
Report To:	The Inverclyde Council	Date:	17 February 2022
Report By:	Interim Director Finance & Corporate Governance	Report No:	LS/022/22
Contact Officer:	Alan Puckrin	Contact No:	01475 717210
Subject:	Review of Governance Documents (Standing Orders relating to Contracts, Financial Regulations, Scheme of Delegation and Standing Orders/Scheme of Administration)		

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval regarding a number of proposed changes to the Council's key governance documents.

2.0 SUMMARY

- 2.1 It is a core requirement of the Council's governance process that key governance documents are reviewed on a regular basis. Whilst the COVID-19 pandemic has resulted in a delay in the scheduled review this has also afforded officers the opportunity to take account of any changes in working practices which may have arisen as a response to the pandemic.
- 2.2 Following a detailed review by a cross service senior officer group the Corporate Management Team has reviewed (i) the Financial Regulations, (ii) the Standing Orders relating to Contracts, (iii) the Scheme of Delegation and (iv) the Standing Orders and Scheme of Administration. In line with previous practice the Audit Committee has also reviewed the revised Financial Regulations and Standing Orders relating to Contracts, and was supportive of the proposed changes.
- 2.3 Section 5 of the report highlights the main changes to the Standing Orders relating to Contracts which are also summarised in Appendix 1. There are limited changes proposed to the Financial Regulations with a smaller table in Appendix 2. The revised documents are set out in Appendix 3 and 4 respectively.
- 2.4 Section 6 of the report highlights the main changes to (i) the Standing Orders and Scheme of Administration and (ii) the Scheme of Delegation. Summaries of the main changes to both documents are provided in Appendix 5 and 6 with the revised documents shown in full in Appendix 7 and 8.
- 2.5 Arising from a proposed increase in the number of Members on the Local Review Body, it is necessary to appoint two new members to the Local Review Body.
- 2.6 The Corporate Management Team has reviewed the proposed changes and is supportive of the proposals.

3.0 RECOMMENDATIONS

3.1 It is recommended that:

- (1) The Council review the changes proposed to the Council's Financial Regulations and Standing Orders relating to Contracts as set out in Appendix 3 and 4 to the report and the Standing Orders and Scheme of Administration and Scheme of Delegation set out in Appendix 7 and 8.
- (2) The Council approve the changes to the key governance documents referred to in section 3.1 (1) with effect from 1 March 2022;
- (3) The Council appoint two new Members to the Local Review Body should the proposed change to its number of members be approved.

Iain Strachan
Head of Legal & Democratic Services

4.0 BACKGROUND

- 4.1 It is a core requirement of the Council's governance arrangements that its key governance documents are reviewed on a regular basis. As a result of the COVID-19 pandemic there has been a delay in the scheduled review, however this has had the benefit of affording the opportunity to factor in changes to current working practices occasioned as a result of the pandemic.
- 4.2 The Council on 28 October 2021 approved the continuation of the interim management structure within the Environment, Regeneration & Resources Directorate for the period to April 2023. As such, the Scheme of Delegation (Officers) has been amended accordingly to take account of these changes and updated to incorporate other necessary changes and delegations required since the previous review in June 2018.
- 4.3 The opportunity has also been taken to incorporate proposed changes to the membership and quorum of the Local Review Body (LRB). It is proposed that the Council appoint nine Members to the LRB, rather than seven Members. It is for the Planning Authority to determine membership of the LRB and administrative arrangements to support the review process are not stipulated in the relevant regulations. In order to be eligible members of the LRB require to have undertaken the necessary training in relation to planning issues. In order to minimise disruption to the Council in its final months it is proposed that two members are appointed from those members of the Planning Board who do not already sit on the LRB, should they wish to accept appointment. As the LRB is a quasi-judicial body it is proposed that there is no requirement to consider issues of political balance in relation to these appointments.

5.0 CHANGES PROPOSED

- 5.1 The proposed revisions to the Council's Standing Orders relating to Contracts are detailed in the summary table attached as Appendix 1, with the main proposed changes highlighted. A clean version of the document is attached as Appendix 3.
- 5.2 Along with minor updates to job titles and revisions to reflect previous Committee decisions, the main proposed amendments to the Council's Standing Orders relating to Contracts include revisions reflecting the following:
 - The UK's exit from the EU and the effect of this on procurement procedures with the Public Contracts (Scotland) Regulations now being the principal procurement legislation that all contracts must comply with;
 - A proposed increase, at new Standing Order 8, to the Quick Quote thresholds for supplies and services (from £25,000 to £50,000) and works (from £100,000 to £250,000);
 - A proposed increase, at new Standing Order 20, to the tender acceptance levels with delegated authority to the Head of Legal & Democratic Services to accept tenders with a value of up to £1M (increased from £500,000). Any tenders with a value of more than £1M (increased from £500,000) require to be accepted by Committee; and
 - A proposal to include Health & Social Care contracts within the Standing Orders.
- 5.3 Subject to approval, it is proposed that the revised Standing Orders relating to Contracts are adopted with effect from 1 March 2022.
- 5.4 The proposed revisions to the Financial Regulations are less numerous but include changes to ensure regulations "read across" to the Standing Orders relating to Contracts. Appendix 2 provides a summary table of the main changes with a clean version of the proposed regulations attached at Appendix 4.

- 5.5 Subject to approval it is proposed that the revised Financial Regulations are adopted with effect from 1 March 2022.
- 5.6 The proposed revisions to the Council's Standing Orders and Scheme of Administration are detailed in a summary table attached as Appendix 5. A clean version of the document is attached at Appendix 7.
- 5.7 There are few changes proposed to the Standing Orders which apply to meetings of the Council and its Committees. In the main the changes which have been proposed are intended to reflect the current circumstances whereby meetings of the Council and its Committees and Sub-Committees have taken place remotely or on a hybrid model. The changes to the Standing Orders include revisions reflecting the following:
- Clarification that a virtual and hybrid meeting satisfy Standing Order 4 for the Council and Committees in relation to the place at which a meeting is held;
 - That voting at meetings of the Council and its Committees shall be by roll call vote;
 - A proposed increase in the membership of the Local Review Body from 7 to 9 Members with corresponding change to the quorum which shall now be 5 rather than 4;
 - A proposed change to the Standing Order regarding substitution in order to confirm that this continues to apply should an item of business be continued to a future date;
- 5.8 Proposed changes to the Scheme of Administration are designed to reflect the current delegations of the Council's various Committees and proposed changes are highlighted in the Summary attached at Appendix 5.
- 5.9 In relation to the review of the Scheme of Delegation changes are proposed to reflect the interim senior management structure currently in place and to ensure that each directorate has the appropriate delegated authority to ensure the expeditious progress of the Council's business. A summary of the key changes is set out in Appendix 6 with the full version of the document produced in Appendix 8.

6.0 IMPLICATIONS

6.1 Finance

There are no financial implications directly arising from this report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

6.2 Legal

The legal implications are set out in the report. Legal Services will continue to work with Procurement and Property Services to support compliance with processes, the Standing Orders relating to Contracts and all relevant procurement legislation.

6.3 Human Resources

There are no HR implications arising from this report.

6.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

6.5 Repopulation

There are no repopulation issues arising from this report.

7.0 CONSULTATIONS

7.1 A cross service senior officer group of officers developed these proposals which are supported by the CMT. The Audit Committee have reviewed the revised Financial Regulations and Standing Orders relating to Contracts.

8.0 BACKGROUND PAPERS

8.1 None.

SUMMARY OF PROPOSED REVISIONS FROM REVISED STANDING ORDERS RELATING TO CONTRACTS – 2022

PAGE:	NEW SO REF:	SO TITLE:	PROPOSED CHANGE
n/a	n/a	n/a	Updated Index
n/a	n/a	n/a	Changes throughout the SOs to remove reference to the European Procurement Rules. Changes throughout the SOs to reflect up to date officer titles.
1	1.1	Definitions	Expanded and updated Definitions section to include new definitions of terms used throughout the SOs. Removal of reference to the European Procurement Rules.
2	2.0	Introduction	Change of title from "Preliminary Matters" to "Introduction"
2-3	2.1-2.4	Introduction	New SOs to reflect legislative basis of the SOs, definition of contract, the purpose of the SOs, ALEOs and requirement to seek Best Value.
3	2.5	Introduction	The removal of various EU procurement rule references. Reference now made to the legislative provisions that all contracts must comply with.
3	2.5(v) (was 2.5)	Introduction	Reference to contracts being subject to the Scheme of Delegation moved from old 2.5 to new 2.5(v)
4	3.1	Variation and Revocation	New SO to allow the Head of Legal & Democratic Services to vary the SOs in limited circumstances, with reporting of any changes to the next available meeting of the Council.
4	5.1	Review	Changed to state that SOs will be reviewed at least every 4 years, rather than 3, by the Head of Legal & Democratic Services.
4	6.1-6.3	Breach of SOs and/or Procurement Process	New SOs 6.1-6.3 setting out the process for reporting contravention or non-compliance with the SOs
5	7.1 and 7.2	Disaggregation	New SOs 7.1 and 7.2 on disaggregation to replace previous SO 6.3.
5	8.1	Excluded Contracts (Below Threshold Contracts/Quick Quotes)	Removal of references to materials to reflect updated legislation. A new proposed upper threshold for supplies and services quick quotes of £50,000 (increased from £25,000).

			<p>A new proposed upper threshold for works quick quotes of £250,000 (increased from £100,000).</p> <p>Raising the upper threshold for work quick quotes to £250,000 will improve opportunities for local businesses and SMEs to be successful in winning Council works contracts.</p> <p>Addition to clarify that the thresholds also apply to Health and Social Care Contracts.</p>
5	8.3	Excluded Contracts (Specific Exclusions)	<p>The removal of references to EU procurement rules.</p> <p>Addition of National Care Home Contracts to excluded contracts.</p> <p>Amendment to reference regarding contracts regarding the purchase of land and buildings. (Was 6.5)</p> <p>Removal of reference to excluded contracts including Health and Social Care Contracts (now included in SOs at new SO 11.)</p>
6	8.4	Framework and Exempt Collaborative Agreements	<p>Inclusion of participation in SCAPE Scotland and ESPO (Eastern Shires Purchasing Organisation) Frameworks as per 16/11/21 Policy and Resources Committee (SCAPE) and 14/1/21 Environment & Regeneration Committee (ESPO)</p>
6	8.6	Framework and Exempt Collaborative Agreements	<p>Deletion of previous SO 6.8 which provided that frameworks must be used and alternative procurement routes need approval.</p> <p>New SO 8.6 to reflect current position – officers will not automatically use a framework where available without also considering traditional procurement which should be captured through the procurement contract strategy process.</p>
7	9.0	Pre-Procurement Procedures	Change of SO Title.
7	9.3	Pre-Procurement Procedures	New SO to reflect the VAT position in respect of estimated values referred to in the SOs.
7	9.6	Pre-Procurement Procedures	New SO setting out requirement to check existing contract register before commencing a procurement exercise.
7	10.3 and (was 8.4)	Tendering Procedures – General	Deletion of references to non-electronic tenders.
7	11.0	Health and Social Care Services	New SO to ensure that the SOs apply to all Health and Social Care Services contracts with modifications to procedures set out in appendix 1.
9	19.2	Opening of Tenders	Revision to reflect decision of Inverclyde Council on 18 February 2021 to reflect the remote

9-10	20.3(i) and 20.3(ii)	Acceptance of Tenders	opening process. (Previously all tenders had to be opened in the presence of an officer within or acting on behalf of the procuring service and an officer within Legal Services). 20.3(i) – all tenders <£1million to be accepted by the Head of Legal & Democratic Services (increased from tenders <£500,000) 20.3(ii) – all tenders >£1million to be accepted by the Head of Legal & Democratic Services with committee approval (increased from tenders >£500,000)
10	20.4	Acceptance of Tenders	Revision to reflect 6 monthly reporting to committee of all contract awards (including direct awards), to be led by the Procurement Manager.
10	21.3	Register of Tenders	Revision – Register of Tenders now to be kept and maintained by the Procurement Manager rather than Head of Legal & Democratic Services.
11	22.0	Direct Contract Awards	The removal of references to EU Procurement Rules. The direct award process for all contracts, including Health and Social Care Contracts, is set out in the Procurement Manual.
11	22.3	Direct Contract Awards	Revised to reflect the following process for direct awards: - services and supplies below the Regulated Procurement Threshold (i.e. £50,000) need the approval of the Procurement Manager, CFO and Head of Legal; - works of up to £250K need Procurement Manager, CFO and Head of Legal approval; and - works between £250K to £2m and above need committee approval.
13	26.1	Framework and Non-Exempt Collaborative Agreements	Maximum period of participation in Framework or non-exempt collaborative agreements increased from 3 to 4 years. The usual length of such agreements is 4 years and ties in with SO review every 4 years.
14	30.0	Performance Bonds	Revised to reflect the practical application of the SO. Requirement for security now includes a formal parent guarantee or other sufficient security for the due performance of a contract. Increase in threshold of total contract sum for obtaining sufficient security increased from £500,000 to £1million.

APPENDIX 1

15	33.0	Technical Standards	The removal of reference to European industry standards. British and international standards still referred to.
17-18	Appendix 1	Procedures for Commissioning of Health and Social Care Services	<p>New appendix as referred to in SO11.0.</p> <p>These are the procedures which apply specifically to the procurement of Health and Social Care contracts, which are now subject to the SOs.</p> <p>For Direct Awards, the procedure set out in the Procurement Manual must be followed.</p>

SUMMARY OF PROPOSED REVISIONS FROM REVISED FINANCIAL REGULATIONS – 2022

PAGE:	NEW SO REF:	SO TITLE:	PROPOSED CHANGE
n/a	n/a	n/a	Updated Index
n/a	n/a	n/a	Changes throughout Financial Regulations to update Chief Officer Designations.
n/a	n/a	n/a	Throughout the document, updated Service from Legal & Property Services to Legal & Democratic Services
3	1.2	General Interpretation	New, added statutory meaning for Chief Financial Officer.
4	1.15	General Interpretation	New, included a statement re acceptance of email authorisation in absence of wet signature
8	4.3	Virement	Removed Service examples and updated definition for Service.
11	6.1	Procurement and Purchasing	Updated to read "purchase of goods, services and works".
11	6.6	Procurement and Purchasing	Removed reference to payment made by cheque.
12	6.10	Procurement and Purchasing	Threshold increased from £0.5 million to £1 million
12	6.12	Procurement and Purchasing	Updated to read Internal Council Services
12	6.16	Procurement and Purchasing	Updated to consult Chief Financial Officer and Head of Legal & Democratic Services.
16	8.5	Travel and Subsistence Allowances	Sentence added – Claims after this date may not automatically be paid
20	10.5	Capital Programme	Section replaced. Updated for cost of variations exceeding £50,000 or 20% whichever is the lower, the Chief Officer shall report to the relevant Committee.
20	10.7	Capital Programme	Section deleted

APPENDIX 2

24	13.7	Asset Register	Updated to include ICT equipment.
29	17.5	External Organisations	Matrix has been added to document.

Standing Orders Relating to Contracts



Inverclyde Council

**Standing Orders
Relating to Contracts**

Approved - ##### 2022

STANDING ORDERS RELATING TO CONTRACTS

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1.0 DEFINITIONS

1.1 In these Standing Orders relating to Contracts the following definitions and provisions shall apply:

“2014 Act” means the Procurement Reform (Scotland) Act 2014 (as amended);

“2015 Regulations” means the Public Contracts (Scotland) Regulations 2015 as amended by the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020;

“2016 Regulations” means the Procurement (Scotland) Regulations 2016;

“ALEO” means arm’s length external organisation used by the Council to deliver services e.g. Inverclyde Leisure and Riverside Inverclyde;

“Direct Award” means an award directly to a supplier without advertising or competition.

“Directors” shall include the Chief Executive and the Chief Officer of the Integration Joint Board;

“appropriate committee” shall mean the committee to which the procuring Service reports in terms of the Council’s Scheme of Administration;

“Best Value” means the legal duty to secure continuous improvement in the performance of the Council’s functions as set out in section 1 of the Local Government (Scotland) Act 2003 which requires the Council to attain an appropriate balance of quality and cost for any particular requirement having regard to efficiency, effectiveness, economy, equal opportunity requirements and sustainability;

“Emergency” shall be deemed to mean an actual or potential event involving or likely to involve any of the following:

(i) danger to life or health;

(ii) serious damage or destruction of property;

(iii) major financial penalties; or

(iv) significant unforeseen and unplanned financial consequences;

“Fair Work First” means the commitment by employers to investment in skills and training, no inappropriate use of zero hours contracts, action to tackle the gender pay gap, genuine workforce engagement, including with trade unions and payment of the Real Living Wage;

“Framework” means an overarching arrangement under which the terms and conditions are agreed, but where there is normally no commitment to subsequently place orders or call-off contracts;

“FTS” means Find a Tender Service, the new UK e-notification system which replaced requirements to advertise in the online journal of the EU;

“FTS Thresholds” means those thresholds (formerly referred to as EU thresholds) for the Council’s procurement requirements caught within the ambit of the 2015 Regulations: currently £213,477 for supplies and services and £5,336,937 in relation to works¹;

¹ These values changed on 1st January 2022 and shall change biennially thereafter

“FTS Contracts/ Procurements” means those procurements required to be advertised on FTS since they fall within the remit of the 2015 Regulations;

“General Duties” means (i) treating relevant economic operators equally and without discrimination, (ii) acting in a transparent and proportionate manner and (iii) complying with sustainable procurement duty set out in the 2014 Act

“Health and Social Care Services” means any of the services as defined by Regulation 12(1) and 13(1) of the 2014 Act, Regulations 74 to 76 and schedule 3 of the 2015 Regulations along with the associated schedule of the 2016 Regulations;

“other Specific Services” means the services listed in Schedule 3 to the 2015 Regulations excluding Health and Social Care Services;

“PCS” means Public Contracts Scotland and Public Contracts Scotland Tender being the advertising portal provided by the Scottish Government for the advertising of public contract opportunities;

“Procurement” means the process leading to the award of the of a public contract for the acquisition of services, supplies or work from an economic operator;

“Procurement Manual” means the Procurement Manual issued by the Procurement Manager setting out the detailed requirements and processes for the conduct of the Council’s procurement activity;

“Quick Quote” means an online request for a priced quotation provided through the PCS website used to obtain competitive quotes for low value/low risk procurement exercises from suppliers who are registered on PCS;

“Real Living Wage” means the hourly rate of pay which is independently calculated each year and overseen by the Living Wage Foundation;

“Regulated Contracts/Procurement” means those procurements which fall within the remit of the 2014 Act;

“Regulated Contracts/ Procurement Threshold” means those thresholds for the Council’s procurement requirements caught within the ambit of the 2014 Act – being £50K for goods and services and £2M for works; and

“Retained EU law” means any retained EU law within the meaning of the European Union (Withdrawal) Act 2018.

- 1.2 The title of every officer referred to in the Standing Orders relating to Contracts shall be read to include any alternative title which the Council may from time to time ascribe to that officer. Further, in the event that functions ascribed at the date hereof to a particular officer are re-ascribed, the relevant provisions herein shall transfer to that other officer(s).

2.0 INTRODUCTION

- 2.1 These Standing Orders Relating to Contracts (“Standing Orders”) are made under Section 81 of the Local Government (Scotland) Act 1973 and set out how contracts for all supplies, services and works will be made by or on behalf of the Council. The term ‘contract’ includes any form of agreement, written or unwritten, to which the Council is a party which creates rights and responsibilities for any of the parties involved.

- 2.2 The purpose of these Standing Orders is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Council's policies.
- 2.3 These Standing Orders apply to the Council carrying on its own procurement activity and any activity that the Council conducts on behalf of other parties such as ALEOs and the Health and Social Care Partnership.
- 2.4 In entering contracts for or on behalf of the Council, every officer or such other person as may have the power of entering into contracts on the Council's behalf, regardless of whether any such contracts are otherwise exempted from the application of these Standing Orders, shall be subject to an obligation to seek Best Value for the Council and be able to demonstrate equal treatment, non-discrimination, proportionality and transparency in the process of awarding contracts.
- 2.5 Notwithstanding the provisions and requirements of these Standing Orders, all contracts must comply with:
- (i) The requirements of the 2015 Regulations;
 - (ii) The requirements of the 2014 Act;
 - (iii) All other relevant legislation including Retained EU law;
 - (iv) the Council's Financial Regulations;
 - (v) the Council's Scheme of Delegation (Officers);
 - (vi) the Procurement Manual and the guidance on procedural requirements contained therein issued from time to time by the Procurement Manager; and
 - (vii) Rules of procedure for national contracts set up by Scotland Excel and Procurement Scotland;
- Due consideration should also be given to all Guidance and Policy Notes in respect of procurement matters which may be issued by the Scottish Government and the Crown Commercial Services which may be issued from time to time.
- 2.6 In the event of any conflict between these Standing Orders and such legislation or rules or guidance, the legislation or rules and guidance shall take precedence.
- 2.7 Where any tender is likely to:-
- (i) equal or exceed the FTS Thresholds from time to time; or
 - (ii) equal or exceed the Regulated Procurement Thresholds,
- the Director and relevant Head of Service will remain responsible for complying with the requirements of applicable procurement law but will consult fully with the Procurement Manager and the Head of Legal & Democratic Services to ensure that (a) the various requirements of the 2015 Regulations and/or the 2014 Act are fully complied with and (b) where the 2015 Regulations apply, to determine the appropriate procurement route: open; restricted; negotiation; competitive procedure with negotiation; or, competitive dialogue.

3.0 VARIATION AND REVOCATION

3.1 Other than alterations of a nature which fall within Standing Order 3.2, these Standing Orders relating to Contracts may from time to time be varied or revoked by the Council.

3.2 The Head of Legal & Democratic Services shall have the power to vary these Standing Orders relating to Contracts but only in the following circumstances:

- (i) to reflect changes in job titles, re-organisations of services and directorates and vacancies in posts;
- (ii) to change references to any pieces of legislation where the legislation is repealed, and to insert references to new pieces of legislation where the new pieces of legislation largely re-enact the provisions of the repealed legislation;
- (iii) to change the financial values of FTS Thresholds or Regulated Contracts/Procurement Threshold where referred to in these Standing Orders relating to Contracts, to implement any changes made to those thresholds.

Any alterations made in terms of this Standing Order 3.2 shall be reported to the next meeting of the Council.

4.0 SUSPENSION

4.1 The appropriate committee, on receiving a joint recommendation from the relevant Director, the Head of Legal & Democratic Services and the Chief Financial Officer that there are special circumstances justifying suspension of one or more provisions of these Standing Orders relating to Contracts and that it is in the interests and within the powers of the Council to do so, may suspend the application of such provision(s) to any contract.

4.2 The Chief Executive, in terms of the specific delegation to them by the Council to deal with matters of Emergency and following appropriate consultation, may authorise action which otherwise would require suspension of one or more provisions of these Standing Orders relating to Contracts.

5.0 REVIEW

5.1 These Standing Orders relating to Contracts shall be reviewed at least every four years by the Head of Legal & Democratic Services.

6.0 BREACH OF STANDING ORDERS AND/OR PROCUREMENT PROCESSES

6.1 Any contravention of or non-compliance with these Standing Orders and/or procurement processes must be reported immediately to the Procurement Manager and the Head of Legal & Democratic Services who may discuss the matter with senior managers as appropriate, to determine any action to be taken.

6.2 Any incidents of suspected fraud must be directed to the Chief Financial Officer immediately.

6.3 Disciplinary action may be taken as a result of any of the events in Standing Orders 6.1 and/or 6.2 being found to have occurred.

7.0 **DISAGGREGATION**

7.1 Contracts must not be disaggregated, packaged or split into separate smaller contracts or requirements to avoid the application of any provision of these Standing Orders, FTS Procurements, Regulated Procurements or any other legislative provision including Retained EU law.

7.2 In determining whether either the FTS Procurement Threshold or the Regulated Procurement threshold has been exceeded in respect of any single requirement for works, services or supply contracts, the value of that requirement shall be aggregated across the entire Council.

8.0 **EXCLUDED CONTRACTS**

A – Below Threshold/Quick

Quote Contracts

8.1 Contracts for the supply of goods or materials, the provision of services or for the execution of works are excluded from the application of the Standing Orders relating to Contracts where the estimated price of the contract is less than:

Supplies and Services	£50,000
Works	£250,000

For the avoidance of doubt, 'services' includes without limitation Health and Social Care Services and other Specific Services

8.2 Competitive quotes or Quick Quotes must still be sought for the excluded contracts referred to at Standing Order 8.1 above in line with the procedures detailed in the Procurement Manual.

B) Specific Exclusions

8.3 The following specific contracts are excluded from the application of the Standing Orders relating to Contracts:-

- (i) any contract for supplies and services or for the execution of works which, in the opinion of the Chief Executive, in consultation with the relevant Director, Head of Legal & Democratic Services and the Chief Financial Officer, are urgently required for the prevention of damage to life or property or which the Chief Executive believes would avert, alleviate or eradicate the effects or potential of an Emergency. Any such contracts, and the relevant circumstances, shall be reported by the relevant Director to the appropriate committee as soon as possible after the event;
- (ii) a contract which has been extended for a period of up to six months in terms of the Council's Scheme of Delegation (Officers);
- (iii) contracts of employment;
- (iv) the appointment of legal agents or legal counsel in accordance with the 2014 Act and 2015 Regulations;
- (v) the allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013;

- (vi) any contract awarded under the National Care Home Contract;
- (vii) appointed guardians or legal services instructed by a court or tribunal from the panel of persons appointed by the Council under The Curators ad Litem and Reporting Officers (Panels) Scotland Regulations 2001 and the appointment of board members required by statute; and
- (viii) any proposals, transactions or contracts regarding the acquisition or disposal of lands or buildings by the Council (which shall be subject to separate procedures contained within the Procurement Manual).

C) Framework and Exempt Collaborative Agreements

- 8.4 Frameworks and Collaborative Agreements are excluded from the application of the Standing Orders relating to Contracts where the contract is for supplies and services or for the execution of works made on behalf of the Council by Scotland Excel, Procurement Scotland, the Crown Commercial Service, Strathclyde Partnership for Transport ,hub West Scotland, SCAPE Scotland, ESPO (Eastern Shires Purchasing Organisation) or any successor body or bodies for whom the Council has approved its membership or participation in furtherance of collaborative purchasing or admission to contractual arrangements providing Best Value to the Council. For the avoidance of doubt, Standing Order 26 (*Framework and Non-exempt Collaborative Agreements*) shall apply in all other cases.
- 8.5 Any participation agreement required to secure the Council's right to participate in a particular collaborative purchasing contract set up by a body listed at Standing Order 8.4, shall, irrespective of value, be signed on behalf of the Council by the Procurement Manager.
- 8.6 In accordance with the agreed contract strategy, the Procurement Manager, in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer, may approve a recommendation for a tender exercise not being undertaken in terms of a Framework or Collaborative Agreement in terms of Standing Order 8.4 subject to the appropriate Director or relevant Head of Service evidencing the value of an alternative procurement route.
- 8.7 If the appropriate Director or relevant Head of Service believes that such collaborative purchasing is not achieving Best Value the Director or Head of Service must obtain the prior approval of the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer for any alternative procurement route.
- 8.8 Any matter relating to the Council's membership of the bodies listed at Standing Order 8.4 shall be referred to the Council's Policy & Resources Committee or its equivalent from time to time.

D) Other Specific Services

- 8.9 Where the 2015 Regulations apply, other Specific Services shall be procured in accordance with those Regulations as explained in the Procurement Manual.

