding staffing Business Cases which will be determined by the Chief Officer – People and Organisational Development.

Commented [AS84]: Updated to reference concession contracts and to align with Procurement Regulations.

Commented [AS85]: Updated to reference concession contracts and to align with Procurement Regulations.

Commented [AS86]: Added to reflect the delegation of power approved at the previous Budget Meeting.

CHIEF OFFICER - FINANCE

General Powers delegated to the Chief Officer - Finance as Proper Officer

1. To act as Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 and to administer the financial affairs of the Council and take any necessary actions or decisions in accordance with the ACC Financial Regulations.
2. To delegate the role of Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 to Service Managers when the Chief Officer - Finance is absent or as otherwise required. Any such delegation shall be made in writing.
3. ~~To sub-delegate his/her responsibilities and powers under the ACC Financial Regulations to managers within his/her Service.~~
- 2.4. To provide the financial administration of the Common Good Fund, Registered Charities, Trusts, Companies and any other funds managed by the Council.
5. To ensure the proper and safe custody of all funds administered by the Council.
- 3.6. ~~To approve new permitted investment instruments under the Council's Investment Strategy, reporting the approval to the City Growth and Resources Committee as soon as practicably possible thereafter.~~
- 4.7. To enquire into the financial standing of any organisation wanting to provide services with or to the Council in relation to any tender or contract.
- 5.8. To authorise the signature of cheques and other appropriate documentation on behalf of the Council.
- 6.9. To sign bank indemnities.
- 7.10. To approve monthly PPP unitary charge invoices to a value of £2million.
- 8.11. In respect of the Council's Arms-Length External Organisations, to make banking arrangements and provide letters of comfort, where appropriate.
- 9.12. To approve the purchase of second hand goods up to a value of £50,000.
- 10.13. To write off debt in accordance with the ACC Financial Regulations
- 11.14. Following consultation with the Convener of the City Growth and Resources Committee, to approve press releases to the London Stock Exchange through a Regulatory Information Service.
- 12.15. To make arrangements to collect sums due to the Council under the Council's "Contributing to your Care" charging policy for non-residential care services.
- 13.16. To make arrangements to collect sums due to the Council under the national "Charging for Residential Care" scheme.
- 14.17. To administer payments in cash or in kind in accordance with section 12 of the Social Work (Scotland) Act 1968.

Commented [AS87]:

New DP - Added to mirror the same power the Head of Commercial and Procurement has in respect of Procurement Regulations.

Commented [JB88]: New DP added to reflect the Treasury and Investment Strategy documents being considered by FC on 2/3/20

15-18. To make payments due to social care providers, foster carers, kinship carers and adopters.

16-19. Following consultation with the relevant Chief Officer and the Convener of the City Growth and Resources Committee, to set fees and charges outside of the budget meeting.

17-20. To allocate funding, following consultation with the Convener of the City Growth and Resources Committee, from the Transformation Fund on a savings/cost reduction return for investment basis and subject to the ACC Procurement Regulations.

Accounting

19. To put in place an appropriate control environment and effective internal controls which provide assurance of effective and efficient operations, financial stewardship, probity and compliance with Council policy, legislation and codes of practice in accordance with the Council's Financial Regulations.

20. To produce and continuously review the Council's Financial Regulations and any related financial procedures, policies or codes of practice.

20-21. To provide financial services to other bodies, organisations etc. subject to a charge being made where appropriate.

21-22. To manage the Council's treasury management, including all borrowing and investment activities and banking arrangements.

22-23. To secure arrangements for the administration and accounting of VAT, payment of salaries and wages, receipt of monies, purchase cards, credit cards, match funding and imprest accounts.

23-24. To develop the budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved savings targets, for both the revenue budget and capital plan, including annual budgets, medium term financial plan and longer term financial planning.

24-25. To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the monitoring statements.

25-26. To prepare the Council's Annual Accounts in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) for each financial year ending 31 March.

26-27. To select suitable accounting policies for the Council and ensure that they are consistently applied to the Council's accounts relating to each financial year.

27-28. To take appropriate action as part of the annual final accounts process to maximise the financial benefit to the Council within appropriate legislation, policies and regulations.

28-29. To be the primary point of contact for the Council's external auditors.

29-30. To submit all financial returns on behalf of the Council.

30-31. To authorise disposal or write off of obsolete or excess stock, scrap materials, stores differences and equipment that is obsolete or beyond economic repair, where the value does not exceed £10,000, all in accordance with the ACC Financial Regulations.

31-32. To administer the residual housing advances scheme, to implement amendments to interest rates for such loans and to take appropriate action to recover any arrears.

32-33. To approve leasing arrangements, and arrange finance and operational leases, in relation to equipment and capital assets.

33-34. To authorise arrangements for electronic funds transfers.

34-35. Following consultation with the Chief Executive, Directors and the Head of Commercial and Procurement ~~Services~~, to put in place a scheme of delegated financial limits.

35-36. To arrange for suitable independent audit of European Union funding claims to be carried out.

36-37. To determine the retention period for all books, forms and records related to financial matters.

Pensions Administration

38. To administer the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations.

39. To implement investment arrangements for the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations, including sourcing and appointment of investment fund managers within the approved strategy.

40. To appoint member representatives to serve on the Pension Board of the North East Scotland Pension Fund.

41. Following consultation with the Chief Officer - Governance, to agree participation by the North East Scotland Pension Fund in securities litigation.

42. To write off debt related to the North East Scotland Pension Fund, in accordance with the ACC Financial Regulations.

42-43. To approve (or nominate officers to approve) the Council's entering into of any agreement or other document concerning the administration of the North East Scotland Pension Fund as described in the power relating to "Pensions" delegated herein to the Chief Officer – Governance.

Commented [AS89]: New DP - Added to reflect responsibilities in relation to the Pensions Fund.

CHIEF OFFICER - CAPITAL

1. To deliver the Council's Capital Programme ("the Capital Programme"), including the Council's ~~Non Housing Capital Plan (NHCP) General Fund Capital Programme (GFCP)~~ and the Council's Housing Capital ~~Plan Programme~~ (HCP).
2. To maintain and oversee a governance structure for the delivery of the Capital Programme.
3. To ensure a governance framework is in place through which all projects in the Capital Programme will be evaluated and prioritised for development and delivery, subject to any appropriate Council or committee approval.
4. To ensure appropriate resources are in place to deliver the Capital Programme and, where necessary, to commit resources as required for such delivery.
5. Following consultation with the Chief Officer - Finance, the Leader of the Council and the Convener of the City Growth and Resources Committee, to allocate funds from the Construction Inflation budget for project management and other costs relating to the Capital Programme.
6. To make any necessary financial, legal and technical decisions in relation to construction projects, following the receipt of professional advice where appropriate and provided that sufficient budgetary provision exists to cover any cost involved, ~~following consultation with the Chief Officer - Corporate Landlord.~~
7. To audit, assess and review the progress, quality and management of projects within the Capital Programme.
8. To report progress on the Capital Programme to the Corporate Management Team (CMT), elected members and the relevant committee, as appropriate.
9. Following consultation with the Director of Resources and Chief Officer - Finance, to approve or reject Strategic Outline Business Cases and where approved, to authorise the development of Outline Business Cases for potential capital projects.
10. Following consultation with the Director of Resources and Chief Officer - Finance, to approve the Outline/Full Business Cases in principle for capital projects ~~recommended for addition to the capital programme outwith the budget meeting,~~ for onward submission to the relevant committee.
11. Following consultation with the Director of Resources, to consider and approve project change requests and authorise consequent amendments to key project criteria provided that sufficient budgetary provision exists to cover any cost involved.
12. To approve the allocation of external funding to individual projects.

Commented [AS90]: Updated terminology

Commented [AS91]: Wording added to ensure alignment with PDO 11 under the CO-CL

Commented [AS92]: Added to reflect that Full Council will approve the capital programme as part of the budget process and proposed additions outwith that considered by CG&R.

CHIEF OFFICER – PEOPLE AND ORGANISATIONAL DEVELOPMENT

1. ~~To take action to ensure the Council is compliant with relevant employment law.~~
- 1.2. To approve and arrange for the application of all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council, or in the opinion of the Chief Officer – People and Organisational Development are minor variations acceptable to management, the employee and trade unions as appropriate.
2. ~~Following consultation with the relevant Chief Officer, to create fixed term jobs within the Council where the duration of the contract is linked to available funding, including all costs.~~
3. To ~~approve through normal agreed processes, following consultation with the Chief Officer – Finance and the relevant trades unions, in line with our FAIR agreement, changes staffing Business Cases in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts, evaluation review, temporary or one-off amendments to pay, changes to jobs and the creation and recruitment to fixed term and permanent posts, within existing clusters.~~
4. -To put in place arrangements for the appointment of Head Teachers and Depute Head Teachers in accordance with Council policy and the Parental Involvement in Head Teacher and Depute Head Teacher Appointments (Scotland) Regulations 2007.
5. To authorise requests for the extension of either full or half sickness allowance, including teachers, in exceptional circumstances following consultation with the relevant Chief Officer, ~~and where the costs of this extension can be met from within existing service budgets.~~
6. Following consultation with the Chief Executive, to approve applications for Voluntary Severance and Early Retirement for officers below Chief Officer. Applications from Chief Officers should only be approved following consultation with the Chief Executive and the Leader of the Council.
7. To implement pay awards.
8. To take any required action to give effect to the Council's employee benefits scheme.
9. To approve, following consultation with the Convener of the City Growth and Resources Committee, minor changes to the equal pay and modernisation scheme or the buy-out of existing protective terms and conditions on the basis that any such change would be within budget.
10. ~~Following consultation with the Business Manager, to make non-material amendments to human resources policies where such amendments have been consulted on with recognised trade unions~~
11. Following consultation with the Chief Executive and Chief Officer - Governance, to authorise a settlement agreement with an employee below Chief Officer, including in relation to his/ her leaving the Council's employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Executive, Chief Officer - Governance and the Leader of the Council.
12. To act as the representative of the Council when in negotiation with, and in statutory consultation with, trade unions.

Commented [AS93]: New DP - Reflects operational responsibilities of the CO.

Commented [AS94]: Deleted as now covered in a new DP

Commented [AS95]: New DP - Procedure re staffing and this DP added to align with updated GD regarding staffing changes and reflect that these will be determined by the Chief Officer – People and Organisational Development, 'agreed process' agreed with Tus where they are involved.

Commented [AS96]: Deleted unnecessary text as budget should always be in place as existing post.

Commented [AS97]: Deleted as covered under refreshed GD37 – ensures a consistent approach across all policies

CHIEF OFFICER - CORPORATE LANDLORD

Assistance to Local Industry

1. To discuss and negotiate, on a without prejudice basis, proposals and developments in terms of land transactions, premises and finance (following consultation with the Chief Officer - Finance) by way of assistance to local industry.

Proposals for Council-owned Property

2. To discuss and negotiate, on a without prejudice basis, proposals and developments for Council-owned property.
3. Following consultation with the Chief Officer - Governance, to make arrangements for the referral of compensation disputes to arbitration or the Lands Tribunal.
4. To declare property surplus to the requirements of the Council following consultation with service users.
5. Following consultation with the Convener of the City Growth and Resources Committee, to decline offers to purchase Council land or property and offers to sell land or property to the Council.
6. Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to acquire or sell or take any other interest in heritable property or land where the consideration is less than £250,000 provided that such sale or acquisition represents the land or property's market value.
7. To authorise the granting of standard securities and charges in favour of the Council and the discharge of such standard securities and charges.
8. To instruct the Chief Officer – Governance to grant wayleaves and servitudes over any Council-owned property, or enter into any such agreements over land to protect the Council's wider interests.
9. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
10. To provide, maintain and equip schools and other buildings (section 17 of the Education (Scotland) Act 1980).
11. To make the necessary financial, legal and technical decisions based on professional advice in relation to capital and revenue based building and refurbishment projects and provided that sufficient budgetary provision exists to cover any cost involved, following consultation with the Chief Officer – Corporate Landlord.
12. To oversee budgets associated with the Council's scheme of Devolved School Management.
13. To name Council-owned property and facilities following consultation with the Convener of the City Growth and Resources Committee.
14. To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.

Commented [AS98]: Wording added to ensure alignment with PDO 6 under the CO-Capital

Commented [AS99]: Transferred from CO-IC&FS to align with operational responsibilities.

Lease/Building Occupation Management (General Services Account and Common Good Properties)

~~13-15.~~ To grant or decline applications for landlord's consent on terms and conditions reflecting market practice and the Council's interest including the charging of fees for the granting of landlord's consent.

~~14-16.~~ To instruct the Chief Officer - Governance to pursue the irritancy of leases provided that the Chief Officer - Governance is satisfied that there are grounds for doing so.

~~15-17.~~ To approve assignments or sub-leases either in whole or in part incorporating terms as necessary to protect the Council's interest.

~~16-18.~~ To approve the grant of new leases and extensions and variations of existing leases, to agree rent reviews and terminations in respect of such leases (where these are agreed at Market Rental Value) and otherwise to attend to the general management of land and property in the Council's ownership, including the advertising of property for sale or lease.

~~17-19.~~ To make arrangements for referral of a disputed revised rent or other dispute to arbitration in accordance with the terms of the lease in question.

~~18-20.~~ To approve new leases to the Council from third parties and extensions and variations of existing leases from third parties, to agree rent reviews and terminations in respect of such leases, and to otherwise attend to the general management of land and property leased to the Council.

~~19-21.~~ To grant or refuse any application for a let of Education or other Council property including the use of educational premises for licenced functions.

~~20-22.~~ Following consultation with the Chief Officer - Governance, to alter/waive (in whole or in part) commercial rents in response to economic downturn subject to the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and ~~annual reporting to the relevant Committee to report any use of this power by way of service update.-~~

Commented [AS100]: Updated to ensure that any use of the power is reported timeously.

Adoption of Amenity Areas

~~21-23.~~ Following consultation with the Chief Officer - Operations and Protective Services, to refuse to adopt or adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.

Rateable Values

~~22-24.~~ To make representations on, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.

Planning Representations

~~23-25.~~ To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

24-26. To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer - Capital.

Properties held on the Housing Revenue Account (HRA) - Asset Management and Repairs

25-27. To approve or decline applications from tenants of Council houses for:

- a erection of lock-up garages;
- b installation of car runways;
- c erection of boundary enclosures including walls, fences, gates, etc.;
- d erection of outbuildings including, but not limited to, garden sheds, greenhouses and pigeon lofts;
- e external alterations and additions to houses including, but not limited to, enclosures of verandas, erection of satellite dishes, replacement of external doors and replacement windows;
- f internal alterations and additions to houses including, but not limited to, replacement of sink units, kitchen fitments and bathroom suites, installation of bathroom showers, central heating, removal of internal coal cellars, removal of coal fires and installation of alternative forms of heating, and electrical rewiring and upgrading; and
- g retrospective Landlord's consent in relation to work carried out by a tenant in connection with section 28 of the Housing (Scotland) Act 2001, but on condition that all other statutory consents and approvals are retrospectively obtained.

26-28. To arrange for payments to be made in terms of section 29 of the Housing (Scotland) Act 2001 to Council tenants at the termination of a Scottish secure tenancy in respect of improvements carried out by them, including the construction of garages, during the currency of the tenancy, with the consent of the Council, in terms of Council policy.

27-29. To determine, following consultation with the Chief Officer - Finance, such annual increase, if any, as may be required in licence fees, registration fees, and the other charges as may be determined by the appropriate committee.

28-30. To arrange for payments to be made in terms of section 234 of the Housing (Scotland) Act 1987 where a tenant is required to remove from their house in order to facilitate the carrying out of repairs or where the Chief Officer - Corporate Landlord in the exercise of his/ her delegated powers arranged for the provision of temporary or permanent re-housing to tenants in houses which are affected by a modernisation scheme.

29-31. Following consultation with the Chief Officer - Early Intervention and Community Empowerment, to authorise Area Housing Managers to either terminate or continue within the various categories of tenancy and to grant or decline future applications from organisations to lease Council-owned HRA properties.

30-32. To instruct the carrying out at the Council's expense of works necessary to comply with notices and orders served by the Council in terms of the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 2006 and to take appropriate action to recover the costs from the parties concerned.

~~31-33.~~ To serve Closing Orders on vacant Below Tolerable Standard dwellings (as defined by the Housing Scotland Act (2006)) as may be instructed by the Director of Resources.

Commented [AS101]: Transferred to CO-EI&CI to reflect operational responsibilities

~~32-34.~~ To serve on the owners concerned, on the instruction of the Director of Resources, Demolition Orders, Revocation of Demolition Orders or Closing Orders in circumstances where properties have not been restored to the tolerable standard.

~~33-35.~~ Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to dispose of or purchase individual properties following a value for money appraisal where this option is considered by the Chief Officer - Corporate Landlord to be the most appropriate for the Housing Revenue Account, subject to (a) market value being achieved or paid; and (b) consultation with ward members on the proposals, with referral to the City Growth and Resources Committee if any ward member does not agree.

~~34-36.~~ Relative to the sale of Council houses under the Housing (Scotland) Act 1987, to decide whether to pursue recovery of any proportion of discount remaining repayable, following the sale of the house by a creditor following upon the default of the borrower.

Community Empowerment (Scotland) Act 2015

~~35-37.~~ To administer the Council's Common Good Register as required under the Community Empowerment (Scotland) Act 2015.

~~36-38.~~ To process ~~and determine~~ applications under the Community Empowerment (Scotland) Act 2015 to purchase or lease land owned by the Council, subject always to the duty to carry out a review of a case under section 86(2) being discharged by the relevant committee.

Commented [AS102]: Updated to reflect that applications are determined by the City Growth and Resources Committee.

7. PLACE

CHIEF OFFICER - STRATEGIC PLACE PLANNING

The powers delegated below take account of the fact that all planning applications which come within the category of "Local Development", as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, are dealt with under a separate Scheme of Delegation prepared in accordance with the provisions of section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - this is contained at Appendix 2.

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (and where appropriate, that Chief Officer and any such appropriate person hereinafter referred to as the "Appointed Officer") has the following delegated powers:

Major and National Applications

1. To determine:

- applications for the requisite approval of matters specified by condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended); and
- planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended),

all in respect of applications falling within the categories of National and Major Development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 **except** where that application:

- i. has been made by or on behalf of;
 - a. an elected member of the Council or a member of staff employed within the Strategic Place Planning function of the planning authority or
 - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
 - all as determined from the contents of the application form;
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. has been the subject of formal timeous objection¹ by the local Community Council within whose area the application site falls;
- v. has been the subject of six or more timeous letters of representation² (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service;

Commented [AS103]: All powers, and appendix 2 have been reviewed and updated to reflect the Planning (Scotland) Act 2019

- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy.
- 2. To determine applications for the approval of consent, agreement or approval required by a condition(s) imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 3. Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:
 - a. negotiate and conclude legal agreements related to planning and other applications;
 - b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning application; and
 - c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

- 4. To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

~~5. To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.~~

Commented [MM104]: Moved from Major and National Applications to General Delegations

~~6.5.~~ To determine requests for non-material variation of major and national planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

General Delegations

~~7.6.~~ To determine following consultation with the Chief Officer - Governance, the Convener of the Planning Development Management Committee and the Business Manager, whether to appeal a decision of the Scottish Ministers which overturned or modified a decision of the Council and thereafter, if applicable, to instruct the making of such an appeal.

~~7.7~~ To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

8. To determine Hazardous Substance Consent applications under the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
9. To determine whether planning or other applications that have been lodged or preapplication proposals require planning or other consent
10. To issue decisions on all types of consent where Full Council or any relevant committee of the Council are minded to grant a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene, or the period for so indicating has expired.
11. To deal with Proposal of Application Notices in terms of section 35B of the Town and Country Planning (Scotland) Act 1997 (as amended) and Pre-Application Screening Notices in terms of section 35A(3) of that Act.
12. To determine applications for advertisement consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
13. To appoint Officers to participate in mediation in terms of Section 268A of the Town and Country Planning (Scotland) Act 1997 (as amended).
14. To prepare and publish an Open Space Strategy.
15. To prepare and publish an annual obligations report detailing the following:
 - a - the number of planning obligations: entered into that year; entered into in a previous year and not yet expired; and, entered into in a previous year and not yet complied with.
 - b - the development to which each planning obligation relates
 - c - the name of the person who has entered into the agreement
16. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion) and to determine the scope of any such Statement (Scoping Opinion) and whether the information submitted with any EIA report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information all in accordance with Section 40 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 40 A of the Planning (Scotland) Act 2019 when it comes into force.
17. To provide the following information to assist with the preparation of the National Planning Framework if required to do so by the Scottish Ministers and to work with any other Planning Authority to provide the information if required to do so by the Scottish Ministers:
 - a - Physical, cultural, economic, social, built heritage and environmental characteristics
 - b - Principle purposes for which land in the area is used
 - c - Size, composition and distribution of population
 - d - Housing needs
 - e - Capacity of education services
 - f - Capacity of health services
 - g - Health needs
 - h - Housing needs of older and disabled people
 - i - Whether land should be allocated for resettlement

Commented [EC105]: Addition to reflect s40 of Planning (Scotland) Act 2019. This section is not yet in force having been introduced by the new Act. Expected Q1 2021.

Commented [EC106]: Addition to reflect Section 3G of 1997 Planning Act which has been inserted by 2019 Act though necessary Regulations are not yet in force.

Commented [EC107]: Addition to reflect new s36 of Planning Act 2019

Commented [AS108]: Updated to reflect new Planning Act 2019

Commented [EC109]: Rationale is section 2 of new Planning Act

j - Infrastructure (communications, transport, drainage, water supply, energy (including land / facilities for renewables))

k - Any change expecting in anything listed above

l - Any other matter as prescribed

18. To instruct the registration and/or discharge of Charging Orders in terms of section 158 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to reclaim the costs of carrying out enforcement action.

14-19. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion).

13-20. To determine whether the information submitted with any Environmental Impact Assessment report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information.

14-21. To determine applications related to Prior Notification or Prior Approval made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1 for the following:

- ii. Part 1A - Class 6G: Free standing wind turbine within the residential curtilage;
- iii. Part 1B - Class 6K and 6L: Biomass facilities on agricultural or forestry land;
- iv. Part 6 - Class 18: Agricultural buildings; iv. Part 7 - Class 22: Forestry buildings and operations;
- v. Part 13 - Class 39 and 40: Public gas transporters and electricity undertakings;
- vi. Part 20 - Class 67: Development by electronic communications code operators;
- vii. Part 23 - Class 70: Demolition of buildings;
- viii. Part 24 - Class 71: Toll road facilities;
- ix. Any other types of prior notification or prior approval that might come forward in future amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1.

15-22. To determine Certificates of Lawfulness under the Town and Country Planning (Scotland) Act 1997 (as amended) where, in the opinion of the Appointed Officer, there is no reasonable doubt that the use or development is or would be:-

- lawful without further planning approval; or
- unlawful

16-23. To give, serve, issue and sign the following notices, all under the Town and Country Planning (Scotland) Act 1997 (as amended), following consultation with the Chief Officer – Governance

Commented [EC110]: Rationale is new sections 158 B-E of 1997 Act inserted by 2019 Planning Act but awaiting Regulations.

Commented [AS111]: Updated to reflect professional practice

Commented [AS112]: Addition to ensure a satisfactory assessment is available prior to Committee considering a planning application.

with an annual report to the Planning Development Management Committee detailing all action authorised under the below:

- Enforcement Notices under Section 123
- Notices under section 33A requiring an Application for Planning Permission for a Development already carried out;
- Planning Contravention Notices under section 125;
- Stop Notices under section 140;
- Temporary Stop Notices under section 144A;
- Breach of Condition Notices under section 145;
- Fixed Penalty Notices under section 136A;
- Completion Notices under section 61 and as amended by Section 33 of the Planning (Scotland) Act 2019;
- Notices in terms of Land Adversely Affecting the Amenity of Neighbourhood under section 179

17-24. To instruct applications for interdict in terms of section 146 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to restrain breaches of planning control.

18-25. To develop and maintain a Development Management Charter and Enforcement Charter under section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended).

19-26. To take, following consultation with the Chief Officer - Governance, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.

20-27. To make an order to revoke or modify planning permission where all owners, lessees or occupiers of land affected, or such other person who in the opinion of the Appointed Person will be affected by the order, have notified the planning authority in writing that they do not object to the order under sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 (as amended).

21-28. To determine all applications for Certificates of Appropriate Alternative Development under section 25 of the Land Compensation (Scotland) Act 1963.

22-29. To decline to determine an application under section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended).

23-30. To grant or refuse applications ~~to fell for proposed works to trees top or top trees~~ protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.

31. To approve the making, signing, serving, ~~and~~ confirmation and revocation of provisional Tree Preservation Orders.

32. To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Sections 159 to 163 and 167 to 170 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

Commented [AS113]: Added to cover all enforcement notices – this covers enforcement of decisions on planning matters that have already been determined and an annual report will be submitted to PDMC to report on this activity.

Commented [AS114]: updated wording to ensure covers all proposed works to protected trees

Commented [AS115]: Added revoke to align with DP re high hedges. This is an additional / extension of the power regarding TPOs. It essentially allows us to revise or revoke in addition to making them. This will be of use in our statutory review of TPOs.

Commented [AS116]: New DP - Added to cover power of entry with regards to TPOs and Trees in Conservation Areas

and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (SSI 2010/434).

24.33. To determine applications for the serving of High Hedge notices, to vary or revoke such notices and to take enforcement action to ensure compliance with such notices.

25.34. To make observations on behalf of the planning authority on routine proposals by statutory undertakers.

26.35. To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.

27.36. To make observations on behalf of the planning authority on consultation requests from Marine Scotland in respect of development applications.

37. To prepare Habitat Regulation Appraisals (HRAs) as required under the EU Habitats Directives.

38. To prepare, maintain and publish a list of persons who have registered interest with the the intention of acquiring land for the purpose of self build housing under Section 16E of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

39. To invite local communities to prepare Local Place Plans, to prepare and maintain a register of Local Place Plans and to report to the Scottish Ministers when required to under Section 15A of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

40. To make minor amendments to the Regional Spatial Strategy where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the Strategy.

41. To take all decisions and steps necessary or expedient to discharge the Council's operational duties or exercise its powers under the Planning (Scotland) Act 2019 (the "2019 Act"). For the avoidance of doubt, strategic decisions required by the 2019 Act shall be reserved to the appropriate Committee or Full Council.

28.42. To make any necessary changes to the wording of the development plan, prior to adoption, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy or proposal in the plan.

29.43. To make any necessary changes to the wording of supplementary and/or non statutory planning guidance, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the guidance.

Transportation

30.44. To prepare a Local Transport Strategy (LTS) and related Costed Action and Delivery Plan in accordance with Scottish Government Guidance, and to monitor, review and update this at appropriate intervals, subject to the relevant approvals.

Commented [AS117]: New DP added to reflect responsibilities under Town and Country Planning (Scotland) Act 1997 (as amended) and the Planning (Scotland) Act 2019.

Commented [EC118R117]: S8 of 2019 Act

Commented [EC119]: New DP added to reflect responsibility inserted by s14 of 2019 Planning (Scotland) Act.

Commented [EC120]: Addition to reflect the addition of s 4ZC to the 1997 Act by the 2019 Act but this depends on whether Members agree to recommendations in report re development of Regional Spatial Strategy.

Commented [AS121]: To enable the Chief Officer to exercise the relevant operational duties or powers under the Planning (Scotland) Act 2019.

Commented [AS122]: Updated terminology to reflect new Planning (Scotland) Act.

- 31-45.** To make any necessary changes to the wording of the LTS, prior to approval, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy, action or proposal in the strategy.
- 32-46.** To prepare supplementary transport action plans, policies and programmes as may be required to support the delivery and monitoring of the LTS.
- 33-47.** To make any necessary changes to the wording of supplementary transport action plans, policies and programmes, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the information.
- 34-48.** To implement the LTS following consultation with the Chief Operating Officer and the Director of Resources and external partners.
- 35-49.** To implement arrangements for both temporary and permanent traffic management or related street furniture.
- 36-50.** To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Strategic Development Plan, [Regional Spatial Strategy \(as applicable\)](#) and Local Development Plan and associated budget.
- 37-51.** To approve the allocation of external and internal funding and earmarked reserves to individual projects
- 38-52.** To, so far as possible, perform transport functions which relate to or which affect or are affected by transport consistently with the transport strategy of the Regional Transport Partnership Nestrans
- 39-53.** To pay the net expenses of the Regional Transport Partnership Nestrans for each financial year.

Building Standards

- 40-54.** To act as verifier for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under that Act:
- ii. Building Warrant Applications
 - iii. Accept/Reject Completion Submissions
 - iv. To grant extensions to life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable
- 41-55.** To act as local authority for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under the Act:
- ii. Dangerous Building Notices
 - iii. Defective Building Notices
 - iv. Enforcement Notices
- 42-56.** To determine Raised Structures applications under section 89 of the Civic Government (Scotland) Act 1982.
- 43-57.** To determine Planning & Building Standards Certificates under section 50 of the Licensing (Scotland) Act 2005.

44-58. To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act 2005.

Roads, ~~Outdoor Access Core Paths~~ and Street Names

45-59. ~~To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Section 26(1) of the Land Reform (Scotland) Act 2003~~

Commented [AS123]: Added to clarify officer powers under LR(S)A2003, as is found in other areas of PDO, e.g. Protective Services.

46-60. To initiate Temporary and Permanent Stopping Up Orders and Right of Way Diversion Order procedures under the Town and Country Planning (Scotland) Act 1997 ~~and the Countryside (Scotland) Act 1967.~~

Commented [AS124]: Additional relevant Act added

47-61. To approve the making, signing and serving of any notices and orders in relation to public rights of outdoor access in terms of the Land Reform (Scotland) Act 2003 and other relevant legislation.

48-62. To maintain a list of ~~adopted~~ core paths ~~and aspirational core paths~~ and review that list when appropriate, as the Appointed Officer sees fit.

Commented [AS125]: Updated to use correct terminology and to stop distinguishing between types of designation (adopted / aspirational) as they are all core paths.

49-63. To construct, ~~alter~~, widen, improve, ~~or~~ renew ~~or maintain adopted~~ core paths ~~and aspirational core paths~~ within approved budgets, ~~including power to maintain.~~

Commented [AS126]: wording updated to align with DP above

50-64. To grant construction consent for new private roads, to determine the value of security to be lodged and arrange for their adoption in terms of the appropriate legislation; and, in the event that construction proceeds in the absence of such security, to instruct enforcement action.

51-65. To allocate funds to projects funded by developer contributions, following consultation with the Chief Officer - Finance.

52-66. Following consultation with the Convener of the Operational Delivery Committee and relevant ward members, to carry out the functions of the Council under section 97 of the Civic Government (Scotland) Act 1982, including naming any street or road, altering an existing name and giving each of the premises in it such distinguishing number as thought fit, subject to the Chief Officer - Strategic Place Planning being satisfied that any proposed name is not contentious.

53-67. To agree with the Scottish Government replacement projects from the approved Strategic Housing Investment Plan (SHIP) to the Strategic Local Programme Agreements.

Note

In accordance with Principle 4, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.

Definitions

1. A **“timeous objection”** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or, if applicable, ~~the time period allowed for advertisement of the application (whichever is the later) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period(s).~~ advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.
2. A **“timeous letter of representation”** means any written representation no later than the expiry of the time period specified by the Planning Authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. **“Letter of representation”** is to be construed in light of the following:
 - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
 - a single letter with a number of signatures from one postal address counts as only one representation
 - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
 - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)

CHIEF OFFICER - CITY GROWTH

Culture

1. To purchase any works of art or museum exhibits within any such financial limits as may be set by the Council.
- ~~1.2.~~ Following consultation with the Chief Officer - Customer, to authorise international travel of officers to accompany works of art to and from overseas venues - where such works of art are being loaned to such venues and where all costs are covered by the borrower.
- ~~2.3.~~ To make bookings for exhibitions, recitals and other cultural events within the city within any such financial limits as may be set by the Council.
- ~~3.4.~~ To grant permission to reproduce works of art in approved publications and to impose an appropriate charge.
- ~~4.5.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to grant loans of items from the collections held by the Council to outside bodies.
- ~~5.6.~~ To apply for any and all necessary licenses to ensure the delivery of catering and hospitality services (alcohol, public entertainment) under the relevant licensing legislation.
7. Following consultation with the Chief Officer - Finance, to set charges for museums and galleries.
8. To refuse applications, following consultation with Convener of the City Growth and Resources, for commemorative plaques if they do not meet the Council's criteria.

Commented [AS127]: New DP - approved by the CG&R Committee on 31 July 2019.

Commented [AS128]: New DP - added to ensure the timely processing of applications

Economic Development

- ~~6.9.~~ To negotiate on behalf of the Council with existing and prospective investors in relation to all forms of economic activity in the city.
- ~~7.10.~~ To investigate and secure sources of external funding and negotiate appropriate partnerships where required.
- ~~8.11.~~ To identify and develop partnerships with other bodies and companies who can contribute to the city's economic development.
- ~~9.12.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to make a financial contribution to the activities described in powers 7 to 9 immediately above by way of loans or grants, in accordance with any criteria approved by the relevant committee.
- ~~10.13.~~ To negotiate on behalf of the Council with prospective events, conference organisers and third party funders in relation to attracting events/conferences to the city that contribute to the Council's economic priorities.
- ~~11.14.~~ Following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~, to ~~award~~ approve an application for assistance from the subvention funding for an amount equal to the balance of the subvention fund up to a maximum of £200,000 per annum to support the venue operator appointed by Aberdeen City Council to attract new business to P&J Live events to the Aberdeen Exhibition & Conference Centre and the new Aberdeen arena, as per the contractual agreements in place.

Commented [AS129]: Reworded to reflect P&J Live and amended wording to provide clarity on use of the Fund

12.15. Following consultation with the City Region Deal Programme Board, to agree any change requests requested or required in relation to City Region Deal Projects.

13.16. To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

Commented [AS130]: Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

14.17. To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer -- Capital

Commented [AS131]: Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

18. To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.

Commented [AS132]: Transferred from CO-IC&FS to align with operational responsibilities.

8. GOVERNANCE

CHIEF OFFICER - GOVERNANCE

General Legal/Governance

1. Following consultation with the Business Manager, to amend the Council's Scheme of Governance documentation to:

- correct obvious, technical or clerical errors and take account of any changes to names or titles and to make any other minor or inconsequential amendments;
- reflect the law ~~(including changes to the law)~~, government guidance, regulators' guidance, and Council policies and decisions; and
- ~~take account of any changes to names or titles and to make any other minor or inconsequential amendments;~~

Commented [AS133]: to reflect any redesigns carried out under delegated authority

Commented [AS134]: Updated to ensure that decisions by committee or under PDOs can be reflected in the PDOs.

2. To maintain and update Appendix 1, Proper Officers and Statutory Appointees, as required.
3. To designate any Manager, Team Leader or Solicitor within the Governance function to perform appropriate functions of the Chief Officer - Governance.
4. To act as Monitoring Officer and nominate a Deputy Monitoring Officer, in terms of section 5 of the Local Government and Housing Act 1989.
5. To engage, instruct or appoint external legal advisers (including, but not limited to, private firms, counsel and solicitor advocates) and expert witnesses.

6. To raise, defend, conduct, enter into, appear in, withdraw or abandon any court, tribunal or other legal proceedings ~~(whether such proceedings have commenced or are in contemplation)~~ on behalf of the Council, ~~and/or~~ the Licensing Board and ~~for~~ such other bodies as the Council may from time to time determine ~~and/or~~ otherwise attend to the interests of the Council, the Licensing Board or the body in question in relation to any such proceedings (whether such proceedings are underway or in contemplation), with the authority to:

Commented [AS135]: Slight tweak of wording and addition to clarify position in respect of Pensions Fund.

- settle or compromise any such proceedings;
- instruct the enforcement of any orders or decrees obtained in any such proceedings;
- accept service of any document in connection with any such proceedings; and
- take any other action in relation to any such proceedings as s/he considers appropriate.

For the avoidance of any doubt, such proceedings include (but are not restricted to) those relating to any pension fund for which the Council is administering authority or to which the Council is otherwise connected.

7. To finalise the membership of committees and sub committees, where compositions have been agreed by Council or committee, upon notification of names from members or external bodies; this shall include making changes to the membership of committees and sub committees upon notification from members or external bodies providing the agreed composition does not change.

Commented [AS136]: Updated to reflect external members and to align with practice for Councillors.

8. To finalise appointments to outside bodies, where compositions have been agreed by Council or committee, upon notification of names from members, and notify outside bodies accordingly; this shall include making changes to appointments to outside bodies upon notification from members providing the agreed composition does not change. This shall not apply where named appointments are required to be made by Council.
9. To arrange meetings of the Appointment Panel in accordance with the Protocol for Appointment of Chief Officers (Appendix 3 to Standing Orders).
10. To maintain the Council's Register of Outside Bodies.
11. To make minor amendments to the Constitution for Community Councils and amend the population figures for Community Council areas on an annual basis.
- ~~12. To act as the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy and procedures; and to approve, implement and amend procedures relating to data protection and the GDPR.~~
- ~~13-12. To oversee compliance with any Council policy or procedure on fraud, bribery, or corruption or whistleblowing.~~
- 14-13. To exercise all powers assigned to the Monitoring Officer under any Council policy or procedure.
- 15-14. To be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the Minutes and other records of the proceedings of the Council, its committees and sub committees and all other records belonging or relating to the Council which are not more appropriately retained by another Chief Officer. This responsibility may be exercised by arrangement with any other local authority or authorities.
- 16-15. To refer matters to external bodies, including (but not limited to) Police Scotland and the Crown Office and Procurator Fiscal Service, where he/she considers it appropriate to do so.
- 17-16. To appoint authorising officers in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA"), subject always to the terms of the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 and any such appointee having already undertaken RIPSA training.
- 18-17. To appoint designated persons in terms of Part I, Chapter II (Acquisition and Disclosure of Communications Data) of the Regulation of Investigatory Powers Act 2000, subject to any such appointee having already undertaken appropriate training.
- 19-18. To appoint ~~non Council employees~~ as officers of the Council persons who are not Council employees.
- 20-19. To maintain and amend the Council's lists of proper officers and statutory appointees.
20. To authorise in writing persons to exercise the powers in section 21(4BA) and (4D) of the Chronically Sick and Disabled Persons Act 1970 and so to act as enforcement officers under that section.
21. To approve any arrangements concerning elected member family leave, acting-up and allowances in accordance with legislation (including the Local Governance (Scotland) Act 2004 (Remuneration Regulations 2007) and Cosla guidance.

