PROPOSED NEW WORDING & RENUMBERED (main changes outlined in the table below)

SCHEME OF DELEGATION TO OFFICERS

This document lists the powers which have been delegated by the Council to officers with a view to enhancing the efficient operation of council services in terms of Section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation.

1. GENERAL PROVISIONS

- 1.1 The powers listed below are those specifically delegated by Council to officers to enhance the efficient operation of Council services.
- 1.2 The powers granted directly to officers under statute and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively in this document, when set out in the body of this document it is for information purposes only. When Proper Officer positions are set out in the body of this document the Chief Officers are not limited to these positions.
- 1.3 Officers specified in this Scheme of Delegation may make arrangements, which must be in writing, for other specified officers to exercise any of the powers delegated to them in terms of this Scheme, unless prohibited from doing so by law. Officers will remain accountable for decisions taken by their sub-delegates.
- 1.4 An officer may choose not to exercise a delegated power and instead make a recommendation to the appropriate committee for the matter to be determined.
- 1.5 Duly appointed interim Officers, or individuals formally acting up as an Officer, shall be treated as an Officer for the purposes of this Scheme of Delegation to Officers document.
- 1.6 Where reference is made to a specific statute or regulation, the power of delegation should apply to any subsequent statute or regulation bestowing similar or compatible powers.
- 1.7 In the event of any conflict or inconsistency between this Scheme of Delegation to Officers document and any legislation or rule of law, that legislation or rule of law shall prevail. In the event of any incorrect citation of, or reference to, legislation in this Scheme of Delegation to Officers document, the relevant provision(s) shall be read as referring to the correct legislation.

2. LIMITATIONS OF DELEGATIONS TO OFFICERS

- 2.1 When exercising the authority delegated to them, officers will act in the interests of the Council and in accordance with and subject to:
 - a) The law,
 - b) The policies and procedures adopted by the Council,
 - c) The principles of best value,
 - d) The terms and conditions of the Council's Procurement Standing Orders and Financial Regulations,
 - e) Any appropriate service policy, practice, procedure or any managerial instruction given,

- f) Matters specifically reserved to Council or delegated to a Committee or a Sub-Committee,
- g) Any relevant provisions contained elsewhere in the Council's Scheme of Governance, and
- h) The Public Sector Equality Duty.
- 2.2 Officers have the right to consult with any other appropriate officer including the Chief Executive on any matter, even though it has been specifically delegated to that officer, or to refer the matter to Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained elsewhere in the Council's Scheme of Governance.
- 2.3 Officers will consult the Chief Executive or any other appropriate officer, and where applicable, the Leader of the Council and the Leader of the main opposition party, where appropriate to do so on issues of a corporate nature or which may have a significant impact on the Council or other Services or on issues which are sensitive or complex in the professional judgement of the officer.
- 2.4 Officers will ensure that they make suitable arrangements to record decisions taken and actions authorised in relation to the discharge of any functions powers and duties delegated to them and will submit such reports as may be required from time to time.

3. STATUTORY OFFICERS OF THE COUNCIL

The following officers of the Council are appointed to the following statutory roles: -

- 3.1 The Chief Executive, as the Head of the Council's Paid Service in terms of Section 4 of the 1989 Act.
- 3.2 The Director of Legal, Governance & Change as the Monitoring Officer in terms of Section 5 of the 1989 Act.
- 3.3 The Director of Finance as the Proper Officer for the administration of the Council's financial affairs, in terms of Section 95 of the 1973 Act.
- 3.4 The Director of Children, Families and Justice as the Chief Social Work Officer in terms of S3 of the Social Work (Scotland) Act 1968. The designated Depute Chief Social Work Officer shall be the Service Leader Justice.
- 3.5 The Service Leader Legal & Procurement as the Data Protection Officer in terms of General Data Protection Regulation, as applied in the United Kingdom by the Data Protection Act 2018.
- 3.6 These officers shall be entitled to discharge all the powers and duties conferred upon them by these statutory provisions.