9.0 PRE-PROCUREMENT PROCEDURES

- 9.1 No tender shall be invited or offer made or accepted for any contract for supplies and services or for the execution of works unless there is sufficient financial provision within approved budgets for the net estimated expenditure.
- 9.2 The values stated in these Standing Orders are the total estimated values of the contract concerned for the entire duration of the contract including any extensions and not the estimated annual value of the contract.
- 9.3 The estimated values in these Standing Orders are calculated inclusive of VAT in relation to FTS Thresholds but exclusive of VAT in relation to Regulated Procurement and any requirement lower than the Regulated Procurement thresholds.
- 9.4 Where it is likely that a supply of goods or services or execution of works will be required on a continuing basis for a number of years the anticipated duration of the continuing supply shall be taken into account when estimating the value of the contract for the purposes of these Standing Orders.
- 9.5 For purposes of any financial checks of tenders, the amount of the annual value shall be a sufficient and appropriate basis of assessment. The financial check process is set out in the Procurement Manual.
- 9.6 Prior to commencing with a procurement exercise, the relevant Head of Service, in consultation with the Procurement Manager, shall check the Council's contract register to establish whether any existing corporate contracts are in existence which may already fulfill the requirement in question.

10.0 TENDERING PROCEDURES - GENERAL

- 10.1 All contracts exceeding the values specified in Standing Order 8.1 require to be advertised in a sufficiently open manner to ensure that the principles of openness, transparency and equality are fully met.
- 10.2 Public notice shall be given of all contracts over the values specified in Standing Order 8.1 on the Public Contracts Scotland Portal. Where, in particular circumstances, the Head of Service considers it necessary, public notice may also be given in appropriate trade journals or newspapers.
- 10.3 Tenders must be invited by advertising the contract opportunity on the Public Contracts Scotland Portal.

11.0 HEALTH AND SOCIAL CARE SERVICES

- 11.1 Subject to the modifications set out in Appendix 1 and in accordance with the 2015 Regulations and the principles set out in the Statutory Guidance issued by Scottish Ministers in terms of the 2014 Act, as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016 issued in terms of the 2014 Act, these Standing Orders shall apply to contracts for Health and Social Care Services subject to the special procedures set out in Appendix 1.
- 11.2 Any contract for Health & Social Care Services which has an estimated value in excess of the FTS Threshold for Health & Social Care Services must be procured by following a procedure which conforms to the Council's duties as outlined in the 2015 Regulations.

12.0 **SUSTAINABILITY**

- 12.1 (i) The 2014 Act requires that prior to procuring any contract for supplies or services equal to or greater than £50,000 or procuring any contract for the execution of works equal to or greater than £2million, the Council must, in line with the sustainable procurement duty consider how its actions can improve the social, environmental and economic wellbeing of the Inverclyde Council area, focusing particularly on inequality and then procure in a manner which secures those identified improvements; and
- (ii) seek to facilitate the involvement of SMEs, third sector bodies and supported businesses and support innovation in its procurement processes.
- 12.2 Advice must be sought from the Procurement Manager on the requirements set out at Standing Order 12.1 prior to issuing a tender.

13.0 **AWARDING CONTRACTS IN LOTS**

- 13.1 Where the 2015 Regulations apply, a contract may be awarded in the form of separate lots. Where the decision is taken not to award in the form of separate lots the main reason(s) for this must be explained in the contract documents or within the reporting requirements set out in the 2015 Regulations.
- 13.2 Where the 2015 Regulations apply, prior to issuing a tender, advice must be sought from the Procurement Manager on whether or not it is possible to separate the contract into lots.

14.0 **RESTRICTING TENDERS TO SUPPORTED BUSINESSES**

- 14.1 The Council can restrict participation in any tender opportunity to providers operating supported businesses, supported employment programmes or supported factories where more than 30% of the workers are disabled or disadvantaged persons in accordance with the 2015 Regulations.
- 14.2 The restriction set out in Standing Order 14.1 must be advertised in the relevant public notice specified in accordance with Standing Order 10.2 above. Prior to exercising this right, advice must be sought from the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer.

15.0 **FAIR WORK FIRST AND COMMUNITY BENEFITS**

- 15.1 All procurement planning and tendering procedures and contractual arrangements entered into shall, in accordance with Council policy and guidance, encourage Fair Work First working practices and payment of the Real Living Wage and, where appropriate, shall include the use of community benefit clauses.
- 15.2 Advice must be sought from the Procurement Manager on the requirement set out at Standing Order 15.1 prior to issuing a tender.

16.0 **TENDER EVALUATION**

- 16.1 The evaluation methodology of tenders shall be transparent, fair, and proportionate and comply with Council guidance on evaluation criteria contained within the Procurement Manual and shall be fully disclosed to prospective tenderers in the tender documentation.

16.2 Unless otherwise provided for in the Procurement Manual, each and every contract must be awarded to the 'most economically advantageous tender' and the balance between cost/quality must not fall below 60/40, where 60 represents cost and 40 represents quality.

16.3 Where the relevant Director is of the opinion that the ratio specified at Standing Order 16.2 requires to be varied to the extent that cost represents a smaller percentage of the overall total, then prior to commencing the procurement process, the Director shall prepare a report for the approval of the appropriate committee. Any such report shall be prepared in consultation with the Procurement Manger, the Head of Legal & Democratic Services and the Chief Financial Officer.

17.0 **CONTRACT TERMS AND CONDITIONS**

17.1 Officers shall procure using current standard industry form terms and conditions and/or current framework terms and conditions. Where no such terms are available, officers shall procure using the Council's current Standard Terms and Conditions of Purchase.

17.2 Officers shall give specific consideration to the inclusion of an alternative dispute resolution clause in the terms and conditions of a contract if such a clause is not already included in the applicable terms.

18.0 **LATE TENDERS**

18.1 No tenders received after the closing date and time for submission shall be considered and arrangements shall be made for their rejection. Tenderers shall be advised of this provision in the invitation to tender.

18.2 The Council expressly reserves the right to require any tenderer to provide additional written information supplementing or clarifying any of the information provided by that tenderer in response to requests for information or questions contained in the pre-qualification questionnaire, the Single Procurement Document or invitation to tender.

19.0 **OPENING OF TENDERS**

19.1 All tenders relating to a specific project shall be opened at the one time.

19.2 Tenders in excess of £1million shall be opened by 2 Procurement Officers (Grade 7 or above) using the date and time stamp element of the PCS portal to record offers received. All other tenders shall be opened by one Procurement Officer (Grade 7 or above) using the date and time stamp element of the PCS portal to record offers received.

20.0 **ACCEPTANCE OF TENDERS**

20.1 Except as hereinafter provided, the most economically advantageous tender shall be accepted.

20.2 The lowest price shall only be accepted (if desired for any particular procurement) where the value of the Council's requirement falls below the Regulated Procurement Threshold Procurement Manual.

20.3 Tenders may only be accepted on behalf of the Council:-

- (i) in the case of tenders where the total estimated value or the amount does not exceed £1,000,000 by the Head of Legal & Democratic Services;

- (ii) in the case of tenders where the total estimated value or amount exceeds £1,000,000 by the Head of Legal & Democratic Services with authority from the appropriate committee; and in relation to tenders beneath the PCS-FTS threshold, where the tender recommended for acceptance is not the most economically advantageous, by the Head of Legal & Democratic Services only with authority from the appropriate committee.
- 20.4 The Procurement Manager shall, on a bi-annual basis, submit a report for noting to the appropriate committee detailing all awards (including Direct Awards) which have been placed within the previous six month period.
- 20.5 If the appropriate Director or Head of Service recommends that none of the tenders submitted should be accepted, the relevant Head of Service or his/her authorised representative shall notify all tenderers accordingly.
- 20.6 No tender shall be accepted unless the appropriate Director or Head of Service and the Chief Financial Officer respectively are or have been satisfied as to the technical capability and professional fitness and financial standing of the tenderer.

21.0 **PROCUREMENT STRATEGY, RECORDS AND REPORTING**

Procurement Strategy

- 21.1 The Procurement Manager shall, in consultation with the Head of Legal & Democratic Services and the Corporate Management Team, prepare and publish an annual procurement strategy setting out how the Council intends to carry out procurements regulated by the 2014 Act.

Annual Procurement Report

- 21.2 The Procurement Manager shall, in consultation with the Head of Legal & Democratic Services, in relation to any financial year, prepare and publish an annual procurement report on procurements regulated by the 2014 Act as soon as reasonably practicable after the end of the relevant financial year.

Register of Tenders

- 21.3 The Procurement Manager shall keep and maintain a register of all tenders received which register shall be made available for inspection at any time, and in which shall be entered, in respect of each tender:
- (i) the number of tenders received in respect of each contract;
 - (ii) the date and time of opening of each tender; and
 - (iii) the name and address of each tenderer, the value or amount of each tender and a statement as to the acceptance or otherwise of the tender.
- 21.4 Standing Order 21.3 shall not apply to Health and Social Care Service contracts. The relevant Head of Service shall keep and maintain a register of tenders relating to Health and Social Care Services containing the information (where relevant) outlined in (i) – (iii) above.

22.0 **DIRECT CONTRACT AWARDS**

22.1 In relation to a FTS Procurement or a Regulated Procurement, a contract can only be awarded directly without competition if the Direct Award can be justified under the relevant law.

22.2 Where the circumstances of Standing Order 22.1 apply the Director or Head of Service must obtain advice from the Procurement Manager, in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer before submitting a report to the appropriate committee for prior approval to make a Direct Award.

22.3 In other exceptional cases:

(i) where the contract is for the provision of services and supplies and the proposed spend falls below the Regulated Procurement Threshold, if the Director or Head of Service considers on the application of Best Value principles that a contract can be directly awarded without competition, the Director shall obtain the prior approval of the Procurement Manager, in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer.

(ii) where the contract is for the execution of works and the proposed spend is below £250,000, if the Director or Head of Service considers on the application of Best Value principles that a contract can be directly awarded without competition, the Director shall obtain the prior approval of the Procurement Manager, in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer.

(iii) where the contract is for the execution of works and the proposed spend is between £250,000 and the Regulated Procurement Threshold relating to the execution of works (£2million), the Director or Head of Service must obtain advice from the Procurement Manager, in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer before submitting a report to the appropriate committee for prior approval for a Direct Award.

22.4 Any report required in terms of Standing Orders 22.2 and 22.3(iii) shall confirm the identity of the party to which the contract is to be directly awarded and the proposed contract terms.

22.5 The process set out in the Procurement Manual must be followed before the making of any Direct Award in terms of Standing Orders 22.1 and 22.3.

22.6 The Direct Award process for all contracts (including Health and Social Care contracts) is set out in more detail in the Procurement Manual.

23.0 **CONTRACT EXTENSIONS**

23.1 A contract extension affects the duration and potentially the value of the contract.

23.2 A contract can only be extended in certain defined circumstances:

(i) the right to extend must have been referred to in the initial procurement advert for the contract and the terms and conditions of the contract must contemplate such an extension; or

(ii) the extension constitutes a permissible and justifiable Direct Award under

Standing Order 22 (*Direct Award Contracts*).

In all other cases a contract extension is not permitted.

23.3 This Standing Order does not apply to contracts for the execution of works where extensions of time are expressly contained in standard industry form terms and conditions of contract.

23.4 The relevant Head of Service must obtain advice from the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer prior to extending any contract under Standing Order 23.2(ii) and must follow the process for Direct Awards set out in the Procurement Manual.

24.0 **CONTRACT MODIFICATIONS**

24.1 A contract modification affects the scope of the contract.

24.2 Examples of when a contract modification may be required include circumstances where there is a need for additional works, services, goods or materials which were not specified in the initial procurement or where a new contractor replaces the contractor to whom the contract was initially awarded.

24.3 The 2015 Regulations set out when it is permissible to modify a contract to which the Regulations apply. Where it is not possible to modify a contract, the contract must be re-tendered unless the modification constitutes a permissible and justifiable Direct Award under Standing Order 22 (*Direct Contract Awards*).

24.4 The relevant Head of Service must obtain advice from the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer prior to modifying any contract.

25.0 **EARLY TERMINATION OF A CONTRACT**

25.1 In relation to tenders falling within the scope of the FTS thresholds, tender documents must include an early termination clause to permit effect to be given to Regulation 73 of the 2015 Regulations namely the Council must have the right to terminate the contract or framework early where:

- (i) the contract or framework has been subject to such substantial modification that a new procurement exercise is required; or
- (ii) the tenderer has been in a situation which constitutes a ground for exclusion at the time the contract was awarded and should therefore have been excluded from the procurement process; or
- (iii) A court or tribunal of competent jurisdiction has declared that a contract or framework should not have been awarded due to a serious breach of the 2015 Regulations.

25.2 If the relevant Head of Service decides that an operational contract which has no significant implications for the Council and no significant unplanned budgetary impact, including a contract falling within the scope of Standing Order 25.1, requires to be terminated prior to the expiry date, the Head of Service must explain the circumstances and obtain the prior written approval for the early termination from the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer.

25.3 In all other cases where the relevant Head of Service decides that a contract requires to be terminated prior to the expiry date, including a contract falling within the scope of Standing Order 25.1, the Head of Service must, in consultation with the Procurement Manager, Head of Legal & Democratic Services and the Chief Financial Officer, submit a report explaining the circumstances and implications for the Council and seeking the approval of the appropriate committee.

26.0 **FRAMEWORK AND NON-EXEMPT COLLABORATIVE AGREEMENTS**

26.1 The Procurement Manager may seek the approval of the appropriate committee to participate in framework or non-exempt collaborative agreements with a body or organisation which is not listed at Standing Order 8.4 (*Framework and Non-Exempt Collaborative Agreements*) for a maximum period of 4 years provided the Procurement Manager is satisfied that any such framework or non-exempt collaborative agreement:

- (i) has been established in accordance with the 2015 Regulations or the 2014 Act; and
- (ii) is achieving Best Value.

26.2 No further committee approval will be required to purchase from a framework or non-exempt collaborative agreement approved in terms of Standing Order 26.1 unless the total estimated value or amount of the contract exceeds £1,000,000 in which circumstances Standing Order 20.3(ii) (*Acceptance of Tenders*) will apply.

26.3 Where a Director or Head of Service deems it Best Value, they may enter into or participate in a framework or non-exempt collaborative agreement which has not been approved in terms of Standing Order 26.1 provided the Director or Head of Service has obtained the prior approval of the appropriate committee for the participation and level of spend. Before doing so, the Director or Head of Service shall consult fully with the Procurement Manager, the Head of Legal & Democratic Services and the Chief Financial Officer.

26.4 Any participation, membership or similar agreement required to secure the Council's right to participate in collaborative purchasing contracts duly approved under Standing Orders 26.1 or 26.3 shall be signed by the Head of Legal & Democratic Services in consultation with the Chief Financial Officer and the Procurement Manager.

27.0 **POST TENDER CLARIFICATION**

Errors in computation

27.1 Where examination of tenders received reveals obvious errors in the computation of the offer which would affect the tender figures, these errors will be dealt with in the following manner:-

- (i) any obvious arithmetical errors will be rectified by the appropriate officer checking the tenders and the amount of tender shall be held to be the amount of the documents so rectified and the tenderer informed in writing of the corrected amount; and
- (ii) where there is an obvious and genuine error in rates occurring, the tenderer will be given the opportunity of either (a) confirming that they agree to their tender being considered with the error remaining, (b) correcting the error, or

(c) withdrawing their tender. This procedure must be undertaken in writing. Should the tenderer decide to withdraw their tender, it will not be considered for acceptance. The tenderer must be permitted only to amend the obvious or genuine error and must not be given the opportunity to amend any other part of their tender.

Requests for clarification

27.2 A full written record shall be kept by the relevant Head of Service of all contracts where post tender clarification has been used and the written record will be retained with the original tender. The written record will include the justification for authorising post tender clarification, the nature of the clarification undertaken, the outcome of such clarification and shall detail any additional terms agreed by the Council.

28.0 CONTRACT TERMS REGARDING CONSULTANTS AND SPECIALIST SERVICE PROVIDERS

28.1 Where appropriate, it shall be a condition of engagement of consultants and specialist service providers that:-

- (i) they and their staff shall comply with these Standing Orders as though they were officers of the Council;
- (ii) at any time during the performance of the contract, the consultant/specialist service provider shall, on a request by the relevant Head of Service, produce all records maintained by them in relation to the contract and on completion of the contract, transmit all such records to the Council, if so required; and
- (iii) copyright and intellectual property rights in and to all documentation produced by or on behalf of the consultant/specialist service provider exclusively for the Council in the course of providing the services shall vest and remain vested in the Council.

28.2 In the event that a Head of Service wishes to depart from the requirements of Standing Order 28.1, the Head of Service shall only do so with the prior agreement of the Procurement Manager in consultation with the Head of Legal & Democratic Services and the Chief Financial Officer.

29.0 FORM OF CONTRACT

29.1 Except where otherwise agreed between the appropriate Director and the Head of Legal & Democratic Services, every contract shall be in writing and in the name of the Council, shall be signed by the Head of Legal & Democratic Services or other proper officer(s) designated by him/her and shall be subject to the laws of Scotland.

30.0 PERFORMANCE BONDS

30.1 A contract guarantee bond, formal parent company guarantee or other sufficient security for the due performance of a contract must be obtained from a building contractor for capital and infrastructure projects in the following circumstances:

- (i) where the total contract sum for the project exceeds £1,000,000; or
- (ii) where the Council as funder contributes more than £250,000 to the project, or
- (iii) Where otherwise considered necessary by the relevant Head of Service.

30.2 The security provided must have a minimum value of 10% of the total contract sum

and any contract guarantee bond must be based on the standard Association of British Insurers Model Form of Guarantee Bond duly amended to include the insolvency of the building contractor as a default.

31.0 COLLATERAL WARRANTIES

31.1 A collateral warranty may be required where goods or materials, services or works are provided by a party which is not a party to the Council's main contract. A collateral warranty enables the Council to raise a contractual claim directly against the party which is not a party to the main contract.

31.2 Collateral warranties may also require to be provided in associated but separate or phased tender exercises. For example, a building contractor appointed by the Council may require a collateral warranty to be provided by a specialist consultant appointed by the Council to provide a specialist structural report. In such circumstances, the contractual terms of the original specialist consultant appointment must oblige the original specialist consultant to provide collateral warranties where required by other parties to the project.

31.3 Officers shall consider whether it is appropriate to obtain a collateral warranty or warranties including whether a collateral warranty or warranties may require to be provided as part of an associated but separate or phased tender approach. Advice must be sought from the Procurement Manager in consultation with the Head of Legal & Democratic Services prior to issuing any tender or contract if collateral warranties may be required by the Council or another party.

32.0 FREEDOM OF INFORMATION

32.1 All tender documents shall clearly state that the Council is a body to whom the Freedom of Information (Scotland) Act 2002 applies in accordance with the procedure detailed in the Procurement Manual

33.0 TECHNICAL STANDARDS

33.1 All tenders for supplies, services or works shall be based on a defined specification except where the Council otherwise decides.

33.2 Where there is a recognised international or British Standards Specification or British Standard Code of Practice current and applicable at the date of tender, every contract shall require, as the case may be, that all goods, materials used or supplied, services provided and all workmanship shall at least meet the requirements of that standard.

33.3 In the absence of any such recognised standard as referred to at Standing Order 33.2, the contract documents shall require an appropriate equivalent standard shall be used, where available.

34.0 EQUALITIES & PREVENTION OF DISCRIMINATION

34.1 No contract shall be awarded without the relevant Head of Service having obtained from the tenderer confirmation in writing that, to the best of the tenderer's knowledge and belief, the tenderer-

- (i) has complied with all statutory requirements relating to equal opportunities in employment; and
- (ii) is not unlawfully discriminating within the meaning and scope of the Equality

Act 2010 (or any statutory modification or re-enactment thereof).

34.2 No contract shall be awarded unless the relevant Head of Service has obtained satisfactory information from the tenderer in relation to their statutory obligations under the said Equality Act 2010.

35.0 **ETHICS AND STANDARDS**

35.1 Dealings with suppliers and tenderers must at all times be transparent, honest and fair.

35.2 Any conflict of interest which arises in relation to an officer's official duty and their personal interest must be resolved so that any conflicted individual is not in a position to influence decisions made.

35.3 The actions of officers should not be, nor give the impression that they have or may have been, influenced by a gift or consideration to show favour or disfavour to any person or organisation. Officers must be aware of their responsibilities when procuring and that there are criminal penalties for offences which are specified in the Bribery Act 2010.

35.4 Officers must keep sufficient records to establish an audit trail to demonstrate that ethical standards have been observed throughout any procurement process.

36.0 **ASSIGNATION/NOVATION**

36.1 Except where otherwise provided in the contract, a contractor shall not assign, novate or sub-let a contract or any part thereof without the previous written consent of the Council.

Appendix 1

Procedures for Commissioning of Health and Social Care Services

1. Introduction

- 1.1 In accordance with Standing Order 11.0, the Standing Orders relating to Contracts shall apply to the procurement of contracts for Health and Social Care Services subject to the special procedures set out in this Appendix.
- 1.2 These procedures are intended to accord with and reflect the principles set down in the Statutory Guidance issued by Scottish Ministers in terms of the Procurement Reform (Scotland) Act 2014 as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016 issued in terms of the Procurement Reform (Scotland) Act and the 2015 Regulations.
- 1.3 Any competitive process must be carried out in line with the requirements of these Standing Orders relating to Contracts including provisions regarding possible contract extensions or modifications.
- 1.4 All Health and Social Care Services procurement will be undertaken by the Health and Social Care Partnership (HSCP) Commissioning Team, supported by Corporate Procurement.
- 1.5 All Officers must follow the process and procedures set out at Paragraph 3 and in the Procurement Manual in relation to the Commissioning of Health & Social Care Services.

2. Governing Bodies (Care Inspectorate)

- 2.1 Any tenderers wishing to provide Health and Social Care Services to the Council must be registered with Care Inspectorate (or its statutory successor(s)) or any other relevant regulatory bodies that are a mandatory requirement to the service provision, where required in terms of the contract.

3. Procedures for Procuring Contracts for Health and Social Care Services

TOTAL VALUE FOR DURATION OF CONTRACT (AGGREGATION RULES APPLY)*	PROCEDURE	APPROVAL PROCESS	COMMITTEE APPROVAL
£663,540** and above	Must be advertised in FTS and the light touch provisions in the 2015 Regulations apply	HSCP Chief Officer in conjunction with Chief Financial Officer, Procurement Manager and Head of Legal & Democratic Services up to £1,000,000	Approval to award must be sought from the appropriate Committee where the value exceeds £1,000,000
£50,000 - £663,539.99	May award without seeking offers, but should consider the General Duties where	HSCP Chief Officer in conjunction with Procurement	Not required

	<p>relevant. For any contract over £50,000, a contract award notice must be published on PCS. Certain other rules also apply (see paragraph 8.12 of Guidance on the Procurement of Care and Support Services 2021 (Best Practice)</p> <p>Or</p> <p>May choose to seek offers: in which case all provisions of the 2014 Act apply</p>	<p>Manager shall be responsible for deciding whether a particular contract is one which may be awarded without advertisement and competition in accordance with Section 12 of the Reform Act.</p>	
Below £50,000	Not a Regulated Procurement	Procurement Manager in conjunction with the relevant Head of Service.	Not Required

* the estimated value of the Contract is the value of the total consideration which the Council expects to be payable under or by virtue of the Contract. Contracts must not be artificially disaggregated as per Contract Standing Order 7.0. Advice must be sought from the Chief Financial Officer on a case by case basis in relation to whether the Contract is exempt from VAT.

** or the applicable FTS Threshold for Social and other specified services as defined in Schedule 3 of the 2015 Regulations.

4. Direct Award Process

4.1 The procedure in relation to procuring a contract for Health and Social Care Services without advertisement and competition that has an estimated value below the FTS Threshold for Health and Social Care Services is fully detailed in the Procurement Manual.



FINANCIAL REGULATIONS

Revised January 2022

Foreword

- i. The Council positively promotes the principles of sound corporate governance within all areas of the Council's affairs.

Corporate governance is about the structures and processes for decision-making, accountability, controls and behaviour throughout the Council. It is based around the key principles of openness, equality, integrity and accountability.

- ii. The fundamental principles of corporate governance should be reflected in the various dimensions of Council business which should include;

- ◆ Ensuring that a community focus underpins the Council's own vision and priorities;
- ◆ Ensuring the effective delivery of local services on a sustainable basis;
- ◆ Establishing effective management structures and processes which include clearly defined roles and responsibilities for officers;
- ◆ Developing and maintaining effective risk management systems that form part of the Council's strategic decision making process;
- ◆ Ensuring high standards of propriety and probity in the stewardship of the Council's funds and the management of the Council's affairs;
- ◆ Commitment to openness in the Council's affairs and the provision of full, accurate and clear information to all stakeholders.

- iii. These Regulations are an essential component of the corporate governance of the Council.

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1. GENERAL INTERPRETATION

- 1.1 These Regulations are made in terms of Section 95 of the Local Government (Scotland) Act 1973 which requires every local authority to make arrangements for the proper administration of its financial affairs and to ensure that the proper officer of the authority has responsibility for those affairs.

The Chief Financial Officer has been designated as "the proper officer" and shall be responsible for advising the Council on financial matters including the determination of Accounting Policies.

- 1.2 In these regulations unless the context requires otherwise the following expressions shall have the meanings respectively assigned to them, that is to say:-

Council means Inverclyde Council;

Committee means all the committees of the Council including sub-committees;

Chief Officer means the Chief Executive, Directors and Heads of Service. This also refers to and includes other Officers when the stated duties have been delegated;

Chief Financial Officer means the Officer responsible for managing the financial affairs of the Council as designated by the Council in terms of Section 95 of the Local Government (Scotland) Act 1973.

Budget Manager is a general term for any employee who has been delegated responsibility for the control of a budget.

- 1.3 These Regulations are designed to facilitate the smooth running of the Council and to protect its interests and the interests of Councillors and Officers. These regulations are made for the proper administration of the Council's financial affairs, Trading Accounts, Trust Funds, The Common Good and Sundry Accounts.

Head Teachers must comply with these Regulations, with the exception of Virement which is defined within the Delegated Management of Resources (DMR) Scheme.

- 1.4 It shall be the duty of the Chief Financial Officer to ensure that Chief Officers maintain adequate financial and accounting arrangements. Chief Officers must comply with all guidance on accounting matters issued by the Chief Financial Officer and no accounting arrangements shall be introduced, discontinued or amended without the prior agreement of the Chief Financial Officer.
- 1.5 Each Chief Officer shall consult with the Chief Financial Officer on the financial implications of any proposals not provided for under the approved revenue budgets or capital programme before any commitment is made or before reporting thereon to the appropriate Committee of the Council.
- 1.6 Each Chief Officer shall ensure that proper internal controls are developed and maintained within financial and other operating systems of their Service. These controls shall be subject to review from time to time as part of the audit process but day to day monitoring of the adequacy and effectiveness of these controls is the responsibility of the Chief Officer concerned.

- 1.7 Chief Officers shall be responsible for ensuring that these Regulations are complied with in respect of matters falling within their remit and that all Officers with responsibility for financial matters within their Services are aware of these Regulations and comply with them.
- 1.8 Compliance with these Regulations is compulsory. If any difficulty is encountered in practice with the Financial Regulations or no provision is applicable to a particular circumstance then the matter should be immediately raised with the Chief Financial Officer. Failure to observe the Financial Regulations may lead to disciplinary action being taken against the Officer responsible.
- 1.9 These Regulations should be read alongside the Financial Regulations of the Inverclyde Integrated Joint Board (IJB) when dealing with budgets delegated to the Council by the IJB.
- 1.10 These Regulations have been approved by the Council and will be formally reviewed and approved every 4 years.
- 1.11 These Regulations may be jointly varied or revoked by the Chief Financial Officer, Head of Legal & Democratic Services and the Chief Executive outwith the 4 yearly formal review cycle.
- 1.12 All terms in these Regulations should be considered generic.
- 1.13 All monetary values within these Regulations are stated exclusive of VAT.
- 1.14 In all circumstances where a signature is required an electronic substitute may be considered appropriate within the authorisation procedures of the relevant system.
- 1.15 In the absence of a wet signature, email approval from the budget holder may be considered appropriate.

2. EMERGENCY AUTHORITY

2.1 Where due to an emergency it is not possible to obtain the necessary Committee approvals in terms of the Financial Regulations or Standing Orders prior to committing the Council to expenditure the following action should be taken:-

2.1.1. Where there is immediate danger to life and limb and therefore a requirement for the Council to safeguard life and property and the prevention of suffering or severe inconvenience, all necessary steps should be taken to remove the immediate danger. Homologations for action taken should be obtained from the next available Committee.