Commented [AS137]: transferred to Chief Officer – Business Intelligence and Performance Management to reflect operational responsibilities

Commented [AS138]: Updated to cover whistleblowing also.

Commented [AS139]: Reviewed wording to provide clarity

Commented [AS140]: Added to reflect Council decision re family leave

Pensions

22. To enter into sign (and to authorise officers to sign), on behalf of the Council, ~~any~~ agreement or ~~and~~ other documents concerning the administration of the North East Scotland Pension Fund, including but not limited to:

- [investment management agreements;](#)
- [limited partnership agreements;](#)
- [admission agreements;](#)
- [bond documentation;](#)
- [tender documentation;](#)
- [side letters;](#)

- [powers of attorney;](#)
- [forms of adherence;](#)
- [forms of due diligence; and](#)

- [tax documentation](#)

[where the entering into of such an agreement or document has been approved by the Chief Officer - Finance or an officer nominated by the Chief Officer - Finance for this purpose.](#)

Commented [AS141]: Updated to reflect the role of the Chief Officer – Finance.

22-23. [Following consultation with the Chief Officer - Finance, to make amendments to the Authorised Signatory List as required by changes in personnel subject to the positions as listed remaining the same.](#)

Commented [AS142]: New DP Approved by Pensions Committee on 13 September 2019.

Licences, Civic Government (Scotland) Act 1982 etc.

23-24. To act as, or appoint, a Clerk to the Licensing Board; and to appoint a Depute Clerk to the Licensing Board to exercise the powers of the Clerk to the Licensing Board.

24-25. To authorise officers to exercise the powers (including, but not limited to, entry and inspection) contained within section 5 of the Civic Government (Scotland) Act 1982 and paragraph 20 of Schedule 2 to the Civic Government (Scotland) Act 1982.

25-26. In relation to applications for the grant, variation or renewal of licences, orders, permits and registrations under the Civic Government (Scotland) Act 1982 and its associated regulations, the Theatres Act 1968, the Cinemas Act 1985 and the Deer (Scotland) Act 1996, to:

- i. determine such applications;
- ii. refuse to accept incompetent applications; and
- iii. impose conditions which are non-contentious and agreed by all parties,

except where valid objections or representations in respect of the application have been received and have not, in the opinion of the Chief Officer - Governance, been withdrawn or satisfactorily addressed or resolved.

26-27. To deem an application for the renewal of a licence under Part II of the Civic Government (Scotland) Act 1982 made up to 28 days after the expiry of the licence to be an application made before the date of expiry.

27-28. To authorise officers to inspect and test vehicles and taximeters in terms of section 11 of the Civic Government (Scotland) Act 1982.

28-29. To authorise officers to carry out inspection and enforcement functions in relation to knife dealers' licences in terms of sections 27E, 27F and 27G of the Civic Government (Scotland) Act 1982.

29-30. To authorise the immediate temporary suspension of licences under the Civic Government (Scotland) Act 1982 without a hearing where there is or is likely to be a serious threat to public order or public safety.

30-31. To approve vehicles which comply with the specification for licensing as wheelchair accessible taxis.

31-32. To authorise officers to exercise powers of entry to, and inspection of, sports grounds as defined by section 11 of the Safety of Sports Grounds Act 1975.

32-33. To determine requests for film classification under the Cinemas Act 1985 where a U or PG certificate is sought.

Stock Exchange Bonds

33-34. To develop and maintain Insider Lists in connection with any stock exchange bonds issued by the Council.

34-35. To take or instruct any other actions which may be required in order to ensure the Council's compliance with any law, regulations, guidance, codes or stock exchange requirements relating to any stock exchange bonds issued by the Council.

Schools/Education

35-36. To make arrangements for the clerking of the School Placings and Exclusions Appeals Committee.

36-37. To reject school placing appeals and exclusion appeals which s/he considers are not competent.

37-38. To appoint external members to the pool of members for the School Placings and Exclusions Appeals Committee who fall into the following categories, subject to their attendance at a relevant training session and a clear PVG check being returned:

1. parents of children of school age;
2. people who, in the opinion of the Chief Officer - Governance, have experience in education; or
3. people who, in the opinion of the Chief Officer - Governance, are acquainted with the educational conditions in the area of the Council.

38-39. To institute proceedings on behalf of the Council as Education Authority in terms of section 43 of the Education (Scotland) Act 1980.

Commented [AS143]: Added relevant to cover 121 sessions.

Legal Documentation

~~39-40.~~ To sign (and to authorise officers to sign) deeds, contracts, agreements, notices, orders and other documents to which the Council is a party, ~~such signing to be in accordance with any relevant legislation.~~

Commented [AS144]: Removal of unnecessary wording.

~~40-41.~~ To ~~approve the entering~~ into, ~~variation~~, ~~extension~~ or ~~termination of~~ any contract, agreement, protocol, memorandum of understanding or other legal document (or to arrange for any of these things to be done) in circumstances where, following consultation with the relevant Chief Officer ~~(or his/her deputy or nominee)~~, ~~s/he/she~~ is satisfied that it is in the interests of the Council to do so.

Commented [AS145]: Minor tweaks to wording

Civic Administration

~~42.~~ To authorise the Lord Provost ~~(or, as appropriate, whom failing the Depute Provost)~~ to incur expenditure to meet the expenses of his/her office ~~in relation to~~ the provision of reasonable hospitality, whether within or outwith the city, to representatives of other authorities ~~or~~ organisations, members of the Council or others.

Commented [AS146]: Minor tweak of wording

HEALTH AND SOCIAL CARE PARTNERSHIP

9. CHIEF OFFICER OF THE ABERDEEN CITY INTEGRATION JOINT BOARD

(also referred to and known as the Chief Officer of the Aberdeen Health and Social Care Partnership)

1. To facilitate and implement Directions issued to Aberdeen City Council from the Integration Joint Board, on the instruction of the Chief Executive of Aberdeen City Council and in accordance with the requirements of the ACC Procurement Regulations.
2. To take necessary steps to discharge the Council's duties under the following legislation: Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, The Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Carers (Scotland) Act 2016, the Community Care and Health (Scotland) Act 2002 and the Adults with Incapacity (Scotland) Act 2000.
3. To comply with the 'Duty of local authority to assess needs'. Legislative Reference: section 12(A) Social Work (Scotland) Act 1968, and amended under the National Health Service and Community Care Act 1990.
4. To arrange for the protection of property of people who have gone into hospital or care. Legislative reference: section 48 of National Assistance Act 1948.
5. To provide domiciliary services where assessed as required. Legislative Reference: section 14 of the Social Work (Scotland) Act 1968 [NB term domiciliary services replaced 'home help' within NHS & Community Care Act 1990].
6. To bury or cremate any person over the age of 18 who was in the care of or receiving help from the Council immediately before their death. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
7. To recover expenses from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before their death expenses incurred. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
8. To make expenses payments to parents, relatives or other connected persons in respect of visiting a person, in the care of the authority or receiving assistance from the authority, and in the same financial circumstances to assist persons to attend the funeral of a person in the care of the authority. Legislative Reference: section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
9. To recover or impose any charges for services provided. Legislative Reference: section 87 and section 78A of the Social Work (Scotland) Act 1968, or under and by virtue of section 16, section 18 of the Social Care (Self-directed Support) (Scotland) Act 2013, or under and by virtue of section 28 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
10. To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation.

Legislative Reference: section 13A of the Social Work (Scotland) Act 1968 as inserted by section 56 of the National Health Service and Community Care Act 1990.

11. To provide information on Adult Social Care services and any relevant services of other authorities or organisations. Legislative Reference: section 1 of the Chronically Sick and Disabled Persons Act 1970.
12. To provide services to chronically sick and disabled persons. Legislative Reference: section 2 of the Chronically Sick and Disabled Persons Act 1970.
13. To assess the ability of carers to provide care. Legislative Reference: section 12A of the Social Work (Scotland) Act 1968.
14. To have the power to enact the 'Options for Self-Directed Support', including make Direct Payments. Legislative Reference: Social Care (Self-directed Support) (Scotland) Act 2013.
15. To oversee the general functions under the Adults with Incapacity (Scotland) Act 2000:
 - a. to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions;
 - b. to consult the Public Guardian and the Mental Welfare Commission on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
 - c. to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of an adult made -
 - i. in relation to welfare attorneys;
 - ii. in relation to guardians or persons authorised under intervention orders;
 - d. to investigate any circumstances made known to them in which the personal welfare of an adult seems to them to be at risk;
 - e. to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
16. To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation. Legislative Reference: section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
17. To make arrangements for the exercise by the Council of its functions in respect of persons subject to guardianship. Legislative Reference: Adults with Incapacity (Scotland) Act 2000.
18. To make arrangements for the provision of any ancillary or supplementary services. Legislative Reference: Mental Health (Care and Treatment) (Scotland) Act 2003.
19. To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship. Legislative Reference: Mental Health (Scotland) Act 1984.

20. To appoint Mental Health Officers. Legislative Reference: section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
21. To receive patients who have attained the age of 16 years into guardianship. Legislative Reference: section 57 of the Adults with Incapacity (Scotland) Act 2000.
22. To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age. Legislative Reference: Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
23. To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and remove patients. Legislative Reference: sections 33 and 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
24. To make arrangements for the exercise by the Council of its functions in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000 including:
 - a. to make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided;
 - b. to apply for and implement welfare and financial guardianships or intervention orders and any other ancillary or supplementary services or orders under the Adults with Incapacity (Scotland) Act 2000;
 - c. to make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based; and
 - d. to make arrangements for provision of any ancillary or supplementary services.
25. To apply for orders for the purpose of removing people in need of care and attention to suitable premises. Legislative Reference: section 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 14 of the Adult Support and Protection (Scotland) Act 2007.
26. To make provision for the safeguarding of vulnerable adults. Legislative Reference: Adult Support and Protection (Scotland) Act 2007.
27. To supervise persons subject to a Community Payback Order, Unpaid Work Order, or release from prison related Order and to provide the necessary social background reports and other reports to the Court. Legislative Reference: The Management of Offenders etc. (Scotland) Act 2005.
28. To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine. Legislative Reference: section 217 of the Criminal Procedure (Scotland) Act 1995.
29. To supervise people placed on a Supervised Attendance Order for default of a fine. Legislative Reference: section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.
30. To supervise people placed on a Drug Treatment and Testing Order. Legislative Reference: sections 89-95 of the Crime and Disorder Act 1998.
31. To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posted by certain high risk offenders. Legislative Reference: section 10 of the Management of Offenders etc. (Scotland) Act 2005.

32. To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release. Legislative Reference: section 71 of the Criminal Justice (Scotland) Act 2003.
33. To jointly, with Scottish Ministers, establish arrangements for the assessment of management of the risks posed by custody and community prisoners. Legislative Reference: section 9 of the Custodial Sentences and Weapons (Scotland) Act 2007.
34. Following consultation with the Director of Commissioning, to monitor the performance of any contract for the provision of Health and Social Care facilities services, or both, on the Council's behalf.
35. To authorise the provision of aids and adaptations for the homes of people with disabilities within the approved budget available for the purpose and in accordance with approved policies.
36. To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.
37. [To provide Appropriate Adult support services to vulnerable persons under section 42 of the Criminal Justice \(Scotland\) Act 2016.](#)

Commented [JA147]: The new duty under s42 of the CJ(S)A2016 relates to the council having to provide an appropriate adult service if a request for support is intimated to ACC by a police constable. Support is required when a person is in custody and applies to over 16's.
January 31, 2020, 4:09 PM

APPENDIX 1

PROPER OFFICERS AND STATUTORY APPOINTEES

PROPER OFFICERS - The undernoted officers are Proper Officers for the following purposes:

Legislation	Function	Officer
Any other legislation (not included in the below list) which requires certain functions to be exercised by a Proper Officer		<ul style="list-style-type: none"> • Chief Executive
Local Government (Scotland) Act 1973 Section 33A	Councillors' declaration of acceptance of office	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance • Legal Services Manager • Democracy Manager
Section 34	Receipt of Councillors' resignations	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance
Section 43 and Schedule 7 paragraph 1(4)	Receipt of requisition for special Council meeting	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager • Democracy Manager
Section 43 and Schedule 7 paragraph 2(1)	Signing summons to attend Council meeting	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance • Legal Services Manager • Democracy Manager
Section 43 and Schedule 7 paragraph 2(2)	Receipt of notice by Councillor of alternative address:	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager • Democracy Manager
Section 50B	Excluding reports containing exempt information from public, and providing documents to the press	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager • Democracy Manager
Section 50C	Providing a written summary of the proceedings where minutes are excluded from public, without disclosing the exempt information.	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance
Section 50D	Compiling a list of background papers to a report to be open to inspection by members of the public	<ul style="list-style-type: none"> • Democracy Manager

Section 50F	Determining documents which are not open to inspection and would disclose exempt information.	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance
Section 92	Dealing with the transfer of securities	<ul style="list-style-type: none"> • Director of Resources Chief • <u>Chief</u> Officer - Finance
Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> • Chief Officer - Finance
Section 128	Educational Endowments	<ul style="list-style-type: none"> • Chief Officer - Governance
Section 145	Ordnance Survey applications sent to the proper officer of the local authority.	<ul style="list-style-type: none"> • Chief Officer - Early Intervention and Community Empowerment
Section 189	Instituting, defending or appearing in legal proceedings	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager
Section 190	Service of legal proceedings, notices, etc., will be duly served on the authority if served on the proper officer of the authority	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager
Section 191	Signing any claim on behalf of the Council in any sequestration, liquidation or other such proceedings in which the Council is entitled to make a claim and may act on behalf of the Council in connection with that claim in all respects.	<ul style="list-style-type: none"> • Chief Officer - Governance • Legal Services Manager
Section 193	Signing notices, orders, authenticating documents etc.	<ul style="list-style-type: none"> • Chief Officer with responsibility for the relevant function to which the notice, order etc. relates <ul style="list-style-type: none"> • Other officers as authorised in terms of the Powers Delegated to Officers

Commented [AS148]: Providing greater clarity

Section 197	Inspection and deposit of documents	<ul style="list-style-type: none"> Chief Officer - Governance
Section 202	Authenticating byelaws	<ul style="list-style-type: none"> Chief Officer - Governance
Section 202B	Certifying a true copy of an entry in register of byelaws	<ul style="list-style-type: none"> Chief Officer - Governance
Section 204	Evidence of byelaws - copy of a byelaw purporting to be made by the Council upon which is endorsed a certificate purporting to be signed by the proper officer.	<ul style="list-style-type: none"> Chief Officer - Governance
Section 206	The admission of honorary freemen and keeping a roll containing the names of persons admitted to be freemen.	<ul style="list-style-type: none"> Chief Officer - Governance
Section 231	Application to sheriff in cases of difficulty - making application to the sheriff on questions arising from the Local Government (Scotland) Act 1973	<ul style="list-style-type: none"> Chief Officer - Governance
Civic Government (Scotland) Act 1982 Section 112	Execution of management rules	<ul style="list-style-type: none"> Chief Officer - Governance
Section 113	Evidence of management rules	<ul style="list-style-type: none"> Chief Officer - Governance
Local Government and Housing Act 1989 Section 2	Lists of politically restricted posts – proper officer to maintain a list of politically restricted posts	<ul style="list-style-type: none"> Director of Resources Chief Officer – People and Organisational Development

<p>Local Government (Scotland) Acts 1973 and 1975, Local Government Finance Act 1992 and associated delegated legislation</p>	<p>All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions</p>	<ul style="list-style-type: none"> • Director of Resources Chief • <u>Chief</u> Officer - Finance
<p>Local Government Finance Act 1992 and associated delegated legislation</p>	<p>All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges</p>	<ul style="list-style-type: none"> • Director of Resources <u>Chief</u> • <u>Chief Officer</u> – Finance • <u>Chief Officer – Customer Experience</u>
<p>Local Government etc. (Scotland) Act 1994 Section 16</p>	<p>Property held in trust</p>	<ul style="list-style-type: none"> • Director of Resources • Chief Officer - Governance • Chief Officer - Finance
<p>Requirements of Writing (Scotland) Act 1995 Schedule 2, paragraph 4(1)</p>	<p>Signing of documents</p>	<ul style="list-style-type: none"> • <u>Officers as authorised in terms of the Powers Delegated to Officers Such officers as may be (or have already been) appointed by the Council in this respect</u>
<p>Local Authorities (Contracts) (Scotland) Regulations 1997 Regulation 4</p>	<p>Signing of Certificates</p>	<ul style="list-style-type: none"> • Chief Officer - Governance • Chief Officer - Finance • Legal Services Manager • Head of Commercial and Procurement Services • Relevant Delegated Procurers

Commented [AS149]: Updated to reflect CO – CE responsibilities.

Commented [AS150]: Reviewed wording

<p>Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 Regulations 3-7</p>	<p>To set up, maintain and make available for public inspection the register of interests. This record will consist of the date of receipt of that notice, the name of the responsible person who gave that notice and a statement of the information contained in, or a copy of, that notice. The proper officer shall maintain that record in respect of any person until five years after the date that person ceases to be a responsible person.</p>	<ul style="list-style-type: none"> • Legal Services Manager • Democracy Manager • Chief Officer - Governance
<p>Scottish Local Government Elections Order 2011</p>	<p>Retention of documents following an election</p>	<ul style="list-style-type: none"> • Chief Executive • Chief Officer - Governance
<p>Community Empowerment (Scotland) Act 2015 Part 9 Section 116 *not yet in force – date to be appointed*</p>	<p>This section provides for the execution of allotment site regulation by proper officers. These regulations cover allotment allocation, rent, cultivation of allotments, maintenance of allotments, buildings or structures, keeping of livestock, access, sale of surplus produce etc.</p>	<ul style="list-style-type: none"> • Such officers as may be (or have already been) appointed by the Council in this respect Chief Officer – Operations and Protective Services
<p>Housing (Scotland) Act 2006 Section 140</p>	<p>A licence holder who requests the local authority to provide a certified copy of the HMO (Houses In Multiple Occupation) licence is, if the request is reasonable, entitled to be given such a certified copy. Section 140(4) provides that any such copy HMO licence which purports to be certified by a proper officer of the local authority is sufficient evidence of the terms of the HMO licence</p>	<ul style="list-style-type: none"> • Such officers as may be (or have already been) appointed by the Council in this respect
<p>Section 160</p>	<p>Certifying a HMO licence for entry in the HMO register</p>	<ul style="list-style-type: none"> • Such officers as may be (or have already been) appointed by the Council in this respect

Commented [AS151]: Added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015

Environmental Protection Act 1990 Section 33A (11)(a)	Signing a certificate for proceedings in relation to fixed penalty notices for contraventions of section 33(1)(a) and (c) (this is to be done by a proper officer with the responsibility mentioned in Section 95 of the Local Government (Scotland) Act 1973)	<ul style="list-style-type: none"> Chief Officer - Finance
Local Electoral Administration and Registration Services (Scotland) Act 2006 Sections 5,6 & 7	Section 5 imposes requirements on the proper officer to make relevant election documents available for inspection by members of the public. The proper officer must, on the request of any registered party or a person who was a candidate at the election, supply them with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election.	<ul style="list-style-type: none"> Chief Officer - Governance
Discretionary Housing Payments (Grants) Order 2001 Part 3(3)	Signature of Claims (by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973.)	<ul style="list-style-type: none"> Chief Officer - Finance

STATUTORY APPOINTEES

The undernoted officers are statutory appointees in terms of the undernoted legislation:

Legislation	Function	Officer
Social Work (Scotland) Act 1968 Section 3	Chief Social Work Officer	<ul style="list-style-type: none"> Chief Officer - Integrated Children's and Family Services
Representation of the People Act 1983 Sections 25, 41	Returning Officer	<ul style="list-style-type: none"> Chief Officer - Governance

Representation of the People Act 1983 Section 5, s6b	The proper officer is to prepare a list of rooms in schools and meeting rooms which candidates in the constituency are entitled to use	<ul style="list-style-type: none"> Such officers as may be (or have already been) appointed by the Council in this respect
Weights and Measures Act 1985 Section 72(1)(a)	Chief Inspector of Weights and Measures	<ul style="list-style-type: none"> Trading Standards Manager
Local Government and Housing Act 1989 Section 4	Head of Paid Service	<ul style="list-style-type: none"> Chief Executive
Section 5	Monitoring Officer	<ul style="list-style-type: none"> Chief Officer - Governance
Environmental Protection Act 1990 Section 149(1)	Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area	<ul style="list-style-type: none"> Environmental Health Manager
Regulation of Investigatory Powers (Scotland) Act 2000 (i) Sections 6 and 7	Authorising Officers	<ul style="list-style-type: none"> Chief Executive (where required by statute) Protective Services Manager Revenues and Benefits Manager Housing Manager Other officers as appointed by Chief Officer - Governance
Regulation of Investigatory Powers Act 2000	Designated Persons	<ul style="list-style-type: none"> Protective Services Manager Other officers as appointed by Chief Officer - Governance
Licensing (Scotland) Act 2005 (i) Schedule 1, Paragraph 8	Clerk of the Licensing Board	<ul style="list-style-type: none"> Chief Officer - Governance
Valuation Joint Boards (Scotland) Order 1995 Schedule 2, Section 4	To act as the Treasurer of Grampian Valuation Board	<ul style="list-style-type: none"> Chief Officer - Finance

Education (Scotland) Act 2016 Section 25	All education authorities must appoint a Chief Education Officer to advise the authority on carrying out the authority's legislative functions under this Act and other education Acts. The Chief Education Officer must be appropriately experienced, as determined by the authority.	<ul style="list-style-type: none"> To be appointed. Section 25 is not yet in force.
Registration of Births, Deaths and Marriages (Scotland) Act 1965 Section 7	District registrars/senior registrars.	<ul style="list-style-type: none"> Registrars
Local Government (Scotland) Act 1973 Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> Chief Officer - Finance
Local Government etc. (Scotland) Act 1994 Section 27	Assessor	<ul style="list-style-type: none"> Such officers as may be (or have already been) appointed by the Council in this respect
Mental Health (Care and Treatment) (Scotland) Act 2003 Section 32	Mental Health Officers	<ul style="list-style-type: none"> Mental Health Officers
Food Safety Act 1990 Section 27	Analysts	<ul style="list-style-type: none"> Such officers as may be (or have already been) appointed by the Council in this respect
Agriculture Act 1970 Section 67(3)	Agricultural Analyst/Depute Agricultural Analyst	<ul style="list-style-type: none"> Such officers as may be (or have already been) appointed by the Council in this respect
Data Protection Bill Act 2018 Section 7 & GDPR Section 67 & Article 37(1) of GDPR	Data Protection Officer	<ul style="list-style-type: none"> Data Protection Officer Chief Officer - Governance

Commented [AS152]: Updated to reflect legislation and responsibilities.

<p>Town and Country Planning (Scotland) Act 1997 Section 43A</p>	<p>To determine any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.</p>	<ul style="list-style-type: none"> • Chief Officer - Strategic Place Planning and any appropriate person nominated by him/her for the purpose
<p><u>Town and Country Planning (Scotland) Act 1997</u> <u>Section 1A when it comes into force</u></p>	<p><u>Each Planning Authority must have a chief planning officer (CPO). The role of CPO is to advise the Planning Authority on the carrying out of functions conferred on them by virtue of the planning Acts and, and functions conferred on them by any other relevant enactment.</u></p>	<ul style="list-style-type: none"> • <u>Chief Planning Officer – to be appointed – guidance from Scottish Ministers on the role awaited.</u>

APPENDIX 2

Scheme of Delegation for dealing with planning applications for Local Developments

[Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended)]

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (that Chief Officer or any such appropriate person hereinafter referred to as the "Appointed Officer") has the following delegated powers:

1. To determine applications for:
 - the requisite approval of matters specified in condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended);
 - planning permission (including planning permission in principle);
 - applications for the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission or planning permission in principle; and
 - planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended).

all in respect of applications falling within the category of "local development" as defined within the [Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#) [and as required by Section 28 of the Planning \(Scotland\) Act 2019, in respect of planning permission for a development within the category of local developments, \(when it comes into force\)](#) **except** where that application:-

- i. has been made by or on behalf of;
 - a. an elected member of the Council or a member of staff employed within the Place Planning function of the planning authority; or
 - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
- all as determined from the contents of the application form.
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. is being recommended for approval and has been the subject of formal timeous objection by the local Community Council within whose area the application site falls;

Commented [AS153]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

- v. is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service;
- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy;
- viii. has been subject to a Public Hearing under section 38A(4) of The Town and Country Planning (Scotland) Act 1997.

2. ~~To determine applications for the approval of consent, agreement or approval required by a condition(s), imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.~~

Commented [AS154]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

3. ~~To determine applications for any approval of the planning authority required under a development order as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.~~

Commented [AS155]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

4. ~~To determine applications for certificates of lawfulness of existing use or development under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.~~

Commented [AS156]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

2.5. ~~To determine applications for certificates of lawfulness of proposed use or development under Section 151 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.~~

Commented [AS157]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

3. ~~To determine applications for advertisement consent required by virtue of regulations made under Section 182 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.~~

Commented [AS158]: Changes to reflect forthcoming new Planning Act

Commented [AS159]: Changes to reflect forthcoming aspects of Planning (Scotland) Act

4.6. Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:

- a. negotiate and conclude legal agreements related to planning and other related applications;
- b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning applications;
- c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

5.7. To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

6.8. To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or, where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

7.9. To determine requests for non-material variation of planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Note

The powers delegated to the appointed officer hereof are further qualified to the extent outlined in the provisions of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.

Definitions

1. A **"timeous objection"** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or if applicable, [the time period allowed for advertisement of the application \(whichever is the later\) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period\(s\).](#) ~~advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.~~
2. A **"timeous letter of representation"** means any written representation received no later than the time period specified by the planning authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. **"Letter of representation"** is to be construed in light of the following:
 - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
 - a single letter with a number of signatures from one postal address counts as only one representation
 - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
 - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)



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Standing Orders For Council, Committee and Sub Committee Meetings

Approved by Council [24 March 2020](#)¹⁹



Aberdeen City Council Standing Orders For Council, Committee and Sub Committee Meetings

The Council will exercise all its powers and duties in accordance with the law and the Council's Scheme of Governance.

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

Version	2.0
Effective From	6 March 2019 March 2020
To be Reviewed	March 2021
Application of Policy	Council-wide
Policy Author	Stephanie Dunsmuir Lynsey McBain , Committee Services Officer

DRAFT

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Commented [AS1]: The Contents page will be updated following the Council meeting. Standing Order 15 (Petitions) needs to be added which is on page 14, however due to the format of the contents page it cannot be added at this stage.

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FIRST COUNCIL MEETING FOLLOWING AN ELECTION THE STATUTORY MEETING

1. Calling of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within 21 days of the election, on a date set by the Chief Officer - Governance.

2. Terms of Business

- 2.1 The Returning Officer, whom failing such Councillor as the meeting may select, will chair the meeting until the Lord Provost is elected.
- 2.2 The agenda will include the following business:
- 2.2.1 Receipt of notice of election of Councillors;
 - 2.2.2 Election of Lord Provost, Depute Provost, Leader or Co-Leaders, and Depute Leader of the Council;
 - 2.2.3 Appointment of a Business Manager and Depute Business Manager;
 - 2.2.4 Appointment of a Convener and Vice Convener(s) for Committees of the Council;
 - 2.2.5 Appointment of Members to Committees;
 - 2.2.6 Nomination or appointment as the case may be of representatives to Boards, Joint Committees and Outside Bodies; and
 - 2.2.7 Approval of Senior Councillor allowances.
- 2.3 Where Standing Orders refer to the Leader of the Council, this will include reference at all times to Co-Leaders, if appointed.
- 2.4 Where any function in terms of the Standing Orders is attributed to the Leader of the Council, the Co-Leaders will determine who will undertake it and notify the Chief Executive on request.
- 2.5 In the absence of the Business Manager, the Depute Business Manager will fulfil the duties of the Business Manager.
- 2.6 There will be no more than one appointment made to the roles of:
- Lord Provost;
 - Depute Provost;
 - Depute Leader (if appointed);
 - Business Manager;
 - Depute Business Manager; and
 - Convener.

- 2.7 The Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.
- 2.8 Any External Member appointed by Council to any Committee or Sub Committee will have full voting rights on all matters considered relevant by the Council, Committee or Sub Committee, unless otherwise agreed by Council.
- 2.9 An External Member will remain as a member of the Committee or Sub Committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.
- 2.10 An External Member will be expected to comply with the Councillors' Code of Conduct.

3. Nominations and Appointments

3.1 General Procedures

- 3.1.1 When nominating or appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote.
- 3.1.2 A Member will be entitled to vote for as many candidates as there are vacancies.
- 3.1.3 A Member must not vote more than once for any one candidate in any ballot.
- 3.1.4 In addition to the nominator and seconder, Members may speak in support of their own candidacy for a maximum of 5 minutes.

3.2 Voting in the Case of One Vacancy

- 3.2.1 Where only one vacancy requires to be filled and one candidate has an absolute majority of votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
- 3.2.2 Where only one vacancy requires to be filled and there are only two candidates and the vote results in a tie, the candidate to be removed will be determined by lot, using a method decided upon by the Clerk.
- 3.2.3 Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the candidate with fewest votes will be removed, and a fresh vote will take place between the remaining candidates.
- 3.2.4 This process will continue until one candidate has a majority of votes cast.
- 3.2.5 Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates.
 - 3.2.5.1 The name of the candidate with the fewest votes will be removed from the process.
 - 3.2.5.2 If an equal number of votes remains, the candidate to be removed will be determined by lot using a method decided upon by the Clerk.

3.3 Voting in the Case of Two or More Vacancies

- 3.3.1 Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, the following method of voting shall apply:-

3.3.1.1 The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

3.3.1.2 Where there is an equal number of votes between two or more candidates, and where their respective proportion of the votes cast does not allow them to automatically take up a vacancy, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

3.3.2 In the event that Standing Order 3.3.1.2 still produces an equality of votes, the decision will be by lot using a method decided upon by the Clerk.

3.3.2.1 The first named candidate drawn will be elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes.

3.3.2.2 This process will continue until the number of candidates amounts to the same number of vacancies.

4. Duration of Appointments

4.1 Each appointment made under Standing Order 3 will stand until the next local government election, unless and until:

4.1.1 a Member resigns from that appointment; or

4.1.2 is removed by the Council as set out in Standing Order 5; or

4.1.3 in the case of a Leader, the Council agrees to that Member being a Co-Leader with another Member.

5. Removal from Office

5.1 Any Member elected or appointed as Lord Provost, Depute Provost, Leader or Co_Leaders of the Council, Depute Leader of the Council, Business Manager or Depute Business Manager, or as Convener or Vice Convener can only be removed from office by a resolution by Full Council following a Notice of Motion submitted at least three weeks prior to the Council meeting in accordance with Standing Order 12.

5.2 Any such Notice of Motion will form the first item of business at the next Full Council meeting.

5.3 Any such Notice of Motion can only be heard by Full Council and, for the avoidance of doubt, not by the Urgent Business Committee.

5.4 Following debate, a proposal as to whether to remove from office the office bearers detailed at Standing Order 5.1 will be voted on and decided by simple majority.

5.5 For the avoidance of doubt, there will be a casting vote in the event of there being no overall majority.

5.6 Where the Council agrees to remove a Co-Leader from their role, the removal from office will only apply to the named Member.

- 5.6.1 The remaining Co-Leader will be determined to be the Leader of the Council, unless Council appoints a replacement Co-Leader.

6. Appointment and Employment of Chief Officers

- 6.1 The processes which apply to the appointment and employment of Chief Officers are set out at Appendix 3 to this document.

COUNCIL AND COMMITTEE MEETINGS

7. Ordinary Meetings

- 7.1 Meetings of the Council, its Committees and Sub Committees will be held in line with the meeting timetable as approved by the Council.
- 7.2 No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.
- 7.3 It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.

8. Special Meetings

- 8.1 A special meeting of the Council, a Committee or Sub Committee may be called at any time by its Convener.
- 8.2 A special meeting may also be called by at least a quarter of the Members of the Council, Committee or Sub Committee.
- 8.2.1 In such instances a special meeting will be held within fourteen days of a written request being received by the Chief Officer - Governance.
- 8.2.2 The written request must set out the business of the meeting and be signed by at least a quarter of the Members of the Council, Committee or Sub Committee.

9. Place of Meetings

- 9.1 All meetings of the Council, its Committees and Sub Committees will, unless otherwise determined by the Chief Officer - Governance in consultation with the Convener, take place in the Town House.

10. Notice of Meetings

- 10.1 At least five Clear Days before a meeting of the Council, Committee or Sub Committee, the time and place of the meeting will be published at the Council's offices.
- 10.1.1 Standing Order 10.1 does not apply to the Urgent Business Committee nor the Licensing Sub Committee.
- 10.2 A Summons to attend the meeting including the list of business to be transacted at the meeting will be delivered:-
- 10.2.1 by post to a Member's normal place of residence;
- 10.2.2 to such other address as a Member may specify; or
- 10.2.3 by email to an address provided by the Council.

- 10.3 If a Summons is not sent to or received by any Member, the meeting will still be valid.

11. Order of Business

11.1 Council Meetings

- 11.1.1 At an ordinary meeting of Council, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following

order:-

- 11.1.1.1 Admission of Burgesses
- 11.1.1.2 Notification of Urgent Business
- 11.1.1.3 Determination of Exempt Business
- 11.1.1.4 Declarations of Interest
- 11.1.1.5 Deputations
- 11.1.1.6 Minutes of Previous Meeting(s) of Council
- 11.1.1.7 Referrals from Committees
- 11.1.1.8 Committee Planner
- 11.1.1.9 Council Business
- 11.1.1.10 Notices of Motion
- 11.1.1.11 Exempt / Confidential Business

11.2 Committee and Sub Committee Meetings

- 11.2.1 At an ordinary Committee or Sub Committee meeting, the business shown on the agenda will usually (unless otherwise determined by the Convener) proceed in the following order:

- 11.2.1.1 Notification of Urgent Business
- 11.2.1.2 Determination of Exempt Business
- 11.2.1.3 Declarations of Interest
- 11.2.1.4 Deputations
- 11.2.1.5 Minutes of Previous Meeting
- 11.2.1.6 Committee Planner
- 11.2.1.7 Notices of Motion
- 11.2.1.8 Referrals from Council, Committees and Sub Committees
- 11.2.1.9 Committee Business (to be set out as per Committee Terms of Reference)
- 11.2.1.10 Exempt / Confidential Business

OPERATION OF COUNCIL, COMMITTEE AND SUB COMMITTEE MEETINGS

12. Notices of Motion

- 12.1 A Member can submit a Notice of Motion to Council, a Committee or Sub Committee.
- 12.2 Notices of Motion should be submitted to the Clerk in writing at least three weeks prior to the meeting.
 - 12.2.1 The Clerk will then be responsible for collating the views of the relevant Director(s), Chief Officer - Governance, Chief Officer - Finance and any other relevant Chief Officer(s) and presenting these to the Member.
- 12.3 Following the conclusion of the consultation set out in Standing Orders 12.1 and 12.2, the final written motion must be submitted by the Member to the Clerk by 12 noon two weeks prior to the meeting, along with any relevant correspondence.
- 12.4 Precise deadlines for all Council, Committee and Sub Committee meetings will be made available to Members on the internal website.
- 12.5 Prior to a Notice of Motion appearing on an agenda, the Convener will determine competency.
- 12.6 A Notice of Motion will be determined incompetent if:-
 - 12.6.1 The judgement of the relevant Director(s) or Chief Officer(s) is that the matter is already being pursued. In such circumstances, the Member may only resubmit the motion after a period of six months from the date of submission of the Notice of Motion;
 - 12.6.2 The terms of the motion could result in a breach in law;
 - 12.6.3 The motion proposes expenditure and does not identify a source of funding; or
 - 12.6.4 A motion in similar terms has already been submitted for the same meeting by another Member.
- 12.7 If the Convener rules the motion incompetent, it will not appear on the agenda for the meeting.
- 12.8 If the motion is ruled incompetent, the Member may submit a revised version, subject to adhering to the process outlined in Standing Orders 12.1, 12.2 and 12.3 above.
- 12.9 A Notice of Motion submitted to the Clerk outwith the deadlines referred to above, can only be accepted onto the agenda at the discretion of the Convener, prior to, or at the meeting of the Council, Committee or Sub Committee.
- 12.10 Standing Order 12.9 does not apply to any Notice of Motion submitted under Standing Order 5.1 (Removal of Office of Lord Provost, Depute Provost, Leader or Co Leaders, Depute Leader of the Council or Convener or Vice Convener).

- 12.11 When submitting a Notice of Motion, outwith the deadlines referred to above, the Member will be required to specify why the motion should be considered as a matter of urgency.
- 12.12 If a Member who has submitted a Notice of Motion is absent from the meeting when the motion is due to be considered, the motion will not be considered at that meeting but will be put on the agenda for the next meeting.
- 12.13 If the Member is absent on the second occasion, the motion will fall.
- 12.14 If a Member is not a member of the Committee or Sub Committee where their motion is to be considered, they will be invited to the meeting to move or speak to the motion and sum up; however they will not be entitled to vote on the matter.
- 12.15 Members are permitted to submit joint notices of motion, however the 10 minute time limit for moving the motion will remain unchanged, which can be split between any or all of the Members who submit the joint motion.
- 12.16 A Member can make minor alterations to their motion, with the consent of the Convener.
- 12.17 Any motion proposing a nomination for Freedom of the City must be signed by at least 23 Members of the Council.

13. Reports by Officers

- 13.1 Reports to the Council, Committees or Sub Committees will be in the name of the Chief Executive, Directors, Statutory and Chief Officers or by the Council's Internal or External Auditors; or by a representative of Police Scotland or the Scottish Fire and Rescue Service.

- 13.2** Reports must be provided in draft to the following for consultation in accordance with the published timetable:

13.2.1 Chief Officer - Finance

13.2.2 Chief Officer - Governance

13.2.3 Chief Executive

13.2.4 Clerk

13.2.5 Administration Leaders

13.2.6 Convener of the City Growth and Resources Committee

13.2.7 Convener and Vice Convener of Council or the relevant Committee or Sub Committee

13.2.8 Business Manager

13.2.9 Executive lead for their respective committee

Commented [AS2]: This addition ensures the Executive Lead receives all draft reports.

