

HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

SCHEME OF REFERENCE AND DELEGATION

TO

OFFICERS

Updated: June, 2021

OFFICERS

ASSESSOR & ELECTORAL REGISTRATION OFFICER ("ASSESSOR")

The following matters are delegated to the Assessor:

1. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers
2. Management of stocks and equipment
3. Daily administration of property, including maintenance of property and contracts, subject to the Board's Standing Orders and Financial Regulations. In these matters, the Assessor will be guided by the advice of the Executive Chief Officer, Property and Housing, The Highland Council
4. Appointing employees within the approved budgets
5. Authorising minor changes in the staff structures or gradings, provided these can be contained within their approved budgets
6. Responsibility for all personnel administration, other than relating to Chief Officers or as specified elsewhere in this Scheme of Delegation, in accordance with agreed Board policies, where in place. In these matters, the Assessor will be guided by the advice of the Board's Personnel Adviser
7. Conducting disciplinary proceedings in respect of employees within the general terms of employment law and the specific provisions of the Board's approved disciplinary procedure
8. Implementing national circulars where these contain no element of discretion

CLERK

The following matters are delegated to the Clerk:

1. Meetings and proceedings of the Board (Section 43 of the Act of 1973)
2. Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes (Section 50B(2); 50B(7)(c) and 50C(2) of the Act of 1973)
3. Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973)
4. Deciding on members' rights of access to Board documents which disclose 'exempt information' in terms of the Local Government (Access to Information) Act 1985 (Section 50(F)(2) of the Act of 1973)
5. Acting as 'proper officer' to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989)
6. Accepting tenders in circumstances as set out in the Board's Standing Orders Relating to Contracts
7. On the recommendation of the Assessor and in consultation with the Convener and Depute Convener, approving early retirements on the grounds of ill-health
8. Approving attendance of Members at conferences/seminars in Great Britain where there is insufficient time for the invitation to be considered by the Board prior to the conference/seminar being held, subject to availability of funds and a report for information being submitted to the next available meeting of the Board
9. Signing documents on behalf of the Board, including binding missives, if so required in the absence of the Highland Council's Head of Corporate Governance or duly authorised members of his/her staff, contracts and other agreements; this matter also being delegated, in the absence of the Clerk, to the officer designated by the Clerk to act as Assistant Clerk.
10. Referring for further consideration by the Board any item of business on which a decision has been made but which he or she may consider as being a contravention of law or any code of practice under any enactment, or maladministration leading to injustice. (Notice of Referral - See Paragraph 9.4 of Standing Orders)

TREASURER

The following matters are delegated to the Treasurer:

1. Acting as the proper officer of the Board with responsibility for the administration of its financial affairs
2. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers

MONITORING OFFICER

In terms of Section 5 of the Local Government and Housing Act 1989, as subsequently amended, it shall be the duty of every relevant authority:-

- (a) to designate one of their Officers (to be known as the Monitoring Officer) as the Officer responsible for performing the duties imposed by the Act; and
- (b) to provide that Officer with such staff, accommodation and other resources as are, in his or her opinion, sufficient to allow those duties to be performed.

The Officer so designated may be the Head of Paid Service but shall not be the Chief Finance Officer.

It shall be the duty of a relevant authority's Monitoring Officer, if it at any time appears to him or her that any proposal, decision or omission by the authority, by any Committee, Sub Committee or Officer of the authority, or by any Joint Committee on which the authority is represented, constitutes, has given rise to or is likely to or would give rise to:-

- (a) a contravention by the authority, by any Committee, Sub Committee or Officer of the authority or by any such Joint Committee of any enactment or rule of law or of any Code of Practice made or approved by or under any enactment; or
- (b) any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners) or Part 11 of the Local Government Act 1975 (which makes corresponding provision for Scotland);

to prepare a report to the authority with respect to that proposal, decision or omission.

It shall be the duty of the Monitoring Officer:-

- (a) in preparing a report under this section to consult as far as practicable with the Head of Paid Service and the Chief Finance Officer; and
- (b) as soon as practicable after such a report has been prepared by him or her or his or her deputy, to arrange for a copy of it to be sent to each member of the authority.

The Monitoring Officer for the Board is the Democratic Services Manager, the Highland Council.

HEAD OF CORPORATE GOVERNANCE, THE HIGHLAND COUNCIL

The following matters are delegated to the Head of Corporate Governance, the Highland Council:

1. Acting as the proper officer of the Board in respect of the functions described in the following sections of the Local Government (Scotland) Act 1973:-

Section 190	-	service of legal proceedings
Section 191	-	claims in sequestrations and liquidations
Section 193	-	authorisation of documents
Section 194(i)	-	execution of deeds
Section 197	-	inspection and deposit of documents
2. Instituting, defending or appearing in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment, including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority
3. In an emergency, and in consultation with the Assessor, settling legal actions of all descriptions
4. Appointing or consulting with Counsel where considered expedient to do so for the promotion or protection of the Board's interests
5. Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable
6. Publishing or serving on any person or body any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to publish or serve under any public act or any regulation or order made thereunder, other than where the publication or service of any document has been delegated by the Board to another officer
7. Signing binding missives on behalf of the Board relating to the purchase or sale of heritable property, and executing any notice, order, declaration or other document which may be required relative to any compulsory purchase authorised by the Board
8. Carrying out any legal procedure which may prove necessary to enable either the Assessor, Clerk or Treasurer to implement a duty delegated to him/her

EXECUTIVE CHIEF OFFICER PROPERTY AND HOUSING, THE HIGHLAND COUNCIL

The following matters are delegated to the Executive Chief Officer, Property and Housing, The Highland Council:

1. Where required, implementation of the Board's capital programme, in accordance with the Board's agreed policies and budget decisions
2. Where required, responsibility for the maintenance of Board properties, in accordance with the Board's agreed capital programme

HEAD OF HUMAN RESOURCES THE HIGHLAND COUNCIL

The following matter is delegated to the Head of Human Resources, The Highland Council:

1. Acting as the Board's Personnel Adviser