



From mountain to sea

# **Scheme of Governance**

## **Part 2A - List of Committee Powers**

28 April, 2022



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## List of Committee Powers

This document sets out the powers of each of the Council's Committees to enable them to make decisions about strategic policy and the matters set before them.

This document lists the powers which have been reserved by Full Council and those which have been delegated to the Council's appointed Committees in terms of Section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation.

### General Provisions

1. This List of Committee Powers is subject to these general provisions and:-
  - a. The Local Government (Scotland) Act 1973,
  - b. The Local Government Etc. (Scotland) Act 1994,
  - c. Any other statutes,
  - d. The provisions of the Scheme of Governance,
  - e. The exceptions, limitations and special delegations in this List of Committee Powers,
  - f. The Public Sector Equality Duty.
2. The Committees of the Council shall be delegated all the functions, services, undertakings or other matters, whether in pursuance of statute or otherwise, as contained in the respective sections of this List of Committee Powers.
3. When such functions, services, undertakings or other matters are delegated to a Committee, the Committee shall have the power to exercise the function as the Full Council could have exercised it had there been no delegation.
4. It shall be competent for a Committee, in relation to any matter,
  - a. instead of taking a decision, to make a recommendation to Full Council in which event the matter shall be decided by Full Council after consideration of the Committee's recommendation. Such recommendation must be made in a report submitted to Full Council by the appropriate service.
  - b. consult with any other Committee prior to taking a decision. Such request must be made in a report submitted to the Committee by the appropriate service.
5. It shall be competent for an Area Committee, in relation to any matter, instead of taking a decision, to make a recommendation to the appropriate Committee or Sub-Committee which has the remit for the matter, in which event the matter shall be decided by the Committee or Sub-Committee after consideration of the Area Committee's recommendation. Such recommendation must be made in a

report submitted to the Committee or Sub-Committee by the appropriate service.

6. A Policy Committee may delegate to an Area Committee or to an Officer of the Council any of the functions which have been delegated to the Committee.
7. An Area Committee or Sub-Committee may delegate to an Officer any of the functions which have been delegated to the Committee.
8. As far as consistent with legislation, Committees have power to delegate to Sub-Committees.
9. In exercising the functions conferred on them, Committees and Officers shall comply with the Standing Orders of the Council insofar as applicable and with any resolutions or instructions given by Full Council.
10. The Full Council may, notwithstanding the delegation of any matter to a Committee or Officer, deal with any questions not previously determined in terms of that delegation.
11. Full Council may vary, add to, recall or restrict any delegation.
12. In the event of any purported decision of an Area Committee or any Policy Committee being in the professional judgement of the Monitoring Officer or their nominee ultra vires of that Committee's powers, the matter shall be referred to the appropriate Policy Committee or Full Council.
13. In the event of the continued consideration of any matter by an Area Committee or Policy Committee, following a legal challenge to a prior decision of that Committee, being in the professional judgement of the Monitoring Officer or their nominee contrary to natural justice, the matter shall be referred by the Monitoring Officer or their nominee to an appropriate alternative Area Committee, Policy Committee or Full Council for determination, following consultation with the Group Leaders.

## **A. FULL COUNCIL**

All Members of Aberdeenshire Council sit on Full Council and are responsible for electing the Provost, Depute Provost and Committee Chairs and Vice Chairs. Full Council also sets the Council's budgets, council tax, housing rents and approves strategic plans and other reserved matters.

### **1. Reserved Matters**

The following matters are reserved for decision by Full Council:

- 1.1 Fixing of council taxes.
- 1.2 Setting of rents and other charges related to housing.
- 1.3 All matters relating to elections and referenda including electoral boundaries and the appointment of Returning Officers.
- 1.4 The promotion or opposition of private legislation and the consideration of provisional orders or private bills affecting the interests of the Council.

### **2. Committees and Council Structure**

- 2.1 Appointment of Committees and the appointment of their Chairs and Vice Chairs other than the Chairs and Vice Chairs of Area Committees.
- 2.2 Changes in committee structure, distribution of functions and responsibilities.
- 2.3 The preparation, review and amendment of the Scheme of Governance.
- 2.4 The resolution of any conflict that may arise on any matter between Committees.
- 2.5
  1. To determine a decision referred by a Committee on any matter following a division in Committee where:
    - a. one third or more members of the Committee present and voting on that matter have voted against the successful proposal and,
    - b. one third or more members of the Committee make the referral at the time the decision of the Committee is reached.
  2. Any referral must be submitted by report to Full Council by the relevant Service and the decision of the Committee which stands referred shall not be implemented until confirmed by the Full Council.

3. The provision 2.5.1 above shall not apply following a division in Committee:
  - a. making an appointment of a member of staff following interview,
  - b. on appointment of members to Sub-Committees or as representatives of the Council,
  - c. on a matter of urgency,
  - d. where the request would deny the Council from making a decision or observations within a statutory timescale,
  - e. in connection with School Placings and Exclusions Appeal Committee decisions,
  - f. after consideration of a planning application by an Area Committee, (in which case the matter shall instead be referred to the Policy Committee responsible for Planning),
  - g. on a matter in which the decision is to make a recommendation to another Committee or Full Council.
  
- 2.6 The provision of major new services and the discontinuation of major elements of existing ones.

### **3. Community Councils**

- 3.1 To review, amend, revoke and replace the Scheme for the Establishment of Community Councils for Aberdeenshire in terms of the Local Government (Scotland) Acts 1973 and 1994 and any other relevant legislation.
- 3.2 To determine Community Council boundaries in the event of two or more Area Committees having a different view.

### **4. Community Planning**

- 4.1 In relation to the Aberdeenshire Community Planning Board to:
  - a. work collaboratively with other partners in carrying out Community Planning,
  - b. comment on, endorse and take account of the Local Outcomes Improvement Plan and Local Community Plans when carrying out any of the Council's functions,
  - c. agree such resources as the Council deem appropriate following consultation with the Aberdeenshire Community Planning Board on what is required to improve local outcomes in the Local Outcomes Improvement Plan and Local Community Plans,
  - d. encourage the participation of community bodies in Community Planning.



## **5. Corporate**

- 5.1 The review, endorsement and approval of the Strategic and Local Development Plans, Local Housing Strategy, Local Transport Strategy and all other documents as the Council may decide.
- 5.2 The review and approval of the Council Plan and Priorities, including consideration of the annual performance report on progress.
- 5.3 To endorse the Annual Accounts and Accounts Report.

## **6. Economic Development**

- 6.1 Determination, if necessary, on whether a matter falls within the scope of the Aberdeen City Region Deal in the event of uncertainty or disagreement.