- 13.3 Reports must also be provided in draft to the following officers for consultation, in cases where the report contains matters within their professional remit:-

13.3.1 Chief Officer – Integrated Children's and Family Services

13.3.2 Chief Officer – People and Organisational Development

Commented [SD3]: Updated to reflect title changes

13.3.3 Chief Officer – Organisational Development**13.3.34 Head of Commercial and Procurement Services****13.3.45 Chief Officer – Corporate Landlord****13.3.56 Chief Officer – City Growth**

- 13.4 Standing Orders 13.2 and 13.3 do not apply to planning or licensing applications where there are no draft reports and separate statutory consultation procedures apply.
- 13.5 A report author must consult the local Members of a ward where the report contains proposals which, ~~if implemented, would will~~ have a ~~significant local~~ impact on that particular ward.
- 13.6 Where an initial report is prepared as a result of a Notice of Motion having been considered, the report author must consult the Member(s) who submitted the Notice of Motion.
- 13.7 A report will only be submitted for consideration by the Council, Committee or Sub Committee where the Clerk, Chief Officer – Finance and the Chief Officer – Governance have responded to the consultation on that report.
- 13.8 Subject to Standing Orders 13.9 to 13.12 below, final reports to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be submitted to the Clerk as specified in the timetable published by the Chief Officer - Governance.
- 13.9 If a report not listed on the agenda is submitted after the agenda for the meeting of the Council, Committee or Sub Committee has been published; the Convener must give authority for the report to be added to the agenda.
- 13.10 If a report listed on the agenda is submitted after the agenda has been published but more than three Clear Days before the meeting, no Late Docquet will be required.
- 13.11 If a report is submitted after the agenda has been published but less than three Clear Days before the meeting, the relevant Director or Chief Officer must submit a Late Docquet to the Clerk explaining why the report is late and the special circumstances which require the item to be considered as a matter of urgency.
- 13.11.1 In terms of Standing Order ~~365~~.3, the Docquet must also be signed by the Convener who will specify why the item should be considered at the meeting as a matter of urgency.
- 13.11.2 Standing Order 13.11 does not apply to the Licensing Committee, Urgent Business Committee or Licensing Sub Committee.
- 13.12 Any officer listed under Standing Order 13.1 will have the authority to withdraw his/her report from the agenda, following consultation with the Business Manager.

Commented [AS4]: Reviewed to clarify when a local member should be consulted

14. Deputations

- 14.1 Every request for a deputation must be in writing and received by the Clerk at least two working days before the meeting to which it relates. Any documentation that a deputation may wish to circulate to the Committee must be submitted along with the deputation request. Should such documentation not be submitted with the request, it will be for the Convener to determine if the document is circulated.

Commented [AS5]: Reviewed in line with recent documents submitted with a deputation request.

- 14.1.1 For example, for a meeting on a Thursday, requests must be received by the end of the Monday; and for a meeting on a Tuesday, requests must be received by the end of the previous Thursday.
- 14.2 In the event that a report has not been published to enable a deputation request to comply with the deadline set out in Standing Order 14.1, deputation requests may still be submitted and put on to the agenda.
 - 14.2.1 In such instances, Standing Order 14.1 would require to be suspended at the meeting for the deputation to be heard.
- 14.3 The request must relate to a report on an agenda.
- 14.4 The request must state the report on which the deputation wants to be heard and the action (if any) the deputation would like the Council, Committee or Sub Committee to take in relation to the report.
- 14.5 The following deputation requests are not competent:-
 - 14.5.1 Deputations which fail to comply with Standing Order 14.1
 - 14.5.2 Deputations which relate to reports containing confidential information (see Standing Order [224](#))
 - 14.5.3 Deputations which relate to the annual budget
 - 14.5.4 Deputations which relate to a petition
 - 14.5.5 Deputations which relate to a planning or licensing application
 - 14.5.6 Deputations which relate to matters that have alternative procedures for representation (which may include, but are not restricted to, the Council's proposed sale or let of a property which has been subject to a closing date and the Council's proposed tendering of goods, services or works).
 - 14.5.7 Deputations which relate to a Notice of Motion which has not yet been moved.
- 14.6 Subject to Standing Order 14.2 (late publication of reports), if a deputation request is determined to be incompetent, it will not be put on the agenda.
- 14.7 Deputations cannot consist of more than three people.
- 14.8 No individual may form part of more than one deputation on the same matter.
- 14.9 A competent deputation request will be placed on the agenda for the relevant meeting of the Council, Committee or Sub Committee.
 - 14.9.1 If a deputation is deemed to be competent, it will be heard at the meeting, unless a Member moves a procedural motion to determine otherwise.
- 14.10 If, having heard the deputation, the Council, Committee or Sub Committee defer consideration of the report, no further request will be accepted from the same body or individuals in relation to the matter unless a new report containing substantially different information is submitted to a future meeting.
- 14.11 Competency in respect of Standing Orders 14.3, 14.5 and 14.10 will be determined by the Convener.

- 14.12 If a report on which a deputation has been heard is referred to another meeting of the Council, a Committee or Sub Committee, in order for the same body or individuals to be heard, a fresh request for a deputation must be submitted.
- 14.13 Deputations will be given a maximum of ten minutes to present their case, irrespective of the number of speakers.
- 14.14 Following the conclusion of the deputation, Members will be given the opportunity to ask questions of the deputation for a maximum of ten minutes.
 - 14.14.1 No questions can be asked of officers during this time period, and no debate or discussion will take place until the report is considered as part of the agenda.

15. Petitions

- 15.1 A petition complying with the agreed criteria and having received at least 100 valid signatures will be placed on the agenda for consideration at the relevant committee.
- 15.2 The petitioner will be invited to explain their petition at the relevant committee and will have a maximum of ~~10~~ten minutes to present their case, following which Members will be given the opportunity to ask questions of the petitioner for a maximum of ten minutes.
- 15.3 The petitioner can be supported by up to two other individuals but the ten minute limit will be the same.
- 15.4 A Council officer will then have the opportunity to present their case for a maximum of ten minutes, following which Members will be given the opportunity to ask questions of the officer for a maximum of ten minutes.
- 15.5 There are three options for the committee to consider.
 - 15.5.1 Take no action and advise the lead petitioner of the Committee's reasoning.
 - 15.5.2 Agree that the matter be the subject of a report to the relevant Committee(s).
 - 15.5.3 Refer the matter to a relevant organisation with or without a recommendation.

Commented [AS6]: Added to be consistent with deputations and to ensure the same procedure adopted across all committees. Reflects the process agreed by Council.

15.16. Rights of Members to Attend Meetings

- 15.16.1 Subject to Standing Orders 12.14 and 16.2 and 16.3, any Member will be entitled to attend any Committee or Sub Committee meeting of which they are not a member and will, with the consent of the Convener, be entitled to ask questions or address the meeting.
 - 15.1.16.1.1 The Member may not propose or second any motion or amendment or vote.
- 15.2.16.2 A Member cannot be present at a meeting of a Committee or Sub Committee for which they are not a member when all of the following three conditions apply:-
 - 15.2.16.2.1 The press and public have been excluded from the meeting; **and**
 - 15.2.16.2.2 The meeting is likely to involve the taking of a decision which may affect the interests of any person or body following a hearing; **and**

16.2.3 The person or body has a right in terms of the law, Standing Orders or other administrative procedure, to be heard at that meeting in person or through a representative, for example the Appeals Sub Committee or Licensing Committee.

16.3 In respect of the following, Members will only be entitled to make representations through, as applicable, the formal statutory process or other procedure agreed by Council Committee or Sub Committee:
16.3.1 quasi-judicial matters;
16.3.2 individual housing allocation decisions; or
16.3.3 reviews to be undertaken by the Community Asset Transfer Review Sub Committee.

16.4 Prior to sitting as a member or a substitute of the Pensions Committee and the Appeals Sub Committee, a Councillor must have undertaken the required training.

Commented [AS7]: Added to clarify the right of members to attend and speak at committee meetings when a quasi judicial applications are being considered to ensure all parties are getting an equal opportunity; to clarify the right of members to attend and speak at committee meetings when an individual housing allocation is being determined to ensure fairness as the housing applicant does not get an opportunity to address the Committee; and to clarify the right of members to attend and speak at meetings of the CATSC

Commented [AS8]: Clarifies requirements of Members to undertake training. Anyone that sits on the Pensions Committee or Board have to have the knowledge and skills to execute their fiduciary duty and be able to challenge the advice they may be given. This is in line with the Knowledge and Skills Framework developed by CIPFA in 2010 which has been adopted by the Fund, the Training Policy which applies to Committee & Board members and The Local Government Pension Scheme (Scotland) Regulations 2018

Appeals Sub Committee procedure requires members to have undertaken training prior to hearing an appeal.

16.17 Substitute Members

17.1 Members or Groups will be entitled to nominate substitutes to attend meetings of Committees and Sub Committees on their behalf, providing those substitutes have received relevant training as determined by the Council.

17.2 Bodies appointing External Members shall be permitted to appoint a named substitute for their substantive Member, providing those substitutes have received relevant training as determined by the Council.

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17.18 Failure to Attend Meetings

17.18.1 If a Member does not attend any meeting of the authority within a period of six consecutive months, the Chief Executive must report this to Council, unless leave of absence has been granted to the Member.

17.18.2 If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.

17.18.3 The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.

17.18.3.1 No report from the Chief Executive is required in these circumstances.

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18.19 Chairing of Meetings

18.19.1 At any meeting of the Council, its Committees or Sub Committees, the chair will be taken by the Convener, or where the Convener is absent, the Vice Convener, who will be addressed in accordance with Standing Order 25.2.

18.19.1.1 In the event that there is more than one Vice Convener, it will be for those Members to determine which of them will chair the meeting.

18.19.1.2 In the event that no agreement is reached between those Members, the decision will be taken by means of a procedural motion.

18.19.1.3 In the absence of both Convener and Vice Convener(s), the Members present will appoint a Convener.

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Commented [AS9]: Reviewed to provide clarification as to how the Vice Convener should be addressed when acting as Convener.

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1920 Quorum

20.1 The quorum of Council, Committees and Sub Committees will be one quarter of the total number of members of the Council, Committee or Sub Committee, or three members, whichever is the higher.

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2021 Attendance at Meetings by Chief Officers

20.421.1 All meetings will normally have advice available from the Chief Officer – Finance and the Chief Officer - Governance.

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20.521.2 The attendance of all other officers is at the discretion of the appropriate Chief Officer, taking into account the business of the meeting and the Working Time Regulations 1998.

2122 Exempt and Confidential Information

21.422.1 Agendas and reports containing Confidential Information will contain a declaration that the report is 'Not for Publication' because it contains Confidential Information as described in Appendix 1 to the Standing Orders.

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21.522.2 Agendas and reports containing Exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains Exempt Information as described in Appendix 2 to the Standing Orders.

21.622.3 The public **may** be excluded from a meeting when an item of business is being considered, if it is likely that, if the public were present, Exempt Information would be disclosed.

21.722.4 The public **must** be excluded from a meeting when an item of business is being considered and it is likely that, if the public were present, Confidential Information would be disclosed to them in breach of an obligation of confidence.

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2223 Declarations of Interest

22.423.1 Any Member making a declaration of interest should:-

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22.4.23.1.1 indicate whether it is a financial or non-financial interest;

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22.4.23.1.2 include some information on the nature of the interest; and

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22.4.23.1.3 confirm whether or not they intend to withdraw from the meeting room.

22.523.2 A Member must withdraw from the meeting room, including from the public gallery, where they have declared an interest that prevents them from participating in the discussion of, and voting on, the item.

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2324 Introducing Reports

23.424.1 The Convener may identify that a report requires introduction from an officer, ~~following which, Members will be given the opportunity to ask questions of officers.~~ Or a representative of an external organisation, following which, Members will be given the opportunity to ask questions of officers or an external representative. Any introduction and questions for an external representative should be undertaken prior to asking questions of officers.

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Commented [AS10]: Reviewed to take account of external representatives such as ALEOs speaking to officer reports regarding their performance etc.

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23.524.2 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers in advance of the meeting.

23.624.3 When, in the opinion of the Convener, Members have had a reasonable opportunity to ask questions, the Convener will move to determination of the matter.

2425 Speaking at Meetings

24.425.1 When addressing Members, Trade Union Advisers, officers, deputations or representatives of external partners at meetings, no Member or officer should use the first name of the person being addressed.

25.2 When referring to or addressing the Convener, Members, Trade Union Advisers and officers should address the Convener as 'Lord Provost', 'Convener' or 'Chair' as appropriate.

24.525.3 When referring to or addressing a Member, Members, Trade Union Advisers and officers should address the Member as Councillor.

2526 Order of Debate

25.426.1 If consensus cannot be reached on an item, the order of debate will be as follows:-

25.4.126.1.1 Motion moved and seconded

25.4.226.1.2 Amendment(s) moved and seconded

265.1.3 Debate

265.1.4 Summing up for the amendment(s)

265.1.5 Summing up for the motion

265.1.6 Vote

265.2 Any Member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-

265.2.1 Asking questions

265.2.2 Moving, seconding or supporting a motion or any relative amendment

265.2.3 Moving or seconding a Procedural Motion; and

265.2.4 Raising a Point of Order

265.3 Advisers to the Staff Governance Committee will be entitled to raise a Point of Order, ask questions and participate in any debate, but will not be entitled to move a motion or amendment, nor participate in any vote.

276. Points of Order

276.1 A Point of Order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or Councillors' Code of Conduct.

276.2 Any Member may raise a Point of Order at any point in the meeting, and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be, or has been, breached.

276.3 The Convener will decide how the Point of Order will be dealt with.

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Commented [AS11]: Added to reflect how Councillors should be addressed during a meeting. This is already covered in the Member Officer Relations Protocol but should be included in Standing Orders for completeness.

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Commented [AS12]: Added to allow Advisers to raise a Point of Order

287. Procedural Motions

- 287.1** A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to:-
- 287.1.1** Moving exempt business to the public section of the agenda;
 - 287.1.2** Proposing a change to the minute;
 - 287.1.3** Proposing that an item be deferred to a later date;
 - 287.1.4** Proposing that an item be referred to another Committee or directly to full Council;
 - 287.1.5** Proposing that no further debate or questioning take place;
 - 287.1.6** Proposing the suspension of a Standing Order;
 - 287.1.7** Proposing an alternative method of voting; and
 - 287.1.8** Proposing that a planning site visit be undertaken.
- 287.2** A Procedural Motion has to be moved and seconded, and Members will then vote on whether to support or oppose it.
- 287.3** When a Procedural Motion has been moved and seconded, it will be put immediately to the vote, without any debate.
- 287.4** If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 287.5** Except where the Procedural Motion is to suspend Standing Orders in terms of Standing Order 410, for a Procedural Motion to be successful, it requires a simple majority of the vote.

298. Motions and Amendments

- 298.1** ~~Where a motion and amendments are proposed prior to a Council, Committee or Sub Committee meeting, Members should provide a copy of the proposed wording to the Clerk as soon as reasonably practicable and, if possible, before the meeting commences.~~
- 29.21** Any motion or amendment proposed at a Council, Committee or Sub Committee meeting should be submitted to the Clerk by 10am on the ~~W~~working ~~d~~Day before the meeting takes place to enable competency of the motion/amendment to be considered prior to the commencement of the meeting. ~~Motions or amendments can be ~~is~~ submitted outwith this time, however an adjournment at the meeting may be required to allow for advice to be given to the relevant member.~~
- 29.23** Any motion or amendment in respect of the budget should be submitted to the Chief Officer – Finance, by 10am on the third last Working Day before the meeting takes place to enable the Chief Officer – Finance to consider any financial implications. For example, if the budget meeting is on Tuesday then any amendment should be submitted to the Chief Officer – Finance, by 10am the Thursday before. Such motion or amendment should detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget and any associated commissioning intentions and service standards.

Commented [SD13]: Covered by wording below

Commented [AS14]: Updated to provide a deadline for motions and amendments to be aimed for. Added to ensure the effective operation of the committee meeting and to provide officers with sufficient time to consider the competency of the proposals.

Commented [AS15]: Added to ensure the effective operation of the meeting and to provide officers with sufficient time to consider the competency of the proposals.

- 298.42** The Clerk will then be responsible for collating the views of the following officers and presenting these to the Member:
- 298.42.1** the relevant Director(s);
- 298.42.2** Chief Officer – Governance;
- 298.42.3** Chief Officer – Finance; and
- 298.42.4** other relevant Chief Officer(s).
- 298.53** The Convener will have the prior right to the motion, except:-
- 298.53.1** where he/she waives this right and allows another Member to have the prior right to the motion;
- 298.53.2** where a written Notice of Motion submitted by a Member is moved; or
- 298.53.3** the Council is meeting to consider its annual revenue budget, in which case the Convener of the City Growth and Resources Committee will have the prior right to the motion. Following the moving of each budget, the spokesperson of the biggest Opposition Group will have the right to propose an amendment.
- 298.64** When moving any motion or amendment, a Member will provide its terms in full, which will then require to be seconded by another Member.
- 298.64.1** No Member will speak in support of a motion or amendment until it has been seconded.
- 298.64.2** Any Member who has moved or seconded a motion or amendment will not be entitled to enter the debate.
- 298.75** All motions and amendments must be relevant to the report.
- 298.86** All amendments must differ from the motion and from each other substantially.
- 298.97** The Convener will offer any relevant officer an opportunity to address the meeting on the competency, relevancy or implications of any motion or amendment.
- 29.108.8** A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding is not identified.
- 298.119** A motion or amendment which identifies the source of funding as the Council's reserves will not be competent without advice being provided to the meeting by the Chief Officer - Finance.
- 298.1210** The Convener will determine whether a motion or amendment is competent and relevant, and may seek advice from officers in this regard.
- 298.131** A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 298.142** If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 298.153** No Member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion) in a debate, except for the Members who moved the motion / amendment(s), who will have the right to sum up.

~~298.153~~.1 In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.

~~298.164~~ A Member can make minor alterations to their motion or amendment, with the consent of the Convener.

~~298.175~~ When there is only one amendment to the motion, the vote will be taken between the motion and the amendment.

~~298.175~~.1 Whichever is carried will be the resolution of the meeting.

~~298.186~~ Where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains.

~~298.186~~.1 A vote will then be taken between the motion and the remaining amendment.

~~298.186~~.2 Whichever is carried by majority will become the resolution of the meeting.

~~298.197~~ If an amendment proposes that no decision be taken, the first vote will be between it and the motion.

~~298.197~~.1 If the amendment is carried, the meeting will proceed to the next item of business.

~~28.19.28-17-1~~ If the amendment is not carried, it will be eliminated from the amendments which, with the motion, will be voted on in the usual way.

~~298.2018~~ The processes outlined above will not apply to the Appointment Panel, unless this is agreed by Members of the Panel.

3029. Time Allowed for Speaking

~~3029~~.1 Moving a motion or amendment – 10 minutes

~~3029~~.2 Seconding a motion or amendment – 5 minutes

~~3029~~.3 Speaking in debate – 5 minutes

~~3029~~.4 Summing up – 5 minutes

~~3029~~.5 Moving a Council budget – no time limit

~~3029~~.6 Seconding a Council budget – 10 minutes

~~3028~~.7 Summing up a Council budget – 10 minutes

310. Closure of Debate

~~310~~.1 After eight or more Members have spoken (including the movers and seconders of motions and amendments), any Member who has not spoken can move as a Procedural Motion that no further debate take place.

~~310~~.2 If the Procedural Motion is agreed, the movers of the original motion and amendment(s) will have the right to sum up and the matter will thereafter be put to the vote.

~~310~~.2.1 In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.

~~310~~.3 If the Procedural Motion is defeated, the debate will continue.

- 310.4** Subsequent Procedural Motions that no further debate take place can be made after a further three Members have spoken.

321. Method of Voting

- 321.1** Votes will be taken by means of the electronic voting system at Council, and by roll call at Committees or Sub Committees, subject to Standing Orders:

321.1.1 (Votes in Respect of Two or More Vacancies); and

321.21.22 (Motion by a Member for an Alternative Method of Voting).

31.1.132.1.13 Votes in respect of two or more vacancies may be taken by roll call.

- 321.2** A Member can move that an alternative method of voting is used, such as roll call or show of hands, by means of a Procedural Motion.

- 321.3** The Clerk will conduct the vote.

321.3.1 No one will interrupt the proceedings (except to draw attention to an omission in the calling of a Member's name or to a Point of Order) until the result of the vote has been announced.

- 321.4** With the exception of Standing Order **419.1** (Suspending Standing Orders), a simple majority of those present and voting will decide the result of any vote between motions and amendments.

- 321.5** Subject to Standing Order **332.1** (Quasi-Judicial Items of Business), a Member who is absent when their name is called will be entitled to vote if they enter the meeting before the result of the vote is announced.

- 321.6** In the event of a tied vote, the Convener will have the casting vote, except where the vote relates to the appointment of a Member to any particular office.

321.6.1 If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Clerk.

- 321.7** Any Member wishing to record their dissent against the decision after a vote should do so immediately after the result has been announced, and this will be recorded in the minute.

332. Quasi-Judicial Items of Business

- 332.1** Where the Council, Committee or Sub Committee is required to determine an item of business which is of a Quasi-Judicial nature, a Member must be present in the meeting room for the duration of the item.

- 332.2** If a Member has left the room at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

343. Referrals

- 343.1** Immediately following a vote at Committee or Sub Committee, one third of the membership of the Committee or Sub Committee may refer the matter to the Council, a Committee or Sub Committee for a decision, unless the Convener determines otherwise (see Glossary for calculation).

- 343.2** Subject to Standing Orders **343.3** and **343.4**, should the matter be referred in terms of Standing Order **343.1**, the Clerk will then arrange for the matter to be referred to the next meeting of Council, relevant Committee or Sub Committee for determination.

343.3 Standing Orders 343.1 and 343.2 will not apply to any proceedings relating to:-

343.3.1 The appointment of or retirement of staff;

343.3.2 Grievance or disciplinary appeals by staff;

343.3.3 School attendance;

343.3.4 Bursaries;

343.3.5 Admission of any particular child to school;

343.3.6 Provision of school transport for any particular child;

343.3.7 The granting of any licence, registration or certificate;

343.3.8 Assumption of parental rights or adoption in the case of any individual; or

343.3.9 Aids and adaptations to premises for the benefit of social work clients.

343.4 Where an item is referred to a meeting of the Council, Committee or Sub Committee, and it is not possible for the item to be open to the public for inspection at least three Clear Days before the meeting, the referring Committee or Sub Committee must specify why the item should be considered as a matter of urgency.

343.4.1 The Convener of the Council, Committee or Sub Committee to which the item is referred will then determine whether it is added to the agenda.

345. Minutes

354.1 The Clerk will prepare the minutes of meetings of the Council, its Committees and Sub Committees and any other meetings at which Members are represented, as may be determined by the Chief Officer - Governance.

354.2 The minutes will record the names of the Members who attended the meeting and will contain a summary of the business of the meeting as determined by the Clerk.

354.3 The Convener and Vice Convener will normally propose and second the minute as a true record unless either were not present, in which case any Member present at the meeting can either propose or second the minute as a true record.

354.4 At the meeting, if any Member challenges the accuracy of the minute, they can move a Procedural Motion that a correction is made.

354.5 Any corrections to the minute will be outlined in the subsequent minute.

354.6 Any discussion around the approval of the minute cannot extend to opening up discussion of the substantive issues detailed in the minute.

365. Powers of Convener

365.1 To preserve order and ensure that Standing Orders are followed.

365.2 To decide on the order of business and matters of competency and relevancy, unless otherwise specified.

365.3 To accept urgent business onto the agenda in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973.

365.3.1 The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.

365.4 To ensure that all Members are given the opportunity to speak and to decide on the order in which they speak.

365.5 To rule on all Points of Order.

365.6 To adjourn the meeting at any time for any reason, and to determine the length of the adjournment.

365.7 When the Convener begins to speak, all other Members must stop speaking.

365.8 It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.

365.9 The decision of the Convener on all matters in Standing Order 365 will be final.

376. Behaviour

376.1 All Members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting.

376.2 All Members are bound by the Councillors' Code of Conduct and are responsible for complying with it at all times.

376.3 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order them to leave the meeting.

376.4 If there is general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.

387. Suspension of Members

387.1 If any Member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, the Convener may move, as a Procedural Motion, that the Member be suspended for the remainder of the meeting.

387.2 If seconded, the motion will be put to the vote immediately.

387.3 If the Procedural Motion is carried, the suspended Member will leave the meeting room immediately.

387.4 If the Procedural Motion is not carried, the Convener may call for an adjournment in the meeting.

398. Filming, Photographing and Recording of Meetings

398.1 Other than the live webcasting of Council, Committee and Sub Committee meetings by Aberdeen City Council, any video or sound recordings or broadcasting of meetings, or the taking of any photographs, will be at the Convener's discretion.

4039. Length of Meetings

4039.1 The Convener can call a break in proceedings at any time.

4039.2 Meetings will last no longer than six hours.

4039.2.1 If a meeting continues beyond six hours, and where there has been no break in proceedings, the Convener must call a twenty minute break in proceedings in line with the Working Time Regulations 1998.

4039.2.2 For the avoidance of doubt, the calculation of six hours will not include any adjournments.

4039.3 If the meeting is adjourned to another date, the Convener, following consultation with the Clerk, will determine the time and date that the meeting will resume.

410. Suspending Standing Orders

410.1 Any Standing Order may be suspended at any meeting with the agreement of two thirds of the Members present and entitled to vote (see Glossary for calculation).

410.1.1 This will be done by means of a Procedural Motion.

410.2 The Member must specify which Standing Order they are proposing to suspend.

421. Altering Previous Decisions

421.1 It will not be competent for the Council, Committee or Sub Committee to alter or reverse a previous decision within a period of six months.

421.2 Standing Order **421.1** does not apply:-

421.2.1 where a Notice of Motion to that effect has been submitted, of which appropriate prior notice has been given in terms of Standing Order 12;

421.2.2 where the Council, Committee or Sub Committee approves a recommendation contained in a report to alter or reverse a previous decision; or

421.2.3 to ongoing negotiations between the Council and any other party.

432. Amendments to Standing Orders

432.1 Non-material amendments can be made to the Standing Orders by the Chief Officer - Governance, following consultation with the Business Manager, without the requirement to report to Council.

432.1.12 Such amendments will be notified to all Members once completed.

432.23 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report to the Council by the Chief Officer - Governance.

44. Review of Standing Orders

44.1 The Standing Orders will be subject to annual review by the Chief Officer - Governance.

45. Monitoring Officer

45.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

465. Member Access to Documents

- 465.1 The additional rights of access to documents for Members are as set out in Appendix 4 to the Standing Orders.

COMMITTEES AND SUB COMMITTEES

47. Delegation and Appointment to Committees and Sub Committees

- 47.1 The Council may appoint or disband Committees for any purpose at any time, and will delegate or refer to these Committees any matter it thinks fit.
- 47.2 Committees may appoint or disband Sub Committees for any purpose at any time, and will delegate or refer to these Sub Committees any matter they think fit.
- 47.3 Matters referred or delegated to Committees or Sub Committees will be set out in the Terms of Reference.
- 47.4 Committee and Sub Committee remits may be amended only after consideration of a report to Council or the appropriate parent Committee by the Chief Officer – Governance.
- 47.5 Each Committee and Sub Committee can delegate any of its delegated functions to a named officer.
- 47.6 Where a matter for consideration is not specifically referred to in the Terms of Reference, it will be competent for it to be considered by ~~the Full Council or the~~ Committee or Sub Committee with the most relevant Terms of Reference, as determined by the Chief Officer - Governance.
- 47.7 The Council may, at any time, deal with any matter falling within the Terms of Reference of any Committee or Sub Committee.
- 47.8 Similarly, a Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub Committees.
- 47.9 The Council will set the membership for each Committee and must reflect the political composition of the Council.
- 47.10 Committees will set the membership for each Sub Committee and must reflect the political composition of the Council.
- 47.11 Members of Sub Committees who are not Members of the parent Committee will be provided with relevant training where required.
- 47.12 The Council may establish Working Groups with no delegated powers for such functions deemed necessary, consisting wholly of Councillors or otherwise.
- 47.13 On behalf of the Council, each Committee and Sub Committee can appoint representatives to outside bodies which provide services linked to, or associated with, the remit of that Committee or Sub Committee.

Commented [AS16]: Reviewed to cover reports to be considered by Full Council that are not covered by the Terms of Reference.

GLOSSARY

Agenda

A list of business to be considered at Council, Committee and Sub Committee Meetings.

Amendment

Where a motion has been put forward in respect of an item on the agenda, a Member may move an alternative proposal. The motion and amendment will then be **debated** and a vote taken between the two.

Business Manager

A Councillor appointed by Council to liaise with Chief Officers and Members of all parties in respect of Council business and governance matters.

Calculation of Quarter or One Third / Two Thirds of Members

If the figure is not a whole **number** it will be rounded up. This is to ensure that a quarter, one third or two thirds will always be met.

Chief Officer - Finance

Where this document refers to the Chief Officer - Finance, it should be noted that this may also refer to his/her nominated officer.

Chief Officer - Governance

Where this document refers to the Chief Officer - Governance, it should be noted that this may also refer to his/her nominated officer.

Clear Days

For **example** if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days' notice (i.e. Tuesday, Wednesday, Thursday). Saturday, Sunday and public holidays are included within the definition of Clear Days.

Clerk

The Committee Officer with responsibility for the administration of the Council, Committee or Sub Committee.

Committee

A Committee of the Council appointed in accordance with Standing Orders.

Committee Planner

A document containing outstanding and pending business that is placed on the agenda for each meeting.

Confidential Information

See Appendix 1 to this document.

Convener

The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost.

Council

Where 'Council' is referred to in this document, it refers to meetings of Full Council.

Deputation

A request submitted by a member of the public to address a Council, Committee or Sub Committee meeting in respect of a report on a published agenda.

Depute Provost

The Vice Convener of ~~Full~~the Council. The Depute Provost will act as Chair in the absence of the Lord Provost.

Depute Business Manager

A Councillor appointed by Council who acts as Business Manager in the absence of the Business Manager.

Exempt Information

See Appendix 2 to this document.

External Member

A representative appointed to any Committee or Sub Committee from outwith Aberdeen City Council who may have full voting rights.

Group

A number of Councillors who form a group. A group cannot be composed of a single member.

Group Leaders

The leaders of the individual political groups.

Late Docquet

A document which must accompany any reports that are not available for inspection by members of the public at least three clear days before a meeting. This contains the reason for lateness, an explanation of why the Council, Committee or Sub Committee requires to consider the report as a matter of urgency, and is signed by the Director and Convener. The Convener has ultimate discretion as to whether or not the item should be considered.

Lord Provost

The Convener of the Council. The Lord Provost is the civic head of the Council.

Minute

A summary of decisions from any Council, Committee or Sub Committee meeting prepared by the Clerk. This will not be a verbatim record.

Motion

An initial proposal of action submitted by a Member in respect of an item of business on an agenda.

Non-Material Amendments to Standing Orders

Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text.

Notice of Motion

A request submitted by a Member in advance of a meeting of Council, a Committee or Sub Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made.

Quasi-Judicial

Where the Council, Committee or Sub Committee has powers and procedures resembling those of a court of law or **judge**, and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

Quorum

The minimum number of Members at a Council, Committee or Sub Committee meeting who must be present for valid transaction of business.

Significant Local Impact

In relation to a particular ward, this means in the opinion of the relevant Chief Officer, a significant impact on:

- roads or traffic arrangements within that ward;
- buildings or facilities within that ward; or
- the natural environment of that ward.

Sub Committee

A Sub Committee of any Council Committee appointed in accordance with Standing Orders.

Summons

A calling notice advising Members of the date, time and location of a Council, Committee or Sub Committee meeting.

Vice Convener

The Vice Chair of the Committee. The Vice Convener will act as Chair in the absence of the Convener (see Standing Order [199](#)).

Appendix 1

LOCAL GOVERNMENT (SCOTLAND) ACT 1973 SECTION 50(A)

DEFINITION OF CONFIDENTIAL INFORMATION

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:

- information furnished to the authority by a Government department upon terms (**however** expressed) which forbid the disclosure of the information to the public; and
- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

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Appendix 2

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

SCHEDULE 7A

ACCESS TO INFORMATION: EXEMPT INFORMATION

DESCRIPTIONS OF EXEMPT INFORMATION

(INCLUDING QUALIFICATIONS)

Employee/Office Holder:

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

Occupier:

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

Recipient of Council Service:

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

Recipient of Financial Assistance:

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

Particular Child:

5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.

Financial Affairs of Particular Person:

6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.

Social Work Relating to a Particular Person:

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

Proposed Expenditure on Contracts:

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

Contractual Terms:

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

Tender for Contract:

10. The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

Labour Relations:

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officeholders under, the authority if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

Legal Proceedings:

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
 - a. any legal proceedings by or against the authority, or
 - b. the determination of any matter affecting the authority (whether, in either case, proceedings have been commenced or are in contemplation).

Statutory Notices Etc:

13. Information which, if disclosed to the public, would reveal that the authority proposes –
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

Crime:

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Informant:

15. The identity of a protected informant.

Appendix 3

PROTOCOL FOR APPOINTMENT OF CHIEF OFFICERS

1. The Chief Executive, all Directors and Chief Officer posts at second tier level or above will be appointed by an Appointment Panel which must reflect the political composition of the Council
 - 1.1 Meetings of the Appointment Panel will be arranged by the Chief Officer – Governance.
 - 1.2 Group Leaders will provide the Chief Officer – Governance with the names of Members to sit on the Panel
 - 1.3 The Panel will be chaired by the Convener of the City Growth and Resources Committee unless otherwise agreed by the Members on the Appointment Panel.
 - 1.4 Only those Members who participate in the shortlisting of candidates can participate in the interview and selection process.
 - 1.5 The Chief Executive, Chief Officer – [People and Organisational Development](#) and any officer nominated by the Chief Executive will be entitled to be represented at any interview or meeting relating to the appointment of Chief Officers.
2. The above process does not apply to Chief Officer posts in respect of the Integration Joint Board, which will be in line with the process set out in the Aberdeen City Health and Social Care Partnership Integration Scheme.
3. There will be a period of at least seven days between the date a vacancy is advertised and the closing date for the receipt of applications.
4. The Panel responsible for making the appointment will draw up a shortlist of suitably qualified applicants who will then be called for interview.
5. Meetings dates for the Appointment Panel will be set by the Chief Officer – Governance, following consultation with the Chairperson.
 - 5.1 It will be within the discretion of the Chairperson to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.
6. The quorum for the Appointment Panel will be one quarter of the total number of members of the Panel, or three members, whichever is the higher. ~~The determinations of the Panel will not be recorded in the minute.~~
7. The list of applicants for any appointment will be treated as confidential and only the name of successful candidates will be recorded in the minutes of the Appointment Panel.
8. The determinations of the Panel will not be recorded in the minute.
9. The Convener will have the casting vote in the case of an equality of votes.

Appendix 4

ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF LOCAL AUTHORITIES

1. Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of –
 - a. the authority or of a committee or sub-committee of the authority; or
 - b. a statutory committee appointed by the authority, or any sub-committee of that committee, or
 - c. a relevant body, any member of which was appointed by the authority, or of a committee or sub-committee of such a bodyshall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee, sub-committee or relevant body, by any other member of the committee, sub-committee or relevant body.
2. Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
3. The Secretary of State may by order amend subsection (2) above –
 - a. by adding to the descriptions of exempt information to which that subsection refers for the time being; or
 - b. by removing any description of exempt information to which it refers for the time being.
3. Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
4. The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.



FINANCIAL REGULATIONS – TABLE OF CHANGES				
Reference	Existing FR Reference	Proposed Change	Rationale for Change	
1	Overall check	Review all content with consideration of: Revisions to other parts of scheme of governance Audit recommendations New financial guidance Use of any new powers/funding arrangements Feedback from consultation	Consistency Current Control/clarity	
2	Section 4 – Associated documents also 6.6	Add references to CR&D scheme	CR&D scheme puts in place responsibilities for officers – knowledge and skills related to financial management	
3	Section 4 – Associated documents also section 5.3 Monies owed to the council	Check for consistency with Service Income Policy and Debt Management Policy Ensure that regulations are up to date with all methods of electronic customer payments	Consistency Current	
4	5.11 Gifts and hospitality	Check for consistency with Staff travel policy. Staff travel policy is being refined following the first year of implementation.	Consistency; treatment of specific ‘in kind’ offers of hospitality. Treatment of foreign travel funded by grant.	Propose that a revised staff and member travel policy is submitted alongside this review of governance. Revisions are proposed following the travel audit

				(to be reported to ARS in February). Changes recommended: Description of purpose of travel Approval of foreign travel when funded by grant or in exceptional circumstances
5	5.12 Purchasing and Appendix A	Ensure that regulations are up to date with all methods of electronic purchasing Ensure that regulations reflect evolving no PO no pay policy implementation	Consistency Current	
6	5.14 Tax	Ensure compliance with Making Tax Digital	Consistency Current	
7	5.15 Grants	Ensure that regulations meet best practice requirement and internal audit review.	Current	No specific updates at this time; a more detailed grant policy document to be developed Q4 2020.
8	5.16 Partnerships and External bodies	Ensure the regulations reflect evolving relationships with ALEOs	Current	
9	8.5 Scheme of Virement	The council's financial controls and reporting focus strongly on forecasting. It is proposed to clarify the role of forecasting and review the section on virement	Control/clarity	

		linked to the overall financial controls and the role of forecasts.		
10	IJB Section 3, and 8.2	<p>Ensure that the financial regulations provide for all key circumstances regarding the relationship with the IJB.</p> <ul style="list-style-type: none"> • Clarify relationship • Budget • Relationship between 2 sets of regulations • NHS staff working obo IJB • Grants • Grant approvals <p>*There had been a request that grant approvals be authorised by the CO – AHSCP. It is felt that where these grants relate to council related responsibilities i.e. adult social care there should still be the need for approval by CO procurement and CO finance as there could be joint outcomes with other ACC responsibilities.</p>	Control/clarity	
11	5.6.3 In relation to cash audit – stock inventory update	Widen role of corporate landlord for furniture and equipment stock. Role of finance in administering the inventory review.		

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FINANCIAL REGULATIONS

Commented [AS1]: Number and Formatting to be updated

Version 1
Draft version for consideration at Council March 2020

FINANCIAL REGULATIONS

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FINANCIAL REGULATIONS

1. INTRODUCTION

Financial Regulations are an integral part of the stewardship of Council Funds. Adhering to the Regulations ensures that all financial transactions of the Council are conducted in a manner which demonstrates openness, integrity and transparency. They form a significant part of the governance of the Council.