2.1.2. In other emergencies the Chief Executive must be made aware of the following, prior to works being carried out or other appropriate action being taken, and prior to any commitment being entered into:-

- (a) The nature of the problem;
- (b) The likely consequences of delay;
- (c) Approximate costs and timescale involved;
- (d) Longer term solutions (where appropriate).

The Chief Financial Officer, Council Leader and Committee Convenor must be advised at the earliest opportunity of the above and of the actions taken.

2.2 In all cases the Chief Executive is authorised to approve or not to approve the carrying out of the proposed actions. In all such situations quotes shall be obtained if at all possible. A retrospective advisory report must be submitted to Committee at the earliest opportunity.

3. REVENUE BUDGET - PREPARATION AND MONITORING

- 3.1 The detailed form and timetable to be followed in respect of the Revenue Budget process shall be determined by the Chief Financial Officer subject to any direction of the Policy & Resources Committee, and following consultation with the Corporate Management Team.
- 3.2 Estimates of income and expenditure shall be prepared by the Chief Financial Officer in conjunction with the Corporate Management Team. These estimates will be approved by the Council prior to the 31st March and shall constitute the Revenue Budget for the next financial year.
- 3.3 The appropriate Committees and the Chief Financial Officer shall be entitled to receive from any Chief Officer such clarification as is deemed necessary on any item of income and expenditure.
- 3.4 The inclusion of items in the approved Revenue Budget shall constitute authority for the appropriate Chief Officer to incur such expenditure in the year concerned, subject to:-
 - 1) The Council's Standing Orders and these Regulations; and
 - 2) Any prior reporting requirements of the appropriate Committee.
- 3.5 The Chief Financial Officer shall provide Chief Officers with financial statements of income and expenditure compared with the Revenue Budget on a regular basis and Chief Officers shall be entitled to receive any clarification deemed necessary on any item of expenditure or income.
- 3.6 Responsibility for ensuring that Revenue Budget provisions are not exceeded shall rest with the Chief Officer concerned, this responsibility shall not extend to depreciation (the responsibility of the Chief Financial Officer) and those allocations from other Services over which the officer has no control. In these cases responsibility rests with the budget holder of origin.
- 3.7 If it appears that expenditure under any budget head may be exceeded or that an income estimate may not be achieved and if the shortfall cannot be accommodated by the Chief Officer exercising powers of virement in terms of Regulation 4, the Chief Officer, after consultation with the Chief Financial Officer, shall report fully to the Committee concerned. In the event that the Committee is unable to find the amount required elsewhere in its budget, the matter shall be referred to the Corporate Management Team and thereafter the Policy & Resources Committee for consideration.
- 3.8 Any proposal which would involve incurring revenue expenditure which is not allowed for in the Revenue Budget shall be reported to the relevant Committee. The report prepared in consultation with the Chief Financial Officer, shall give reasons why the additional funding is necessary and, where appropriate, make proposals for virement in terms of Financial Regulations 4. Should virement not be possible details of the proposal must be reported to the Corporate Management Team prior to reporting to the relevant Committee and thereafter the Policy & Resources Committee for consideration.

- 3.9 Windfall savings arising from factors outwith the control of the Chief Officer cannot be used to supplement Service budgets without the initial approval of the Corporate Management Team followed by approval by the Policy & Resources Committee. For the avoidance of doubt the Chief Financial Officer will determine whether or not a saving is a windfall saving.
- 3.10 The Chief Financial Officer and the relevant Chief Officers, will jointly submit periodic Revenue Budget Monitoring Reports to each Committee detailing expenditure/income incurred and projected for the year and highlighting any relevant matters. Thereafter the Chief Financial Officer shall produce a consolidated position for the Policy & Resources Committee.
- 3.11 Whilst the monitoring report will highlight any relevant matters, all budget variances in excess of £20,000 will be specifically reported to Committee.
- 3.12 Councillors shall be entitled to seek explanations for any figure in the Monitoring Reports and if necessary may refer any matter to the relevant Committee.

4. VIREMENT

4.1 The term virement refers to the transfer of budgetary provision from one budget head to another.

4.2 Subject to limitations referred to in Regulations 4.3 to 4.6, virement may be exercised by Chief Officers, by Service Committees and by the Policy & Resources Committee. Chief Officers must use the on-line virement approval or a Virement Approval Form to smooth administration and provide a clear audit trail.

4.3 Chief Officers may vire unlimited sums within the subjective heading within a Service with the approval of the Chief Financial Officer.

A subjective heading relates to, for example, supplies and services, property costs, transport and plant, administrative costs etc.

A Service is defined as the full group of functions managed by a discrete Head of Service.

4.4 Chief Officers may vire between subjective headings within a Service to a maximum of £20,000 with the approval of the Chief Financial Officer. Any virement above £20,000 requires initial approval of the Chief Financial Officer then approval of the relevant Committee.

4.5 Head Teachers are constrained as to their powers of virement as set out in the DMR Scheme.

4.6 Virement affecting budgets delegated to Social Care by the IJB requires to comply with both the requirements of these regulations and, where appropriate, the IJB Financial Regulations.

4.7 Chief Officers may vire between Services within a Directorate with the approval of the Chief Financial Officer and thereafter approval of the relevant Committee(s).

4.8 Chief Officers may vire between Directorates with the agreement of all Chief Officers concerned, the approval of the Chief Financial Officer and thereafter approval of all relevant Committees.

4.9 Where the virement proposed involves a change in Council policy the prior approval of the Policy & Resources Committee is required.

4.10 All virement requested is deemed to be permanent, i.e. to be carried forward into future financial years, unless specifically highlighted as being “one-off” at the time of submitting the virement request.

4.11 Limitations

Virement cannot be used to reinstate an item deleted by the Council during budget considerations unless with the prior approval of the Corporate Management Team and thereafter the Policy & Resources Committee.

5. AUTHORITY TO INCUR EXPENDITURE

- 5.1 Each Chief Officer shall have authority to incur expenditure included in the approved Revenue Budget for the Services for which they are responsible up to the level of the budget provision subject to 5.2 below.
- 5.2 For this purpose a Chief Officer may delegate the processing of expenditure to authorised employees within a Service but the Chief Officer will retain ultimate responsibility for the related budget unless that budget has been formally delegated as part of the Council's Budget Delegation process. Within the Education Service Head Teachers shall be responsible for budgets transferred in terms of the Devolved Management of Resources (DMR) Scheme.
- 5.3 Except where specific arrangements exist within a Service Level Agreement, expenditure on new buildings or on the alteration, repair or maintenance of existing buildings may not be incurred without technical or professional advice having been received from the Interim Head of Property Services. Professional fees will be charged where appropriate.
- 5.4 Each Chief Officer shall comply with the Standing Orders relating to Contracts when incurring expenditure.
- 5.5 Each Chief Officer shall furnish the Chief Financial Officer with a list of authorised signatories together with specimen signatures, details of the areas of responsibility and financial limits of authorisation of each employee and shall also promptly advise the Chief Financial Officer in writing of any additions to or deletions from the list. An annual review of this list will be undertaken by Finance Services and Chief Officers are required to assist with this exercise.
- 5.6 Each Chief Officer shall also ensure that electronic signature authorisation limits for their employees are approved by them and that additions or deletions are notified promptly to Finance Services. Such authorisation limits will be reviewed annually by Finance Services with the assistance of Chief Officers.
- 5.7 Chief Officers seeking approval to lease non-property assets must obtain advice from the Chief Financial Officer and Head of Legal & Democratic Services and incorporate such advice into any report presented to a Committee.
- 5.8 Any consultants considered for appointment must have the appropriate professional indemnity/public liability insurance which must be evidenced to the Insurance Section before appointment. The Head of Legal & Democratic Services or the relevant designated Procurement Officer will issue a letter of appointment which will advise that compliance with the Council's operating procedures and regulations is compulsory.
- 5.9 Expenditure on Council properties repairs, maintenance and jobbing works shall only be authorised when provided by Contractors registered under the terms of the HMRC Construction Industry Scheme.

6. PROCUREMENT AND PURCHASING

- 6.1 All relevant purchases of goods, services and works shall be made through such purchasing arrangements as may be approved from time to time by the Council. Centralised contract arrangements must be used where appropriate, and Services must comply with the Procurement Manual and associated guidance issued by the Procurement Section.
- 6.2 Unless specified within a formal contractual arrangement approved by the Chief Financial Officer and Head of Legal & Democratic Services no purchases shall be paid for in advance of receipt of goods, services or works ordered. In general terms, purchases over the Internet or telephone are acceptable using a Council purchasing card but must be in accordance with the approved Purchase Card Policy.
- 6.3 Orders shall be in a format approved by the Chief Financial Officer. All orders shall be approved by an authorised signatory (see paragraph 5.5 & 5.6).
- 6.4 Chief Officers are required to ensure that there is adequate segregation of duties of employees between the ordering of goods and the approval of payment.
- 6.5 All Officers incurring expenditure covered by the exemptions clause in the Standing Orders for Contracts shall ensure that due consideration is given to securing Best Value.
- 6.6 Excepting petty cash and other payments made from Imprest Accounts the method of payment of monies due by the Council shall be by electronic funds. A request to use any other instrument drawn on the Council's bank account requires prior approval by the Chief Financial Officer.
- 6.7 All invoices will be input directly by Finance staff to the Financial Management System from where the certifying officer shall authorise the invoice for payment
- 6.8 Before certifying an account the certifying officer shall be satisfied that:-
1. The works, goods or services to which the account relates have been received, carried out, examined or approved and the relevant expenditure has been properly incurred;
 2. The prices, calculations, trade discounts, other allowances, credits and VAT are correct;
 3. Appropriate entries have been made on stores records or asset records as required;
 4. The account has not been previously passed for payment and it is a proper liability of the Council.

- 6.9 Chief Officers shall be responsible for procuring works, goods or services in accordance with the Standing Orders Relating to Contracts supported by the Procurement Manual and associated Procurement Guidelines.
- 6.10 Where a Chief Officer wishes to accept a tender with a value of greater than £1 million, a report shall be prepared by the relevant Service and be submitted to the relevant Committee prior to tender acceptance following advice from the Head of legal & Democratic Services and Chief Financial Officer. The report shall include:-
- (a) Comparison of the tendered costs with the approved available budget.
 - (b) How the tender was evaluated including Price/Quality split.

Where the tender costs cannot be met from within the approved budget, the matter shall be referred back to the Committee and if required, the Policy and Resources Committee to confirm the funding route.

- 6.11 Where the lowest acceptable tender is in an amount which cannot be contained within the approved budget for the project but the excess amount can be contained within any general contingency allowance within the Committee's approved Capital Programme then the tender may be accepted provided the Chief Financial Officer is satisfied the necessary funding is available and the matter is reported to the next meeting of the relevant Committee.
- 6.12 Works may be carried out by internal Council's Services e.g. Roads, Building Services subject to compliance with the Council's Standing Orders Relating to Contracts and the appropriate transparency conditions as laid down in the Local Government in Scotland Act 2003 and the Council's own Best Value protocol.
- 6.13 Payments to contractors shall be made on an approved payment request document authorised by the appropriate Chief Officer. Where contracts provide for payments to be made by instalments, the Chief Officer managing the contract shall ensure that a contract register is being properly maintained to show the state of account on each contract between the Council and the Contractors together with any other payments and related professional fees.
- 6.14 All instructions to contractors for variations to approved capital works or major revenue projects shall be instructed by the architect/engineer using an appropriate technical instruction form as relevant to the type of contract.
- 6.15 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Head of Legal & Democratic Services for consideration of the Council's liability and, where necessary, to the Chief Financial Officer for financial consideration before attempting a resolution.
- 6.16 Where there is an unreasonable delay in completion of a contract, it shall be the duty of the Chief Officer concerned to consult the Chief Financial Officer and Head of Legal & Democratic Services prior to determining any action in respect of claims for liquidate or other damages.
- 6.17 Duly certified accounts must be processed, authorised, coded and passed as soon as possible to the Chief Financial Officer who shall arrange for the examination to the extent that is considered necessary. For this purpose he shall be entitled to

make such enquiries and to receive such information and explanations considered necessary.

- 6.18 Final accounts must be agreed as early as practicable after expiry of the defects liability period.
- 6.19 Payment will only be made on a duplicate or copy invoice when the certifying officer is satisfied that the copy has not previously been paid.
- 6.20 All amendments to payment request vouchers (CRI's) shall be in ink and initialed by the certifying officer. VAT Invoices must be returned to the creditor for alteration.
- 6.21 The Chief Financial Officer shall have authority to pay duly certified accounts/vouchers.
- 6.22 Each Chief Officer shall, after the end of each financial year, notify the Chief Financial Officer of all outstanding expenditure relating to that year in accordance with the year-end guidance notes.

7. CONTROL OF INCOME

- 7.1 The processes for the collection and banking of all monies due to the Council shall be subject to the approval of the Chief Financial Officer. Changes to processes cannot be made without first obtaining the approval of the Chief Financial Officer.
- 7.2 Income due to the Council for work done, goods supplied or services provided and not paid for at the time must be recovered via the raising of an invoice which records the service delivery date. Chief Officers must ensure preparation and issue of such invoices in order to record and collect the amounts correctly. Invoices must be raised no later than 30 days after the last day of service delivery specified on the invoice. In rendering charges (whether by issuing an invoice or for goods supplied/services and paid for at the time), Chief Officers shall ensure that the correct VAT treatment is applied on which advice can be sought from Finance Services. In particular, transactions involving joint ventures and land sales can be particularly complex and in all such cases advice shall be obtained from the Chief Financial Officer and Head of Legal & Democratic Services before proceeding.
- 7.3 The Chief Financial Officer shall be notified as soon as is practicable of all monies due to the Council and of all contracts, leases and other arrangements entered into which involves a receipt of money by the Council and the Chief Financial Officer shall have the right to inspect all documents in this connection as may be required.
- 7.4 All receipt forms, books, tickets and other such items shall be designed, ordered, supplied and obtained subject to a consultation with and approval of the Chief Financial Officer. No Officer shall give a receipt on behalf of the Council on any form other than that of an official receipt form or ticket.
- 7.5 All money, cash or otherwise, received by an Officer on behalf of the Council shall without delay be paid to the Chief Financial Officer or as he may direct to the Council's bank account. No deduction may be made from such money save to the extent that the Chief Financial Officer may specifically authorise. Each Officer who directly banks money shall complete a corresponding income analysis sheet and forward it together with the bank pay-in slip and counterfoil to the Chief Financial Officer; alternatively deposits can be made at the Council's Customer Services Centre.
- 7.6 All offices or establishments receiving income by post shall secure appropriate mail opening procedures involving clear separation of duties wherever possible. All cheques and postal orders received shall be suitably crossed. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 7.7 Each transfer of official cash from one employee to another will be evidenced in the records of the Service concerned by the signature of the officer receiving the funds. Arrangements shall be developed at each office to secure all income collected on behalf of the Council until such time as these funds are banked.
- 7.8 Not less frequently than once per year scales of charges or tariffs (not fixed by statute) shall be reviewed for the following year. Any such review to comply with the Council's Budget Strategy and Charging Policy.

- 7.9 The Chief Financial Officer shall maintain a Debt Management Policy to secure effective recovery of all sums due to the Council. This Policy shall be applied for all monies due to the Council for rent or services provided. No debt due to the Council once correctly established shall be discharged otherwise than by payment in full or by write off following the certification of the Chief Financial Officer.
- 7.10 The Chief Financial Officer shall where necessary act on advice from the Head of Legal & Democratic Services, external debt managers and/or sheriff officers when determining debts to be written off for accounting purposes. Details of debts written off in terms of this Regulation shall be retained for credit control purposes and to allow the debts to be pursued at any stage until they become time prescribed. A report on debt recovery performance for the preceding financial year shall be submitted annually to the Policy & Resources Committee, no later than 31 October.

8. TRAVEL & SUBSISTENCE ALLOWANCES

- 8.1 All payments in respect of employees travel and subsistence allowances shall be at rates determined by the Council from time to time and in accordance with the scheme for payment of travel and subsistence allowances.
- 8.2 All claims for payment of subsistence allowances, travel and incidental expenses shall be submitted in a form approved by the Head of OD, Policy & Communications. All claim forms shall be signed by an authorised signatory (see Regulations 5.5 & 5.6).
- 8.3 Certification by or on behalf of the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys have been authorised, the expenses properly incurred wholly, necessarily and exclusively for Council purposes and that the allowances are properly payable by the Council.
- 8.4 Claims forms other than those relating to journeys made by the Chief Executive must always be authorised for payment by an officer senior to the claimant. The claims submitted by the Chief Executive must be countersigned by a Corporate Director.
- 8.5 Claims shall be submitted promptly, and on a regular basis. Claims applicable to a financial year shall be submitted not later than one month after 31 March of that financial year. Claims submitted after this period may not be automatically paid.
- 8.6 Requests by Councillors to travel outwith the United Kingdom on Council business (being funded from the Council budget) must be considered and approved by the Chief Executive in consultation with the Leader and Depute Leader prior to the journey taking place. Where such approval is granted it is for the relevant Committee to determine reasonable limits for travel. Subsistence limits for Councillors will be calculated by reference to the Members Salaries and Expenses Scheme.
- 8.7 Requests by employees to travel outwith the United Kingdom on Council business (being funded from the Council budget) must be considered and approved by the relevant Corporate Director in consultation with the Chief Executive, who will advise the Council Leader prior to the journey taking place. Where such approval is granted the Chief Financial Officer shall be consulted on reasonable limits for travel and subsistence payments on an individual journey basis.
- 8.8 Except in cases where a spouse or partner forms part of an approved group or delegation, the spouse or partner travel costs and additional accommodation costs shall not be met by the Council, unless previously approved by Committee.
- 8.9 Where an advanced payment is required in order to fund expenses which have not yet been incurred e.g. for attendance at an overseas conference, employees may request an advanced payment of expenses. Such a request shall be made to the Chief Financial Officer. Any advance agreed shall not exceed a reasonable estimate of the expenses to be incurred. Where an advance is granted, a claim form detailing actual expenses incurred, together with receipts, must be submitted to the Head of Organisational Development Policy & Communications within one month of the completion of the event.

- 8.10 Advance claims shall be made no later than 5 working days in advance of requirement. Advances will be made by electronic transfer to the employee's bank account. No cash advances shall be made unless the requirement is for "foreign currency".
- 8.11 Any failure to account for an advance of expenditure within the timescales indicated above shall result in the advance being recovered from the next available payroll run and employees will be required to sign a mandate authorising such recovery before an advance is made.

9. SALARIES, WAGES AND ESTABLISHMENTS

- 9.1 With the general exception of pensions to former employees the payment of salaries, wages, compensations and other emoluments to all employees of the Council shall be made by the Head of Organisational Development Policy & Communications.
- 9.2 Without the authority of the Council on the recommendation of the Policy & Resources Committee:-
- ♦ No permanent employee at Grade 12 or above shall be employed in excess of the approved establishment.
 - ♦ Amendments to the permanent establishment below Grade 12 require approval from the Chief Executive, Head of Organisational Development Policy & Communications, Chief Financial Officer and Corporate Management Team.
 - ♦ Employees shall normally be appointed to the first incremental point of the salary scale of the post. Where there are extenuating factors e.g. experience or existing salary required the placing can be reviewed by the Chief Officer in conjunction with the Head of Organisational Development, Policy & Communications with the Chief Executive having the final say in the event that agreement cannot be reached;
 - ♦ The appropriate conditions of service shall apply to all employees.
- 9.3 Alterations to rates of wages and salaries and to conditions of service for employees agreed by the relevant national negotiating bodies, shall be applied from the effective dates specified, subject to the reference to the Council of any matter in which there is a discretion.
- 9.4 Each Chief Officer shall ensure that the Head of Organisational Development, Policy & Communications is informed immediately and upon the prescribed form of all matters affecting the payment of such salaries and wages and in particular:-
- ♦ Appointments, resignations, dismissals, suspensions, secondments and transfers;
 - ♦ Changes in remuneration, other than normal increments and pay awards and agreements of general application;
 - ♦ Absences from duty for sickness or other reason, apart from approved leave;
 - ♦ Information necessary to maintain records of service for superannuation, income tax, etc.
- 9.5 Appointments of all employees shall be made in accordance with the regulations of the Council and approved establishments, grades and rates of pay.
- 9.6 All individuals employed by the Council shall be paid through the payroll system and no "self-employed" person shall be appointed without the specific prior written approval of the Chief Executive or relevant Director.

9.7 All time records or other "pay" documents shall be in a form prescribed or approved by the Head of Organisational Development, Policy & Communications and shall be certified in manuscript by or on behalf of the appropriate Chief Officer and returned timeously to the Head of Organisational Development, Policy & Communications. The Certifying Officer must be satisfied that:-

- ◆ Hours claimed have been worked;
- ◆ Where applicable, overtime hours have been correctly calculated;
- ◆ Summations are correct.

10. CAPITAL PROGRAMME - PREPARATION AND MONITORING

- 10.1 The Council produces a capital programme for the current financial year and a minimum of the following two financial years. The resources available over this period are estimated by the Chief Financial Officer.
- 10.2 A report seeking the consideration of a standalone project to be included within the draft capital programme shall include the following:-
- (a) Details of any assets to be created/enhanced.
 - (b) The need for the project and the anticipated benefits which will accrue to the Council and community. The benefit should be quantified wherever possible and linked to the Council's strategic objectives.
 - (c) The total estimated capital costs of the project including fees, equipment and other ancillary costs.
 - (d) Details of any other proposed funding sources including partner contributions.
 - (e) The estimated future revenue implications (or savings) arising from the project and the proposed source from which any additional costs (excluding loans charges) are to be met.
 - (f) A detailed phasing of capital costs over financial years on the basis that the project will be approved as part of the next budget round.
 - (g) For significant capital projects an option appraisal an option appraisal should be incorporated within the report highlighting options, risks and sustainability implications.
- 10.3 The relevant Chief Officer shall submit the report outlined in Regulation 10.2 to the Corporate Management Team for comment prior to submission to the relevant Committee for approval. If approved, by Committee the report thereafter requires approval by the Policy & Resources Committee prior to inclusion in the draft capital programme.
- 10.4 The Chief Financial Officer shall prepare a draft capital programme for consideration by the Council as part of the annual Budget approval process.
- 10.5 If, during the course of a contract, a variation or accumulation of variations to the contract or other cause will result in the approved cost being exceeded by either £50,000 or 20%, whichever is lower, the Chief Officer concerned shall report to the relevant Committee.
- 10.6 It shall be the responsibility of each Chief Officer to ensure that approved projects proceed in line with approved timescales and the expenditure does not exceed the sum allocated for each project in the capital programme.

- 10.7 In line with Council policy, post project evaluations require to be carried out by the Client/Technical Lead Officer for all projects with a contract value in excess of £2 million approximately 12-18 months after completion.
- 10.8 The Chief Financial Officer shall report each cycle to the Policy & Resources Committee updating the financial position of the approved capital programme. In addition the Chief Financial Officer and the relevant Director shall report on the progress of all current capital projects to each meeting of the appropriate Committee.

11. SECURITY

- 11.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc. under their control. The Chief Executive and the Chief Financial Officer must be notified in any case where it is considered that special security arrangements may be needed.
- 11.2 Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without specific written permission.
- 11.3 Keys to safes and similar receptacles are to be kept in the custody of persons with delegated responsibility at all times. The loss of any such keys must be reported to the Chief Financial Officer immediately.
- 11.4 Each Chief Officer shall arrange for registers to be kept of pre numbered accountable stationery e.g. receipt books, tickets, and other such items under their control.

12. POLICY ON VOLUNTARY FUNDS

- 12.1 Many employees within Council establishments are involved in the handling of money for and on behalf of the Council. Employees can also be responsible for other monies as a consequence of their employment by the Council either directly (e.g. schools, social work establishments, etc.) or indirectly as treasurer of a representative body relating to Council activities. These other monies are known as voluntary or unofficial funds.
- 12.2 Voluntary funds maintained by or at an establishment can be defined as "any fund other than an official fund of the Council, which is controlled wholly or in part, by an Officer of the Council by reason of his or her employment".
- 12.3 The aims and objectives of these funds are mainly complementary to and sometimes are not easily distinguishable from those of the Council. Thus, to protect the interests of not only the persons to whom the funds belong but also to safeguard the employees who administer and are responsible for them, suitable financial records must be maintained.
- 12.4 These regulations do not prescribe the detailed form and content of records to be maintained but in all cases written records shall be kept to show the nature and value of all receipts and disbursements. These records shall be kept up to date, be accessible to all parties connected with the funds and be subject to annual audit by a suitably qualified independent person.
- 12.5 Advice on the adequacy of any voluntary funds arrangement should be sought from the Chief Financial Officer.

13. ASSET REGISTER

- 13.1 An asset register for “accounting purposes” shall be compiled by the Chief Financial Officer which records an adequate description of property plus items of equipment, plant and machinery which exceed de minimus thresholds. The extent to which the owned and leased property of the Council shall be recorded and the asset register is to be kept in accordance with the recommended Chartered Institute of Public Finance and Accountancy guidance.
- 13.2 Each Chief Officer shall be responsible for maintaining a regular check on all assets under their responsibility and advise the Chief Financial Officer of any amendments to the asset register accordingly.
- 13.3 The Interim Director Environment and Regeneration shall ensure that a register of all land, properties and structures owned by the Council is maintained, which records the current user, the purpose for which held, the location, the extent, purchase price and rents payable and particulars of tenancies granted.
- 13.4 The Head of Legal & Democratic Services shall ensure custody of all title deeds under secure arrangements.
- 13.5 It is the responsibility of the Chief Financial Officer to ensure a five year rolling revaluation programme of assets is adhered to.
- 13.6 The Interim Director of Environment and Regeneration is responsible for maintaining the register of heritable and moveable assets subject of a leasing arrangement.
- 13.7 Council property shall not be moved otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned. Where Officers are authorised to retain equipment at home for the purposes of home working (either during or outwith normal working hours) each Chief Officer shall maintain a register giving details (including serial numbers where applicable) of all non ICT equipment held by each employee. It is the obligation of a Service to inform ICT if any item is moved or reallocated to allow the Configuration Management Database to be updated accordingly.

14 DISPOSAL OF ASSETS

- 14.1 All surplus plant, vehicles, equipment, scrap materials or any other assets deemed as having a value, where no suitable trade-in arrangements have been made and with a cumulative value estimated as over £500, shall be offered for sale by the appropriate Chief Officer. The manner of the sale will be as directed within the Procurement Manual.
- 14.2 Where it is estimated that the cumulative annual value of the surplus items specified in 14.1 will exceed £10,000 then the disposal of the items should be carried out by a suitably qualified contractor. The identification of a suitably qualified contractor will be the subject of a competitive bid process. Advice in all instances, must be sought from the Head of Legal & Democratic Services and the Procurement Manager in consultation with the Chief Financial Officer.
- 14.3 All land and buildings on becoming surplus to requirements by a particular service will be returned to the control of the Interim Head of Property Services. Property will be allocated to another Service or declared surplus to the Council's requirements. All surplus properties shall be sold by the Head of Legal & Democratic Services. In arranging any sale the relevant Chief Officer shall consult with the Chief Financial Officer to ensure all financial implications including accounting for VAT are fully considered.
- 14.4. The Council shall not be bound to accept the highest or any offer but where an offer other than the highest offer is recommended for acceptance approval of the Environment & Regeneration Committee is required and the reasons for accepting said offer must be duly recorded in the Minute of the Meeting. Where such a decision has financial implications for approved budgets/funding models then the approval of the Policy & Resources Committee is also required.
- 14.5 Where the Council wishes to dispose of land, officers shall have regard to Section 74 of the Local Government (Scotland) Act 1973 and any relevant regulations and statutory guidance, including any and all amendments which may from time to time be in force (the Framework).
- 14.6 In circumstances where the value of the land to be disposed is greater than or equal to £10,000 and the difference between the proposed consideration and the Best value consideration that can be obtained is greater than 25%, then the relevant Director shall present a report to the appropriate committee which shall:-
- (i) appraise and compare the costs and other disbenefits with the benefits of disposal at less than best value consideration;
 - (ii) state whether the disposal for the proposed consideration is reasonable and if so, explain why it is reasonable and;
 - (iii) outline whether the proposal is likely to contribute towards (a) promotion or improvement of economic development or regeneration, (b) health, (c) social well-being or (d) environmental wellbeing, for the whole or any part of the area in question or any person resident or present in that area of land.

