

SCHEME OF GOVERNANCE REVIEW
PROPOSED CHANGES FOR JUNE 2023

Proposed amendments and additions shown below (deletions and new wording in red)

POWERS DELEGATED TO OFFICERS

	REFERENCE	CHANGE	RATIONALE
1	Definitions	Chief Officers means:- (vi) the Chief Operating Officer of the Aberdeen City Health and Social Care Partnership.	So that the COO also benefits from relevant General Delegations to Chief Officers.
2	Principle 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 or the Integration Joint Board from exercising the power so delegated provided that the matter in question has not already been determined.	To account for the IJB.
3	Principle 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 or the Integration Joint Board.	To account for the IJB.
4	Principle 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 and relevant Integration Joint Board policy.	To account for the IJB.

	REFERENCE	CHANGE	RATIONALE
		
5	Principle 7	Except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers (including powers delegated by Full Council, Committee or Sub-Committee and not listed in this Powers Delegated to Officers document) to their deputies or such other officer(s) as they may consider appropriate.....	Clarification of the original meaning.
6	Principle 10	The Council's Risk Appetite Statement and, where relevant, the Aberdeen City Integration Joint Board (IJB) Risk Appetite Statement, which sets out how the Council balances the risks and opportunities in pursuit of delivering the outcomes set out within the Local Outcome Improvement Plan (LOIP) and associated strategies, should provide guidance to officers when making decisions under this Powers Delegated to Officers document.	To account for the IJB.
7	Interpretation 8	For the avoidance of any doubt, references to the North East Scotland Pension Fund include references to the Aberdeen City Council Transport Fund.	To reflect the merger of NESPF and the Transport Fund into what is now simply known as the NESPF.
8	General Delegation 17	To make changes to job titles where there are no changes material to the post.	To offer greater flexibility when there are no material changes to the post in question.
9	General Delegation 22	To implement Council and Integration Joint Board decisions and policies	To account for the IJB
10	General Delegation 25	To approve applications for grant funding and, following consultation with the Convener of the Finance and Resources Committee, to authorise the acceptance of grant funding (whether or not it was applied for) and to sign any	Clarification

	REFERENCE	CHANGE	RATIONALE
		documentation relating to the such grant funding, provided that any terms and conditions of such funding have been approved by the Chief Officer - Finance and the Head of Commercial and Procurement. Expenditure of such funding is subject to compliance with the ACC Procurement Regulations where applicable.	
11	General Delegation 26	To approve the making of: <ul style="list-style-type: none"> a. grants (each with a maximum value of £15,000 £30,000) to organisations; and b. grants, awards or prizes (each with a maximum value of £10,000 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.	The increase in values will speed up the grant process and avoid the need to take lower value matters to committee. Chief Officers are already following the public pound and these increased figures are in line with their remit in the Procurement Regulations
12	General Delegation 47	Following consultation with the Chief Officer - Finance, to: <ul style="list-style-type: none"> a. accept gifts, endowments, bequests and donations (of money and property, other than land or buildings) which relate to a function or matter within their remit or area of responsibility as Chief Officer and to take or instruct any actions which they deem appropriate in relation to such acceptance, subject to the ACC Financial Regulations and ACC Procurement Regulations; and b. approve the sale or other use of such property in accordance with any terms applying to the gift, endowment, bequest or donation, subject to the ACC Financial Regulations; and to approve the Expenditure of a monetary gift, endowment, bequest or donation, or of money realised from the sale or other use of property which is the subject of a gift, endowment, bequest or donation, is subject to compliance 	Clarification

	REFERENCE	CHANGE	RATIONALE
		with the ACC Procurement Regulations where applicable and in accordance with any terms applying to the gift, endowment, bequest or donation.	
13	CO – Early Intervention and Community Empowerment 25	Following consultation with the Chief Officer of the Aberdeen City Health and Social Care Partnership, the Chief Officer – Education and the Chief Officer – Integrated Children’s and Family Services, To undertake and report to Committee on the Council’s Child Poverty Action Plans and Local Child Poverty Action Reports.	Clarification.
14	CO – Operations and Protective Services 44	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 2005 Act and to authorise officers to exercise powers under the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016.	To include express reference to additional legislation.
15	CO – Operations and Protective Services 46	To enforce and exercise powers, and authorise officers to enforce and exercise powers, under 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.d. Dangerous Wild Animals Act 1976; g. Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009; h.e. Performing Animals (Regulation) Act 1925; i. Pet Animals Act 1951; j.f. Riding Establishments Act 1964 and Riding Establishments Act 1970;	To include express reference to additional legislation and delete reference to repealed legislation.

