

## APPENDIX 3(b)

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

#### CHIEF EXECUTIVE

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Executive has the following powers: -

#### 1. GENERAL

- 1.1. to act as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;
- 1.2. to act as Returning Officer for Parliamentary and Local Government elections and as Counting Officer in respect of Referenda and to discharge the functions of and act as "appropriate officer" in terms of the Representation of the People Act 1983 (as amended) and all other relevant legislation;
- 1.3. to act as the Proper Officer of the Council for the following functions: -
  - 1.3.1. Section 33(A) of the 1973 Act - declaration of acceptance of office as a councillor
  - 1.3.2. Section 34 of the 1973 Act - receipt of resignations of councillors; and
  - 1.3.3. Standing Order 7(3) - where the Convener and Vice-Convener are both absent from a meeting, to preside and call for nominations from the Members present for a chair of the meeting;
- 1.4. To implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

#### 2. EMERGENCY POWERS

- 2.1. 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;
- 2.2. Subject to existing officer delegations already in place, and only where the Chief Executive determines that 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, in terms of any emergency, whether weather related or otherwise, including the incurring of expenditure: -
  - 2.2.1. to maintain, reduce or increase statutory services;
  - 2.2.2. to support the emergency services and other organisations involved in the immediate response;
  - 2.2.3. to provide support services for the community and others affected by the emergency;
  - 2.2.4. to enable the community to recover and return to normality as quickly as possible;
  - 2.2.5. to provide aid to other local authorities; and/or
  - 2.2.6. to take such other action, which in the reasonable opinion of the Chief Executive is required.

This delegation is granted 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.

#### 3. REGULATORY POWERS

- 3.1. following consultation with appropriate local members, as Parliamentary Returning Officer, to make minor changes to the polling scheme in the run up to any statutory election in order to ensure the smooth conduct of the poll;

3.2. to discharge the functions to comply with the Health & Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999

3.3. to authorise officers of the Council to act as authorising officers and other named functions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000;

#### 4. INFORMATION GOVERNANCE

4.1. Following consultation with the Director of Legal, Governance & Change, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, and take decisions for that purpose;

#### 5. COMMUNITY PLANNING

5.1. following consultation with appropriate elected members, to agree for the interest of the Council all matters arising at the Community Planning Partnership or any of its constituent groups which are not the subject of a specific decision of the Council.

**TABLE 1(b): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES**

CHIEF EXECUTIVE				
TABLE OF CHANGES TO THE SCHEME OF DELEGATION				
NEW NUMBER	OLD NUMBER	WHAT IT USED TO SAY	WHAT IT NOW SAYS	REASON FOR CHANGE
1.1	(1)	to act as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;	No change.	N/A
1.2	(2)	to act as Returning Officer for Parliamentary and Local Government elections;	to act as Returning Officer for Parliamentary and Local Government elections and as Counting Officer in respect of Referenda and to discharge the functions of and act as "appropriate officer" in terms of the Representation of the People Act 1983 (as amended) and all other relevant legislation;	To add referenda.
1.3	(4)	to act as the Proper Officer of the Council for the functions specified in Standing Order 46(1)	to act as the Proper Officer of the Council for the following functions: - 1.3.1. Section 33(A) of the 1973 Act -	Should be stated in the SoD as opposed to the SO's - no longer covered in approved revised Standing Orders and the powers narrated here instead.

			<p>declaration of acceptance of office as a councillor</p> <p>1.3.2. Section 34 of the 1973 Act - receipt of resignations of councillors;</p> <p>1.3.3. Standing Order 7(3) - where the Convener and Vice-Convener are both absent from a meeting, to preside and call for nominations from the Members present for a chair of the meeting</p>	
1.4	New delegation added.	New delegation added.	To implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.	Required by statute but not previously in the SoD.
2.1	(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 (see also 11 below);	No change other than to delete "(see also 11 below)" which is no longer the correct numbering.	N/A
2.2	(11)	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, in terms of the	Subject to existing officer delegations already in place, and only where the Chief Executive determines 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, in terms of any emergency,	<p>Added that the Chief Executive is the one who determines if there is urgency.</p> <p>Deleted reference to Covid to cover wider emergencies: - deleted "in terms of the response to Covid19 and/or any other concurrent emergency, whether weather related or otherwise" and changed it to "in terms of any emergency, whether weather related or to" – this enables the Chief Executive</p>

		<p>response to Covid19 and/or any other concurrent emergency, whether weather related or otherwise, including the incurring of expenditure:</p> <p>i. to maintain, reduce or increase statutory services;</p> <p>ii. to support the emergency services and other organisations involved in the immediate response;</p> <p>iii. to provide support services for the community and others affected by the COVID-19 pandemic;</p> <p>iv. to enable the community to recover and return to normality as quickly as possible;</p> <p>v. to provide aid to other local authorities; and/or</p> <p>vi. to take such other action, which in the reasonable opinion of the Chief Executive is required. This delegation is granted 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.</p>	<p>whether weather related or otherwise, including the incurring of expenditure: -</p> <p>2.1.1. to maintain, reduce or increase statutory services;</p> <p>2.1.2. to support the emergency services and other organisations involved in the immediate response;</p> <p>2.1.3. to provide support services for the community and others affected by the emergency;</p> <p>2.1.4. to enable the community to recover and return to normality as quickly as possible;</p> <p>2.1.5. to provide aid to other local authorities; and/or</p> <p>2.1.6. to take such other action, which in the reasonable opinion of the Chief Executive is required. This delegation is granted 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.</p>	<p>to take emergency action where it is required – for example in relation to things like storm Babet.</p>
3.1	(3)	<p>in consultation with appropriate local members, as Parliamentary Returning Officer, to make minor changes to the polling scheme in the run up</p>	<p>following consultation with appropriate local members, as Parliamentary Returning Officer, to make minor changes to the polling scheme in the run up to any</p>	<p>Changed to “following consultation with” as opposed to “in consultation with”.</p>

		to any statutory election in order to ensure the smooth conduct of the poll;	statutory election in order to ensure the smooth conduct of the poll;	
3.2	(6)	to discharge the functions to comply with the Health & Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999	No change.	N/A
N/A	(7)	to appoint consultants to provide specialist input and expertise on specific projects in approved spending programmes, within the approved estimates of expenditure and in accordance with the Financial Regulations;	Deleted.	Not needed as covered in General Delegations and in proposed new Procurement Standing Orders.
3.3	(8)	to authorise officers of the Council to act as authorising officers and other named functions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000;	No change.	N/A
4.1	(9)	in conjunction with the Director of Legal and Democratic Services, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and take decisions for that purpose	Following consultation with the Director of Legal, Governance & Change, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, and take decisions for that purpose	<ol style="list-style-type: none"> <li>1. Changed to "following consultation" as opposed to "in consultation".</li> <li>2. Changed Director of Legal, Governance &amp; Change job title.</li> <li>3. Added reference to Environmental Information (Scotland) Regs 2004 (EIRs).</li> </ol>
5.1	(10)	in consultation with appropriate elected members, to agree for the interest of the Council all matters arising at the	(10) following consultation with appropriate elected members, to agree for the interest of the Council all matters	Changed to "following consultation" as opposed to "in consultation".

		Community Planning Partnership or any of its constituent groups which are not the subject of a specific decision of the Council.	arising at the Community Planning Partnership or any of its constituent groups which are not the subject of a specific decision of the Council.	
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