

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	30 June 2010
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Review of the Scheme of Delegated Powers
REPORT NUMBER:	CG/10/131

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### 1. PURPOSE OF REPORT

This report makes amendments to the Scheme of Delegated Powers to take account of the new Management and Committee structure. It also suggests additional delegated powers designed to streamline Council processes.

### 2. RECOMMENDATION(S)

That the Council:-

- (a) approve the Scheme of Delegated Powers appended to the report subject to any amendments, deletions or additions; and
- (b) instruct the Corporate Management Team to review the Scheme of Delegated Powers on a regular basis, reporting to Council annually with any proposed amendments, deletions or additions requiring approval.

### 3. FINANCIAL IMPLICATIONS

There are no costs associated to this proposal.

### 4. SERVICE & COMMUNITY IMPACT

Although this report is of a housekeeping nature, it links to the Community Plan in regard to strengthening local democracy. Good governance is an essential element of the Council's Policy Statement. A clear and transparent Scheme of Delegated Powers ensures responsibility for decision making is explicit and less open to legal challenge.

### 5. OTHER IMPLICATIONS

The review of the Scheme of Delegated Powers will have little workload impact on services. Where additional delegated powers are proposed they are designed to streamline procedures and should have a positive impact on workload and bureaucracy.

At present, the Council is operating under arrangements based on the previous Management and Committee structures - there is always a risk that

decisions taken under such a scheme could be challenged and whilst there is no suggestion that such a challenge would be successful, it is more effective to remove all doubt.

## 6. REPORT

- 6.1 In terms of the Council's statutory powers, all Executive decisions (i.e. those which are not purely operational, such as management of staff or those which are taken within approved Council policies and strategies) should be taken by the Council. It would not be possible for every decision to be taken by the Council and so Local Government legislation envisages that the Council will delegate some of its powers to other decision makers. This ranges from Committees and Sub Committees which act under powers (i.e. the remit of the Committee) approved by the Council and which form part of the Council's Standing Orders, to officers. The powers delegated to officers must be clearly expressed, both in terms of the clear identification of the officer(s) who can exercise the power and in regard to the power itself which must be unequivocal.
- 6.2 The Council's Scheme of Delegated Powers was last revised in February 2008, and approved at the Council meeting on 13<sup>th</sup> February 2008. Since then the Council has agreed and implemented a new Management structure and Committee structure, as well as having approved a revised version of its Standing Orders. The next logical step is to review the Scheme of Delegated Powers.
- 6.3 Officers within Legal and Democratic Services went through the Scheme approved in February 2008 making changes in order that it aligned to the new Management and Committee structures, as well as adding additional delegated powers that had been granted at various Council and Committee meetings since February 2008. Revised versions pertaining to each Directorate were sent to Directors asking if there were any additional powers that they required and/or if there were any powers which were in place that were no longer required or needed to be modified.
- 6.4 In conjunction with the above work, a benchmarking exercise was undertaken which compared Aberdeen City Council's Scheme with that of three high performing Scottish local authorities, namely East Dunbartonshire Council, Glasgow City Council and West Lothian Council. Whilst each of those authorities' schemes were very different in regard to the Management and Committee structures they operated within, in comparison to Aberdeen, the underlying principles were generally the same. Nevertheless, Directors and Heads of Service within Aberdeen City Council were encouraged to review these schemes and, if considered necessary, cherry-pick what they believed to be the most effective or desirable delegated powers to add to their existing delegated powers.
- 6.5 The draft Scheme of Delegated Powers is appended to the report. In keeping with the Council's desire to be able to determine the level of changes that has been made to earlier versions of documents, the 'track changes' facility has been utilised.

6.6 The following is a brief summary of the extent of the changes within each Directorate or section:-

#### Social Care and Wellbeing

The delegated powers are largely unchanged from those which fell within Health and Social Care, Neighbourhood Services, in the former management structure other than to take account of various legislative changes.

#### Education, Culture and Sport

The delegated powers are largely unchanged from those which fell within Culture and Learning, Neighbourhood Services, in the former management structure.

#### Housing and Environment

Due to the nature of this Directorate, i.e. the amalgamation of a number of previously disparate services from within the former management structure, the delegated powers have been formulated from a variety of former Head of Service posts. There is also a degree of crossover with Enterprise, Planning and Infrastructure.

#### Enterprise, Planning and Infrastructure

The delegated powers for the Head of Planning and Sustainable Development have been amended significantly, the main changes are:-

- amendments to reflect the statutory scheme for local development applications introduced by Section 17 of the Planning etc (Scotland) Act 2006
- certain powers to deal with major applications
- determination of listed building and conservation area consent applications with five or less objections - which reflects powers in scheme for local developments, which is a significant change
- delegation for all non material variations for local development applications and for certain major applications
- re-ordering of powers in a more user friendly manner
- formal recognition of the role in commenting on consultations from Aberdeenshire

#### Corporate Governance

The delegated powers for the Head of Finance have been amended significantly and have been grouped in a more user friendly manner. The delegated powers for the Head of Human Resources and Organisational Development have been reduced, due to many being moved to the General Delegations to Chief Officers section.

#### Office of Chief Executive

The delegated powers are largely unchanged.

## General Delegations to Chief Officers

The delegated powers are largely unchanged with the exception of the additions, in respect of staffing matters, which were previously under the Head of Human Resources and Organisational Development as referred to within Corporate Governance.

6.7 It is acknowledged that the Scheme of Delegated Powers, as appended to the report, will require to be reviewed on a regular basis due to, amongst other things, legislative changes and the new Directorates and Services bedding in. Upon approval of the Scheme, the document will be put into a more user friendly format, with an index, introductory section and any other supporting information deemed necessary.

6.8 As such, it is recommended that the Scheme of Delegated Powers be approved subject to any amendments, deletions or additions, and that the Corporate Management Team be instructed to review the Scheme on a regular basis, reporting to Council annually with any proposed amendments, deletions or additions requiring approval.

## 7. REPORT AUTHOR DETAILS

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## 8. BACKGROUND PAPERS

- Aberdeen City Council Delegated Powers 2008
- East Dunbartonshire Council Scheme of Delegation to Officers
- West Lothian Council Scheme of Delegation to Officers
- Glasgow City Council Scheme of Delegated Functions