

## **Item: 11**

### **Orkney and Shetland Valuation Joint Board: 8 December 2022**

#### **Scheme of Delegation.**

#### **Report by Clerk to the Board.**

### **1. Purpose of Report**

To consider the Orkney and Shetland Valuation Joint Board Scheme of Delegation.

### **2. Recommendations**

The Board is invited to note:

#### **2.1.**

That, on 4 October 2022, the Board noted that a draft Scheme of Delegation had been developed, with reference to good practice in other Valuation Boards, for consultation with Board Members and Officers.

#### **2.2.**

That consultation on the draft Scheme of Delegation has been undertaken and no substantive changes have been proposed.

#### **2.3.**

That, if approved, a review of the Scheme of Delegation will take place following 12 months of operation.

#### **It is recommended:**

#### **2.4.**

That, in principle, the Scheme of Delegation to Officers, attached as Appendix 1 to this report, be approved.

#### **2.5.**

That powers be delegated to the Clerk to finalise and publish the Scheme of Delegation to Officers, referred to at paragraph 2.4 above.

## **3. Scheme of Delegation**

### **3.1.**

On 3 March 2022, when considering a review of the Constitution, the Board noted:

- That the Joint Board did not currently have a Scheme of Delegation to Officers.
- That a review of the Constitution and associated governance documents was underway.

### **3.2.**

With the revised Standing Orders having been approved by the Board on 30 June 2022, a Scheme of Delegation has now been developed to provide effective and clear governance.

### **3.3.**

The document has been developed with reference to good practice in other Valuation Boards, and aims to ensure good governance in articulating decision making mechanisms for the Board and Officers.

### **3.4.**

A consultation draft was considered the Board on 4 October 2022 and further consultation was subsequently undertaken with Officers of the Board and appropriate support officers from the constituent Councils. No changes to the document have been made as a result of the consultation. A final draft of the Scheme of Delegation is attached as Appendix 1 to this report, for consideration by the Board.

### **3.5.**

If approved, it is proposed that a review of the Scheme of Delegation is undertaken following 12 months of operation to ensure the document is fit for purpose and any proposed changes subsequently submitted to the Board for consideration.

### **3.6.**

Should the Board approve the principles included in the draft Scheme of Delegation, it is proposed that powers be delegated to the Clerk to finalise and publish the document.

## **4. Financial Implications**

There are no financial implication arising from this report.

## **5. Governance Aspects**

### **5.1.**

The Scheme of Delegation has been considered by the Monitoring Officers of the constituent Councils to ensure they comply with the relevant legislation.

## **5.2.**

The content and implications of this report have been reviewed and, at this stage, it is deemed that the Board **DOES NOT** require external legal advice in consideration of the recommendations of this report.

## **6. Contact Officer**

Karen Greaves, Clerk to the Board, Email [karen.greaves@orkney.gov.uk](mailto:karen.greaves@orkney.gov.uk)

## **7. Appendix**

Appendix 1: Scheme of Delegation for Orkney and Shetland Valuation Joint Board.

**Orkney and Shetland Valuation Joint Board**

**Scheme of Delegation to Officers**

**4 October 2022**

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## 1. Introduction

The powers/functions detailed within this document are those delegated by Orkney and Shetland Valuation Joint Board to the Assessor and Electoral Registration Officer, the Clerk and the Treasurer or in appropriate cases powers/functions recognised by the Joint Board as powers/functions exercised by the Assessor and Electoral Registration Officer under statutory authority.

## 2. Definitions

In this scheme of delegation, the following words have the following meanings:

- Joint Board – the Orkney and Shetland Valuation Joint Board set up under The Valuation Joint Boards (Scotland) Order 1995.
- The Order – The Valuation Joint Boards (Scotland) Order 1995 made in terms of section 27(7) to (9) of the Local Government etc. (Scotland) Act 1994.
- Assessor and Electoral Registration Officer – the officer appointed by the Joint Board as the Assessor and Electoral Registration Officer in terms of the Local Government etc. (Scotland) Act 1994.
- Clerk – the Clerk to the Joint Board appointed by the Joint Board.
- Treasurer – the Treasurer to the Joint Board appointed by the Joint Board.
- Council – the authority undertaking a range of duties including administering the meetings of the Joint Board and providing administrative, HR and other support services to facilitate the work of the Joint Board.
- Depute Assessors and Electoral Registration Officers – the officers appointed by the Joint Board as the Assistant Assessors and Electoral Registration Officers in terms of the Local Government etc. (Scotland) Act 1994.
- Convener – the Convener of the Joint Board appointed by the Joint Board.
- Depute Convener – the Depute Convener of the Joint Board appointed by the Joint Board.