- 14.7 In determining the best value consideration which could be achieved for land, the Framework provides that this should be determined by a suitably qualified valuer who shall:-

Be a chartered member of or authorised to practice by the Royal Institute Of Chartered Surveyors;

Be suitably experienced in the valuation of the type of property concerned with a reasonable knowledge of the locality concerned; and take into account, when valuing the land, the requirements of the latest edition of the RICS valuation standards applicable at the date when he is undertaking the valuation.

- 14.8 The Procurement Manual shall contain detailed provisions which shall be applied in relation to the procedures to be followed in relation to the disposal of land.
- 14.9 For the avoidance of doubt, 'disposal of land' includes sale, lease, license to occupy or other arrangements whereby the Council relinquishes ownership or occupation of land and/or buildings.
- 14.10 Details of any IT equipment which a Chief Officer deems surplus to requirements shall be advised to the ICT Service Manager who will consider the equipment's suitability for use within the Council and or sale to a secondary ICT market in line with Regulation 14.1.

15. STOCKS AND STORES

- 15.1 Chief Officers shall be responsible for the custody of the stocks and stores in their Services
- 15.2 Chief Officers shall arrange for periodic examination of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every financial year. No adjustment of stock valuation (for writing off, writing down, obsolescence etc.) shall be made without the approval of the Chief Financial Officer.
- 15.3 The Chief Financial Officer shall be entitled to receive from each Chief Officer such information as he requires in relation to stores for accounting, costing and financial recording purposes.
- 15.4 Stocks and stores records must be kept in a form approved by the Chief Financial Officer.
- 15.5 Surplus material, stores or equipment (including scrap) shall be disposed of in terms of Regulation 14 unless otherwise agreed with the Chief Financial Officer. Payment must be received before such items are removed by the purchaser.

16. IMPRESTS

- 16.1 The Chief Financial Officer shall provide such imprests as he considers appropriate for those Officers of the Council who may need them for the purposes of defraying petty cash and other expenses.
- 16.2 The Chief Financial Officer shall open bank accounts where considered appropriate. In no circumstances shall the imprest holder overdraw the account.
- 16.3 Income received on behalf of the Council shall not be paid into an imprest account. It must be banked or paid to the Council as provided under Regulation 7.5.
- 16.4 Payments from an imprest account shall be limited to minor items of expenditure and to such other items as the Chief Financial Officer may approve and shall be supported by a receipted voucher to the extent that the Chief Financial Officer may require.
- 16.5 On no account shall any allowances or personal expenses or subsistence payments be paid to employees from an imprest account, instead all such claims shall be processed through the travel and subsistence scheme in terms of Regulation 8.2.
- 16.6 Any officer responsible for an imprest account shall maintain a proper account and shall provide a certificate of balance when requested.
- 16.7 Any officer ceasing to be entitled to hold an imprest, for any reason, shall account for the amount advanced in full. A formal record of this accounting shall be prepared and retained within the relevant Service concerned for inspection.

17. BANKING ARRANGEMENTS

- 17.1 The Council's main bank account will be kept with the bank approved by the Council and where required the Chief Financial Officer shall arrange for subsidiary accounts to be kept with that bank.
- 17.2 All bank accounts shall be in the name of, or incorporate the name of, the Council.
- 17.3 Except where in special circumstances it is not possible to borrow on or gain access to the money market, the bank account shall not be drawn in excess of the sum authorised by the Council and agreed with its bankers.
- 17.4 All bank accounts shall be reconciled to supporting records at regular monthly intervals and copies of reconciliations, if requested, shall be forwarded to the Chief Financial Officer for review.
- 17.5 Payments over £50,000 must be countersigned by an authorised bank signatory before the payment is released.
- 17.6 Arrangements for electronic funds transfer shall be authorised by the Chief Financial Officer or his nominee.

18. ANNUAL ACCOUNTS

- 18.1 Chief Officers shall provide all information requested in the year end accounting instructions issued by the Chief Financial Officer and comply with the timetable in order to ensure that the annual accounts can be completed in line with the statutory deadline.
- 18.2 An unaudited copy of the annual accounts shall be submitted to the Audit Committee for review prior to formal submission to Audit Scotland.
- 18.3 The accounts together with the auditor's report, shall be submitted to the Council for final approval following completion of the external audit.

19. INSURANCES AND INDEMNITIES

- 19.1 The Chief Financial Officer shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 19.2 Chief Officers shall notify the Chief Financial Officer without delay of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 19.3 Chief Officers shall notify the Chief Financial Officer in writing of any loss, liability or damage or any event likely to lead to a claim and shall inform the Police Scotland where appropriate.
- 19.4 All employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 19.5 The Chief Financial Officer shall review all insurance arrangements in line with the contract term and report annually on the Insurance Fund performance to the Policy & Resources Committee.
- 19.6 Chief Officers shall consult with the Head of Legal & Democratic Services and the Chief Financial Officer about the terms of any indemnity which the Council is required to give.

20. TREASURY MANAGEMENT

- 20.1 The Council actively works to promote best practice for all aspects of its treasury management operation. The Council has adopted the CIPFA “Treasury Management in Public Services – Code of Practice”.
- 20.2 A Treasury Management Policy Statement (TMPS) will be approved annually as part of the treasury strategy unless there is a requirement to revise the policy in the interim period. The TMPS will state the policies and objectives of the treasury management activities.
- 20.3 Treasury Management Practices (TMP’s) will be established and maintained setting out the manner in which the Council will seek to achieve these policies and objectives, and prescribing how it will manage and control these activities as a supplement to the CIPFA Code of Practice. The Chief Financial Officer has delegated authority to change the TMP’s to reflect changes to the Council structure, bankers, treasury advisors or credit worthiness selection methodology.
- 20.4 At the start of the financial year the Chief Financial Officer shall report to the Policy & Resources Committee on the proposed strategy for treasury for the coming financial year. This strategy will also include the Council’s investment Strategy. Thereafter this requires approval by the Council.
- 20.5 All monies in the hands of the Council shall be under the control of the Officer designated for the purposes of Section 95 of the Local Government (Scotland) Act 1973, referred to in the Code as the Responsible Officer.
- 20.6 The Council has delegated the execution and administration of the treasury management decisions to the Chief Financial Officer who will act in accordance with the Council’s Policy Statement and Treasury Management Practices and CIPFA’s Standard of Professional Practice and Treasury Management. In the absence of the Chief Financial Officer the Finance Manager (Corporate Services and Strategic Finance) will deputise in this regard.
- 20.7 The Policy & Resources Committee will receive an annual report by 30 September on the Council’s Treasury Management activities for the preceding financial year. Thereafter this report requires approval by the Council.

21. INVESTMENTS AND LOANS, COMMON GOOD AND TRUST ETC FUNDS

- 21.1 The Chief Financial Officer shall manage funds in accordance with the limits and conditions imposed by statute, by the relevant deed of trust etc. and by the Council and shall ensure the proper and safe custody of funds.
- 21.2 All investments of monies under its control shall be made in the name of the Council or in the name of nominees approved by the Council; bearer securities shall be excepted from this Regulation but any purchase of such security shall be reported to the Council.
- 21.3 All securities, which are the property of, or in the name of the Council or its nominees shall be held in the custody of the Chief Financial Officer or according to their instruction.
- 21.4 The title deeds of all property in the ownership of the Common Good and Trust etc. Funds shall be held in the custody of the Head of Legal Services.
- 21.5 All Trust Funds shall wherever possible be in the name of the Council, all monies left in trust to the Council or to be administered by its officials shall be notified as soon as possible to the Chief Financial Officer.
- 21.6 All officers acting as trustees by virtue of their official position shall deposit all securities etc. relating to the trust with the Chief Financial Officer unless the Deed otherwise provides.
- 21.7 The Chief Financial Officer has a duty to prepare annual accounts in an appropriate format and submit these accounts to trustees for approval.

22. HOSPITALITY

- 22.1 Each Director shall be entitled to extend hospitality within their area up to £1,000 (excluding VAT) per occasion, subject to budget availability.
- 22.2 When hospitality is estimated to cost in excess of £1,000 but not more than £2,000 per occasion, written approval shall first be obtained from the Chief Executive.
- 22.3 Hospitality estimated to cost in excess of £2,000 per occasion shall require the prior approval of the appropriate Service Committee.
- 22.4 Reasonable hospitality extended to Council employees by current or prospective clients, customers, suppliers etc. is an accepted practice, but the acceptance of excessive hospitalities or gifts, other than mere tokens, goes beyond what is proper for a public official, regardless of whether such gifts do, or are intended to, influence them in an official capacity. The acceptance of an offer of any hospitality or gift deemed likely to exceed £20 in value must be approved by the relevant Director or the Chief Executive prior to its acceptance, and intimated in writing to the Head of Legal & Democratic Services for recording in a central register of gifts and hospitality.
- 22.5 Officers have a duty to report to the Head of Legal & Democratic Services any offers of hospitality which could be viewed as being excessive or if accepted which would run the risk of bringing the Council into disrepute.

23. INTERNAL AUDIT

- 23.1 A continuous internal audit Service, under the control and direction of the Head of Legal & Democratic Services shall be arranged to carry out an independent examination of the adequacy and effectiveness of financial and operational controls of the Council, including governance arrangements, as part of the Council's assurance processes. Operational responsibility for the delivery of the service shall be vested in the Chief Internal Auditor.
- 23.2 The Chief Internal Auditor shall be consulted on any significant proposed changes to the Council's internal control mechanisms.
- 23.3 The work of the Internal Audit Section shall be approved and monitored by the Audit Committee. This shall involve the Committee:-
- ♦ Considering and approving the annual audit plan;
 - ♦ Seeking clarification on and approving of reports summarising the findings arising from Internal Audit work; and
 - ♦ Directing in consultation with the Head of Legal & Democratic Services that Internal Audit conducts audits of matters of concern to Councillors and reports in full on these to the relevant Committee of the Council.
- 23.4 The Head of Legal & Democratic Services or his authorised representative, shall have authority to:-
- ♦ Enter at all reasonable times any Council premises or land;
 - ♦ Have access to all records, documents and correspondence relating to any financial and other transactions of the Council, where such access is necessary to investigate the financial propriety of the transaction;
 - ♦ Require and receive such explanations as are necessary concerning any matter under examination; and
 - ♦ Require any employee of the Council to produce cash, stores or any other Council property under that employee's control which is relevant to any investigation being carried out.
- 23.5 Whenever any matter arises which involves or is thought to involve fraud or irregularities concerning cash, stores or other property of the Council or any suspected fraud or irregularity in the exercise of the functions of the Council, any employee having knowledge thereof shall as soon as possible notify Internal Audit in accordance with the Council's Anti-Fraud and Irregularity Policy or alternatively shall comply with Council's Whistleblowing Policy which is contained within the Code of Conduct for Employees.

23.6 The Chief Internal Auditor shall investigate any such matters in consultation with the Head of Legal & Democratic Services and report in terms of the Council's policy to combat fraud and corruption. A decision to refer a matter to the Police Scotland will be taken by the Chief Executive and the Monitoring Officer in consultation with the Chief Internal Auditor and the relevant Director where appropriate.

24. RISK MANAGEMENT

24.1 The Council will actively promote a positive risk management culture in respect of all working practices within the Council while liaising with partnership organisations and local people in risk related matters.

24.2 The Council has adopted a risk management policy statement dedicated to managing the risks within its control to enhance the corporate governance process and in so doing aims to:-

- ◆ Safeguard its employees;
- ◆ Protect its assets;
- ◆ Preserve and enhance service delivery to its population;
- ◆ Maintain effective stewardship of public funds;
- ◆ Promote a favourable corporate image.

24.3 The Council, supported by the Chief Internal Auditor, has responsibility for:-

- ◆ The establishment of the Council's risk management philosophy;
- ◆ Setting objectives and standards;
- ◆ Linking risk management to Council objectives and stakeholder values;
- ◆ Setting appropriate objectives and policies on risk management and controls assurance; and
- ◆ Embedding risk management at every level of Council activity.

24.4 The risk management policy statement is supported by approved risk management framework which ensures there is an effective framework in place to ensure that the Council can :

- ◆ Identify, assess and prioritise risk
- ◆ Determine what steps should be taken to reduce or eliminate risk
- ◆ Monitor and reporting on the effectiveness of risk mitigation strategies

24.5 These Financial Regulations are integral to the delivery of the corporate risk management process.

24.6 All Chief Officers are responsible for the continuous review and management of Directorate and Service risk registers with appropriate support from the Chief Internal Auditor.

25. EXTERNAL ORGANISATIONS

- 25.1 The Council has adopted a process to ensure that it fulfills its overall governance responsibilities towards external organisations effectively
- 25.2 A simple matrix has been adopted by the Council by which to determine the level of oversight which the Council should have over organisations to which it makes material payments. The scores which result from this matrix require Lead Officers to take specific courses of action and this can only be varied with the approval of the Chief Financial Officer in consultation with the Head of Legal & Democratic Services.



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- 25.3 A list of all relevant organisations will be prepared on an annual basis by the Chief Financial Officer and thereafter submitted to the Policy & Resources Committee for approval. The approved list can be amended during the year with the approval of the Chief Financial Officer based on the advice of the relevant Chief Officer and the Procurement Manager.
- 25.4 For the Council's Arms Length External Organisations (ALEO) then there is a requirement for an Annual Monitoring Report submitted to the relevant Committee shall cover -
- 1) The aims and objectives of the External Organisation and how these have been met.
 - 2) The overall financial position of the External Organisation.
 - 3) Performance against targets and any value for money indicators and an overall assessment of the governance risk to the Council.
 - 4) Key issues for the forthcoming period.
- 25.5 Lead Officers require to support any Council members involved with relevant organisations.

SUMMARY OF PROPOSED CHANGES TO STANDING ORDERS AND SCHEME OF ADMINISTRATION

TITLES AND PAGE NOS AMENDED:	ORDER NO:	PROPOSED CHANGE
2	3	Amendment as to the calling of a Special Meeting – can now also be called by the Chief Executive or Monitoring Officer.
2	4	Amendment to include provision for virtual/remote meetings of the Council
2	6	Amended wording of the SO to extend use of mobile electronic devices during meetings to ensure the expeditious progress of the meeting in addition to accessing Council agendas etc.
9	40	Proposed amendment of the Standing Order relating to voting in order to reflect that it shall be taken by roll call rather than a show of hands for all meetings of the Council, Committees, and Sub-Committees.
9	45(a), (b) and (c)	All amended in order to reflect that this Standing Order is applicable both to Council meetings and meetings of Committees, and Sub-Committees.
11	4 (Committees)	Proposed changes to modify Standing Order 4 in relation to Committees in order to reflect the meeting shall be held at the Municipal Buildings or such other place as the Committee or Proper Officer in consultation with the Convener may determine in order to have consistency with Standing Order 4 in relation to meetings of the Council. This also provides for virtual/remote meetings.
13	62(b)	Quorum of LRB to increase from 4 to 5
15	5.2	Increase of LRB Members from 7 to 9
16	5.5(b)	Amendments to substitution of Members at meetings, including provisions where items of business have been continued.
	7	FUNCTIONS DELEGATED TO COMMITTEES
16	7.1	Policy & Resources Committee: insertion of 7.1(f) additional authority to approve formulation in implementation of the Anti-Poverty Policy.
	7.1.2	FINANCE
19	7.1.2(d)	Deletion of responsibility to oversee superannuation and pension.

Organisational Development, Policy & Communications			
20	7.3.1(c)	Audit Committee	Amendment of the power delegated to the Audit Committee to remove reference to Financial Performance of the Council and reflect power to monitor the Financial Governance arrangements within the Council.
21	7.3.1(l)	Audit Committee	Amendment to scrutinise and comment on the Council's Financial Regulations and Standing Orders relating to contracts
Environment & Regeneration Committee			
22	7.5.2	Organisational Development, Policy & Communications	Sub-section (a) – deletion of reference to architectural services and amended reference to provision of all Estate and Property Management Services including Technical Services and Building Services. Sub-section (d) insertion of new delegated powers to determine applications for Asset Transfer in terms of the Community Empowerment (Scotland) Act 2015. Sub-section (e) – insertion of delegated authority to determine the Council's Procurement Strategy. Subsection (h) – insertion of overseeing delivery of the Council's Net Zero Strategy
Environmental Health & Trading Standards			
21	7.5.2		Sub-section (d) – deletion of delegated power to consider and approve the Annual Report submitted by the Chief Inspector of Weights and Measures in terms of the relevant legislation.
24	7.5.3		Deletion of Clyde Muirshiel Park Authority Joint Committee in relation to Key Partnerships.
Education & Communities Committee			
7.6	7.6.1		(a) deletion of reference to “and anti-social behaviour” in relation to community safety.
Management of Education Services			
24	7.6.2		Insertion of new delegated authority (f) to oversee the development of the young workforce in regard to employability skills and lifelong learning. (m) insertion of new delegated authority in relation to approving school holidays after appropriate consultation and insofar as there is no conflict with the Council's Terms and Conditions of Employment.
Leisure & Community Support Services			
28			(b) in relation to the authority to discharge all powers and duties of the Council in relation to Sports

				Development, Community Health and Fitness and Play Forums, deletion of reference to “conservation, landscaping and the local Sports Council”.
26	7.6.3			(Relationships with Key Partnerships) – insertion of reference to cultural provision to which the Council awards significant grant funding such as the Beacon Arts Centre and Community Centres to which the Council provides significant grant funding.

SUMMARY OF PROPOSED CHANGES TO SCHEME OF DELEGATION

TITLES AND PAGE NOS AMENDED:	ORDER NO:	PROPOSED CHANGE
n/a		Revised for interim structure to April 2023.
n/a		Changes throughout the Scheme to update designations of Officers and to reflect re-structure approved in October 2021.
1	2(d)	Definition of the Chief Financial Officer is expanded to provide a definition of the Section 95 Officer.
5	7	Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) change to reflect up-to-date list of Senior Officers with delegated powers.
7	15	Administration of Pension Scheme – updated to reflect current position.
Head of Education		
9	21	New authority regarding irregular attendance of pupils at school under Education (Scotland) Act 1980.
Head of Culture, Communities & Educational Resources		
10	5	Deletion of authority to make grants to pupils from schools who are normally resident within the Council area, who are elected to join musical organisations, in respect of fees for attendance.
10	12	Deletion of authority to exercise the functions of the Education Authority in relation to regular attendance of pupils at school.
Head Teachers		
12	4	Insertion of authority for grants re musical/sports.
Chief Social Work Officer		

19	22	Reference to recent legislation – Children (Scotland) Act 2020.
19	23	Reference to Looked After Children (Scotland) Amendment Regulations 2021
Head of Legal & Democratic Services		
22	3	clarification around delegated authority to act as Proper Officer in terms of the Local Government(Scotland) Act 1973 in relation to arrangements for conducting business of the Council.
22	4	clarification regarding delegated authority to act as Proper Officer in terms of the Local Government(Scotland) Act 1973, Ethical Standards in Public Life (Scotland) Act 2000 in relation to Members’ interests
25	36	To include specific reference to concluding missives and executing deeds in consultation with the Interim Head of Property Services in relation to disposal of land and property up to the value of £50,000.
26	40	To include specific reference to entering into the renewal of Leases or Licences to Occupy and Variation/Renunciation/Termination of Leases in consultation with the Interim Head of Property Services.
27	40	To delete reference to authority to determine asset transfer requests and to insert new authority to conduct consultation in terms of the Town & Country Planning (Scotland) Act 1959 and the Community Empowerment (Scotland) Act 2015 involving disposal/appropriation and/or change of use of relevant land.
27	42	Delete reference to maintenance of Register of Land – Community Empowerment (Scotland) Act 2015.
27	43	Delete reference to making arrangements for the publication of the Council’s annual Asset Transfer report – Community Empowerment (Scotland) Act 2015.
Interim Head of Property Services		
27	8	New authority to maintain the Register of Land under Section 24 of the Community Empowerment (Scotland) Act 2015.
27	9	New authority to make arrangements for the publication of the Council’s annual Asset Transfer report – Section 95 Community Empowerment (Scotland) Act 2015.
28	12	New proposed wording regarding authority for approval relating to Leases and Licences and extension of these powers for non-commercial/industrial portfolio (to reflect the separation of Legal & Property Services).
Interim Director Environment & Regeneration		

			Expansion of authority with reference to all properties in the commercial and industrial portfolio
31	23		
Public Protection & Covid Recovery			
33			Deletion of reference to Interim Head of Public Protection and Covid Recovery and insertion of title "Public Protection & Covid Recover".
Head of Shared Services Roads			
41	19		Deletion of existing authority regarding stopping-up roads, stopping-up dangerous access from public roads to land, stopping-up access to land from certain roads and supplementary provision and insertion of revised authority regarding these orders stipulating it is only necessary to consult with the Chief Constable and local Members prior to arranging for advertisement of any proposal.
42	28(a)		Authority revised to reflect procedure in relation to Orders under Section 36 and 37 of the Roads (Scotland) Act 1984.
43	30		Revised wording for accuracy regarding Orders under the Road Traffic Regulation Act 1984 and deletion of 30(b) as repeated in 19 on page 42.

Standing Orders and Scheme of Administration



Inverclyde Council

Standing Orders
and
Scheme of Administration

Approved - 7 June 2018

Updated - 5 December 2019, 18 February 2021 and
17 February 2022

INVERCLYDE COUNCIL

STANDING ORDERS AND SCHEME OF ADMINISTRATION

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STANDING ORDERS OF INVERCLYDE COUNCIL

Definitions

1. In these Standing Orders, unless the context otherwise requires, the following words and expressions shall have the following meanings:

the 1973 Act means the Local Government (Scotland) Act 1973;

the 1994 Act means the Local Government etc. (Scotland) Act 1994;

the 2004 Act means the Local Governance (Scotland) Act 2004;

the Council means The Inverclyde Council incorporated in terms of the 1994 Act;

Statutory Meeting means the meeting which, in terms of the relevant legislation, the Council is required to hold within 21 days of the date of the election in an ordinary election year;

Provost means the Convener of the Council elected under Section 4 of the 1994 Act;

Chair means the person at any time presiding at a meeting of the Council or a Committee;

Convener and **Vice Convener** of a Committee mean the Members appointed to those offices by the Council;

Member means a Councillor for the Council elected in accordance with the 2004 Act;

Proper Officer means the person designated as such and for the purpose specified by the Council in the Council's Scheme of Delegation;

clear days shall be interpreted to not include the day of receipt of any relevant notice and the day of the meeting;

written request and **in writing** mean a letter signed by the author(s) delivered to the Proper Officer or a scanned copy of that letter delivered to the Proper Officer by electronic means;

any reference to a **Committee** shall, unless the context otherwise requires, include reference to a Sub-Committee, Board, the Local Review Body and any Committees acting in a quasi-judicial capacity;

unless the context otherwise requires, words imparting the singular shall include the plural and vice versa.

Meetings of the Council

2. The Council shall meet at 4 p.m. on the following days:

- (a) A Statutory Meeting of the Council shall be held in the year of the elections to the Council under the relevant legislation within 21 days from the date of that election;
 - (b) Ordinary Meetings shall be held on the Thursday of the final week of each cycle of meetings set by the Council and, in any event, at intervals of no more than 16 weeks between each meeting, unless otherwise agreed in terms of **Standing Order 3**.
3. Special Meetings may be called at any time by the Proper Officer on being required to do so by (a) the Provost, or (b) a written request for that purpose, signed by at least 7 Members or (c) at the request of the Chief Executive or Monitoring Officer, which meeting shall be held within 7 clear days. The request shall specify the business proposed to be transacted at the meeting.
4. All meetings of the Council shall be held within the Municipal Buildings, Greenock, or such other place as the Council or the Proper Officer in consultation with the Provost may specify, it being declared that a virtual/remote or hybrid meeting arranged by the Council shall satisfy this requirement.
- Subject to prior agreement by the Provost, any Member who cannot reasonably attend a meeting in person may request that provision be made within alternative, suitable Council premises for video conferencing participation in the meeting, if practicable with regard to advance notice, technical feasibility and cost, provided that the Proper Officer is satisfied as to the necessary arrangements securing any required propriety and confidentiality of Council business.
5. Subject to the terms of Sections 50A and 50E of the 1973 Act, all meetings of the Council shall be open to the public.
6. No Member or member of the public may photograph, broadcast, transmit or record any Council meeting without prior written approval from the Council. The use of mobile electronic devices by Members during meetings is permitted only to ensure the expeditious progress of the meeting, for access to Council agendas, notes or diary entries and not for any external purpose.

Notice of Meetings

7. Notice of all Council meetings is published on the Council's website.
8. All meetings of the Council shall be convened by:
- (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.
9. If a meeting is convened at shorter notice than 3 clear days by reason of urgency, the Notice and summons referred to above shall be published and posted as soon as the meeting is convened.

10. Want of service of a summons on any Member shall not affect the validity of a meeting of the Council, only if good reason is shown for failure to send such a summons as may be decided upon by the Provost.

Quorum

11. The quorum for the Council is 7. No business may be transacted at any meeting unless a quorum is present.
 - (a) If, 10 minutes after the time stated in the summons to attend a meeting, a quorum is not present, the meeting shall stand adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (b) If after a meeting has started, the number of Members present falls below the quorum and after a period of 5 minutes (during which time no business shall be considered or transacted), a quorum cannot be found, the meeting shall be adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (c) Any Member who has declared an interest in an item of business at the meeting and who leaves the meeting for that purpose may not be counted in the quorum for that item of business. If less than a quorum of the Council results from the Member leaving the meeting, then that item of business cannot be considered at the meeting.

Sederunt and Apologies

12. The names of the Members present at a meeting of the Council shall be recorded by the Proper Officer. Members who intimate to the Proper Officer apologies for non-attendance at a meeting of the Council shall have their apologies recorded in the Minute.

Failure to Attend Meetings

13. Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of 6 consecutive months to attend any meetings of the Council or a Committee, he or she shall, unless the failure was due to some reason approved by the Council, cease to be a Member.

Convener

14. (a) The Convener of the Council, upon being elected, shall be known as the Provost and shall subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act, hold office until the next ordinary election or until ceasing to be a Councillor, whichever is the earlier. Notwithstanding the foregoing, the Council may specify a shorter period for the term of office of Convener at the time of that election;

- (b) At a meeting of the Council, the Provost or, in his or her absence, the Depute Provost shall preside. If the Provost and the Depute Provost are both absent from a meeting, another Member of the Council chosen by the Members present will chair the meeting.
15. Subject to the provisions of **Standing Order 14** the Council may at any time agree to remove the Provost from office with immediate effect provided that:
- (a) a Notice of Motion in terms of **Standing Order 22** to that effect is given at one meeting of the Council and on the basis that the matter is to be considered at the next ordinary meeting of the Council; or
 - (b) where no such prior Notice of Motion is given, not less than two thirds of Members present and entitled to vote at the meeting agree that the early removal from office of the Provost be considered at that meeting.

Role of Provost

16. The Provost shall:
- (a) preserve order and ensure fairness in debate;
 - (b) ensure the agenda of business is properly dealt with and clear decisions are reached;
 - (c) decide on all points of order and matters of competence and relevance;
 - (d) with the assistance of the Proper Officer, ensure that Standing Orders are observed;
 - (e) decide on all questions of procedure for which no express provision is made in Standing Orders; and
 - (f) order the exclusion of any member of the public to prevent or remove disorderly conduct or any other behaviour which disrupts the business of the meeting.
17. The decision of the Provost on all matters within his or her responsibility shall be final and shall not be open to question or discussion.