4. GENERAL DELEGATIONS

Subject to the General Provisions and Limitations as appropriate, the Chief Executive, Depute Chief Executive, all Directors, the Chief Integration Officer of the IJB and any interim appointees to these posts have the following powers: -

- 4.1 to manage the administrative and operational requirements of fulfilling the functions, duties and powers of the relevant service or services.
- 4.2 to appoint to their service all staff at and below the level of Service Leader, so long as such appointments are based on merit and have regard to the Council's recruitment and selection procedures and are within the approved establishment and approved revenue budget of the service.
- 4.3 to attend and to approve the attendance of staff at conferences, courses or other functions/events provided allowance is in the revenue budget of Organisational Development, and it is in accordance with approved Council policy.
- 4.4 to take any decision necessary regarding the retirement and dismissal of a member of staff within their service in accordance with the relevant Council policy or procedure and to exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract (excluding Directors) in accordance with any relevant policies of the Council.
- 4.5 to conduct disciplinary and grievance proceedings and make appropriate determinations all in accordance with the Council's approved disciplinary and grievance procedures.
- 4.6 to make changes to staffing structures, numbers and gradings in accordance with approved pay, grading and rewards arrangements subject to the powers of the Chief Executive for senior management structural and Service review changes all in accordance with approved budget.
- 4.7 to approve overtime payments to members of staff in their service in accordance with Council policy, provided such payments can be contained within the revenue budget of the service.
- 4.8 to enter into Settlement Agreements with a member of staff below the level of Director following consultation with the Director of HR, Digital Enablement, IT & Business Support, the Director of Finance and the Director of Legal, Governance & Change. Settlement Agreements with Directors can only be authorised by the Chief Executive following consultation with the Leader of the Council and relevant chief officers.
- 4.9 to approve the payment of removal/relocation expenses, in accordance with the relevant Council policy, provided appropriate allowance is made in the approved service revenue budget.
- 4.10 to incur expenditure not exceeding £400 (and in the case of the Chief Executive, not exceeding £1,000) on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Scottish Government, other local authorities or public bodies visiting Angus, or to consultants, official delegations, or prospective investors at the discretion of the Director, or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions, provided appropriate allowance is made in the approved revenue budget.
- 4.11 to transfer amounts between budget heads under the direct control of the relevant service in accordance with the provisions of Financial Regulations.

- 4.12 to approve grants to organisations up to £50,000 in value subject to annual reports being made to the Grants Sub-Committee and appropriate allowance being made in the approved revenue budget.
- 4.13 to determine whether or not to (a) submit applications for receipt of non-core external funding of less than £500,000; and/or (b) accept offers for receipt of non-core external funding of less than £50,000, in respect of funding received by the Council from external bodies, including when acting in an intermediary capacity.
- 4.14 to submit a Council response to an external consultation on an <u>operational</u> matter which in the view of the Director of the relevant service does not require Member input, provided that the Director shall notify the Convener and Vice-Convener of the appropriate Committee and the Leader of the Non-Administration that the response has been submitted.
- 4.15 to submit a Council response to an external consultation on any <u>policy</u> matter where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee. Any response submitted under this delegated power shall be made following consultation with the Convener and Vice-Convener of the appropriate Committee and the Leader of the Non-Administration, where possible, and shall be reported to the next committee meeting.
- 4.16 subject to paragraph 4.17 below, to conduct a procurement process, and to award, extend and vary contracts in accordance with the Council's Procurement Standing Orders, up to the maximum values stated therein, the Financial Regulations and relevant procurement legislation.
- 4.17 to decide which contracts procured by their Directorate are to be exempted from any, or all, of the provisions of the Council's Procurement Standing Orders and Financial Regulations, by virtue of any of the exemption criteria for contracts of a value up to the Director Exemption Threshold as set out in same.
- 4.18 to spend in terms of the agreed revenue budget and to incur expenditure within the budget to deliver the Council's agreed priorities, subject to powers of the Policy and Resources Committee or the Council to place reservation on any items in the approved capital budget. Expenditure on any such reserved items may be incurred only to the extent that such reservation has been removed.
- 4.19 to purchase supplies and equipment and commit other expenditure, subject to provision having been made within the approved revenue budget in accordance with the Council's Financial Regulations.
- 4.20 where appropriate, to object to an application for, or to make a complaint regarding, any licence in terms of the Licensing (Scotland) Act 2005 (as amended), the Civic Government (Scotland) Act 1982 and any other Licences issued under miscellaneous legislation where the local authority is a competent objector.
- 4.21 to determine for their service the information to be disclosed, including the application of any exemptions, in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

