

THE HIGHLAND COUNCIL

6 September 2018

Agenda Item	20
Report No	HC/36/18

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

Report by the Head of Corporate Governance

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.

The link to the current version of the Scheme of Delegation is highlighted below –

https://www.highland.gov.uk/downloads/file/16903/scheme_of_delegation

Recommendation

The Council is invited to agree the proposed changes to the Scheme of Delegation as detailed in this report.

1. Main Amendments

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

Part II – Terms of Reference of Headquarters Committees

Part III – Functions Referred/Powers and Duties Delegated to Planning Application Committees, Highland Licensing Committee, Planning Review Body, City of Inverness Area Committee, Local Committees and Joint Committees from the Council and Headquarters Committees.

Part IV – Powers Delegated to Officers.

Part II – Terms of Reference of Headquarters Committees

Audit & Scrutiny Committee

Amend wording as follows -

Current Version – to perform a scrutiny role through the provision of a work plan for the Council's approval and to deal with matters referred by the Council for scrutiny purposes.

Proposed Version – to perform a scrutiny role through the *work of the Committee* and to deal with matters referred by the Council for scrutiny purposes.

Current Version – to identify any special investigations required in relation to matters of particular concern relating to internal controls and value for money.

Proposed Version – to identify any special investigations required in relation to matters of particular concern relating to internal controls, *risk management, corporate governance or value for money*.

Current Version – to deal with matters referred to the Committee by the Council or Strategic Committees for scrutiny purposes in relation to internal controls or value for money.

Proposed Version – to deal with matters referred to the Committee by the Council or Strategic Committees for scrutiny purposes in relation to internal controls, *risk management, corporate governance or value for money*.

Pensions Committee

Include wording as follows –

To approve the annual Audit Plan and consider the programme of internal audit work during the year.

To consider (for its interests) the outcomes and action plan arising from internal audit reports together with assurance that audit recommendations are satisfactorily implemented.

To consider the annual Action Plan produced by the External Auditor in respect of the

Pension Fund.

To consider (for its interests) the management and audit reports produced by the External Auditor.

Part III – Functions Referred/Powers and Duties Delegated

Highland Licensing Committee

Amend wording as follows –

Current Version – To consider and determine applications for licences, relaxations and exemptions and to make rent suspension orders under Part 5 of the 2006 Act.

Proposed Version – To consider and determine applications for licences, relaxations and exemptions and to *refuse to revoke rent suspension orders* under Part 5 of the 2006 Act.

Local/City Committees

Amend wording as follows –

Current Version – To ensure that all local decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers.

Proposed Version – To ensure that all local decisions taken are within the terms of the legislation governing the work of the Council, the approved Scheme of Delegation to Committee and Officers *and the Council's Financial Regulations*.

Include wording as follows –

To approve any changes to local Parking Services, including introducing and varying charges, commissioning new car park provision and increasing or reducing the local service – all in accordance with the Council's Parking Policy, approach to engagement and the disaggregated budget for car parking.

Part IV – Powers Delegated to Officers

Chief Executive's Office – Non Statutory Powers

Housing (Scotland) Act 2006 – Part 5

Include 'Solicitor (Regulatory Services)' in the delegation to Officers column.

Also **include** the following wording –

Section 144 – to make rent suspension orders, in consultation with the Chair or Vice Chair of the Highland Licensing Committee, in respect of properties which are not licensed as HMO (Houses in Multiple Occupation) but which have been identified by the Environmental Health Service as being occupied as HMO.

Development & Infrastructure

Miscellaneous/Non-Statutory Powers – Property

Current Version – To approve any sales or leases which fall under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 after consultation with Ward Members.

Proposed Version – To approve the disposal of land and property at below market value where either the best consideration that can reasonably be obtained is less than £10,000 (i.e. the threshold amount) or the difference between the proposed price and the best consideration price (i.e. the marginal amount) is 25% or less, subject to a maximum marginal difference of £10,000 after consultation with Ward Members (for General Fund Property).

2. Other Administrative Changes

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

3. Implications Arising from the Report

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

Designation: Stewart Fraser, Head of Corporate Governance

Date: 21 August 2018