When the Provost speaks the Member, if any, who is addressing the meeting, shall cease to speak. The Provost shall be entitled, in the event of disorder occurring, to adjourn the meeting to a time he or she may then or thereafter determine.

Restriction on Business

18. No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council as a matter of urgency. The Provost must rule that it is a matter of urgency and give the reasons for the ruling, to be noted in the Minute. The item must be made known at the start of the meeting when the order of business is decided. If the Provost rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council, unless dealt with earlier.

Order of Business

19. (a) At the first meeting of the Council after an ordinary election, the Council shall deal with the business in the following order:

note the election of Members;

take the sederunt, noting which Members have executed the declaration of acceptance of office;

elect the Provost;

elect the Depute Provost;

appoint Leader, Depute Leader and Leader of the Minority Group(s);

appoint Members to Committees;

appoint Conveners and Vice-Conveners of Committees;

appoint Members to the Licensing Board;

appoint representatives to outside bodies;

consider arrangements for a timetable of scheduled meetings and any administrative arrangements.

- (b) At all other meetings of the Council, business shall be dealt with in the following order:

note apologies for absence;

note the appointment of substitutes by Members;

consider notice of any urgent business;

note declarations of interest;

approve minutes of meetings of the Council and Committees;

ask questions on the minutes;

consider Notices of Motions;

consider other motions on the agenda;

consider reports;

consider business in the appendix.

- (c) The order of business may be altered by the Provost upon his or her discretion.

Minutes

20. Minutes of Council meetings shall be prepared by the Proper Officer. Subject to approval or correction as the case may be, the Minute shall be signed at the next suitable meeting of the Council by the person then presiding.
21. At the Council meeting, the Member presiding at a Committee meeting shall move acceptance of the Minute of that Committee meeting, as a correct record insofar as any such corrections of the Minute do not conflict with the proper exercise of powers delegated to the Committee. In the absence of the Member presiding at the Committee, another Member may move acceptance of the Minute of that meeting as a correct record. Any correction proposed by the presiding Member requires a seconder.

Any item in the Minute subject to referral from a Committee will require to be moved and seconded and subject to debate thereafter.

Procedure for Notice of Motion

22. A Member may submit a Notice of Motion for consideration at any meeting of the Council. Such Notice of Motion shall be in writing and shall be countersigned by at least one other Member and delivered to the Proper Officer at least 7 clear days prior to the meeting of the Council at which the Motion is to be considered. The Notice of Motion shall be printed in the Agenda of the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.
23. A Notice of Motion submitted under **Standing Order 22** may be moved by the Member who submitted the Notice of Motion or by another Member present. If it is not so moved, it shall, unless postponed by decision of the Council, be considered as withdrawn.

Motions and Amendments

24. Any Member proposing a motion or amendment relating to any item of business at a meeting shall state precisely the terms of his or her motion or amendment to enable the Provost to rule as to its competency.
25. Before any vote takes place, a motion or amendment must be duly seconded.
26. Any motion or amendment which is not seconded shall fall and will not be recorded in the Minute.
27. Only a Member who has not abstained and has taken part in a vote or who has moved a motion or amendment but failed to find a seconder may, if he or she so requests, have his or her dissent to the relevant decision recorded in the Minute.
28. The Provost may require that any motion or amendment shall be put in writing by the Member so proposing or amending. When required by the Provost, the Proper Officer will read any motion or amendment prior to it being put to the meeting.
29. No Member shall move or second more than one motion or amendment on an item of business. A Member who has moved or seconded a motion or amendment shall be entitled to move or second a new motion or amendment if the original motion or amendment is withdrawn in terms of **Standing Order 30**.

30. A motion or amendment which has been moved and seconded shall not be altered or withdrawn without the consent of the mover and the seconder.
31. A motion or amendment contrary to a decision of the Council shall not be competent within 6 months of that decision unless, in the opinion of the Provost, material information is introduced which had not previously been available or some other material change of circumstances has taken place.

Speeches

32. Except with the permission of the Provost, the mover and seconder of a motion or an amendment shall not speak for more than 15 minutes. Others speaking in the debate shall not speak for more than 10 minutes. No Member other than the mover of a motion shall speak more than once in the same debate unless to call attention to a point of order or, with the permission of the Provost, to make an explanation. The mover of the motion shall have the right to speak for up to 5 minutes in reply to the points raised in the debate and will strictly confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, the question shall be put by the Provost.
33. Members shall address the Provost. Each Member shall confine his or her speech to the item being debated.
34. Except with the consent of the Provost, it shall not be competent for any Member to read a written or printed speech to the meeting but a Member shall be entitled to refer to notes.

Points of Order

35. Any Member may raise a point of order at any time during a meeting. Any Member who is addressing the meeting when a point of order is raised will resume his or her seat until the point of order has been decided upon by the Provost. No other Member may speak to the point of order unless with the permission of the Provost. The decision of the Provost will be final and cannot be debated.

Closure of Debate

36. At the conclusion of any speech, a Member who has not spoken on the item being debated may move "that the question be now put". If such a motion is moved and seconded and the Provost is of the opinion that the item has been sufficiently debated, there shall be no further debate and the vote shall be taken immediately "for" or "against" the motion "that the question be now put." If the motion "that the question be now put" is agreed, the mover of the substantive motion shall have the right to speak for not more than 5 minutes in reply to the points raised in the debate and will confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, a vote shall be taken immediately on the substantive motion.

Adjournment

37. At the conclusion of any speech, any Member may move that the meeting be adjourned. If such a motion is moved and seconded there will be no further debate and the vote shall be taken immediately to "adjourn" or "not adjourn". If the motion to adjourn is agreed then, unless the time is specified in the motion, the adjournment

shall take effect immediately and the meeting shall be adjourned until such time as decided by the Provost. If the motion to adjourn is not agreed, it shall not be competent to repeat such a motion for a further 30 minutes, unless moved by the Provost.

38. A motion to adjourn shall take precedence over all other motions.

Voting

39. Except where otherwise provided by these Standing Orders, when a motion and amendment are considered by the Council, the proposal receiving the support of the majority of the Members present and voting will be declared to be the decision of the Council.
40. Voting shall be taken by calling the roll. For purposes of accountability, the names of all Members voting or abstaining relative to any motion or amendment shall be recorded in the Minute.
41. In addition to a deliberative vote, in the case of an equality of votes, the Provost, should he or she so wish, shall have a casting vote except where the matter relates to the appointment of a Member to any particular office or Committee (but not to outside bodies), in which case the decision shall be by lot.
42. When a motion and 2 or more amendments have been moved and seconded, the vote shall be taken in the first instance between the amendment last proposed and the amendment second last proposed. The successful proposal from that vote shall be taken against the amendment third last proposed and so on until there remains only one amendment to be taken against the motion and whichever of those is carried shall be the decision of the Council.
43. When a vote has been taken and the accuracy of the count is immediately challenged, it shall be at the discretion of the Provost to call for a recount.

Disregarding the Authority of the Provost

44. If any Member disregards the authority of the Provost or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the rest or any part of the meeting. The motion shall be put without discussion. If it is carried, the Council Officer shall act on any orders given by the Provost to carry out such a decision.

Questions and Agenda Items

45. (a) Any Member may put a question to the Provost or to any Convener at any meeting of the Council concerning relevant and competent business on the Agenda. If the Provost or Convener decides that the question is relevant and competent, the Provost or Convener shall answer it or direct that it shall be answered;
- (b) If any Member wishes to give formal notice of a detailed question arising from the business on the Agenda, that Member can submit that question in writing to the Proper Officer by 10am on the day preceding the Council meeting. The Proper Officer shall liaise with the Provost or Convener on this at the earliest opportunity;

- (c) Any Member may submit in writing to the Proper Officer an item of business for consideration at any meeting of the Council not less than 7 clear days preceding the meeting. The Proper Officer shall place the item on the Agenda notwithstanding the entitlement of the Provost or Convener to rule on its competency.

If the Member considers the item to be urgent, the reasons for this must be specified by the Member in the written submission. In such circumstances, the Proper Officer may place the item on the Agenda even though less than 7 clear days' notice has been given, notwithstanding the discretion of the Provost or Convener to decide on its urgency or otherwise and on its competency for the meeting. Failing this, the item shall not be included on the Agenda as it has not been raised within the proper timescale.

Interests of Members

46. Any Member who has an interest in any matter which, in terms of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, requires to be declared and is available to participate at a meeting at which such a matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where the interest arises. The declaration shall be sufficient to enable the meeting to understand the nature of the interest and shall be recorded in the Minute.

If, in terms of the Code, the nature of the interest means that the Member cannot participate in discussion and voting on the matter, the Member shall retire from the meeting and leave the meeting room until the business concerning that matter is concluded.

Suspension of Standing Orders

47. On a motion made at any time during a meeting, the Council shall be entitled to suspend one or more of these Standing Orders so far as regards any business, but only if two-thirds of the Members present and voting for that purpose shall so decide. There shall be no discussion on such a motion.

Variation and Revocation of Standing Orders

48. The Council may vary or revoke any of these Standing Orders. Any such decision will, if voted upon, be approved by a majority of Members present and voting.

Decisions of the Council

49. No decision made by the Council shall be subject to review by any Committee unless such review is specifically authorised by the Council.
50. Without prejudice to any decision taken by a Committee, in exercise of delegated powers, the Council may at any time deal with any matter included in a delegation to a Committee, notwithstanding that no report from such Committee is before it. The Council may deal with any item of business included in the delegation to a Committee even if there is no report from that Committee on the item.

Contracts and Delegation

51. The Council shall have Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations.

Committees

52. The Council shall establish such Committees, Sub-Committees and Boards as may be considered necessary from time to time and shall have a Scheme of Administration on the terms of reference and delegations to Committees, Sub-Committees and Boards for the purpose of arranging for the discharge of the functions of the Council.
53. The Council shall appoint Conveners, Vice-Conveners and Members to such Committees, Sub-Committees and Boards as it establishes in terms of **Standing Order 52** at the statutory meeting of the Council and otherwise as it considers necessary from time to time.

COMMITTEES

Committee Business

54. In making appointments to Committees and outside bodies (but in the latter instance only where more than 2 representatives of the Council to an outside body are required), the Council shall ensure that such appointments reflect, as far as practicable, the balance of political representation on the Council.
55. Any business requiring consideration by the Council shall, unless considerations of time otherwise dictate, be placed before the appropriate Committee.
56. Committees shall meet as the Council may from time to time set. Special meetings may be convened as follows:-
 - (a) by the Committee at any ordinary meeting; or
 - (b) by a written request from the Convener submitted to the Proper Officer and specifying the business proposed to be transacted at the meeting; or
 - (c) by a written request signed by at least one quarter of the Members of the Committee submitted to the Proper Officer specifying the business proposed to be transacted at the meeting.

If the Proper Officer receives a request as set out in (b) or (c) above, such meeting shall be held within 14 clear days of receipt.

57. At any time prior to the issue of a notice calling a meeting of a Committee, the Proper Officer, after consultation with the Convener, may determine that such meeting be cancelled or postponed to such date and time as the Convener shall determine. In which event, the Proper Officer shall, forthwith, issue a notice intimating the cancellation or adjournment of the meeting.
58. All meetings of a Committee shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and

- (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.

Application of Standing Orders to Committees

59. The following Standing Orders of the Council shall not apply to Committees:

Standing Order 2	-	Meetings of the Council
Standing Order 3	-	Special Meetings
Standing Order 8	-	Notice of Meetings
Standing Order 11	-	Quorum
Standing Order 20	-	Approval of Committee Minutes
Standing Order 25	-	Need for Secunder for Motions and Amendments
Standing Order 32	-	Speeches

For Committees the following Standing Orders shall be amended to the extent detailed below:

Standing Order 4

All meetings of Committees shall be held at the Municipal Buildings, Greenock or such other place as the Committee or Proper Officer in consultation with the Convener may determine, it being declared that a virtual/remote or hybrid meeting arranged by the Council shall satisfy this requirement.

Standing Order 14

- (a) At a meeting of a Committee, the Convener, if present, shall preside;
- (b) If the Convener is absent from a meeting, the Vice-Convener shall preside; and
- (c) If the Convener and the Vice-Convener are absent from a meeting, another Member of the Committee, chosen by the Members present, shall preside.

Standing Order 19(b)

There is no requirement to approve minutes or ask questions thereon.

Standing Order 36

When any item is the subject of debate at a Committee, at any point in that debate, if the Convener is of the opinion that the item has been sufficiently debated, the Convener shall be entitled to close the debate and to decide that the question be now put to the Committee for decision. There shall be no further debate on the item and the Committee shall proceed to decide, whether by vote or otherwise, on the item.

The following additional Standing Orders shall apply to Committees:

Participation of Members not on a Committee

60. (a) Any Member who is not a Member of a Committee and who wishes to have an item considered at that Committee shall give written intimation to the Proper Officer of that item. Such intimation shall be referred to the Convener of the relevant Committee and Corporate Director. That Corporate Director shall be responsible for responding to the Member. In the event that the Member is not satisfied with the response, the Member shall be entitled to have the item considered by the Committee by giving written intimation to the Proper Officer to that effect at least 14 clear days prior to the date of the next ordinary meeting. On receipt of such written intimation, the item shall be placed on the agenda for the Committee, without prejudice to the entitlement of the Convener to rule as to its competency, it being understood that if the subject matter is within the remit of the Committee and has been raised within the time limits, it shall be deemed competent;
- (b) Any Member who is not a Member of a Committee who submits an item in terms of (a) above, shall be entitled to attend the meeting of that Committee at which that item is being considered. That Member shall be entitled to participate in the debate on that item but shall not be entitled to vote;
- (c) A Member who is not a Member of a Committee shall be entitled to attend a meeting of that Committee while there is under consideration any item in which the Member has a specific ward-based interest as a Member. Except where a Committee is considering items in its quasi-judicial capacity, the Member shall, with the consent of the Convener, be entitled to participate in the debate of the item but shall not be entitled to vote. Where the consideration of an item is of a quasi-judicial nature, a Member who is not a Member of the Committee shall not be entitled to participate in debate on the item and shall not be entitled to vote;
- (d) Any Member who is not a Member of a Committee who wishes to ask a specific question in relation to an item on the Agenda of that Committee, shall give at least 2 clear days' written notice to the Proper Officer, specifying the question. The Proper Officer shall liaise with the Convener on this at the earliest opportunity. If the Member so notifies the Proper Officer, that Member shall be entitled to attend the meeting of that Committee to ask that question on that item but shall not be entitled to ask any supplementary questions, participate in any debate or to vote thereon. This is without prejudice to the Convener's entitlement to rule on the competency of the question.

Scheme of Administration

61. (a) The arrangements for meetings of Committees and their functions shall be regulated in accordance with the Scheme of Administration;
- (b) Where a Committee makes a decision within its delegated powers, it shall be competent for at least 4 of the Members present and voting at a Committee and 2 of the Members present and voting at a Sub-Committee to require that the delegated power be not exercised and that the decision be referred for determination to the Council. This referral procedure cannot be used if the Committee is considering an item in its quasi-judicial capacity, in which case the decision taken shall be final;

Any referral must specify an alternative to the proposal so referred.

- (c) In addition to the detailed provisions of the Scheme of Administration:
 - (i) the Council may delegate on an ad hoc basis to a Committee the discharge of any function; and
 - (ii) a Committee may delegate on an ad hoc basis to a Sub-Committee the discharge of any function in respect of which that Committee has delegated powers.

Quorum of Committees, Sub-Committees, Boards and Local Review Body

- 62. (a) The quorum of all Committees (except the Petitions Committee), the General Purposes Board and the Planning Board shall be 6;
- (b) The quorum of the Local Review Body shall be 5 and the quorum of the Petitions Committee shall be 4;
- (c) The quorum of all Sub-Committees except the Housing (Landlord Registration) Sub-Committee shall be 4, or the membership of the Sub-Committee whichever is the lesser;
- (d) The quorum of the Human Resources Appeals Board and the Housing (Landlord Registration) Sub-Committee shall be 3.

Committees Acting in Quasi-Judicial Capacity

- 63. Where a Committee is dealing with an item of business in a quasi-judicial capacity, a Member shall not be entitled to take part in debate, move a motion or amendment or vote on a motion or amendment unless that Member has been present throughout consideration of that item of business, any continuation of that item of business or any site visits.

Petitions Committee Protocol

- 64. The Petitions Committee shall from time to time consider and approve its protocol and procedures for submitting petitions and determining its actions, which shall include provisions for persons or deputations making representation to that Committee.

Remits Between Committees

- 65. Any decision by a Committee to remit consideration of a matter to another Committee shall, where practicable, be considered at the next meeting of the Committee.

INVERCLYDE COUNCIL

1. SCHEME OF ADMINISTRATION

1.1 This Scheme of Administration is within the Council's Standing Orders.

2. PURPOSE OF SCHEME

2.1 These terms of reference and delegated functions (Scheme of Administration) set out the powers delegated by the Council to its Committees, Sub-Committees and Boards in terms of the Local Government (Scotland) Act 1973 and shall regulate:

- (a) the allocation of the functions of the Council to the Committees, Sub-Committees and Boards of the Council; and
- (b) the delegation to Committees, Sub-Committees and Boards, where appropriate, of authority to exercise the functions of the Council.

2.2 The Scheme of Administration is to be read with the Council's Standing Orders, Standing Orders Relating to Contracts and Financial Regulations.

3. PROVISIONS APPLICABLE TO ALL COMMITTEES

3.1 Committees shall consider only matters within their terms of reference.

3.2 Where the Council has delegated any class of functions to a Committee, it shall retain the power to delegate any one of those functions to another Committee on a particular occasion when, by reason of the nature of the matter, in the opinion of the Council, it ought to be so referred.

3.3 All functions listed as delegated functions and any further additional such functions which may be delegated by the Council are also delegated to the respective Committee.

4. DELEGATED FUNCTIONS

4.1 The following functions shall be delegated to Committees:

- (a) The powers required to carry out their functions provided that the decisions made by any Committee shall comply with the terms of policy and budget approved by the Council.
- (b) All Boards and the Local Review Body, being quasi-judicial bodies, shall have full powers and no decisions taken shall be referred to the Council except in the case of the Planning Board relative to those applications for major and national developments which are statutorily subject to pre-determination hearings.

5. GENERAL PROVISIONS

5.1 The following general provisions shall apply:

- (a) A Committee may further delegate authority to an officer of the Council to undertake or discharge any function which is delegated to that Committee. The

Local Review Body may delegate authority to an officer of the Council to undertake or discharge any function delegated to it, where it is so enabled by the Town and Country Planning (Schemes of Delegation and Local Review Bodies) (Scotland) Regulations 2013;

- (b) Any decision proposed to be taken by a Committee under delegated powers which conflicts with or potentially conflicts with a decision of another Committee shall be referred to the Council.

5.2 There shall be the following Committees, Sub-Committees and Boards:

Committees

Policy and Resources Committee	(11 Members)
Audit Committee	(11 Members)
Environment and Regeneration Committee	(11 Members)
Education and Communities Committee	(11 Council Members)
Health and Social Care Committee	(11 Members)
Local Police and Fire Scrutiny Committee	(11 Members)
Petitions Committee	(6 Members)

Sub-Committees

Policy and Resources Executive Sub-Committee	(6 Members)
Grants Sub-Committee	(6 Members)
Housing (Landlord Registration) Sub-Committee	(5 Members)

Boards

General Purposes Board	(11 Members)
Human Resources Appeals Board	(5 Members)
Planning Board	(11 Members)

Local Review Body (9Members)

Appointments Panels (Membership per Scheme)

5.3 With the exception of the Petitions Committee, all Committees as set out in paragraph 5.2 above shall have the power to establish a Sub-Committee but for a specific purpose only and shall appoint Members, Conveners and Vice-Conveners thereof. The establishing of any such Sub-Committee shall be subject to review by the Committee at least every 12 months.

5.4 The selection process for the Chief Executive and the selection and appointment processes for all other Chief Officers shall be dealt with by formal Committees set up as Appointment Panels according to Schemes approved by the Council.

5.5(a) Where a Member of any Committee is unable to attend a meeting, that Member may make arrangements with another Member who is not a Member of that Committee to attend that meeting as his or her substitute with powers to act in his or her stead and shall ensure that the substitute has or will receive the appropriate meeting papers;

- 5.5(b) The Member who is unable to attend and who is appointing a substitute must inform the Proper Officer as soon as possible of the appointment of the substitute. When a substitute attends, the substitution applies throughout the duration of the meeting including any adjournment to a time later the same day or such other later date and time as may be agreed and the appointing Member shall not be entitled to revoke the substitution or vote at the meeting or its same day adjournment. Only the substitute intimated by the appointing Member to the Proper Officer prior to the commencement of the meeting is entitled to attend and vote. The appointment of a substitute can be revoked by the appointing Member only prior to the commencement of the meeting. Where there is a substitute at any meeting and an item of business has been continued the substitution will continue to apply in relation to that particular item of business.

6. FUNCTIONS RETAINED BY THE COUNCIL

- 6.1 The Council has overall responsibility for the Council Budget, the Chief Officer Management Structure and oversight of all political decision-making processes.
- 6.2 The following are reserved to the Council:
- (a) All functions reserved by law to the Council;
 - (b) The determination of the strategic objectives of the Council;
 - (c) The annual review of the revenue budget and the fixing of Council Tax;
 - (d) The annual review of the Capital Programme and the approval of annual budgets of capital and revenue expenditure;
 - (e) Approval of the Annual Treasury Strategy and Annual Report;
 - (f) The consideration of the Annual Report to Members by the Council's External Auditors;
 - (g) The making of Standing Orders and a Scheme of Administration, Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations;
 - (h) The making of an order for the compulsory acquisition of any land or interest in land;
 - (i) The making of any formal resolution to co-operate or combine with other local authorities in the provision of services;
 - (j) The appointment of the Provost and Depute Provost of the Council;
 - (k) The establishment of Committees of the Council and their terms of reference and the delegations of function thereto;
 - (l) The appointment of Members to Committees and the appointment of Conveners and Vice-Conveners;
 - (m) The appointment of Members of the Council to Joint Committees, Joint Boards and outside bodies;

- (n) The approval of Schemes for the establishment of Community Councils;
- (o) The approval of Polling Schemes for elections and referendums;
- (p) The promoting or the opposing of the making of private legislation;
- (q) The promotion of byelaws, management rules and any necessary orders;
- (r) The appointment of the Chief Executive and all matters relating to disciplinary procedures for the Chief Executive;
- (s) The making of resolutions for Housing Renewal Areas;
- (t) The consideration of Members' remuneration;
- (u) The formal adoption of the Local Development Plan;
- (v) The determination of an application for planning permission for a development of a class specified in Section 38A(1) of the Town & Country Planning (Scotland) Act 1997 (being applications that require a Pre-Determination Hearing).

7. FUNCTIONS DELEGATED TO COMMITTEES

7.1 POLICY AND RESOURCES COMMITTEE

7.1.1 Power is delegated to the Policy and Resources Committee:

- (a) To advise the Council on outcomes, strategic objectives and key priorities;
- (b) To develop and approve Council policies, including community planning and partnership working;
- (c) To adopt and implement the management framework for planning, implementing, reporting and reviewing corporate service delivery;
- (d) To ensure the Council meets its statutory responsibilities in terms of best value;
- (e) To monitor implementation of the Council's Corporate Plan;
- (f) To facilitate and encourage any public consultation, engagement and participation with the community, partners and key stakeholders;
- (g) To instruct such performance information as the Committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance;
- (h) To determine any reviews under S 86 of the Community Empowerment (Scotland) Act 2015 of decisions on asset transfer requests;
- (i) To take all decisions which are not reserved to the Council or delegated to another Committee of the Council;

- (j) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:
 - Chief Executive's Office
 - Finance
 - Organisational Development Policy and Communications
 - Legal and Democratic Services
- (k) To guide the Council in the formulation of its policy objectives and priorities, to consider the broad social and economic needs of the Council and matters of importance to its area, to advise the Council generally as to its financial and economic policies, to monitor and control the Council's Revenue Budgets and Capital Programme;
- (l) To consider new policies or changes in policy formulated by Committees where those policies or changes in policy may have significant impact upon the existing policies or the resources of the Council and to consider new policies not falling within the terms of reference of any other Committee;
- (m) To consider all aspects of the Council's Public Reporting Framework;
- (n) To ensure that the organisational and management processes of the Council are designed to make the most effective contribution to the achievement of the Council's objectives;
- (o) To keep organisation and management processes under review and make recommendations as necessary for any change in the structure of Committees or Services or the allocation of functions and responsibilities;
- (p) To appoint the Returning Officer;
- (q) To be responsible for formulation and delivery of the Council's Procurement Strategy;
- (r) To have overall responsibility for information governance and to arrange for compliance with the provisions of the Data Protection and Freedom of Information legislation.
- (s) To approve formulation and implementation of the Anti-Poverty policy.

7.1.2 The Committee has service responsibilities as follows:

Finance

- (a) To regulate and manage the proper administration of the Council's financial affairs and oversee external organisational governance arrangements;
- (b) To deal with the administration of the levy, collection, payment and recovery of all income to the Council;
- (c) To arrange for all borrowing, lending and investing of money by the Council;
- (d) To keep accounts and proper records of all transactions of the Council;

- (e) To oversee banking arrangements;
- (f) To oversee insurances;
- (g) To be responsible for the administration of all matters relating to Housing Benefits;
- (h) To be responsible for the formulation and delivery of the Council's Customer Services Strategy;
- (i) To ensure effective provision of all information technology and communication services, ICT and digital access strategy;
- (j) To exercise the powers and duties of the Council relative to registration of births, marriages and deaths.

Organisational Development, Policy & Communications

- (a) To advise on the overall planning required to ensure the most effective, efficient and economic use of the Council's human resources;
- (b) To oversee all matters relating to:
 - (i) Council policies and practices in relation to Council employees including the recruitment, training, salaries, wages and conditions of service of all employees of the Council;
 - (ii) service structures, establishments and job evaluation gradings;
 - (iii) the training and development, health, safety and welfare of all Council employees;
 - (iv) the ongoing maintenance of job evaluation, organisational development, strategy, planning and other such related matters;
 - (v) negotiations with the Trades Unions on matters affecting employees;
 - (vi) securing the development and effective implementation of the Council's Equal Opportunities in Employment policies;
 - (vii) co-ordinating the performance of the Council's responsibilities as an employer under the appropriate equalities legislation;
 - (viii) the promotion of good employment relations between the Council and its employees;
 - (ix) the formulation and delivery of the Council's Corporate Communications Strategy;
 - (x) to be responsible for the effective delivery of performance management, and customer consultation.
 - (xi) to oversee superannuation and pensions.

Legal and Democratic Services

- (a) To ensure effective provision of legal services;
- (b) To ensure effective administrative support for Members and Committees;

- (c) To ensure effective provision and support for elections and referendums;
- (d) To ensure effective provision of internal audit services.

To exercise all of the functions delegated to the Policy and Resources Committee or other Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the relevant Committee, where appropriate.

7.1.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Inverclyde Alliance
- Scotland Excel
- Renfrewshire Valuation Joint Board

7.2 POLICY AND RESOURCES EXECUTIVE SUB-COMMITTEE

7.2.1 Power is delegated to the Policy and Resources Executive Sub-Committee to exercise all of the functions delegated to the Policy and Resources Committee or the Thematic Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the affected Thematic Committee where appropriate.

7.3 AUDIT COMMITTEE

7.3.1 Power is delegated to the Audit Committee:

- (a) To consider reports on the Council's audit plan and on arrangements for implementing best value;
- (b) To consider reports relating to Annual Accounts, subject to the Council's approval thereof, and Financial Accounting issues;
- (c) To monitor the financial governance arrangements within the Council, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements;
- (d) To review the adequacy of internal control systems and policies;
- (e) To review all reports from the Council's External Auditors;
- (f) To monitor the Annual Audit Plan and review all Council audit and inspection work against that Plan;
- (g) To oversee the performance of the Council's Internal Audit function;
- (h) To approve changes in Accounting Policies;
- (i) To review the Council's Risk Management Policy;

- (j) To monitor and review action taken on recommendations arising from internal and external audits;
- (k) To oversee the performance of the Council with respect to the Corporate Governance Framework;
- (l) To scrutinise and comment on the Council's Financial Regulations, Standing Orders relating to Contracts.

