

## **SCHEME OF DELEGATION**

### **Report by Chief Executive**

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## **SCOTTISH BORDERS COUNCIL**

**29 March 2018**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval for an amended Scheme of Delegation to take account of changes in management structure within the Council and some legislative updates.**
- 1.2 It is a statutory requirement for the Council to keep a list of delegated powers to Officers and this is detailed in the Scheme of Delegation. The Scheme of Delegation is one part of the Council's wider governance framework, which also includes Standing Orders, Scheme of Administration and Financial Regulations, and these documents collectively encapsulate and define the Scottish Borders Code of Governance. By delegating authority to Officers, this allows speedy and responsive decisions on a day to day basis; freeing up the formal decision making structure of Council to focus on strategic decisions which are taken under full public scrutiny; and in turn, Officers are held fully accountable for the decisions they take.
- 1.3 The current Scheme of Delegation was last approved in its entirety by Council on 26 June 2014 to take account of a new management structure, and there have been a number of minor amendments to the Scheme since then, either approved by Council, or made by the Clerk to the Council using her delegated authority. The latest edition of the Scheme is attached in the Appendix to this report, with proposed changes marked in red. The main changes are being made to take account of the current corporate management structure/job titles, and also some updates to delegated powers for Officers, which are highlighted in paragraph 4.2 of the report.

### **2 RECOMMENDATIONS**

- 2.1 I recommend that the Council approves the amended Scheme of Delegation as detailed in the Appendix to this report.**

### **3 BACKGROUND**

- 3.1 Section 50(G)(2) of the Local Government (Scotland) Act 1973 states that “the local authority shall maintain a list (a) specifying those powers of the authority which, for the time being, are exercisable from time to time by officers of the authority in pursuance of arrangements made under this Act or any other enactments for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable; but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months. The Council’s Scheme of Delegation fulfils this requirement, detailing those functions, both statutory and non-statutory, which Council has chosen to delegate to Officers.
- 3.2 The Scheme of Delegation is one part of the Council’s wider governance framework, which also includes Standing Orders, Scheme of Administration and Financial Regulations, and these documents collectively encapsulate and define the Scottish Borders Code of Governance. By delegating authority to Officers, this allows speedy and responsive decisions on a day to day basis; freeing up the formal decision making structure of Council to focus on strategic decisions which are taken under full public scrutiny; and in turn, Officers are held fully accountable for the decisions they take.
- 3.3 Officers exercising delegated powers in terms of the Scheme of Delegation are expected, where appropriate, to consult with, and keep advised, the relevant Executive member(s) and local Members. The Officers named in this Scheme may choose to further delegate any of these powers to other appropriate officers within their Service, as long as a written record of such further delegation(s) is kept within the relevant Service.

### **4 AMENDMENTS TO THE SCHEME OF DELEGATION**

- 4.1 The current Scheme of Delegation was last approved in its entirety by Council on 26 June 2014 to take account of a new management structure, and there have been a number of minor amendments to the Scheme since then, either approved by Council, or made by the Clerk to the Council using her delegated authority to amend the Scheme to take account of new or amended legislation, Council policy and procedures, or Council decisions.
- 4.2 The latest edition of the Scheme is attached in the Appendix to this report, with changes marked in red. The main changes are being made to take account of the changes to the corporate management structure/job titles. The other areas where changes have been made are –
- (a) Emergency Planning Officer – updated authority to take account of the Regional or Local Resilience Partnership Groups (replacing the Lothian & Borders Strategic Co-ordinating Group and Lothian & Borders Tactical Sub-Group)
  - (b) Executive Director – removal of authority regarding sports and leisure events, activities and venues as this is now carried out by Live Borders

- (c) Chief Planning Officer – minor amendments to take account of changes to legislation; homologation of current activities for roads construction and vehicular accesses
- (d) Assessor and Electoral Registration Officer – demarcation of roles for Assessor and Electoral Registration
- (e) Chief Legal Officer – amendment to delegated authority in Protective Services to better reflect legislation and to include all legislation within an Appendix to the Scheme
- (f) Chief Officer – Health and Social Care Integration – new role included in the Scheme to reflect management of Council services but with no specific delegated functions at present

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

### **5.2 Risk and Mitigations**

It is a statutory requirement that the Council keeps a list of delegated powers to Officers. Should these decision-making powers not be delegated to Officers then reports would require to be considered by Council committees which in turn would have a major impact on the day to day operation of Council services. Officers with delegated powers are held fully accountable for the decisions they take.

### **5.3 Equalities**

There are no adverse impacts in terms of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief, from the proposals in this report.

### **5.4 Acting Sustainably**

There are no economic, social or environmental effects from the proposals within this report.

### **5.5 Carbon Management**

There are no effects on the Council's carbon emissions from the proposals in this report.

### **5.6 Rural Proofing**

There is no specific impact on rural areas from the proposals in this report.

### **5.7 Changes to Scheme of Administration or Scheme of Delegation**

This report details changes to the Scheme of Delegation. There are no changes to the Scheme of Administration.

## **6 CONSULTATION**

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Corporate

Management Team have been consulted and any comments received have been incorporated into the final report.

**Approved by**

**Tracey Logan**  
**Chief Executive**

**Signature .....**

**Author(s)**

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council (01835 825004)

**Background Papers:** Nil

**Previous Minute Reference:** Scottish Borders Council, 26 June 2014

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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