	REFERENCE	CHANGE	RATIONALE
		<p>k.g. Zoo Licensing Act 1981;</p> <p>h. Animal By-Products (Scotland) Regulations 2003; and</p> <p>i. Animal By-Products (Scotland) (Enforcement) Regulations 2013;.</p> <p>j. Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974</p> <p>k. Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021;</p> <p>l. Trade in Animals and Related Products (Scotland) Regulations 2012;</p> <p>m. Official Food and Feed Controls (Scotland) Regulations 2009;</p> <p>n. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Retained EU Legislation); and</p> <p>o. any other relevant legislation relating to animals.</p>	
16	CO – Operations and Protective Services 53	To authorise officers of the Environmental Health and Trading Standards Services to enforce the Single Use Carrier Bags (Scotland) Regulations 2014 and to authorise officers to exercise powers under the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021.	To include reference to new legislation
17	CO – Operations and Protective Services 54	To authorise officers of Trading Standards Scotland to carry out specific trading standards and consumer protection enforcement work within Aberdeen City Council's jurisdiction	No longer required as Trading Standards Scotland staff are now authorised by Glasgow City Council and can use Schedule 5 of the Consumer Rights Act 2015 to act across Scottish local authorities' boundaries.

	REFERENCE	CHANGE	RATIONALE
18	CO - Governance 1	Following consultation with the Co-Leaders, to amend the Council's Scheme of Governance documentation in order to: <ul style="list-style-type: none"> • correct obvious, technical or clerical errors; • reflect the law (including changes to the law), government guidance, regulators' guidance, codes of conduct, codes of practice and Council policies and decisions; and • alter the sequencing of provisions and add, remove or amend headings. 	To permit the making of minor changes intended to support ease of use of the documentation.
19	CO - Gov 53	In relation to the Council's crests and the coat of arms of Aberdeen, to take any actions which the Chief Officer – Governance considers to be in the interests of the Council, including authorising the use of same or taking action against unauthorised use.	This reflects the current position which is that the Chief Officer will write to person/persons using the crest or coat of arms to request that they stop doing so.
20	CO - Gov 17	To appoint officers as Designated Senior Officers Approved Rank Officers , under the Council's Use of Investigatory Powers Policy and the Investigatory Powers Act 2016, to confirm and authorise the acquisition and use of Communications Data, subject to any such appointee having already undertaken appropriate training.	To reflect the changes to roles under the arrangements with NAFN (National Anti Fraud Network).
20A	CO-Finance - 12	To approve the purchase of second hand goods up to a value of £50,000.	For consistency – there is already a General Delegation to Chief Officers regarding second hand goods and the Chief Officer – Finance can utilise that.
21	CO - Finance – new power which is already written into the PO&D powers.	To approve (jointly with the Chief Officer – People and Organisational Development) the staff resources and recruitment matters which are stated within this Powers	For completeness and to ensure that these delegations are captured in both Chief Officer lists of delegated powers.

	REFERENCE	CHANGE	RATIONALE
		Delegated to Officers document as requiring the approval of both that Chief Officer and the Chief Officer – Finance.	
22	CO - Aberdeen City IJB 1	To facilitate and implement Directions issued to Aberdeen City Council from the Aberdeen City 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.	To reflect practice.
23	CO - Aberdeen City IJB 3	To take all necessary steps 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.	Amended as read more like a requirement rather than the delegation of a decision-making power.
24	CO - Aberdeen City IJB 13	To assess the ability of carers to provide care needs and thereafter provide, or secure the provision of, community care services. Legislative Reference: section 12A of the Social Work (Scotland) Act 1968.	To clarify and accurately reflect the duty as it exists under the 1968 Act.
25	CO - Aberdeen City IJB 15	To oversee the general functions under the Adults with Incapacity (Scotland) Act 2000 including:	To make clear the list is not exhaustive.
26	CO - Aberdeen City IJB 38	Subject to future designation of the Aberdeen City Integration Joint Board as a Category 1 Responder under the Civil Contingencies Act 2004, To direct and ensure that coordinated and appropriate arrangements are in place to discharge the requirements of that Act the Civil Contingencies Act 2004 and other relevant legislation	To update the power after legislation has become effective.
27	Appendix 1 Proper Officers and Statutory Appointees	For the entry relating to “Representation of the People Act 1983 Sections 25, 41”: <ul style="list-style-type: none"> In the Function column, below “Returning Officer”, add: “The returning officer appointed under section 41 is also the constituency returning officer for Scottish Parliament elections (see article 14 of the Scottish Parliament (Elections etc.) Order 2015). They are also the regional returning officer for the North East Scotland region for Scottish Parliament 	Clarification and update to reflect that the Chief Executive will be the Returning Officer.