7.3.2 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Audit Scotland
- The Accounts Commission
- The Council's External Auditors

7.4 HEALTH AND SOCIAL CARE COMMITTEE

7.4.1 Power is delegated to the Health and Social Care Committee:

- (a) To oversee the Council's relationship with the Inverclyde Integration Joint Board;
- (b) To oversee the effective deployment of Council resources to support the strategic priorities of the Inverclyde Integration Joint Board;
- (c) To oversee the Council's responsibilities in relation to homelessness services and, within the statutory framework, to contribute to reports on homelessness and rented residential accommodation to the Scottish Housing Regulator.

7.5 ENVIRONMENT AND REGENERATION COMMITTEE

7.5.1 Power is delegated to the Environment and Regeneration Committee:

To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Regeneration and Planning
- Asset Management and Property Estates
- Environmental and Public Protection Services
- Strategic Housing
- Emergency Planning
- Private Sector Housing
- Environmental Health and Trading Standards

7.5.2 The Committee has service responsibilities as follows:

Regeneration, Planning and Net Zero

- (a) To promote the economic development and urban regeneration of Inverclyde;
- (b) To promote competitiveness, employment growth, the physical environment and planning and quality of life;

- (c) To promote marketing and inward investment, business development and support schemes, training initiatives and processes to support young people in their transition from compulsory education, labour market activities, the marketing, management and development of industrial and commercial property and to participate and engage in effective partnership activities to support all of the above;
- (d) To encourage and stimulate economic development by the exercise of the Council's powers through providing assistance to third parties by way of services, suitable premises or financial assistance (including grants, loans and purchase of share and loan capital);
- (e) To carry out the strategic spatial planning functions of the Council;
- (f) To develop and review procedures in respect of development control and building standards, conservation and landscaping;
- (g) To develop and review effective policies in connection with strategic planning and land use issues.
- (h) To oversee delivery of the Council's Net Zero strategy.
- (i) To undertake and discharge the building standards functions of the Council as Buildings Authority and as Verifier and Enforcer in terms of the relevant legislation.

Organisational Development, Policy & Communications

- (a) To promote tourism and related activities

Property Services and Procurement

- (a) To ensure effective provision of all estate and property management services, technical services, and building services;
- (b) To acquire, dispose and market property;
- (c) To manage the repair and maintenance, improvement and preservation of all property assets within the Council's ownership or management.
- (d) To determine applications for Asset Transfer in terms of the Community Empowerment (Scotland) Act 2015.
- (e) To determine the Council's procurement strategy.

Environmental and Public Protection Services

- (a) To develop and review strategies in respect of:
 - burial grounds
 - street cleansing
 - refuse collection, recycling and disposal
 - sanitation services
 - protection of the environment
 - public conveniences

- (b) To discharge all powers and duties of the Council for the maintenance of the following:
 - open spaces
 - parks
 - horticultural nurseries
 - golf courses
 - playgrounds
 - playing fields
 - allotments
 - war memorials
- (c) To be the Roads Authority and deal with all roads and lighting in the Council's control;
- (d) To develop and review effective policies for all matters relating to the relevant legislation for public transport;
- (e) To consider and determine Traffic Management Orders and Traffic Regulation Orders where there are maintained objections;
- (f) To deal with all matters arising from the Council's membership of Strathclyde Partnership for Transport with the exception of the Concessionary Travel Fares Scheme;
- (g) To carry out the functions of the Waste Disposal Authority.

Strategic Housing

To be responsible for the overall strategy for the provision of housing within Inverclyde whether within the public or the private sectors, including the assessment of housing need but excluding the discharge of the Council's statutory responsibility in dealing with homeless persons.

Private Sector Housing

- (a) To be responsible for assessing and maintaining the condition and supply of housing within the private sector;
- (b) To be responsible for
 - (i) the administration of grant and loan assistance to owners of housing within the private sector; and
 - (ii) the promotion and development of improvements in the overall condition of the private sector housing stock with the use of the Council's powers as housing authority, where such use is considered appropriate.

Environmental Health and Trading Standards

- (a) To exercise the powers and duties of the Council relative to food safety, food standards and labelling, health and safety at work, public health, pollution and environmental protection legislation;

- (b) To undertake and discharge the requirements of all legislation which imposes administrative duties and which confers enforcement powers upon the Council and its officers for Consumer Protection and Trading Standards;
- (c) To undertake and discharge the requirements of all legislation, whether of a civil law nature or of a criminal nature, which affects the work of the Consumer Protection and Trading Standards Service; and

Public Protection and Emergency Planning

- (a) To carry out the emergency planning function of the Council; and
- (b) To deal with all aspects of anti-social behaviour including CCTV, anti-social behaviour noise investigations and community wardens.

7.5.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Scottish Enterprise
- Riverside Inverclyde
- Strathclyde Partnership for Transport
- Glasgow City Region City Deal
- River Clyde Homes

7.6 EDUCATION AND COMMUNITIES COMMITTEE

7.6.1 Power is delegated to the Education and Communities Committee:

- (a) To have the corporate responsibility for:
 - Equalities
 - Learning Estate Strategy
- (b) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:
 - Schools
 - Early Learning, Childcare and Specialist Education Services
 - Community learning and development and lifelong Learning
 - Education Support and Development
 - Safer Communities

7.6.2 The Committee has service responsibilities as follows:

General Functions

- (a) To undertake and discharge all the functions of the Council as an Education Authority in terms of the relevant legislation;
- (b) To undertake and discharge all of the functions of the Council relative to Early Learning and Childcare Services and provision therefor in terms of the relevant legislation.

Management of Education Services

- (a) To consider and approve catchment areas for schools and make provision for schools sufficient to meet the needs of pupils;
- (b) To oversee curriculum development and continued professional learning;
- (c) To oversee the quality of educational provision provided by schools;
- (d) To oversee the Council's input to supporting sustained and positive destinations for pupils;
- (e) To oversee the Council's policy on, Education Maintenance Allowances;
- (f) To oversee the development of the Young Workforce in regard to employability skills and lifelong learning;
- (g) To discharge the power to determine appeals relating to Further Education, Education Maintenance Allowances, grants and similar support;
- (h) To manage arrangements for the programme of learning estate asset management planning;
- (i) To ensure the provision of adequate health and wellbeing services in all educational establishments;
- (j) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of a school meals service;
- (k) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of school transport services for pupils;
- (l) To formulate policy in respect of attendance of pupils at schools.
- (m) After appropriate consultation, and in so far as there is no conflict with the Council's terms and conditions of employment with respect to workforce plans, to approve school holidays.

Early Learning and Childcare and Specialist Education Services

- (a) To guide the Council in the formulation of its policy objectives and priorities in all appropriate matters relating to pre-school children and their parents;
- (b) To advise and make recommendations to any Committee of the Council on statutory functions relating to pre-school children and their parents;
- (c) To consider recommendations and make decisions relative to the management and development of services which provide activities of a kind suitable for pre-school children;

- (d) To consider recommendations and make decisions relative to training matters (including the arrangements for training staff) relating to establishments which provide activities of a kind suitable for pre-school children;
- (e) To consider recommendations and make decisions relative to the allocation and control of financial resources relating to services to pre-5 children and their parents and, where necessary, to advise and make recommendations in respect thereof to any relevant Committee;
- (f) To promote on the Council's behalf the interests of pre-5 children and their parents with all appropriate agencies on matters affecting these interests;
- (g) To oversee the Council's policy and practice with regard to the provision of out of school care and, in particular, the use of the grants budget;
- (h) To oversee the provision of a psychological service and arrangements to meet additional support needs;

Community Safety

- (a) To deal with all aspects of Community Safety including road safety and violence against women.

Community Learning, Development and Lifelong Learning

To be responsible for the management and delivery of community and lifelong learning services.

Libraries, Museums and Arts Facilities

To assess, monitor and review the need for libraries, museums and arts facilities and cultural services and to provide and manage these facilities and services.

Leisure and Community Support Services

- (a) To discharge all powers and duties of the Council for the provision and management of sporting, leisure, recreational and allied activities, public entertainment, public halls, community centres and swimming pools;
- (b) To discharge all powers and duties of the Council for sports development, community health and fitness, - and play forums;
- (c) To determine policy for the giving of grants to voluntary organisations.

7.6.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Further Education Bodies, in particular West College Scotland;
- Inverclyde Leisure;
- Cultural provision to which the Council awards significant grant funding, such as The Beacon Arts Centre;
- Community Centres to which the Council provides significant grant funding.

7.7 GENERAL PURPOSES BOARD

7.7.1 Power is delegated to the General Purposes Board to undertake and discharge all of the licensing functions of the Council which are not otherwise reserved to the Council or its officers or which are delegated to any other Committee and more specifically as follows:

- (a) To exercise the functions of the Council as licensing authority in terms of the Civic Government (Scotland) Act 1982, provided such civic licensing has not been specifically remitted to any other Committee;
- (b) To determine individual applications for registration and licences under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not delegated to officers, in accordance with approved policies;
- (c) To exercise the functions of the Council in respect of the Explosives Acts 1875-1976;
- (d) To exercise the functions of the Council in respect of the Pharmacy and Poisons Act 1933 and Poisons Act 1972;
- (e) To exercise the functions of the Council in respect of permits in terms of Section 19 of the Transport Act 1985 (minibus permits);
- (f) To exercise the functions of the Council in respect of the Radioactive Substances Act 1993;
- (g) To exercise the functions of the Council in respect of the legislation relating to the control of diseases of animals;
- (h) To exercise the functions of the Council in respect of the safety of sports grounds;
- (i) To approve charges as required by statute and determine licence fees;
- (j) To exercise the Council's functions regarding notification of parades and processions insofar as not delegated to officers.

7.8 HUMAN RESOURCES APPEALS BOARD

7.8.1 Power is delegated to the Human Resources Appeal Board to be the internal Council appeal body for the purposes of the Council's role as an employer, in relation to workforce matters;

- (a) To hear and decide disciplinary appeals and grievances by employees on their conditions of employment and working arrangements;
- (b) To hear and decide appeals from teaching staff in regard to the application and interpretation of Schemes and Conditions of Service for Education staff.

7.9 PLANNING BOARD

7.9.1 Power is delegated to the Planning Board:

To undertake and discharge the development control and spatial planning functions of the Council as Planning Authority in terms of the relevant legislation.

7.10 **LOCAL REVIEW BODY**

7.10.1 Power is delegated to the Local Review Body:

- (a) To review applications for planning permission or for consent, agreement or approval which have been refused, granted subject to conditions or which have not been determined within the prescribed period by the appointed officer under the Scheme of Delegation prepared in terms of the relevant legislation;
- (b) To carry out all other functions as a Local Review Body, as described in the relevant legislation.

7.11 **GRANTS SUB-COMMITTEE**

7.11.1 Power is delegated to the Grants Sub-Committee:

To consider applications for funding received from voluntary organisations and to award grants to such organisations from the Grants to Voluntary Organisations Budget.

7.12 **LOCAL POLICE AND FIRE SCRUTINY COMMITTEE**

7.12.1 Power is delegated to the Local Police and Fire Scrutiny Committee:

- (a) To consider and recommend improvements in local Police and Fire and Rescue services;
- (b) To recommend priorities and objectives for the policing of the local area;
- (c) To recommend priorities and objectives for Fire and Rescue services in the local area;
- (d) To agree the Police and Fire and Rescue local plans;
- (e) To scrutinise and review the outcomes, priorities and objectives set out in the Police and Fire and Rescue local plans;
- (f) To provide comments in response to consultations on Police and Fire and Rescue services;
- (g) To promote engagement with all interested parties including community planning partners and neighbourhood partnerships;
- (h) To make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns;
- (i) To consider Council reports on matters which affect local Police and Fire and Rescue services in Inverclyde providing that, where necessary, these will be remitted to the appropriate Service Committee for decision.

7.13 **PETITIONS COMMITTEE**

7.13.1 Power is delegated to the Petitions Committee:

To consider petitions addressed to Inverclyde Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.

7.13.2 The Petitions Committee is unable to consider petitions that relate to:

- (a) Any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process;
- (b) Matters already being considered or scheduled to be considered by the Council or one of its Committees;
- (c) Decisions of the Council or one of its Committees during the previous 6 month period;
- (d) Matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way;
- (e) Matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons;
- (f) The same or similar petitions considered within the past 24 months; and
- (g) Matters not within the Council's power and remit or functional areas of responsibility.

The Council will not accept a petition that contains:

- (a) Any false or potentially defamatory statement as may be considered by the Council;
- (b) Any details that might damage a person's reputation or which may discriminate against them in any way;
- (c) Offensive or inappropriate language;
- (d) Information protected by a court order or relating to an ongoing court or tribunal or quasi-judicial tribunal process or which would otherwise be considered sub-judice.

7.14 **HOUSING (LANDLORD REGISTRATION) SUB-COMMITTEE**

7.14.1 Power is delegated to the Housing (Landlord Registration) Sub-Committee:

- (a) To consider and decide on the refusal or removal of the registration of a private landlord or agent in prescribed circumstances.

Scheme of Delegation Officers



Inverclyde Council

Scheme of Delegation
Officers

**Approved by
Inverclyde Council
17 February 2022**

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SCHEME OF DELEGATION (OFFICERS)

A. GENERAL PROVISIONS

- 1 There will stand delegated to officers of the Council the matters specified in this Scheme relative to each officer. Such delegations are additional to the powers of a Corporate Director, Director or Head of Service to deal with routine and operational matters within the scope of their respective service responsibilities;
- 2 Officers to whom powers are delegated will ensure that in exercising such powers they:-
 - (a) act in accordance with the Council's Standing Orders and Scheme of Administration, Standing Orders Relating to Contracts, Corporate Procurement Manual, Financial Regulations, all relevant statutory provisions, and relevant Council Policies;
 - (b) have regard to approved budgets;
 - (c) consult the relevant Elected Members where it appears that a proposed decision or action is likely to affect directly and particularly the ward interests of an Elected Member;
 - (d) consult the Chief Executive, Chief Financial Officer, that is, the Officer responsible for managing the financial affairs of the Council as designated by the Council in terms of Section 95 of the Local Government (Scotland) Act 1973 and/or Head of Legal and Democratic Services (Monitoring Officer) as appropriate, in respect of all matters where the officer considers that legal or financial guidance is necessary, or otherwise where the officer considers it appropriate to consult; and
 - (e) consult the Convener, or in his/her absence, Vice-Convener, of the appropriate Committee in respect of all matters which the officer considers to be sensitive or complex, or otherwise where consultation appears to the officer to be appropriate;
- 3 Except where prohibited by law or otherwise prohibited by the Council, any officer to whom delegated powers have been granted may make such arrangements within his/her Service for the exercise of the delegated powers as he/she shall deem appropriate. Details of such arrangements shall be recorded in writing;
- 4 The Council agrees to indemnify the respective Chief Officers against any damages and expenses incurred as a result of any action brought against them in the discharge or purported discharge of the functions delegated to them, provided such Chief Officers believe both that the acts complained of were carried out in the reasonable discharge of their functions and that their duty entitled them so to do;
- 5 For the avoidance of doubt, it is declared that:-
 - (a) where a statutory provision reserves the exercise of a function to the Council alone, an officer or Committee is prohibited from exercising any delegated power in that regard;
 - (b) the title of every officer referred to in this Scheme shall be read to include any alternative title which the Council may from time to time ascribe to that officer. Further, in the event that functions ascribed hereby to a particular officer are reallocated to another officer, the relevant powers delegated herein shall stand delegated to that other officer;
- 6 Any reference to an Act of Parliament or other statutory provision shall include any amendment, replacement or re-enactment thereof for the time being in force;

- 7 This Scheme of Delegation will be subject to a formal review every four years but between approval and the following four yearly review, it may be varied or revoked by the Council if requested so to do by the Chief Executive or the Head of Legal and Democratic Services.

B GENERAL DELEGATION TO CHIEF EXECUTIVE, CORPORATE DIRECTORS, DIRECTORS AND HEADS OF SERVICE

1 Contracts

1.1 Authorised to award contracts to the lowest or most economically advantageous tenderer in accordance with the Council's Standing Orders Relating to Contracts, Financial Regulations and the Corporate Procurement Manual (and any delegation flowing therefrom);

1.2 Corporate Directors, Directors and Heads of Service are authorised, in situations where it is necessary to ensure the continued delivery of essential services and with the explicit agreement of the Head of Legal and Democratic Services and the Chief Financial Officer, to renew a contract with an existing contractor or to negotiate a contract for a period of up to 6 months, subject to the following provisos:-

(a) this power may only be exercised in situations where a contract is coming to an end and where, for reasons beyond the control of the Council, an existing contract is due to expire without a replacement contract having been concluded;

(b) the prices to be paid represent value for money; and

(c) the arrangement does not breach any relevant Procurement Framework or Law.

2 Human Resources Matters

2.1 Authorised to appoint employees within the approved establishment up to, but excluding, Chief Officer level;

2.2 Authorised to amend and adjust approved establishment for posts of up to (Grade 9), subject to the approval of the Chief Executive, Chief Financial Officer and Head of Organisational Development, Policy & Communications. Salary grades shall be set in accordance with the Council's approved Job Evaluation Scheme and any amendments thereto shall be made by means of an appropriate re-evaluation carried out by the Head of Organisational Development, Policy & Communications;

2.3 Authorised to conduct disciplinary procedures in respect of employees within the terms of the Council's approved disciplinary procedure;

2.4 Authorised to approve attendance at further education subject to the agreement of the Head of Organisational Development, Policy & Communications;

2.5 Authorised:-

(a) to pay valid claims for damage to, or loss of, personal property of employees in his or her Service occurring during the course of their employment, up to a limit of £500 per claim in respect of any one incident, and

(b) to pay claims in excess of £500 in respect of any of the aforesaid occurrences after consultation with the Chief Financial Officer and Head of Organisational Development, Policy & Communications;

In all cases, the Council's Insurance Section shall be advised of any payment made in pursuance of this paragraph;

2.6 Only the Chief Executive in consultation with relevant officers is authorised to approve the payment of overtime in exceptional circumstances to officers who are paid at Grade 12 and above.

3 **Property**

- 3.1 In consultation with the Interim Head of Property Services, authorised to approve terms and conditions for projects relating to his/her service contained within the approved Capital Programme;
- 3.2 Authorised to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions etc., providing same complies with the Council's policies and is within the scope of any relevant approved scheme;

4 **Charging of Fees**

- 4.1 Authorised, in consultation with the Chief Financial Officer, in appropriate circumstances and where not contrary to law or Council Policy, to charge fees to third parties with respect to services rendered to said third parties;
- 4.2 Authorised to waive fees up to £500, subject to budget availability, in appropriate circumstances in accordance with Council policy and/or procedures. If in excess of £500 then there is a requirement to consult with the Chief Financial Officer.

5 **Matters Requiring Urgent Action –Emergency Powers**

- 5.1 Where, in the opinion of a Head of Service, a matter which would normally require prior approval by a Committee requires to be dealt with as a matter of urgency, that Head of Service shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Committee, a Member not having the same political affiliation as the Convener and Vice-Convener and the Chief Executive. In any instance where the Chief Executive is not available, the person duly authorised on his or her behalf shall be entitled to act in his or her stead and where the Convener or Vice-Convener of the Committee is not available for consultation with the Head of Service, the Convener of the Policy & Resources Committee shall be entitled to act in his or her stead. If the Convener, Vice-Convener, the said Member and the Chief Executive concur on the appropriate course of action to be followed, the Chief Executive shall have the power to authorise the said Head of Service to deal with the matter in such a manner as may have been agreed with the three members. Following the use of any authority provided under this procedure, the said Head of Service shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Committee. Where the use of emergency powers requires a financial commitment by the Council, the requirements of the Financial Regulations relating to emergency authority must be observed;
- 5.2 Where, in the opinion of the Chief Executive following consultation with the Chief Financial Officer, a matter which would result in a material financial benefit or saving of expenditure for the Council and would normally require the suspension of Standing Orders by the Council to allow it to proceed, requires to be dealt with as a matter of urgency, the Chief Executive shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Policy and Resources Committee and the Leader of the Minority Group(s). Where they concur on the appropriate course of action to be followed, the Chief Executive shall have the power to approve the required suspension of Standing Orders to deal with the matter to allow the decision to be implemented. Following the use of any authority provided under this procedure the Chief Executive shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Council.

6 **Health & Safety**

- 6.1 Authorised in terms of the Health & Safety at Work Act 1974 to carry out all duties set out in the Statements of the Council's Health & Safety Policies.

7 **Regulation of Investigatory Powers (Scotland) Act 2000**

There stands delegated to the following Officers:-

Chief Executive;
Corporate Director of Education/Communities
Head of Legal and Democratic Services
Interim Director Finance & Corporate Governance;
Interim Director Environment & Regeneration
Chief Officer Integration Joint Board (Health & Social Care Partnership)

the power to grant authorisations for directed (covert) surveillance permitted under Sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000.

8 **Consultation Documents**

Authorised to submit responses to consultation documents which concern operational and/or technical and professional issues, subject to consultation with the Convener and Vice Convener of the relevant committee, where necessary and practicable.

C SPECIFIC DELEGATION TO OFFICERS

Officer: Chief Executive

Delegation:

- 1 Authorised in an emergency or in cases of urgency to instruct executive action on a report from the appropriate Officer on any matter delegated or referred to a Committee, after consultation with the Convener or, in his/her absence, Vice-Convener of the appropriate Committee. In the absence of the Chief Executive, the person duly authorised to act on his/her behalf may exercise this power. Where the action has financial implications, the Chief Financial Officer shall be consulted before any action is taken, and where there are legal or governance issues, the Head of Legal and Democratic Service shall be consulted before any action is taken;
- 2 In cases of civil emergencies, the Chief Executive, or in his/her absence, the person duly authorised to act on his/her stead, is authorised to take any and all actions necessary, within the powers of the Council;
- 3 Authorised to direct, in circumstances he/she deems appropriate, that an Officer shall not exercise a delegated function;
- 4 Authorised, in appropriate circumstances, to approve applications by employees charged in the course of their employment with offences under the Health and Safety at Work Act 1974, the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963, or similar legislation, for assistance with legal expenses in connection with their defence, subject to the right of an employee aggrieved by any decision of the Chief Executive to appeal to the HR Appeals Board;
- 5 Authorised, in appropriate circumstances, to approve applications by employees convicted and fined under the aforesaid legislation, for offences committed whilst acting in the course of their employment, for payment of the fine imposed, subject to the right of an employee aggrieved by a decision of the Chief Executive to appeal to the HR Appeals Board;
- 6 Authorised to act as the Proper Officer in terms of Section 194 (1) of the Local Government (Scotland) Act 1973 and to sign all deeds and other documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages;
- 7 Authorised to sign contracts, missives and similar documents binding the Council except where otherwise provided for in this Scheme;
- 8 Authorised to issue and/or review licences in respect of all licensing matters not specifically delegated to other Officers or Council Services;
- 9 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice, order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council and to the Proper Officer thereof;
- 10 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining prior to a meeting whether documents should be made available to the public;
- 11 Authorised to make suitable arrangements for the recruitment and appointment of Chief Officers within the approved establishment;

- 12 Authorised to approve, in appropriate circumstances, applications from employees for reimbursement of reasonable legal expenses incurred in defending Court Actions raised personally against them, providing such Court Actions relate to acts carried out (a) within the course of their employment; (b) in accordance with Service procedures; and, (c) in good faith;
- 13 Authorised in exceptional circumstances where he/she deems it appropriate, and following consultation with the Chief Financial Officer and the Head of Legal and Democratic Services to make ex gratia payments up to a limit of £500 to those in receipt of services from the Council and/or who reside in the area;
- 14 Authorised to approve, in consultation with the Chief Financial Officer and the Head of Organisational Development, Policy & Communications, the release of employees under the Council's Voluntary Severance Scheme where a value for money test has been satisfied and the release relates to an approved Committee/Council decision;
- 15 In consultation with the Interim Director, Finance & Corporate Governance and Head of Organisational Development, Policy & Communications to exercise all discretions available to the Council in terms of The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008,, The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008, The local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998, the LGPS (Scotland) Regulations 2018, the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014 and the LGPS (Scotland) Regulations 2014 in line with the Councils agreed Pension and Retirement Policy.
- 16 Appointed to act as the Returning Officer for all elections in terms of Sections 25 and 41 of the Representation of the People Act 1983 (as amended);
- 17 Authorised to take all steps necessary in relation to the administration of national and local elections, referendums and all other electoral processes.

Directorate **Education, Communities & Organisational Development**

Officer: **Head of Education**

Delegation:

- 1 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 2 Authorised to make grants up to £2000 to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad;
- 3 Authorised to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- 4 Authorised to provide courses in education training as requested by outside agencies and to negotiate appropriate charges for these services;
- 5 Authorised to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 in accordance with the guidelines formulated by the Council, taking into account the requirement imposed on the Council by Section 2 (2) of the Standards in Schools etc. Act 2000;
- 6 Authorised to accept placing requests in terms of the Education (Scotland) Act 1980 and to make whatever transport arrangements are deemed to be appropriate in individual cases brought to his/her attention, where supporting documentation satisfies him/her that the child concerned has serious emotional or psychological problems;
- 7 Authorised to grant, in consultation with the Head of Organisational Development, Policy & Communications, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service;
- 8 Authorised to accept and administer all existing Trusts and endowments as well as any new Trusts or small endowments which may be offered to the Council for schools or for educational purposes in their area;
- 9 Authorised to exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980 (provision of travelling facilities and accommodation in exceptional circumstances);
- 10 Authorised to make payment of reasonable daily travel expenses subject to the relevant provisions of the conditions of service for teachers in schools who have been compulsorily transferred;
- 11 Authorised to appoint and supervise staff contracted in accordance with the service conditions set by the Scottish Negotiating Committee for Teachers (SNCT) and in terms of any local agreement entered into with the Council's Local Negotiating Committee (LNCT) within the complements approved by the Council;
- 12 Authorised to transfer teachers within the Council's policy and where appropriate to pay transfer expenses;
- 13 Authorised to review staffing levels to ensure compliance with national and local priorities for education, establish posts for staff employed in terms of the conditions of service for Local Government employees subject to available budgets;
- 14 Authorised to carry out the functions of the Council as Education Authority in relation to adequate and efficient education for children with additional support needs in terms of Section 1 of the Education (Scotland) Act 1980 and the Education (Additional Support for Learning) (Scotland) Act 2004, including placement in day and residential schools and other appropriate establishments;

- 15 Authorised to exercise at his/her discretion the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980 and to pay the agreed fees for the placement of pupils normally resident in the area of the Council into schools operated by other education authorities;
- 16 Authorised to exercise, at his/her discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
- 17 Authorised to exercise discretionary power available in implementation of conditions of service in relation to teachers in the Council's employment, following consultation with the Head of Organisational Development, Policy & Communications;
- 18 Authorised, in consultation with the Head of Organisational Development, Policy & Communications, to grant paid leave of absence to enable teachers to undertake part-time or full-time courses approved by him/her, provided such leave of absence does not give rise to or increase the incidence of part-time education in schools;
- 19 Authorised to exercise the duties and responsibilities of the Council as Education Authority under the Children and Young People (Scotland) Act 2014;
20. Authorised in an emergency or in cases of urgency to instruct the temporary closure of any or all Council educational establishment(s) provided every reasonable step has been undertaken to consult with the Corporate Director Education, Communities & Organisational Development and the Chief Executive.
21. Authorised to exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools under the Authority's management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980, after appropriate consultation.

