

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 th December, 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	Governance Review – Interim Revisions to Standing Orders and Scheme of Delegation
REPORT NUMBER	CG/16/155
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To propose amendments to the Council's Standing Orders and Scheme of Delegation.

2. RECOMMENDATION(S)

That Council agrees:

- (1) to amend Standing Order 44 (Signing of Deeds) by adding to those officers so authorised, the holders of the posts of Team Leader in Legal Services who are solicitors; Head of Commercial and Procurement Services and Team Leader, Legal Team, Commercial and Procurement Services; and
- (2) to amend the Scheme of Delegation by authorising the Chief Executive:
 - (i) To take any action on behalf of the Council which s/he considers necessary in the event of an emergency on the basis that any such action shall be reported to the next meeting of the Council or relevant committee or sub-committee for information; and
 - (ii) To implement the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning (Scotland) Regulations 2005).

3. FINANCIAL IMPLICATIONS

There are none.

4. OTHER IMPLICATIONS

- 4.1 Approval of recommendation 1 will lead to deeds being signed quicker. It will also facilitate the 'one stop shop' that is envisaged by the Council's Procurement Regulations. It will also ensure that any delay in deeds being signed is mitigated in the event that any of the current proper officers are unavailable.
- 4.2 Recommendation 2 will give the Chief Executive the authority to take any action on behalf of the Council where such action would ordinarily require council approval and where it is not possible to convene a Council meeting, including an Urgent Business Committee, urgently. This delegation will be used in exceptional circumstances only.

5. BACKGROUND/MAIN ISSUES

- 5.1 Two issues have arisen during the Governance Review which can be addressed quickly to improve service delivery and the Council's response to emergencies. The first will improve the speed with which Legal Services can sign deeds by increasing the number of authorised signatories set out in Standing Order 44; there have been operational delays arising from reducing the number of service manager posts from two to one. A significant amount of time is taken up with the Head of Service and Service Manager reviewing and signing fairly routine deeds, and this task could be shared with the Team Leaders who are solicitors and who are well supported by the staff presently authorised.
- 5.2 The second improvement will provide the Chief Executive with emergency powers under the Scheme of Delegation which can be used when urgent decisions are required in special circumstances, such as the flooding experienced during the last winter. Given that winter is again here, this will allow the Council to respond to any emergency using powers common to most other local authorities; only two Scottish Councils other than Aberdeen City do not have such a provision in their delegated powers. Another reason for having emergency powers is to help ensure the Council meets its statutory duties under the Civil Contingency Act. It is important that the Council is able to respond quickly and with flexibility to discharge its duties when responding to emergency situations along with other partners. In this regard, it should be noted that the Chief Executive is chair of the Local Resilience Partnership and sits on the Regional Resilience Partnership. In view of this capacity, the Chief Executive should be able to commit Council resources as required in the case of an emergency. In the rare circumstances that these powers may be exercised, the Chief Executive will be expected to provide a full report to Council outlining the decision making process she went through and the justification for any expenditure.

- 5.3 The recommendations of the Governance Review will be submitted to Council during 2017, but these two have been advanced given the distinct benefits which would accrue from their approval.

6. IMPACT

Improving Customer Experience –

Both proposals identified in this report will improve the speed with which the Council can respond. Deeds will be signed quicker and the Chief Executive will be given clear authority to take urgent decisions where special circumstances warrant this.

Improving Staff Experience –

Services requiring deeds signed will be provided with quicker response times and the Chief Executive will be able to give clear direction to officers when urgent action is required in times of necessity.

Improving our use of Resources –

Both proposed amendments will permit quicker action and so decision making and accountability will be improved.

Corporate -

Both proposals are essentially of a housekeeping nature in that they relate to changes to Standing Orders and the Scheme of Delegation but they will both permit faster responses to the particular circumstances they are intended to address.

Public –

In relation to the amendment to the signing of deeds, the public are only likely to see benefit to the extent that any deeds awaiting signature may affect them; however, the authorisation of the Chief Executive in times where urgent decisions are needed could have a significant beneficial effect on the public under a number of special circumstances, particularly in times of emergency.

7. MANAGEMENT OF RISK

- 7.1 Both of the proposals set out in this report will reduce the Council's exposure to risk.
- 7.2 The amendment to Standing Orders minimises the current risk caused by delays to the signing of deeds due to the unavailability of the authorised officers. Although this means that the signature of Council documents will sit with a wider pool of officers, appropriate training of relevant staff will be put in place to ensure that any documents signed are done so appropriately with clear parameters set.
- 7.3 In respect of the proposed authorisation of the Chief Executive in times of special circumstances, the main benefit will be the reduction of risk as that officer will be able to take urgent decisions to react quickly to

any emergency arising during winter. Consultation with senior councillors may be possible where practicable at certain times and in all case where the authority is exercised, a report will be submitted to Council.

8. BACKGROUND PAPERS

There are none.

9. REPORT AUTHOR DETAILS

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