## 3. General

Without prejudice to the statutory functions and duties of the Assessor and Electoral Registration Officer, the delegations approved by the Orkney and Shetland Valuation Joint Board are subject to:-

- (1) appropriate provisions for financial outlays having been made in the estimates for the current year; and
- (2) the standing orders relating to contracts and the financial regulations adopted by the Joint Board.
- (3) the Chief Executive of the Council authorising other officers to carry out the duties of the Clerk, Treasurer and Monitoring Officer in their absence or with their authority.

## 4. Powers / Functions Delegated or Recognised to the Assessor and Electoral Registration Officer

### 4.1.

The delegations to the Assessor and Electoral Registration Officer shall also be delegations to the Depute Assessor and Depute Electoral Registration Officer but only in those circumstances where the Assessor and Electoral Registration Officer is not available to exercise any of these delegations.

### 4.2.

The **Assessor and Electoral Registration Officer** is empowered or is recognised by the Joint Board as having the authority:-

- (1) to deploy resources as he/she thinks fit for the best execution of functions under his/her management subject to the Joint Board's Financial Regulations and subject to there being appropriate provision in the Joint Board's budget.
- (2) to ensure, so far as reasonably practicable, the health, safety and welfare at work of Joint Board employees.
- (3) to maintain proper security for staff, buildings, stocks, stores, furniture, equipment, non-physical assets such as data and similar items under his/her control. Where special arrangements are considered necessary he/she shall consult with the Treasurer.
- (4) to ensure that all activities undertaken are within the legal powers of the Joint Board and/or of the Assessor and Electoral Registration Officer and in the event of doubt to consult with the Clerk and/or an independent legal adviser as appropriate.
- (5) Where he/she thinks it is in the interests of the Joint Board or to be of assistance in carrying out his/her statutory functions to approve the provision of reasonable hospitality to representatives of other authorities, organisations, officers of the Joint Board and to others up to a maximum of £500 in relation to any one occasion.
- (6) to approve the attendance of officers at conferences or meetings within the United Kingdom where he/she considers it to be in the interests of the Joint Board or is relevant to the statutory functions of the Assessor and Electoral Registration Officer provided that the cost does not exceed £2,000 exclusive of subsistence, travelling and other ancillary expenses.
- (7) to authorise the attendance of employees on full-time or part-time courses of study and the payment of appropriate fees.

- (8) to sign all documents on behalf of the Joint Board relative to the functions for which the Assessor and Electoral Registration Officer is responsible and to authorise other officers to do so.
- (9) to authorise officials to travel within and outwith the Joint Board's area (but within the United Kingdom), to authorise overnight absences in appropriate circumstances and to authorise the payment of monies for travel and subsistence in accordance with the scheme of travel/subsistence allowances accepted or approved by the Council.
- (10) to issue orders for the supply of goods and services required for normal working and for which there is adequate provision in the approved revenue budget.all in accordance with any purchasing policy and financial regulations adopted by the Joint Board.
- (11) to authorise the payment of accounts due by the Joint Board or by the Assessor and Electoral Registration Officer for goods and services properly supplied and for which there is adequate provision in the approved revenue budget.
- (12) to appoint all staff up to but not including Chief Officer grade within the authorised establishment.
- (13) to agree with constituent authorities the exchange of staff or other resources to complete work on behalf of the Joint Board.
- (14) to approve salary placings within the agreed salary scales in consultation with the Head of Human Resources and Organisational Development, or equivalent, at the Council.
- (15) to approve the acceleration of increments within existing salary scales to members of staff where appropriate in consultation with the Head of Human Resources and Organisational Development, or equivalent, at the Council.
- (16) in consultation with the Head of Human Resources and Organisational Development, or equivalent, at the Council, to amend post designations where they do not affect the grade of the posts.
- (17) to exercise all powers given in the Conditions of Service adopted by the Joint Board so far as discipline and efficiency of the Joint Board is concerned.
- (18) to determine appeals arising from disciplinary action and termination of service of employees except in so far as such appeals stand referred to any sub-committee of the Joint Board arranged for this purpose.
- (19) to determine appeals relating to statutory grievances.