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		<p>elections (see the Scottish Parliament Elections (Regional Returning Officers and Constituency Returning Officers) Order 2016)".</p> <ul style="list-style-type: none"> • replace "Chief Officer – Governance" with "Chief Executive". 	
28	General Delegation – additional power	<p>Following consultation with the Convener of the Finance and Resources Committee and the Chief Officer - Governance, to provide advice and assistance to a body engaged outside the United Kingdom in the carrying on of any of the activities of local government, subject to the requirements of the Local Government (Overseas Assistance) Act 1993. Such assistance may not take the form of a grant, loan, guarantee, indemnity or investment.</p>	To expressly permit officers to provide (non-financial) advice and assistance to overseas local government bodies, most likely in emergency situations.
29	General Delegation – additional power	<p>Chief Officers of the Aberdeen City Integration Joint Board only: When acting as Duty Emergency Response Coordinator (DERC): take, or arrange for the taking of, any action on behalf of the Aberdeen City Integration Joint Board which s/he considers necessary in the event of:</p> <ul style="list-style-type: none"> • an emergency (as "emergency" is defined in the Civil Contingencies Act 2004); and/or • any incident or situation that requires the implementation of special arrangements in order to: <ul style="list-style-type: none"> a. maintain statutory services at an appropriate level; b. support the emergency services and other organisations involved in the immediate response; c. provide support services for the community and others affected by the incident; d. enable the community to recover and return to normality as quickly as possible; and/or e. provide aid to other bodies, 	To account for the IJB.

	REFERENCE	CHANGE	RATIONALE
		with any such action being reported to a future meeting of the IJB or its relevant committee as an item on the agenda.	
30	CO - City Growth – additional power	Following consultation with the City Region Deal Programme Board, to make any reports (mandatory or otherwise) to the UK and/or Scottish Governments, which are requested or required in relation to City Region Deal Projects.	To strengthen governance for these reporting arrangements.
31	CO - City Growth – additional power	To make, following consultation with the Head of Commercial and Procurement, subsidy schemes in terms of section 10 of the Subsidy Control Act 2022.	To support the implementation of Council or committee decisions which have subsidy control implications.
32	CO - Gov – additional power	To contact the appropriate authorities and submit SARs (Suspicious Activity Reports) in relation to suspected money laundering activity.	To reflect ACC's existing Anti-Money Laundering Policy.
33	CO - Gov – additional power	To determine whether petitions to the Council are competent in terms of the Council's petitions criteria, following consultation with the relevant Convener and relevant Chief Officers.	For clarity around governance in relation to determining competence in advance of being added to an agenda.
34	CO - Gov – additional power	To take (or arrange for the taking of) any action in relation to public inquiries involving or affecting the Council, including applying for leave to appear at inquiry hearings or applying for core participant status.	For clarity around governance to make sure that this process does not rely on a committee decision (given that public inquiries can move at pace).
35	CO - Gov – additional power	To act as the Council's Senior Information Risk Owner (SIRO), in terms of the Council's Corporate Information Policy and otherwise.	To reflect ACC's existing Corporate Information Policy.
36	CO – Gov – additional power	To recall the suspension of a taxi driver's licence or private hire car driver's licence imposed on the grounds that the licence holder failed to meet the necessary medical standards where the licence holder produces evidence from a medical	To allow the recall of suspension on purely factual grounds where no subjectivity is involved - without the need to call a Licensing Sub-Committee.

	REFERENCE	CHANGE	RATIONALE
		professional that states that he or she now meets the required standards.	
37	CO – Gov – additional power	To recall the suspension of a street trader's licence imposed on the grounds that the licence holder did not have a valid Food Hygiene Certificate where the licence holder produces a valid Certificate.	To allow the recall of suspension on purely factual grounds where no subjectivity is involved - without the need to call a Licensing Sub-Committee.

