

INTERIM ARRANGEMENTS: DELEGATIONS TO OFFICERS

Part 1

Existing Delegation to the Chief Executive – Contained in the Angus Council Scheme of Delegation to Officers

“(5) In an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary.”

With effect from 3 April 2020, the following additional delegations are granted to officers and shall be deemed to form part of the current Angus Council Scheme of Delegation to Officers on an interim basis during the COVID-19 pandemic.

Where it is possible to do so in terms of any time constraints, the relevant officers will consult with the Leader of the Council and the Leader of the Opposition.

1. Chief Executive

- a) Subject to existing officer delegations already in place, and only where there is urgency and a decision cannot wait until the next meeting of the Council or the relevant Committee or Sub-Committee, to take or arrange to be taken such action as is required in accordance with the Council’s statutory powers, including the incurring of expenditure:
 - i. to maintain, reduce or increase statutory services;
 - ii. to support the emergency services and other organisations involved in the immediate response;
 - iii. to provide support services for the community and others affected by the COVID -19 pandemic;
 - iv. to enable the community to recover and return to normality as quickly as possible; and/or
 - v. to provide aid to other local authorities;

subject in all instances to a report being made to Council or the appropriate Committee or Sub-Committee at the first opportunity on any item for which Council or Committee or Sub-Committee approval would normally be necessary.

In relation to the Humanitarian Assistance Centre:-

- b) to enable the delivery of emergency service provision to vulnerable adults and families for a period of up to six months in the first instance; this delegation limited to the use of the additional funding available from Government and, if necessary, the reallocation of existing Council budgets.

2. Director of Legal and Democratic Services

- a) to extend all licences granted under the Civic Government (Scotland) Act 1982 and all other civic miscellaneous Acts for a period of up to three months where

there is an urgent need to avoid a Licence expiring due to non-compliance with a regulatory requirement which is outwith the control of the applicant or due to difficulties in the administration of the application process.

3. Director of Communities

- a) to issue or amend licences in terms of the Caravan Sites and Control of Development Act 1960.
- b) to take such action as is necessary, including the giving of prohibition notices, to enforce the requirements of Regulations 3 and 4 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.
- c) to suspend the application of the Council's policies in respect of the under-noted matters: -
 - allocation of housing;
 - unplanned repairs including the Right of Repair except in all cases of emergency repairs; and
 - the eviction of tenants from residential properties who find themselves in financial or other difficulties as a result of the coronavirus pandemic.
- d) to reduce the provision of temporary accommodation to high risk groups.

4. Director of Infrastructure

- a) To close Council buildings as required;
- b) To suspend the application of the Council's policies in respect of the under-noted matters: -
 - a. allocation of housing;
 - b. unplanned repairs including the Right of Repair except in all cases of emergency repairs; and
 - c. the eviction of tenants from residential properties who find themselves in financial or other difficulties as a result of the coronavirus pandemic.
- c) To reduce the provision of temporary accommodation to high risk groups.
- d) To expend Common Good Funds as urgently required subject to agreement by the majority of all local ward members for the Common Good (without the requirements to report to Policy & Resources Committee);
- e) Where urgently required the authority to expend general fund budget to sustain current council contractors/suppliers/service provider property related services, after consultation with the Director of Finance; and
- f) Or in his absence, the Service Leader Assets, where essential, the authority to sell or lease of property previously declared surplus up to a value of £250,000 following consultation with the Convener and Vice Convener of Communities and leader of the Non-Administration

5. Director of Education and Lifelong Learning

- a) to close Council schools as required.

subject to (in all instances detailed in 2. – 5. above) a report being made to Council or the appropriate Committee or Sub-Committee at the first opportunity on any item for which Council or Committee or Sub-Committee approval would normally be necessary.

Delegations only to be exercised in the event of an emergency and where it is not possible for whatever reason to convene the relevant committee to make the decision:-

Subject to existing officer delegations already in place, if, in the reasonable opinion of the Chief Executive, circumstances become such that due to the Covid-19 pandemic it is not possible to continue the business of the Council through all or any part of the interim Committee structure approved at the Special Council meeting on 3 April 2020, the following additional delegations will apply to the relevant officers or their nominees, as appropriate, as outlined below, subject to a report being made to Council or the appropriate Committee at the first opportunity on any item for which Council or Committee approval would normally be necessary.

6. The Chief Executive

- a) in and for the duration of the time it is not possible to continue the business of the Council through all or any part of the interim Committee structure due to the COVID -19 pandemic, to take or arrange to be taken such action as is required, including the incurring of expenditure :
 - i. to maintain, reduce or increase statutory services;
 - ii. to support the emergency services and other organisations involved in the immediate response;
 - iii. to provide support services for the community and others affected by the COVID -19 pandemic;
 - iv. to enable the community to recover and return to normality as quickly as possible; and/or
 - v. to provide aid to other local authorities.

