

Agenda Item	19
Report No	HC/39/16

8 September 2016

SCHEME OF DELEGATION AND ADMINISTRATION TO COMMITTEES AND SUB COMMITTEES AND TO OFFICERS

Report by the Depute Chief Executive/Director of Corporate Development

Summary

This report outlines proposals for amendment to the Council's Scheme of Delegation and Administration to Committees and Sub Committees and to Officers. Annual Review of the Scheme is a requirement of the Council's Code of Corporate Governance.

1. Main Amendments

The main changes to the Scheme of Delegation – which are highlighted below – are in relation to:-

Part II – Terms of Reference of Headquarters Committees

Part III – Functions Referred/Powers and Duties Delegated to Planning Application Committees, Highland Licensing Committee, Planning Review Body, City/Local Committees and the Gaelic Implementation Group from the Council and Headquarters Committees

Part IV – Powers Delegated to Officers

1.1 Part II – Terms of Reference of Headquarters Committees

Education, Children & Adult Services Committee

Delete wording as follows –

Paragraph 1.12 – delete reference to Culture and Leisure Contracts Sub Committee.
Paragraph 1.13 – delete reference to Inverness Leisure.

Planning, Development & Infrastructure Committee

Amend wording as follows –

Current version – To receive annual reports on the following companies – Beinn Tharsuinn Wind Farm Community Limited, Highland Historic Buildings Trust, Highland Opportunity Limited, Highland Opportunity (Communities Limited), Highland Opportunity (EBS) Limited, Highland Opportunity (Investments) Limited, Inverness Airport Business Park Limited and Ness Horizons.

Proposed Version – To receive annual reports on the following companies – Beinn Tharsuinn Wind Farm Community Limited, Highland Historic Buildings Trust and Inverness Airport Business Park Limited.

(Also refers to Part IV – Delegation to the Development & Infrastructure Service)

Community Services Committee

Include wording as follows –

Section 1 – Paragraph 1.10 – include reference to Traffic Management and Car Parking

Section 2 – include the following –

Paragraph 2.1.2 - To approve the scale of charges required under Roads legislation

Paragraph 2.1.3 – To promote Road Traffic Regulation Orders where there are statutory objections

Delete wording as follows –

Paragraph 2.8.2 – To scrutinise and approve the distribution of funds in relation to improving unadopted roads where there is need to address social inclusion.

Audit & Scrutiny Committee

Amend wording as follows –

Current Version – To consider and advise the Council on the review of Financial Regulations and Contract Standing Orders.

Proposed Version – To consider and advise the Council on the review of Financial Regulations.

Current Version – To oversee the Council's risk management policies and strategies and receive reports annually from the Director of Finance on Risk Management Plans for all Services, including an update on Corporate and Cross Cutting Risks on a six monthly basis.

Proposed Version – To oversee the Council's risk management policies and strategies and receive reports, including an update on the Corporate Risks on a six monthly basis.

Current Version – To review periodically the Council's non statutory complaints systems.

Proposed Version – To receive reports on the Corporate Complaints process on a six monthly basis.

1.2 **Part III – Functions Referred/Powers and Duties Delegated**

Highland Licensing Committee

Section 2

Amend wording as follows –

Current Version – To consider and determine applications for licences, relaxations

and exemptions under Part 5 of the 2006 Act.

Proposed Version – To consider and determine applications for licences, relaxations and exemptions and to make rent suspension orders under Part 5 of the 2006 Act.

Section 3

Delete wording as follows –

- (a) To consider and determine applications for the approval of places for civil marriages under the Marriage (Scotland) Act 1977 and, in granting such approvals, (i) to impose the standard conditions approved by the Resources Committee subject to such variations as are considered appropriate and (ii) to impose additional conditions where considered appropriate;
- (b) To order the revocation, suspension or variation of an approval held under the 1977 Act; and
- (c) To set fees and charges applicable in terms of the 1977 Act.

