

Agenda Item	20
Report No	HC/41/13

5 September 2013

SCHEME OF DELEGATION AND ADMINISTRATION TO COMMITTEES AND SUB COMMITTEES AND TO OFFICERS

Report by the Assistant Chief Executive

Summary

This report outlines proposals for amendment to the Council's Scheme of Delegation and Administration to Committees and Sub Committees and to Officers. Annual Review of the Scheme is a requirement of the Council's Code of Corporate Governance.

1. Main Amendments

The main changes to the Scheme – which are highlighted below – are in relation to:

- Part III – Functions Referred/Powers Duties Delegated
(<http://www.highland.gov.uk/yourcouncil/committees/committeeinformation/scHEMEofdelegation/sd-part-3.htm>)
- Part IV – Powers Delegated to Officers
(<http://www.highland.gov.uk/yourcouncil/committees/committeeinformation/scHEMEofdelegation/sd-part-iv.htm>)

1.1 Part III – Functions Referred/Powers and Duties Delegated

City/Area Committees

Amend wording as follows –

Para 2.11 -

Current Version – To agree Development Briefs and Master Plans relating to sites and areas within the City/Area.

Proposed Version – *To consider the content of and approve Development Briefs and Master Plans (with the exception of those prepared as Statutory Supplementary Guidance) relating to land within their geographic area. In the case of Development Briefs and Master Plans relating to land within their geographic area and prepared as Statutory Supplementary Guidance, to consider their content and recommend them to the Planning, Environment and Development Committee for adoption.*

Para 2.12 –

Current Version – To monitor progress of Local Development Plans and submit representations to the Planning, Environment and Development Committee.

Proposed Version – *To monitor progress in the implementation of Local Development Plans in general, consider the content of Local Development Plans*

applicable to their geographic area that are being prepared or reviewed in accordance with the Development Plans Scheme and submit representations and recommendations on those Local Development Plans to the Planning, Environment and Development Committee.

1.2 Part IV - Powers Delegated to Officers

Delegated Powers for all Directors

Contracts

Amend wording as follows -

Current Version – Power to tender for contract work in consultation with the Depute Chief Executive and Director of Finance, pursuant to the Local Authorities (Goods and Services) Act 1970 or under other relevant powers.

Proposed Version – *Power to tender for contract work in consultation with the Director of Finance, pursuant to the Local Authorities (Goods and Services) Act 1970 or under other relevant powers.*

Chief Executive's Office – Non Statutory Powers

Anti-Social Behaviour etc (Scotland) Act 2004, Part 8 (Registration of Landlords)

Include wording as follows –

To revoke rent penalty notices under Section 95 where satisfied that the conditions for service specified in Section 94 are no longer met and to refuse applications for revocation of rent penalty notices where satisfied that those conditions still apply – delegated to Head of Legal & Democratic Services, Legal Manager (Regulatory Services) and Officers designated by them.

Legal and Democratic Services

Include wording as follows –

To agree the naming of buildings and streets within the Council's control in conjunction with Local Members where time does not permit submission to an Area Committee meeting – delegated to Corporate Manager/Ward Managers.

Housing and Property Service

Property Services

Amend wording as follows -

Current Version – To act as the Council's Project Manager in relation to contracts relating to the built environment entered into by the Council.

Proposed Version – *To act as the Council's Project Manager in relation to building construction works, as prescribed by Contract Standing Orders, entered into by the Council.*

Current Version – To appoint consultants and contractors below the prescribed limit set out in Contract Standing Orders for projects relating to the built environment.

Proposed Version – *To appoint consultants and contractors involved in building construction works as prescribed by Contract Standing Orders.*

Current Version – To approve, negotiate and undertake by disposal, sale, lease, assignation, sub-letting, lease surrender, licence or excambion of General Fund property interests up to a value not exceeding £200,000 or £25,000 pa subject to demonstrating the asset is surplus to the operational requirements of Highland Council services and further subject to the sale price/rent not being below market value and consultation with the Ward Members (or industrial and investment properties only).

Proposed Version – *In order to release the Council from their interests in land and property to approve, negotiate and undertake by disposal, sale, lease surrender, assignation or excambion of General Fund property interests up to a value not exceeding £250,000 subject to demonstrating the asset is surplus to the operational requirements of Highland Council services and further subject to the sale price not being below market value and after consultation with Local Members (for industrial and investment properties only).*

Current Version – To acquire or lease assets up to a value of £100,000 for acquisitions or £15,000 pa for leases, subject to consultation with Ward Members (for industrial and investment properties only).

Proposed Version – *To acquire or lease assets up to a value of £150,000 for acquisitions or £15,000 pa for leases, after consultation with Local Members (for industrial and investment properties only).*

Current Version – To lease and dispose of land and property at below market value with a value of up to £10,000 or less where the marginal difference between the proposed price and the best consideration price is 25% or less, subject to a maximum marginal difference of £10,000 (after consultation with Ward Members)(for industrial and investment properties only).

Proposed Version – *To dispose of land and property at below market value where the marginal difference between the proposed price and the best consideration price is 25% or less, subject to a maximum marginal difference of £10,000 after consultation with Ward Members (for industrial and investment and commercial element of HRA properties only).*

To lease land and property at below market value with a value up to £30,000 or less where the marginal difference between the proposed price and the best consideration price is 25% or less after consultation with Ward Members (for industrial and investment properties only).

Housing

Include wording as follows –

To acquire property or land up to a value of £150k using HRA funding for the delivery of new Council housing, subject to consultation with Ward Members – delegated to Head of Property Partnerships.

Transport, Environmental and Community Services

Include wording as follows –

To appoint contractors involved in infrastructure construction contracts as defined in Contract Standing Orders – delegated to the Director of Transport, Environmental and Community Services.

2. Other Administrative Changes

2.1 A number of minor administrative changes have also been made to remove duplication and to clarify existing arrangements.

3. Implications Arising from the Report

3.1 There are no resource, legal, climate change/carbon clever, equalities or risk implications arising from these proposals.

Recommendation

The Council is asked to approve the proposed amendments to the Scheme of Delegation and Administration to Committees and Sub Committees and to Officers as detailed and to note that amended pages will be circulated to all Members following the meeting.

Designation: Assistant Chief Executive

Date: 23 August 2013