STANDING ORDERS

REFERENCE	CHANGE	RATIONALE
2.6	The Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a members of the opposition unless the opposition choose not to nominate members to either or both of those roles.	Correction, and to make provision for where the opposition choose not to nominate.
7.3	It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, or advance or postpone to another date, an ordinary meeting if in his/her opinion, acting reasonably, there is a good reason for so doing and provided that this reason is communicated to the relevant membership as soon as reasonably practicable.	To ensure that members are promptly provided with an explanation for changes to the meeting schedule.
8.2.2	The written request must set out should specify the business of proposed to be transacted at the meeting and must be signed by at least a quarter of the Members of the Council, Committee or Sub Committee. If the written request does not specify the business of the meeting, then the Members must, at least three clear days before the meeting, provide the Chief Officer – Governance with a notice signed by those Members which specifies the business proposed to be transacted at the meeting.	To address the situation where the written request does not specify the business (see Schedule 7 to the Local Government (Scotland) Act 1973).
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) or external partner(s), in terms of competency and any other relevant feedback , and presenting these to the Member	To make it clear why the views of those individuals are being sought with regard to Notices of Motion
12.6	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 would, in the opinion of the Chief Officer - Governance, be likely to result in a breach in law;	To provide further guidance to Conveners when making a determination. Competency is not about feasibility/desirability/sensibility, but whether it is a decision which officers can legally and finally give effect to, if agreed. To make clear that loss of income also applies in terms of why a Notice of Motion could be

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	<p>12.6.3 The motion proposes expenditure or would lead to the loss of income and does not identify a source of funding; or</p> <p>12.6.4 A motion in similar terms has already been submitted for the same meeting by another Member,</p> <p>but will not be determined incompetent solely on the ground of not complying with a Standing Order if it is seeking suspension of that Standing Order.</p>	incompetent, as any lost income would affect the balancing of the budget
12.9	A Notice of Motion submitted to the Clerk outwith the deadlines referred to in Standing Orders 12.2 and 12.3 above, can only be accepted onto the agenda at the discretion of the Convener, whether prior to, or at the meeting of the Council, Committee or Sub Committee.	Minor clarification
12.16	A Member can make minor alterations to their motion at the meeting , with the consent of the Convener.	Makes clear that this is a final opportunity to make an alteration at the meeting, not prior to publication.
12.17	12.17 Any motion proposing a nomination for Freedom of the City must be signed by at least 23 Members of the Council. As regards the decision itself, section 206(1) of the Local Government (Scotland) Act 1973 states that "A local authority may, by resolution passed by <u>not less than two-thirds</u> of the members voting thereon at a meeting of the authority the notice of which specifies the proposed admission as an item of business, admit to be honorary freemen of their area persons of distinction and any persons who have rendered eminent service to their area".	Helpful explanation which references the legislation within the Standing Order.
24.2	24.2 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers, and submit questions , in advance of the meeting.	Introducing an encouragement for questions to officers to be submitted in advance in order that officers are fully prepared to answer questions.

REFERENCE	CHANGE	RATIONALE
26.3	Advisers to the Staff Governance Committee and external advisers to the Anti-Poverty and Inequality Committee will be entitled to raise a Point of Order, ask questions and participate in any debate, but will not be entitled to move or second a motion or amendment, nor participate in any vote.	For consistency between the two Committees. Possibly change to “any committee which has advisers”.
29.1	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 by 12 noon on the working day prior to the meeting.	To give officers more time to review motions/amendments and provide meaningful feedback. The wording is should rather than must as it is accepted that it will not always be possible and Members shouldn't be prohibited from putting forward a motion/amendment during a meeting, for example if new information has come to light.
29.2	Any motion or amendment in respect of the budget should must be submitted to the Chief Officer – Finance, by 10am on the third last Working Day before the meeting takes place in accordance with the Budget Protocol. 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.	This is supported by a Budget Protocol as per recommendation 2.9 in cover report.
29.3	29.3 The Clerk will then be responsible for collating the views of the following officers, in terms of competency and any other relevant feedback , and presenting these to the Member: 29.3.1 the relevant Director(s); 29.3.2 Chief Officer – Governance; 29.3.3 Chief Officer – Finance; and 29.3.4 other relevant Chief Officer(s) or external partner(s).	To make it clear why the views of those individuals are being sought with regard to motions and amendments