The Regulations provide references to a number of linked documents which form an integral part of the Financial Regulations. Some of the linked documents are intended for internal use and can only be accessed through the Council's Intranet site.

2. COMPLIANCE

It is the duty of all officers employed by the Council to fully comply with the Financial Regulations. Failure to comply with the requirements contained within these Regulations and the associated guidance and procedures may result in an investigation under the Council's Conditions of Services Disciplinary and Appeals Procedure.

Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Chief Officer – Finance. The Chief Officer - Finance may consult other relevant officers, including the Chief Executive, to determine the appropriate action.

Employees who deliberately obstruct or unreasonably fail to provide information to Auditors or Investigation Officers within the specified period may be subject to disciplinary action.

All budget holders must immediately notify the Chief Officer – Finance of any budget that is or is likely to be overspent.

3. RESPONSIBILITIES

GENERAL RESPONSIBILITIES

All officers employed by the Council must ensure that their financial transactions comply with the law. In case of doubt officers must consult the Chief Officer – Governance before incurring or legally committing to expenditure.

No officer must commit any expenditure unless it can be met from an approved budget. In case of doubt officers must consult the Chief Officer – Finance before incurring or legally committing to expenditure.

Powers Delegated to Officers provides that, except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate. Chief Officers will remain accountable for decisions taken by their sub-delegates. These Financial Regulations assume that any reference to a Chief Officer would include any of their officers so nominated in

accordance with that delegated power.

Chief Officers in this context means (i) the Chief Executive and Directors of the Council; (ii) Council officers whose job titles include the term “Chief Officer”; (iii) the Council’s Head of Commercial and Procurement ~~Services~~; (iv) the Chief Officer of the Aberdeen City Health and Social Care Partnership ([ACHSCP](#)); and (v) the Chief Finance Officer of the [ACHSCP Aberdeen City Health and Social Care Partnership](#).

Connected Bodies in this context refers to a range of external bodies that are closely connected to the Council. Such bodies include:

- i) The Council’s Arm’s Length External Organisations (ALEO’s), as defined in the ALEO Assurance Hub Terms of Reference;
- ii) A range of Group Entities that form part of the Council’s Group Accounts, including Associate and Subsidiary Companies, Joint Ventures and Trusts; and
- iii) Similar bodies to those outlined at ii) but who are not included in the Council’s Group Accounts due to the value of their assets or level of turnover being not material.

The above definition of Connected Bodies includes some (but not all) of the bodies on the Council’s Register of Outside Bodies. Those Outside Bodies that are not included in the definition of Connected Bodies are those bodies over which the Council is not considered to have a controlling or significant interest.

3.1 Responsibility of the Chief Officer - Finance

It shall be the responsibility of the Chief Officer - Finance, or designated officer, to ensure that these Regulations are kept up to date and monitored for their effectiveness. The Regulations shall be reviewed annually and updated to take account of changes in Statute, professional guidance or Council policy that impact upon the Regulations.

The Chief Officer - Finance, as the “Proper Officer”, in terms of Section 95 of the Local Government (Scotland) Act 1973, shall be the adviser on financial matters to the Council and all its Committees. S/he shall be responsible for the proper administration of the Council’s financial affairs.

The Chief Officer - Finance shall determine the detailed format of capital and revenue budgets.

3.2 Responsibility of Chief Officers

It shall be the duty of each Chief Officer to ensure that these Regulations and all associated policy manuals and documents as listed in Section 4 are made known to appropriate staff members and shall ensure full compliance with them.

Each Director shall prepare revenue and capital budgets in respect of their Function after consultation with the Chief Officer - Finance. Each Chief Officer shall consult the Chief Officer - Finance in respect of any matter which may materially affect the finances of the Council before any provisional or other commitment is incurred or before finalising a draft Full Council or committee report on the matter.

Whenever any matter arises which involves, or is thought to involve, irregularities concerning funds, property or the exercise of the Council’s functions, or that of any Connected Body, the relevant Chief Officer shall notify the Chief Officer - Finance in

writing. The Chief Officer – Finance, following consultation with the Chief Officer – Governance, will then determine what action is necessary.

Chief Officers shall ensure that arrangements are in place to establish the correct liability, process and accounting for VAT. The Chief Officers will seek advice from the Chief Officer - Finance as necessary to ensure compliance with VAT or other tax regimes.

Any debt, including associated interest and/or penalty, arising from the improper operation of VAT or other taxes may be recovered against the budget of the Service responsible. This will be determined by the Chief Officer – Finance.

Chief Officers shall ensure that their Cluster has appropriate governance arrangements in place.

Chief Officers are responsible for the submission of a Certificate of Assurance on the Effectiveness of Internal Financial Controls to the Chief Officer – Finance on an annual basis.

3.3 Responsibility of Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies.

The Head of Commercial and Procurement ~~Services~~ shall use reasonable endeavours to ensure that all contracts with Connected Bodies will provide that:

- i) In the absence of their own equivalent policies and documents, Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies shall adhere to these Financial Regulations and the policies and documents referred to in section 4.
However, the accounting implications of these Financial Regulations should not be viewed as prescriptive for the Council's ALEO's. It is recognised that related companies and charitable trusts will be required to operate to different standards of financial accounting and reporting, e.g. standards pertaining to charities.
- ii) Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies shall ensure that their organisation has appropriate governance arrangements in place, including internal audit arrangements.

3.4* Responsibilities in relation to Aberdeen City Health and Social Care Partnership (ACHSCP)

The ACHSCP oversees the delivery of integrated services that the Council has been directed by the ACHSCP to deliver. This arrangement requires further clarification in addition to those set out in 3.3 above.

The Aberdeen City Council financial regulations are fully applicable to Council staff who are working to deliver integrated services under directions from the ACHSCP.

In addition, applicable staff are required to comply with the ACHSCP Financial Regulations. Any breach of compliance with ACHSCP regulations will be considered a breach of Aberdeen City Council financial regulations as set out in section 2. In applying the ACHSCP Financial Regulations due regard must be given to the authority of the Council Financial Regulations.

In the delivery of integrated services, staff employed by NHS Grampian may be required to comply with the Council Financial Regulations. Similarly, Council staff may be required to comply with the Financial Regulations of NHS Grampian.

The Chief Officer – Governance has the delegated power to appoint non-Council employees as officers of the Council. Under this power, employees of NHS Grampian may be appointed as officers of the Council for the specifically described purpose of delivering integrated services, and as such will be required to comply with Aberdeen City Council Financial Regulations.

The Chief Officer - Finance and the Chief Finance Officer of the ACHSCP will maintain a list of named individuals in this circumstance. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian.

Aberdeen City Council will maintain a list of those officers of Aberdeen City Council that are required to comply with the Financial Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Aberdeen City Council Financial Regulations.

3.54 Responsibility of the Chief Officer – Governance

The Chief Officer – Governance can arrange for the provision of advice on proposed income and expenditure.

The Chief Officer – Governance shall deal with reported irregularities in accordance with the Council's policies and procedures. S/he, following consultation with the Chief Executive, may, report matters to the Police where s/he considers it appropriate to do so.

~~A register of matters~~Records relating to Fraud, Bribery and Corruption and Whistleblowing will be retained by the Chief Officer – Governance. A report on matters arising from the work of the Corporate Investigations team will be presented to the Audit, Risk and Scrutiny Committee annually.

It shall be the responsibility of the Chief Officer – Governance, following consultation with the Chief Officer - Finance, to ensure that an annual governance statement is incorporated into the Accounts and reported to Audit, Risk and Scrutiny Committee.

The Chief Executive has ultimate responsibility for the provision of the Internal Audit service to the Council. The management of Internal Audit is under the control of the Chief Officer - Governance. The Chief Officer - Governance also has a responsibility to ensure that the internal audit function operates to a consistent standard in accordance with best practice.

The Chief Internal Auditor (whether employed or engaged to act on behalf of the Council) or a representative authorised by the Chief Officer – Governance, may without prior notice:

- (i) enter at all reasonable times any Council operated property;
- (ii) have access to all records (electronic or manual), documents and

- correspondence relating to any financial or other transaction of the Council;
- (iii) require and receive such explanations as are necessary concerning any matter under examination;
 - (iv) require any employee to produce cash, stores, or any other Council property under his or her control; and
 - (v) examine financial records of organisations in receipt of grant aid from the Council.

The Chief Internal Auditor function may from time to time be commissioned externally. These auditors are the Council's representatives and will be afforded the same rights and privileges as an employee operating as an Internal Auditor.

The Chief Officer – Governance may engage specialist auditors from outwith the Council to carry out specific audit work.

Reference should be made to section 5.17 below for further information on the Internal Audit function.

3.65 Councillors

The Committee responsible for oversight of the audit function is the Audit, Risk and Scrutiny Committee.

3.76 External Audit

3.76.1 The Council's External Auditor shall have the right to access all records (electronic or manual), documents and correspondence relating to any financial or other transactions of the Council. They will be able to receive such explanations as they consider necessary concerning any matter under examination.

3.76.2 Officers of the Council will ensure that these rights are given to the Council's External Auditors.

4. ASSOCIATED DOCUMENTS

Officers must comply with all documents contained within the ACC Scheme of Governance, and with the associated documents set out below.

4.1 Finance Framework

The Finance Framework is a clear, illustrated set of guidelines, roles and responsibilities for financial management in Aberdeen City Council for:

- Budget holder roles;
- Finance roles;
- Clear competencies; and
- Approach to meeting competency gaps – training and support

4.2 Whistleblowing Policy

This document sets out the Council's policy regarding whistleblowing. It is intended to cover concerns that are in the public interest.

4.3 Fraud, Bribery and Corruption Policy

This document sets out the Council's policy on the prevention, detection and investigation of fraud, bribery and corruption.

Chief Officers are responsible for ensuring risk management arrangements are in place to prevent, detect and prohibit fraud, bribery and corruption.

The Monitoring Officer is responsible for referring allegations to the external agencies including the Police.

The Corporate Investigation Manager is responsible for the management of investigations and will be able to:

- Enter freely and at all reasonable times any Council operated premises or land.
- Have access to all records (electronic or manual), documents and correspondence relating to any financial or other transaction of the Council
- Require and receive such explanations as are necessary concerning any matter under examination
- Require any employee to produce cash, stores, or any other Council property under his or her control
- Examine financial records or assets of organisations in receipt of grant aid from the Council
- Concern themselves with any activity, function or operation of the Council
- Present, upon request, a duly authorised certificate confirming the above provisions

It is the responsibility of senior management to ensure that:-

- Officers undertaking investigations are given access at all reasonable times to premises, personnel, documents and assets that the Investigating Officers consider necessary for the purposes of their work;
- Investigating Officers are provided with any information and explanations that they seek in the course of their work within a specified timescale; and
- Any agreed actions arising from the Investigating Officer's report are carried out in a timely and efficient fashion.

4.4 Risk Management

The Risk Management Policy and Guidance documents contain the processes and activities for procedures to be adopted to ensure risk is properly identified and appropriate mitigating control actions are put into place identifying and assessing risks, planning and implementing controls and monitoring progress.

Risk Management Policy & Guidance

4.5 Following the Public Pound

The Council's procedures relating to grants to external bodies are documented in the Following the Public Pound Local Code of Practice.

Following the Public Pound Local Code of Practice

4.6 Treasury Management

All cash and bank transactions shall comply with the requirements of the CIPFA Code of Practice on Treasury Management in public services. The Chief Officer - Finance shall submit to the Council an annual treasury management strategy and investment strategy prior to the new financial year; a treasury management and investment annual report and a mid-year review of the treasury management and investment strategy and performance.

Treasury Management Policy Statement and Strategy (link only available internally via The Zone)

4.7x Monies owed to the Council

These procedures detail the arrangements for raising charges and collecting monies owed to the Council

Debt Management Policy

Service Income Policy

These guidelines must be complied with and necessary approvals sought before setting and collecting charges and undertaking recovery action.

4.87 Travel Procedures

These procedures detail the arrangements for arranging and paying for Councillors and officers travel.

Travel Policy – Councillors

Travel Policy – Officers

These arrangements can only be varied by agreement with the Chief Officer - Finance.

These guidelines must be complied with and necessary approvals sought before making any travel arrangements.

4.98 Councillors Expenses

The Scottish Government has laid down arrangements for the payment of Councillors' expenses.

Commented [CSS2]: Minor changes to travel policy are proposed – need to ensure that consultation on these is in line with consultation on F Regs.
Foreign travel
Purpose of travel

[Councillors Remuneration, Allowances and Expenses \(link only available internally via The Zone\)](#)

[National Guidance](#)

Councillors, and officers supporting them, must comply with these regulations.

4.109 Money Laundering

~~This guidance sets out the legal and regulatory requirements relating to the handling of money which could have come from the proceeds of crime and is issued to help protect the Council and individual officers from the potential impact of criminals using the Council to launder money.~~

~~Money Laundering Guidance~~

~~The Anti-Money Laundering Policy sets out the legal and regulatory requirements relating to the handling of money which could have come from the proceeds of crime and is issued to help protect the Council and individual officers from the potential impact of criminals using the Council to launder money.~~

-

[Money Laundering Policy](#)

~~The Chief Officer - Governance is the officer responsible for reporting suspected Proceeds of Crime Act offences~~

~~The Chief Officer - Governance is the officer responsible for reporting suspected Proceeds of Crime Act offences.~~

4.110 Information Governance

Each Chief Officer shall be responsible for:

- i) maintaining proper security, custody and control of all records (both electronic and paper records) within their Cluster.
- ii) the use and security of all personal data within their Cluster.

The Council has a Corporate Information Policy which is supported by a number of procedures and guides. These include the Council's Corporate Data Protection Procedures and the Council's Records Retention & Disposal Schedule. The aim is to ensure that the Council's information is used and managed appropriately:

[Corporate Information Policy](#)

[Corporate Data Protection Procedures](#)

[Corporate Records Retention & Disposal Schedule](#)

4.124 ICT Acceptable Use and Security

The Council has a Corporate ICT Acceptable Use Policy which sets out the Council's position on the acceptable use of Council ICT equipment, systems, and networks. Further information and guidance on ICT and Information Security is available on the Council's webpages:

[ICT Acceptable Use Policy](#)

[ICT Security web pages](#)

4.132 Codes of Conduct

Aberdeen City Council expects all Councillors and Officers to adhere to the relevant Codes of Conduct.

[Employee Code of Conduct](#)

[Councillor Code of Conduct](#)

4.14x Continuous Review and Development Scheme

[Aberdeen City Council expects all Officers to engage with the Continuous Review and Development Scheme.](#)

[This Scheme sets out the principles, behaviours and competencies that officers must undertake to develop as part of their conditions of employment. Reference is made in the Scheme to principles, behaviours and competencies that directly relate to financial management.](#)

[Continuous Review and Development Scheme](#)

5. RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 Internal Check

The following principles shall apply in the allocation of duties to individual members of staff, to ensure that there is adequate separation of duties, to reduce the risk of error or fraud:

- (i) Procedures to be followed regarding the calculation, checking and recording of sums due by or to the Council shall be arranged in such a way whereby the work of one person is proven independently or is complementary to the work of another. Calculation, checking and recording of sums due shall be separated from the duty of collecting or disbursing such sums; and
- (ii) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

5.2 Cash, Banking, and Security

5.2.1 General

Income is an essential source of financing many of the Council's services. Therefore, the system for collection of income needs to meet the following objectives:

- all income, including Council Tax, Business Rates, Council rents, etc., due to the Council is identified and maximised;
- all collections are recorded and banked promptly and completely; and
- the accounting records and debtor accounts are properly and promptly updated.

Chief Officers are responsible for the prompt and complete collection of income. They must ensure that accurate records are maintained for all income received (or that should be received) by their Cluster.

Chief Officers shall review the level of all fees and charges for services rendered as part of the budget setting process. Recommendations for changes in the level of fees and charges will form part of the annual budget report to Council. Setting of fees and charges as part of the annual budget report is a function reserved to itself by the Full Council. Approval of fees outwith the budget meeting is delegated to the Chief Officer - Finance in consultation with the appropriate Chief Officer.

All monies received on behalf of the Council (subject to a de-minimis value of £5.00) must be immediately recorded by the issue of a receipt, controlled ticket or by direct entry into a receipting system. Such methods must be approved by the Chief Officer - Finance.

All information and data should be managed in accordance with the Corporate Information, ICT Acceptable Use and Records Retention and Disposal Schedule policies, see 4.10.

5.2.2 Treatment of Monies Collected

All monies received by the Council shall be paid into the Council's bank accounts daily or remitted to the Chief Officer - Finance without delay at such intervals as may be approved by the Chief Officer – Finance.

All money received by an officer on behalf of the Council shall, without delay, be reconciled and remitted to the Chief Officer - Finance, or as otherwise directed, to the Council's bank accounts.

No deduction may be made from such money save to the extent that the Chief Officer - Finance may specifically authorise.

Each officer who banks money shall enter a reference to the source of the income on the paying-in slip.

Maximum limits for cash holdings shall be agreed with the Insurance Officer and shall not be exceeded without his or her express permission.

5.2.3 Forms, Books and Tickets

All receipt forms, books, tickets and other such items shall be ordered and supplied under arrangements approved by the Chief Officer - Finance.

5.2.4 Personal Cheques

Personal cheques from Council staff shall not be cashed out of monies held on behalf of the Council.

5.2.5 Transfers of Money

Every transfer of Council money (cash or cheques) from one member of staff to another will be evidenced in the records of the Services concerned by the signature of the receiving officer.

5.2.6 Arrangements with Bankers

All arrangements with the Council's Bankers concerning the Council's bank accounts and the issue of cheques, BACS, CHAPS and other forms of payment shall be made by the Chief Officer - Finance or another authorised bank signatory.

The Chief Officer - Finance shall determine all arrangements with the Council's Bankers concerning the use of purchase cards and credit cards.

5.2.7 Opening and Closing of Bank Accounts

The bank account of the Council will be opened with the Bank selected by the Strategic Commissioning Committee following a procurement process. Where required the Chief Officer - Finance will arrange for subsidiary accounts to be opened with the Bank. Therefore, all banking arrangements, including

- the opening and closing of bank accounts;
- the approval of authorised signatories;
- the direction for withdrawals;
- the ordering and issuing of cheques; and
- day to day operation of all bank accounts,

shall be made with the approval of the Chief Officer - Finance.

All bank accounts opened for use in and for the benefit of Council services shall be in the name, or incorporate the name, of Aberdeen City Council and will not be in the name of any officer or designation. The one exception, subject to the approval of the Chief Officer - Finance, is that Children's Social Work and Adult Social Care may open accounts in trust for individual service users under the name of the relevant Chief Officer and the individual service user.

5.2.8 Cheque Control

All cheques and other documents, but excluding cheques drawn on authorised Imprest accounts or other such accounts so authorised by the Chief Officer - Finance, shall be ordered only on the authority of the Chief Officer - Finance who shall make proper arrangements for their safe custody.

Cheques on the Council's main bank accounts shall bear the facsimile signature of the Chief Officer - Finance and/or other officer authorised by the Council.

5.2.9 Safe Keys

Keys to safes and similar security boxes should be held securely at all times, either in a secure key box or carried on the person of those responsible. The loss of any such keys must be reported immediately to the Chief Officer - Finance. A register of all such key holders shall be maintained by each Director.

5.2.10 Purchase Cards

Purchase cards allow goods and services to be purchased and charges made electronically. Purchase cards are for business use only and must not be used for personal purchases.

All purchases made with a Council purchase card must be supported by a VAT receipt where relevant. If there is any doubt about whether a VAT receipt is required, clarification should be sought from the VAT Officer or from your primary finance contact.

5.2.11 Imprests / Petty Cash

The Chief Officer - Finance will provide such imprests as considered appropriate for such officers of the Council as may require them for the specific purpose of meeting minor expenses.

Such officers will be personally responsible for imprests which they hold, and, on leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest, they shall account to the Chief Officer - Finance for the amount advanced. A formal record of this accounting will be retained within the Service concerned for inspection.

Such imprests held within Services are to be recorded and controlled by the appropriate Chief Officer with arrangements made, by them, to include authorisation levels, general security and regular annual checks.

In addition, imprests are to be reconciled at regular intervals (no less than quarterly) to the Service's own records and to the financial ledger.

Income received on behalf of the Council must not be paid into an imprest account. It must be deposited in the Authority's main bank account(s) or paid over to the Authority in a form as provided elsewhere in these Regulations.

All imprest accounts will be maintained in accordance with guidance issued by, and under the general direction of, the Chief Officer – Finance, see link below for current guidance.

Petty Cash Procedures

5.3 Monies Owed to the Council

5.3.1 General

This refers to, but is not limited to, Charges for Services; Rent; Council Tax; Business Rates; Car Parking and Bus Lane Enforcement Fines.

The collection of [monies owed and debtor accounts](#) shall be administered through the Finance Cluster, unless otherwise agreed with the Chief Officer - Finance.

[Where the collection of monies owed and debtor accounts is administered outwith the Finance Cluster, Chief Officers will follow advice and instruction from the Chief Officer -Finance in the application of controls and appropriate levels of resourcing to operate those controls.](#)

Wherever possible monies owed should be collected prior to the supply of the goods and services, especially when dealing with companies or persons from outside the UK.

VAT must be applied in compliance with VAT legislation. Advice on the correct VAT treatment may be obtained from the Council's VAT officer.

[The debt management policy and service income policy referred to in Section 4 set out the more detailed arrangements for administration of monies owed.](#)

5.3.2 Debtor Accounts

No debtors invoice should be raised for a value less than £25 (excluding VAT), unless prior dispensation has been granted by the Chief Officer - Finance. If the charge is for a low value, then the relevant Service should reduce the frequency of billing.

Where charges between Services require to be applied, advice must be sought from the Chief Officer - Finance on the most suitable process to achieve this and to ensure that appropriate records are maintained.

Where a service or business need exists invoicing in arrears is permitted. The reason why invoicing in arrears is necessary should be clearly documented, with an agreed timescale for raising the invoice, and the decision must be confirmed by the appropriate Chief Officer. The Chief Officer - Finance shall be notified so that appropriate accounting treatment can be applied to that area of service.

Invoices will clearly state the description and relevant details, including cost and VAT where applicable, of the goods and/or services supplied by the Council. For further information on VAT see section 5.14.

5.3.3 Record Keeping

Directors must ensure that supporting information is prepared and retained to support the charges levied for every invoice raised.

The Chief Officer - Finance must maintain accounting arrangements to ensure the prompt and proper recording of all money due to the Council.

The Chief Officer – Early Intervention and Community Empowerment is required to maintain records regarding rentals due and payments made towards the amounts due for every housing property.

The Chief Officer – Corporate Landlord is required to maintain records regarding lease arrangements and payments made towards the amounts due for every industrial and commercial property, whether held by:

- i) the Council (including Common Good property) or
- ii) Trusts for which the Council is the sole trustee.

The Chief Officer - Operations and Protective Services must also maintain a record of fines issued in relation to Car Parking and Bus Lane Enforcement. Details of fines issued must be made available to the Chief Officer - Finance in order to complete the appropriate accounting transactions, including the value of sums collected and reasons and values of fines cancelled and written off.

5.3.4 Uncollectable/Bad Debt and Write Off of Debt

The Chief Officer - Finance is responsible for setting the accounting policy on uncollectable and bad debt. Appropriate provisions for bad debt will be considered when preparing the Annual Accounts.

The Chief Officers named below have the authority to approve write-off in the five categories of:

- (a) insolvency, receivership, liquidation and sequestration;
- (b) ceased trading/defunct company;
- (c) unable to trace;
- (d) recommendation of sheriff officer; and
- (e) small balances that are uneconomic to pursue.

Where the named Chief Officers consider a debt to be uncollectable they must prepare and retain a schedule of debtors showing name, address, amounts due, and reason for the debt.

The Chief Officer - Finance has authority to write off debts up to £25,000.

The Chief Officer - Customer Experience has authority to write off debts as follows:

- i) Business rates and sundry debts may be written off up to a value of £25,000 per debtor; and
- ii) Council Tax, Housing Benefit Overpayments and Penalty Charge Notices up to a value of £10,000 per debtor.

The Chief Officer - Customer Experience may delegate authority, to nominated officers to write off debts up to the value of £10,000 per debtor, in the categories outlined above, on the basis that a schedule of debt so written off is supplied to The Chief Officer - Customer Experience by the nominated officers on a regular basis, no less frequently than 6 monthly.

The Chief Officer – Early Intervention and Community Empowerment has authority to write off debts as follows:

- i) Former Tenants' Arrears and associated housing debts up to the value of £10,000 per debtor; and
- ii) In relation to homelessness, up to the value of £25,000 per debtor.

Additional factors to be considered when identifying which homelessness debts may be unreasonable to pursue will include:

- whether ongoing pursuance is likely to result in destitution for the household;
- if sustainability of subsequent accommodation may be affected by collection, and the risk of repeat homelessness increased;
- whether the relative cost/benefit impact is uneconomic taking account of any indirect costs which may be incurred; and
- the vulnerability of the household members.

The Chief Officer - Customer Experience and The Chief Officer – Early Intervention and Community Empowerment will submit annual joint reports to the City Growth and Resources Committee advising of the number, value and reasons for such accounts to be written off.

The Chief Officer - Customer Experience and The Chief Officer – Early Intervention and Community Empowerment shall also submit reports, no less frequently than annually, to the City Growth and Resources Committee advising of the number and value of debts exceeding the delegated authority outlined above that they recommend for write off. This report must include individual details of each debt and the reasons for recommending write-off.

5.4 Employee Remuneration

5.4.1 Responsibility for Payment Arrangements

All employees are to be paid through the payroll system.

The payment of all salaries, wages, compensation and other emoluments to all employees including casual workers, former employees, Councillors or beneficiaries shall be made by the Chief Officer - Customer Experience, under arrangements made or approved by the Chief Officer - Finance.

Chief Officers shall provide such information as directed by the Chief Officer - Customer Experience and/or the Chief Officer - Finance as is necessary to ensure remuneration is made accurately and timeously. Examples of information requirements include appointment, resignation, dismissal, suspension, secondment, transfer, sickness absence and changes in remuneration, other than pay awards.

The Chief Officer - Customer Experience shall also maintain records of service for superannuation, income tax, national insurance and social security purposes.

5.4.2 Form and Certification of Records

Time records or other pay documents shall be in a form prescribed or approved by the Chief Officer - Customer Experience and/or the Chief Officer – Finance and shall be certified by or on behalf of the Director.

A list of officers appointed by Directors to authorise payroll information shall be prepared and maintained within each Function. This will be known as the list of Authorised signatories. Such lists shall be submitted to the Chief Officer - Customer Experience or their authorised officer.

Changes to these lists shall be notified timeously to the Chief Officer - Customer Experience or their authorised officer.

All requests and/or information relating to pay information, whether in paper or electronic format, shall be authorised by an authorised signatory. No pay related document shall be processed unless authorised by an authorised signatory.

An individual is not permitted to authorise a change in their own pay, expenses, allowances or other remuneration and this must be authorised by an authorised signatory who is senior to them.

5.4.3 Overpayments of Salaries and Wages

The Chief Officer - Customer Experience shall ensure that all reasonable steps are taken to recover any identified overpayments. Recovery will normally be made by deduction from future salary payments, or by raising a Debtors invoice in the case of former employees.

5.5 Officers' Travelling Expenses and Allowances

5.5.1 Arrangements for Claims

The Chief Officer - Customer Experience, following consultation with the Chief Officer - Finance, shall be responsible for making arrangements for the administration and regulation of payment of claims for expenses to employees of the Council and other approved bodies. Claims for car mileage will only be paid where the employee has evidenced the following:

- a valid driving licence;
- a current insurance policy which covers the user for business use; and
- if applicable, a valid M.O.T. certificate for the vehicle used.

All officers who use either private or Council vehicles in the course of their duties must, in the event of their driving licence becoming invalid, report this immediately to their Chief Officer.

5.5.2 Claim Forms

All claims for payment of car allowances, subsistence allowances, travelling, telephone expenses and incidental expenditure shall be made using the Council's official expenses claim form, adhering to the published guidance, and must be duly certified by the claimant and authorised by an authorised signatory.

The format of the expenses claim form will be as prescribed by the Chief Officer - Customer Experience, following consultation with the Chief Officer - Finance.

No officer shall authorise their own personal claims.

5.5.3 Certification of Claims

A certifying officer will certify a claim only where s/he is satisfied that:

- the journeys were authorised;
- the expenditure was properly and necessarily incurred and evidenced; and
- the allowances are properly payable by the Council.

All mileage claims shall be accompanied by a valid VAT fuel receipt.

5.5.4 Time Limits

Officers' claims submitted more than 3 months after the expenses were incurred will be paid only in exceptional circumstances. Such late claims shall be authorised by the employee's Chief Officer.

5.5.5 Foreign Travel

Where officers are provided with foreign currency to cover expenses whilst travelling abroad receipts must be provided to support the expenditure incurred. If receipts are not provided the officer shall re-imburse the Council for such expenditure.

5.6 Stocks and Stores

5.6.1 Care and Custody of Stock

The care, custody and level of stores and equipment in any Service shall be the responsibility of the appropriate Director who will ensure that:

- adequate records are kept to maintain efficient and effective control over receipt and issue of stocks and stores items;
- stocktaking is carried out periodically by persons other than storekeepers as agreed by the Director;
- the arrangements for generating the year end stock figures are notified to the Chief Officer - Finance; and

- all obsolete or excess stock or scrap materials is identified and disposed of in accordance with the Council's policies.

5.6.2 Reporting of Write-Offs or Surpluses

Any discrepancies between actual stock held and the book value recorded shall be notified to the Chief Officer - Finance, whose agreement shall be obtained prior to them being written off. All write offs in excess of £10,000 must be reported to the relevant Council committee for their approval.

Each Chief Officer shall report annually on the certificate of assurance on the effectiveness of internal financial controls to the Chief Officer - Finance the total values of write-offs and surpluses of stock and the net effect of these adjustments on the book value of consumable stores under his or her control. The relevant Chief Officer should also provide a brief explanation of the reasons for any differences.

5.6.3 Inventories

Inventories are maintained to provide assurance on the effective management and maintenance of moveable assets and technology. This requirement also supports effective operational performance and health and safety. The Chief Officer – Finance has the responsibility for ensuring the maintenance of all inventories. Inventories will be maintained of relevant assets where the sum purchase generally was of a value in excess of £1,000.

~~Each Chief Officer shall maintain on a continuous basis an inventory of equipment, furniture, information technology hardware and software, etc. While~~ The Chief Officer – Digital and Technology has the responsibility for the inventory information for maintenance of information technology (hardware and software). The Chief Officer – Corporate Landlord has the responsibility for the maintenance of inventory information for equipment, furniture, fixtures and fittings. The Chief Officer – Finance has the responsibility for the maintenance of inventory information for any other assets or specialist equipment held by other Chief Officers.

~~Inventories, Chief Officers shall still maintain their own inventory of equipment, furniture, information technology hardware and software, etc. in operational use.~~

~~Generally moveable items costing in excess of £1,000 should be included.~~

~~Each Chief Officer shall maintain on a continuous basis an inventory of equipment, furniture, information technology hardware and software, etc. will be maintained on a continuous basis. Each Chief Officer is responsible for an~~ There will be an annual check of all items in the inventory. This ensures that:

- new items have been entered on inventories (with date of purchase, value, etc.);
- all details (numbers, description, serial numbers, location, etc.) are recorded; and
- inventory items are present.

~~Each~~ All Chief Officers ~~are~~ is responsible for providing information to support this process, taking action in relation to any surpluses or deficits of inventory items, ~~to ensure that these are~~ These must be investigated promptly and reported to the ~~Chief Officer – Finance~~ Chief Officer – Digital and Technology, ~~the Chief Officer – Corporate Landlord or the Chief Officer - Finance~~, who will take appropriate action in relation to the recording of assets.

~~Each Chief Officer will nominate an a~~ Appropriate officer from within their own Cluster ~~officers will be nominated as~~ responsible for maintaining inventories. It must be determined by a competent person that an inventory item is beyond economic repair before disposal or that there is reasonable justification for disposal. Prior to any disposal, this information must be recorded in the inventory register.

5.6.4 Use of Equipment

The Council's property shall not be removed other than in the course of the Council's normal business or used other than for the Council's purposes without the specific approval of the Director of the Service concerned.

5.6.5 Levels of Stock

Service managers shall assess the normal level of stock required to manage the service in the most cost effective and efficient manner and shall seek to maintain stocks at that level. Approval to exceed the normal stock level if special circumstances arise shall be sought from the Council Committee concerned.

5.7 Security of Other Assets

5.7.1 Responsibility for Security

The Chief Officer – Corporate Landlord, following consultation with the Chief Officer – Finance and Chief Officer – Governance, will maintain a register of all land and heritable properties owned or leased by the Council. The register will be held in a form designed to meet all internal and external requirements for such information.

The register shall, as far as practicable, include:

- the account it is held on;
- the purpose for which it is held;
- its location and extent (including address);
- purchase valuation details (including current valuation, date of valuation, valuation basis and useful life);
- occupier;
- tenancies granted and rents payable; and
- particulars of nature of interest i.e. owned or leased.

The Chief Officer – Governance will have custody of all title deeds and lease documents and shall ensure their security.

The Chief Officer – Operations and Protective Services will maintain an asset register of all vehicles, plant and equipment.

Each Director shall be responsible for maintaining proper security, custody and control of all fixed and movable assets under their control. The Chief Officer - Finance shall be consulted by the Director as appropriate in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

5.7.2 Theft or Loss

Each Chief Officer is responsible for ensuring that the Chief Officer - Finance is immediately informed of any theft or loss of an asset (including cash).

All losses of documented information or devices holding information such as laptops, mobile devices and flash drives must also be reported to the Chief Officer – Governance. Reference should be made to the Data Protection guidance referred to at 4.11.

5.8 Disposal of Surplus Assets

5.8.1 All surplus goods and materials in excess of £10,000 in value to be disposed of by any part of the Council shall be advertised for sale either by inviting sealed offers or by public auction, unless in special circumstances (of which the Committee concerned shall be the judge) it is otherwise decided.

5.8.2 The appropriate Chief Officer shall arrange for the disposal of surplus goods and materials valued at £10,000 or less by any means s/he deems appropriate, provided that the Chief Officer-Finance has approved disposal thereof.

5.9 Leasing

5.9.1 General

No leasing of equipment or capital assets shall be undertaken on behalf of the Council without the prior approval of the Chief Officer - Finance and Head of Commercial and Procurement ~~Services~~.

Leased equipment is the property of the lessor and cannot be sold, assigned or otherwise disposed of by Services.

5.10 Insurance

5.10.1 Responsibility for Insurance

The Head of Commercial and Procurement ~~Services~~ shall arrange and effect, or authorise the Insurance Officer to arrange and effect, all insurance cover on behalf of the Council. S/he shall also settle or repudiate, or authorise the Insurance Officer and other officers to settle or repudiate, all claims made against the Council which involve the Council's insurers. Such settlement or

repudiation shall follow consultation with other officers where necessary.

Chief Officers will ensure that all officers in their Service adhere to all insurance policy requirements.

The Head of Commercial and Procurement ~~Services~~ will arrange that the Council regularly tests the market by way of competitive tender to ensure that best value is achieved.

5.10.2 Notification of Risks

Chief Officers shall give prompt notification to the Head of Commercial and Procurement ~~Services~~ of all new or increased risks, properties, vehicles, stocks and stores which require to be insured and of any alteration affecting existing insurances. This should be done at the inception of a new project or proposed change, to ensure that Insurers requirements are met.

5.10.3 Notification of Claims

Chief Officers shall notify the Head of Commercial and Procurement ~~Services~~ and Chief Officer - Finance immediately in writing of any loss or any event likely to lead to a claim. Directors may also inform the Police where appropriate. All liability claims made against the Council shall be referred to the Insurance Officer in the first instance, without delay.

Upon notification to the Police, a crime report number should be obtained and notified to the Insurance Section.

The Chief Officer - Governance will notify the Insurance and Claims section (in Commercial and Procurement ~~Services~~) of any corporate investigations which may be of interest to the insurers.

The relevant Chief Officer shall also advise the Chief Officer - Organisational Development of all cases involving Employer's Liability claims.

5.10.4 Fidelity Guarantee Insurance

The Council is covered under Fidelity Guarantee insurance for any dishonest act by an employee. This cover does not apply to associate or subsidiary companies, joint ventures or trusts, who would each require to provide their own Insurances.

5.10.5 Review of Insurance Cover

The Head of Commercial and Procurement ~~Services~~, following consultation with the Chief Officer - Finance and Directors, shall annually, or at such other period as may be considered necessary, review all insurances regarding premium levels, claims experience and assessment of risk. The Head of Commercial and Procurement ~~Services~~ may decide not to insure for certain risks or to self-insure.

5.10.6 Indemnities

The Head of Commercial and Procurement ~~Services~~ shall consult with the relevant Director, the Chief Officer - Finance and the Chief Officer – Governance, regarding the terms of any indemnity that the Council is requested to give.

5.11 Gifts and Hospitality

5.11.1 General

It is important that officers are aware that it is a serious criminal offence to receive or give any significant gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person in the course of work for the Council. Aberdeen City Council's [Fraud, Bribery and Corruption Policy](#) ~~Anti-Bribery Policy~~ is in accordance with the Bribery Act 2010 which makes it illegal to offer or receive bribes.

Insignificant gifts are classified as diaries, calendars, pens and similar tokens with a monetary value of £50.00 or less.

Working lunches or dinners can be an appropriate method of business provided that no extravagance is involved, and the occasions are infrequent (infrequent is defined as fewer than 4 times in a 12-month period). Where there is a business need for increased frequency then this should be discussed and agreed by the relevant Chief Officer and paid for from within approved budgets.

[For clarification, this clause applies to all 'in kind' gifts and other offers of goods or services at no cost to the employee. The Member and Staff travel policies provide more detailed examples relating to gifts and hospitality of that nature.](#)

Likewise, it can be reasonable for an officer to represent a Service of the Council at an external social function or event organised by outside bodies. Acceptance of such invitations must be first approved by the officer's Chief Officer and the Chief Officer's by their Director and Directors by the Chief Executive. The Chief Executive should seek approval from the Chief Officer – Finance, as Section 95 officer.

5.11.2 Register for Gifts and Hospitality

Chief Officers will hold a Register for Gifts and Hospitality within their service.

All gifts, whether accepted or not, that are not considered to be insignificant or that cannot be considered reasonable hospitality received directly in connection with any meeting, function or conference must be recorded in the appropriate Register for Gifts and Hospitality.