## **7. Education**

- 7.1 To determine the permanent closure of schools or other educational establishments, which shall previously have been discussed at appropriate Area and Policy Committees.

## **8. Finance**

- 8.1 Approval of the annual estimates and setting the Council Budgets including Revenue, Capital, Carbon and Housing Revenue Account.
- 8.2 Approval of the Treasury Management Strategy.
- 8.3 The incurring of any capital or revenue expenditure not provided for in the Capital Plan or Revenue Budget.
- 8.4 The setting of budgets for Area Committees and the extent to which these may be varied by the Area Committee.
- 8.5 The compulsory acquisition of any interest in land or buildings.

## **9. General**

- 9.1 To approve a Council response to any external consultation that has not been properly delegated to any other Committee.
- 9.2 To approve Council membership of any external body.

- 9.3 To receive, consider and make decisions on reports referred to Full Council by the Chief Internal Auditor.

## **10. Human Resources**

- 10.1 Appointment and dismissal of the Chief Executive and dismissal of Directors and Area Managers in accordance with agreed Human Resources & Organisational Development (HR&OD) procedures.
- 10.2 Arrangements for the maintenance of ethical standards of conduct of Councillors and Officers.
- 10.3 Appointment of the Head of Paid Service, Monitoring Officer, Section 95 Officer, Chief Social Worker, Chief Planning Officer and Chief Education Officer as Proper Officers of the Council.

## **11. Planning**

- 11.1 Exercise the powers of Full Council detailed in the List of Planning Delegations in the Scheme of Governance at Part 2C.

## **12. Scrutiny**

- 12.1 To receive, consider and make decisions on reports referred to Full Council by a Committee in terms of the Scrutiny at Aberdeenshire Guidance.

## **13. Social Work**

- 13.1 To consider and approve the Chief Social Work Officer Annual Report and any related action plan.

## **B. AREA COMMITTEES**

There are six Area Committees being Banff and Buchan, Buchan, Formartine, Garioch, Kincardine and Mearns and Marr. These committees determine matters which directly affect their areas and make recommendations to Policy Committees on strategic matters and Council policy.

Subject to the General Provisions, the following matters are delegated to these Committees:

### **1. Administrative and General**

- 1.1 To determine any matter that is specific to its Area not otherwise properly delegated to any other Committee.
- 1.2 To consider, comment on, make recommendations to Services and any other appropriate Committee on any matter or policy which impacts its Area.
- 1.3 To enact, alter or revoke any Orders, Regulations, Bye-laws or Schemes relating exclusively to its Area.
- 1.4 The appointment of the Chairs and Vice Chairs of their Area Committees.
- 1.5 To determine the attendance of members at courses and conferences, within the approved budget allocation.
- 1.6 The appointment of the Area Manager for its respective Area in accordance with agreed HR & OD procedures.
- 1.7 To consider the performance of Police Scotland and the Scottish Fire and Rescue Service for its Area and to make any necessary recommendations to the appropriate Policy Committee or governing body.
- 1.8 To establish sub-committees and working groups.
- 1.9 To approve Regeneration Action Plans where appropriate and receive updates on the delivery of the Regeneration Strategy.
- 1.10 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

## **2. Common Good and Trusts**

- 2.1 To administer Common Good Funds and trusts controlled by the Council for the benefit of its Area.
- 2.2 To determine the sale or lease of more than 12 months duration or change of use of Common Good assets within its Area before a Common Good Order is sought from the Court.

## **3. Community Councils**

- 3.1 To determine changes in relation to Community Council boundaries following any required consultation, statutory or otherwise, including affected Community Councils provided that where a Community Council boundary covers more than one Area, the boundary proposals should be considered by each relevant Area Committee. In the event of each Area Committee having a different view, the matter shall be referred to Full Council for determination.
- 3.2 To consider applications for and approve the award of grants to Community Councils within approved budget.
- 3.3 To consider requests by Community Councils for grants or loans for special projects and make recommendations to the relevant Policy Committee.
- 3.4 To determine an appeal from a Community Council about being put into supported status, where the decision has been made by the Area Manager using delegated powers.
- 3.5 To determine an appeal from a Community Council in respect of maximum membership number where the original decision has been made by the Area Manager using delegated powers.
- 3.6 To determine, whether to dissolve a Community Council in accordance with the Scheme for the Establishment of Community Councils and if a Community Council is to be dissolved to determine the date of dissolution.

## **4. Community Planning**

- 4.1. To:
  - a. work collaboratively with other partners in carrying out Community Planning in its Area,
  - b. comment on and to endorse the Local Community Plans for its Area,
  - c. encourage the participation of community bodies in Community Planning.

## **5. Education**

- 5.1 At the request of the Policy Committee responsible for education provision, to establish and operate an Area School Attendance Sub-Committee.
- 5.2 To make recommendations to the Policy Committee responsible for education provision on school re-zoning, new zones and on capping school rolls.
- 5.3 To make recommendations to the Policy Committee responsible for education provision on proposals for the permanent closure of schools and other educational establishments.

## **6. Finance and Procurement**

- 6.1 To prioritise revenue expenditure estimates for its Area and to make recommendations to appropriate Policy Committees.
- 6.2 To comment on capital projects for its Area and to make recommendations to appropriate Policy Committees.
- 6.3 To authorise expenditure from the Area Committee Budget.
- 6.4.1 To determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where:
  - a. the value of the goods or services is £50,000 or more; and
  - b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and
  - c. the matter relates exclusively to its Area.
- 6.4.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;
  - a.
    - i the value of the matter exceeds £1,000,000; or
    - ii the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
    - iii the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
  - b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and
  - c. the matter relates exclusively to its Area.

6.4.3 To award the contract for the purchase of works, goods or services when:

- a.
  - i the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
  - ii the Chief Officer has chosen not to exercise their delegated power to award the contract; or
  - iii the contract is a direct award that exceeds £1,000,000; or
  - iv the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. the matter is funded from an approved Capital Plan, Revenue Budget, Council reserve, statutory funds or under Direction from the Aberdeenshire Integration Joint Board for those functions for which it is responsible; and
- c. the matter relates exclusively to its Area.

Provided that if a decision made under 6.4.1-6.4.3 inclusive is not in accordance with Officer recommendations or does not accord with existing Council policy then the matter must be referred to the appropriate Policy Committee.

6.5 Authorise support to businesses in Aberdeenshire that exceed £30,000 per business including authorisation of loans from the Business Loans Scotland Scheme.