Local Committees

Amend wording as follows – Paragraph 2.21 –

Current Version – To prioritise between the various reactive and planned cyclic road and bridge maintenance activities in accordance with Council policy and the national Code of Practice.

Proposed Version – To prioritise between the various reactive and planned cyclic road and bridge maintenance activities in accordance with Council policy, the Road Asset Management Plan and appropriate national guidance.

Include wording as follows –

For the Caithness Committee and the Sutherland County Committee – to appoint Members to the Caithness and North Sutherland Fund as required.

1.3 **Part IV – Powers Delegated to Officers**

General Issues

Amend wording as follows –

The Chief Social Work Officer in Highland Council is the *most senior Social Work Manager appointed by the Chief Executive*.

Corporate Development

Amend wording as follows -

Replace references to the 'Legal Manager (Regulatory Services)' with 'Solicitor (Regulatory Services)' under the following - Civic Government (Scotland) Act 1982 – Setting of Dates for Christmas and New Year Period; Sections 24-27 and Schedule 1; Section 42; Temporary Suspension of Licences; Applications for Renewal of Licences; Gambling Act 2005; Housing (Scotland) Act 2006 – Part 5; and Fireworks (Scotland) Regulations 2004

Replace references to the 'Legal Manager (Regulatory Services)' with 'Principal Solicitor (Regulatory Services)' under the following – Civic Government (Scotland) Act 1982 – Sections 62 and 63

Replace references to the 'Legal Manager (Regulatory Services)' with 'Principal Solicitor (Regulatory Services) and Solicitor (Regulatory Services)' under the following – Civic Government (Scotland) Act 1982 - Section 119; Roads (Scotland) Act 1984 – Section 59; and Anti-Social Behaviour etc (Scotland) Act 2004, Part 8 (Registration of Landlords)

Replace references to the 'Legal Manager (Regulatory Services)' and 'Principal Solicitor (Regulatory Services)' with 'Head of Corporate Governance and practising Solicitors authorised by him' under the following – Local Government (Scotland) Act 1973.

Delete wording as follows –

Marriage (Scotland) Act 1977 – to grant but not refuse applications for approval of places for marriage.

Finance Service

Delete wording as follows –

Social Security Administration Act 1992 – Section 110A – to authorise Officers for the purposes of Part VI – investigation of Housing Benefit and Council Tax Benefit fraud and related matters.

Include wording as follows –

The Local Government and Rating Act 1997 – to determine applications for mandatory and discretionary non domestic rates rural relief in accordance with the Council's policy – delegated to Head of Revenues and Business Support.

Care and Learning

Statutory Powers/Duties

Amend wording as follows –

Standards in Scotland's Schools, etc Act 2000

Section 3 – to endeavour to secure improvements in the quality of school education – delegated to *Head of Education* (previously Director of Care & Learning).

Section 5 – preparation of annual statement of education improvement objectives and annual report on meeting objectives – delegated to *Head of Education* (previously Director of Care & Learning).

Section 6 – report on implementation of school development plans – delegated to *Education Quality Improvement Managers* (previously Area Education Managers/Quality Improvement Managers/Headteachers).

Section 7 – report on measures and standards of performance – delegated to *Head of Education* (previously Director of Care & Learning).

Section 38 – admission of child under school age to primary school – delegated to *Area Care & Learning Managers* (previously Area Education Managers).

Education (Scotland) Act 1980

Section 18 – to do work to improve pupils' safety – delegated to *Heads of Service/Area Care & Learning Managers/Headteachers* (previously Area Education, Culture & Sport Managers).

Section 23 – to provide education for pupils belonging to area of another Education Authority – delegated to *Director or Area Care & Learning Managers* (previously Area Education Managers).

Section 28A – determination of placing requests – delegated to *Area Care & Learning Manager/Head of Education* (previously Area Education Manager).

Section 28H – exclusion of pupils from school – delegated to *Area Additional Support Manager or Headteachers* (previously Area Education Manager or Headteachers).