REFERENCE	CHANGE	RATIONALE
29.4	<p>29.4 The Convener will have the prior right to the motion, except:-</p> <p>29.4.1 where he/she waives this right and allows another Member to have the prior right to the motion;</p> <p>29.4.2 where a written Notice of Motion submitted by a Member is moved;</p> <p>or</p> <p>29.4.3 where the Council is meeting to consider its annual revenue budget, in which case the Convener of the Finance 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; or</p> <p>29.4.4 where a special meeting is called by at least a quarter of the Members of the Council, Committee or Sub Committee under Standing Order 8.2, but only where the Convener was not among those Members calling that meeting and the motion was submitted to the Clerk in writing 24 hours before that meeting.</p>	In response to feedback from the Governance Reference Group.
29.9	A motion or amendment is incompetent if it would require the incurring of expenditure or would lead to the loss of income and the source of funding is not identified.	To make clear that loss of income also applies, as any lost income would affect the balancing of the budget.
New 29.11 (with subsequent provisions of SO29 re-numbered accordingly)	A motion or amendment is incompetent if its terms would, in the opinion of the Chief Officer - Governance, be likely to result in a breach in law.	For consistency with SO12 (Notices of Motion).
42.2.1	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 and is set out in the published agenda;	Clarification. The key point is that only Notices of Motion which appear in the published agenda should be exempt from the “6 month rule” of SO 42.1.
Glossary	<u>Convener</u>	To make it clear that the Vice Convener or Depute Provost is authorised to make

REFERENCE	CHANGE	RATIONALE
	<p>The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost. It will also include the Vice Convener, or Depute Provost (for meetings of the full Council), where the Convener or Lord Provost is unavailable.</p>	<p>decisions, in certain circumstances, when the Convener/Lord Provost is unavailable – for example in determining the competency of Notices of Motion or deputation requests.</p>

TERMS OF REFERENCE

REFERENCE	CHANGE	RATIONALE
Introduction, para 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 and are without prejudice to 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.	Clarification
Introduction, para 13v	consider the experience of customers and take such action to ensure to ensure that services meet customers' needs	Correction
Aberdeen City Council - 19	The approval of the Schemes of for the Establishment of Community Councils and the review or amendment of such Schemes in terms of sections 52 and 53 of the Local Government (Scotland) Act 1973; and the revocation of such Schemes (or amended Schemes) and the making of new Schemes in accordance with section 22 of the Local Government etc. (Scotland) Act 1994.	To clarify that these other decisions relating to Schemes should also be determined by Full Council.
Aberdeen City Council - 21	To consider any matter which the Council has previously considered and agreed to receive a further report on .	Correction
Aberdeen City Council – 24	Remove all references to the Council approving procurement activity in excess of £1m.	To transfer approvals above £1m in value to the Finance and Resources Committee along with all other procurement activity. It is felt that scrutiny of procurement business cases at Council is being sacrificed due to the size of Council agendas and the length of the meetings, with the meetings being a lot more political in nature. The Finance and Resources Committee is better suited to scrutinise

		procurement business cases and does so more effectively for activity of less than £1m at present.
General Delegations 8.2	approve appointments and nominations to outside bodies relevant to its remit;	Correction.
Various	Insert the following at the foot of each Committee's Terms of Reference (except those of the Urgent Business Committee): Please refer also, as applicable and appropriate, to the "General Delegations to Committees" and the "Exclusions from Delegation to Committees".	Helpful reminder
Finance and Resources 1.1.5	Approve all non-capital programme procurement activity below £1m, and capital programme procurement activity irrespective of value, including Procurement Business Cases submitted in accordance with the Procurement Regulations;	See rationale above at Aberdeen City Council 24
Finance and Resources 1.1.12	receive Moody's formal credit rating reassessments;	To make the remit more generic and not specific to one agency.
Anti-Poverty and Inequality 1.3	Seek the views and involvement of those experiencing poverty and inequality and those with knowledge or expertise in relation to these issues;	To more expressly cover the input of external advisers.
Anti-Poverty and Inequality	Replace existing 2.1 and 2.2 with: 2.1 approve for publication Local Child Poverty Action Reports in terms of the Child Poverty (Scotland) Act 2017 and Child Poverty Action Plans. 2.2 approve for publication the Council's: i. reports on its progress on mainstreaming the equality duty, ii. sets of equality outcomes, and	To make the remits clearer and more comprehensive