6.6 Approve grants that exceed £20,000 from the approved budget allocated to Regeneration Town Action Plans.

## **7. Licensing**

7.1 To exercise the Council's functions in terms of the Civic Government (Scotland) Act 1982, as amended, where adverse representations or objections have been lodged, or there is an officer recommendation that an application be refused, in relation to:

- a. Boat Hire Licences.
- b. Itinerant Metal Dealers Licences.
- c. Knife Dealers Licences.
- d. Late Hours Catering Licence.
- e. Market Operators Licence.
- f. Metal Dealers Licences.
- g. Public Charitable Collections.
- h. Public Entertainment Licences.
- i. Public Processions.
- j. Second Hand Car Dealership.
- k. Sex Shop Licences.
- l. Skin Piercing and Tattoo Licences.
- m. Street Trader's Licences.

- n. Taxi Booking Office Licences.
- o. Window Cleaner's Licences.

7.2 To grant, revoke, refuse, vary or renew all miscellaneous licences and registrations for its Area where adverse representations or objections have been lodged, or there is an officer recommendation that an application be refused, including:

- a. Animal Boarding Establishments.
- b. Caravan parks and sites.
- c. Cinemas.
- d. Dog Breeding Establishments.
- e. Explosives.
- f. Hypnotism Permission.
- g. Performing Animals.
- h. Pet Animals.
- i. Petroleum Storage Certificates and Licences.
- j. Riding Establishments.
- k. Venison Dealers Licences.
- l. Zoos.

## **8. Planning**

8.1 Exercise the powers of Area Committees detailed in the List of Planning Delegations in the Scheme of Governance at Part 2C.

8.2 To confirm tree preservation orders where adverse representations have been received.

8.3 To determine questions of Access Rights and Rights of Way in its Area where the matter has not been already determined by officers in the proper exercise of their delegated powers.

8.4 To fulfil the functions of the Council under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 where the matter has not been already determined by officers in the proper exercise of their delegated powers.

## **9. Property**

9.1 To make recommendations to the appropriate Committee:

- 1. On the establishment or closure of Council property that will operate or operated as work places within its Area (excluding the permanent closure of schools or other educational establishments separately provided for at 5.3 above).

2. On the establishment or permanent closure of Council property that operates or operated as Children's Services establishments and Adult Social Care establishments.

9.2 To:

1. declare that land and/or buildings are surplus to requirements where at least 2 Ward Members, following notification that the land and/or buildings are to be declared surplus have confirmed within 14 days of the notification that they do not support the Head of Property and Facilities Management's recommendation to declare as surplus.
2. determine the acquisition of land or buildings within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy; and
  - b. the value of the acquisition is £50,000, or more.
3. determine the sale of land or buildings or granting of a grassum lease within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy; and
  - b. the value of the sale or grassum lease is £100,000 or more.
4. determine granting or renewing of leases, sub-leases, occupancy agreements or licences of land or buildings within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy; and
  - b. the initial rent receivable under the lease is £30,000 per annum or more; or
  - c. the Council's commitment is 21 years or more at any given time.
5. determine the Council taking a lease or licence of land or buildings within that Area where:
  - a. the decision is in accordance with officers' recommendation and existing Council policy; and,
  - b. the rent payable under the lease is £30,000 per annum or more; or
  - c. the lease or licence commits the Council for a duration of 6 years or more at any given time.
6. determine the granting of the transfer of an asset to a community or voluntary group and the terms and conditions of that transfer.

For Sections 9.2.2 – 9.2.6 only provided that where the Area Committee does not agree with officers' recommendations or existing Council policy, the



decision must be referred to the appropriate Policy Committee for determination.

## **10. Roads**

- 10.1 To approve the commencement of the required statutory consultation process for a traffic order provided that if the Area Committee wish to depart from Council Policy then the request with the reasons must be referred to the Policy Committee responsible for Roads. The Policy Committee will determine whether to support the departure from Council Policy and this binding decision will be reported to the Area Committee.
- 10.2 Following the completion of the required statutory consultation process and where a valid objection is made (and not withdrawn) to determine a traffic order.
- 10.3 To:
1. determine all proposed street names which are or were that of individual persons living or dead.
  2. determine the naming of streets and buildings within the Council's control where the Local Members and Community Council(s) are not in agreement.
- 10.4 To approve the commencement of the required statutory consultation process for a roads order.

## **11. Scrutiny**

- 11.1 To consider and comment on proposals to amend Council policy and/or develop Council policy in line with the Policy Development and Review Framework and make recommendations to the relevant Policy Committee.
- 11.2 To review the effectiveness of Council policy implementation and Council service delivery within the Area and also in terms of the Committee Review Process and to identify potential improvements and make recommendations to the relevant Policy Committee.
- 11.3 To receive and review the annual report of activity in accordance with the Scrutiny at Aberdeenshire Guidance and report to appropriate Policy Committee or Full Council as required.
- 11.4 To make recommendations to the relevant Policy Committee regarding improvements to the performance of services within the Area in terms of the

Committee Review Process (including reference to the relevant Performance Indicators in terms of Performance Management).

- 11.5 To call upon any officer of the Council or Chair and or Vice-Chair of the Council's Policy Committees to give evidence and/or provide written reports, as appropriate, on any matter for which the Area Committee has a delegated authority in accordance with the Committee Review Process and in the event of the Area Committee being dissatisfied as to the outcome, to report the matter/s in terms of the Guidance to the relevant Policy Committee or to Full Council.
- 11.6 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.
- 11.7 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 11.1 – 11.6 above.

## **12. Trading Standards**

- 12.1 To determine applications for dispensation under Regulation 4 of the Fireworks (Scotland) Regulations 2004, from the prohibition on the use of fireworks between 11.00pm and 7.00am.
- 12.2 To exercise the Council's functions in terms of applications for assent under Regulation 14 of The Explosives Regulations 2014.

## **C. BUSINESS SERVICES COMMITTEE**

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in C.1 below.

### **1. Committee Functions**

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Civic Government (Scotland) Act 1982 matters with implications across Area boundaries where objections or observations are received.
- b. Customer Communications and Improvement.
- c. Commercial and Procurement.
- d. Emergency Planning.
- e. Finance.
- f. Human Resources & Organisational Development (HR&OD) (except human resource matters relating only to teaching staff and associated professionals).
- g. Information and Communication Technology.
- h. Legal and Governance.
- i. Licensing other than Liquor Licensing.
- j. Aberdeenshire Licensing Forum
- k. Property and Facilities Management.
- l. Registration of Births, Deaths and Marriages.
- m. Valuation and Electoral Registration.

This Committee also has specific powers:

### **2. Finance**

- 2.1 To determine policies for management of the finances of the Council and to prepare and review those from time to time as may be necessary for the proper administration of the Council's financial affairs.
- 2.2. To approve banking arrangements for the Council.
- 2.3 To write-off irrecoverable debts of £10,000 or more.
- 2.4 To make recommendations to Full Council regarding the formulation of the annual Revenue Budget and Capital Plan.