Directorate **Education, Communities & Organisational Development**

Officer: **Head of Culture, Communities & Educational Resources**

Delegation:

- 1 Authorised to determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980 outwith the guidelines approved by the Council;
- 2 Authorised to exercise the power to disregard parental income, in part or in total, where the parents of the students are divorced or living apart;
- 3 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 4 Authorised to issue licences in terms of the Children (Performances and Activities) (Scotland) Regulations 2014;
- 5 Authorised to increase, in cases of hardship and at his/her discretion, the amount of grant awarded to school pupils attending any part-time approved arts activities courses, all in accordance with current Council Policy;
- 6 Authorised to satisfy himself/herself that dance, music, drama, and other arts courses are at an establishment accredited by the approved material body and that support for them is reasonable. Grants to be awarded to pupils attending such courses shall be in accordance with current Council Policy;
- 7 Authorised to incur costs and pay fees for the transport of pupils placed by the Council:-
 - (a) in schools outwith the area;
 - (b) for pupils attending all special schools, units and establishments in the Council's area; and
 - (c) for pupils where there is a medical or special educational need who attend any school operated by the Council.
- 8 Authorised to exercise discretionary powers in terms of Section 37 of the Standards in Schools etc. Act 2000 to provide transport for children receiving pre-school education;
- 9 Authorised to exercise the functions of the Council in terms of Section 51 (1) of the Education (Scotland) Act 1980 to make such arrangements as considered necessary to fulfil the statutory obligation for the provision of free school transport;
- 10 Authorised to grant or refuse requests for access to and amendment of records in terms of the Pupils Educational Records (Scotland) Regulations 2003, subject to the requirement of the Data Protection Act 2018;
- 11 Authorised to make payments for the education provision of children attending residential establishments who are looked after in terms of the Children (Scotland) Act 1995;
- 12 Authorised to pay appropriate fees for the education provision of children normally resident in the Council's area placed in residential establishments under a supervision order made by a children's hearing;
- 13 Authorised to make emergency grants to Voluntary Organisations, up to a limit of £10,000 subject to budget availability;

- 14 Authorised to implement, apply and enforce Management Rules relating to Sports Centres, Leisure Complexes, Swimming Pools, Athletic Stadiums, Tennis Courts, Golf Courses, Bowling Greens, Community Centres, Tenants' Halls and all other facilities within the remit of the Corporate Director Education, Communities and Organisational Development;
- 15 Authorised to ensure that requisite provision is made for any pupil entitled in terms of Section 53 (3) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day;
- 16 Authorised to make temporary loans of archival material for submission and research and to accept private archives which may be offered to the Council.

Directorate Education, Communities & Organisational Development

Officer: Head Teachers

Delegation:

- 1 Authorised to carry out the specific functions and responsibilities delegated to them in terms of (a) the DMR Scheme and (b) the Pupil Equity Funding Scheme, as approved by the Council and the Scottish Ministers;
- 2 Authorised to carry out the function delegated to them by the Scottish Ministers in accordance with duties outlined in the document “A Teaching Profession for the 21st Century” and conditions of service;
- 3 Authorised to exclude pupils in terms of the Council’s policy and in accordance with the relevant statutory provisions.
- 4 Authorised to make grants to pupils from schools within the Council area or who are normally resident within the Council area, who are elected to join worthy musical or sports organisations, in respect of fees for attendance at course related to their membership of the organisation.

Directorate Education, Communities & Organisational Development

Officer: **Head of Organisational Development, Policy & Communications**

Delegation:

- 1 Authorised to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
- 2 Authorised, subject to the approval of the Chief Executive, to approve appointments of temporary staff where considered necessary, subject to six monthly review;
- 3 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to approve requests by the Chief Executive, Corporate Directors, Directors, or Heads of Service for the establishment of temporary posts, up to Chief Officer level and to establish Chief Officer posts after consultation with the appropriate convener;
- 4 Authorised, subject to the approval of the Chief Executive, to approve requests by the Chief Executive, Corporate Directors, Directors, or Heads of Service for the secondment of employees to external agencies where the cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment;
- 5 Authorised to consider and determine applications for extension of leave for overseas visits from employees who have not completed the necessary period of continuous service in terms of the Council's Conditions of Service;
- 6 Authorised to approve, in conjunction with the appropriate Head of Service, special leave with or without pay where the period of leave is in excess of the provisions of the Council's Conditions of Service;
- 7 Authorised to approve, in conjunction with the appropriate Head of Service, unpaid leave of absence for employees to undertake courses of further education and to approve where necessary, temporary replacements for the duration of the absences;
- 8 Authorised to grant, in accordance with the guidelines approved by the Policy & Resources Committee, unpaid leave of absence, up to a maximum of two years, to enable employees to undertake voluntary service with a voluntary organisation and to approve where necessary, temporary replacements for the duration of the absence;
- 9 Authorised in exceptional cases where the five years' service rule is not met, to approve, at the request of a Corporate Director, Director or Head of Service, an extension to a holiday period but without pay;
- 10 Authorised to approve changes in post designations, with the exception of Chief Officer posts, where there is no change in salary grade, in consultation with the appropriate Head of Service;
- 11 Authorised in consultation with the appropriate Chief Officer:-
 - (a) to approve initial placing within approved salary grades; and
 - (b) to review salary placing in appropriate circumstances, within approved salary grades in conformity with accepted practice;
- 12 Authorised to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council;

- 13 Authorised, after consulting with the Chief Financial Officer and the Head of Legal and Democratic Services, to approve ex gratia payments or advance of salary to employees where the circumstances are not covered by the Council's Scheme of Conditions of Service;
- 14 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to establish posts and to set and amend the grades of jobs, up to and including Grade 11, that are covered by the single status agreement in terms of the Scottish Joint Council (SJC) National Job Evaluation Scheme and with the procedures agreed by the Council up to but not including Chief Officer level;
- 15 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer and the Head of Legal and Democratic Services, to compromise Employment Appeal settlements where the interests of the Council and the requirements of best value can be demonstrated;
- 16 Authorised to approve and apply all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council;
- 17 Authorised to apply national agreements and legislative requirements and where appropriate the amendment of local conditions of service and contracts of employment of employees unless there exists opposition to such changes from management, employees or trades unions or where such changes involve matters of principle or policy;
- 18 Authorised to pay salary and wages and to make associated arrangements for payment of Council paid employees;
- 19 In consultation with the Chief Executive and the Chief Financial Officer, to determine requests to introduce a Spend to Save scheme to 'buy out' inherited conditions and personal preservations.

Directorate **Health & Social Care Partnership**

Officer: **Chief Officer (Integration Joint Board)**

Delegation:

- 1 Authorised to take any action in connection with any function delegated or specified under the Integration Scheme between Inverclyde Council and NHS Greater Glasgow and Clyde, or otherwise conferred upon the Inverclyde Integration Joint Board or its constituent authorities by virtue of the Public Bodies (Joint Working) (Scotland) Act 2014, including but not limited to any function directed to any of them by the Scottish Ministers.

Directorate Health & Social Care Partnership

Officer: **Chief Social Work Officer**

Delegation:

- 1 Authorised to act as the proper officer in terms of Section 3 of the Social Work (Scotland) Act 1968;
- 2 Authorised to carry out the functions of the Council under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (as amended) and subsequent legislation;
- 3 Authorised to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
 - (a) Section 12, under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area, including authority to (i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family, and (ii) give any other appropriate assistance, including provision for the storage of furniture in cases of emergency;

 In calculating the amount given or loaned for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Council. Further, with respect to such grants, the Chief Social Work Officer is empowered to abate or waive loan repayments to avoid hardship according to personal and financial circumstances of the client in accordance with guidelines agreed with the Chief Financial Officer;
 - (b) Section 13, under which the Council may assist in the disposal of the produce of work undertaken by persons in need;
 - (c) Section 14, under which the Council is required to provide home help and laundry facilities for persons in need, etc. Any charge for the provision of such facilities shall be recovered by the Chief Social Work Officer on the appropriate scale as may be determined by the Council;
 - (d) Section 28, which empowers the Council to make arrangements for the burial or cremation of any person who was in the care of or was a child being looked after by, or was receiving assistance from, the Council at their date of death and to recover where appropriate any expenses so incurred which are not recoverable under the National Insurance Act 1965;
 - (e) Section 29, which empowers the Council to pay the expenses incurred by a parent, relative or other person visiting a person in the care of the Council, or incurred in attending the funeral of a person who was in the care of, or was receiving assistance from the Council, if it appears that the parent or relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment;
 - (f) Section 80, with respect to contribution orders relating to any maintainable child looked after by the Council;
- 4 Authorised to arrange or assist in arranging holidays, including holidays abroad or other temporary absences from the area, of any child being looked after by the Council, except in those cases where the cost to the Council is in excess of £1,000;
- 5 Authorised to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 in relation to the temporary storage of furniture in certain circumstances on behalf of certain persons;

6 Authorised (i) to appoint a sufficient number of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and (ii) to carry out the functions of the Council under the said Act;

7 Authorised to carry out the functions of the Council in relation to the following sections of the Children (Scotland) Act 1995:-

(a) Section 31, which places a duty on the Council to review the cases of looked after children within the recommended statutory intervals;

(b) Section 38 which empowers the Council to provide refuge for a relevant period in a residential establishment or a designated household for a child or young person who appears to be at risk of harm and who has made such a request;

(c) Section 36 which places a duty on the Council to consider the welfare of children in hospitals and nursing homes where the child has had no parental contact for 3 months or more;

(d) Section 17, which places a duty on the Council, where a child is looked after by the Council:-

(i) to safeguard and promote the child's welfare (which in the exercise of this duty shall be the Council's paramount concern);

(ii) to make such use of services available for children cared for by their own parents as appear to the Council to be reasonable;

(iii) to take steps to promote contact on a regular basis between the child and any person having parental responsibilities for the child;

(iv) to provide advice and assistance to a looked after child to prepare the child for when he/she is no longer looked after by the Council;

(v) in making any decision in relation to a child, to ascertain and have regard to the views of the child, the child's parents, any person having parental responsibilities and any other person whose views the Council considers relevant; and

(vi) to have regard to the child's religious persuasion, racial origin and cultural and linguistic background;

(e) Section 22, which imposes a duty on the Council to safeguard and promote the welfare of children in their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to the child's needs, including authority to:-

(i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family;

(ii) give any other appropriate assistance;

In calculating the amount given for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 22, otherwise authorised by the Council;

(f) Section 23, which places a duty on the Council to ensure that services provided by the Council minimise the effects of disability on any disabled child who is within the Council's area and similarly with any child who is adversely affected by the disability of any other person in his/her family, and also imposes a duty on the Council to carry out an assessment of the child to identify his/her needs;

- (g) Section 25, which imposes a duty on the Council to look after and accommodate, in certain circumstances, any child in need within their area;
 - (h) Section 26, which imposes a duty on the Council to provide accommodation and maintenance for a child who is looked after by boarding him/her out or maintaining him/her in a residential establishment, or making such other arrangements which appear to be appropriate;
 - (i) Section 29(1), which imposes a duty of after care in respect of any child over school leaving age but not yet 19 years of age who was in the care or looked after at the time when he/she ceased to be of school age or any subsequent time but is no longer looked after. This function is only exercisable in accordance with Notes of Guidance approved by the Council;
 - (j) Section 30, which empowers the Council to grant financial assistance to persons over school age but under 21 who are now, or at any time since ceasing to be of school age have been, in the care of or looked after by the Council, to enable them to meet expenses in connection with their education or training. This function is exercisable only in accordance with Notes of Guidance approved by the Council;
 - (k) Section 32, which empowers the Council to remove any child from a residential establishment;
 - (l) Section 76(1), which allows the Council to make application to exclude any named person from the child's household where it is believed that the child has suffered or is suffering or is likely to suffer significant harm;
- 8 Authorised to carry out all of the relevant functions of the Council in terms of the Children's Hearings (Scotland) Act 2011, and without prejudice to the foregoing generality:-
- (a) In terms of Section 60, to make all necessary enquiries and provide the Principal Reporter with information where he/she believes that compulsory measures of supervision may be necessary;
 - (b) In terms of Section 83, to give effect to a Compulsory Supervision Order and any of the measures specified therein, made by a Children's Hearing for the Council's area;
 - (c) In terms of Section 86, to give effect to an interim Compulsory Supervision Order;
 - (d) In terms of Section 114, to give effect to a Compulsory Supervision Order and any of the measures contained therein, made by a Children's Hearing for the Council's area;
 - (e) In terms of Section 131, to seek a review by a Children's Hearing of the Compulsory Supervision Order in certain circumstances;
 - (f) In terms of Section 143, to arrange for the transfer of a child where necessary;
 - (g) In terms of Section 35, to instruct the Head of Legal and Democratic Services to apply to the court for a Child Assessment Order where necessary;
 - (h) In terms of Section 37, to make an application to court for a Child Protection Order where necessary;
- 9 Authorised to carry out the relevant functions of the Council in relation to the adoption of children and Permanence Orders in terms of the Adoption and Children (Scotland) Act 2007;

- 10 Authorised to carry out the functions of the Council in relation to the fostering of children in terms of any regulations promoted under Section 5(2) to 5(4) of the Social Work (Scotland) Act 1968, Sections 17(2) and (3), 31 and 103(2) and (3) of the Children (Scotland) Act 1995 and Sections 110 and 117 of the Adoption and Children (Scotland) Act 2007;
- 11 Authorised, following the appointment to the Council of a Foster Panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009 to carry out the remaining functions of the Council as the local authority under the Regulations;
- 12 Authorised, following the appointment of an Adoption Panel in terms of Regulation 3 of the Adoption Agencies (Scotland) Regulations 2009, to carry out the remaining functions of the Council as the local authority under the Regulations;
- 13 Authorised to consider and determine recommendations by the Adoption and Foster Review Panels in reviewing original decisions made in connection with fostering and adoption matters;
- 14 Authorised to consider and determine recommendations by the Adoption Panel for assistance with legal fees (up to an amount considered reasonable by the Head of Legal and Property Services) and medical expenses;
- 15 Authorised, after consultation with the Convener and Vice Convener of the Health & Social Care Committee and a member of the Minority Groups, to make payment to foster carers, in terms of Section 26 of the Children (Scotland) Act 1995, of special fostering allowances up to a maximum of double the ordinary allowance, considered necessary to avoid hardship to a family in financing the construction of additional accommodation required to provide for the foster child/ren concerned;
- 16 Authorised to exercise the powers conferred on the Council by the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 with regard to the appointment of persons to Panels of Curators ad Litem and Reporting Officers in connection with proceedings under the Adoption and Children (Scotland) Act 2007;
- 17 Authorised to carry out the relevant functions of the Council in relation to the Adults with Incapacity (Scotland) Act 2000;
- 18 Authorised to carry out the relevant functions of the Adult Support and Protection (Scotland) Act 2007;
- 19 Authorised to carry out the functions of the Council in terms of the Social Care (Self-directed Support) (Scotland) Act 2013 with regard to a person who is to choose (or has chosen) one of the options for self-directed support;
- 20 Authorised to carry out the relevant functions of the Council in terms of the Children and Young People (Scotland) Act 2014 as they relate to Corporate Parenting, After Care, Continuing Care, Kinship Care and Looked After Services;
- 21 Authorised to carry out the relevant functions of the Council in terms of the Carers (Scotland) Act 2016.
22. Authorised to carry out the relevant functions of the Council in terms of the Children (Scotland) Act 2020.
23. Authorised to carry out the functions of the Council in relation to the Looked After Children (Scotland) Amendment regulations 2021.

Directorate Finance & Corporate Governance

Officer: Chief Financial Officer (Section 95 Officer)

Delegation:

- 1 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Act 1973, responsible for the administration of the financial affairs of the Council;
- 2 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Abolition of Domestic Rates etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of non-domestic rates notices, collection of non-domestic rates, receiving and settling claims for exemption from non-domestic rates, handling objections to non-domestic rates levels and the abatement, remission or repayment of non-domestic rates under the relevant rating provisions;
- 3 Authorised to act as the Proper Officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges;
- 4 Authorised to act as the Proper Officer for the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
- 5 Authorised to make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any and all statutory limitations;
- 6 Authorised to apply for the necessary consents for the issue of Stock and Foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and any and all regulations made thereunder;
- 7 Authorised to ensure a placing with the Bank of England relative to Negotiable Bonds;
- 8 Authorised to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if required, any United Kingdom or foreign bank as Registrar of Stocks, Bonds and Mortgages raised either within or without the United Kingdom and whether in sterling or a foreign currency;
- 9 Authorised to authorise the signature of cheques on behalf of the Council;
- 10 Authorised to carry out temporary investment of surplus funds by making deposits with organisations approved by the Council;
- 11 Authorised to enquire into the financial standing of any tenderer, prospective tenderer or provider of services to the Council;
- 12 Authorised to take out and maintain at an appropriate and adequate level any and all insurances necessary to protect the interests of the Council;
- 13 Authorised to make arrangements with insurance companies concerning the settlement of claims;
- 14 Authorised to exercise the Council's option to tax, under and in accordance with the Value Added Tax (VAT) law in relation to supplies of land and property;
- 15 Authorised to lodge objections on behalf of the Council with respect to applications for licences in terms of the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982;

- 16 Authorised to approve car loans, in line with the Council's approved scheme, up to a maximum limit of £10,000;
- 17 Authorised to make appropriate changes to Treasury Management Practices to reflect changes in organisational structures, bankers, treasury consultants, technology or credit worthiness selection methodology;
- 18 Authorised to execute letters of grant from outside bodies and agencies on behalf of the Council, in consultation, where appropriate, with the Head of Legal Services;
- 19 Authorised to support the Council's Data Protection Officer through ICT provision and review;
- 20 Authorised, subject to the Council's Standing Orders Relating to Contracts and the Council's Financial Regulations, to support the Council's ICT provision and where necessary to enter into agreements with the appropriate bodies for the provision of facilities from external organisations.

Directorate Finance and Corporate Governance

Officer: Head of Legal and Democratic Services (Monitoring Officer)

Delegation:

- 1 Authorised to act as the Monitoring Officer in terms of Section 5 and 5A of the Local Government and Housing Act 1989 and as Proper Officer in terms of Section 2 of the said Act;
2. Authorised to act as the Proper Officer in terms of Section 235(3) of the Local Government (Scotland) Act 1973 and to sign all deeds, and other documents which require to be sealed with the Common Seal of the Council in terms of Section 235(3) of the Local Government (Scotland) Act 1973, other than Stock Certificates, Bonds and Mortgages;
3. Authorised to act as Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50A (2), 50(C) (2), 50 (F) (2) and 231 of the Local Government(Scotland) Act 1973, and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council or its Committees, Boards or sub-Committees;
4. Authorised to act as Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office), Section 7 of the Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Members Interests) and the relevant provisions of the Local Government (Scotland) Act 2004;
- 5 Authorised to sign missives, contracts and similar documents, binding the Council;
- 6 Authorised to engage private legal firms to carry out legal work on behalf of the Council, in appropriate instances;
- 7 Authorised to appoint Counsel to act for the Council in appropriate instances and to seek Counsel's Opinion;
- 8 Authorised to appoint Parliamentary Agents;
- 9 Authorised to discharge the Council's functions in relation to any type of judicial and quasi-judicial proceedings and in that regard, to initiate, enter, defend, settle and withdraw from such proceedings;
- 10 Authorised, after consultation with the Chief Social Work Officer, to seek leave to enter and oppose applications to the Sheriff under Section 11 of the Children (Scotland) Act 1995, seeking Parental Rights and Responsibilities, Residence, Contact and other Orders competent under the said section;
- 11 Authorised to make applications to the Sheriff under Section 35 of the Children's Hearing (Scotland) Act 2011 seeking Child Assessment Orders;
- 112 Authorised to make applications to the Sheriff under Section 37 of the Children's Hearing (Scotland) Act 2011 seeking a Child Protection Order;
- 13 Authorised to make applications to the Sheriff under Section 76 of the Children (Scotland) Act 1995 seeking Exclusion Orders;
- 14 Authorised to carry out the Council's functions in terms of Sections 80 & 81 of the Social Work (Scotland) Act 1968, as amended, relating to the raising and enforcing of actions for aliment with respect to any maintainable child looked after by the Council for whom an affiliation order has been made;

- 15 Authorised to carry out the Council's functions in terms of Section 82 of the Social Work (Scotland) Act 1968, as amended, regarding the recovery of arrears of contributions due in terms of Sections 80 and 81 of the said Act;
- 16 Authorised to make applications to the Sheriff under Sections 53, 57 and 60 of the Adults with Incapacity (Scotland) Act 2000 seeking Intervention and Guardianship Orders and orders for renewal of same; also to make application under Section 20 of the Act where appropriate in relation to Attorneys;
- 17 Authorised to make applications to the Sheriff under Section 80 of the Adoption and Children (Scotland) Act 2007, seeking Permanence Orders and Permanence Orders with Authority to Adopt and applications under Sections 92, 93, 98 and 99 seeking to vary, amend and revoke the said orders;
- 18 Authorised to make applications to the Sheriff under Sections 11, 14 and 19 of the Adult Support and Protection (Scotland) Act 2007 for Assessment, Removal and Banning Orders respectively. Also the right to vary or recall said Removal and Banning Orders in terms of Sections 17 and 24 of the said Act;
- 19 Authorised to represent the Council at any Judicial or Quasi-Judicial Hearing under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 20 Authorised, after consultation with the Interim Corporate Director Environment and Regeneration and the Chief Constable, to make and execute on behalf of the Council, orders under Section 63 of the Civic Government (Scotland) Act 1982, together with the relevant provisions adopted under the Public Order Act 1986 and the Police, Public Order and Criminal Justice (Scotland) Act 2006;
- 21 Authorised to settle claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss and Disturbance Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, providing that the statutory requirements have been met;
- 22 Authorised to appoint the Council's Data Protection Officer and to be the line manager thereof so that advice on all relevant Data Protection legislation, including the provision of advice on all issues which involve the protection of personal data, is available to the Council;
- 23 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice, order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer thereof;
- 24 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining, prior to a meeting, whether documents should be made available to the public;
- 25 Authorised to exercise the following powers relative to the Civic Government (Scotland) Act 1982:-
 - (a) To determine all applications for licences where no objections have been lodged, there are no unusual features about the application and, in the case of applications for Taxi/Private Hire Car Drivers' Licences, no adverse medical report has been received;
 - (b) With the exception of Taxi Operators' Licences, to accept and deal with all applications for renewal which are lodged late, providing he/she is satisfied that such failure is the result of inadvertence on the part of the applicant;

- (c) To determine applications for surrender of a Taxi Licence and grant of a new licence to a named third party where (i) no objections have been lodged, (ii) the present licence-holder has consented and (iii) there are no unusual features about the application;
- (d) To exercise the following discretions:
 - (i) discretion in terms of Paragraph 3(2) of Schedule 1 to the Act;
 - (ii) discretion in terms of Paragraph 8(3) of Schedule 1 to the Act (with respect only to Taxi/Private Hire Car Operators' Licences and licences involving premises);
 - (iii) admission of spent convictions as matters to be considered by the Council in determining applications;
- (e) To determine applications for Temporary Public Entertainment Licences for customary sites (including those to which objections have been lodged) and to impose such conditions as he/she deems appropriate;
- (f) To appoint authorised officers to inspect and test vehicles intended to be operated or being operated as taxis or private hire cars;
- (g) To carry out preliminary consultations as necessary with respect to reviewing taxi fare scales and other charges;
- (h) With respect to licences involving premises, to process requests to vary the identity of the licence-holder of the premises;
- (i) With respect to Street Traders' Licences, to determine applications for variations relating to the vehicle or range of goods pertaining to the licence;
- (j) With respect to Boat Hirers' Licences, to determine, in consultation with the Chief Financial Officer, the level of fees for inspection of the vessel or vessels to which the licence pertains;
- (k) To suspend a licence on a temporary basis following consultation with the Convener and the Vice-Convener of the General Purposes Board and a Member of the Minority Group or the largest Minority Group should there be more than one;
- (l) To decide, whether on the basis of a formal complaint or not, that a licence-holder be called before the General Purposes Board for consideration, as to whether a licence should be suspended in terms of Paragraph 11 of Schedule 1 to the Act;

26 Authorised, with respect to Public Charitable Collections:-

- (a) To grant applications where (i) the Chief Constable has no objection; (ii) the applicant has no convictions; (iii) the dates do not clash with dates already allocated to other organisations; and (iv) there are no unusual features about the application;
- (b) Where the Chief Constable has lodged an objection or there is some other unusual feature about the application, authorised to determine the application in consultation with the Convener and Vice-Convener of the appropriate Committee and a Member of the Minority Group or the largest Minority Group should there be more than one;
- (c) Where the date requested by an applicant clashes with dates already allocated, authorised to determine the application;

- 27 Authorised to determine applications for Registration of a Society in terms of the Gambling Act 2005 where no objections have been lodged and there are no unusual features about the application;
- 28 Authorised, except where power is delegated hereunder to another Officer, to execute on behalf of the Council all orders made under the Civic Government (Scotland) Act 1982;
- 29 Authorised, following consultation with the Chief Constable, to determine applications for Public Processions made under the Civic Government (Scotland) Act 1982, and subsequent legislation adopted thereby;
- 30 Authorised to determine applications in respect of minibus permits under the Transport Act 1985;
- 31 In terms of the Safety of Sports Grounds Act 1975, in consultation with the Chief Constable, the Chief Officer, Scottish Fire & Rescue, the Interim Director of Environment and Regeneration and the Head of Environmental and Public Protection:-
- (a) Authorised, after appropriate consultation, to issue prohibition orders under Section 10(1); and
- (b) Authorised to exercise the powers of an authorised person under Section 11;
- 32 Authorised to determine applications in respect of Cinema Licences in terms of the Cinemas Act 1985, where no objections have been lodged and there are no unusual features about the application;
- 33 Authorised to determine applications for registration in terms of the Performing Animals (Regulation) Act 1925, where no objections have been lodged and there are no unusual features about the application;
- 34 Authorised to conduct reviews in respect of decisions on requests in terms of the Freedom of Information (Scotland) Act 2002;
- 35 Authorised, with respect to property previously in the ownership of the Council to complete any necessary corrective or remedial conveyancing and, in connection with neighbouring landholdings, to conclude missives in respect of sales of small areas of ground for extensions to gardens or for the construction of garages or similar miscellaneous estates for environmental purposes;
- 36 Authorised to conclude missives in respect of the acquisition of land and/or buildings required for any project in terms approved by the Council, in consultation with the Chief Financial Officer and Interim Head of Property Services
- 37 Authorised to make payment of Home Loss and Disturbance Payments in terms of the Land Compensation (Scotland) Act 1973 (as amended);
- 38 Authorised, in consultation with the Interim Head of Property Services, to settle all claims arising from the exercise of the Council's power to enter upon and take land in the discharge of its statutory powers including power to negotiate and settle claims arising in terms of the Land Compensation (Scotland) Acts 1963 and 1973 and to settle any discretionary payments arising;
- 39 Authorised, in consultation with the Interim Head of Property Services, where land and/or property have been or are declared surplus to the Council's requirements, to agree terms and conditions, conclude missives and execute deeds for and on behalf of the Council in relation to the disposal of such land and property up to the value of £50,000, subject to the condition that he/she maintains a Register of all transactions so dealt with, which Register shall be available for inspection by Members;

- 40 Authorised, in consultation with the Interim Head of Property Services, to approve the terms and conditions of, and to conclude missives for and to enter into (i) leases or licences to occupy by or to the Council for periods not exceeding one year (ii) the renewal of such leases or licences to occupy in circumstances considered necessary and appropriate; and (iii) the variation, renunciation or otherwise termination of such leases or licences to occupy.
- 41 Authorised under Section 19 (5), of the Civic Government (Scotland) Act 1982, after consultation with the local Elected Members, to approve proposals for taxi stances;
- 42 Authorised, in consultation with the interim Head of Property to conduct consultations required in terms of the Town and Country Planning (Scotland) Act 1959 and the Community Empowerment (Scotland) Act 2015 in respect of any proposals involving disposal, appropriation and/or change of use of relevant land.
- 43 Authorised to take such measures as are necessary to protect the Council's interests should a community body register an interest in any Council property in the register held by the Scottish Government under the land Reform (Scotland) Act 2003;
- 44 Authorised, where there are no maintained objections to any proposed Traffic Regulation Order, to make such Order.
- 45 Authorised to act as Clerk to the Inverclyde Licensing Board in terms of the Licensing (Scotland) Act 2005;

Directorate Environment & Regeneration

Officer: **Interim Head of Property Services**

Delegation:

- 1 Authorised, in conjunction (where appropriate) with the Interim Director, Environment & Regeneration, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
 - (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;
 - (c) Under Section 8, to arrange for the publishing of notices relating to works schemes and the serving of like notices on affected harbour authorities;
 - (d) Under Section 12, to serve notice on owners of land where protection works are required;
 - (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;
- 2 Authorised to carry out the functions of the Council under the Reservoirs Act 1975;
- 3 Authorised for operational and other property projects in terms of the Construction (Design & Management) Regulations 2015, in cases where the Council is appointed as client's Agent, Designer, Principal Designer, Principal Contractor and/or Contractor, to carry out the duties appropriate to each such appointment;
- 4 Authorised, in consultation with the Interim Director, Environment & Regeneration to allocate and apportion office accommodation between the Council's Services and to arrange for any required alterations or adaptations;
5. Authorised (except in the case of office accommodation being, or to be, used for Council purposes) in consultation with the Chief Financial Officer to arrange for any required alterations or adaptations (or scheduled maintenance) for the purpose of realising the service or commercial potential of property owned or leased by the Council;
6. Authorised to enter into wayleaves, servitudes and leases to statutory bodies and other providers of utility services who require rights over land for particular purposes
7. Authorised to make arrangements for the implementation and monitoring and review of the Council's Corporate Asset Management Strategy in accordance with Council policy;
- 8 Authorised to establish, publish and maintain the register of land under section 94 of the Community Empowerment (Scotland) Act 2015;
- 9 Authorised to make arrangements for the publishing of the Council's annual asset transfer report in terms of section 95 of the Community Empowerment (Scotland) Act 2015.
- 10 Authorised to proceed with repairs to all operational and Learning Estate Management Plan properties;

- 11 Authorised in terms of the Community Empowerment (Scotland) Act 2015 to make arrangements for regulating the Council's responsibilities for promoting and maintaining allotments;
- 12 With reference to all properties and land in the ownership of or leased by the Council, other than those in the Commercial and Industrial Portfolio, to:
 - 12.1 approve the terms and conditions of and to sign missives of lease or licences to occupy in respect of such properties for a period not exceeding one year, subject to all such transactions being recorded in a Register kept for that purpose by him/her which shall be available for inspection by Elected Members of the Council;
 - 12.2 agree the terms of and conclude missives in respect of assignments, variations or renunciations of leases or licences for such properties;
 - 12.3 agree the terms of and conclude any consents under leases or licences for such properties;
 - 12.4 terminate leases or licences of such properties at wish;
 - 12.5 in relation to such properties, where arrears of rent have arisen or any other term of a lease or licence has been breached, to enter into and terminate the lease or licence and to take any action necessary to secure possession of property and to recover rent arrears, subject to maintaining a Register of transactions so dealt with, which Register shall be available for inspection by Elected Members of the Council; and
 - 12.6 agree and document rental levels at review periods for leases of such properties.
13. Authorised, after appropriate consultation with such other services of the Council as he/she may decide as appropriate, to determine applications for consent for the temporary use of Clyde Square, Greenock and other civic spaces.
14. Authorised to appoint external professional advisers in connection with dilapidation assessments, rateable valuations and other issues where appropriate and necessary.