Section 34 – to grant exemption from school attendance – delegated to *Area Additional Support Manager* (previously Area Education Manager).

Sections 36-39, 41 and 43 – exercise of powers in respect of non-attendance (where not otherwise delegated to or exercised by Parent Council) – delegated to *Area Additional Support Manager* (previously Area Education Manager).

Section 49 – to assist persons to take advantage of educational facilities – delegated to *Headteachers or Area Care & Learning Manager* (previously Headteacher of Area Education Manager).

Section 50 – powers in respect of education of pupils in exceptional circumstances – delegated to *Head of Additional Support* (previously Head of Service).

Section 51 – arrangements for provision of transport and other facilities – delegated to *Head of Resources* (previously Head of Service).

Section 52 – power to recover costs of board and lodging – delegated to *Area Care & Learning Manager* (previously Area Education Manager).

Sections 54, 55 and 56 – powers in respect of provision of clothing for pupils – delegated to *Area Care & Learning Manager* (previously Area Education Manager).

Section 87 – suspension of teaching and non-teaching staff from exercise of their duties – delegated to *Area Care & Learning Managers* (previously Area Education Managers and Headteachers).

Section 87,89 – appointment of teachers to non-promoted posts and to certain promoted posts – delegated to *Headteachers* (previously Headteachers or Education Officer).

Children and Young Persons (Scotland) Act 1937 - Section 34 – grant, revocation and variation of licences in respect of children under 12 undergoing training to take part in dangerous performances – delegated to *Head of Resources* (previously Head of Service or Area Education Manager).

Children and Young Persons Act 1963 – Sections 37-39 – determination of applications for licences to perform in public – delegated to *Head of Resources* (previously Head of Service or Area Education Manager).

Highland Council Employment of Children Byelaws – exercise of powers under the byelaws – delegated to *Area Care & Learning Manager* (previously Area Education Manager).

Local Government and Planning (Scotland) Act 1982 – Sections 14-19 – to award grants in accordance with Council policies not exceeding £1500 per application – delegated to *Director of Care & Learning* (previously Community Learning and Leisure Officers).

Council Byelaws and Management Rules in respect of Care and Learning Facilities – to enforce such byelaws and management rules – delegated to *Director of Care & Learning and Area Care & Learning Officers* (previously Community Learning and Leisure Officers).

Delete wording as follows –

Local Government etc (Scotland) Act 1994 – Section 53 – to arrange for the preservation and management of records transferred to or vested in the Council or created or acquired by the Council.

Non-Statutory Powers

Amend wording as follows -

Education – to promote the welfare of children residing in school residences – delegated to *Area Care & Learning Manager* (previously Area Education Manager/Senior Education Officer/Education Officer).

Delete wording as follows –

Culture and Sport – in line with the Civic Government (Scotland) Act 1982, to seek, for Council owned/managed property, licences in respect of places of public entertainment.

General – to submit an annual report to the Education, Children and Adult Services Committee on the following companies – Blas Board, Caledonia Community Leisure Ltd, Highland Football Academy Trust and Strathpeffer Pavilion Ltd.

Health and Social Care

Amend wording as follows –

Social Work (Scotland) Act 1968 -

Sections 12 and 13 (to promote social welfare by giving help in kind or cash) and Section 12A (to assess the ability of carers to provide care) – delegated to *District Managers/Practice Leads/Social Workers* (previously Area Service Managers/Team Managers/Senior Social Workers).

Section 12B – to determine the amount of and to make direct payments – delegated to *Area Children’s Services Managers* (previously Area Service Managers).

Section 26 – to arrange burial or cremation of any person who was a child being looked after by the Council and to recover expenses – delete “in the care of or receiving help from the Council immediately before their death” – delegated to *Area Children’s Services Managers* (previously Area Service Managers).