- 2.5 To determine appeals against rates assessments and to dispose under any enactment of all other claims or applications for relief from or repayment of charges or rates.
- 2.6 To approve policies for the management and investment of any funds including trust, common good and superannuation funds, under the control of the Council, except that policy for the expenditure of available funds in education and social work trusts shall be under the control of the Policy Committees responsible for education provision, children's services and the Integration Joint Board for Health and Social Care respectively.
- 2.7 To monitor the Treasury Management Strategy dealing with the management of all money and capital market transactions in connection with cash and funding resources of the Council.
- 2.8 To approve the award of grants for voluntary organisations within approved service budgets.
- 2.9 To approve the award of grants to external bodies in accordance with Financial Regulations.
- 2.10 Where;
  - i a matter, item or project is to be funded from approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee; or
  - ii where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract, or
  - iii where the matter relates to the provision of utilities for any of the Council's operational properties, including but not limited to, electricity (including street lighting), gas, oil, liquid petroleum gas, biomass, energy supply metering and water,

the Committee has the delegated powers to:

- 2.10.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where
  - a. the value of the goods or services is £50,000 or more; and
  - b. relates to more than one Area; or
  - c. relates to more than one directorate and the committee is the Lead Policy Committee; or
  - d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

2.10.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;

- a.
  - i the value of the matter exceeds £1,000,000; or
  - ii the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
  - iii the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

2.10.3 Award the contract for the purchase of goods, works or services where:

- a.
  - i the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
  - ii the Chief Officer has chosen not to exercise their delegated power to award the contract; or
  - iii the contract is a direct award that exceeds £1,000,000; or
  - iv the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

2.11 To approve and review fees and charges within their remit in line with the provisions of the Corporate Charging Framework.

### **3. General**

- 3.1 To approve a Council response to any external consultation on any policy matter falling within the delegation of the Committee.
- 3.2 To establish sub-committees and working groups.
- 3.3 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.
- 3.4 To approve travel expenses for members that are nominated –

- a. by the Convention of Scottish Local Authorities (COSLA) LEADERS or through the COSLA Convention to attend policy and short life working groups; or
- b. through COSLA, under the political group arrangement, to participate in any policy body and other working groups.

## **4. Human Resources**

- 4.1 To authorise, control and review as necessary, following consultation with the appropriate Policy and Area Committees, the establishment of all categories of staff of the Council.

## **5. Property**

- 5.1 To determine the acquisition, sale or lease of land or property not on the Council's Housing account where:
  1. an Area Committee has made a decision in relation to a Community Asset Transfer that is contrary to Officer's recommendations or does not accord with Council policy or,
  2. the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers
- 5.2. To determine:
  1. the establishment or closure of work places, and
  2. the establishment or permanent closure of council property that has operated as Children's Services or Adult Social Care establishments.

Provided that, as appropriate, Area and Policy Committees and/or Integration Joint Board have been consulted prior to being determined by this Committee.

- 5.3. To determine policy and policy issues in relation to the
  1. Surplus Property of the Council, and
  2. Asset Transfer of Council property in terms of the Community Empowerment Act 2015.
- 5.4 To review, monitor and scrutinise the delivery of the Council's capital projects.

## **6. Scrutiny**

- 6.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit

- 6.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).
- 6.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.
- 6.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.
- 6.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 6.3 - 6.4 above.
- 6.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.

## **D. COMMUNITIES COMMITTEE**

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in D.1 below.

### **1. Committee Functions**

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council, are not within the remit of the Aberdeenshire Integration Joint Board or specifically delegated to any other Committee of the Council:

- a. Aberdeenshire Integration Joint Board Monitoring.
- b. Adult Social Work Services, except those delegated to the Aberdeenshire Integration Joint Board.
- c. Community Planning.
- d. Housing.
- e. Lifelong Learning and Leisure.
- f. Scottish Fire and Rescue Service.
- g. Scottish Police Authority (Police Scotland).

The Committee also has specific powers:

### **2. Adult Social Work Services (except those delegated to the Aberdeenshire Integration Joint Board)**

2.1 To consider and make recommendations to Full Council on the Chief Social Work Officer Annual Report and any related action plan as it relates to 1(a) above.

2.2 To consider and make recommendations to the Policy Committee responsible for Property and Facilities Management on the permanent closure of council property that operated as Adult Social Care Services establishments.

### **3. Finance**

3.1. Following consultation with the Integration Joint Board to set and approve fees and charges related to social work and social work transport on an annual basis.

3.2 To make recommendations to Full Council regarding the formulation of the annual Revenue Budget and the Capital Plan.



3.3 Where a matter, item or project is to be funded from the approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee or where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract and where the Committee is under Direction from the Aberdeenshire Integration Joint Board the Committee has the delegated powers to:

3.3.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where

- a. the value of the goods or services is £50,000 or more; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;

- a.
  - i the value of the matter exceeds £1,000,000; or
  - ii the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
  - iii the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

3.3.3 To award the contract for the purchase of works, goods or services when:

- a.
  - i the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
  - ii the Chief Officer has chosen not to exercise their delegated power to award the contract; or
  - iii the contract is a direct award that exceeds £1,000,000; or
  - iv the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

- 3.4 To approve the award of grants for voluntary organisations within approved service budgets.
- 3.5 To approve the award of grants to external bodies in accordance with Financial Regulations.
- 3.6 To approve and review fees and charges within their remit in line with the provisions of the Corporate Charging Framework.

#### **4. General**

- 4.1 To determine the attendance of members at courses and conferences relating to matters within the remit of this Committee and within the approved budget allocation.
- 4.2 To approve a Council response to any external consultation on any policy matter falling within the delegation of the Committee.
- 4.3 To establish sub-committees and working groups.
- 4.4 To approve the Council's annual Local Child Poverty Action Report following consultation with Area Committees and Education & Children's Services Committee.
- 4.5 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

#### **5. Housing**

- 5.1 To write off irrecoverable debts relating to council house rent arrears (including former tenant arrears) if the value is £10,000 or more (see Financial Delegation Tables in Part 4D).
- 5.2 To monitor inspection reports from the Housing Regulator.
- 5.3 To determine the acquisition of land and property proposed to be held on the Council's Housing Account and the sale or lease of land or property currently or previously held on the Council's Housing Account where:-
  - a. an Area Committee has made a decision in relation to an Asset Transfer that is contrary to Officer's recommendations or does not accord with Council policy, or,
  - b. the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers.