Gifts are insignificant and may be excluded from the Register if they have a monetary value of £50.00 or less.

5.11.3 Bequests

Bequests left to individual staff members should be returned to the Executor of the Will with the suggestion that a donation could be made to, for example, a Residential Home's Amenity Fund. Similarly, relatives of clients who wish to show their gratitude should be similarly advised.

5.11.4 Improper Handling of Gifts & Hospitality

Where it is suspected that an improper motive exists or a "special deal" not otherwise available is offered on a personal purchase from a supplier with whom the officer has a working relationship, the officer concerned should report this immediately to their Chief Officer. In the case of a Chief Officer, they should report this to their Director who should, following consultation with the Chief Executive, decide on appropriate action. Appropriate action may include the possible withdrawal from a tendering exercise or referral to the Police. The Chief Officer - Finance and Chief Officer - Governance must be informed of all such instances.

Any allegations of the soliciting of gifts by an employee of the Council will be subject to the Council's disciplinary procedure.

5.12 Purchasing

5.12.1 Value for Money

Local authorities must secure best value in accordance with section 1 of the Local Government Scotland Act 2003. Section 10 provides further information on the 2003 Act and Best Value.

Each Director and Chief Officer must ensure that their Services achieve best value from any purchase before making any commitment.

All purchasing and Orders for supplies, services and works must be undertaken in accordance with the Procurement Regulations.

All purchases of computer and telecommunications equipment must be co-ordinated through the Chief Officer – Digital and Technology.

In procuring equipment, particularly ICT equipment, regard should be held for business continuity in case the equipment fails at some point in the future.

5.12.2 Orders for Supplies, Services and Works

Purchase Orders are only to be issued for supplies, services and works which are lawful and only if the cost is covered by a budget allocation.

No supplies, services or works shall be ordered or instructed except on an official Purchase Order form, which shall be in an approved format and in accordance with Regulation 7 of the Procurement Regulations.

By reason of urgency or necessity (for example risk to health and safety or emergency situation), a verbal order may be issued. It must be confirmed within 3 working days with the issue of an official order form from the ordering system.

Purchase Orders must be issued for all supplies, services and works, or such other expenditure as the Chief Officer - Finance may require. A list of exemptions from the requirement for a purchase order is maintained by the Chief Officer - Finance and is included in this document as Appendix A.

On-line ordering is to be controlled by restricted access to approved officers with financial limits set in the PECOS purchasing system to the appropriate values.

Once the supplies have been received, or services or works completed, then the Order shall be appropriately receipted to confirm that it is complete, or part delivered, and invoice payment can be progressed accordingly.

5.12.3 Payment of Accounts

Each Budget Holder shall be responsible for ensuring the prompt examination, verification and certification of all invoices, vouchers and accounts relating to their Service.

Invoices must be processed for payment in accordance with the supplier's credit terms with expenditure authorised by authorised signatories (electronically through PECOS / Infosmart or with original signature). Signature stamps must not be used.

The Council has adopted a "No Purchase Order No Pay" approach to managing procurement expenditure, and as a result invoices will not be paid unless a purchase order has been raised. A list of exemptions from the requirement for a purchase order is maintained by the Chief Officer - Finance and is included in this document as Appendix A.

All supplier invoices should be addressed to the Business Services team. Any invoices received elsewhere shall be redirected to them for processing through the Council's workflow systems to enable a comprehensive audit trail to be maintained and electronic access to such records.

No officer shall authorise an account for their own reimbursement or for a close relative or business associate.

VAT must be accounted for in accordance with the relevant legislation and further information on VAT can be found in Section 5.14.

5.12.4 Partnerships and Joint Ventures

Prior to entering into any formal partnership or joint venture agreements with other parties the relevant Chief Officer must advise the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~ of the on-going negotiations.

No partnership or joint venture agreement is to be formally entered into without the prior agreement of the Chief Officer - Finance and Head of Commercial and Procurement ~~Services~~.

Before any partnership or joint venture is entered into, the selection criteria must be determined in advance, documented and be consistent with the nature of the contract.

5.13 Consultants & Sub-Contractors

5.13.1 General

Consultants, usually professional specialists who charge a fee, can be used to carry out work or to undertake specialised work for which there is a lack of experience/expertise by Council employees. It is therefore necessary to control the work and terms and conditions of such people or companies to ensure that value for money is achieved and that the Council's services are not compromised.

If Council officers would normally be expected to provide the service or advice but have sub-contracted the work due to lack of capacity then, this should not be regarded as consultancy work, but rather as sub-contracted work and coded accordingly.

5.13.2 Contract

All purchasing and Orders for consultancy services and/or sub-contract work must be undertaken in accordance with the Procurement Regulations.

5.13.3 Payment of Fees

The relevant Chief Officer should ensure that fees are only paid when the work fulfils the specification.

It is acceptable for interim payments to be made during the period of the engagement provided the consultant and/or sub-contractor has demonstrated that the claim for payment reflects the work that has been undertaken to that point.

5.14 Taxation and VAT

5.14.1 General

The Chief Officer - Finance will be responsible for the taxation procedures of the Council, ensuring where possible, that tax liabilities and obligations are properly reported and accounted for, avoiding any possible losses.

Where transactions of a new or unusual nature are being considered the Chief Officer - Finance should be consulted on the tax implications before committing the Council.

5.14.2 Value Added Tax (VAT)

As with all VAT registered organisations, the Council is responsible for managing its VAT affairs in accordance with the Value Added Tax Act 1994, and VAT Regulations issued by Her Majesty's Revenue and Customs (HMRC).

HMRC VAT Regulations can be extremely complex and HMRC have the power to apply significant financial penalties for failure to comply with statutory requirements. Therefore, it is very important for all officers to be aware of their role in ensuring the Council's compliance with and adherence to HMRC's VAT regulations.

Services will be responsible for interest and/or penalties charged by HMRC where the Service has failed to obtain, or comply with, appropriate VAT guidance that results in the incorrect VAT treatment.

Chief Officer - Finance Responsibilities

It shall be the responsibility of the Chief Officer - Finance to secure arrangements for the administration and accounting of VAT to ensure compliance with all statutory requirements including such returns as are required within laid down timescales. [This includes the Making Tax Digital regulations being introduced in 2020 that require VAT records to be held digitally and linked digitally to the VAT return.](#)

Chief Officers Responsibilities

Chief Officers shall ensure that arrangements are in place to properly establish the correct liability, process and accounting for VAT.

All officers in the Council who have financial responsibilities are responsible to the Chief Officer – Finance, through the Council's VAT Officer, for the provision of accurate [Value Added Tax \(VAT\)](#) information.

Chief Officers shall ensure that any VAT invoices and VAT receipts that are held by their officers are retained for the prescribed statutory period.

Chief Officers will also retain documentation supporting all income raised by debtors invoice and documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly by Services.

The treasury management team and the bank reconciliation team must be given the relevant documentation, financial coding and VAT coding for any transactions coming into or going out of the bank account.

General

Aberdeen City Council VAT Registration Number 663 7266 13

To reclaim VAT, the council must have a valid tax invoice from a VAT registered trader and be able to produce it on request. Posting of the relevant VAT entries

happens automatically when the correct VAT codes are used. The VAT Codes are:

S	Standard Rate (currently 20%)
R	Standard Rate – PECOS orders
C	Outside Scope
F	Reduced Rate
Z	Zero Rated
E	Exempt

VAT Errors

If input tax is claimed and not supported by a valid invoice, or output tax is under declared, the council may be liable for penalties for misdeclaration of VAT. When errors arise due to incorrect VAT coding this can impact on the amount of revenue posted to the income and expenditure account.

To correct this error, the Council's VAT Officer will adjust the relevant VAT return on the completion of a journal entry.

If the sum of errors in any one VAT period (1 calendar month) is greater than £50,000, the Council is required to make a voluntary disclosure to HMRC. Between £10,000 and £50,000 a voluntary disclosure is required if the sum is more than 1% of that month's turnover ~~(as shown in box 6 of that month's VAT return)~~. A voluntary disclosure is not required if the sum of errors in the VAT period is below £10,000.

HMRC periodically inspects the Council's records and any errors discovered by them during the inspection will be automatically deducted from payments due to the Council on the next VAT return. The Council may be liable for interest and penalty charges in these circumstances. Penalties may be greater if the error is discovered by HMRC rather than via a voluntary disclosure.

~~Any penalties or interest charges levied are an additional expense to the Council. If caused by the failure of an officer to comply with these Regulations, then that officer's Service will bear the cost of the penalty or interest.~~

5.15 External Funding / Grants

5.15.1 General

Receivable - External funding is a source of income. Funding conditions need to be considered to ensure they are compatible with the objectives of the Council.

There are many sources of external funding, such as the European Union, the Scottish Government and other Public Bodies and officers are to be alert to the opportunity of securing additional funding, especially in the context of projects.

Payable - The Council is relying upon external organisations to deliver services on its behalf and it is incumbent upon it to ensure that where external funding pays for service delivery it has robust and comprehensive governance of those funds. Where grants to outside organisations are being considered then careful

consideration and compliance with the Aberdeen City Council Code of Practice on Funding External Organisations and Following the Public Pound must be followed.

Following the Public Pound

Further information on providing funding to partners and ALEO's is set out in section 5.16 below.

Approval of grants, both receivable and payable, must be compliant with Committee Terms of Reference and Powers Delegated to Officers, as appropriate.

5.15.2 Match Funding

Match funding occurs where external funding is payable only on the basis that it is matched by other funders, or by the recipient themselves.

Where External Funding is Receivable failure to achieve the match funding will put the Council at risk of losing the external funding proposed. The Council officer responsible for obtaining the external funding must produce a business case to support the application. The business case must include confirmation of the match funding. The match funding must be confirmed by the said officer prior to submitting the application for external funding and entering into any agreements. The business case should be signed off by the Director of the relevant Service and the Chief Officer - Finance.

Where match funding is being provided by the Council itself, then this may be in the form of attributing a value to specific staff, property or other supplies and services costs. The external funder will require to see evidence that those costs have actually been incurred by the Council. To provide this evidence a mechanism for justifying and accounting for those values must be put in place. This may involve the use of time recording systems or other estimation techniques. In these circumstances the Council officer managing the project shall seek guidance from the Chief Officer – Finance.

It is essential that match funding and project costs are closely monitored by the officer managing the project to take account of changes in cost profiles and to ensure that the full project value is captured and reflected in the Council's Medium Term Financial Plan.

Where match funding is being provided to the Council by a third party, suitable documentation should be put in place between the Council and that party to ensure that the Council is not exposed to unnecessary financial risk because of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the third party in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part of the external funding application.

Where External Funding is Payable failure to ensure that the match funding is obtained may put the Council at risk of both exposure to additional costs and a failure to complete the project and achieve the benefits anticipated. The budget holder must arrange for a suitable analysis of the costs of a project to be carried

out to determine the requirements for match funding that is being requested from the outside body. The Council must be satisfied that only reasonable costs are included in the proposed project and that the request for grant funding, to match other partners, is appropriate.

Where match funding is being provided by the Council to an external body suitable documentation should be put in place between the Council and that body to ensure that the Council is not exposed to unnecessary financial risk because of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the Council in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part project proposal / application for funding made.

5.15.3 Grant Offers and Claims

Where External Funding is Receivable – Prior to acceptance of external funding the Director, the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~ will require to be satisfied that the terms of an external funding grant can be met.

The Director must ensure that all funding received by the Council from external bodies, government bodies, other agencies, partner organisations etc. is received. S/he must also ensure that the income and expenditure is properly accounted for and complies with the conditions of the funding.

All claims for grant funds are to be made promptly by the due date.

All grants are to be paid directly to the Council.

The relevant Chief Officer shall identify a responsible officer to monitor compliance with grant conditions.

Grant claims for European Union funding must be properly authorised by the appropriate Director and the Chief Officer - Finance will arrange for suitable independent audit of the claims to be carried out.

Where External Funding is Payable – Reference must be made to the Council's Code of Practice on Funding External Organisations and Following the Public Pound for guidance.

[Following the Public Pound](#)

5.16 Partnerships and Relationships with External Bodies

5.16.1 General

Chief Officers will be responsible for ensuring that any funding relationships with external bodies, other than those which are operated on a contractual basis, are operated in accordance with the:

- "Code of Guidance on Funding External Bodies and Following the Public Pound" issued by the Accounts Commission,
- the associated COSLA Operational Guidance; and

- the Council's own local Code of Practice.

5.16.2 Relationship Management

The Council will appoint a suitable individual to establish and maintain the relationship between itself and the external body.

In considering an application for funding, due consideration in line with the code of practice should be given to the following areas:

- Aims and objectives of the external body and how they align to those of the Council; and
- Financial viability, risk and control.

5.16.3 Funding Agreement

The Council will put in place an appropriate funding agreement to set out the responsibilities of the external body to report back on outcomes and achievements to demonstrate their accountability towards the funds and the value that has been derived.

Detailed advice and checklists are available in the Aberdeen City Council Local Code of Practice for Funding External Bodies and Following the Public Pound.

5.16.4 Group Entities

The Council recognises the importance of its relationships with those organisations that form part of its group. In so doing, the Council has approved a range of requirements to be adhered to by the group entities. These include requirements for the Council to scrutinise group entities, with specific reference to:

- Management assurance;
- Internal and external audit reports;
- Business planning;
- The system of risk management;
- The roles and responsibilities of the Board; and
- The work of the ALEO Assurance Hub.

The Head of Commercial and Procurement ~~Services~~ shall use reasonable endeavours to ensure that all contracts with Group Entities will provide that each group entity must:

- comply with all reasonable requests to co-operate with the ALEO Assurance Hub (applies only to those group entities that are considered to be ALEO's);
- provide quarterly and year end information for inclusion in the Council's financial performance reports and the Annual Accounts in accordance with the timetable set by the Chief Officer - Finance. To include provision of an audited set of annual accounts and external audit report;
- provide such assistance as the Chief Officer - Governance or Chief Officer - Finance may require in the production of the annual governance statement;
- submit a Certificate of Assurance on the Effectiveness of Internal Financial Controls, as prescribed by the Chief Officer – Finance, on an annual basis;
- afford the Council's Internal Auditors (whether employed directly by or engaged by Internal or External Audit) full access rights as listed in 3.5; and

vi) afford the Council's External Auditors the same rights of access as set out in [3.7.13-6.1](#).

5.17 Internal Audit

5.17.1 General

Guidance regarding the provision of an effective system of internal audit is provided by the United Kingdom Public Sector Internal Audit Standards (PSIAS).

The function of Internal Audit is based upon the following principles:

- it must be completely independent of all systems operating within the Council with no authority or responsibility for activities which they audit; and
- it may concern itself with any activity, function or operation of the Council.

The Council will secure an Internal Audit function through the employment of suitably qualified individuals or through entering into a binding contract with an external supplier of such services. The Chief Officer - Governance will manage the relationship that is put in place.

The Chief Officer – Governance shall be responsible for overseeing an independent and effective internal audit function.

The Chief Internal Auditor shall report on a regular basis to the Audit, Risk and Scrutiny Committee and they must:

- annually provide a copy of the Internal Audit plan drawn up after discussion with Chief Officers for the Committee's information, input and approval;
- report on all work carried out and the follow up status of previously reported work;
- provide an assurance for the reliability of existing and new financial systems and other management controls throughout the Council, including trusts where the Council is sole trustee or able to exercise overall control.
- prepare an annual report, including their audit opinion, on the overall adequacy and effectiveness of the Council's control environment; and
- liaise closely with External Auditors to ensure the Council derives maximum value from the combined resource.

5.17.2 Responsibilities of Senior Management

It is the responsibility of the Council's Chief Officers to ensure that:

- internal auditors and officers undertaking investigations are given access at all reasonable times to premises, personnel, documents and assets that the Auditors/Investigating Officers consider necessary for the purposes of their work;

- auditors and investigating officers are provided with any information and explanations that they seek in the course of their work, within a specified timescale; and
- any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

It is also the responsibility of Chief Officers to consider and respond promptly to recommendations in audit and investigations reports.

5.18 Financial Irregularities

All officers shall inform their Chief Officer immediately of any circumstances which may suggest an irregularity affecting the finances, property, services or policy of the Council. These shall be reported immediately by the Chief Officer to the Chief Officer – Finance and Chief Officer – Governance. Pending investigation and reporting, the Chief Officer is to take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

The Chief Officer - Finance or Chief Officer – Governance may investigate such incidents as they consider appropriate.

If, on consideration of the results of such an investigation, the Chief Officer - Finance and Chief Officer – Governance are of the opinion that there may be a breach of criminal law they may, after taking advice from the Chief Officer – Governance, report the matter to the Police.

When an officer is suspended pending the conclusion of an investigation into a possible irregularity, or if an officer resigns in such circumstances, then that officer shall immediately surrender all Council property they may have including all money, portable ICT equipment, flash drives and keys. The officer shall be instructed not to enter Council premises without prior agreement and not to contact other Council officers in relation to the matter under investigation. The officer's Chief Officer must also ensure that passwords and computer access by the officer under investigation are also immediately withdrawn.

5.19 Deposit of Trust Securities

- 5.19.1 All officers acting as trustees by virtue of their official position shall deposit all securities, bank passbooks and documents and articles of value relating to any trust with the Chief Officer - Finance unless the relevant trust deed provides otherwise.

5.20 Control of Registered Charities, Trust Funds and Other Funds

5.20.1 Custody and Control

The Chief Officer - Finance shall ensure:

- 1) the proper and safe custody and control of all charitable and other funds held by the Council;
- 2) that all expenditure is in accordance with the conditions of the fund; and

- 3) that such charitable funds are held in accordance with regulations laid down by the Office of the Scottish Charity Regulator.

All registered charities, trust funds and other funds shall, wherever possible, be in the name of the Council or refer to the Council. All monies left in trust to the Council or to be administered by its officers shall be notified immediately to the Chief Officer - Finance, unless the trust's deed outlines otherwise.

5.20.2 Investment

All investments of money under the Council's control shall be made by the Chief Officer - Finance in the name of the Council or in the name of nominees approved by the City Growth and Resources Committee. Any investments made will be made in accordance with the Treasury Management Strategy approved by the Council.

5.20.3 Audit

Where elected members (all or some) of Aberdeen City Council are the sole trustees of registered charities, the charities will be subject to external audit by the Council's appointed external auditor.

5.21 Control of Common Good

5.21.1 Purposes for which Common Good monies may be utilised

Items of expenditure which can be met from the Aberdeen City Council Common Good must be for:

- upholding the dignity of the City;
- the prudent management, upkeep and improvement of those items of Council property which form part of the Common Good;
- safeguarding the corporate rights of the community and defending its interests;
- granting donations to public institutions or charities – this must be exercised in the interests of the general public of the City; and
- any other purpose which in a reasonable judgement of the Council is for the good of the community as a whole, or in which the inhabitants may share; as distinct from the interest or benefit of any particular individual or group.

Overall, the purposes for which Common Good monies may be utilised are limited to the City and its interests.

Where there is a doubt about whether Common Good monies can be used for a particular purpose then in the first instance advice should be sought from the Chief Officer – Governance.

5.21.2 Common Good Investment Strategy

The Common Good Investment Strategy was approved by the Finance and Resources Committee in December 2012. The Chief Officer - Finance is responsible for reviewing the Strategy and reporting any proposed changes in the Strategy to the City Growth and Resources Committee.

5.22 Voluntary Funds

5.22.1 General

A voluntary fund is any fund (other than an official Council fund) which is managed wholly or in part by a Council employee. Examples of such are School funds and funds to support Social Work Services establishments. Directors shall supply the Chief Officer - Finance with a list of all employees who are signatories to such funds.

Such funds are to be subject to the same financial rigour and probity as if they were Council funds.

5.22.2 Financial Control and Administration

The financial control of voluntary funds must reflect the standards required of public funds.

The Chief Officer - Finance or their representative may examine the accounts and records of the fund if held by a Council employee and ask for such records, explanations and information as they may require.

In the event of any loss of voluntary funds the Council accepts no responsibility whatsoever, and no person has any authority to bind the Council to accept such liability.

Money due to the Council shall not be paid into any voluntary fund, either permanently or temporarily.

The Council employee shall keep all money, goods, or property of the voluntary fund, separate from those of the Council. The Council employee must not use official Council order forms for voluntary funds.

The Council employee shall at the end of each financial year submit a return stating the balance held and a copy of the audit certificate & accounts to the Chief Officer – Finance.

5.22.3 Employee Involvement

The Council employee must inform their line manager of any involvement in a voluntary fund and state the position they hold within the fund. The line manager must ensure proper accounts of the funds activities are kept and that an independent audit is carried out at annual intervals by a competent auditor appointed by and reporting to the fund's controlling body. An audit should be carried out whenever an employee relinquishes this responsibility and hands over the funds to another person.

5.23 Pension Funds

5.23.1 General

The Chief Officer - Finance shall be responsible for the financial affairs of the North East Scotland Pension Funds. The investment of Pension Funds monies shall be made in the name of the nominees approved by the appropriate Committee and such investments shall be within the policy determined by the Council.

Specific guidance on the financial regulations relating to the Pension Funds can be found in Section 12. To the extent that section 12 varies from the general financial regulations, Section 12 shall take precedence for the Pension Funds only. For matters not specifically covered within Section 12, the Pension Funds will take due guidance from the general Financial Regulations. Should the Pension Fund officers still have any doubt on interpretation or implementation of the general financial regulations, further guidance shall be sought from the Chief Officer-Finance.

5.24 Amendments to Financial Regulations

5.24.1 Non-material amendments to the Financial Regulations can be made by the Chief Officer - Governance, following consultation as required by Powers Delegated to Officers, without the requirement to report to Full Council.

5.24.2 Material amendments to the Financial Regulations, including the removal or addition of Financial Regulations, may only be approved after consideration of a report to Full Council by the Chief Officer - Governance.

5.25 Review of Financial Regulations

5.25.1 The Financial Regulations will be subject to annual review by the Chief Officer - Finance.

6. FINANCIAL MANAGEMENT & CONTROL - ROLES AND RESPONSIBILITIES

6.1 Introduction

6.1.1 Aberdeen City Council is committed to achieving Best Value and the highest possible standards in the delivery of its services. The Council attaches a very high priority to exercising strong control over the management of its financial resources. Both objectives are facilitated by the provision of high quality financial management and control, through continuous improvement, to meet both statutory requirements and the needs of clients/customers in the most efficient and effective manner.

6.1.2 Financial management is provided to the Council, its Committees and Services through an accounting function that provides corporate financial management and service specific accounting. Within all Services, budget holders undertake

financial management in varying degrees.

- 6.1.3 The Financial Regulations define the respective roles and responsibilities of officers in both the accounting function and Services. Compliance with the Financial Regulations will improve the effectiveness of financial management and control and ensure the continued development of best practice.

6.2 Councillors

- 6.2.1 As Council and committee members, councillors have a personal, individual and collective responsibility for the Council's organisation and activities. Councillors are responsible for ensuring that adequate management arrangements are in place, developing and taking decisions on the use of the Council's physical, financial and human resources, and to concern themselves with the performance, development, continuity and overall well-being of the organisation (*extract from the Code of Conduct for Councillors*).

- 6.2.2 To enable Councillors to discharge their responsibilities in this respect, officers must present to Councillors appropriate information on the Council's performance both in operational and financial terms to allow them to ask relevant questions.

6.3 Chief Executive

- 6.3.1 The Chief Executive has a responsibility to ensure that the Financial Regulations are applied across the Council, and the appropriate committee structures are in place.
- 6.3.2 The Chief Executive, as Head of Paid Service, has an authority over all officers and has responsibility for ensuring that the Council maintains an efficient use of the resources at its disposal. However, the Chief Executive relies on senior officers of the Council informing them of the up to date position of an operation. Directors shall therefore report to the Chief Executive on the financial performance of their Functions.
- 6.3.3 The Chief Executive does not have operational responsibility for Services, which responsibility rests with Directors. Similarly, the Chief Officer - Finance has the responsibility for establishing the appropriate financial reporting framework.
- 6.3.4 The Directors shall formally report any financial problems identified in a Service to the Chief Officer - Finance and to the Chief Executive who can instruct appropriate action and report as appropriate.
- 6.3.5 On a periodic basis a summary of the financial position of each Service shall also be reported to the Chief Executive. In pursuance of this the quarterly financial performance report shall be included on the agenda of the Corporate Management Team.

6.4 Chief Officer - Finance

- 6.4.1 Section 95 of the Local Government (Scotland) Act 1973 states that every local authority shall make arrangements for the proper administration of its financial affairs and shall ensure that one of its officers has responsibility for the

administration of these affairs. In Aberdeen City Council, the Chief Officer - Finance is the Section 95 officer. Where the Section 95 officer position is vacant, the Chief Executive will make alternative arrangements.

6.4.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) has defined in detail the role of the Chief Financial Officer within local government.

6.4.3 CIPFA specifically outlines the role of the Chief Financial Officer as being:

- a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the authority's financial strategy; and
- leading the promotion and delivery by the whole authority of good financial management so that public money is safeguarded always and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the Chief Financial Officer:

- must lead and direct a finance function that is resourced to be fit for purpose; and
- must be professionally qualified and suitably experienced.

6.4.4 There exists, however, a degree of decentralisation of financial administration within the Council and the responsibilities of the Chief Officer - Finance must be seen in this context. The Financial Regulations delegate much of the day to day financial administration to Chief Officers, and by sub-delegation, to staff within Finance. The extent of delegations will be outlined within a framework of job profiles.

Financial Management

6.4.5 As head of strategic and operational financial management and administration, it is the responsibility of the Chief Officer - Finance to:

- ensure that a proper and prudential financial framework exists within the Council in terms of relevant legislation and codes of practice;
- secure effective systems of financial administration; and
- ensure that financial management arrangements are in line with the Council's strategic policies and objectives and its overall management arrangements.

6.4.6 Specifically, the Chief Officer - Finance will:

- advise on effective systems of internal control such as Financial

Regulations;

- secure effective systems of internal financial control to ensure that income collected, and payments made, are accurate, complete and timely;
- advise on anti-fraud and anti-corruption measures; and
- ensure that all staff with financial management responsibilities are made aware of the existence and content of these financial regulations and their requirement to comply with them.

Supporting the Democratic Process

6.4.7 In supporting and advising the democratic process, the Chief Officer - Finance is expected to:

- advise on the respective roles of councillors and officers on financial management;
- advise councillors on an overall financial strategy which serves policy and service objectives;
- provide councillors with clear, accurate and impartial advice when considering service plans and budgets;
- provide timely, accurate and impartial advice on reported financial performance, including reporting any concerns and/or disagreements with Directors on the stated financial position and the reliability of financial systems; and
- ensure that councillors have adequate access to financial skills and are provided with an appropriate level of financial training on an ongoing basis.

Contributing to Corporate Management and Leadership

6.4.8 The Chief Officer - Finance has an essential part to play in the corporate management of the authority by;

- contributing to the effective leadership of the authority;
- contributing to the management of the authority;
- ensuring that the authority's financial resources are well managed; and
- contributing to cross-authority issues and to the development of the authority.

Supporting and Advising Operational Officers

6.4.9 In supporting and advising operational officers, the Chief Officer - Finance shall:

- ensure that financial strategy and arrangements serve policy and service

objectives, advising services on all strategic and operational financial matters and on the availability of resources;

- advise officers on performance and standards to be adhered to in relation to financial matters;
- delegate responsibility for financial management and control to Directors, ensuring the development and maintenance of appropriate management accounting systems, functions and controls and that these are compatible with the corporate financial reporting systems;
- ensure that officers' roles and responsibilities in relation to financial management are clear and understood and that budget managers have access to adequate financial skills; and
- provide timely, accurate and impartial advice to the Chief Executive on any concerns or disagreements with Directors on the reported financial position or reliability of financial systems.

Leading and Managing an Effective and Responsive Financial Service.

6.4.10 In leading and managing the authority's finance function, the Chief Officer - Finance will;

- secure high standards of performance and service to the public;
- demonstrate accountability to the public by providing robust financial and performance information;
- establish a good, professional working relationship with external auditors and other statutory agencies; and
- act as head of profession for all finance staff in the authority.

Bond Governance

6.4.11 The credit rating that was obtained to facilitate the issue of bonds on the London Stock Exchange (LSE) must be maintained over the term of the bonds. The credit rating agency conducts a review at least once every twelve months and the Chief Officer – Finance shall ensure that the credit rating agency is provided with all the information that it requires to carry out its assessment. The outcome of such reviews shall be reported to the first meeting of the City Growth and Resources Committee following receipt of the outcome. The credit rating agency may also amend the rating between reviews. If this occurs, the Chief Officer – Finance shall report this occurrence to the next available City Growth and Resources Committee.

6.4.12 The Chief Officer – Finance shall ensure that the Council's quarterly financial monitoring report to City Growth and Resources Committee is structured to comply with the reporting requirements of the LSE including any notifications required to comply with the Market Abuse Regulations.

6.5 Chief Officers

6.5.1 Within the overall framework of the financial management and administration arrangements, it is the responsibility of the Directors to:

- ensure adherence to law and the Council's Scheme of Governance;
- manage the expenditure and income of the Function and ensure its control within approved budgets;
- prepare draft budget and service plans, following consultation with the Chief Officer - Finance and the Chief Executive;
- provide data necessary to enable the completion of budgets, monitoring reports, annual reports and all government or other statistical returns, following consultation with the Chief Officer - Finance; and
- formally report any financial problems identified within the Function to the Chief Officer - Finance, and if appropriate the Chief Executive, who can instruct appropriate action and report as required.
- furnish the Section 95 officer, or her/his authorised representative, with all such information that s/he may reasonably require for the discharge of her/his functions.

6.5.2 In practice, duties will be delegated to operational managers within the Function, the extent of which shall be covered by a framework of job descriptions clearly defining individual responsibilities.

6.6 All Staff Budget Holders and Finance Staff

6.6.1 The respective roles and responsibilities of budget holders, ~~and~~ finance staff and staff with a responsibility for administering financial transactions are set out in the Finance Framework (also see 4.1 above)

6.6.x The Continuous Review and Development Scheme sets out skills, behaviours and competencies required of all staff (also see 4.x above).

Line Responsibilities/Accountabilities

6.6.2 The Chief Officer - Finance has overall responsibility for the management and administration of the Council's financial affairs and consequently for all staff engaged in delivering the service. All finance staff are responsible to the Chief Officer - Finance for maintaining professional accounting standards and the highest standards of conduct and integrity.

All staff engaged in financial management within Services have a similar responsibility, not only to their Director, but also to the Chief Officer - Finance. Finance staff also have a responsibility to Chief Officers for the provision of impartial advice and guidance on all financial matters, including contributing to and assisting in Best Value reviews, option appraisal and the process of continuous improvement across the Council.

6.6.3 The Chief Officer - Finance has the power to draw to the attention of a Director any circumstances where he/she considers that a member of staff engaged in financial management has not met the required standards. The Chief Officer - Finance may recommend how the matter shall be taken forward. Conversely, any Director has recourse to the Chief Officer - Finance where it is considered that any member of staff in Finance has not met the required standards. If a Director and the Chief Officer - Finance fail to agree, the matter shall be raised with the Chief Executive who will determine what action is appropriate.

7. INTERNAL CONTROL

7.1 Introduction

7.1.1 Internal control consists of all the policies and procedures the Council applies to achieve the following goals:

- Safeguard Council assets - well designed internal controls protect assets from accidental loss or loss from fraud.
- Ensure the reliability and integrity of financial information - internal controls ensure that management has accurate, timely and complete information, including accounting records, to plan, monitor and report business operations.
- Ensure compliance - internal controls help to ensure the Council complies with the laws and regulations affecting the operations of our business.
- Promote efficient and effective operations - internal controls provide an environment in which managers and staff can maximise the efficiency and effectiveness of their operations.
- Accomplishment of goals and objectives - internal control systems provide a mechanism for management to monitor the achievement of operational goals and objectives.

7.2 Responsibilities

7.2.1 Chief Officers are responsible for maintaining an adequate system of financial control and are expected to communicate the expectations and duties of staff as part of a control environment. They are also responsible for ensuring that the major areas of an internal control framework are addressed and that weaknesses highlighted are acted upon.

7.2.2 Staff are responsible for complying with the Council's internal controls.

7.3 Control Framework

7.3.1 The framework of good internal control includes:

- **The Control environment:** A sound control environment is created by management through communication, attitude and example. This includes

a focus on integrity, a commitment to investigating discrepancies, diligence in designing systems and assigning responsibilities.

- **Risk Assessment:** This involves identifying the areas in which the greatest threat or risk of inaccuracies or loss exist. To be most efficient, the greatest risks should receive the greatest amount of effort and level of control. For example, the value or the nature of the transaction (for instance, those that involve cash) might be an indication of the related risk.
- **Monitoring and Reviewing:** The system of internal control should be periodically reviewed by management. By performing a periodic assessment, management assures that internal control activities have not become obsolete or lost due to staff turnover or other factors. They should also be enhanced to remain sufficient for the current level and extent of risks.
- **Information and communication:** The availability of information and a clear and evident plan for communicating responsibilities and expectations is paramount to a good internal control system.
- **Control activities:** These are the activities that occur within an internal control system. These are described in 7.4.

7.4 Internal Control Activities

- 7.4.1 These activities are the policies and procedures as well as the daily activities that occur within a system of internal control. The systems should include both prevention and detection activities. Internal Audit will provide assurance over the controls that the Council has established and make recommendations for strengthening such controls.
- 7.4.2 Prevention control activities aim to deter the instances of error or fraud. Activities include comprehensive documentation, authorisation processes, segregation of duties and security. These activities prevent undesirable transactions from happening and therefore require well thought out procedures and risk identification.
- 7.4.3 Detection control activities aim to identify any undesirable transactions after the fact, and in financial situations the most frequently used detection controls are reconciliation along with monitoring and review.
- 7.4.4 Appropriate controls shall be established to ensure that the financial information system accurately collates, sums and reports all authorised input and that regular and sufficient back up is maintained.

7.5 Embedding Internal Control Activities into Operations

- 7.5.1 Control activities occur at all levels and functions of the Council. Chief Officers should establish control activities that are effective and efficient.
- 7.5.2 When designing and implementing control activities, the aim should be to get the maximum benefit at the lowest cost. Consideration should be given to the following:

- The cost of the control activity in comparison to the cost that would be incurred by the Council if the undesirable event occurred, recognising that some risks may be difficult to attribute a financial value to e.g. reputational risks;
- Control activities should be built into business processes and systems as the processes and systems are being designed. Adding control activities after the development of a process or system is generally costlier and may enable errors or fraud to occur;
- The allocation of resources among control activities should be based on the likelihood and impact of the risk;
- For any given risk, there may be multiple appropriate control activities that can be put into place, either individually or in combination with other control activities; and
- Excessive use of controls could impede productivity.

7.6 Commonly Used Controls

7.6.1 The following brief descriptions of the commonly used control activities will help managers to identify and select appropriate activities to prevent and detect error and fraud.

- **Documented Systems / Process** – Comprehensive documentation of systems and processes provides clarity to those involved and a structure to enable checking to be carried out;
- **Authorisation** – Control activities in this category are designed to provide reasonable assurance that all transactions are within the limits set by policy or that exceptions to policy have been granted by the appropriate officer(s);
- **Review and approval** – Control activities in this category are designed to provide reasonable assurance that transactions have been reviewed for accuracy and completeness by appropriate officers;
- **Verification** – Control activities in this category include a variety of computer and manual controls designed to provide reasonable assurance that all accounting information has been correctly captured;
- **Reconciliation** – Control activities in this category are designed to provide assurance of the accuracy of financial records through the periodic comparison of source documents to data recorded in and between accounting information systems;
- **Physical security over assets** – Control activities in this category are designed to provide reasonable assurance that assets are safeguarded and protected from loss or damage due to accident, natural disaster, negligence or intentional acts of fraud, theft or abuse;
- **Segregation of duties** – Control activities in this category reduce the risk of error and fraud by requiring that more than one person is involved in

completing a financial process;

- **Education, training and development** – Control activities in this category reduce the risk of error and inefficiency in operations by ensuring that staff have the proper education and training to perform their duties effectively. Education and training programs should be periodically reviewed to ensure they remain relevant to the current Council operating environment and financial processing procedures; and
- **Performance planning and evaluation** – Control activities in this category establish key performance indicators for the Council that may be used to identify unexpected results or unusual trends in data which could indicate situations that require further investigation and/or corrective actions. Evaluations may be done at multiple levels within the Council, as appropriate: the Council as a whole; major projects; specific Services / Functions; or specific activities. Performance reviews may focus on compliance, financial or operational issues. For example, financial reviews should be made of actual performance versus budgets, forecasts and performance in prior periods.

7.6.2 This list is not exhaustive, and advice should be sought from the Chief Officer - Finance if any officer is uncertain about incorporating appropriate control activities into their operations.

8. BUDGETARY CONTROL

8.1 Revenue

8.1.1 Revenue items are the operational costs incurred by the authority during the financial year in providing its day to day services, or income generated through, for example, fees and charges.

8.2 Revenue Budget Preparation

- 8.2.1 A budget is required for all revenue items which form part of the Council's budgets, e.g.:
- General Revenue Fund;
 - Housing Revenue Account;
 - Common Good; and
 - North East Scotland Pension Funds (the Council being the administering authority).
- 8.2.2 The budgets for both income and expenditure must be prepared in accordance with the Council's budgeting principles and approved timelines in support of the Council's Strategic Business Plan. The budgets will be prepared jointly by the Chief Officers and the Chief Officer - Finance.
- 8.2.3 The Chief Officer - Finance shall prepare a consolidated draft budget, incorporating a Medium Term Financial Plan, together with a report on its financial implications. This budget report may be submitted to the City Growth and Resources Committee prior to being submitted to the Council Budget

meeting. Once approved by Council the Budgets will constitute the Revenue Budgets for the relevant financial year.

~~8.2.4 The Chief Finance Officer of the ACHSCP will ensure the timeliness of preparation and approval of Integrated Joint Board budgets for the integrated services that the Council is directed to deliver by the ACHSCP.~~

8.3 Revenue Budget Monitoring

8.3.1 The Chief Officer - Finance shall provide Chief Officers and Budget Holders with up-to-date financial information on income and expenditure compared to the approved budget. The Chief Officer - Finance will be entitled to receive any clarification deemed necessary on any item of expenditure or income. Chief Officers and Budget Holders shall provide the Chief Officer - Finance with such information as he or she shall require from them.