Section 29 – to defray expenses of parents, relatives or other connected persons in respect of visits to a child who is being looked after by the Council or attending the funeral of such a person – delete “person, other than a child, in the care of the Council or receiving assistance from the Council” – delegated to *Area Children’s Services Managers* (previously Area Service Managers).

Section 79 – to agree deductions from contributions payable to other Authorities in respect of maintainable children – delegated to *Area Children’s Services Manager* (previously Area Service Managers).

Section 87 – to recover charges for services provided under the Social Work (Scotland) act, 1968, the Mental Health (Scotland) Act 1984 or under the Children (Scotland) Act 1995 and to exercise discretion in respect of ability to pay – delegated to the *Head of Children’s Services* (previously Head of Service and Chair of Charge Review Group).

Disabled Persons (Services, Consultation and Representation) Act 1986 – Section 13 – to assess the need for the provision of Social Work Services to any young person reaching school leaving age who is regarded as disabled – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers).

Adults with Incapacity (Scotland) Act 2000 –

Section 10 - to supervise guardians, to consult with the Public Guardian and the Mental Welfare Commission, to receive and investigate complaints, to investigate circumstances in which the personal welfare of an adult may be at risk and to provide information and advice to guardians, welfare Attorneys and persons authorised under Intervention Orders– delegated to *Principal Mental Health Officer/Mental Health Officers* (previously Director of Health & Social Care/Lead Officer (Adults with Incapacity)).

Section 12 (to take steps to safeguard the property, financial affairs or personal welfare of adults and to provide information and assistance to facilitate investigations), Section 14 (to appeal decisions taken as to the incapacity of an adult where the Council claims an interest in the adult’s property, financial affairs or personal welfare), Section 53 (to make application to the Court for an Intervention Order where necessary for the protection of the property, financial affairs or personal welfare of an adult), Section 57 (to make application to the Court for Guardianship Orders where considered necessary for the protection of the property, financial affairs or personal welfare of an adult) and Section 68 (to seek reimbursement of outlays from the Adult’s Estate in particular circumstances) – delegated to *Principal Mental Health Officer/Mental Health Officers* (previously Team Managers/Social Workers/Mental Health Officers).

Mental Health (Scotland) Act 1984 –

Section 7 - to make arrangements in respect of residential accommodation and for the care of residents, to make arrangements in respect of persons under guardianship and for the provision of ancillary or supplementary services and for supervision of persons suffering from mental handicap – delegated to *Principal Mental Health Officer/Mental Health Officers* (previously Area Services Managers).

Section 37 (to receive patients who are over 16 years of age into guardianship) and Section 92 (to petition for the appointment of a Guardian and to carry out duties in respect of protection of property of patients) – delegated to *Principal Mental Health Officer/Mental Health Officers* (previously Head of Service/Lead Officer – Adults with Incapacity).

Section 117 – to authorise Mental Health Officers to enter and inspect premises and to provide information for warrants to search for and remove patients – delegated to *Principal Mental Health Officer* (previously Area Service Managers).

National Assistance Act 1948 – Section 47 – to apply for Orders to remove people in need of care and attention to suitable premises – delegated to *Principal Mental Health Officer* (previously Area Service Managers).

Criminal Procedure (Scotland) Act 1995 – Section 217 – to provide supervision to assist and advise offenders in regard to payment of fines – delegated to *Principal Officer - Community Justice Service* (previously Director of Health & Social Care/Team Managers – Criminal Justice Service).

Children (Scotland) Act 1995 –

Section 17 – to safeguard and promote the welfare of looked after children and to provide advice and assistance to prepare children for when they are no longer looked after by the Council – delegated to *Head of Children's Services/District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers/Unit Managers).

Section 19 – to prepare and publish a plan for the provision of services for or in respect of children and Section 20 – to prepare and publish information about services for children – delegated to *Director of Care & Learning* (previously Head of Service/Head of Service – Children).