## **6. Lifelong Learning and Leisure**

- 6.1 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities for sporting and leisure activities.
- 6.2 To exercise the Council's statutory powers to support activities related to the development of sport and leisure.
- 6.3 To arrange for the management of the Council's library and museum services and the provision of arts and cultural development activity.
- 6.4 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities for cultural and social activities.
- 6.5 To exercise the Council's statutory powers to support activities related to the development of culture and heritage.
- 6.6 To deal with matters related to the provision of museums and related services.
- 6.7 To determine appropriate promotional initiatives and to make temporary variations to charges for leisure facilities

## **7. Scrutiny**

- 7.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit
- 7.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).
- 7.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.
- 7.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.

- 7.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.3 - 7.4 above.
- 7.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.

## **E. EDUCATION AND CHILDREN'S SERVICES COMMITTEE**

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in E.1 below.

### **1. Committee Functions**

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to these functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Children's Social Work Services.
- b. Education.
- c. Human resource matters relating only to teaching staff and associated professionals.

The Committee also has specific powers:

### **2. Children's Social Work Services**

2.1 To exercise the functions of the Council in relation to children and young people under the:

- a. Adoption (Scotland) Act 1978.
- b. Foster Children (Scotland) Act 1984.
- c. Children (Scotland) Act 1995.
- d. Adoption and Children (Scotland) Act 2007.
- e. Children's Hearings (Scotland) Act 2011.
- f. Children and Young People (Scotland) Act 2014.
- g. Carers (Scotland) Act 2016 so far as it relates to young carers.

2.2 To set the policy for child protection.

2.3 To consider and make recommendations to Full Council on the Chief Social Work Officer Annual Report and any related action plan as is related to 1 (a) above.

2.4 To monitor inspection reports from the Care Inspectorate.

### **3. Education**

- 3.1 Following consultation with the appropriate Area Committee, to exercise the functions relating to:
  - a. Setting School capacities, considering available accommodation and capping school rolls, and
  - b. Reviewing and implementing school zoning.
- 3.2 To make recommendations to Full Council on proposals for the permanent closure of schools, children's social work or other educational establishments.
- 3.3 To exercise the statutory functions of the Council under the Schools (Consultation) (Scotland) Act 2010 including those relating to approval of proposals and review of proposals following consultation, but with the exception of matters properly delegated to officers of the Council, and those matters reserved to any other Committee.
- 3.4 To oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.
- 3.5 To carry out the duties of the Council in regard to Parent Councils.
- 3.6 To exercise the functions of the Council under the Children and Young Persons (Scotland) Act 1937.
- 3.7 To oversee provision of early years child care to provide the service either internally or externally through commissioning of services in terms of Children and Young People (Scotland) Act 2014.
- 3.8 To oversee Community Learning and Development in terms of The Community Learning and Development Regulations 2013.

### **4. Finance**

- 4.1 To make recommendations to Full Council regarding the formulation of the Council's annual Revenue Budget and the Capital Plan.
- 4.2 Where a matter, item or project is to be funded from approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee or where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract, the Committee has the delegated powers to:

- 4.2.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where
- a. the value of the goods or services is £50,000 or more; and
  - b. relates to more than one Area; or
  - c. relates to more than one directorate and the committee is the Lead Policy Committee; or
  - d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.
- 4.2.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;
- a.
    - i the value of the matter exceeds £1,000,000; or
    - ii the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
    - iii the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
  - b. relates to more than one Area; or
  - c. relates to more than one directorate and the committee is the Lead Policy Committee; or
  - d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.
- 4.2.3 Award the contract for the purchase of goods, works or services where:
- a.
    - i the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
    - ii the Chief Officer has chosen not to exercise their delegated power to award the contract; or
    - iii the contract is a direct award that exceeds £1,000,000; or
    - iv the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
  - b. relates to more than one Area; or
  - c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
  - d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.
- 4.3 To approve the award of grants for voluntary organisations within approved service budgets.
- 4.4 To approve the award of grants to external bodies in accordance with Financial Regulations.

- 4.5 To approve and review fees and charges within their remit in line with the provisions of the Corporate Charging Framework.

## **5. General**

- 5.1 To establish sub-committees and working groups.
- 5.2 To approve a Council response to any external consultation on any policy matter falling within the delegation of the Committee.
- 5.3 To determine the attendance of members at courses and conferences relating to matters within the remit of this Committee and within the approved budget allocation.
- 5.4 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

## **6. Scrutiny**

- 6.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit
- 6.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).
- 6.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.
- 6.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.
- 6.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 6.3 - 6.4 above.
- 6.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.



## **F. INFRASTRUCTURE SERVICES COMMITTEE**

This is one of the four Policy Committees and it is responsible for developing, monitoring, reviewing and scrutinising the Council's policy and making decisions on matters relating to its functions as set out in F.1 below.

### **1. Committee Functions**

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council:

- a. Aberdeen City Region Deal.
- b. Economic Development and Protective Services.
- c. Planning and Building Standards.
- d. Roads, Landscape Services and Waste Management.
- e. The Northern Roads Collaboration Joint Committee.
- f. Transportation.

The Committee also has specific powers:

### **2. Finance**

2.1 To make recommendations to Full Council regarding the formulation of the Council's annual Revenue Budget and Capital Plan.

2.2 Where a matter, item or project is to be funded from approved annual Capital Plan or Revenue Budget, Council reserve and/or statutory funds and relates to the services and functions referred to in 1 above and delegated to the Committee or where the Committee has been appointed Lead Policy Committee (being the committee with the greatest budget contribution) for a cross directorate and/or cross area contract, the Committee has the delegated powers to:

2.2.1 Determine items for inclusion on a procurement plan that relate to the purchase of works, goods or services where

- a. the value of the goods or services is £50,000; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

- 2.2.2 To authorise the conduct of a procurement of works, goods or services in the format of a Procurement Approval Form where;
- a. i the value of the matter exceeds £1,000,000; or
  - ii the value of the goods or services is between £50,000 and £1,000,000 and the Committee has reserved the right to approve the Procurement Approval Form; or
  - iii the Chief Officer has chosen not to exercise their delegated power to approve the Procurement Approval Form for the matter; and
  - b. relates to more than one Area; or
  - c. relates to more than one directorate and the committee is the Lead Policy Committee; or
  - d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

- 2.2.3 Award the contract for the purchase of goods, works or services where:

- a. i the value of the matter exceeds £1,000,000 and the Committee has reserved the right to award the contract; or
- ii the Chief Officer has chosen not to exercise their delegated power to award the contract; or
- iii the contract is a direct award that exceeds £1,000,000; or
- iv the Contract Value exceeds the amount approved in the procurement plan by more than 25%; and
- b. relates to more than one Area; or
- c. relates to more than one directorate and the Committee is the Lead Policy Committee; or
- d. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy.