8.3.2 The Chief Officer - Finance shall report on a quarterly basis to the City Growth and Resources Committee on comparisons of actual figures with budget to date along with a forecast for the full year. ~~The Committee will be entitled to seek explanations for any figures which it deems require special attention. The Committee should seek explanations and action where the Chief Officer - Finance has indicated that the quarterly forecast requires special attention. The Committee is entitled to seek explanations and actions for any figures which it deems require special attention.~~

8.3.3 ~~The reporting of the General Revenue Fund, Housing Revenue Account shall be to the Operational Delivery Committee; the and the Common Good Fund shall be to the City Growth and Resources Committee; the North East Scotland Pension Funds shall be to the Pensions Committee; and the financial information related to the Consolidated Group position will be reported quarterly to City Growth and Resources Committee.~~ tax

8.4 Revenue Budget Management

8.4.1 No expenditure shall be incurred unless it can be met from an approved budget. For the avoidance of doubt, any officer who fails to comply with this Financial Regulation may be subject to disciplinary action.

8.4.2 Budget Holders shall be responsible for monitoring their budgets in accordance with the Council's Scheme of Governance, using the relevant financial systems as determined by the Chief Officer - Finance.

8.4.3 If it becomes apparent that ~~any item~~ the forecast for any service budget of income or expenditure is likely to vary from budget estimates, this shall be reflected as a variance in revenue budget monitoring reports and reported to the relevant service committee City Growth and Resources Committee. If this is a permanent variance then a budget virement may be approved following the guidelines below.

~~8.4.4 The Chief Officer - Finance must be notified of forecasts for all budgets monthly any budget that is or is likely to be overspent. If it becomes apparent to any budget holder that due to previously unforeseen factors there is a risk of~~

budget forecast being overspent, then the Chief Officer – Finance must be notified immediately.

8.5 Scheme of Virement

8.5.1 The term "virement" refers to the switching of budgetary provision from one budget head to another.

8.5.2 Chief Officers and Budget Managers may exercise virement, in accordance with the scheme of virement as set out below, and within the Services' overall Revenue Budget provided that:

- The Chief Officer - Finance has been notified; and
- The virement does not create an additional financial commitment into future financial years.

Approval of such virement shall consider the following criteria:

- adherence to the Accounting Code of Practice (ACOP);
- the balancing of related expenditure and income issues;
- movements within approved schemes of budget delegation;
- the need to remedy anticipated budget pressures elsewhere;
- the impact of approved service developments on the nature of Service spend;
- previous Council decisions on the application of budget resources;
- the remedy of error in budget compilation; and
- spend to save initiatives.

8.5.3 Virement cannot be used by Services in the following situations:

- to mask overspend and underspend issues;
- to apply underspends or over-recoveries of income without reference to Committee;
- for expected savings on finance costs or recharges;
- for recurring items of expenditure in place of non-recurring savings;
- for property items such as rates and utilities;
- any savings against a property which has been declared surplus under the Council's surplus asset procedure;
- to reinstate an item deleted by Council during budget considerations unless approved by the relevant Council Committee(s);
- to provide a budget for the implementation of a new policy, or variation of existing policy, which exceeds the limit of delegated authority provided to all Chief Officers in this regard (general delegated power no. 40) and therefore requiring the approval of the relevant Council Committee;
- for Service budgets which are committed to and included within partnership agreements;
- between Services that are budgeted and funded through Council house rents and the Council tax i.e. the Housing Revenue Account and General Fund budgets; and
- between Services that are budgeted and funded via the Integration Joint Board and other funds of the Council i.e. between IJB budgets and non-IJB budgets.

8.5.4 Education establishments within the scheme of Devolved Education Management (DEM) may vire between different categories of specified budgets in accordance with the scheme regulations.

Devolved Education Management (DEM) scheme

8.5.5 Virement rules relating to revenue expenditure summarised in table below:

Scope	Limit	Approval to Vire
1. Within or between Account Code Groupings, within individual budget holder areas of responsibility (e.g. printing & stationery to telephones – within Admin costs or Administration Costs to Supplies & Services)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Budget Manager
	Up to £100,000	Chief Officer
	Over £100,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
2. Between Functional Services Budgets but within Chief Officer area of responsibility (e.g. Primary to Secondary Education, Libraries to Community Learning, or Learning Disability to Mental Health)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Chief Officer
	Up to £100,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
	Over £100,000	City Growth and Resources Committee
3. Between Functional Service Budgets within Function Budgets (e.g. transfer from Education to Environmental Services)	Up to £250,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
	Over £250,000	City Growth and Resources Committee
4. Between Function Budgets i.e. across committees (e.g. transfer from Commissioning to Operations)	Up to £500,000	Chief Executive, reported to City Growth and Resources Committee in Financial Performance Report
	Over £500,000	City Growth and Resources Committee

8.6 Capital

- 8.6.1 Capital items are the costs incurred by the authority on the acquisition, creation or enhancement of fixed assets.
- 8.6.2 Examples include, but are not limited to, land and property, roads and structures, vehicles and plant, and Information and Communication Technology (ICT).
- 8.6.3 Enhancement of an asset refers to something which will significantly lengthen the useful life of an asset; increase the open market value of an asset; or increase the extent to which an asset can be used.
- 8.6.4 Capital income is the value of any receipt received upon the sale or disposal of any fixed asset, or the value of any grant or contribution received to offset the cost of a new fixed asset.

8.7 Capital Budget Preparation

- 8.7.1 The Chief Officer – Capital, following consultation with the Chief Officer – Corporate Landlord, shall ensure that all capital items are included in one of the Council's capital budgets:
- Non-Housing capital programme; or
 - Housing capital programme.
- 8.7.2 The budgets for both capital income and expenditure must be prepared in accordance with the Council's budgeting principles and approved timelines, in support of the Council's Strategic Business Plan.
- 8.7.3 Bids to have new projects included in the capital programmes should comply with, and have been approved by, the governance arrangements overseen by the Capital Board. The Chief Officer – Capital shall then submit such proposals to the relevant Council Committee.
- 8.7.4 The revenue budget implications identified during the process shall be incorporated into the Revenue Budget and Medium Term Financial Plan.
- 8.7.5 The Chief Officer - Finance shall prepare a consolidated draft capital programme, incorporating a 5-year programme, together with a report on its financial implications. This budget report will be submitted to the Council Budget meeting. Once approved by Council the Budget will constitute the Capital Budget for the relevant financial year.
- 8.7.6 The Chief Officer - Finance shall prepare a report on the Prudential Indicators. This will demonstrate the affordability and prudence of the budget being set. This report will be incorporated into the Council budget setting report outlined at 8.7.5.

8.8 Capital Monitoring

- 8.8.1 No capital expenditure should be incurred unless it can be met from an approved capital budget. For the avoidance of doubt, any officer who fails to comply with this Financial Regulation may be subject to disciplinary action.

8.8.2 Capital project and programme managers shall be responsible for monitoring their budgets in accordance with the Council's Scheme of Governance using the relevant financial systems as determined by the Chief Officer - Finance. The Chief Officer – Finance must be notified of any budget that is or is likely to be overspent.

8.8.3 The Chief Officer – Capital, following consultation with the Capital Board, is responsible to the Corporate Management Team, for monitoring the overall Capital programme. S/he is also responsible, following consultation with the Capital Board, for the profiling of project expenditure within the Capital programme, subject to funding limits determined by the Chief Officer - Finance.

8.9 Virement of Capital Budgets

8.9.1 The Chief Officer – Capital, following consultation with the Capital Board, may exercise virement of budgets between projects included in the approved General Fund Capital programme, in accordance with the scheme of virement and within the overall budget, provided that the Chief Officer - Finance has been notified.

8.9.2 Budget virements shall not be made between the Non-Housing and Housing Capital programmes at any level.

8.9.3 Virement rules relating to capital expenditure summarised in table below:

Scope	Limit	Approval to Vire
Between Capital Project Budgets within Project Sponsor area of responsibility (e.g. between two school projects)	Up to £20,000 or 10% of each project's gross expenditure budget, whichever is the lesser	Project Sponsor, reported to Programme Board in next Highlights report
	Up to £100,000	Chief Officer - Capital, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £100,000	City Growth and Resources Committee
Scope	Limit	Approval to Vire
Between Capital Project Budgets within Programme Board area of responsibility (e.g. between projects both governed by Asset Management Programme Board)	Up to £250,000	Chief Officer - Capital, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £250,000	City Growth and Resources Committee

Between Capital Project Budgets governed by different Programme Boards (e.g. from City Centre Masterplan to Asset Management Programme Board)	Up to £500,000	Chief Executive, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £500,000	City Growth and Resources Committee

9. ACCOUNTING POLICIES AND ANNUAL ACCOUNTS

9.1 General

- 9.1.1 The Chief Officer - Finance is responsible for the preparation of the Council's Annual Accounts, in accordance with proper practices. The accounts must be prepared in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom ["The Code"] (published by CIPFA / LASAAC), for each year ending 31 March.
- 9.1.2 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. Accordingly, the Chief Officer - Finance is responsible for selecting suitable accounting policies and ensuring that they are consistently applied to the accounts relating to each financial year. All accounting procedures of the Council and the format of related records shall be determined by the Chief Officer - Finance.
- 9.1.3 It is the duty of Chief Officers to maintain proper financial and accounting records within their Cluster to demonstrate adequate stewardship of public resources. Arrangements put in place by the Chief Officer - Finance shall not be discontinued or amended and new arrangements will not be introduced without the approval of the Chief Officer - Finance.
- 9.1.4 The following principles will be observed in the allocation of accounting duties:
- The duties of providing information regarding sums due to, or by, the Council, and of calculating, checking and recording these, will be separated as completely as possible from the duty of collecting or disbursing them; and
 - Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

9.2 The Annual Accounts

- 9.2.1 It is a statutory requirement that the Council prepares its Annual Accounts for the preceding financial year by 30 June following, or by such date as may be determined by Scottish Ministers in regulations under Section 105 of the Local Government (Scotland) Act 1973. The Chief Officer - Finance must submit the accounts by that date to the Council and the Controller of Audit. Following completion of the Audit, the Chief Officer - Finance will submit a certified copy of the Accounts, together with the External Auditor's report thereon, to the Council, not later than two months following receipt of the External Auditor's report.

- 9.2.2 To comply with its obligations to the London Stock Exchange (LSE) Aberdeen City Council will be required to complete its Annual Accounts earlier than the statutory deadline. The Chief Officer – Finance will be responsible for issuing a timetable and instructions that will allow completion of the Annual Accounts in time to meet the LSE requirements.
- 9.2.3 Chief Officers shall be responsible for ensuring that their staff provide the Chief Officer - Finance with such assistance as is necessary to ensure the deadlines set by the Chief Officer - Finance for the completion of the Annual Accounts are complied with.
- 9.2.4 At the end of the financial year (or any other date as laid down by the Chief Officer - Finance), this shall include (but will not be limited to) the submission of:
- a copy of certified stock lists;
 - a reconciliation of sums of petty cash held;
 - assurance statements on internal controls;
 - details of asset impairments and dilapidations;
 - details of related parties and other organisations with which the Council has / may have control; and
 - any other information necessary to close the Council's accounts.
- 9.2.5 It is the direct responsibility of the Chief Officers to provide the External Auditor with supporting documentation and any other information required in connection with the closure of the Council's Accounts.

10. LOCAL GOVERNMENT IN SCOTLAND ACT 2003

10.1 Requirements of the Act

- 10.1.1 The Act sets out a statutory duty on local authorities to secure Best Value in the delivery of their services. Best Value requires the Council to consider the balance between:
- the quality of performance of its functions;
 - the cost to the authority of that performance; and
 - the cost to persons of any service provided to them by the authority on a wholly or partly rechargeable basis.
- 10.1.2 In maintaining that balance, the Council shall also have regard to seeking the most effective and efficient means of delivering services to its citizens.
- 10.1.3 The Act also sets out the requirement for statutory trading accounts to be maintained for 'significant trading operations' and that they should break even over a 3-year rolling period.
- 10.1.4 The Act introduces a requirement under primary legislation for authorities to adopt proper accounting practice and sets out a statutory duty to publish performance reports, including provision for the inclusion of trading accounts under this duty.
- 10.1.5 The requirement to keep accounts in accordance with 'proper practices' is defined, for the purposes of local government legislation, as meaning compliance with the terms of the Code of Practice on Local Authority Accounting in the United Kingdom ("The Code"). The Code is prepared under International

Financial Reporting Standards.

- 10.1.6 The Code specifies the principles and practices of accounting required to prepare a Statement of Accounts which gives a true and fair view of the financial position and transactions of a local authority. The Code is reviewed continuously and is normally updated annually by the CIPFA/LASAAC Local Authority Code Board ("CIPFA/LASAAC").

10.2 Key Roles and Responsibilities

10.2.1 City Growth and Resources Committee

The City Growth and Resources Committee is responsible for oversight of the Council's:

- Revenue Budget;
- Capital Plan; and
- Common Good budget.

The City Growth and Resources Committee will also receive quarterly reports on the Council's Financial Performance as prepared by the Chief Officer – Finance.

The Capital Programme Sub Committee will oversee and scrutinise the Council's capital programme, making recommendations to the City Growth and Resources Committee on whether business cases should be approved for inclusion in the capital plan.

10.2.2 Audit, Risk and Scrutiny Committee

The Audit, Risk and Scrutiny Committee is responsible for the review of:

- the risk management system;
- the control environment; and
- internal and external audit reports.

The Committee is also responsible for overseeing the implementation of the Council's ALEO Assurance Framework, including the operation of the ALEO Assurance Hub

11. LOCAL AUTHORITY RESERVES

11.1 Background

- 11.1.1 To assist authorities in developing a framework for reserves, CIPFA have issued guidance in the form of the Local Authority Accounting Panel (LAAP) Bulletin 99 – Guidance Note on Local Authority Reserves and Balances. This guidance outlines the framework for reserves, the purpose of reserves and some key issues to be considered when determining the appropriate level of reserves.

11.2 Statutory/Regulatory Framework for Reserves

11.2.1 Local Authorities may only hold reserves for which there is a statutory or regulatory power to do so. In Scotland the legislative framework is as follows:

Reserve	Powers
General Fund	Local Government Scotland Act 1973
Capital Fund Insurance Fund	Local Government Scotland Act 1975

11.2.2 For each reserve there is a clear protocol setting out:

- the reason / purpose of the reserve;
- how and when the reserve can be used;
- procedures for the reserves management and control; and
- the review timescale to ensure continuing relevance and adequacy.

The protocol for each reserve is as follows:

General Fund

Purpose of the Reserve

Every local authority shall have a General Fund and the following shall apply in respect of the General Fund:

- (a) All sums received by or on behalf of the authority shall be paid into that Fund.
- (b) All fees, commissions, discounts allowed on payment of accounts and expenses payable to or recovered by any officer of a local authority in respect of any business relating to the authority whether by reason of his office or otherwise shall be accounted for and paid into that Fund.
- (c) All sums payable by the authority shall be paid out of that Fund.

Use of Reserve

This represents the general reserve of the Council and is used to manage the financial strategy of the Council. Any use of General Fund reserves must be approved by the City Growth and Resources Committee.

Management and Control

Management and control is maintained through the established financial management processes for producing the Annual Accounts and the Council's budget.

Capital Fund

Purpose of the Reserve

To defray any expenditure of the authority to which capital is properly applicable, or to provide money for repayment of the principal of loans (but not payment of interest on loans).

Use of reserve

The Capital Fund will support major capital investment projects within the Council's approved capital programme.

Management and Control

Management and control is maintained through the established financial management processes for producing the Annual Accounts and the Council's budget.

Insurance Fund

Purpose of the Reserve

An authority may operate an Insurance Fund for the following purposes:

- (a) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk; or
- (b) paying premiums on a policy of insurance against a risk.

Use of reserve

The reserve is used to manage insurance costs over the medium term.

Management and Control

The Insurance Fund is subject to dedicated accounting rules and procedures as approved by LASAAC (Local Authorities Scotland Accounts Advisory Committee).

11.2.3 The adequacy and relevance of each Fund is reviewed by the Chief Officer - Finance at each year-end and through the budget process. All recommendations for movements in balances are reported to Council either through the year-end report or as part of the budget and service plan strategy.

11.2.4 The Code of Practice on Local Authority Accounting in the United Kingdom has introduced a number of technical reserves in line with proper accounting practice associated with capital accounting, defined benefits pension schemes, financial instruments and employee benefits. These reserves are governed by specific accounting treatment and do not form part of the Council's general available reserves.

11.3 Operation of Reserves

11.3.1 Useable reserves are generally held to do three things:

- create a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves;
- create a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves; and
- create a means of building up funds, often referred to as earmarked reserves, to meet known or predicted liabilities.

11.4 Role of the Chief Officer - Finance

11.4.1 The Chief Officer - Finance is responsible for advising on the levels of reserves. The Council, based on this advice, should then approve the appropriate strategy as part of the budget process.

11.5 Adequacy of Reserves

11.5.1 There is no guidance on the minimum level of reserves that a Council should hold. In determining reserve levels, the Chief Officer - Finance must take account of the strategic, operational and financial risks facing the Council over the medium term and the Council's overall approach to risk management.

11.5.2 In determining the level of general reserves, the Chief Officer - Finance should consider the Council's Medium Term Financial Plan and the overall financial environment. Guidance also recommends that the Chief Officer - Finance also reviews any earmarked reserves as part of the annual budget process.

11.5.3 In light of the size and scale of the Council's operations, over the medium term a risk-based approach has been taken to establish a level of uncommitted reserves to be held by the Council. This Reserves Strategy should be reviewed on a regular basis. The value of reserves must be reviewed annually as part of the Council's Budget and Business Planning process and in light of the financial environment at that time.

11.5.4 The level of other earmarked funds will be established as part of the annual budget process.

11.6 Reporting Framework

11.6.1 The Chief Officer - Finance has a fiduciary duty to local taxpayers to ensure proper stewardship of public funds.

11.6.2 The level and utilisation of reserves will be formally approved by the Council based on the advice of the Chief Officer - Finance. To enable the Council to reach a decision, the Chief Officer - Finance should clearly state the factors that influenced this advice.

11.6.3 As part of the budget report the Chief Officer - Finance should state:

- the current value of general reserves, the movement proposed during the year and the estimated year-end balance and the extent that balances are being used to fund recurrent expenditure;
- the adequacy of general reserves in light of the Council's Strategic Business Plan; and
- an assessment of earmarked reserves and advice on appropriate levels and movements during the year and over the medium term.

12. NORTH EAST SCOTLAND PENSION FUNDS

12.1 Introduction

The North East Scotland Pension Fund (NESPF) and the Aberdeen City Council Transport Fund (ACCTF) are administered by Aberdeen City Council within the Local Government Pension Scheme (LGPS) Regulations.

The Scheme was established under the Superannuation Act 1972 and is open to all employees of the scheduled bodies, except for those whose employment entitles them to belong to another statutory pension scheme (e.g. Police, Fire, Teachers). Employees of admitted bodies can join the Scheme subject to the admitted bodies' individual admission criteria, which are out-with the control of Aberdeen City Council.

The Funds' investments are externally managed in accordance with the Local Government Pension Scheme (Scotland) (Management and Investment of Funds) Regulations 2010, as amended.

All pension benefits are paid in accordance with the Local Government Pension Scheme (Scotland) Regulations 2014, as amended.

12.2 North East Scotland Pension Fund Pensions Committee

Aberdeen City Council is the administering authority for the North East Scotland Pension Fund (NESPF) and the Aberdeen City Council Transport Fund (ACCTF). The Council delegates this responsibility to the Pensions Committee.

The Pensions Committee is the key decision maker for all matters under the LGPS Regulations including benefit administration and investment management.

The Council and the Pensions Committee have fiduciary duties and responsibilities towards pension scheme members, participating employers and local taxpayers.

12.3 North East Scotland Pension Fund Pension Board

The Pension Board is responsible for assisting the Scheme Manager in relation to:

- Compliance with the Local Government Pension Scheme (Scotland) Regulations 2014, as amended, and any other legislation relating to the governance and administration of the Scheme; and

- Securing compliance with requirements imposed by the Pensions Regulator.

12.4 Pension Funds Management and Control

12.4.1 Scheme Governance

The Chief Officer - Finance shall ensure that the Pensions Section complies with all government regulations in the administration of the Pension Funds.

The Chief Officer - Finance shall ensure that all required policy statements are created, maintained and annually reviewed, and reported to the Pensions Committee as required. The statutory statements/policies are currently:

- Governance Policy Statement
- Governance Compliance Statement
- Training Policy
- Statement of Investment Principles
- Pensions Administration Strategy
- Communication Policy

12.4.2 Accounting

The North East Scotland Pension Funds are governed by the Council and are required to:

- Make arrangements for the proper administration of their financial affairs and to secure that the proper officer of the administering authority has responsibility for the administration of those affairs (section 95 of the Local Government (Scotland) Act 1973). For the North East Scotland Pension Funds, that officer is the Chief Officer - Finance of Aberdeen City Council;
- Manage its affairs to secure economic, efficient and effective use of resources and safeguard its assets;
- Ensure the Annual Accounts are prepared in accordance with legislation (The Local Authority Accounts (Scotland) Regulations 2014), and so far as it is compatible with the legislation, in accordance with proper accounting practices (section 12 of the Local Government in Scotland Act 2003); and
- Approve the Annual Accounts for signature by the Section 95 officer.

The Chief Officer - Finance's responsibilities:

The Chief Officer - Finance is responsible for the preparation of the Pension Funds' Annual Accounts in accordance with proper practices as required by legislation and as set out in the CIPFA/LASAAC *Code of Practice on Local Authority Accounting in the United Kingdom* (the accounting code).

In preparing the Annual Accounts, the Chief Officer - Finance will:

- select suitable accounting policies and then apply them consistently;
- made judgements and estimates that are reasonable and prudent;

- comply with legislation; and
- comply with the Local Authority Accounting Code (in so far as it is compatible with legislation).

The Chief Officer - Finance will also:

- keep adequate accounting records which are up to date; and
- take reasonable steps for the prevention and deletion of fraud and other irregularities.

It is the responsibility of the Pension Fund Manager to provide the Internal/External Auditor's with supporting documentation and any other information required in connection with the Pension Funds' accounts.

12.4.3 Global Custody Arrangements

The Chief Officer - Finance shall ensure that appropriate custody arrangements are in place to provide for the:

- safe custody of Scheme assets;
- income collection;
- proxy voting;
- foreign exchange transactions;
- the provision of a 'global record keeper'; and
- investment accountancy services.

The Chief Officer - Finance shall make recommendations to the Pensions Committee regarding added value custody services, such as, but not limited to:

- cash management;
- performance measurement; and
- stock lending.

12.4.4 Cash Management

Subject to the overriding requirements of the Council's Treasury Management Policy and Strategy, the Chief Officer - Finance shall create and maintain a Cash Management Policy in respect of the North East Scotland Pension Funds. The policy will provide for cash management practices in compliance with the Pension Funds' long-term investment objectives as set out in the Pension Funds Statement of Investment Principles.

The Chief Officer - Finance shall review the cash management strategy, policies, objectives, controls and activities annually, and report on these to the Pensions Committee.

12.4.5 Financial Controls

The Chief Officer - Finance shall maintain separate bank accounts on behalf of the Pension Funds as per the requirements of the LGPS Regulations.

The Chief Officer - Finance shall ensure that financial transactions carried out on behalf of the Pension Funds will be carried out with due regard to segregation of duties.

The Chief Officer - Finance shall approve the scope and limit of financial transactions carried out on behalf of the Pension Funds.

12.4.6 Budget

A budget will be prepared taking into account the following:

- a) any 'Service Level Agreement' between Aberdeen City Council and the Pension Funds;
- b) any projected Fund management costs. These costs are to be assessed by the Chief Officer - Finance and the Pension Fund Manager regarding any likely movement in the investment markets over a 12-month period; and
- c) any projected third-party costs. These costs are to be assessed by the Chief Officer - Finance and the Pension Fund Manager.

It is the responsibility of the Pension Fund Manager to report any variations to the budget to the Pensions Committee on a quarterly basis.

12.4.7 Financial Administration

- The Chief Officer - Finance shall ensure that appropriate policies are in place and are regularly reviewed for the effective and efficient collection of all monies due to the Pension Funds.
- The Chief Officer - Finance shall ensure that all outstanding income due to the Funds are pursued by the Pensions Section and escalated to the Service Income Section as appropriate. A report shall be prepared annually by the Pension Fund Manager for the Chief Officer - Finance regarding the write-off of unrecoverable debt. On review of the annual report the Pension Fund Manager shall be authorised to write off debts up to a value of £10,000, and the Chief Officer - Finance is authorised to write off debts up to a value of £25,000. All unrecoverable debts over £25,000 would be submitted to the Pensions Committee to seek approval for write-off.
- The Chief Officer - Finance shall ensure that effective procedures are in place and regularly reviewed regarding the Pension Funds' expenditure.
- The Chief Officer - Finance shall ensure that accurate records are maintained in respect of all Pension Funds' income and expenditure activity.
- The Chief Officer - Finance shall ensure that the Pension Funds have in place appropriate IT and accounting systems to comply with the requirements of the LGPS Regulations.

The Chief Officer - Finance shall be responsible for authorising all agreements and other documents concerning the administration of the Pension Funds.

12.4.8 Employee benefit payments

The Chief Officer - Finance shall approve and control arrangements for the payment of all benefits to Scheme members and the transfer of Pension Fund benefits to external pension providers.

The Senior Pensions Officer (Benefits) will review and authorise all payments and transfers processed through the Pension Fund benefit administration system.

12.4.9 Risk Management

Subject to overriding requirements at Regulation 12 of the LGPS (Management and Investment of Funds) (Scotland) Regulations 2010, as amended, the Chief Officer - Finance shall be responsible for the identification and control of Risk for the North East Scotland Pension Funds.

The Chief Officer - Finance will carry out an ongoing review of risk management relating to the Pension Funds and will report quarterly to the Pensions Committee in respect of all risk matters impacting the Pension Funds.

12.4.10 Audit

The Pension Funds shall be subject to the same internal audit appointments as the Council, providing there is no conflict of interest. The Pension Funds' External Auditors shall be appointed by the Accounts Commission.

The internal and external audit functions shall report to the Pensions Committee. A copy of such information shall be provided to the Audit, Risk and Scrutiny Committee.

An annual internal and external audit plan shall be drawn up after discussion with the Chief Officer - Finance and the Pension Fund Manager for the Pensions Committee's information, input and approval.

Both the internal and external audit function shall work directly with the Pension Fund Manager in relation to work carried out and followed up, with reporting to the Pensions Committee.

Internal and External Audit shall prepare an annual report, including their audit opinion, on the overall adequacy of the Pension Fund's control environment.

12.4.11 Investment of Funds

The Chief Officer - Finance will be responsible for ensuring that all monies in respect of the Pension Funds' shall be invested in accordance with the Local Government Pension Scheme (Scotland) Regulations.

The Chief Officer - Finance shall ensure that proper records are maintained regarding the investments of the North East Scotland Pension Funds.

The Chief Officer - Finance will be responsible for ensuring that, all investment will be held either in the name of the Aberdeen City Council Pension Fund or appropriate nominee name.

Asset classes considered as being suitable investments for the Pension Funds will be detailed in the Pension Funds' 'Statement of Investment Principles' (SIP). The SIP will be subject to annual review by the Pensions Committee.

In accordance with the Local Government Pension Scheme Regulations the Pensions Committee will take proper advice regarding investment of the Funds' monies including advice from the Chief Officer - Finance.

12.4.12 Service Providers

The Chief Officer - Finance shall ensure that all service providers engaged on behalf of the Pension Funds will be appointed in accordance with the Procurement Regulations.

The Pension Funds have identified the following third-party service providers as 'key' providers regarding the Pension Funds service provision. The list is not exhaustive and may be revised subject to direction by the Chief Officer - Finance:

- the Council;
- Scheme Actuary;
- Global Custodian;
- Investment Fund Managers;
- Investment Consultants;
- Benefit Administration system provider; and
- Implementation Services.

All third-party service providers will be subject to annual performance review (or more often as required) with reporting to the Pensions Committee as required.

12.4.13 Travel and Expenses

In respect of the North East Scotland Pension Funds', the Chief Officer - Finance shall approve an annual travel plan regarding the attendance at training events and conferences for elected members and officers.

Travel will be approved in accordance with the Travel Procedures set out in sections 4.7 and 4.8. To the extent that those procedures do not apply to all travel requirements relating to the Pension Funds, additional procedures specific to the Pension Funds will be determined by the Chief Officer – Finance.

APPENDIX A

APPROVED EXEMPTIONS FROM REQUIREMENT TO ISSUE A PURCHASE ORDER

The requirement to issue a purchase order is set out in Financial Regulation 5.12.2 and 5.12.3.

Essentially there are only 2 overarching reasons to not use a Purchase Order when committing or incurring expenditure and all Exemptions must meet one or other of these 2 criteria.

1. The expenditure being incurred would not represent a purchase of supplies, services and works
2. There is an agreed alternative control process in place

Specific examples that meet these 2 criteria are as follows:

1. The expenditure being incurred [would not represent a purchase of supplies, services and works](#)~~would not represent a purchase of supplies, services and works~~[app](#):
 - 1.1 Payments made through the payroll system
 - 1.1.1 Salaries and wages
 - 1.1.2 Payroll deductions including payments to HMRC, pension funds and employee benefits scheme providers
 - 1.1.3 Travel and subsistence claims
 - 1.2 Taxation and similar payments made to government bodies
 - 1.2.1 Levies
 - 1.2.2 Council Tax
 - 1.2.3 Business Rates
 - 1.2.4 Payments to the Tax Authorities
 - 1.3 Transfer payments
 - 1.3.1 Benefit payments including Housing Benefit, Universal Credit etc.
 - 1.3.2 Grant schemes and other similar payments e.g. fund distributions
 - 1.4 Other payments that do not constitute a purchase of supplies, services and works
 - 1.4.1 Grant schemes and other similar payments e.g. fund distributions
 - 1.4.2 [R](#)efunds to customers/clients
 - 1.4.3 Insurance/Legal settlements and compensation payments
 - 1.4.4 Court fees/Legal fees
 - 1.4.5 Interview Expenses
 - 1.4.6 Long service awards
 - 1.4.7 Subscriptions to Professional Bodies (code 12873)
 - 1.4.8 [Disclosure Scotland](#)

- 1.4.8 SQA fees
- 1.4.10 Registration & Inspection fees
- [1.4.11 Purchase of land and heritable property](#)

- 1.5 Other agreed exemptions
 - 1.5.1 Postages
 - 1.5.2 Hire of taxis
 - [1.5.3 Payments related to the election function](#)

2. There is an agreed alternative control process in place:

- 2.1 Payment vouchers/Self Bills
- 2.2 Payments to foster carers, adoption fees and kinship carer payments
- [2.3 Payments made via the one-bill system, including gas, electric, telephone, photocopying charges and utility bills for Void properties](#)
- ~~2.3~~
- 2.4 Property Rents
- 2.5 Payments made via feeder systems [with an alternative purchase commitment recording functionality.](#)
 - 2.5.1 Care [Client Payments \(e.g. Carefirst\)](#)
 - 2.5.2 [Building and Infrastructure works and jobs \(Consillium\)](#) [Consillium](#)
 - 2.5.3 [Fleet related payments \(Tranman/Jamma\)](#) [Tranman](#)
 - 2.5.4 [Other specific payments where there is an alternative control process such as library and asset related \(e.g. Spydus; Confirm\)](#)
- 2.6 Items purchased using purchasing cards [or credit cards \(specific control arrangements apply to the use of these cards\)](#)
- 2.7 Ongoing annual (repeat) subscriptions
- [2.8 Unitary Charges \(e.g. 3R's/AWPR projects\)](#)
- ~~2.8~~ [2.9 Payments for agency staff using relevant framework contracts and alternative controls.](#)

All other purchases require a purchase order to be raised and quoted on the supplier's invoice. Invoices not containing the purchase order number will not be paid.

No exceptions will be accepted unless specifically approved by the Chief Officer - Finance or their authorised representative.

Review of Procurement Regulations

Existing PR Reference	Proposed Change	Rationale for Change
Various	<p>Incorporation of the governance for concession contracts. A contract is a concession contract when the Council allows a third party to operate a service or undertake works (usually it is a service from a council owned premises) with a view to making a profit. Usually such an arrangement is without cost to the council.</p> <p>New provisions include:</p> <ul style="list-style-type: none"> • Chief Officer of the commissioning cluster, following consultation with the Head of Commercial and Procurement has delegated authority to approve concession contracts under the EU threshold; • Permission to procure a concessionaire for concession contracts with a Contract Value over the EU Threshold must be approved by committee • Both under and over EU threshold Concession Contracts must be procured following the same processes as are set out for under and over EU threshold services or works contracts. <p>(The EU Threshold in respect of Concession Contracts is £4,551,413 of <u>turnover from the contract</u> (this is already explained in the definition of Contract Value). Concession Contract above that value become subject to the rules of the Concession Contracts (Scotland) Regulations 2016.)</p>	<p>The regulations do mention concession contracts in places (for example the definition of “Contract Value” already includes what that means in the context of a concession contract), but there is no mention of them in other places. As concession contracts over a certain value are regulated (in the same way as services contracts over £50,000 and Works contracts over £250,000) the regulations should set out the procedure to be followed to award regulated concession contracts, and the committee approval and delegations.</p>

2.1.2	New definition: Capital Programme means a list of the budgets allocated to capital projects, and the associated funding, either (i) approved at the annual Council budget meeting; (ii) approved by the City Growth and Resources Committee; or (iii) approved under Powers Delegated to Officers, or a specific delegation from Council or committee.	Term is used in proposed changes to para 4.1.1.2.
2.1.8	Defined term “Corporate Procurement Strategy” changed to “Corporate Procurement Plan” and similarly amended throughout the document. No change to the definition.	Procurement Strategy didn’t meet ACC’s definition of a strategy so wasn’t included as a strategy in the framework that was approved by the SCC. It was reclassified as a plan.
3.3	Addition of the following wording at the end of clause 3.3: Employees of NHS Grampian appointed as officers of the Council for the purpose of delivering integrated services will be required to comply with Aberdeen City Council Procurement Regulations when undertaking a procurement pursuant to a Direction issued by the IJB to the Council. The Council’s Head of Commercial and Procurement will maintain a list of such individuals. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian. The Council’s Head of Commercial and Procurement will maintain a list of those officers of the Council that are required to comply with the Procurement Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Council’s Procurement Regulations.	The Aberdeen City Health and Social Care Partnership (ACHSCP) is a collection of NHS Grampian and Council employees undertaking procurements as directed by the ACHSCP. This addition has been made to clarify the requirement to follow the regulations of organisation for which the procurement is being undertaken for. This also aligns with a similar addition proposed in the financial regulations.
4.1.1	Addition of wording to clarify that expenditure must be met from an approved budget.	Reflects what is stated in the Financial Regulations and also will clarify that “expenditure approval” and having an approved budget are two distinct requirements. Officers often think that if they have an approved budget, they can

		spend from it without further approval, however that is not the case.
4.1.1.2	<p>Expenditure and procurement approval for Business Cases above £250,000 for works contracts that relate to capital projects that are already part of the Capital Programme may be approved by Director of Resources following consultation with Chief Officer – Capital, Head of Commercial and Procurement and Conveners of the Capital Programme Committee and the City Growth and Resources Committee.</p> <p>Business Cases that above £250,000 for works contracts that are not already part of the capital programme can only be submitted to the City Growth and Resources Committee with the approval of Chief Officer – Capital (previously it was Head of Commercial and Procurement).</p>	<p>To align with amendments proposed to Powers Delegated to Officers which were suggested to reflect the delegation of power approved at the previous Budget Meeting.</p> <p>To reflect that Full Council will approve the capital programme as part of the budget process and proposed additions out with that considered by CG&R.</p>
4.1.1.4 (Expenditure via Frameworks)	<p>Procurement of supplies, services and works must whenever possible be procured under Scotland Excel or Scottish Government Frameworks. Where this is not possible and the Contract Value is above £50,000 (services) and £250,000 (works), the delegated procurer must justify why it is not possible in their business case.</p>	<p>Using frameworks not only give assurance on best value, the use of them mitigates the need for numerous and recurring individual procurement exercises reducing demand on internal resources.</p> <p>Scotland Excel and Scottish Government Frameworks are proposed as the first port of call because, as a member authority of the Scotland Excel Joint Committee, the Council pays an annual fee and is consulted on the frameworks that are put in place. Similarly, as a stakeholder, the Council is also consulted by the Scottish Government in respect of the framework agreements it puts in place. This means that it is more likely that the framework will meet the needs of the Council.</p>
4.1.3.1	<p>Introduction of the delegated authority to Head of Commercial and Procurement, following consultation with the convener of Strategic</p>	<p>This is in line with procurement legislation (i.e. it is compliant to direct award in such circumstances).</p>

	Commissioning Committee or the City Growth and Resources Committee (as appropriate) to approve expenditure on direct awards or contract extensions without the need for committee approval when the works, supplies or services can only be provided by a particular economic operator because competition is absent for technical reasons or because that operator has an exclusive right (including intellectual property rights), and no reasonable alternative or substitute exists.	The change is requested to streamline the commissioning of such goods, works or services where there is no other reasonable option.
3.9(ii), 3.11, 4.1.1.4(iv), 5.3.2, 13.1	Requirement to record contracts on the contracts register clarified to state that it is all contracts over £10,000 (supplies/ services or works) and £4.5m (concessions)	A clarification to bring the regulations in line with the Procurement Manual and what is happening in practice. (The legal requirement to record contracts on the Councils contract register applies only to regulated procurements (over £50k for supplies/services, £250k for works).
8.8	New provision setting out that agreements with ALEOs setting out terms and conditions of annual funding will require the approval of the Strategic commissioning committee.	Some of the service level agreements with the Council's ALEOs could fall within the definition of a Concession Contract. As the rules regarding Concession Contracts are now written into the regulations, without this new provision, such ALEO concession arrangements may not be subject to member scrutiny. It is assumed that members will wish to retain the right to scrutinise and approve all concession arrangements with ALEOs.
14.6	Chief Officer to the IJB included in the requirement to provide work plans and business cases to the Head of Commercial and Procurement	A clarification to reflect what is happening in practice. The procurements on this work plan are being conducted by the Council and the related expenditure is Council money, so the Chief Officer of the IJB follows the same processes as any other Chief Officer in the Council.
14.6.2 and 14.6.3,	Deleted the requirement for directors/ Chief Officers to submit workplans to the Strategic Commissioning committee/ City Growth and Resources Committee.	This is a duplication/ not what has been happening in practice. As is already set out in the regulations, the directors/ Chief Officers submit their work plans to the Head of Commercial and Procurement and he submits them to SCC/ CG&R.
none	Insert definition of "EU Threshold" being the thresholds published from time to time on	The term is used throughout the regulations at present but is not defined. There are different thresholds for different

	https://www.gov.scot/publications/eu-procurement-thresholds	types of contracts, so quoting the website is the most succinct way of doing this.
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Aberdeen City Council Procurement Regulations

Approved by Council ~~4 March 2019~~ [date]



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Application of Policy	Council-wide
Policy Author	<u>Head of Commercial and Procurement</u> Alison

1. Overview

- 1.1 The purpose of these Procurement Regulations is to:
- a. ensure that uniform contracting procedures of the highest standard are laid down for use throughout the Council;
 - b. secure compliance with the law;
 - c. ensure that the Council obtains best value in its procurement activity and all resultant contracts;
 - d. provide a framework for a more detailed Procurement Manual; and
 - e. protect the Council and its staff.
- 1.2 This shall ensure the Council consistently acts in a transparent and proportionate manner and in a way that is equal and without discrimination. In turn this shall lead to value for money, and more sustainable outcomes.

