

# **SCHEME OF DELEGATION**

## **GENERAL TERMS**

1. (1) The position of the Assessor is unlike other Heads of Department in Local Authority service. The Assessor has in the area served by the Board, a statutory responsibility for carrying out the professional functions associated with the maintenance of the Valuation Roll and Council Tax List and, by agreement with the four constituent authorities, also maintains the Electoral Register. Thus, with regard to the Valuation Roll and Council Tax List, the powers of the Assessor come directly from statute and are not delegated by the Board.
- (2) Subject to Standing Orders, after the Board has set the budget for the Assessor, it delegates the discharge of the functions contained in this Scheme to the Assessor or appropriate Board officers. The scheme of delegation is carried out under Section 50 G (2) of the Act of 1973. However, the following rules apply to delegation.

## **POLICY**

2. Delegated authority must be used according to the policy and Standing Orders of the Board.

## **INTERPRETING POLICY**

3. If any question arises as to whether a decision taken by or action authorised by the Assessor or a Board officer sets up or alters Board policy on any matter, it will be decided by the Chief Executive and Clerk in consultation with the Convener. The determination of all policy will remain at all times with the Board

## **DISPUTES**

4. The Chief Executive and Clerk, in consultation with the Convener, will decide on all disputes on whether an issue is delegated to a particular officer.

## **POLITICALLY CONTROVERSIAL**

5. Items which may be politically controversial shall be excluded from delegation to the Board officials. The appropriate officer, in consultation with the Convener or, in his/her absence, a Vice-Convener, shall decide if an issue is politically controversial and consequently is outwith the terms of delegation to the officer.

## **CONFLICT OF INTEREST**

6. (1) Where an applicant for a Board service, except for services available to the general public for which the Board has a set fee, is a Member or an employee, the officer within whose delegated authority it is to determine the application shall only exercise that authority after consulting with the Chief Executive and Clerk who may, if he/she considers it appropriate, require the officer to refer the application to the Board for determination.
- (2) Where an applicant for employment with the Board is related to a Member, that officer within whose delegated authority it is to make the appointment to the post in question, shall only exercise that authority after consulting with the Chief Executive and Clerk who may, if he/she considers it appropriate, require the officer to refer the appointment to the Board for decision.

## **LOCAL MEMBERS**

7. (1) Officers shall, in exercising the authority delegated to them, ensure that they consult local members where it appears to the officer that a proposed decision or action is likely to affect directly the constituency interests of a local member or members provided always that this requirement shall not apply to proposed decisions or actions which are of general effect throughout the Board's area.
- (2) Where a local member objects to the proposed decision of the official, then the matter must be submitted to the Board for decision.

## **REPORTS**

8. Reports will be submitted to the Board on substantive decisions taken and actions authorised under delegated authority. These will be in the form and under the arrangements set up by the Chief Executive and Clerk.

## **APPOINTMENT OF ACTING ASSESSOR**

9. The Chief Executive of the Board can appoint an acting Assessor from the staff of the Assessor's Office when the Assessor is absent for a long time or the post is vacant.

## **DEPUTES AND OTHER OFFICERS**

10. (1) If the Assessor is absent his Depute or Deputies can use the authority delegated to the Assessor. The Assessor can arrange for the Depute or Deputies or other senior officers in their office to use their delegated powers, unless they cannot do so by law or because of this Schedule.
- (2) The Assessor may arrange for the discharge of any of his delegated functions in question by a member of his staff.

## **QUALIFICATION OF DELEGATIONS**

11. The Scheme of Delegation to officers as set out in the following section is subject always to appropriate provisions for financial outlays having been made in the Estimates for the current year.

## **PROPER OFFICER**

12. Each officer is the “proper officer” responsible for compiling lists of background papers for reports which he has prepared and which members of the public can inspect under Section 50D of the Act of 1973.

## **PARTICULAR DELEGATIONS**

13. Subject to the general terms already set out, all other matters on running the service are delegated to the Assessor and Board officers, including the following:

## **CHIEF EXECUTIVE AND CLERK**

14.
  - (1) Deciding on members’ rights of access to Board documents which disclose “exempt information” (Section 50(F)(2) of the Local Government (Access to Information) Act 1985).
  - (2) Acting as “proper officer” to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989).
  - (3) Meetings and proceedings of the Board (Section 43 of the Act of 1973).
  - (4) Authenticating documents (Section 193 of the Act of 1973).
  - (5) Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973).
  - (6) 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).

## **TREASURER**

15.
  - (1) Establishing a financial framework, including Financial Regulations, which provide for effective managerial control and review; and satisfactory monitoring and reporting procedures.
  - (2) Establishing proper arrangements in respect of Treasury Management, Pensions, Trust Funds and the safeguarding of assets including risk management and insurance.

- (3) Creating or closing any bank accounts on behalf of the Board.
- (4) Claims in sequestrations and liquidations (Section 191 of the Act of 1973).
- (5) Reviewing the financial limits given in Standing Orders or Financial Regulations every year, in line with the relevant inflation indices.
- (6) Carry out the Board's Treasury Management in accordance with the approved Treasury Policy Statement. The Board is responsible for setting up and monitoring the management system.
- (7) Other than Superannuation Fund monies controlling, where practical, all Board money added together for Treasury Management.
- (8) Exercising all executive decisions on the approved treasury management activities. Staff will all act according to CIPFA's "Code for Treasury Management in Local Authorities".
- (9) Exercising all borrowing and lending that the Board needs in accordance with the Treasury Policy Statement. Any document or agreement which relates to, is the security for, confirms the existence of or is a receipt for any loan/lease arranged under the terms of the Treasury Policy Statement will be signed by those people who are nominated by the Board to sign cheques. Mortgage deeds in the name of Board will be signed and sealed according to Section 194 of the Local Government (Scotland) Act 1973, as amended.
- (10) Using any suitable banking and advisory services and deciding on specific purchases and sales of stocks, shares or any other allowable investments as long as the Treasurer takes the appropriate advice where necessary.