2.3 To approve the award of grants for voluntary organisations within approved service budgets.

2.4 To approve the award of grants to external bodies in accordance with Financial Regulations.

2.5 To approve and review fees and charges within their remit in line with the provisions of the Corporate Charging Framework.

### **3. General**

3.1 To establish sub-committees and working groups.

3.2 To approve a Council response to any external consultation on any policy matter falling within the delegation of the Committee.

- 3.3 To determine the attendance of members at courses and conferences relating to matters within the remit of this Committee and within the approved budget allocation.
- 3.4 To determine the nominations and appointments of elected members to outside bodies, statutory bodies and partnerships as directed by Full Council and in accordance with any agreed proportionality.

## **4. Planning**

- 4.1 Exercise the powers of Infrastructure Services Committee detailed in the List of Planning Delegations in the Scheme of Governance at Part 2C.

## **5. Protective Services**

- 5.1 To make arrangements to conduct hearings in respect of appeals against fixed penalty notices issued under Sections 1, 2 or 3 of the Smoking, Health & Social Care (Scotland) Act 2005 and fixed penalty notices issued under Section 1 of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016.
- 5.2 To make arrangements to consider requests to review penalty charge notices issued under Section 111 of the Housing (Scotland) Act 2006.
- 5.3 To make arrangements to consider requests to review penalty charge notices issued under Section 23B of the Estate Agents Act 1979.
- 5.4 To make arrangements to consider representations to the Council on receipt of a fixed penalty notice served under the Tobacco and Primary Medical Services (Scotland) Act 2010.
- 5.5 To determine the serving of Maintenance Orders under the Housing (Scotland) Act 2006.

## **6. Roads, Harbours and Transportation**

- 6.1 Following recommendation by the Northern Roads Collaboration Joint Committee, to consider and determine proposals for participation in Roads Collaboration activities.
- 6.2 The approval of concessionary travel arrangements.
- 6.3 To act, or appoint a sub-committee to act, as the Council's Duty Holder under the Port Marine Safety Code.

## **7. Scrutiny**

- 7.1 To scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit
- 7.2 To identify and where appropriate to make recommendations and implement improvements to the performance of services in respect of any function within its remit with reference to the relevant Performance Indicators in terms of Performance Management (provided that any changes to Council Policy will be made following appropriate consultation with Area Committees).
- 7.3 To conduct the Committee Review Process and to call upon any officer of the Council to give evidence or provide written reports, as appropriate, on any matter in respect of any function within its remit in accordance with the Committee Review Process and in the event of it being dissatisfied with the outcome, to report the matter/s in accordance with the Guidance to Full Council.
- 7.4 In accordance with the Committee Review Process to call upon expert witnesses or members of the public to give evidence, where necessary.
- 7.5 To form working groups or other groups and hold meetings as necessary in order to fulfil its remit in terms of 7.3 - 7.4 above.
- 7.6 To receive and review an annual report of the committee's scrutiny activity that has taken place in accordance with the Committee Review Process.

## **G. AUDIT COMMITTEE**

### **1. Committee Functions**

- 1.1 The following matters are delegated to this Committee:
- a. Aberdeenshire Integration Joint Board Scrutiny
  - b. External Audit
  - c. Financial Management
  - d. Internal Audit
- 1.2 To review the adequacy of:
- a. Internal control systems;
  - b. Policies and practices employed to ensure compliance with relevant statutes, directions, guidance and policies;
  - c. Financial information presented to the Council; and,
  - d. Risk management and risk assessment arrangements and procedures.
- 1.3 To review financial statements, management letters or reports and compliance with relevant codes of practice.
- 1.4 To manage the relationship with the Chief Internal Auditor ensuring that the Council's Internal Audit function is properly resourced and has appropriate standing within the Council and to review the activities of the Internal Audit function, including its annual work programme.
- 1.5 To manage all aspects of the Council's relationship with its external auditors.
- 1.6 To review and approve the Council's Code of Corporate Governance and annual Self-Evaluation Report.
- 1.7 To consider and approve for signature the Council's audited Annual Accounts in accordance with the statutory duties under the Local Authority Accounts (Scotland) Regulations 2014.
- 1.8 To receive and provide feedback on reports from the Integration Joint Board Audit Committee.

### **2. Scrutiny**

- 2.1 Review the effectiveness of the Council's delivery of adult social work services on behalf of and under directions from the Aberdeenshire Integration Joint Board.

- 2.2 Refer a matter of service delivery identified for improvement from audit reports to the appropriate Policy Committee and request that the Policy Committee:
- a. conduct the Committee Review Process; and
  - b. provide a report to the next practicable meeting of the Audit Committee confirming that either:-
    - i the Policy Committee will commence the Committee Review Process and will provide a final report to the Audit Committee upon conclusion of that process; or
    - ii the Policy Committee is satisfied that no scrutiny is required.
- 2.3 To conduct the Committee Review Process on a matter of service delivery identified for improvement from audit reports and report its recommendations to the Policy Committee in either of the following circumstances:-
- a. where the Policy Committee has concluded its scrutiny work and reported its findings to the Audit Committee and the Audit Committee is not sufficiently reassured; or
  - b. where the Policy Committee has reported to the Audit Committee that it does not intend to undertake scrutiny work on the matter identified.
- Provided that the Audit Committee will not revisit previous stages of the Committee Review Process if these have already been undertaken by the Policy Committee.
- 2.4 Following a request from the Chief Executive or Full Council to investigate any matter in which the Council has an interest and to call upon any officer of the Council or Chair/Vice-Chair of the Council's Committees to give evidence or provide written reports, as appropriate, all in accordance with the Committee Review Process and to report the matter/s to the relevant Policy Committee or to Full Council as specified in the request.

## **H. APPEALS COMMITTEE**

### **1. Committee Functions**

1.1 The following function of the Council is delegated to this Committee:

The Committee shall have full powers to determine appeals by Council employees against any decision of the Council, or against its failure to come to a decision, on any of the grounds detailed in the relevant schemes of pay and conditions of service.

Those appeals shall be in accordance with agreed Human Resources and Organisational Development (HR & OD) policies and procedures.

## **I. APPOINTMENTS COMMITTEE**

### **1. Committee Functions**

- 1.1 The following functions of the Council are delegated to this Committee. The Committee shall have power to decide on all matters relating to those functions which have not been reserved to the Full Council or specifically delegated to any other Committee of the Council.
  - a. The Appointment of the Directors and Heads of Service in accordance with agreed Human Resources and Organisational Development (HR & OD) policies and procedures.



## **J. COMMUNITY EMPOWERMENT REVIEW BODY**

This is a regulatory body responsible for reviewing decisions in respect of Community Asset Transfer applications that have been refused.

