



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

**SUBJECT: REVIEW OF COUNCIL'S CONSTITUTIONAL DOCUMENTS –
SCHEME OF DELEGATION**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 To invite the Council to approve changes to Council's Scheme of Delegation as detailed in Section 4 of the report.
- 1.2 This report is submitted to Council in terms of Section II (15) of the Council's Administrative Scheme relating to the formulation, review and amendment of the Administrative Scheme and Standing Orders.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council consider and approve the proposed changes to the Council's Scheme of Delegation, as set out in Appendix I.**

3. BACKGROUND

- 3.1 The Council's Scheme of Delegation, part of its [Constitutional documents](#), was last reviewed on 21 February 2020.
- 3.1 The Scheme requires a routine update to show changes in legislation and names and to reflect the transfer of oversight of Children's Services to the Moray Integration Joint Board. These changes are detailed at paragraph 4.1 below.

4. PROPOSALS

- 4.1 Amendments to the Council's Scheme of Delegation are as detailed in the table below and can be seen as tracked on **Appendix 1**.

Delegation No	Amendment	Reason
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1 (11) and (13)	Change reference from 'Convener' to Depute Leader	To reflect decision of Moray Council taken on 10 August 2022
2 (1)	Change reference from 'Convener' to Depute Leader	As above
2 (2)	Remove word "temporarily"	For a consistency with the following paragraph (3)
2 (11)	Change reference from 'Convener' to Depute Leader Insert word 'Political' before Group Leaders	As above For clarity
3 (d) (i)	Change reference from Head of Governance, Strategy and Performance to Chief Financial Officer	To clarify the officer responsible
4 (1) (ii)	Include additional wording "This includes authority to incur expenditure proportionate to the emergency and necessary to ensure implementation of such action."	Added to clarify delegated authority to incur expenditure and limits to this.
5 (4)	Change reference from 'Convener' to Depute Leader	As above
5 (10)	Remove "within the terms of the general provisions of the Scheme of Delegation" and replace with "within the terms of paragraph 1 (6) (f) above"	Clarity on operation of para 5 (10)
6 – Fourth Bullet Point	Amend service area description to read Human Resources, ICT (Information Computer Technology) and Organisational Development	To reflect proper service area description.
6 – Depute Chief Executive delegation	Amend the wording to specific Depute Chief Executive.	
8 (17)	Addition of Short Term Let Licence	Additional responsibility
8 (30)	Remove reference to Records Management	Delegation now under Head of Governance, Strategy and Performance
8 (32)	Amend committee title references to read 'Education, Children's and Leisure Services Committee and Corporate Committee' accordingly	To reflect correct committee title.
9 (23)	Insert new 23 ' To meet the Council's statutory obligations for Records Management and Data Protection'	To clarify the officer responsible See 8(30) above.

9 (31)	Delegation now sits with Chief Financial Officer	To clarify the officer responsible See 15 (4) below.
9 (33)	Delegation now sits with Chief Financial Officer	To clarify the officer responsible See 15 (5) below.
9 (34)	Insert new delegation' To ensure suitable printing, scanning and copying arrangements are in place for council services.	To clarify the officer responsible, previously unspecified.
10	Amend heading to read ' HUMAN RESOURCES (HR) INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) AND ORGANISATIONAL DEVELOPMENT'	To reflect updated service area description
10 (1) and (11)	Amend Committee title reference to read 'Corporate Committee'	To reflect correct committee title
10 (12)	Amend reference to Head of Financial Services to read ' Chief Financial Officer'	To clarify the officer responsible
10 (18)	Amend reference to Corporate Director to read ' Depute Chief Executive'	To clarify the officer responsible
10 (24)	Remove	Repeat of 10 (12)
New 10 (24)	Insert new 10 (24) to read ' To authorise the arrestment of wages in respect of employees of the Council	Previously delegated to Chief Financial Officer (15(7))
New 10 (25)	Insert new 10 (25) to read ' Implement nationally agreed pay awards for Council staff and allowances for Councillors'	Previously delegated to Chief Financial Officer (15(13))
11 (1)	Add fourth bullet point 'Financial Services'	To clarify all areas of responsibility
12 (19)	Amend committee title reference to read ' Housing and Community Safety Committee'	To reflect correct committee title
Heading between 12 (43) and (44)	Amend heading to read 'Gypsy/Traveller Communities'	To reflect current Scottish Government terminology
12 (45)	Add 'Chief Financial Officer' to list of consultees	
12 (53)	Amend value £50,000 to read £250,000 and value £5,000 to read £25,000	To accurately reflect current values for ordinary acquisitions of housing or land within budget.
13 (12)	Insert new (12) to read 'Manage and implement the requirements of the Transport (Scotland) Act 2020	To reflect legislative update