- (20) to apply the Conditions of Service adopted by the Joint Board as affecting members of staff of the Joint Board.
- (21) to authorise the working of ordinary overtime by appropriate grades of officers. In addition the Assessor and Electoral Registration Officer is empowered to authorise the payment of overtime to certain officers whose salary exceeds the normal overtime limit subject to the proviso that the basic overtime rate will not exceed any grading level or spinal column point approved by the Council as the maximum basic overtime rate payable subject to the proviso that the payments in respect of overtime can be met from the approved revenue budget.
- (22) in consultation with the Head of Human Resources and Organisational Development or equivalent at the Council, to approve the award of temporary responsibility payments to employees in recognition of significant increase in duties and responsibilities, such payments to be reviewed at the end of a period of six months unless approved for a shorter period of time.
- (23) to take all necessary action of a routine nature in terms of his/her appointment to implement policies, practices and procedures previously agreed by the Joint Board and also to take such action implicitly in all matters ancillary thereto, including the incurring of expenditure of a minor or recurring nature and for which adequate provision has been made in the approved revenue budget.
- (24) to sign and issue (a) authorisation to officers of the Joint Board to exercise statutory powers (including the right to enter land and premises in connection with the discharge of their duties) and (b) identity cards.
- (25) in addition to signing documents on their own behalf under their own authority and in connection with the exercise of their statutory functions, the Assessor and Electoral Registration Officer and the Depute Assessor and Depute Electoral Registration Officer are empowered to sign documents on behalf of the Joint Board relevant to any other functions which the Assessor and Electoral Registration Officer and Depute Assessor and Depute Electoral Registration Officer in Scotland have traditionally carried out on behalf of their valuation authorities.
- (26) to advise the Treasurer about any extraordinary financial obligation which will affect the Joint Board.
- (27) to advise the Treasurer about any extraordinary risk which will affect the insurances held on behalf of the Joint Board.
- (28) to permit any member of his/her staff to absent him/herself occasionally and temporarily during business hours to attend to personal or family related matters or duties or services of a civic, honorary, charitable, academic or social nature or as otherwise prescribed in the adopted special leave policy, provided these do not interfere with the efficient discharge of the functions of the Assessor and Electoral Registration Officer or of the Joint Board.

- (29) to terminate, vary or amend on behalf of the Joint Board any contract or part of any contract which the Joint Board is entitled to terminate, amend or vary under the appropriate conditions of contract after consultation with the Clerk if satisfied that it is in the interests of the Joint Board.
- (30) after consultation with the Clerk to renew any contract, or conclude a contract with an existing supplier replacing a previous contract, where this is required by a continuing need for the service and there is adequate provision for the sums or fees payable, where it is in the Joint Board's interests to do so, and where there are no other circumstances requiring Joint Board decisions. Always provided that this delegation is subject to the provisions of the Joint Board's standing orders relating to contracts.
- (31) In consultation with the Clerk to engage private legal firms and/or legal counsel in respect of judicial or quasi-judicial proceedings or in connection with questions relating to the statutory powers or functions of the Assessor and Electoral Registration Officer and to take appropriate action including initiating, entering, defending and withdrawing from such proceedings or engagements.
- (32) in consultation with the Treasurer, the Clerk and the Convener, to contribute towards the costs of settlement of cases up to a maximum of £10,000 in any one case not otherwise covered by the Joint Board's insurance arrangements.
- (33) to authorise that the salary of an officer should progress over/beyond a salary bar point in circumstances where the Assessor and Electoral Registration Officer is satisfied that the officer has attained the qualification and/or experience generally recognised as necessary/appropriate for such progression and provided that the agreement of the Head of Human Resources and Organisational Development, or equivalent, at the Council has been sought and obtained.
- (34) to deal with any operational matter not otherwise delegated in the period between the last meeting of an administration and prior to the setting up of a new Joint Board following statutory elections.
- (35) to deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending actions raised against them personally, providing that they were acting:
- (a) within the course of their employment;
  - (b) in accordance with Joint Board procedures; and
  - (c) in good faith.

- (36) to employ temporary staff for electoral registration canvass work or in the discharge of the statutory duties of the Assessor and Electoral Registration Officer on such terms and conditions as may be appropriate subject to the proviso that any payments can be met from the approved revenue budget.
- (37) in consultation with the Head of Human Resources and Organisational Development, or equivalent, at the Council to appoint temporary staff as replacements for established employees on long term absence through sickness, maternity or special leave or where the appointments are fully funded by external agencies.
- (38) to set fees for the sale of the valuation roll, other documents and services where the level of such fees is not prescribed by statute.
- (39) in consultation with the Clerk, to take such measures as may be required in emergency situations on any matter for which the Joint Board's approval would normally be necessary subject to advising the Convener and/or Depute Convener where possible and reporting to the Joint Board as soon as practicable thereafter.
- (40) in consultation with the Clerk, to make decisions regarding complaints made under the Joint Board's Complaints Procedure.
- (41) to submit responses to consultation documents which concern operational issues.
- (42) to determine requests under the Freedom of Information (Scotland) Act 2002 for the release of information held by the Joint Board.
- (43) in consultation with the Joint Board's Data Protection Officer to determine requests under the Data Protection Act 2018 for the release of personal data held by the Joint Board.
- (44) to make, in consultation with the Clerk and the Head of Human Resources and Organisational Development, or equivalent, at the Council, such changes to the authorised establishment up to but not including Chief Officers, as he/she considers necessary to meet the requirements of efficient service delivery subject to the proviso that any changes can be funded from the approved revenue budget.
- (45) to exercise delegations in terms of the Financial Regulations adopted by the Joint Board.
- (46) to allow reasonable unpaid leave of absence to any employee to attend public duties as defined in section 50(1) and (2) of the Employment Rights Act 1996 or approve leave of absence in accordance with the Joint Board's adopted Special Leave Policy.