### **1. Committee Functions**

1.1 The following function of the Council is delegated to this Review Body:

- a. The Review Body shall have full powers to determine appeals by Community Organisations and Community Transfer Bodies in respect of Community Asset Transfer applications that have been refused by:
  - (i) an Area Committee, such decision having been made in accordance with officer recommendations and existing Council policy or,
  - (ii) policy committee responsible for Property and Facilities Management or,
  - (iii) policy committee responsible for Housing.

## **K. LOCAL REVIEW BODY**

This is a regulatory committee that reviews decisions of officers.

### **1. Committee Functions**

- 1.1 The following functions of the Council are delegated to this Body.
  - a. The Body shall have full powers to determine requests by applicants to review decisions in respect of planning applications for Local Developments made under delegated powers, or failure of officers to timeously determine an application for Local Development under the List of Officer Powers.

## **L. CONSOLIDATED BUSINESS COMMITTEE**

### **1. Committee Functions**

1.1 The Consolidated Business Committee shall have power to decide on any matter arising where it is not practical to convene a meeting of Full Council, or the relevant Committee, subject to the provisions at 1.2 and 1.3.

1.2 The Consolidated Business Committee shall only be convened in the following circumstances:-

- a. Where there are matters arising during the Council's vacation period requiring a decision to meet an externally-imposed timetable prior to the next ordinary meetings of the Council or its Committees, provided that any matters which are delegated to an Area Committee and require a decision prior to the next ordinary meeting of that Committee should, where possible, be decided at a vacation meeting of the Area Committee, or
- b. Where in the professional opinion of the Chief Executive, it is impractical to continue the business of the Council through the existing Committee structure, due to any of the following circumstances:-
  - (i) an event or situation which threatens serious damage to human welfare in the Aberdeenshire area; or
  - (ii) an event or situation which threatens serious damage to the environment of the Aberdeenshire area; or
  - (iii) war, or terrorism, which threatens serious damage to local or national security.

the Chief Executive may exercise the powers delegated in Part 2B of the Scheme of Governance to recall on behalf of the Full Council, in whole or in part, and following consultation with the Provost, Leader and Main Opposition Spokesperson, any of the delegations contained within Part 2A of the Scheme of Governance and transfer same to the Consolidated Business Committee.

1.3 The Consolidated Business Committee shall have power to establish sub-committees to determine any matters within its remit.

## **M. ABERDEEN CITY REGION DEAL (JOINT COMMITTEE)**

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under Sections 56 and 57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Governments on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.

8. To appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

## **N. ABERDEENSHIRE INTEGRATION JOINT BOARD**

The Aberdeenshire Integration Joint Board is a statutory body established by the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2016. The Aberdeenshire Integration Joint Board is required by legislation to carry out the statutory health and social care functions as set out in the Aberdeenshire Integration Scheme prepared under Section 1 of the Public Bodies (Joint Working) (Scotland) Act 2014, which has been approved by the Scottish Ministers.

The Aberdeenshire Integration Joint Board shall have five councillors appointed to its voting membership.

The Aberdeenshire Integration Joint Board has the power and duty to:

1. Prepare and implement a Strategic Plan in relation to the provision of integration functions.
2. Issue a direction to the Council or health board to require it to carry out an integration function.
3. Monitor the performance of delivery of integration functions.
4. Prepare a performance report for the reporting year.
5. Manage resources provided to it by the Council and Health Board for the delivery of integration functions.

The integration functions delegated to the Integration Joint Board to the extent that they apply in respect of persons aged eighteen years and over are set out in Appendix A.

## **O. ABERDEENSHIRE COMMUNITY PLANNING BOARD**

The Aberdeenshire Community Planning Partnership is a partnership established by the Community Empowerment (Scotland) Act 2015. Aberdeenshire Council has a statutory duty to participate in the Partnership.

The Aberdeenshire Community Planning Partnership is required to conduct the statutory process of community planning, explicitly focussing on how public bodies work together and with the local community to plan for, resource and provide services which improve local outcomes within Aberdeenshire. The Outcomes are set out in the Aberdeenshire Local Outcomes Improvement Plan, prepared under Part 2 of the Community Empowerment (Scotland) Act 2015.

The Aberdeenshire Community Planning Partnership has a Board, with representatives from all statutory partners identified in Schedule 1 of the Community Empowerment (Scotland) Act 2015. The Aberdeenshire Community Planning Board shall have Elected Member representation appointed to its membership as determined by the Board's terms of reference. There shall also be appointed substitutes for those Elected Members.

The Aberdeenshire Community Planning Board has a duty to:-

1. Prepare and publish a Local Outcomes Improvement Plan in consultation with community bodies, setting out the local outcomes which the Partnership will prioritise for improving and developing an effective, shared approach to achieve those outcomes,
2. Prepare and publish locality plans for each locality that it has identified as experiencing significantly poorer outcomes than those experienced elsewhere in the area of the community planning partnership or those experienced generally by persons in Scotland.
3. Review and report publicly on its progress towards its Local Outcomes Improvement Plan and Locality Plans and keep the continued suitability of these plans under review; and,
4. Take all reasonable steps to secure the involvement in community planning of any community body which it considers is likely to be able to contribute to it.
5. As the local authority within the Community Planning Partnership, Aberdeenshire Council has specific duties, along with other identified partners, to:
  - a. facilitate community planning,

- b. take reasonable steps to ensure that the community planning partnership carries out its functions under this Part efficiently and effectively.
6. Aberdeenshire Council, as a statutory partner body of the Aberdeenshire Community Planning Partnership has a duty to:-
- a. Work collaboratively with other partners in carrying out Community Planning;
  - b. Take account of the Local Outcomes Improvement Plan and Local Community Plans in carrying out any of its own functions;
  - c. Agree such resources as the Council deem appropriate following consultation with the Community Planning Board on what is required to improve local outcomes in the Local Outcomes Improvement Plan and Local Community Plans; and,
  - d. Encourage the participation of community bodies in Community Planning.



## **P. THE NORTHERN ROADS COLLABORATION JOINT COMMITTEE**

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

**Q. PROCEDURES COMMITTEE**

The Committee shall have the remit to consider proposed changes to Aberdeenshire Council's Scheme of Governance, and to make recommendations about required amendments to Full Council.

## **R. SUSTAINABILITY COMMITTEE**

This Committee is responsible for matters relating to sustainable development and climate change.

### **1. Committee Functions**

1.1 The following functions of the Council are delegated to this Committee:

- a. To approve, review and monitor the Council's work in respect of sustainable development and climate change in order to ensure compliance with relevant statutory duties, with particular reference to the Climate Change Action Plan.
- b. To respond, on the Council's behalf, to the Scottish Government and other relevant bodies regarding sustainable development and climate change issues, including reporting on Scotland's Climate Change Duties Report and the Covenant of Mayors for Climate & Energy.
- c. To promote awareness of the need for sustainability within the Council and wider community of Aberdeenshire.