- 4.22 to declare surplus to their service's requirements any land and/or property no longer required for their directorate's operational purposes (excluding property held under the Housing Acts), such declaration to be by way of written notification to the Director of Infrastructure & Environment, and by submission of biannual reports to the relevant Service Committee summarising land and/or property declared as surplus under delegated authority.
- 4.23 to dispose of surplus other assets no longer required for their directorate's operational purposes in accordance with the Other Assets provisions of Financial Regulation 17, following consultation with the Director of Finance and where relevant the Service Leader (Digital Enablement & Information Technology).
- 4.24 to carry out the functions of the Council in relation to Health and Safety Regulations for those services delivered by their Directorate.
- 4.25 to negotiate settlements of claims arising from their service's contractual workloads following consultation with the Director of Legal, Governance & Change.
- 4.26 to act as or designate a suitably qualified officer to act as a Proper Officer for the purpose of signing documents and execution of deeds in terms of Section 193 and 194 of the Local Government (Scotland) Act 1973, and Paragraph 4 of Schedule 2 of the Requirements of Writing (Scotland) Act 1995 in relation to the functions of their service or services (including signing of contracts) but only up the values permitted in the Financial Regulations.
- 4.27 to make all public notices and advertisements, whether by press advertisement or otherwise which is required to be given by or on behalf of the Council or any Committee or Directorate, subject to the provisions of any enactment. This includes signing, issuing, and serving appropriate statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their Directorate.
- 4.28 to restrict an individual's contact with Angus Council in terms of the council's Unacceptable Actions Policy and, where any such decision is appealed by the individual, a different Chief Officer will have the power to consider and determine the appeal provided they were not involved in the original decision.

5. REPORTS TO MEMBERS

The following officers have the power to submit reports to the Council, Committees and Sub-Committees: -

- a) The Chief Executive,
- b) the Depute Chief Executive,
- c) the appropriate Director,
- d) the Chief Integration Officer,
- e) the Monitoring Officer,
- f) the Chief Social Work Officer,
- g) the Director of Finance in exercising their duties as the Proper Officer,
- h) the Service Leader (Internal Audit),
- i) the Chief Executive of Angus Alive,
- j) any other Chief Officer when, in the professional opinion of the Chief Executive or relevant Director a report is required to enable the Council to

comply with any enactment or other rule of law, or when the exigencies of the service under his/her control so require.

TABLE 1(a): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES

SCHEME OF DELEGATION TO OFFICERS				
		GENERAL DELEC	GATIONS	
	TABLE O	F CHANGES TO THE SC	CHEME OF DELEGATION	N
NEW No.	OLD No.	WHAT IT USED TO SAY	WHAT IT NOW SAYS	REASON FOR CHANGE
Section 1 - General Provisions	1	 (1) In exercising the authority hereby delegated to them, officers must act in accordance with the policy of the Council, its Committees and Sub-Committees. (2) In exercising the authority hereby delegated to them, officers must act in accordance with the terms of Standing Orders and Financial Regulations. (3) Officers specified in this Scheme of Delegation may make arrangements, which must be in writing, for other specified officers to exercise any of the powers delegated to them in terms of this Scheme, unless prohibited from doing so by law. 	 1.1 The powers listed below are those specifically delegated by Council to officers to enhance the efficient operation of Council services. 1.2 The powers granted directly to officers under statute and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively in this document, when set out in the body of this document it is for information purposes only. When Proper Officer positions are set out in the body of this document the Chief Officers are not limited to these positions. 1.3 Officers specified in this Scheme of Delegation may make arrangements, which must be in writing, for 	Various changes for clarity and to avoid ambiguity. Expanded to include explanations on context as well as extent of Chief Officers powers. Clarifies that duly appointed interim officers shall be treated as an officer for the purposes of the SoD.