Section 25 – to provide accommodation for children to promote or safeguard welfare and to provide accommodation to persons over the age of 18 but not yet 21 in the interests of that person's welfare, Section 26 – to provide accommodation and maintenance for looked after children and Section 27 – to provide day care for children in need who are aged 5 or under and who have not yet started school and to provide care for school children in need outside school hours or during school holidays – delegated to *Head of Children's Services* (previously Area Service Managers).

Section 30 – to provide financial assistance towards expenses of education or training of a young person under 26, formerly looked after by the Council, including contributions to accommodation and maintenance - delegated to *Resource Manager - Looked After Children* (previously Area Service Managers).

Section 32 – to remove children from residential establishments and Section 36 – to determine whether a child’s welfare is adequately safeguarded and to exercise any necessary functions – delegated to *Director of Care & Learning* (previously Area Service Managers).

Sections 53 and 56 – to cause enquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child and Section 55 – to apply to a Sheriff for a Child Assessment Order – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers).

Section 56 – to provide reports for Children’s Hearings – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers).

Section 57 – to apply to a Sheriff for a Child Protection Order and Section 61 – to apply to a Justice of the Peace for emergency child protection measures – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers/Social Workers).

Section 68 – to allow reasonable contact with relevant persons for a child in respect of whom a Parental Responsibilities Order has been made – delegated to *District Managers/Practice Leads/Social Workers* (previously Area Service Managers/Senior Social Workers).

Section 70 – to agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation – delegated to *Chief Social Work Officer* (previously Director of Health & Social Care/Head of Service – Children, Young People & Families).

Section 71 – to give effect to supervision requirements made by Children’s Hearings – delegated to *District Managers/Practice Leads* (previously Area Service Managers/Senior Social Workers).

Section 73 – to recommend reviews of supervision requirements made by Children’s Hearings by referral of the Case to the Principal Reporter, Section 76 – to apply to a Sheriff for an Exclusion Order and Section 78 – to apply for the attachment of a Power of Arrest at any time while an Exclusion Order has effect – delegated to *District Managers/Practice Leads* (previously Senior Social Workers).

Section 86 – to apply to a Sheriff for a Parental Responsibilities Order transferring parental rights and responsibilities to the Council – delegated to *District Manager/Practice Leads* (previously Director of Health & Social Care).

Adoption (Scotland) Act 1978 –

Section 1 – to provide post-adoption support services – delegated to *Head of Children’s Services* (previously Director of Health & Social Care/Head of Service).

Section 6 – to promote the welfare of a child as paramount consideration in reaching any decision in relation to adoption, Section 6(A) – to consider whether adoption is in best interests of the child and Section 18 – to apply for Freeing Orders for adoption – delegated to *Head of Children’s Services* (previously Director of Health & Social Care/Agency Decision Maker).

Section 22 – to report to the Court in respect of children for whom Adoption Orders are being sought and Section 23 – to report to the Court on the suitability of applicants for adoption – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers).

Children Act 1989 – Section 19 – to review child minding, day care and education services for children under 8 – *delete wording ‘together with the Director of Education, Culture and Sport’* – delegated to *Senior Manager - Early Years* (previously Director of Health & Social Care/Head of Service).

Adoption Agencies (Scotland) Regulations 1996 – to accept or reject any person for assessment as a prospective adopter, to assess prospective adopters, to approve prospective adopters and to place or secure the placing of a child for adoption with prospective adopters, all in accordance with the Regulations – delegated to *Head of Children’s Services* (previously Director of Health & Social Care/Fostering and Adoption Panel/Agency Decision Maker).

Fostering of Children (Scotland) Regulations 1996 – to assess and approve foster carers and to place children in foster placements in accordance with the Regulations – delegated to *Head of Children’s Services* (previously Director of Health & Social Care/Fostering and Adoption Panel/Agency Decision Maker).

Matrimonial Proceedings (Children) Act 1958 – Section 11 – to provide Reports to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child – delegated to *District Managers/Practice Leads/Social Workers* (previously Team Managers/Senior Social Workers).