## APPENDIX A

### Table of Integration Joint Board Legislation

Column A Enactment conferring function	Column B Limitation
<b>National Assistance Act 1948</b>	
Section 48 - (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
<b>The Disabled Persons (Employment) Act 1958</b>	
Section 3 - (Provision of sheltered employment by local authorities)	
<b>The Social Work (Scotland) Act 1968</b>	
Section 1 - (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 - (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 8 - (Research)	So far as it is exercisable in relation to another integration function.
Section 10 - (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 - (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A - (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.
Section 12AZA - (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 12AA - (Assessment of ability to provide care.)	

Section 12AB - (Duty of local authority to provide information to carer.)

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Section 13 - (Power of local authorities to assist persons in need in disposal of produce of their work.)

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Section 13ZA - (Provision of services to incapable adults.)      So far as it is exercisable in relation to another integration function.

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Section 13A - (Residential accommodation with nursing.)

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Section 13B - (Provision of care or aftercare.)

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Section 14 - (Home help and laundry facilities.)

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Section 28 - (Burial or cremation of the dead.)      So far as it is exercisable in relation to persons cared for or assisted under another integration function.

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Section 29 - (Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)

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Section 59 - (Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)      So far as it is exercisable in relation to another integration function.

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### **The Local Government and Planning (Scotland) Act 1982**

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Section 24(1) - (The provision of gardening assistance for the disabled and the elderly.)

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### **Disabled Persons (Services, Consultation and Representation) Act 1986**

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Section 2 - (Rights of authorised representatives of disabled persons.)

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Section 3 - (Assessment by local authorities of needs of disabled persons.)

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Section 7 - (Persons discharged from hospital.)      In respect of the assessment of need for any services provided under functions contained in welfare

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enactments within the meaning of section 16 and which have been delegated.

Section 8 - (Duty of local authority to take into account abilities of carer.)

In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.

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**The Adults with Incapacity (Scotland) Act 2000**

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Section 10 - (Functions of local authorities.)

Section 12 - (Investigations.)

Section 37 - (Residents whose affairs may be managed.)

Only in relation to residents of establishments which are managed under integration functions.

Section 39 - (Matters which may be managed.)

Only in relation to residents of establishments which are managed under integration functions.

Section 41 - (Duties and functions of managers of authorised establishment.)

Only in relation to residents of establishments which are managed under integration functions.

Section 42 - (Authorisation of named manager to withdraw from resident's account.)

Only in relation to residents of establishments which are managed under integration functions.

Section 43 - (Statement of resident's affairs.)

Only in relation to residents of establishments which are managed under integration functions.

Section 44 - (Resident ceasing to be resident of authorised establishment.)

Only in relation to residents of establishments which are managed under integration functions.

Section 45 - (Appeal, revocation etc.)

Only in relation to residents of establishments which are managed under integration functions.

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### **The Housing (Scotland) Act 2001**

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Section 92 - (Assistance to a registered for housing purposes.)	Only in so far as it relates to an aid or adaptation.
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### **The Community Care and Health (Scotland) Act 2002**

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Section 5 - (Local authority arrangements for of residential accommodation outwith Scotland.)

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Section 14 - (Payments by local authorities towards expenditure by NHS bodies on prescribed functions.)

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### **The Mental Health (Care and Treatment) (Scotland) Act 2003**

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Section 17 - (Duties of Scottish Ministers, local authorities and others as respects Commission.)

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Section 25 - (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
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Section 26 - (Services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.
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Section 27 - (Assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
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Section 33 - (Duty to inquire.)

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Section 34 - (Inquiries under section 33: Co-operation.)

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Section 228 - (Request for assessment of needs: duty on local authorities and Health Boards.)

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Section 259 - (Advocacy.)

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### **The Housing (Scotland) Act 2006**

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Section 71(1)(b) - (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
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### **The Adult Support and Protection (Scotland) Act 2007**

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Section 4 - (Council's duty to make inquiries.)

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Section 5 - (Co-operation.)

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Section 6 - (Duty to consider importance of providing advocacy and other.)

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Section 11 - (Assessment Orders.)

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Section 14 - (Removal orders.)

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Section 18 - (Protection of moved persons' property.)

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Section 22 - (Right to apply for a banning order.)

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Section 40 - (Urgent cases.)

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Section 42 - (Adult Protection Committees.)

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Section 43 - (Membership.)

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### **Social Care (Self-Directed Support) (Scotland) Act 2013**

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Section 3 - (Support for adult carers.)	Only in relation to assessments carried out under integration functions.
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Section 5 - (Choice of options: adults.)

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Section 6 - (Choice of options under section 5: assistances.)

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Section 7 - (Choice of options: adult carers.)

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Section 9 - (Provision of information about self-directed support.)

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Section 11 - (Local authority functions.)

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Section 12 - (Eligibility for direct payment: review.)

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Section 13 - (Further choice of options on material change of circumstances.)

Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.

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Section 16 - (Misuse of direct payment: recovery.)

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Section 19 - (Promotion of options for self-directed support.)

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### **The Community Care and Health (Scotland) Act 2002**

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Section 4 - The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulation 2002

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### **Criminal Procedure (Scotland) Act 1995**

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Sections 51(1) (aa), 51(1)(b) and 51(5) (Remand and committal of children and young persons in to care of local authority).

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Section 203 - (Local authority reports pre-sentencing.)

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Section 234B - (Report and evidence from local authority officer regarding Drug Treatment and Testing Order.)

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Section 245A - (Report by local authority officer regarding Restriction of Liberty Orders.)

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### **Management of Offenders etc. (Scotland) Act 2005**

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Section 10 - (Arrangements for assessing and managing risks posed by certain offenders.)

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Section 11 - (Review of arrangements.)

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Social Work (Scotland) Act 1968

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Section 27 - (Supervision and care of persons put on probation or released from prison.)

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Section 27ZA - (Advice, guidance and assistance to persons arrested or on whom sentence is deferred.)

The services to which the above functions relate, which are to be integrated are set out below:

- Social work services for adults and older people
  - Services and support for adults with physical disabilities and learning disabilities
  - Mental health services
  - Drug and alcohol services
  - Adult protection and domestic abuse
  - Carers support services
  - Community care assessment teams
  - Support services
  - Care home services
  - Adult placement services
  - Health improvement services
  - Aspects of housing support, including aids and adaptations
  - Day services
  - Local area co-ordination
  - Respite provision
  - Occupational therapy services
  - Re-ablement services, equipment and telecare
  - Criminal justice services
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**Carers (Scotland) Act 2016**

So far as it relates to adult social work services

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