	<p>iii. reports on the progress made to achieve the equality outcomes, all in terms of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012; and</p>	
<p>Anti-Poverty and Inequality – new remit</p>	<p>3.1 In undertaking the aspects at 1 and 2, 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.</p> <p>3.2 The Committee may make recommendations to the appropriate Committee(s) or Sub Committee(s) on matters affecting its remit where the authority to approve sits within the remit of another Committee or Sub Committee.</p>	<p>For consistency with the Terms of Reference of the following Committees: Communities, Housing and Public Protection; Net Zero, Environment and Transport; and Education and Children’s Services.</p>
<p>Pensions Committee</p>	<p>6. Outside Bodies The Committee shall determine appointments and nominations to the Local Authority Pension Fund Forum (LAPFF) and other outside bodies relevant to its remit.</p>	<p>This was previously a determination made by the Convener and should be a decision of the Committee. The General Delegations to Committees do already state that committees will approve appointments to outside bodies relevant to their remit, but this makes it even more explicit.</p>

PROCUREMENT REGULATIONS

REFERENCE	CHANGE	RATIONALE
3.9 (e)	Any contract which relates to the appointment by the Council of advocates, solicitors or barristers or expert witnesses in any legal proceedings (whether such proceedings are underway or in contemplation) subject to Procurement Regulation 4.1.1.3;	Not an excluded contract under reg 11 PC(S)R 2015. Would need to be appointment without prior competition due to extreme urgency (reg 33 PC(S)R 2015 or Reg 6 P(S)R 2016), so 3.10 memo mechanism more appropriate.
3.9 (f)	the Head of Commercial and Procurement shall be notified as soon as reasonably practicable; and	Delete repetition
3.10	The Procurement Regulations may be suspended either in whole or in part by: Full Council, The Finance and Resources Committee, or the Director of Commissioning and the Head of Commercial and Procurement 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 Function/Cluster.	clarification
3.11	Where the Director of Commissioning and the Head of Commercial and Procurement 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. A	Correcting typo
4.1.1.4		Delete return after iv. (drafting correction)
4.1.1.5	4.1.1.5 Expenditure Approved by the Integration 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 Integration Joint Board to the Council and/or a relevant business case, where the Contract Value of the contract is above £50,000 (supplies/services) or £250,000 (works) or £4.5m	Amended "Integrated" to "Integration"

	(concessions), subject to the approval of the Chief Officer – Finance and the Head of Commercial and Procurement without the need for the approval of any other Committee	
4.1.1.8	<p>Expenditure of grant funding, gifts, endowments, monetary bequest or donation received by the Council</p> <ul style="list-style-type: none"> i. Expenditure of grant funding, gifts, endowments, monetary bequest or donation received by the Council must always be in accordance with the terms and conditions of the grant, gift, endowment, monetary bequest or donation (if any). ii. Where a tender is to be invited or contract entered into that is in excess of £50,000 (supplies/services) £250,000 (works) and 100% of the Contract Value is to be met from grant funding, gift, endowment, monetary bequest or donation 	To reflect the changes made to PDO GD 47
4.1.1.8 (iii)	£50,000	drafting
8.3.3	<p>Grants</p> <p>Where it is envisaged that there may be any procurement or subsidy control (formerly state aid) in the award of grants,</p>	Update re terminology post Brexit legislation
12.1	Sstandstill Pperiod	Drafting (not a defined term)
15.4	<p>Justification of Direct Awards</p> <p>15.4.1</p> <p>Justification for making a direct award in relation to Threshold (ii), including call off contracts directly awarded from Framework Agreements, may include the following: -</p> <ul style="list-style-type: none"> 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; 	<p>Tidying drafting by moving above Threshold (iii) (Light Touch Regime £663k) from para. g to new para 15.4.2 which now includes clarification that any direct award requires to comply with Procurement legislation. Italicised writing applies only to threshold (ii) (up to LTR) and not above</p> <p>Deleted red wording moved to final paragraph, new wording highlighted in yellow.</p>

	<p>d. Where the Council is instructed by a Children’s Hearing or Educational Tribunal to place a child in a particular setting;</p> <p>e. Where the individual has a right to choose and direct their own accommodation and/or support;</p> <p>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</p> <p>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. <i>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.</i></p> <p>15.4.2g- In exceptional circumstances, where permitted by Regulations 33 or 72 of the Public Contracts (Scotland) Regulations 2015, 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.</p>	
15.5.1.1	<p>In relation to Thresholds (i) and (ii) – Approval by the relevant Chief Officer. In respect of Threshold (ii) approval is to be in consultation with the relevant committee convenor or chair of the IJB and submission of a report on the matter to the next relevant committee or IJB;</p>	<p>To give Chief Officer approval beyond current £50k up to the Light Touch Regime (‘LTR’) threshold (£663,540) (provided for in public procurement regs) the rationale being that >1/3 care and support services fall into this category and this would mirror Aberdeenshire financial regs. Any contracts put in place would be reported back to the next available Committee/IJB. For care services, this would</p>