- (47) to approve the secondment of staff to other organisations, such appointments to be subject to the exigencies of the service and to be for periods not exceeding 2 years.
- (48) to update and amend the Joint Board's Scheme of Publication in terms of the Freedom of Information (Scotland) Act 2002 as required by the Scottish Information Commissioner.
- (49) in consultation with the Clerk and Treasurer to the Joint Board to approve the terms and conditions of and to sign missives for leases or licences to occupy by or to the Joint Board for periods not exceeding one year and to approve the renewal of leases or licences to occupy by the Joint Board for up to a maximum overall term of 9 years.
- (50) in consultation with the Head of Human Resources and Organisational Development at Orkney Islands Council, to determine all requests from employees for voluntary redundancy/early retirement in accordance with the Joint Board's adopted policy.

## **5. Powers / Functions Delegated or Recognised to the Clerk**

### **5.1.**

**The Clerk** is empowered:

- (1) to act as adviser to the Joint Board on procedural and administrative matters and in this capacity ensure the provision of adequate administrative and other support to the Joint Board and its sub-committees.
- (2) to act as proper officer to exclude reports containing exempt information from the public, and to provide documents to the press, in accordance with the provisions of section 50(B) of the Local Government (Scotland) Act 1973.
- (3) to act as proper officer to sign summons to special meetings of the Joint Board.
- (4) to act as proper officer for receipt of notice by members of an alternative address.
- (5) to act as proper officer to provide a written summary where minutes are excluded.
- (6) to act as proper officer for calling meetings of the Joint Board.
- (7) to act as monitoring officer for the Joint Board in terms of the Local Government and Housing Act 1989.

- (8) following consultation with the Assessor and Electoral Registration Officer to provide to the Local Government Adjudicator for Scotland on behalf of the Joint Board any certificates that may be required for the purposes of section 3(3) of the Local Government and Housing Act 1989 or any other legislation in relation to exemption of posts from political restrictions.
- (9) to vary this scheme but only in the following circumstances:-
  - (a) to reflect changes in job titles, reorganisations within the Joint Board and vacancies in posts; or
  - (b) to change references to any piece of legislation where the legislation is repealed and to insert references to new pieces of legislation where the new pieces of legislation largely re-enact the provisions of repealed legislation.
- (10) to liaise and deal with any enquiries made by the Scottish Public Services Ombudsman. Should any investigation be carried out by the Scottish Public Services Ombudsman resulting from a complaint received, the necessary arrangements will be undertaken by the Clerk.
- (11) to exercise delegations in terms of the standing orders relating to contracts adopted by the Joint Board.
- (12) to exercise delegations in terms of the financial regulations adopted by the Joint Board.
- (13) to determine reviews of decisions not to release information under the Freedom of Information (Scotland) Act 2002.

## **6. Powers / Functions Delegated or Recognised to the Treasurer**

**The Treasurer** is empowered or is recognised by the Joint Board as having the authority:

- (1) to co-ordinate the financial planning of the Joint Board in terms of the financial regulations approved by the Joint Board.
- (2) to issue guidance for the control of all expenditure in terms of the financial regulations approved by the Joint Board.
- (3) to advise on procedures for accounting and financial record-keeping by the Joint Board.
- (4) in respect of insurance:
  - (i) to make arrangements with insurance companies concerning the settlement of claims;

- (ii) in consultation with the Assessor and Electoral Registration Officer, the Clerk and the Convener, to settle without reference to the Joint Board claims against the Joint Board not otherwise covered by the Joint Board's insurance arrangements up to a maximum of £10,000 per claim.
- (5) to make the necessary arrangements concerning the collection of debts owed to the Joint Board and the terms and commissions payable for services rendered to the Joint Board by other authorities and agents with regard to the collection of debts.
- (6) to exercise delegations in terms of the standing orders relating to contracts adopted by the Joint Board.
- (7) to exercise delegations in terms of the financial regulations adopted by the Joint Board.

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