Non Statutory Powers – Social Work

To administer the operation of the Complaints Procedure and to publicise it – delegated to Director of Care & Learning (previously Head of Operations – Criminal Justice and Central Services).

To enter into and conclude Social Work contracts on behalf of the Council – delegated to *Director of Care & Learning* (previously Director of Finance).

To set charges on a cost basis for other Local Authorities where Highland Council is commissioned and agrees to perform duties on behalf of those Local Authorities – delegated to *Director of Care & Learning* (previously Head of Integrated Children’s Services).

Delete wording as follows –

Social Work (Scotland) Act 1968 -

Section 13A – to make arrangements with voluntary or other organisations or persons for provision of residential accommodation.

Section 14 – to provide home help and laundry facilities.

Section 61B – to determine applications for registration from the purposes of Part 4 (Management of Resident’s Finances) of the Adults with Incapacity (Scotland) Act 2000.

Section 65 – to remove persons from establishments which are not registered or the registration of which is to be cancelled.

Section 67 – to authorise entry to establishments for inspection purposes.

Section 68 – to authorise persons to enter establishments for the purpose of visiting, in the interests of the wellbeing of residents and to ensure such visiting.

Section 72 – to act in respect of arrears of contributions or aliment.

Section 78A – to recover contributions in respect of looked after children.

Chronically Sick and Disabled Persons Act 1970 – Section 1 (to provide information on Council Services and any other relevant services of Authorities or organisations) and Section 2 (to provide services to chronically sick and disabled persons).

Disabled Persons (Services, Consultation and Representation) Act 1986 – Section 4 (to assess needs when requested to do so by a disabled person or their carer and to decide whether needs of the disabled person call for the provision of services) and Section 8 (to have regard to the abilities of carers in deciding on provision of services).

Adults with Incapacity (Scotland) Act 2000 – Part IV – to do all things necessary in relation to the management, on behalf of a resident in a Council establishment, of the resident's finances and affairs.

Mental Health (Scotland) Act 1984 – Section 8 (to provide after care services for persons who are or have been suffering from mental disorder) and Section 11 (to arrange training and occupation for persons suffering from mental handicap who are over school age).

National Assistance Act 1948 – Section 48 – to provide temporary protection for moveable property of people admitted to hospital, residential establishments and other places.

Non Statutory Powers – Social Work

To prepare and publish a plan for provision of community care, to assess need etc and to provide community care services, to consult with medical practitioners where nursing care is required and to make arrangements for the provision of suitable residential accommodation where nursing is provided.

To notify NHS Highland or Housing and Property Services and request information in relation to services and, where the person is disabled, to determine what services that person may require.

Community Services

Include wording as follows –

Road Traffic Act 1991 (Amendment of Schedule 3) (Scotland) Order 1998 – designation of a Special Parking Area or a Permitted Parking Area – delegated to Officers at Level A.

Road Traffic Act 1991 (as amended) – Schedule 3 – issue of Penalty Charge Notices within a Special Parking Area and Permitted Parking Area. A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle – delegated to Officers at Level D.

Road Traffic Act 1991 (as amended) – Schedule 6, Part 6 – where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the Authority serving the notice may serve on that person a statement (a ‘charge certificate’) to the effect that the penalty charge in question is increased by 50% - delegated to Officers at Level B.

Amend wording as follows –

Housing (Scotland) Act 1987 and Housing (Scotland) Act 2006

Current Version – To approve applications for grants, insofar as the applications relate to financial assistance in respect of the improvement of property or the repair of property, to determine housing improvement orders and revoke closing orders – delegated to Area Environmental Health Manager/Principal Environmental Health Officer.

Proposed Version - To approve applications for grants, insofar as the applications relate to financial assistance in respect of the improvement of property or the repair of property, to determine housing improvement orders and revoke closing orders and to issue Houses in Multiple Occupation (HMO) amenity notices – delegated to Senior Environmental Health Officer.