		mean that the approval limit of CO could be up to LTR which is (£660k approx.). There will continue to be a level scrutiny in the subsequent reporting to committee/IJB.
15.5.1.3	In relation to Threshold (ii) – £50,000 up to the LTR Threshold and Threshold (iii) and (iv): - The submission of a business case by the relevant Chief Officer to the IJB or, if applicable, the Council or Finance and Resources Committee, or Education and Children’s Services Committee in the case of children’s services , in advance of the contract being awarded	To reflect proposed change to 15.5.1.1 above so that approval of business cases to direct award contracts up to LTR (c£660k) fall into CO remit
	[Replace References to state aid with subsidy control]	

FINANCIAL REGULATIONS

REFERENCE	CHANGE	RATIONALE
4.5	<p data-bbox="521 331 1003 363"><u>Following the Public Pound Policy (FtPP)</u></p> <p data-bbox="521 403 1440 619">The FtPP Code requires that supporting documentation must be obtained to determine if an organisation has adequate financial and governance arrangements in place before a grant is approved and issued. A detailed list of the requirements of the financial assessments (such as annual accounts, income and expenditure statements) are given in the policy by the relevant Tier and there is a summary checklist at the end of the guidance.</p> <p data-bbox="521 659 880 691">The following conditions are:</p> <ul data-bbox="544 699 1440 1385" style="list-style-type: none"> <li data-bbox="544 699 1440 834">• Functions should ensure that all grants are assessed for subsidy control to determine if the grant award is a subsidy. Assessment forms should be completed and sent to subsidycontrol@aberdeencity.gov.uk <li data-bbox="544 842 1440 946">• Functions should ensure financial assessments are completed and recorded in line with the Council's FtPP Code prior to awarding any related grant. <li data-bbox="544 954 1440 1169">• Operational assessments – include risk assessments, organisational objectives, and adequacy of governance arrangements. The Budget Holder undertaking the operational capability assessment must document their findings, together with their recommendation as to whether the organisation is fit and proper to be considered for funding. <li data-bbox="544 1177 1440 1241">• Functions must conduct operational assessments and record the findings prior to awarding grants to external organisations. <li data-bbox="544 1249 1440 1385">• Debt checks must be undertaken to ensure the organisation concerned has no outstanding debt with the Council. This can be done by contacting the debt team at rbrecovery@aberdeencity.gov.uk. They will advise whether there 	Following Internal Audit report on Following the Public Pound emphasis on the requirements of the code. Updated SharePoint site link added.

	<p>is any debt relating to Council Tax, Non- Domestic Rates, and sundry debts.</p> <ul style="list-style-type: none"> • Funding agreements must be established and signed by the grant recipient prior to any grants being paid. • A grant schedule must be drawn up and signed by the grant recipient. Payments should be in no fewer than four instalments per financial year. • Supporting documentation must be obtained on an annual basis and this must also be held in the folder. This paperwork will prove that all checks have been undertaken correctly. <p>Link added for the SharePoint site and previous link removed.</p>	
4.6	Treasury Management Policy updated	New policy approved on 22 February 23
4.11	Added in ICT Access Control Policy	Previously not included
4.11	<p>ICT Acceptable Use and Security</p> <p><u>Under the terms of the lease of the devices a user must return their leased device in the same or in a reasonable condition based on age, if repairs are required, during or at the end of the lease period, the cost would be either be reimbursed by insurance or the employee where appropriate, which will be determined by the relevant Chief Officer, in consultation with the Chief Officer - Digital & Technology.</u></p>	Device refresh to happen in 2023, we want to make people aware that people should be returning their device in a reasonable condition.
5.14.2	His Majesty's Revenue and Customs (HMRC).	To reflect the change in the name of the organisation following the death of the Queen
5.14.2	<p>R Standard Rate – PECOS orders</p> <p>C Outside Scope</p> <p>F Reduced Rate (currently 5%)</p> <p>Z Zero Rated</p> <p>E Exempt</p> <p>M3 – foreign services</p> <p>M4 – domestic reverse charge</p> <p>M5 – postponed import VAT</p>	To reflect the changes which have already occurred