## **SOLICITOR**

16. (1) Carrying out legal procedures necessary to implementing any matters delegated to the Assessor or Board officers other than those associated with the Assessor's statutory functions.
- (2) Accepting delivery of legal proceedings served on the Board (Section 190 of the Act of 1973).
- (3) Claims in sequestrations and liquidations (Section 191 of the Act of 1973).
- (4) Authenticating documents (Section 193 of the Act of 1973).
- (5) Executing Deeds and Use of Seal (Section 194 of the Act of 1973, as amended).
- (6) Signing missives and other conveyancing documents and signing notices and orders about compulsory purchase orders.

- (7) Accepting tenders.
- (8) Starting and defending legal proceedings when suitable.
- (9) Settling actions and claims.
- (10) Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable.
- (11) Obtaining counsel's opinion.
- (12) Engaging counsel.

## **ASSESSOR**

### **INTRODUCTION**

17. (1) The following non-statutory functions are delegated to the Assessor and Depute including any officers acting in either capacity from time to time. In exercising any delegated function, the nominated officer will take account of any appropriate departmental practice or procedure, of any managerial instruction given and of any similar consideration.
- (2) The Assessor or Depute is authorised:-
- (i) to expend the approved budget;
  - (ii) to take measures as may be required in emergency situations subject to advising the appropriate Convener and/or Vice Convener and/or local member where possible and reporting to the Board as soon as possible thereafter, on any items for which Board approval would normally be necessary;
  - (iii) to absent himself or herself or permit any member of his or her staff to absent himself or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of his duties to the Board;
  - (iv) to sign and to issue:-
    - the necessary authorisation to officers of the Board to exercise statutory powers (including, where possible, the right to enter land and premises in connection with the discharge of their duties) and
    - identity cards.

- (v) to nominate officers to act in relation to powers of entry in terms of any relevant enactment.
- (vi) to make appointments within his or her Office, to all posts below second tier level so long as such posts are within the approved establishment;
- (vii) to deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending actions raised against them personally, providing:-
  - that they were acting within the course of their employment;
  - in accordance with Board/office procedures; and
  - in good faith.
- (viii) to pay valid claims for damage to, or loss of, personal property of employees in his or her office occurring during the course of their employment, up to an amount of £150 per claim for any one incident; and to pay claims in excess of £150 after consultation with the Clerk;
- (ix) to approve the provision of reasonable hospitality within or outwith the area, to representatives of other authorities, organisations, officers of the Board or others and also within the UK to make visits and to authorise officers within his or her office to make visits as representatives of the Board, subject always to details of the expenses incurred in terms of this delegation being made available where requested by the Clerk or Treasurer to the Board;
- (x) to approve attendance at conferences within the UK of officers in cases where he or she considers it to be in the interest of the Board;
- (xi) to vire between budget heads within Revenue Budget.
- (xii) to terminate on behalf of the Board any contract which the Board is entitled to terminate under the appropriate conditions of contract where, after consultation with the Clerk to the Board, he or she is satisfied that it is in the interest of the Board to do so;
- (xiii) to appoint consultants and other specialists on such terms and conditions as might be appropriate within the approved budget;
- (xiv) to engage private legal firms for Court and other legal work if and when he or she may consider this to be necessary;
- (xv) to engage Counsel for Court of Session and other business as and when he or she may consider it necessary;

- (xvi) to initiate, enter, defend or withdraw from judicial or quasi-judicial proceedings in connection with his or her function as Assessor.
- (xvii) to conduct disciplinary proceedings for employees under the Board's approved disciplinary procedures;
- (xviii) to authorise employees attendance at training courses, conferences, seminars and working groups necessary to their work development;
- (xix) in relation to staffing matters, to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Board. The terms of such Circulars shall be reported to the Board for information. Where there is a choice of action, the Circular must be referred to the Board;
- (xx) to approve appointments of temporary staff when considered necessary, where budgetary provisions exist;
- (xxi) to sanction the payment of overtime where appropriate;
- (xxii) to decide the following personnel matters:-
  - special leave, secondment or leave to work or visit abroad;
  - extending service beyond normal retirement age;
  - extending sickness allowance;
  - recovery of maternity pay;
  - closing down early for the festive season;
  - attendance of outside organisations at training courses;
  - approving leave of absence for employees to undertake courses of further education;
- (xxiii) to determine request for regradings from members of staff;
- (xxiv) to make minor changes in staff structure or gradings provided that these stay within the approved budget;
- (xxv) to approve changes in post designations where there is no change in salary grade:
  - to approve initial placing within approved salary scales and

- to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice;
- (xxvi) to purchase supplies and services in accordance with any Financial Regulations determined by the Board;
- (xxvii) to promote, market and present events;
- (xxviii) to apply regulations relative to the use of Board facilities to ensure safety for staff and members of the public, including the authority to close or restrict the use of facilities as required;
- (xxix) to set charges, rents and fees to ensure budgetary provisions are met;
- (xxx) to approve applications for car loans administered through agreement with The City of Edinburgh Council;
- (xxxi) to operate a car leasing scheme with the approval of the Board.