2. Definitions

- 2.1 Throughout this document the following definitions shall apply:
- 2.1.1 **Annual Procurement Report** means a report published by the Council annually in relation to Regulated Procurements.
- 2.1.2 **Capital Programme** means a list of the budgets allocated to capital projects, and the associated funding, either (i) approved at the annual Council budget meeting; (ii) approved by the City Growth and Resources Committee; or (iii) approved under Powers Delegated to Officers, or a specific delegation from Council or committee.
- 2.1.23 **City Region Deal Committee** means the Joint Committee established by Aberdeen City Council and Aberdeenshire Council under sections 56 and 57 of the Local Government (Scotland) Act 1973 with authority to approve business cases for City Region Deal projects; to approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets; and with responsibility for supporting and overseeing the implementation of the Aberdeen City Region Deal;
- 2.1.34 **Committee** means the Strategic Commissioning Committee of the Council with responsibility for monitoring best value, internal financial control, corporate governance relating to procurement, or any other matter to which the procedure for award of Council contracts may be relevant; or the City Growth and Resources Committee of the Council with responsibility for approving expenditure and procurement related to the Capital Programme, which may include an element of revenue spend;
- 2.1.45 **Concession Contract** means a works concession contract or a services concession contract as defined by the Concession Contracts (Scotland) Regulations 2016.
- 2.1.56 **Contract of Employment** means a contract between the Council and an individual that sets out an employee's employment conditions, rights, responsibilities and duties. This is distinct from an agreement to provide services for the Council, for example by a consultancy arrangement.

- 2.1.67** **Contract Value** means the estimated aggregate total value (total estimated value), excluding VAT, over the entire term of the Contract which the Council expects to be payable under the contract. In the case of a works concession contract or a services concession contract, the value shall be calculated on the basis of the total net turnover of the concessionaire generated over the duration of the contract, as estimated by the Council, in consideration for the works and services that are the object of the concession.
- 2.1.78** **Contracts Register** means a record of contract details currently in place within the Council.
- 2.1.89** **Corporate Procurement Plan Strategy** means a document giving details on how the Council intends to carry out regulated procurements as required by Section 15 of the Procurement Reform (Scotland) Act 2014.
- 2.1.910** **Council** means Aberdeen City Council.
- 2.1.101** **Delegated Procurement Authority** or DPA means the authority that permits a Delegated Procurer to conduct a procurement, and to agree to award, amend or vary contracts for supplies, services or works on behalf of the Council.
- 2.1.112** **Delegated Procurer** means any officer holding Delegated Procurement Authority and authorised to carry out procurement activities.
- 2.1.123** **E-Tendering or Electronic Tendering** means a tendering process where the contract documents are published electronically and the tender response to these is also submitted electronically in the first instance. E-tender shall be construed accordingly.
- 2.1.134** **EU Procurement Directive** means the European legislative framework for public procurement in force at the time a procurement process is entered into.
- 2.1.15** **EU Threshold** means the Contract Value thresholds set by the EU from time to time, current thresholds are set out in the Procurement Manual.
- 2.1.164** **Framework Agreement** means an agreement between one or more contracting authorities and one or more suppliers. The purpose of such agreements is to establish the terms governing public contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
- 2.1.175** **IJB** means the Aberdeen City Integration Joint Board established by Order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 2.1.186** **Inside Information** means information which relates directly or indirectly to the Council or any of its group entities; has not been made public; is precise; and if it were made public, would be likely to have a significant effect on the prices of one or more of the Council's Bonds or could have an impact on the Council's credit rating.
- 2.1.197** **Pensions Committee** means the Committee of the Council with responsibility for discharging all functions and responsibilities relating to the Council's role as administering authority for the North East Scotland Pension Fund;
- 2.1.2018** **Procurement Manual** means a supplement to these Procurement Regulations which gives detailed guidance on the Procurement Regulations.

- 2.1.219 Procuring ~~Service-Cluster~~ means the ~~service department-Cluster~~ of the Council with responsibility for procuring any particular requirement for supplies, services, ~~or~~ works or a concession on behalf of the Council or for the disposal of surplus materials.
- 2.1.220 Proper Officer means any officer in the employment of the Council who is duly authorised for the purpose of signing contracts on behalf of the Council under the Council's Scheme of Delegation or any other resolution of the Council authorising officers to sign contracts.
- 2.1.234 Public Contracts Scotland means the national portal for advertising public sector contract opportunities in Scotland, which may be found at www.publiccontractsscotland.gov.uk.
- 2.1.242 Regulated Procurements means a procurement where any contract formed will be a public contract the Contract ~~Value~~ of which is equal to or greater than the relevant contract Threshold, and which is not for the procurement of an excluded contract as defined in Section 4 of the Procurement Reform (Scotland) Act 2014 or a contract excluded from the scope of the Concession Contracts (Scotland) Regulations 2016.
- 2.1.253 Relevant Legislation means the Scottish procurement legislation in effect at the time any procurement process is entered into, along with EU Procurement Directives and any other relevant applicable law.
- 2.1.264 Terms and Conditions means the special and general arrangements, provisions and requirements of a contract.
- 2.1.275 Thresholds means the financial value that determines how a procurement is to be undertaken.

3. Extent and Application

- 3.1 These Procurement Regulations are made under section 81 of the Local Government (Scotland) Act 1973.
- 3.2 These Procurement Regulations must be interpreted in accordance with the principles of openness, fairness and non-discrimination.
- 3.3 All Council personnel shall comply with the terms of the Procurement Regulations. Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Head of Commercial and Procurement ~~Services~~. The Head of Commercial and Procurement ~~Services~~ may consult other relevant officers, including the Chief Executive, in order to determine the appropriate action. Failure by any employee to comply with the Procurement Regulations or the associated Procurement Manual may be grounds for disciplinary action. Employees of NHS Grampian appointed as officers of the Council for the purpose of delivering integrated services will be required to comply with Aberdeen City Council Procurement Regulations when undertaking a procurement pursuant to a Direction issued by the IJB to the Council. The Council's Head of Commercial and Procurement will maintain a list of such individuals. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian. The Council's Head of Commercial and Procurement will maintain a list of those officers of the Council that are required to comply with the Procurement Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Council's Procurement Regulations.

3.4 Subject to the provisions of Paragraph 3.11, the Procurement Regulations shall apply to:

- a. Any procurements undertaken by, or on behalf of, the Council with the intention of creating a contract or contracts (including the creation of a framework agreement) for the purchase of goods and/or services, ~~or~~ for the execution of works, or for the award of a concession;
- b. Any procurements undertaken by, or on behalf of, the Council with the intention to enter into a call-off contract under an external framework agreement. Prior to call-off from any external framework agreement, an Adoption Report must be completed in accordance with the Procurement Manual;
- c. Any amendment or variation of an existing contract for the purchase of goods or services, or for the execution of works, or an existing Concession Contract where:
 - I. that amendment or variation would exceed the parameters of the approval of the original procurement, or
 - II. the aggregate ~~C~~contract ~~v~~value of the original contract and the variation of that contract would exceed a threshold requiring approval at a higher level, or
 - III. the amendment would result in an assignation or novation to a new supplier;and
- d. Any procurement undertaken by, or on behalf of, the Council with the intention of leading to the award of a public services concession contract or public works concession contract.

3.5 The Procurement Regulations are subject to the over-riding provisions of European, United Kingdom or Scots law governing public procurement. They are also subject to any statutory guidance issued from time to time by the EU Commission, UK Government or Scottish Government on public procurement.

3.6 When determining the ~~C~~contract ~~v~~value for the purchase of goods or services, or for the execution of works, the Delegated Procurer must take into account the aggregate value of the particular requirement for supplies, services or works across the whole Council and any contract extension option. When determining the Contract Value of a Concession Contract, the Delegated Procurer shall follow the Procurement Manual. Where any single requirement is divided into Lots the Contract Value will equal the aggregate value of all the Lots. If the procurement of any such requirements is split amongst a number of contracts which, taken individually, are below the threshold values, each of these contracts will be subject to the relevant EU Procurement Directive in place at the time of the procurement in the same way as if the requirements were procured through a single large contract.

3.7 Contracts related for “care and support services” are subject to a Light-Touch Regime as defined in the legislation. Details of the services covered under this regime, and how the Council will procure such services are covered by Procurement Regulation 15 and also included within the Procurement Manual.

3.8 All tendering for Supplies, Services and/or Works, or a Concession Contract by a Delegated Procurer shall be carried out following consultation with the Head of Commercial and Procurement ~~Services~~.

- 3.9 The following types of contract are exempted from the provisions of these Procurement Regulations:-
- a. Any contract of employment;
 - b. Any contract relating to the acquisition or disposal or lease of heritable property or any other interest in land;
 - c. Any award or receipt of a Grant;
 - d. Any contract for the Sponsorship of an event;
 - e. Any contract which relates to the appointment of legal counsel or expert witnesses in any legal proceedings on behalf of the Council subject to Procurement Regulation 4.1.1.3;
 - f. Any contract which, in the opinion of the Director of the ~~p~~Procuring ~~ServiceCluster~~, or of the Chief Executive, is urgently required to prevent danger to life, serious risk to health or damage to property. Where practicable the Director or the Chief Executive shall consult with the Head of Commercial and Procurement ~~Services~~ before taking any action under this paragraph. In all circumstances where this exemption has been used:
 - i. the Head of Commercial and Procurement ~~Services~~ shall be notified as soon as reasonably practicable; and
 - ii. any contract with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) entered into, varied or terminated on behalf of the Council must be noted in the Contracts Register and be reported to the appropriate Committee by the Delegated Procurer as soon as practicable; and
 - g. Any contract that is to be performed in-house.
- 3.10 The Procurement Regulations may be suspended either in whole or in part by the Director of Commissioning and the Head of Commercial and Procurement ~~Services~~ in writing in respect of an award of any contract where the award of that contract is urgently required to meet the exigencies of the ~~ServiceFunction/ Cluster~~.
- 3.11 Where the Director of Commissioning and the Head of Commercial and Procurement ~~Services~~ have decided that the criteria for suspension of Procurement Regulations are fulfilled, then a contract may be awarded to the preferred supplier or contractor as appropriate and the reason(s) must be noted in the Contracts Register if the Contract Value is greater than £10,000 (supplies/ services or works) or £4.5m (concessions). Any contract made on behalf of the Council under this paragraph shall be reported to the Strategic Commissioning Committee or the City Growth and Resources Committee, as appropriate by the Delegated Procurer as soon as practicable.
- 3.12 The Procurement Regulations must be read in conjunction with the Procurement Manual issued by the Head of Commercial and Procurement ~~Services~~. Where there is any discrepancy between documents, the Procurement Regulations will take precedence.
- ~~3.13~~ Any query regarding the application or interpretation of the Procurement Regulations should be made in the first instance to the ~~-Commercial and Procurement Cluster Services~~.

4. Procurement Procedures

4.1 Authority to Incur Expenditure

4.1.1 No tender shall be invited or contract entered into for the purchase of goods or services, or for the execution of works unless the total estimated expenditure has been previously approved and can be met from an approved budget. No tender shall be invited for a concession or Concession Contract entered into unless it has been previously approved. The method of authorising a procurement is dependent on the Contract Value as follows:

4.1.1.1 Contract ~~Values~~ below £50,000 (supplies/services), ~~or £250,000~~ (works) or £4.5m (concessions). Subject to budget approval, the relevant Chief Officer may give authority to conduct any procurement where the estimated ~~value of contract-Contract Value~~ is below £50,000 (supplies/services) or £250,000 (works) these thresholds. The Such procurements shall be undertaken by a Delegated Procurer in line with Section 4.3 of these Procurement Regulations.

4.1.1.2 Contracts ~~Value~~ above £50,000 (supplies/services) ~~or £250,000~~ (works), or £4.5m (concessions). Contracts with an estimated ~~Contract Value~~ of above £50,000 (for supplies/services) or above £250,000 (works) these thresholds shall be listed on the workplan to be submitted by the relevant Director or Chief Officer in accordance with Procurement Regulation 14.6. Each individual contract will also require a Business Case (conforming to a template approved by the Head of Commercial and Procurement ~~Services~~) to be submitted by the relevant Chief Officer to the Strategic Commissioning Committee or the City Growth and Resources Committee as appropriate or where the contract relates to a capital project that is already part of the Capital Programme, to the Director of Resources.

~~Such Business cases may only be submitted to the relevant Strategic Commissioning -e-Committee on the approval of the Head of Commercial and Procurement Services. The approval of the applicable Strategic Commissioning Committee is required prior to the procurement being undertaken.~~

Business cases may only be submitted to the City Growth and Resources Committee on the approval of the Chief Officer – Capital, following consultation with the Director of Resources and Chief Officer – Finance. The approval of the City Growth and Resources Committee is required prior to the procurement being undertaken.

Business Cases that relate to a capital project that is already part of the Capital Programme, may be approved by the Director of Resources following consultation with Chief Officer – Capital, Head of Commercial and Procurement and Conveners of the Capital Programme Committee and the City Growth and Resources Committee.

4.1.1.3 Contracts above £5,000 for consultancy and accountancy services and services provided by Advocates and QCs

Where the estimated ~~value of a e~~Contract Value or appointment for:

- a. Business and management consultancy and related services;
- b. Financial consultancy and accountancy related services; or
- c. Services provided by Advocates or QCs;

exceeds £5,000, the relevant Chief Officer may only give authority to engage the services following consultation with the Leader of the Council. In determining the estimated ~~C~~contract Value of any contract or appointment covered by this Regulation 4.1.1.3, each individual contract or appointment shall be considered separately and there shall be no aggregation of separate contracts or appointments for the purposes of arriving at an estimated expenditure.

4.1.1.4 Expenditure via Framework Agreements

Delegated Procurers ~~may~~must whenever possible procure supplies, services and works under ~~external~~Scotland Excel or Scottish Government framework agreements provided that authority to incur expenditure for each call-off contract has been approved in accordance with these Procurement Regulations and also provided that: -

- i. An Adoption Report has been completed in accordance with the Procurement Manual,
- ii. No material change has been made to the call-off terms under the framework agreement and calling-off from the framework has been done in accordance with the procedures laid down within that framework,
- iii. All call-off contracts with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) must be added to the Contracts Register, and
- iv.** If the aggregate Contract Value of call-off contracts under a framework agreement is likely to exceed the thresholds stated in Procurement Regulation 4.1.1.2 then the authority of the Strategic Commissioning Committee to incur the expenditure must be obtained in advance of the applicable thresholds being exceeded.

If it is not possible to procure supplies, services and works under a Scotland Excel or Scottish Government framework agreement, where the Contract Value exceeds £50,000 (services) or £250,000 (works) the Delegated Procurer must detail the reasons why in the business case to be submitted in accordance Procurement Regulation 4.1.1.2. Procurement Regulation 4.1.1.4(i) to (iv) will also apply.

4.1.1.5 Expenditure Approved by the Integrated Joint Board

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Commissioning can approve (or nominate a person as having authority to approve) any procurement or contract, as a result of a Direction from the Integrated Joint Board to the Council and/or a relevant business case, where the ~~estimated Contract Value~~ of the contract is above £50,000 (supplies/services) or £250,000 (works) or £4.5m (concessions), subject to the approval of the Chief Officer – Finance and the Head of Commercial and Procurement ~~Services~~ without the need for the approval of any other Committee .

4.1.1.6 Expenditure Approved by the Pensions Committee

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Resources can approve (or nominate a person as having authority to approve) any procurement or contract, as a result of a decision of the Pensions Committee and/or a relevant business case, where the ~~estimated Contract Value~~ of the contract is of or above £50,000 (supplies/ services) or £250,000 (works) or £4.5m (concessions), following consultation with the Chief Officer – Finance and the Head of Commercial and Procurement ~~Services~~.

4.1.1.7 Expenditure Approved by the City Region Deal Joint Committee

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Resources can approve (or nominate a person as having authority to approve) any procurement, contract and/or business case for the inclusion of a project onto the Council's Capital Programme, as a result of a decision of the Aberdeen City Region Deal Joint Committee and/or a relevant business case, where the ~~estimated value of the eContract Value~~ is of or above £50,000 (supplies/services) or £250,000 (works) or £4.5m (concessions), following consultation with the Chief Officer – Finance, Chief Officer - Capital and the Head of Commercial and Procurement ~~Services~~.

4.1.2 Exceeding approved ~~eContract Value~~

4.1.2.1 Where a ~~eContract Value~~ has been previously approved by the relevant Chief Officer, or Committee and it becomes apparent to the Chief Officer of the ~~pProcuring ServiceCluster~~ that the indicative total ~~Contract Value of the contract~~ as previously reported is likely to be exceeded, the relevant Chief Officer shall consult with the Head of Commercial and Procurement ~~Services~~ on what action requires to be taken and no further orders shall be made under the contract until such advice has been obtained.

4.1.2.2 In all cases Subject to 4.1.2.3 where the ~~eContract Value~~ is likely to exceed what has previously been approved, and the additional cost is more than either the lesser of ~~1~~ £100,000; or 50% of the approved ~~eContract Value~~, in the case of supplies/ services or works, or the additional turnover from the contract is more than the lesser of £4.5m and 10% of the original Contract Value in the case of a Concession Contract; the relevant Chief Officer shall ensure that a report on the matter is submitted to the next meeting of the Strategic

Commissioning Committee or the City Growth and Resources Committee, as appropriate, for consideration. This Regulation applies to contracts equal to or greater than £50,000 for Goods and/or Services and to contracts equal to or greater than £250,000 for Works or a Contract Value of equal or greater than £4.5m for concessions. In such circumstances the indicative previously agreed total Contract Value cannot be exceeded without the relevant approval being received.

4.1.3 **Competition absent for Technical Reasons**

4.1.3.1 Where the works, supplies or services can only be provided by a particular economic operator because competition is absent for technical reasons or because that operator has an exclusive right (including intellectual property rights), and no reasonable alternative or substitute exists, following consultation with the Convener of the Strategic Commissioning Committee or the Convener of the City Growth and Resources Committee (as appropriate) the Head of Commercial and Procurement may approve a direct award to that economic operator and the estimated expenditure associated with that without the need for a business case to be presented to the relevant Committee. In all other respects, Regulation 4.1.1 will continue to apply, including the requirement that expenditure can be met from an approved budget.

4.1.4 There shall be no artificial splitting of a contract to avoid the application of the provisions of Scottish, UK or EU procurement law and/or these Procurement Regulations

4.2 **Authority to Carry Out Procurements**

4.2.1 All contracts let by or on behalf of the Council shall be subject to an obligation on the Head of Commercial and Procurement ~~Services~~ to seek best value for the Council. The Head of Commercial and Procurement ~~Services~~ and the Delegated Procurer will be responsible for demonstrating fairness, non-discrimination, equal treatment and transparency in the contract procedures chosen to all parties having an interest in those procedures.

4.2.2 Procurements shall only be carried out by Delegated Procurers who have been designated as such by the Head of Commercial and Procurement ~~Services~~ and who hold relevant Delegated Procurement Authority (Procurement Manual).

4.2.3 Delegated Procurement Authority will be reviewed on an annual basis, or as required, and may be increased, reduced or withdrawn by the Head of Commercial and Procurement ~~Services~~ as necessary.

4.3 **Quotations - Contracts below £50,000 (Supplies/Services) or £250,000 (Works)**

4.3.1 The procedure to be followed for the award of any contract by the Council depends on the estimated Contract Value. Values or amounts referred to in these Procurement Regulations shall be based on the best available estimate at the time of tendering.

4.3.2 For any contract with a total estimated Contract Value below £50,000 (for supplies and services) ~~or~~ £250,000 (for works), or £4.5m (for concessions) the Delegated Procurer shall follow the Procurement Manual and obtain written

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quotations to ensure the demonstration of best value to the Council in the sourcing decision. If quotations cannot be obtained the Delegated Procurer shall complete a Non-Competitive Action Form (included in the Procurement Manual) explaining why this is the case and submit it to the relevant Chief Officer for approval.

4.3.3 All requests for quotations shall be advertised, and submissions received, via the Quick Quote online procurement tool available via Public Contracts Scotland, unless authorisation has been given by the Head of Commercial and Procurement ~~Services~~ to the contrary.

4.4 Competitive Tendering (Where the Contract Value is below the EU Threshold)

4.4.1 Where any contract has an estimated ~~Contract~~ value of between £50,000 and the EU Threshold (for supplies/services) or between £250,000 and the EU Threshold (works), or is otherwise exempt from the full application of EU Procurement Rules, competitive tendering shall be undertaken.

4.4.2 To ascertain how the procurement shall be undertaken in relation to the requirement, the Delegated Procurer shall follow the Procurement Manual.

4.4.3 All tenders shall be appropriately advertised, and submissions received, via Public Contracts Scotland or such other platform as may be authorised by the Head of Commercial and Procurement ~~Services~~.

4.5 EU Procurement

4.5.1 An EU Procurement means a procurement undertaken in accordance with the Public Contracts (Scotland) Regulations 2015 ~~or the Concession Contracts (Scotland) Regulations 2016~~ and requires advertising in the Official Journal of the European Union (OJEU). An EU Procurement must be undertaken where the Council proposes to tender for any contract with an estimated value equal to or exceeding the applicable EU Threshold (Supplies, Services or Works).

4.5.2 To ascertain how the procurement shall be undertaken in relation to the requirement, the Delegated Procurer shall follow the Procurement Manual.

4.5.3 All tenders shall be appropriately advertised, and submissions received, via Public Contracts Scotland or such other platform as may be authorised by the Head of Commercial and Procurement ~~Services~~.

5. Roles and Responsibilities

5.1 General Responsibilities

5.1.1 It is the duty of all employees within the Council to ensure that these Procurement Regulations, and the Procurement ~~Manual~~, are adhered to in order to ensure ~~best~~ value is achieved in relation to expenditure relating to supplies, services or works ~~and the granting of Concession Contracts~~. The allocation of a budget as part of the Council's budget setting process is not sufficient to comply with these Procurement Regulations.

5.2 Head of Commercial and Procurement ~~Services~~

5.2.1 The Head of Commercial and Procurement ~~Services~~ is responsible for all procurement and tendering arrangements for ~~the purchase of~~ supplies, services ~~and~~ works ~~and the granting of concessions~~.

5.2.2 The Head of Commercial and Procurement ~~Services~~ shall authorise, by means of Delegated Procurement Authority, adequately trained staff to undertake procurement activity (Delegated Procurers).

5.2.3 The Head of Commercial and Procurement ~~Services~~ shall ensure that the Procurement Manual is in place and that necessary revisions are made to it on a regular basis to reflect changes in legislation, Council policy or good practice.

5.2.4 The Head of Commercial and Procurement ~~Services~~ shall maintain a consolidated workplan for the Strategic Commissioning Committee and for the City Growth and Resources Committee. The workplans will contain a list of proposed procurement activity for the next financial year where the estimated expenditure per contract is £50,000 or more (supplies/services) or £250,000 (works) or £4.5m (concession) and will be compiled with the information provided by Directors/Chief Officers in accordance with Procurement Regulation 14.6.

5.3 Directors (including Chief Officer of Integrated Health & Social Care Partnership)

5.3.1 Each Director has responsibility to ensure that staff in their Function follow the Procurement Regulations for all contracts let by their Function and is accountable to the Council for the performance of their duties in relation to contract management. Each Director shall be able to evidence that the procurements are compliant with these Procurement Regulations and the Procurement Manual.

5.3.2 Each Director shall ensure that all contracts in place within their Function with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) are entered into the corporate Contracts Register. The details required to be provided are detailed within the Procurement Manual.

5.4 Delegated Procurers

5.4.1 All Delegated Procurers will ensure compliance with relevant procurement legislation, these Procurement Regulations and the Procurement Manual.

5.4.2 Delegated Procurers are authorised to undertake procurements to the levels stated within their individual Delegated Procurement Authority. They must ensure that these are not exceeded without the authority of the Head of Commercial and Procurement ~~Services~~.

5.4.3 Delegated Procurers will undertake regular training in order to maintain their Delegated Procurement Authority.

6. Sustainable Procurement

6.1 The Council is committed to working towards sustainable development, and in particular sustainable procurement and will work to embed the principles of sustainability at all stages of procurement activities to ensure that social, environmental and economic impacts are considered throughout the procurement and contract management process, consistent with relevant legislation.

6.2 In the context of these Procurement Regulations “sustainable development” shall be taken to mean development which secures a balance of social, economic, health and environmental well-being in the impact of activities and decisions. Sustainable development seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

6.3 Before carrying out a Regulated Procurement (other than the procurement of a concessionaire), the Council must consider how in conducting the procurement process it can:

- i. improve the economic, social and environmental wellbeing of the Council's area.
- ii. facilitate the involvement of small and medium enterprises, third sector bodies and
- iii. supported businesses in the process ~~, and;~~

6.4 In carrying out the procurement the Council must act with a view to securing such improvements as identified within paragraph 6.3. However the Council must only consider matters that are relevant to what is proposed to be procured and, in doing so, consider the extent to which it is proportionate in all the circumstances to take those matters in to account.

6.5 Detailed information is available within the Procurement Manual.

7. Purchase Orders

7.1 No supplies, services or works shall be ordered or instructed except on an official order form, which shall be in an approved format unless one of the alternative control processes listed in Appendix A to the Council's Financial Regulations is in place. Where, by reason of urgency or necessity, a verbal order is issued, it must be confirmed within 3 working days with the issue of an official order form from the ordering system. The supplier shall be requested to quote order numbers on all invoices. The budget holder risks disciplinary action for noncompliance.

7.2 The order, with the contract references/schedule numbers added, shall be approved by the Director or other authorised signatory. All Directors must furnish the Chief Officer - 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 as per the Council's Scheme of Delegation. The officer approving the purchase order must be satisfied that there is appropriate budgetary provision covering the estimated cost and that Council procurement procedures have been followed prior to authorisation.

8. Special Matters

8.1 Internal Services

8.1.1 Where supplies, services or works can be provided by another Service-Cluster of the Council, this may be delivered by that Council Service-Cluster following consultation between the Chief Officers of the relevant ServiceCluster(s) and the Head of Commercial and Procurement ~~Services~~. It is the responsibility of the Chief Officer of the in-house provider to ensure that Best Value for the Council is achieved by either:

- a. carrying out such supplies, services or works at cost; or
- b. providing requested advice and support in relation to contracting with an external provider.

8.2 Second Hand Goods

8.2.1 Second hand goods up to a Contract Value of £50,000 may be acquired by the Council without a competitive quotation being obtained provided that:

- a. The Director of the relevant **Service-Function** can demonstrate that the purchase is necessary to facilitate service delivery;
- b. The Director of the relevant **Service-Function** can demonstrate that the purchase represents best value, having given due consideration to the cost of an equivalent new purchase and estimated life of the asset both from new and current age;
- c. The goods have been subject to inspection to ascertain their physical condition, with a record kept of the outcome of the inspection
- d. The Council has clear title to the goods; and
- e. The Director obtains in writing (which may be by e-mail) the prior agreement of the Head of Commercial and Procurement before effecting the purchase.

8.3 Grants

- 8.3.1 The award of grants is a 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 must not be used to procure supplies, services or works which the Council would otherwise have to procure in accordance with these Procurement Regulations.
- 8.3.2 Whilst an award of a grant by the Council may not be subject to these Procurement Regulations, it is essential that the Council's procedures on Following the Public Pound are considered.
- 8.3.3 Where it is envisaged that there may be any procurement or state aid implications in the award of grants, then the Head of Commercial and Procurement **Services** must be consulted prior to entering into any such arrangement.
- 8.3.4 Purchase of supplies, services or works in relation to grant funding awarded to the Council will be carried out in accordance with the provisions within these Procurement Regulations, as per the values within Regulation 4.1.

8.4 Shared Services

- 8.4.1 Shared Services are arrangements where the Council collaborates with other public authorities to obtain supplies, services or works from them. Advice on the operation of procurement rules in respect of any proposed shared service arrangement should be sought from the Head of Commercial and Procurement **Services**.
- 8.4.2 Identification of a proposed shared service arrangement should be undertaken only following consultation with the Head of Commercial and Procurement **Services** and can only be entered into where the Director of the relevant **Service-Function** can demonstrate that such an arrangement represents **Best Value** to the Council.
- 8.4.3 Approval to enter into a shared service arrangement may also require the approval of the Strategic Commissioning Committee or City Growth and Resources Committee, as appropriate, as per Regulation 4.1.

8.5 Income Generation

- 8.5.1 Where a contract is to be entered into by the Council for income generation purposes and there will be no expenditure by the Council outwith approved budgets, the Head of Commercial and Procurement ~~Services~~, following consultation with the Convener of the Strategic Commissioning Committee or City Growth and Resources Committee, as appropriate, shall approve the decision to enter into the contract and the Terms and Conditions of Contract to be utilised and there shall be no requirement for Committee approval.

8.6 Inside Information

- 8.6.1 The Council has issued Bonds on the London Stock Exchange and must comply with the Market Abuse Regulations which control how Inside Information must be dealt with by the Council. The Council may from time to time be required to make Inside Information public as part of the procurement process and must do so through the London Stock Exchange. All Delegated Procurers must ensure that they comply with the requirements of the Market Abuse Regulations in this regard and that they take advice as necessary from the Chief Office – Finance, Chief Officer - Governance or the Head of Commercial and Procurement ~~Services~~. Further information may be sought in the Council's Bond Governance Protocol.

8.7 Procurement of Consultants

- 8.7.1 The appointment of consultants or sub-contractors shall be done in accordance with Procurement Regulation 4.1.1.3. Such appointments may fall within the IR35 rules which may result in the Council being liable to pay income tax and national insurance contributions in respect of the engagement. The Council must not enter into contracts with any individual or company direct without the prior approval of the Head of Commercial and Procurement ~~Services~~. Officers must follow these Procurement Regulations and must engage with the Commercial and Procurement ~~Services-Cluster~~ prior to agreeing to contract with an individual or organisation.
- 8.7.2 In appointing consultants Directors / Chief Officers must ensure that the terms of agreement are controlled and knowledge transfer to Council officers should be effected where beneficial.
- 8.7.3 Any contract for consultancy services shall be subject to the approval of the Head of Commercial and Procurement ~~Services~~. IR35 implications must be established prior to commencing the procurement process. Amongst other things the contract shall specify:
- the precise scope of the commission;
 - cost limits and controls;
 - lines and levels of reporting, responsibility and authority;
 - insurance cover (which must be verified by Council officers);
 - the method of determining completion of work and payment thereof;
 - standard Aberdeen City Council terms of payment; and

- the ownership of intellectual property rights relating to any material or computer software developed during the consultancy.

It shall be the responsibility of the relevant Director to ensure that any consultancy contract complies with the Procurement Regulations and the Financial Regulations.

8.8 ALEOs

- 8.8.1 Notwithstanding the regulations relating to Concession Contracts contained within these Procurement Regulations, no agreements setting out the terms and conditions of annual funding shall be entered into with an ALEO unless previously approved by the Strategic Commissioning Committee.

9. Tender Issue and Receipt

- 9.1 The Delegated Procurer shall issue invitations to quote/tender and contract documents for all contracts in compliance with these Procurement Regulations and the Procurement Manual.

9.2 Terms and Conditions of Contract

- 9.2.1 Except where specialist Terms and Conditions are required, the Delegated Procurer shall use the standard Terms and Conditions of Contract in use by the Council, or those within a relevant framework agreement. Any specialist Terms and Conditions must be approved in writing by the Head of Commercial and Procurement ~~Services~~. Terms and Conditions of Contract are detailed within the Procurement Manual.
- 9.2.1 On no occasion will the Council contract under Terms and Conditions supplied by any tenderer/contractor unless these have been reviewed and agreed by the Head of Commercial and Procurement ~~Services~~.

9.3 Advertisement

- 9.3.1 Unless agreed otherwise in writing by the Head of Commercial and Procurement ~~Services~~, any tender which requires to be advertised in accordance with these Procurement Regulations shall be advertised via the Public Contracts Scotland website (www.publiccontractsscotland.gov.uk), notwithstanding any other form of advertisement or notice required by law or otherwise.

9.4 Issue of Tenders

- 9.4.1 Electronic ~~Tendering procurement~~ (e-~~procurement~~tendering) processes will be utilised for all tender exercises where this is practically possible. Contracts shall be advertised, contract documents issued, information exchanged, tenders submitted, received and opened via electronic means. Detailed information is available within the Procurement Manual.
- 9.4.2 Where in exceptional circumstances, ~~Electronic procurement~~ ~~Tendering~~ is not utilised all procedures shall reflect as closely as possible those where ~~e~~Electronic ~~procurement~~ ~~Tendering~~ is utilised. Tender issue, submission and opening shall, in these circumstances, be undertaken as per ~~the~~ Procurement ~~Guidance Note 12~~ Manual.

9.5 Receipts of Tenders

- 9.5.1 Tenders will be received and opened electronically via the electronic tendering system utilised by the Council. Where, in exceptional circumstances, ~~e~~Electronic ~~procurement-Tendering~~ is not utilised, tender receipt and submission shall be undertaken as per the Procurement Manual.

10. Tender Evaluation

- 10.1 Tenders shall be evaluated by a group of nominated individuals in accordance with ~~the relevant~~ the Procurement Manual.
- 10.2 Tenders shall be evaluated in accordance with the quotation or tender award criteria, and on the basis of establishing which offer is the most economically advantageous and provides ~~B~~est ~~v~~alue to the Council.
- 10.3 Tenders shall be evaluated strictly in accordance with the evaluation criteria set out in the tender documents. No tender shall be accepted based on evaluation of criteria not set out in the tender documents
- 10.4 A written record shall be maintained outlining the evaluation process, recording the process followed, the criteria applied, and detailing the reasons for the decision. This record shall be retained as per the Council's Corporate Retention & Disposal Schedule and is further detailed within the Procurement Manual.

11. Supplier Selection and Tender Acceptance

- 11.1 As soon as reasonably practicable after a decision has been made to eliminate a supplier or tender at any stage of a procurement procedure the Council must notify those tenderers and candidates concerned of their elimination by notice in writing.
- 11.2 As soon as possible after a decision has been made to award any contract following a procurement process where Contract Value is above the relevant EU ~~T~~hreshold the Council shall, by notice in writing, inform all candidates and economic operators concerned of the Council's decision to award the contract.
- 11.3 Tender ~~a~~Acceptance letters and debrief letters shall be prepared by the Delegated Procurer and approved by the relevant Category Manager within Commercial and Procurement ~~S~~ervices. Debriefs shall be undertaken in accordance with relevant legislation.
- 11.4 An ~~a~~Award ~~r~~Report must be completed in accordance with the Procurement Manual.

12. Award of Contract

- 12.1 At the conclusion of the tender procedure and (if applicable) after the expiry of any Standstill Period the final contract shall be entered into between the Council and the successful tenderer. Officers awarding contracts on behalf of the Council must be aware of the requirements in relation to disclosure of Inside Information as detailed in Procurement Regulation 8.6.
- 12.2 Contracts shall be entered into and executed as follows:
- 12.2.1 Contracts with a ~~C~~ontract ~~v~~alue equal to or exceeding the relevant EU Threshold, through the execution of a written contract executed in accordance with Scots law, unless otherwise agreed in accordance with Paragraph 9.2.1,

signed on behalf of the Council by a Proper Officer and signed by the contractor by a duly authorised person.

12.2.2 Contract Values of less than the relevant EU Threshold, unless the Head of Commercial and Procurement ~~Services~~ has directed a particular option in the case of a procurement, the Delegated Procurer shall determine whether the contract should be executed either:

- i. through the execution of a written contract executed in accordance with Scots law (unless otherwise agreed in accordance with Paragraph 9.2.1) and signed on behalf of the Council by a Proper Officer and signed by the contractor by a duly authorised person; or
- ii. by the issuing of an Award Letter by the Chief Officer of the ~~p~~Procuring ~~Service~~Cluster, and the return of such letter signed by a duly authorised person on behalf of the tenderer signifying their acceptance of the appointment on the terms and conditions stated therein.

13. Contract Management

13.1 It is the responsibility of the Delegated Procurer to ensure that details of all contracts ~~with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions)~~ are included within the Contracts Register and that copies of all concluded contracts are available to Commercial and Procurement ~~Services~~ as required.

13.2 The Delegated Procurer shall ensure that the performance of the contract is monitored and reviewed in a way which is proportionate to the value, duration, subject matter and complexity of the contract, and in accordance with the Manual and any other guidelines on contract management issued by the Council from time to time.

13.3 Officers managing contracts on behalf of the Council must be aware of the requirements in relation to disclosure of Inside Information as detailed in Procurement Regulation 8.6.

14. Records and Reporting

14.1 The Head of Commercial and Procurement ~~Services~~ shall maintain and publish a Contracts Register for the monitoring of all contracts and framework agreements developed or in use across the Council, which shall include, as a minimum, all information as required by relevant legislation. This information is detailed within the Procurement Manual.

14.2 Each Procuring ~~Service~~Cluster shall ensure that the required information as detailed within the Procurement Manual is communicated to Commercial and Procurement ~~Services~~ in order to maintain the Contracts Register.

14.3 The Head of Commercial and Procurement ~~Services~~ shall produce and publish a Corporate Procurement ~~Plan~~Strategy, which shall be reviewed on an annual basis. The Corporate Procurement ~~Strategy~~Plan shall include, as a minimum, all information as required by relevant legislation.