7. The Director of Legal and Democratic Services

- a) to determine any matter on behalf of the Civic Licensing Committee in an emergency and following consultation with the convenor of the Civic Licensing Committee, where this is possible, to determine any licence application including refusing an application and any decision to revoke or suspend a licence and to determine any other matter, which would normally be determined by the Civic Licensing Committee or to initiate action under any statutory procedure related to a function of the Civic Licensing Committee. Any such determination must be notified to members of the relevant committee or sub-committee.

8. The Service Leader Planning and Communities

- a) to determine any matter on behalf of the Development Standards Committee in an emergency and following consultation with the convenor of the Development Standards Committee where this is possible, including to determine any planning application (which will include refusing such

application) and to determine any other matter, which would normally be determined by the Development Standards Committee or to initiate action under any statutory procedure related to a function of the Development Standards Committee. Any such determination must be notified to members of the relevant committee or sub-committee.

9. The Service Leader HR

- a) to approve any urgent new HR Policies to Director of HR, Digital Enablement, IT & Business Support with the provision that relevant consultation has taken place with Chief Executive, Depute Chief Executive, Service Directors and Trade unions. Any such determination must be notified to members of the relevant committee or sub-committee.

10. The Director of Infrastructure

- a) Where urgently required to: -
 - i. Negotiate amendments to current council property (non-housing) leases with existing tenants to adjust the lease conditions/grant rental holidays or reductions to support businesses and communities for both general fund and Common Good Fund Properties;
 - ii. Postpone rent reviews; and
 - iii. Postpone the pursuit of debt from rent.
- b) Where urgently required, the authority to extend the contract period for existing contracts without retendering where the tendering is not feasible.

Any such determination must be notified to members of the relevant committee or sub-committee.

Part 2

11. Financial Authority Delegations

- a) Delegate authority to the Director of Finance following consultation with the Director of Legal & Democratic Services to design and amend as necessary an Angus Coronavirus Key Supplier Support Scheme based on national guidance and local requirements.
- b) Delegate authority to: -
 - i. the Chief Executive,
 - ii. all Council Directors; and
 - iii. the Chief Officer of the Angus Integration Joint Board

to implement the Angus Coronavirus Key Supplier Support Scheme where applicable to their service areas.

The above delegations 11 a) and b) are subject to the following:-

- the costs associated with the Support Scheme being able to be met from either the additional funding provided to the Council by the Scottish Government for COVID-19 response or, if required, by reallocating existing approved Council budgets to support the Scheme. In the event that the Council's contingency funding needs to be accessed, the approval of Council or the requisite Committee or Sub-Committee for such action will be required; and
- details of the Scheme and information on its implementation being provided in a formal report to Council or the requisite Committee or Sub-Committee as soon as practicable.

12. In relation to Financial Support, Resilience and Policy:

- a) delegate authority to the Director of Finance to implement the Local Financial Resilience Support Arrangements as set out in part B of Appendix 1 to Report No 126/20;
- b) delegate authority to the Director of Finance to implement the Local Financial Resilience Support Arrangements for Businesses set out in part B of Appendix 2 to Report No 126/20;
- c) delegate authority to the Director of Finance to adjust the payment profile of the Council's management fee for 2020/21 to ensure that the ANGUSalve cashflow position is protected.

13. In relation to Financial Regulations

- a) delegate authority to the Director of Finance following consultation with the Chief Executive, to make changes to Financial Regulations where this is essential to support delivery of the Council's services and its response to the COVID-19 emergency. This is subject to the following:-
 - It only being applied where absolutely necessary and as a matter of urgency where prior approval of Council, the requisite Committee or Sub-Committee cannot be achieved quickly enough;
 - Such changes to Financial Regulations being applied on a temporary basis only until the end of the current emergency; and
 - Details of any changes made being reported to the next available meeting of the Council or an appropriate Committee or Sub-Committee.

14. In relation to the use of Additional Government Funding

- a) Delegate authority to the Director of Finance, following consultation with the Chief Executive, to use additional funding provided by the Scottish Government for COVID-19 where this is essential to support delivery of the Council's services and its response to the COVID-19 emergency. This is subject to the following:-

- It only being applied where absolutely necessary and as a matter of urgency where prior member approval cannot be achieved quickly enough; and
- Details of any decisions made being reported to the next available meeting of the Council or an appropriate Committee or Sub-Committee.