other specified officers
to exercise any of the
powers delegated to
them in terms of this
Scheme, unless
prohibited from doing
so by law. Officers will
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remain accountable for
decisions taken by
their sub-delegates.
1.4 An officer may
choose not to exercise
a delegated power and
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instead make a
recommendation to the
appropriate committee
for the matter to be
determined.
1.5 Duly appointed
interim Officers, or
individuals formally
acting up as an
Officer, shall be
treated as an Officer
for the purposes of this
Scheme of Delegation
to Officers document.
1.6 Where
reference is made to a
specific statute or
regulation, the power
of delegation should
apply to any
subsequent statute or
regulation bestowing
similar or compatible
powers.
1.7 In the event of
any conflict or
inconsistency between
this Scheme of
Delegation to Officers
document and any
-
legislation or rule of
law, that legislation or
rule of law shall
prevail. In the event of
prevail. In the event of

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			any incorrect citation of, or reference to, legislation in this Scheme of Delegation to Officers document, the relevant provision(s) shall be read as referring to the correct legislation.	
Section 2 – Limitations of Delegations to Officers	New	N/A	Now details limitations on Chief Officers' delegations, clarifying that they are subject to laws, council policies etc; highlighting their rights and obligations to consult where necessary and to make suitable arrangements to record decisions / actions authorised in relation to the discharge of their delegations.	For clarity and to avoid ambiguity.
Section 3	New	N/A	Now details those officers that are Statutory Officers of the Council (removed from Standing Orders and now placed in SoD).	Was previously in old Standing Order 45 but should be contained in SoD to Officers instead. Removed from the new Standing Orders approved by Council in May 2023.
Section 4 – General Delegations Intro	Section 2 – General Delegation	N/A	Intro added to apply to the Chief Integration Officer (IJB) and any interim appointees.	To ensure that all relevant staff are covered.
4.1	New	N/A	to manage the administrative and	now has new delegations to

			operational requirements of fulfilling the functions, duties and powers of the relevant service or services.	manage the administrative and operational requirements of fulfilling the functions, duties and powers of the relevant service or services.
4.2	2(1)	to appoint to their service all staff at and below the level of service leader, so long as such appointments are based on merit and have regard to the Council's recruitment and selection procedures and are within the approved establishment and approved estimates of expenditure of the service;	to appoint to their service all staff at and below the level of Service Leader, so long as such appointments are based on merit and have regard to the Council's recruitment and selection procedures and are within the approved establishment and approved revenue budget of the service.	Minor changes to wording.
4.3	2(2)	to attend and to approve the attendance of staff at conferences, courses or other functions / events within the European Union provided allowance is in the revenue budget, and in accordance with approved Council policy;	to attend and to approve the attendance of staff at conferences, courses or other functions / events provided allowance is in the revenue budget of Organisational Development, and it is in accordance with approved Council policy.	Removed ref to EU. And revised to reflect that the revenue budget for training lies with Organisational Development as a corporate budget.
4.4	2(4)	to dismiss a member of staff in accordance with the relevant Council policy or procedure;	to take any decision necessary regarding the retirement and dismissal of a member of staff within their service in accordance with the relevant Council policy or procedure and to exercise the discretions available to the Council as	Added retirement decisions as well as dismissal.