14.4 The Head of Commercial and Procurement ~~Services~~ shall produce and publish an Annual Procurement Report as soon as practicable after the end of each financial year. The Annual Procurement Report shall include, as a minimum, all information as required by relevant legislation.

14.5 Delegated Procurers shall comply with all reporting procedures put in place by the Head of Commercial and Procurement ~~Services~~.

14.6 The Chief Operating Officer, the Directors of Resources, Commissioning and Customer ~~Services~~, the Chief Officer – Governance, the Chief Officer – Strategic Place Planning, ~~and~~ the Chief Officer – City Growth ~~and the Chief Officer of the IJB~~ shall: -

14.6.1 submit to the Head of Commercial and Procurement, a workplan for their Function/Cluster prior to the commencement of each financial year (conforming to a template approved by the Head of Commercial and Procurement ~~Services~~) detailing all contracts to be procured in the coming year with a Contract Value of £50,000 or more (supplies/services) or £250,000 or more (works) ~~or £4.5m or more (concession)~~; and

14.6.2 ~~submit a workplan for their Function/Cluster to the Strategic Commissioning Committee or the City Growth and Resources Committee, as appropriate, prior to the commencement of each financial year (conforming to a template approved by the Head of Commercial and Procurement Services) detailing all contract to be procured in the coming year with a Contract Value of £50,000 or more (supplies/services) or £250,000 or more (works), and updating~~ ~~update~~ the ~~Committee~~ ~~Head of Commercial and Procurement~~ from time to time in the event of any new procurements being added to the workplan; and

14.6.3 submit business cases for their Function/Cluster as and when required to the ~~Strategic Commissioning Committee or the City Growth and Resources Committee~~ ~~Head of Commercial and Procurement, as appropriate,~~ (conforming to a template approved by the Head of Commercial and Procurement ~~Services~~) for each contract to be procured with a Contract Value of £50,000 or more (supplies/services), ~~or £250,000 or more (works)~~ ~~or £4.5m or more (concessions)~~. The ~~Director of the procuring Function/Cluster~~ ~~Head of Commercial and Procurement~~ shall ensure that required business cases are brought to the appropriate Committee prior to any tender process commencing.

14.7 The Head of Commercial and Procurement ~~Services~~ shall ensure that reports on matters specified in the Corporate Procurement ~~Plan~~ ~~Strategy~~, and otherwise as required by the Procurement Regulations, are brought to the Strategic Commissioning Committee. or City Growth and Resources Committee, as appropriate.

15. Contracts for Care and Support Services

15.1 Except as otherwise stated in this section, these Procurement Regulations shall apply to Care and Support Services. For the purposes of this section of the Procurement Regulations, Contracts for Care and Support Services shall mean contracts for the provision of services under the Social Work (Scotland) Act 1968; the Children (Scotland) Act 1995; the Mental Health (Care and Treatment) (Scotland) Act 2003 or any other function of the Council covered by the definition of a care service in the Regulation of Care (Scotland) Act 2001, including housing support services and any other relevant legislation, and included in Schedule 3 of the Public Contracts (Scotland) Regulations 2015.

15.2 The degree and method of competition required approving expenditure will depend on the total estimated expenditure for the contract as follows: -

Estimated Contract Value / Threshold	Degree of Competition Required
--------------------------------------	--------------------------------

i. Up to £50,000	Written quotations must be obtained to demonstrate best value to the Council in accordance with the Procurement Manual.
ii. <u>£50,000 up to the EU Light Touch Regime ("LTR") Threshold (from 1st January 2018 set at £615,278 but subject to change every second 1st of January)</u>	Direct awards may be made subject to appropriate approval in accordance with Procurement Regulation 15.3, otherwise a competitive tendering process shall be undertaken in accordance with procurement legislation.
iii. LTR Threshold and above	Must be advertised in OJEU and the light touch provisions in The Public Contracts (Scotland) Regulations 2015 apply.
iv. <u>Contract Value over £4.5m (concessions only)</u>	<u>Prior Information Notice must be published in OJEU. A contract Notice is not required. Concession contract award notices must be published in OJEU, but may be grouped and published quarterly, containing the information set out in s49 of the Concession Contracts (Scotland) Regulations 2016.</u>

15.3 Justification of Direct Awards

Justification for making a direct award in relation to Threshold (ii), including call off contracts directly awarded from Framework Agreements, may include the following: -

- a. Where the relevant Chief Officer is satisfied that the requirement of the contract is unique or, after research, only one suitable source of supply can be identified;
- b. When, for reasons of extreme urgency or risk to life or health and wellbeing, the other procurement procedures cannot be complied with;
- c. Where, for example, in the case of certain residential or supported living services, there are only limited places available for a specific type of care and/or support and those places only become available occasionally and/or at short notice;
- d. Where the Council is instructed by a Children's Hearing or Educational Tribunal to place a child in a particular setting;
- e. Where the individual has a right to choose and direct their own accommodation and/or support;
- f. Where the Relevant Chief Officer is satisfied that the risk to service user(s) outweighs the benefits of advertising the requirement and awarding the contract or framework following competition; or
- g. In exceptional circumstances, a direct award may be made in relation to Threshold (iii), for example in relation to residential care homes, where the provider owns the property and delivers the service and we have no ability to re-tender to change the provider. In accordance with the Scottish Government's Best Practice Guidance: A public body should decide, on a case-by-case basis, whether or not to advertise the requirement and award a contract or framework agreement by

competition. A number of factors should be taken into account, including application of the procurement legislation, procurement policy and risk of legal challenge; application of local financial regulations and standing orders; and benefits and risks to people who use services and service delivery.

15.4 Authority to Incur Expenditure in relation to Direct Awards

15.4.1 Where the contract is for a service that does not facilitate individual placements:

15.4.1.1 In relation to Threshold (i) – Approval by the relevant Chief Officer;

15.4.1.2 In relation to Threshold (ii) - £50,000 up to the LTR Threshold and Threshold (iii): - The submission of a business case by the relevant Chief Officer to the IJB or, if applicable, the Strategic Commissioning Committee in advance of the contract being awarded: -

Where the direct award of a contract is being made for a service that does not facilitate individual placements, the business case must be approved by the Chief Officer in advance of the contract being issued. Where the direct award of a contract is being made as a call off from a framework agreement, i.e. relating to care and support for an individual, authorisation to incur expenditure will be obtained in accordance with Care Management processes.

15.4.2 Where the contract is for an individual placement, for any value, including call-off contracts from framework agreements, authorisation will be obtained in accordance with social work / care management procedures, for example, resource allocation or placing panel. Prior to call-off from any external framework agreement, an Adoption Report must be completed in accordance with the Procurement Manual.

15.5 Authority to Carry Out Procurements

The Social Care Commissioning, Procurement and Contracts team are Delegated Procurers for Health and Social Care Services, designated as such by the Head of Commercial and Procurement ~~Services~~.



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Member - Officer Relations Protocol

Sharing Values and a Common Purpose
Approved by Council **4 March 2019**



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Version 2.0
Effective From 6 March 2019
To be Reviewed March 2020
Application of Policy Council-wide
Policy Author [Roderick MacBeath](#) [Allison Swanson](#), Interim Democracy Manager

1. Good governance and a common purpose

- 1.1 The Council's Target Operating Model requires a significant programme of change which is transforming the way in which services are designed and accessed by our customers. The delivery of this ambitious programme is the shared responsibility of elected members and council officers at all levels of the organisation.
- 1.2 In achieving our ambitions for the City of Aberdeen and its residents, it is important to be clear about:
- the respective roles and responsibilities of elected members and council officers, and
 - how the relationship between them can operate effectively to accomplish shared goals, in the public interest

The Target Operating Model also needs to be supported by the right structure and a leadership, cultural and behavioural framework ~~is being~~ has been developed to provide this.

- 1.3 This protocol results from an aspiration to adopt a proactive and positive approach to member-officer relations. This will have clear benefits for the organisation as well as the individuals within it. It responds to the Audit Scotland recommendation in their 2010 report, "Roles and Working Relationships: Are You Getting it Right?", so that Aberdeen City Council has a protocol which complements the Councillors' Code of Conduct. It also responds to Audit Scotland's 2015 audit of Best Value and Community Planning which stated that the Council should sustain improved working relationships and consider introducing further protocols and guidance for member-to-member and member-to-officer working. The Accounts Commission follow-up report "How Councils Work – Are You Still Getting it Right?" (Nov 2016) again reinforces the benefits for all Councils, particularly in light of increasing coalition arrangements, of protocols to clarify roles and responsibilities, including member officer engagement.
- 1.4 The CIPFA* Framework of good governance underpins the Council's own governance structure, and all the key documents within that, including this protocol on member-officer relations. A theme which will be returned to throughout this document, as the requirements on both members and officers are explained, will be that of a common purpose. This is set out by CIPFA in the Delivering Good Governance in Local Government Framework 2016:

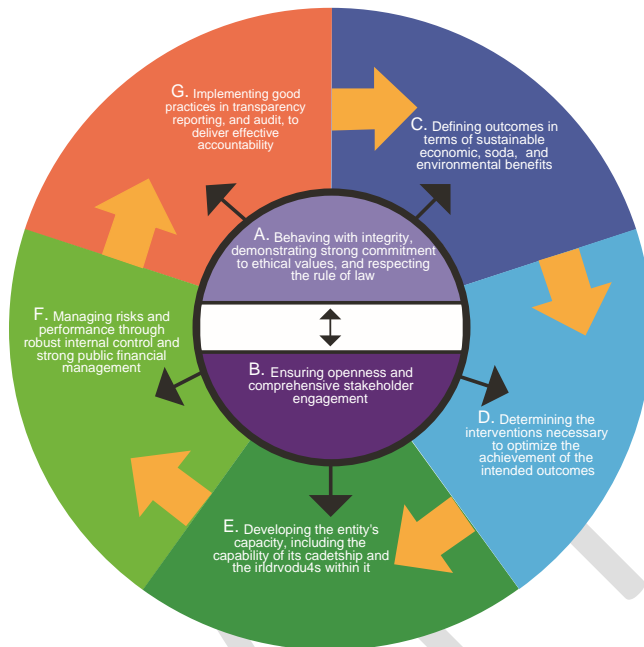
"It is crucial that the Framework is applied in a way that demonstrates the spirit and ethos of good governance which cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of an organisation, and are reflected in behaviour and policy, are hallmarks of good governance."

- 1.5 This emphasises that the achievement of the Council's intended outcomes can only be truly accomplished when members and officers operate from a shared set of values and consistently demonstrate these through a shared set of ~~behaviours~~ principles.

* The Chartered Institute of Public Finance and Accountancy

Achieving the Intended Outcomes
While Acting In the Public Interest at all Times

Commented [AS2]: Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.



- 1.6 Local government can be a challenging environment. Financial and political pressures, albeit short-term and cyclical, can take their toll on member-officer relationships. CIPFA acknowledge the potential for this to interfere with the achievement of the Council's intended outcomes and urge authorities to act transparently and without conflict when this is the case. This can be achieved by agreeing a clear vision, which is performance measured, risk managed and based on a longer term view.
- 1.7 Good governance is also key to the Council's "triple aim" which consists of delivering a clear vision, modernising and transforming how we do business and clarity around the standards of behaviour expected of officers. These [behaviours-Guiding Principles](#) form the basis against which employees' annual performance is measured and stress the requirement for open, honest communication, a focus on customers, high standards of professionalism and respect for people, property and processes.
- 1.8 Both members and officers work together to improve the experience for the customer, our use of resources, and the experience of all staff, and this is consistent with CIPFA's Framework for good governance.
- 1.9 This protocol is a tool for members and officers to achieve positive and constructive relations with each other in working towards our common purpose - our shared objectives for the people and place of Aberdeen.

2. Implementing the protocol

- 2.1 The protocol is underpinned at all times by the standards of good governance against which the Council measures itself annually. The protocol complements existing requirements under the Councillors' Code of Conduct for elected members, and the Employee Code of Conduct, the organisational [behaviours-Guiding Principles](#) and Council

policies and guidance for employees. It includes some current unwritten practices and provides additional clarity on roles and how they interact.

- 2.2 Observing the protocol is an individual responsibility for each officer and member. Group Leaders will support their members in observing the protocol. Similarly, Chief Officers will support staff to do likewise. The protocol does not cover every eventuality and members and officers who are unsure about its application should seek advice from Chief Officers.
- 2.3 Where a member or officer has a concern relating to observation of the protocol, they may raise this with the relevant Group Leader, if they are a member of a group, or a Chief Officer in their service, if they are an employee in the first instance. He or she will determine any next steps to be taken. These should be in the interests of resolving the matter raised at the earliest opportunity, and could include an informal discussion, identifying training requirements for an officer or member, or mediation between the individuals concerned. Any remedy would primarily seek to restore and maintain positive working relationships between members and officers.
- 2.4 Members will be made aware of the protocol through Member induction and employees through their own employee induction. Copies of the protocol will also be available on the Zone and the Council's website.
- 2.5 Once approved, the protocol will be reviewed annually by the Chief Officer - Governance. This will ensure that the protocol remains effective. Any proposal to amend the protocol will be subject to consultation with members.

3. Member and officer roles and responsibilities

- 3.1 Members set and approve policy on behalf of the city and officers draft and implement policy. The Chief Executive leads in implementing strategy and managing the delivery of services set by members.
- 3.2 Members monitor the implementation of policy and scrutinise service delivery through robust performance management systems which allow them to hold officers to account. The importance of the role of members is emphasised by CIPFA, whose Delivering Good Governance in Local Government Framework 2016, reinforces the need for a culture and structure for scrutiny and a positive working culture which accepts, promotes and encourages constructive challenge.

3.3 The Council's approved Guiding Principles ~~Core Behaviours~~ are:

- We care about our purpose, our city and our people
- We take pride in what we do and work to make things better
- One team, one Council, one city
- We trust each other and take responsibility
- We value each other and recognise a job well done

• Respect

• Professionalism

• Communication

• Customer Focus

Commented [AS3]: Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

These ~~behaviours principles~~ provide a guide to maintaining positive and constructive relations between officers and equally can be applied to relations between members and officers. Members and Chief Officers will lead by example by demonstrating these ~~principles Core Behaviours~~ in how they relate to one another.

Commented [AS4]: Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

4. Respect

As members and officers we will behave in a way that demonstrates respect for people, property and processes, and which demonstrates due regard for our respective roles.

4.1 Respect for one another

4.1.1 As members and officers:

- A. We will always behave in a way which is consistent with our ~~Core Behaviours~~ Guiding Principles and will treat each other, our colleagues, members of the public, constituents and representatives of partner organisations with respect whether by words, actions or inference and treat them with courtesy at all times. As members, we acknowledge that it is unacceptable to comment on the conduct or capabilities of officers in public. We will avoid personal attacks, refrain from using disrespectful or offensive language and avoid undermining respect for officers. As officers, we acknowledge that the same approach is required in our interactions with members and that members can advocate on behalf of their constituents.
- B. We will ensure that any feedback given is in the spirit of continuous improvement and based on fact.
- C. We will be conscious that the Council is an equal opportunity employer and that members and officers are each bound collectively by a legislative framework.

Commented [AS5]: Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

4.1.2 As members:

- A. We will acknowledge the impartiality of officers and will not exert any pressure on them in respect of report recommendations or in respect of their decision-making under delegated authority. We accept that if we wish to see officers' recommendations in a final report changed we will do so through motions or amendments at the appropriate meeting and will not approach senior officers or authors directly.
- B. We recognise our role in holding officers to account and will adopt appropriate questioning techniques which allow for impartial and professional responses, avoiding leading and politically loaded questions.
- C. We note that any suggestion by members of a lack of officer impartiality or capability will be responded to under the terms of paragraphs 2.2 and 2.3 above.
- D. Where we require information from a service for case work, we will request that information through the members' enquiries ~~system~~ online portal, to allow performance tracking. ~~or, in appropriate circumstances, from a relevant senior officer.~~ This will also ensure that a consistent service is delivered for all members in line with the agreed corporate procedures and that data protection requirements are always met. If individual members consistently bypass the corporate approach, this will be raised with the appropriate Group Leader.

Commented [AS6]: The amended wording does not prevent Elected Members from accessing Senior Managers directly, but emphasises that the service standard is directly associated with the use of the online portal. This is to ensure that a consistent service is delivered for all members, in line with agreed corporate procedures and that data protection requirements are met

- E. Where we require to request a service on behalf of a constituent, then we will do so through the appropriate channel e.g. online (<https://www.aberdeencity.gov.uk/services/have-your-say/online-services>) where possible, or telephone.

4.1.3 As officers:

- A. We will not let our personal views which we hold as citizens or officers affect our judgement.
- B. We will ensure that our relationships with members are not overly familiar in order to protect our impartiality.
- C. We will ensure that all groups and members are treated equally and have equal access to advice and assistance, taking into account exceptions as outlined in 5.4.2.
- D. We will ensure that representatives of all political groups and independent members are invited to attend when we organise civic or official events.

4.2 Respect for property

- 4.2.1 As members, we will not use Council facilities or equipment for political or campaigning purposes and will comply with the guidance issued on behalf of the Returning Officer during pre-election periods.

4.3 Respect at meetings

4.3.1 As members and officers:

- A. We will treat everyone present with respect and courtesy at all meetings.
- B. We will respect and comply with the authority of the chairperson.
- C. We will keep our mobile phones on silent during meetings to avoid unnecessary disruption.
- D. We will ensure all members are addressed as "Councillor" and all officers by their title or surname eg Mr/Ms Smith.

- 4.3.2 As officers we will ensure we are inclusive in our approach inviting all local members to attend when we arrange meetings in a ward, or meetings about a ward issue, and informing all members of any ministerial or Royal visit or visit by other dignitaries and VIPs. We will endeavour to avoid clashes with committee meetings and to ensure that, as far as is reasonable, all those to be invited are available. This does not apply to specific meetings we arrange with members at their or our request.

5. Professionalism

As members and officers we will undertake to maintain the standards expected by the organisation at all times, remembering that we are representing the Council and the city.

5.1 Maintaining standards

- 5.1.1 As members and officers we will uphold the principles of our respective Codes of Conduct and the behaviours outlined in this protocol in all our dealings on behalf of the Council and the city.
- 5.1.2 As members:
- A. We will ensure that we are aware of the different duties, obligations, potential conflicts of interest and liabilities arising (which may include personal financial liability) when appointed to the board of an Arm's Length External Organisation (ALEO), a trust or an outside body and will seek advice from officers of that body or the Monitoring Officer, as appropriate, if we are in any doubt.
 - B. We will not ask officers to undertake work designed to affect support for a political party or campaign.
- 5.1.3 As officers:
- A. We will ensure we are aware of and understand our responsibilities if we hold a politically restricted post.
 - B. We will not undertake work on behalf of a member which may be designed to affect support for a political party or campaign. Where there is any doubt, we will seek advice from a senior officer in our service.

5.2 Maintaining skills and knowledge

- 5.2.1 As members and officers we recognise the importance of continuous professional development to members and officers understanding each other's priorities and therefore to maintaining constructive relationships; as such:
- A. We will attend induction training to ensure we understand what is expected of us and what we can expect. This is supported by CIPFA which encourages local authorities to develop officer and member capability, by ensuring appropriate induction, continuing development both personal and professional, and support and shared learning. CIPFA also highlights the merits of constructive feedback and peer review for members and officers, ensuring that training and development needs are targeted at gaps and weaknesses.
 - B. We will be aware of, and complete appropriate training on, the terms of the Council's governance documents, certain Council policies which embed legislative requirements (including on matters such as corporate parenting, data protection and Protection of Vulnerable Groups (PVG) checks) and of our responsibilities under relevant legislation covering areas such as data protection, freedom of information and bribery.
- 5.2.2 As members we accept that we have an obligation to our citizens to keep our skills and knowledge up to date and will participate in training arranged for us and keep our personal development plans updated, as provided for in the Member Development Framework.
- 5.2.3 As Group Leaders we will encourage our members to undertake appropriate training and development in line with the Member Development Framework.

5.2.4 As officers we will undertake to keep our skills and knowledge up to date whether for professional regulation purposes or in keeping with the requirements of the Council as our employer.

5.3 Elections

5.3.1 As members and officers:

- A. We will respect that additional restrictions apply on political activity during any pre-election period.
- B. We will comply with any advice issued on behalf of the Returning Officer.

5.4 Maintaining fairness and transparency

5.4.1 As officers:

- A. We will remember that our duty is to the Council as a whole and, as such, will provide support to all members and groups equally, respecting the confidentiality of any information which we are party to, and providing all advice impartially and professionally.
- B. When invited to address group meetings we will recognise that some present may not be Council members, so we cannot provide any information on confidential matters, and will seek advice from Chief Officers if we have any doubts about meetings which we are asked to attend.
- C. In seeking to assist members, we will always be aware of the limitations of any delegated authority we may be able to exercise and of any advice we may be able to provide.

5.4.2 As members:

- A. We recognise that there are times when we will want to invite officers to attend our group meetings to increase our awareness of issues relating to matters of Council business and we will not use any confidential information received for personal or party political advantage or in such a way as to discredit the Council
- B. We recognise that group meetings, group pre-meetings, coalition meetings, formal and informal briefings, development sessions and similar meetings are not part of the Council decision making process and any conclusions or determinations are not binding on the Council. We recognise that consideration of any matter at these meetings does not replace the obligation on each individual member to come to a decision at the appropriate Council, committee or sub-committee meeting when we will have all information before us.
- C. We recognise that there are times when Administration leaders, Group Leaders or senior councillors may be given advance information which is necessary so that they can give officers guidance on strategic direction or so that they can understand the background to particular recommendations or proposals.
- D. We acknowledge that Chief Officers have the right to submit and withdraw certain reports as dictated by their professional judgement and that officers retain final responsibility for the content of reports.

5.5 Employment matters

5.5.1 As members:

- A. We recognise that we must not solicit a job within the Council for anyone or canvas support for any applicant for a job.
- B. We understand that we must not become involved in the pay and conditions of individual officers except when we sit on a committee dealing with such issues.

5.5.2 As officers we will not approach any member about our individual employment or terms and conditions or about the recruitment of anyone else.

6. Communication

As members and officers we will communicate in a way which is timely, clear, open, honest and constructive, respecting the confidentiality of information we are party to.

6.1 Handling information responsibly

- 6.1.1 As members and officers we recognise that information is one of our most valuable resources and as such it is incumbent on us to treat it responsibly. In all our dealings with information we will act in accordance with data protection legislation, Council policies, the Councillors' Code of Conduct and in the knowledge that requests for information can be made by anyone under data protection and freedom of information legislation.
- 6.1.2 As members we will ensure that, when we are provided with information by officers which is private or confidential, or of a personal nature, we treat it as confidential, only using it for the purpose for which it was provided and undertaking not to share it externally to the Council nor to use it for personal or party political advantage or in such a way as to discredit the Council.
- 6.1.3 As officers:
 - A. We will ensure that, when we provide information to members which is private, confidential, or of a personal nature, they are advised that it is confidential.
 - B. We will not share correspondence with one member with any other without the former's express consent nor will we share information about a constituent with any member without the constituent's express consent.
 - C. We will take steps to ensure that as many committee reports as possible can be considered in the public domain – and that, where possible, exempt or confidential information is included in an exempt or confidential appendix.
 - D. We will endeavour to include any member who may not belong to any group or alliance when corresponding with political groups.
 - E. We will remember that members have both statutory and common law rights to access documents relating to local authority proceedings, whether or not they are members of the committee or sub-committee in question. In this respect statutory rights include reports submitted to committees and subcommittees and background papers, with the exception of documents which disclose exempt information falling within paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of

Schedule 7A of the Local Government Act (Scotland) 1973. In the main, this is information relating to:-

- i. members
- ii. officers or former officers
- iii. potential occupiers, occupiers or former occupiers of Council property
- iv. applicants for or recipients, or former recipients, of financial assistance and Council services
- v. the care of children
- vi. the supervision and care of certain individuals
- vii. terms to be negotiated for contracts
- viii. information relating to consultations or negotiations in connect with labour relations
- ix. instructions and advice from Counsel or certain advice in respect of legal proceedings or the resolution of a legal matter
- x. any action taken or to be taken in connection with prevention, investigation or prosecution of crime.

6.1.4 Common law rights are wider than those provided for by statute and give members access to some reports or background material including exempt reports. This right is based on a need to know, or information which is necessary to enable the Councillor to perform his or her duties. The principle is commonly referred to as the "need to know" principle. It does not include information which cannot be disclosed by virtue of the Data Protection Act or information relating to the internal operations of a political party to which the member requesting the information does not belong. In the event of any disagreement on whether or not a member should have access to a report, the matter should be referred to the Monitoring Officer.

6.1.5 As Directors we acknowledge and understand the importance of our relationships with conveners and will ensure that conveners are kept fully informed, as appropriate, of all developments relating to their committees.

7. Customer Focus

As members and officers we understand that customer focus is part of the duties of every member and officer and we will work together to improve the services which the Council delivers.

7.1 Members as private individuals

7.1.1 Officers will occasionally need to contact members as private individuals. Where such contact is other than routine, officers should (i) advise the appropriate Chief Officer, who should seek the advice of the Monitoring Officer, and (ii) advise members clearly if they are being contacted as a private individual. Members so contacted should seek the advice of the Monitoring Officer.

7.1.2 The Monitoring Officer will then consider if any further steps require to be taken to ensure the integrity of the Council's decision making processes.

- 7.1.3 Officers should mark any non routine correspondence to members as private individuals as private and confidential.
- 7.1.4 Where a member does not respond to correspondence within such a timescale as may have been specified, the matter shall be escalated to the appropriate Chief Officer.
- 7.1.5 Where an officer is required to meet a member in a private capacity, the location of any meeting shall be agreed by the appropriate Chief Officer. This can be in the member's office in the Town House.

8. Further Reference

The following documents provide additional guidance on this protocol:-

- Councillors' Code of Conduct
- Guidance on Councillors' Code of Conduct
- All Standards Commission Advice Notes for Councillors
- Employee Code of Conduct (nb Zone link only – not available on website)
- Communications Policy
- Standing Orders [for Council, Committees and Sub Committees](#)
- Scheme of Delegation
- Financial Regulations
- Procurement Regulations
- Terms of Reference
- Follow Me - A Guide To Social Media For Elected Members In Scotland
- Social Media Guidance for Employees (nb Zone link only - not available on website)
- [Core Behaviours Guiding Principles](#) (nb Zone link only – not available on website)
- CIPFA/IFAC Framework
- CIPFA/SOLACE Guidance

Commented [AS7]: Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

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Sub Committee	Number of Council Representatives Previously Appointed	Relevant Committee	Current Membership	Substitutes
Appeals Sub Committee	5	Staff Governance Committee	5 members of Staff Governance Committee	
Business Rates Appeals Sub Committee	5 (and 5 substitute members)	City Growth and Resources Committee	No named appointments	
Community Asset Transfer Review Sub Committee	5 (and 5 substitute members)	City Growth and Resources Committee	Councillors Duncan, Greig, Houghton, McLellan and Councillor Jennifer Stewart, Depute Provost	Councillors Cameron, Delaney, Lesley Dunbar, Reynolds and Wheeler
Licensing Sub Committee	5	Licensing Committee	Councillors Delaney, Malik, Reynolds, Sellar and Townson	

Working Group	Number of Council Representatives Previously Appointed	Relevant Committee	Current Membership
City Centre Masterplan Reference Group	5	Operational Delivery Committee	Councillors Boulton, Jackie Dunbar, Laing, Lumsden and Yuill
Conservation Area Regeneration Scheme Project Board	2	Operational Delivery Committee	Councillors Boulton and Hutchison
Disability Equity Partnership	5	Operational Delivery Committee	Councillors Bell, Delaney, Lesley Dunbar and Hutchison and 1 Vacancy
Electoral Boundaries Working Group	7	City Growth and Resources Committee	Councillors Hutchison, Laing, Macdonald, Reynolds, Sellar and Yuill and 1 Vacancy
Freedom of the City Working Group	6	City Growth and Resources Committee	None
Governance Reference Group	7	City Growth and Resources Committee	Councillors Jackie Dunbar, Houghton, Laing, Lumsden, Alex Nicoll, Reynolds and Yuill
School Estate Strategy Working Group	3	Education Operational Delivery Committee	Councillors Malik, Alex Nicoll and Wheeler
Special Licensing Objections Committee	5 (It is suggested that the members should not be members of the Licensing Board as this would create a conflict of interest)	Council	None
Taxi and Private Hire Car Consultation Group	5	Licensing Committee	Councillors Delaney, Graham, McRae and Reynolds and 1 Vacancy

Working Groups to be disbanded	Previous parent Committee	Date of Last Meeting	Rationale
Aberdeen Winter Festival Working Group	Finance, Policy & Resources	N/A	
Fishing Industry Memorial Working Group	Education and Children's Services	02/03/2018	The work of the Working Group concluded when the Memorial was installed and officers are content that the remit of the working group has been completed and that they will not require to meet again
Hazlehead Grove Nursery Advisory Group	Communities, Housing & Infrastructure	09/11/2016	The Working Group status was amended to that of an Advisory Group in 2016. No further meetings have required to be held however officers provide service updates to Committee as required
Energy from Waste Stakeholder Group	Communities, Housing & Infrastructure	14/06/2017	This group is now the Ness Energy Community Group led by the Contractor Acciona rather than the Council
Controlled Parking Areas Working Party	Communities, Housing & Infrastructure	05/04/2012	The group only requires to meet as and when required, however it has not met since 2012 and minor parking decisions are now taken to the Operational Delivery Committee.

Joint Committee / Partnership	Membership requirement	Current Members	Substitutes
City Region Deal Joint Committee	3 members and 3 substitute members	Councillors Boulton, Laing and Lumsden	Councillors Flynn, Graham and Yuill
Clinical and Care Governance Committee	2 members	Councillors Lesley Dunbar and Duncan	N/A
Community Planning Aberdeen Board	Council Leader (Chairperson) and 3 members	Councillor Laing, Flynn, Greig and Wheeler	N/A
Guildry and Mortification Funds Committee	3 members, one of whom is Convener as Master of Mortifications	Councillors Reynolds and Mason and the Lord Provost	N/A
Integration Joint Board	4 members and 4 substitute members	Councillors Al-Samarai, Bell, Duncan and Lesley Dunbar	Councillors Cooke, Greig, Laing and Mackenzie
Northern Roads Collaboration Joint Committee	2 members and 2 substitutes	Councillors Hutchison and Macdonald	Councillors Grant and Alex Nicoll
NESTRANS	4 members and 4 substitutes	Councillors Bell, Macdonald, Mackenzie and Alex Nicoll	Councillors Grant, Houghton, Hutchison and Yuill
Risk, Audit and Performance Committee (IJB)	2 members	Councillors Al-Samarai and Bell	N/A
Strategic Development Planning Authority	6 members (and 6 substitutes)	Councillors Bell, Boulton, Cooke, Graham, Grant and Yuill	Councillors Copland, Cormie, Macdonald, Mason, Reynolds and 1 vacancy

Outside Body	No. of Members	Current Members (including vacancies)	Substitutes	Notes
Aberdeen Airport Consultative Committee	4	Councillors Al-Samarai, MacGregor, Mackenzie and the Lord Provost		
Aberdeen Area Support Team (Children's Panel)	1	Councillor Lesley Dunbar		
Aberdeen Bulawayo Trust	7	Councillors Allan, Alphonse, Bell, Lesley Dunbar, Greig and MacGregor and 1 Vacancy (Administration)		
Aberdeen City Heritage Trust	4	Councillor MacGregor, Councillor Jennifer Stewart, the Depute Provost, the Lord Provost and 1 Vacancy (Cons)		
Aberdeen Endowments Trust	3	Councillor MacGregor and 2 Vacancies (Administration)		
Aberdeen Foyer	2	Councillors Cameron and Duncan		
Aberdeen Gomel Trust	6	Councillors Allan, Cooke, Lesley Dunbar and Greig and 2 Vacancies (Cons / SNP)		
Aberdeen Heat and Power	2	Councillors Macdonald and McLellan		
Aberdeen Inspired	1	Councillor Laing		
Aberdeen Lads Club	3	Councillors Grant, McLellan and Noble		
Aberdeen Outdoor Access Forum	1 1 reserve	Councillor Boulton	Councillor Yuill	
Aberdeen Performing Arts	4	Councillors Boulton, Duncan, Mackenzie and 1 Vacancy (SNP)		
Aberdeen Renewable Energy Group	1	Councillor Bell		

Aberdeen Science Centre	2	Councillors Bell and Hutchison		
Aberdeen Sports Village	2	Councillors Cameron and Wheeler		
Alcohol and Drugs Partnership	2	Councillors Al-Samarai and Boulton		
Association for Public Service Excellence (APSE)	1	Vacancy (Administration)		
Care and Repair Initiative Scotland - Aberdeen Agency	3	Councillors Bell and Lesley Dunbar and 1 Vacancy (Opposition)		
Champions Board	2	Councillors Al-Samarai and Lesley Dunbar		
Citizens Advice Bureau Management Committee	3	Councillors Duncan and McRae and 1 Vacancy (Administration)		
Community Food Initiatives North East (CFINE) Board	1	Councillor Lesley Dunbar		
COSLA Board - Children & Young People	1	Councillor Wheeler		
COSLA Board - Health and Social Care	1	Councillor Duncan		
COSLA Board - Environment and Economy	1	Vacancy		
COSLA Board - Community Wellbeing	1	Councillor Lesley Dunbar		
COSLA Convention	5	Councillors Flynn, Lumsden, Malik, Reynolds and Yuill		
Disabled Persons Housing Service	1	Councillor Macdonald		

East Grampian Coastal Partnership Management Group	2	Councillors Henrickson and Sellar		
East of Scotland European Consortium	1	Councillor Reynolds		Following a review of existing memberships in respect of city growth, it is recommended that the Council withdraw its membership from the East of Scotland European Consortium. As a consequence of the EU Exit the UK will not have access to European Structural and Investment funds. This was an area where ESEC had been able to offer support historically, but that will not be the case going forward. The replacement funds, a UK Shared Prosperity Fund, are being influenced by ACC directly through COSLA and through free networks such as SLAED.
Enterprise North East Trust Ltd (Elevator)	1	Councillor Reynolds		
Fairer Aberdeen Fund Board	4	Councillors Allan, Jackie Dunbar, Graham and Laing		
Gordon Highlanders Museum Board	5	Councillors Cooke, Jackie Dunbar, Imrie, Councillor Jennifer Stewart, the Depute Provost, the Lord Provost		The Board has been renamed Gordon Highlanders Museum Advisory Group and require at least one elected member from ACC, however they would be delighted to retain all five.
Governors of Oakbank School	9	Councillors Allan, Boulton, Laing, Lumsden and Nicoll and 4 Vacancies (1 Admin / 3 Opposition)		

Grampian Houston Association	5	Councillors Delaney and Reynolds and 3 Vacancies (Lord Provost, 1 Admin, 1 Opposition)		
Grampian Regional Equality Council (GREC)	2	Councillors Hutchison and Malik		
Grampian Valuation Joint Board	6 6 reserves	Councillors Cormie, Copland, Graham, MacGregor, Mackenzie, and Reynolds	Councillors Delaney, Houghton, Hutchison and Macdonald and 2 vacancies (SNP/Ind)	
Highland Reserves Forces and Cadets Association	1	Councillor Alphonse		
KIMO	1	Vacancy		
MacDonald Art Committee	4	Councillors Boulton, Greig, Imrie and 1 Vacancy (Opposition)		
Marguerite McBey Trust	2	Councillor Boulton and 1 Vacancy (Opposition)		
Middlefield Community Project Management Committee	3	Councillors Jackie Dunbar, Graham and McRae		
Mitchell's Hospital Trust	2	Councillor Grant and 1 Vacancy (Opposition)		
NHS Grampian Board	1	Councillor Lumsden		
North East Agricultural Advisory Committee	5	Councillors MacGregor, Mackenzie, Yuill and the Lord Provost and 1 Vacancy (Admin)		
North East of Scotland Climate Change Partnership	1	Councillor Bell		
North East of Scotland Port Welfare Committee	1	Councillor McRae		
North East Scotland Fisheries Development Partnership	5	Councillors Cameron, Greig, Houghton and Laing and 1 Vacancy (Admin)		

North East Sensory Services (NESS)	1	Councillor Lumsden		
North Sea Commission	1	Councillor Reynolds		
Opportunity North East (ONE)	1 1 reserve	Councillor Lumsden	Councillor Laing	
Peacock Visual Arts Ltd	1	Councillor Malik		
Printfield Community Project	2	Councillors Copland and Lesley Dunbar		
Proctor's Orphanage Trust	5	Councillors Al-Samarai, Delaney, Houghton and the Lord Provost and 1 Vacancy (Admin)		
Robbs Trust	2	Councillor Cross and the Depute Provost		
Robert Gordons College Board of Governors	4	Councillors Cormie, Houghton, Yuill and the Depute Provost		
Robert Nicol Trust	1	Councillor Macdonald		
Rubislaw Field Committee	3	Councillors Greig and Imrie and the Depute Provost		
Scotland Excel Joint Committee - Centre for Procurement Expertise for Local Government	2 2 reserves	Councillor Reynolds and 1 Vacancy	Councillors Laing and Lumsden	
Scottish Councils Committee on Radioactive Substances	1	Vacancy (Admin)		

Shaping Aberdeen Housing Limited Liability Partnership Management Board	3	Councillors Boulton, Macdonald and one vacancy (opposition)		Following a decision of CG&R Committee on 24 April 2018, the Chief Officer – Governance is liaising with Shaping Aberdeen Housing LLP in relation to taking the necessary legal steps to wind it up the LLP. The LLP agreement requires the council to have 3 Management Board representatives and therefore until the LLP is formally wound up this requirement remains.
Shopmobility Management Committee	1	Councillor Macdonald		
Sport Aberdeen	3	Councillors Cooke, Graham and Imrie		
St Machar Parents Support Project	1	Councillor Lesley Dunbar		
Transition Extreme Limited Board	1	Councillor Reynolds		
Veterans Champion	1	Lord Provost		
Violence Against Women Forum	2	Councillors Al-Samarai and Lesley Dunbar		
Visit Aberdeenshire	1	Councillor Laing		

William Harvey Trust	2	Lord Provost and 1 Vacancy (Opposition)		
World Energy Cities Partnership	1	Lord Provost		

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6 January 2020

Hello Fraser.

May I take this opportunity to Resign from Aberdeen City Councils Licensing Board.

Kind Regards.

Alan Donnelly Councillor ACC .

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