Directorate Environment, Regeneration & Resources

Officer: Interim Director Environment and Regeneration

Delegation:

- 1 Authorised to award business development grants, within the Council's Policies, up to a limit of £10,000 subject to availability of budget;
- 2 Authorised to award training grants to appropriate organisations and agencies within the Council's Policies, up to a limit of £10,000 subject to availability of budget;
- 3 Authorised to award rent abatement assistance to local companies, within the Council's Policies and following consultation with the Chief Financial Officer;
- 4 Authorised to determine all planning and related decisions within the scope of the Town and Country Planning (Scotland) Act 1997 as amended in relation to:-
 - (a) Part III Control over Development, in particular, but not restricted to, the determination of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission;
 - (b) Part VI Enforcement;
 - (c) Part VII Special Controls – Trees, Amenity Notices, Advertisements;
 - (d) Part IX Roads, Footpaths & Rights of Way;
 - (e) Part X Statutory Undertakers;
 - (f) Part XIV Miscellaneous & General Provisions;
- 5 Authorised to determine all planning and related decisions within the scope of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in relation to:-
 - (a) Part I Listed Buildings
Chapter 1 Sections 3 & 4 Building Preservation Notices;
Chapter II Authorisation of Works affecting Listed Buildings;
Chapter IV Enforcement;
Chapter V Prevention of Deterioration and Damage;
Sections 49 and 50 – Urgent Preservation;
Sections 51 and 52 – Grants for Repair and Maintenance;
Chapter VI - Sections 59 and 60 – Special considerations affecting Planning Functions;
 - (b) Part II Conservation Areas
Section 66 Conservation Area Consent;
Section 72 Grants for Repairing of Buildings in Town Schemes;
 - (c) Part III General
Sections 76 – 78 Miscellaneous Provisions;
- 6 Authorised to determine all planning and related decisions within the scope of the Planning (Hazardous Substances) (Scotland) Act 1997;
- 7 To determine applications for heritage fund and town scheme grants within the terms of the relevant Council policies;
- 8 Authorised to determine the street numbering of new properties;

- 9 Authorised to make all decisions and take all action required in connection with and consequent upon applications made for High Hedge Notices in terms of the High Hedges (Scotland) Act 2013 including the signing and service of Notices;
10. Authorised to determine applications for a planning certificate in terms of Section 50 of the Licensing (Scotland) Act 2005;
- 11 Authorised to respond to operational consultations from the Scottish Government, other local authorities, key agencies such as Historic Environment Scotland, the Forestry Commission, SEPA and other parties that concern matters relating to land use planning and/or the use of land which are considered to impact on the Council area;
- 12 Authorised to determine all Building Standards matters and related decisions within the scope of the Building (Scotland) Acts 1959 and 2003 in relation to:
 - (a) Part 2 - all matters necessary in the assessment and approval of applications for Building Warrant Approval to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development;
 - (b) Part 2 - all matters necessary in the acceptance and rejection of completion certificate submissions including the requirement for statutory inspections in relation to reasonable enquiry for the above purpose;
 - (c) Part 3 - Compliance and Enforcement;
 - (d) Part 4 - Defective and Dangerous Buildings;
 - (e) Part 5 - General in respect of procedural regulations, reports and information under Section 34 to the Building Standards Division of the Directorate of the Built Environment of the Scottish Government;
 - (f) Part 6 - Supplementary and Miscellaneous Provisions;
- 13 Authorised to issue consents for and carry out inspections on the erection of raised structures in terms of Section 89 of the Civic Government (Scotland) Act 1982;
- 14 Authorised to act as an authorised person under Section 11 of the Safety of Sports Grounds Act 1975 (power to enter and inspect a sports ground);
- 15 Authorised to enter and inspect certified sports grounds for the purposes of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 and all related and subordinate legislation;
- 16 Authorised to approve, in consultation with the Head of Legal and Democratic Services, the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 17 Authorised to issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975 where he/she is of the opinion that the admission to a certified sports ground or any part will involve a risk so serious that, until steps are taken to reduce capacity to a reasonable level, admission of spectators ought to be prohibited;
- 18 Authorised to approve the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 19 Authorised to approve the transfer of the certificate to another qualified person responsible for the management of a certified sports ground in terms of Section 4 of the Safety of Sports Grounds Act 1975;

- 20 Authorised to approve and record any deviation from the standards set out in the Guide to Safety at Sports Grounds setting out the justification for the deviation;
- 21 Authorised to maintain all records in relation to the annual and other inspections of certified sports grounds carried out by the Head of Regeneration & Planning, the Chief Constable and the Chief Officer, Scottish Fire and Rescue Service
- 22 Authorised to fix the annual date for the inspection of any certified sports ground;
- 23 With reference to all properties in the Commercial and Industrial Portfolio, authorised to:
- 23.1 approve the terms and conditions of and to sign missives of lease or licences to occupy in respect of such properties in the ownership of the Council for a period not exceeding one year, subject to all such transactions being recorded in a Register kept for that purpose by him/her which shall be available for inspection by Elected Members of the Council;
- 23.2 to grant leases in respect of such properties in the ownership of the Council at market value for periods up to 5 years in respect of property with rentals of up to £25,000 per annum, subject to the condition that he/she maintains a Register of transactions so dealt with, which Register shall be available for inspection by Elected Members of the Council;
- 23.3 agree the terms of and conclude missives in respect of assignments, variations or renunciations of leases or licences for such properties
- 23.4 agree the terms of and conclude any consents under leases or licences for such properties;
- 23.5 terminate leases or licences of such properties at ish; and
- 23.6 in relation to such properties, where arrears of rent have arisen or any other term of a lease or licence has been breached, to enter into and terminate the lease or licence and to take any action necessary to secure possession of property and to recover rent arrears, subject to maintaining a Register of transactions so dealt with, which Register shall be available for inspection by Elected Members of the Council;
- 23.7 to agree rental levels at review periods for leases of such properties;
- 23.8 to proceed with repairs to such properties.

Exceptions:

The above delegations are subject to the exception of the following categories of application, which are for decision by Elected Members, as follows:

To be determined by the Council:

- (a) national developments as specified in the National Planning Framework;
- (b) major developments which are significantly contrary to the local development plan;

To be determined by a Committee or Board of the Council:

- (a) which the Planning Authority decides to determine which would otherwise fall to be determined by a person appointed to do so under this scheme;
- (b) major developments as set out in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- (c) listed building consent for demolition of listed buildings and conservation area consent for demolition of a building in a conservation area where officers recommend approval contrary to Council policy;
- (d) advertisement consent where officers recommend approval contrary to Council policy;
- (e) the naming of new streets;
- (f) planning applications for planning permission within the category of local development and (b) applications for consent, agreement or approval required by condition imposed by a grant of planning permission for a development within that category under Section 43A of the Town and Country Planning (Scotland) Act 1997 when:-
 - (i) The approval of an application would be contrary to the approved Development Plan;
 - (ii) The approval of an application is the subject of letters of objection from 6 or more individuals and/or 2 community groups, including formally constituted groups comprising at least 10 members and community councils;
 - (iii) Applications are made by a Member of the planning authority;
 - (iv) Applications are made by employees of the Council's Regeneration and Planning Service.

Directorate Environment and Regeneration

Officer: **Interim Director, Environment & Regeneration**

Delegation:

- 1 Authorised under Section 27 of the Food Safety Act 1990, to appoint and authorise a suitably qualified public analyst/s and food examiner/s to act for the Council for the purposes of the said Act;
- 2 Appointed as an authorised officer under Regulations 4 and 5 of the Public Health (Ships) (Scotland) Regulations 1971 (as amended) and authorised to carry out the duties required to ensure enforcement of the said Regulations;
- 3 Authorised to appoint and authorise suitably qualified inspectors for securing the proper exercise of those functions required of the Council in terms of the Public Health (Ships) (Scotland) Regulations 1971 (as amended), including the issue of Ships' Sanitation Certificates;
- 4 Authorised to act and appoint suitably qualified officers as Local Authority Competent Persons under the Public Health etc. (Scotland) Act 2008;
- 5 Authorised to appoint a suitably qualified and experienced Officer to act as Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
- 6 Authorised to issue and/or renew licences under the Petroleum Acts and to issue and/or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be delegated to him/her by the Council, in accordance with approved codes of practice and the statutory provisions relating thereto;
- 7 Authorised to appoint an Inspector and authorised Officers to exercise the powers and duties (including the powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) under such legislation as may from time to time be referred to him/her by the relevant Committee of the Council;
- 8 Authorised to appoint as Inspectors and authorised Officers for the purposes of the administration and enforcement of legislation referred to him/her by the relevant Committee of the Council such as he/she may deem necessary and appropriate;
- 9 Authorised to discharge the Council's functions under Section 19 of the Health & Safety at Work Act 1974 for the purposes of the enforcement of the Explosives Acts 1875 and 1923 (as amended) with respect to the licensing, registration and regulation of stores or registered premises where mixed explosives, including fireworks, are stored for sale;
- 10 Authorised to sign Suspension Notices under Section 14 of the Consumer Protection Act 1987;
- 11 Authorised to sign Notices under Section 94 of the Civic Government (Scotland) Act 1982;
- 12 Authorised to determine applications in respect of fireworks and mixed explosives licences under the Explosives Acts 1875 and 1923, where no objections have been lodged and there are no unusual features about the application;
- 13 Authorised to carry out the Council's enforcement powers, duties and obligations in relation to Decriminalised Parking Enforcement, including all enforcement provisions and functions of the Council in terms of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 both as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014;

- 14 Authorised to appoint officers of the Council to act as Parking Attendants and Enforcement Officers in terms of all legislative and all local provisions and functions of the immediately preceding paragraph for the purposes of the following and without prejudice to the generality thereof: 1. The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) Order 2013; 2. The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013; 3. The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013; 4. The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013; 5. The Inverclyde Council (Off-Street Parking Places) Order 2013 and for any extension, modification, replacement or additions to the Council's approved parking strategy or traffic regulation orders or similar .whatsoever and from time to time as may be in force and effect;
- 15 Authorised to carry out the functions of the Council in terms of the following sections of the Environmental Protection Act 1990:
- (i) Section 88 – under which the litter authority may appoint authorised officers to issue fixed penalty notices for littering;
- 16 Authorised to grant authorisations for directed (covert) surveillance permitted under Sections B6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000;
- 17 Authorised to make, serve and revoke Closing Orders under the Housing (Scotland) Act 1987 in respect of Below Tolerable Standard properties;
- 18 Authorised to carry out the Council's functions in relation to the Marriage (Scotland) Act 2002 with respect to the approval of places in which civil marriages may be solemnised;
- 19 Authorised to carry out the Council's powers, duties and obligations, including the powers of entry, inspection closure, sampling, service of notices, seizure and/or purchase of goods, gathering of information, taking of samples etc. in terms of the following Acts and all and any Regulations made thereunder and to appoint and authorise suitably qualified officers and inspectors to carry into effect the relevant statutory provisions contained within the said following Acts and all and any Regulations made thereunder:

Animal Boarding Establishments Act 1963;
 Animal Health Act 1981;
 Animal Health and Welfare (Scotland) Act 2006;
 Animal Health and Welfare Act 1984;
 Antisocial Behaviour etc. (Scotland) Act 2004;
 Breeding of Dogs Act 1973;
 Breeding of Dogs Act 1991;
 Building (Scotland) Act 2003;
 Cancer Act 1939;
 Caravan Sites and Control of Development Act 1960;
 Children and Young Persons (Protection from Tobacco) Act 1991;
 Chronically Sick and Disabled Persons Act 1970;
 Civic Government (Scotland) Act 1982;
 Clean Air Act 1993;
 Climate Change (Scotland) Act 2009;
 Companies Act 2006;
 Consumer Credit Act 1974 (as amended);

Consumer Credit Act 2006;
Consumer Protection Act 1987;
Consumer Rights Act 2015;
Consumers, Estate Agents and Redress Act 2007;
Control of Dogs (Scotland) Act 2010;
Control of Pollution Act 1974;
Copyright, Designs and Patents Act 1988;
Customs and Excise Management Act 1979;
Dangerous Dogs Act 1991;
Dangerous Wild Animals Act 1976;
Development of Tourism Act 1969;
Dog Fouling (Scotland) Act 2003;
Dogs Act 1871;
Education Reform Act 1988;
Enterprise Act 2002;
Environmental Protection Act 1990;
Estate Agents Act 1979;
European Union (Withdrawal) Act 2018;
Explosives Acts 1875 and 1923;
Factories Act 1961;
Fair Trading Act 1973;
Fireworks Act 2003;
Food and Environment Protection Act 1985;
Food Safety Act 1990;
Forgery and Counterfeiting Act 1981;
Guard Dogs Act 1975;
Hallmarking Act 1973;
Health and Safety at Work etc. Act 1974;
Housing (Scotland) Acts 1987, 2006 and 2010;
Knives Act 1997;
Licensing (Scotland) Act 2005;
Medicines Act 1968;
Motor Cycle Noise Act 1987;
Motor Vehicles (Safety Equipment for Children) Act 1991;
National Lottery etc. Act 1993;
Olympic Symbol etc. (Protection) Act 1995;
Performing Animals (Reg.) Act 1925;
Pet Animals Act 1951;
Petroleum (Consolidation) Act 1928;
Petroleum (Transfer of Licences) Act 1936;
Poisons Act 1972;
Prevention of Damage by Pests Act 1949;
Prices Acts 1974 and 1975;
Property Misdescriptions Act 1991;
Public Health etc. (Scotland) Act 2008;
Refuse Disposal (Amenity) Act 1978;
Registered Designs Act 1949;
Sewerage (Scotland) Act 1968;

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016;
Smoking, Health & Social Care (Scotland) Act 2005;
Telecommunications Act 1984;
Tobacco Advertising and Promotion Act 2002;
Tobacco and Primary Medical Services (Scotland) Act 2010;
Tobacco Products Duty Act 1979;
Trade Descriptions Act 1968;
Trade Marks Act 1994;
Unsolicited Goods and Services Acts 1971 and 1975;
Video Recordings Acts 1984, 1993 and 2010;
Water (Scotland) Act 1980;
Water Services etc. (Scotland) Act 2005;
Weights and Measures Act 1985;
Weights and Measures Etc. Act 1976;
Zoo Licensing Act 1981;
Coronavirus (Scotland) Act 2020.

Directorate Environment &Regeneration

Officer: Head of Shared Services Roads (Strategic Lead Wider Shared Services)

Delegation:

1. Authorised to have responsibility for the delivery of the integration of services and the strategic outcomes for the Partner Councils;
2. Authorised to have lead responsibility to each Council for the strategic planning and delivery of roads and transportation services and the development of further integrated services;
3. Authorised to make recommendations on strategic policy, recommend targets encompassing efficiencies and savings and to present service performance information to Partner Councils and the Shared Services Joint Committee;
4. Authorised to have responsibility under the Council's Scheme of Delegation for service standards and performance relative to the Roads and Transportation functions to each Council;
5. Authorised to carry out the Council's powers, duties and obligations in relation to Decriminalised Parking except for enforcement (which latter responsibility is the delegated role of the Interim Head of Public Protection and COVID Recovery) but including all functions of the Council in terms of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 both as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014; including the promotion, review and variation of Traffic Regulation Orders, signage, statutory and other consultation and overall parking policy review;
6. Authorised to carry out the functions of the Council in terms of the following sections of the Environmental Protection Act 1990:
 - (a) Section 45 – under which (i) the Council is required to collect “controlled waste” and (ii) set reasonable charges for the collection of certain categories of waste;
 - (b) Section 46 – under which the Council has the power to specify the kind, number, size, construction, maintenance and placing of receptacles for the storage of household waste and the charging therefor;
 - (c) Section 47 – under which the Council has the power to specify the kind, number and construction and placing of receptacles for the storage of commercial waste and the charging therefor;
 - (d) Section 48 – relating to the deposit of controlled waste collected by the Council;
 - (e) Section 52 – under which the Council is required to pay recycling credits and/or waste disposal charges;
 - (f) Section 53 – relating to the functions of the Council in respect of (i) the disposal of waste collected by it, and (ii) the provision of civic amenity sites for the disposal of waste;
 - (g) Section 56 – under which the Council can (i) enable waste belonging to the Council to be recycled, or (ii) enable waste belonging to the Council to be used for the production of heat or electricity or both, or (iii) acquire waste for the purpose of its being recycled, or (iv) reuse, sell or dispose of waste belonging to the Council;

- h) Section 87 – under which a local authority, with a view to promoting litter abatement, may publicise the offence of littering and the associated level of fine liable on conviction;
- j) Section 90 – under which a litter authority can designate land as a litter control area;
 - (l) Section 99 – relating to abandoned trolleys and the exercise of powers to seize, remove, retain and dispose of, or set charges for the return of trolleys in terms of Schedule 4;
- 15 Authorised to carry out the functions of the Council in terms of the Waste Minimisation Act 1998;
- 16 Authorised to carry out the functions of the Council in terms of the following sections of the Refuse Disposal (Amenity) Act 1978:
 - (a) Section 3 – under which the Council has powers to remove abandoned vehicles;
 - (b) Section 4 – under which the Council has powers to dispose of any abandoned vehicles;
 - (c) Section 5 – under which the Council can recover reasonable charges in respect of the collection, storage and disposal of abandoned vehicles;
 - (d) Section 6 – under which the Council has powers to remove and dispose of “other refuse”;
 - (e) Section 8 – under which a duly authorised Officer of the Council has powers to enter land in relation to Sections 3 and 6 of the Act;
- 17 Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984:
 - (a) Under Section 1(4), in relation to Notices of Intention to add a private road to the List of Public Roads or delete a public road from the List of Public Roads;
 - (b) Under Section 12, in relation to the stopping up or diversion of roads crossing or entering public roads or proposed roads;
 - (c) Under Section 13, in relation to the imposition on frontagers of the requirements to make up and maintain private roads including the service of appropriate notices;
 - (d) Under Section 15, in relation to the completion of necessary work on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91);
 - (e) Under Section 16 (1) (b), in relation to the consideration and determination of applications for the adoption of private roads as public;
 - (f) Under Section 18, in relation to the adoption of footpaths associated with development;
 - (g) Under Section 21, in relation to applications for construction consent for new roads built by a person other than the roads authority;
 - (h) Under Section 23, in relation to stopping up or temporarily closing any new road constructed by a person other than the roads authority, without consent or in contravention of or in non-compliance with, a condition imposed by a construction consent;

- (i) Under Section 30, in relation to the serving of notices subject to Section 31(3) in connection with carrying out works for protecting roads against hazards of nature;
- (j) Under Section 31 (3), in relation to the service of notices in connection with the drainage of public roads or proposed public roads, on the owner and occupier of the land affected;
- (k) Under Section 35 (1) and (4), and after giving notice in terms of Section 35 (5) in relation to the provision of road lighting and related structures;
- (l) Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;
- (m) Under Section 56, in relation to the authorisation of works and excavation in or under a public road;
- (n) Under Section 57, in relation to the prevention or termination of dangerous works or excavations in or under a public road;
- (o) Under Section 58, in relation to the granting of permission for the deposit of building materials on roads;
- (p) Under Section 59, in relation to the control of obstructions in roads;
- (q) Under Section 60, in relation to the issuing of consent for marking, lighting and fencing of obstructions or roadworks and for shoring buildings requiring protection in similar circumstances;
- (r) Under Section 61, in relation to granting permission to place and thereafter maintain apparatus in or under a public road;
- (s) Under Section 62, after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Environment & Regeneration Committee and the local Members, in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;
- (t) Under Section 63, in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;
- (u) Under Section 64 (2), in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks maintainable by the roads authority in connection with their apparatus in terms of Section 64 (1) (b);
- (v) Under Section 66, in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;
- (w) Under Section 67, in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users;
- (x) Under Section 78 (2), in relation to the service of notices prior to the diversion of waters where necessary in connection with the construction, improvement or protection of a public road;
- (y) Under Section 79, and after consultation with the Chief Financial Officer, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations;

- (z) Under Section 83, in relation to the prevention of obstruction of the view of road users at or near corners, bends and junctions;
- (aa) Under Section 85, in relation to granting permission for the location of builders' skips on roads;
- (bb) Under Section 86, in relation to the removal or repositioning of any builders' skip which is causing or is likely to cause a danger or obstruction;
- (cc) Under Section 87, in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;
- (dd) Under Section 88, in relation to the removal of projections interfering with safe or convenient passage along a road;
- (ee) Under Section 89, in relation to the removal of accidental obstructions from roads;
- (ff) Under Section 90, in relation to the granting of consent for fixing or placing over, along or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus;
- (gg) Under Section 91, in relation to the prevention of danger to road users and the prevention of obstructions caused by roadside vegetation, fences or walls;
- (hh) Under Section 92, in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway;
- (ii) Under Section 93, in relation to the protection of road users from dangers near a road;
- (jj) Under Section 94, in relation to the infill of dangerous ditches adjacent to or lying near a public road;
- (kk) Under Section 96(1), in relation to the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc.;
- (ll) Under Section 96 (1), to act as the Proper Officer to issue a certificate as provided in the said Section;
- (mm) Under Section 97, in relation to the issue of consent for trading;
- (nn) Under Section 99 (2), in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99 (1) (prevention of the flow of water, filth, dirt or other offensive matter onto the road);
- (oo) Under Section 99 (3), in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99 (1);
- (pp) Under Section 140, in relation to authorising persons to enter land to take any action or execute any work authorised or required to be taken or executed by the roads authority under the Act;
- (qq) To exercise the functions of the Council under Section 152 (2) to redetermine the means of exercise of a public right of passage over a road;

18 Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-

- (a) Under Section 14, in relation to the temporary prohibition or restriction of traffic on roads;
 - (b) Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs.
- 19 Authorised after consultation with the Chief Constable and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;
- 20 Authorised to carry out the functions of the Council under the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible, including but not limited to the issuing of fixed penalty notices in relation to Part IV of the Act;
- 21 Authorised after consultation with the Chief Financial Officer to agree terms for Bridge Agreements with the relevant Railway Body and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection;
- 22 Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- 23 Authorised to make arrangements for the management of piers, harbours, car parks, etc., including, subject to consultation with the Interim Head of Property Services, granting use of part thereof to other persons or bodies, and following consultation with the Chief Financial Officer, the imposition or waiving of charges for such use;
- 24 Authorised, in conjunction (where appropriate) with the Interim Head of Property Services, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;
 - (c) Under Section 8, to arrange for the publishing of notices relating to a works scheme and the serving of like notices on affected harbour and other relevant authorities;
 - (d) Under Section 12, to serve notice on owners of land where protection works are necessary;
 - (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;
- 25 Authorised to carry out the functions of the Council under the following Acts:-
- (a) Reservoirs (Scotland) Act 2011;
 - (b) Flood Prevention & Land Drainage (Scotland) Act 1997;
 - (c) Flood Risk Management (Scotland) Act 2009;
 - (d) The Road Humps and Traffic Calming (Scotland) Amendment Regulations 2002;
 - (e) Transport (Scotland) Act 2005;
- 26 Authorised, in terms of existing contracts and subject to consultation with the Interim Head of Property Services, to negotiate Service Level Agreements with Scottish Power;

- 27 In terms of the Construction (Design & Management) Regulations 2015 (CDM 2015) for roads projects:
- (a) To act as Client's Agent and appoint Designer, Planning Supervisor, Principal Contractor and/or Contractor;
 - (b) In the case of contracts in which the Council acts as agent of the Scottish Ministers in terms of Section 4 of the Roads (Scotland) Act 1984, to consent to the Council being appointed as Client's Agent;
 - (c) In the case of contracts where the Council is appointed as Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor to carry out the duties appropriate to each such appointment;
- 28 Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984:-
- (a) Under Sections 36 and 37, after consultation with the Chief Constable and the local Members in relation to the construction of road humps;
 - (b) Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;
- 29 Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-
- (a) Under Section 23, in relation to pedestrian crossings on roads other than trunk roads;
 - (b) Under Section 65, in relation to the placing of traffic signs;
 - (c) Under Section 68, in relation to the placing of traffic signs in connection with the exercise of other powers of the Authority as defined in sub-section (1) thereof;
 - (d) Under Section 69, in relation to the removal of signs;
 - (e) Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs;
- 30 Authorised after consultation with the Chief Constable and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under the Road Traffic Regulation Act 1984
- 31 Authorised to carry out the functions of the Joint Road Safety Officer in conjunction with the Chief Constable;
- 32 Authorised, subject to consultation with the Chief Constable and the authorised representative of Strathclyde Partnership for Transport, to make requests to the Traffic Commissioner to determine and attach to operators' licences, traffic regulation conditions restricting the operations of local services, all in terms of Section 7 of the Transport Act 1985;
- 33 Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- 34 Authorised where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operators' Licences, under Section 12 of the Goods, Vehicles (Licensing of Operators) Act 1995;

35. Authorised to implement, apply and enforce Management Rules relating to Parks and Open Spaces, in accordance with the Civic Government (Scotland) Act 1982 (as amended).