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			employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract (excluding Directors) in accordance with any relevant policies of the Council.	
4.5	New	N/A	to conduct disciplinary and grievance proceedings and make appropriate determinations all in accordance with the Council's approved disciplinary and grievance procedures	new provision added to reflect the powers to conduct disciplinary or grievance proceedings.
4.6	New	N/A	to make changes to staffing structures, numbers and gradings in accordance with approved pay, grading and rewards arrangements subject to the powers of the Chief Executive for senior management structural and Service review changes all in accordance with approved budget.	added to reflect the power to make changes to staffing structures, numbers and gradings, within budget.
4.7	2(5)	to approve overtime payments to members of staff in accordance with Council policy, provided such payments can be contained within the revenue budget of the service;	No change.	N/A
4.8	New	N/A	to enter into Settlement Agreements with a member of staff below the level of Director following consultation with the Director of HR, Digital	new provisions on powers to enter into Settlement Agreements with staff members

			Enablement, IT & Business Support, the Director of Finance and the Director of Legal, Governance & Change. Settlement Agreements with Directors can only be authorised by the Chief Executive following consultation with the Leader of the Council and relevant chief officers.	below the level of Director.
4.9	2(6)	to approve the payment of removal/relocation expenses, in accordance with the relevant Council policy, provided appropriate allowance is made in the approved estimates of expenditure;	to approve the payment of removal/relocation expenses, in accordance with the relevant Council policy, provided appropriate allowance is made in the approved service revenue budget.	Changed to "approved service revenue budget".
4.10	2(7)	to incur expenditure not exceeding £400 (and in the case of the Chief Executive, not exceeding £1,000) on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, other local authorities or public bodies visiting Angus, or to consultants, official delegations, or prospective investors at the discretion of the Director, or others who are assisting or co- operating with officers of the Council in carrying out any of the Council's functions, provided appropriate allowance is made in the approved	to incur expenditure not exceeding £400 (and in the case of the Chief Executive, not exceeding £1,000) on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Scottish Government, other local authorities or public bodies visiting Angus, or to consultants, official delegations, or prospective investors at the discretion of the Director, or others who are assisting or co- operating with officers of the Council in carrying out any of the Council's functions,	Added Scottish Government and also changed to "the approved revenue budget."

		estimates of	provided appropriate	
		expenditure;	allowance is made in the approved revenue budget.	
4.11	2(8)	to transfer amounts between budget heads under the direct control of the relevant service in accordance with the provisions of Financial Regulations;	No change.	N/A
4.12	2(9)	to approve grants to organisations up to £1,000 in value subject to annual report to Committee and sufficient budget provision;	to approve grants to organisations up to £50,000 in value subject to annual reports being made to the Grants Sub- Committee and appropriate allowance being made in the approved revenue budget.	In accordance with P&R decision of 24 October 2023 (Report No 288/23).
4.13	New	N/A	to determine whether or not to (a) submit applications for receipt of non-core external funding of less than £500,000; and/or (b) accept offers for receipt of non-core external funding of less than £50,000, in respect of funding received by the Council from external bodies, including when acting in an intermediary capacity.	In accordance with P&R decision of 24 October 2023 (Report No 288/23).
4.14 and 4.15	New	N/A	4.14 to submit a Council response to an external consultation on an operational matter which in the view of the Director of the relevant service does not require Member input, provided that the Director shall notify the Convener and Vice- Convener of the	New provision so that consultation responses can be submitted without Member approval being required for them all. Differentiates between

			 appropriate Committee and the Leader of the Non-Administration that the response has been submitted. 4.15 to submit a Council response to an external consultation on any policy matter 	operational and strategic.
			where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee. Any response submitted under this delegated power shall be made following consultation	
			with the Convener and Vice-Convener of the appropriate Committee and the Leader of the Non-Administration, where possible, and shall be reported to the next committee meeting.	
4.16 to 4.17	2(11) and Fin Regs	Various provisions regarding procurement and tenders.	 4.16 subject to paragraph 4.17 below, to conduct a procurement process, and to award, extend and vary contracts in accordance with the Council's Procurement Standing Orders, up to the maximum values stated therein, the Financial Regulations and relevant procurement legislation. 4.17 to decide which contracts procured by their Directorate are to be exempted from any, 	additions which are not technically new, have been lifted from the Financial Regulations to express the delegations for spending. These align with the proposed new Procurement Standing Orders which it is proposed will replace