Development and Infrastructure Service

Include wording as follows –

Planning etc (Scotland) Act 2006 – to determine under Part 9 – Business Improvement Districts – whether the Council should exercise its power of veto over a BID proposal and hence whether a ballot shall be held or not. The Council is required to consider a BID proposal within a prescribed period (70 days before the day of the ballot) and give notice that it is or is not going to veto the proposal. If exercising a veto, the local authority must set out the reason why and give details of the right of appeal. If not exercising a veto, the local authority must set out its reasons for not doing so – delegated to the Head of Development & Regeneration.

Miscellaneous/Non Statutory Powers –

To determine applications for loan finance up to the value of £50,000

To prepare reports and recommendations to the Board of Highland Opportunity Investments Limited for loan finance over the value of £50,000

To determine applications for grant for business development, land and building regeneration and employability support initiatives up to the value of \$50,000

To prepare reports and recommendations to the Planning, Development & Infrastructure Committee for applications for grant for business development, land and building regeneration and employability support initiatives over the value of £50,000

To enter into Service Level Agreements with external bodies to deliver business, land and building regeneration and employability activities, projects and programmes.

(All of the above to be delegated to the Head of Development & Regeneration).

Miscellaneous/Non Statutory Powers – Housing

All references to the 'Head of Property Partnerships' to be changed to 'Head of Development & Regeneration'.

Miscellaneous/Non Statutory Powers – Property

All references to the 'Head of Property Partnerships' and 'Corporate Property Asset Manager' to be changed to 'Head of Development & Regeneration'.

Amend wording as follows –

Current Version – to approve, negotiate and undertake by disposal, sale, lease, assignation, sub-letting, lease surrender, licence or excambion of General Fund property interests up to a value not exceeding £200,000 or £25,000 pa subject to demonstrating the asset is surplus to the operational requirements of the Highland Council services and further subject to the sale price/rent not being below market value and consultation with the Ward Members (excluding industrial and investment transactions).

Proposed version – to approve, negotiate and undertake by disposal, sale, lease, assignation, sub-letting, lease surrender, licence or excambion of property interests up to a value not exceeding £200,000 or £25,000 pa subject to demonstrating the asset is surplus to the operational requirements of the Highland Council services and further subject to the sale price/rent not being below market value and consultation with the Ward Members.

Current version – to acquire or lease assets up to a value of £150,000 for acquisitions or £15,000 pa for leases after consultation with Local Members (for industrial and investment purposes only).

Proposed version – to acquire or lease assets up to a value of £150,000 for acquisitions or £15,000 pa for leases after consultation with Local Members.

Delete wording as follows –

To acquire or lease assets up to a value of £100,000 for acquisitions or £15,000 pa for leases, subject to consultation with Ward Members (excluding industrial and investment transactions).

To lease and dispose of land and property at below market value with a value up to £10,000 or less or where the marginal difference between the proposed price and the best consideration price is 25% or less, subject to a maximum marginal difference of £10,000 (after consultation with Ward Members)(excluding industrial and investment transactions).

In order to release the Council from their interests in land and property to approve, negotiate and undertake by disposal, sale, lease surrender, assignation or excambion of General Fund property interests up to a value not exceeding £250,000 subject to demonstrating the asset is surplus to the operational requirements of Highland Council services and further subject to the sale price not being below market value and after consultation with Local Members (for industrial and investment properties only).

2. Other Administrative Changes

2.1 A number of minor administrative changes have also been made to remove duplication and to clarify existing arrangements.

3. Implications Arising from the Report

3.1 There are no resource, legal, climate change/carbon clever, equalities, Gaelic or rural risk implications arising from these proposals.

4. Recommendation

4.1 The Council is asked to approve the proposed amendments to the Scheme of Delegation and Administration to Committees and Sub Committees and to Officers as detailed and to note that an updated copy will be circulated to all Members following the meeting.

Designation: Depute Chief Executive/Director of Corporate Development

Date: 25 August 2016