5.15.3	<p><u>Grant Offers and Claims</u> <u>This is required where the grant is above the value of £15,000, grants below this value acceptance should be obtained from a Finance Partner responsible for the relevant service.</u></p>	Require to set a de minimis as large number of smaller grants especially in areas such as Education which can be approved by the Finance Partner who has knowledge of the service.
5.15.4	<p><u>Subsidy Control Act 2022</u></p> <p>The Subsidy Control Act 2022 provides a new framework for the provision of subsidies within the United Kingdom which will build on the provisions in the subsidy control chapters of the Trade and Co-operation Agreement, which have applied since the UK's exit from the EU.</p> <p>The aim of the guidance is to explain the legal obligations on public authorities under the domestic subsidy control regime. It provides a framework for designing and awarding subsidies in a way which is consistent with the Subsidy Control Act 2022 (the Act). This guidance is designed to help public authorities award subsidies in a way which minimises any negative impacts to competition and investment, as well as promoting the effective and efficient use of public money.</p> <p>The Council's External Funding Team has put in place the necessary arrangements to access and provide notifications to the UK subsidy database and to make subsidy schemes.</p>	Subsidy Control Act 2022, statutory guidance come into law since previous Finance Regulations were in place.
5.18	If, there is evidence of Financial irregularities this could led to further investigations under the Council's Disciplinary Procedures	To ensure it is clear that if there are financial irregularities it could lead to a further investigation under the Council's Disciplinary Procedure
5.2.1	Fees & Charges - Added in Finance & Resources Convenor	Previously missing
5.2.10	Purchase Cards	To make the usage of Purchase Card clear

	All purchases made with a Council purchase card must be subsequently reviewed and approved within the relevant system by appropriate members of staff. Any issues with system usage or access should be raised with eps-development@aberdeencity.gov.uk or via your primary finance contact.	
5.20	Trust Funds – Reference to Powers Delegated to Officers	For sign posting if further information is required
5.3.1	<u>Monies Owed to the Council</u> <u>and Low Emission Zone Fines.</u>	New Source of income to the council
5.3.2	No debtors invoice should be raised for a value less than £30 (excluding VAT),	Increased to £30 from £25 to reflect increase in fees and charges and inflation.
5.3.4	Uncollectable/Bad Debt and Write Off of Debt The Chief Officer - Finance has authority to write off debts up to £50,000.	Increased from £25,000 to £50,000 to reflect the impact of inflation
8.3.2	The Chief Officer – Finance will issue quarterly Highlights Reports to the Chief Officers, who must confirm that they are in agreement with the outturns detailed in the reports.	Added in to reflect the recommendations of the Budget Monitoring Internal Audit recommendations.
8.4.4	<u>Revenue Budget Management</u> The Chief Officer – Finance must be notified of forecasts for all budgets quarterly.	Amended from monthly to reflect the cycle of monitoring.
10.2	<u>Finance and Resources Committee</u> The Capital Programme Sub Committee will oversee and scrutinise the Council’s capital programme, making recommendations to the Finance and Resources Committee on whether business cases should be approved for inclusion in the capital plan.	Deleted as no longer relevant
Various	<u>11. NORTH EAST SCOTLAND PENSION FUNDS</u> Local Government Pension Scheme (Scotland) Regulations 2018,	Amended all references in the North East Scotland Pension Fund from 2014 to 2018, omission from previous updates.

Various	Aberdeen City Council Transport Fund (ACCTF) - reference removed	Amended to reflect only known as The North East Scotland Pension Fund (NESPF).
Various	The Fund's. Also amended Funds to Fund where appropriate	
12.4.2	take reasonable steps for the prevention and detection of fraud and other irregularities.	Replaced deletion with detection, this is more appropriate wording.
12.4.8	The Senior Pensions Officer (Benefits) will review and authorise all payments and transfers processed through the Pension Fund benefit administration system. All payments and transfers processed through the Pension Fund's Benefit Administration System must follow the principles stated in Section 5.1 Internal Check (Risk Management and Control of Resources	Deletion of first sentence & replaced with sentence in red, more appropriate wording.

MEMBER-OFFICER RELATIONS PROTOCOL

REFERENCE	CHANGE	RATIONALE
Structure	Document realigned to the Guiding Principles and Capability Framework and to the triangle in the delivery plan which includes behaviour.	Document currently aligned to previous “core behaviours” and needs to align to the CF and GP which will help deliver TOM 1.2
Role of Monitoring Officer	Emphasise the role of the MO and the possible escalation routes for both officers and members who breach the protocol.	Clarity on current position.