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			or all, of the provisions of the Council's Procurement Standing Orders and Financial Regulations, by virtue of any of the exemption criteria for contracts of a value up to the Director Exemption Threshold as set out in same.	this section of the Fin Regs.
4.18	New	N/A	to spend in terms of the agreed revenue budget and to incur expenditure within the budget to deliver the Council's agreed priorities, subject to powers of the Policy and Resources Committee or the Council to place reservation on any items in the approved capital budget. Expenditure on any such reserved items may be incurred only to the extent that such reservation has been removed.	As per Fin Regs.
4.19	2(17)	to purchase supplies and equipment subject to provision having been made within the approved estimates of expenditure in accordance with the Council's Financial Regulations.	to purchase supplies and equipment and commit other expenditure, subject to provision having been made within the approved revenue budget in accordance with the Council's Financial Regulations.	As per Fin Regs.
4.20	2(12)	where appropriate, to object to an application for, or to make a complaint regarding, any licence in terms of the Licensing (Scotland) Act 1976 (as amended), the Civic Government	where appropriate, to object to an application for, or to make a complaint regarding, any licence in terms of the Licensing (Scotland) Act 2005 (as amended), the Civic Government	Updated legislation.

4.21	2(13)	(Scotland) Act 1982 and any other Licences issued under miscellaneous legislation where the local authority is a competent objector; to determine for their	(Scotland) Act 1982 and any other Licences issued under miscellaneous legislation where the local authority is a competent objector. to determine for their	Environmental
		service the information to be disclosed, including the application of any exemptions, in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002;	service the information to be disclosed, including the application of any exemptions, in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.	Information (Scotland) Regulations 2004 added.
4.22	2(14)	to declare surplus to their services' requirements any land and/or property no longer required for their department's operational purposes (excluding property held under the Housing Acts), such declaration to be by way of written notification to the Director of Infrastructure and by submission of biannual reports to the relevant Service Committee summarising land and/or property declared as surplus under delegated authority;	No change.	N/A
4.23	New	N/A	to dispose of surplus other assets no longer required for their directorate's operational purposes in accordance with the Other Assets	As per Fin Regs.

			provisions of Financial Regulation 17, following consultation with the Director of Finance and where relevant the Service Leader (Digital Enablement & Information Technology).	
4.24	2(15)	to carry out the functions of the Council in relation to Health and Safety Regulations for those services delivered by their service;	No change.	N/A
4.25	2(16)	to negotiate settlements of claims arising from their services' contractual workloads in consultation with the Director of Legal and Democratic Services;	to negotiate settlements of claims arising from their service's contractual workloads following consultation with the Director of Legal, Governance & Change.	Change to job title.
4.26	Old Standing Orders.	N/A	authority to act as the proper officer for the purpose of signing /execution of all documents or deeds relating to the functions of their service but only up to the values permitted in Financial Regulations.	Added from old SOs.
4.27	New	N/A	to make all public notices and advertisements, whether by press advertisement or otherwise which is required to be given by or on behalf of the Council or any Committee or Directorate, subject to the provisions of any enactment. This includes signing,	Added on request of Legal.

			issuing, and serving	
			appropriate statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their Directorate.	
4.28	New	N/A	to restrict an individual's contact with Angus Council in terms of the council's Unacceptable Actions Policy and, where any such decision is appealed by the individual, a different Chief Officer will have the power to consider and determine the appeal provided they were not involved in the original decision.	new provisions on the authority to restrict an individual's contact with Angus Council in accordance with the Council's Unacceptable Actions Policy.
5	SO48(1)	Was previously in SO48.	The Chief Executive, the Depute Chief Executive, the appropriate Director, the Chief Integration Officer, the Monitoring Officer, the Monitoring Officer, the Monitoring Officer, the Chief Social Work Officer or the Director of Finance in exercising their duties as the Proper Officer, the Service Leader – (Internal Audit), the Chief Executive of Angus Alive, or any other Chief Officer when, in the professional opinion of the Chief Executive or Director a report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the	Previously in old Standing Order 48(1). Should be in the SoD.

	service under his/her control so require, have	
	the power to submit	
	reports to the Council, Committees and Sub-	
	Committees and Sub-	