13 (19)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
13 (24)	Remove delegation relation to school crossing patrols	Following previous budget decision Council no longer employs school crossing patrollers
13 (31)	Wording amended to remove reference to EU directives	No longer relevant
13 (35)	Insert new delegation to read 'to maintain a rota of senior managers to act as Emergency Response Coordinators, authorised to take such necessary actions to respond appropriately to an emergency situation.'	To reflect current practice.
13 (37)	Include delegation to Head of Housing and Property Services	
13 (38)	Include delegation to Head of Housing and Property Services	
14 (27)	Amend section name to Economic Growth and Development	Change to reflect organisation structure
14 (34)	Amend section name to Development Management and Strategic Planning and Development	Change to reflect organisation structure
14 (51)	Move delegation to Strategic Planning and Development and Economic Growth and Regeneration	Change to reflect organisation structure
15 (2)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
15 (4)	Insert new delegation to read 'To determine applications for discretionary rates relief from applicants where the organisation meets the statutory regulations and falls within the conditions agreed by Council'	To clarify the officer responsible Delegation formerly with Head of Governance, Strategy and Performance – See 9(31) above
15 (5)	Insert new delegation to read 'To ensure the levying, collection and recovery of arrears of: <ul style="list-style-type: none"> • Council Tax in accordance with Section 97 of the Local Government Finance Act 1992 and any subsequent amendments/regulations. • Non Domestic Rates in accordance with Local 	To clarify the officer responsible Delegation formerly with Head of Governance, Strategy and Performance – See 9(33) above

	<p>Government Finance Act 1988 and any subsequent amendments/regulations.</p> <ul style="list-style-type: none"> • Business Improvement District levy under the Planning etc. (Scotland) Act 2006 and any subsequent amendments/regulations.' 	
15 (7)	Remove delegation	Delegation now sits with Head of HR, ICT and OD – see new 10 (24) above
15 (13)	Remove delegation	Delegation now sits with Head of HR, ICT and OD – see new 10 (25) above
15 (14)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
15 (17)	Amend consultation to Political Group Leaders and update Committee name.	
15 (18)	Insert new delegation to read 'Approve the engagement of consultants if the estimated cost is less than £25,000	To match financial regulations
16 - intro	Insert 'shall direct and' into the first sentence and remove subsequent bullet points.	To reflect the statutory delegation of Children's Services to MIJB
16 intro	Amend explanation in relation to delegations regarding Adult and Children's services as to read as follows remove - Where delegations are granted in relation to Adult Services these relate to functions for those of 18 years and over; and where they are granted in relation to Children's Services, they relate to functions for those under 18 years of age and replace with – The delegations to Officers below are given subject to this framework.	For clarification due to the post titles of Head of Adult/Head of Children's Services no longer exists and to provide simplified wording to explain the difference between adults and children in the context of these services
16 ((4) – (8), (26) – (29) and (40 – 91)	Amend references throughout from Head of Service (MIJB)/Children's Services and Head of Children's Services to read 'Head of Service (MIJB)'	For clarification as post title Head of Children's Services no longer exists.

16 (48)	Amend committee title references to read 'Education, Children's and Leisure Services Committee and Corporate Committee' accordingly	To reflect correct committee titles
16 (86)	Insert new delegation to read 'In consultation with the Head of Governance, Strategy and Performance to pay reasonable legal expenses in relation to contested adoptions.'	To match policy agreed by Council.
Appendix 1	Insert 'Animal Health and Welfare (Scotland) Act 2006 – Sections 32A-32M – Authorisation of legal persons	Amendment to the Animal Health and Welfare (Scotland) Act 2006 by the Animals and Wildlife (Penalties, Protections and Powers) Act 202, which came into force on 30 Sep 21.
Appendix 2	Insert ' Copyright, Designs and Patents Act 1988'	Trading standards require to enforcer parts of this act.
Please note that all paragraph numbering will be amended automatically in the final document to reflect any removal or additions.		

5. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Effective governance arrangements are key to the development and delivery of the Council's stated priorities and plans.

(b) Policy and Legal

Provision of Standing Orders ensures that the Council's affairs are administered in accordance with the law, propriety and proper standards.

(c) Financial implications

None.

(d) Risk Implications

Updated constitutional documents help to promote good governance and reduce the chance of a successful challenge to Council decisions.

(e) Staffing Implications

The proposed amendments can be accommodated within existing staff resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no direct impacts as the Council's constitutional documents regulate the Council's internal procedures only.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The review of the Scheme of Delegation reflects previous committee decisions and legislative changes. Consultation on the Scheme has been undertaken with the Corporate Management Team.

6. CONCLUSION

6.1 The annual review of the Council's Scheme of Delegation has resulted in a number of changes being identified and the Scheme has been redrafted accordingly. The Council is asked to approve the amendments.

Author of Report: Head of Governance, Strategy and Performance and
Democratic Services Manager

Background Papers:

Ref: