

## Minute

### Policy and Resources Committee

Wednesday, 19 May 2021, 14:00.

Microsoft Teams.



### Present

Councillors James W Stockan, W Leslie Manson, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, J Harvey Johnston, Rachael A King, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

### Clerk

- Hazel Flett, Senior Committees Officer.

### In Attendance

- John W Mundell, Interim Chief Executive.
- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Interim Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support.
- Gavin Mitchell, Head of Legal Services.
- Peter Diamond, Head of Education (Leisure, Culture and Inclusion).
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Catherine Diamond, Service Manager (Early Learning and Childcare) (for Items 1 to 9).
- Shona Croy, Strategic Adviser (Renewables and Connectivity) (for Item 1).
- Kenneth Roy, Roads Support Manager (for Items 1 to 4).
- Jackie Thomson, Development and Regeneration Manager (for Items 1 to 5).

### Observing

- James Buck, Head of Marine Services and Transportation.
- Hayley Green, Head of IT and Facilities.
- Andrew Groundwater, Head of HR and Performance.
- David Thomson, Interim Head of Infrastructure and Strategic Projects (for Items 1 to 4).
- Karen Walter, Early Learning and Childcare Delivery Plan Programme Manager (for Items 1 to 9).

- David Hartley, Communications Team Leader.
- Jordan Low, Economic Development Officer (for Items 1 to 5).
- Rebecca McAuliffe, Press Officer.

### **Declarations of Interest**

- Councillor David Dawson – Item 6.
- Councillor Rachael A King – Item 6.

### **Chair**

- Councillor James W Stockan.

## **1. Orkney Digital Strategy**

After consideration of a joint report by the Chief Executive and the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Strategic Adviser (Renewables and Connectivity), the Committee:

Noted:

**1.1.** That, on 16 February 2021, when considering a community wide digital strategy, the Policy and Resources Committee recommended that the Executive Director of Development and Infrastructure should procure the services of a specialist consultant to develop a Digital Strategy for the islands that recommended a clear strategic plan to deliver a gigabit capable network.

**1.2.** That, on 2 March 2021, when considering the recommendation detailed at paragraph 1.1 above, the Council resolved that development of a Digital Strategy for the islands be referred back to the Policy and Resources Committee for further consideration.

**1.3.** That, despite many years of political comment from the Scottish Government, it remained unclear what the Reaching 100% programme would deliver in Orkney, although it was highly likely that, as a result of current Government funding proposals, Orkney would remain well below the next generation of broadband speeds at gigabit levels.

**1.4.** That Orkney's wholesale broadband infrastructure was solely operated and utilised by the UK's largest national provider of telecommunications and therefore, while domestic consumers might contract with different market providers, those providers essentially rebadged the same infrastructure, which made changing provider of broadband unlikely to delivery any major improvements in speed.

**1.5.** That 5G technologies could offer a viable route to provide both high speed fixed wireless access and 4G services to Orkney, with trials ongoing to determine technical and financial viability.

**1.6.** That the Council was part of a Scottish Government-subsidised IT network, the SWAN network, which provided connectivity to 14 premises on the islands, with the contract due to end in 2022/23, thereby creating an opportunity to investigate cost-effective alternatives that could provide faster and more reliable internet connections.

On the motion of Councillor James W Stockan, seconded by Councillor Steven B Heddle, the Committee resolved to **recommend to the Council**:

**1.7.** That the Executive Director of Development and Infrastructure should procure the services of a specialist consultant to develop a Digital Strategy for the islands that recommended a clear strategic plan to deliver a gigabit capable network.

**1.8.** That the remit for the consultancy should focus on the following matters:

- Network planning to deliver gigabit connectivity to 100% of Orkney.
- Assessment of the options for the Council network post SWAN and whether it can deliver both cost savings and income generation to the Council and assist the establishment of a viable network covering all of the Orkney Islands.
- Assessment of the options to provide sustainable connectivity solutions to those areas where geography and distance create physical challenges, particularly the outer islands:
  - Determine options to realise plans for delivering gigabit connectivity.
  - Determine sources of finance for connectivity solutions optimising the use of Government grants and quantify funding gaps.
  - Evaluate the extent of the ability of national solutions (e.g. R100 and Gigabit Broadband scheme) to deliver for Orkney communities.
  - Recommend a route map for delivery having assessed the above.

**1.9.** That the Executive Director of Development and Infrastructure should submit a report, to the Committee no later than December 2021, presenting a draft Orkney Digital Strategy and delivery plan.

**1.10.** That the Council should continue to engage with both the Scottish Government and the UK Government to enable the greatest possible roll-out of fibre through all available schemes and funding opportunities.

## **2. Scheme of Administration**

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Head of Executive Support, the Committee:

Noted:

**2.1.** That, in January 2018, the Council reviewed and updated the Scheme of Administration, following a review of governance arrangements undertaken in 2016.

**2.2.** That, since January 2018, Council decisions and other actions had necessitated the proposed amendments and additions to the Scheme of Administration, as summarised in section 4 of the report by the Chief Executive.

**2.3.** That, if required, the Chief Executive would submit a further review of the Scheme of Administration to the Committee in due course to consider any necessary changes arising from the proposed management restructure, currently scheduled to report to Council on 2 September 2021.

On the motion of Councillor James W Stockan, seconded by Councillor Robin W Crichton, the Committee resolved to **recommend to the Council**:

**2.4.** That the revised Scheme of Administration, attached as Appendix 1 to this Minute, be approved.

Councillor Andrew Drever left the meeting during discussion of this item.

### **3. Scheme of Delegation to Officers**

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Head of Executive Support, the Committee:

Noted:

**3.1.** That, in January 2018, the Council reviewed and updated the Scheme of Delegation to Officers, following a review of governance arrangements undertaken in 2016.

**3.2.** That, since January 2018, Council decisions and other actions had necessitated the proposed amendments and additions to the Scheme of Delegation to Officers, as summarised in section 4 of the report by the Chief Executive.

**3.3.** That, if required, the Chief Executive would submit a further review of the Scheme of Delegation to Officers to the Committee in due course to consider any necessary changes arising from the proposed management restructure, currently scheduled to report to Council on 2 September 2021.

The Committee resolved to **recommend to the Council**:

**3.4.** That the revised Scheme of Delegation to Officers, attached as Appendix 2 to this Minute, be approved.

Councillor Andrew Drever rejoined the meeting during discussion of this item and Councillor Steven B Heddle left the meeting at this point.

### **4. Kirkwall BID – Request to Introduce One Hour Free Parking**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Noted:

**4.1.** That, on 2 March 2021, when setting the Council Tax and revenue budget for 2021/22, the Council approved a number of efficiency savings, including a 50% price increase for all pay and display car parks in Orkney.

**4.2.** That Kirkwall BID had submitted a request to the Council to introduce one hour free parking for the period May to September 2021 for all pay and display car parks in Orkney.

**4.3.** That the COVID-19 outbreak had significantly impacted on retail footfall due to ongoing restrictions, impacts which were realistically expected to continue throughout summer 2021.

**4.4.** That the proposal from Kirkwall BID fitted with the principles of the Council's Coronavirus Response Fund in supporting business recovery in response to the COVID-19 pandemic.

**4.5.** That, in order to amend charges applicable in pay and display car parks, the Council was required to publish a Notice of Amendment, which must be published for a minimum of three weeks prior to the amendments coming into effect.

The Committee **suspended Standing Orders** in order that consideration could be given to proposals to amend charges for parking in pay and display car parks, which were contrary to a previous decision of the Council taken on 2 March 2021 in respect of the level of charges for pay and display car parks for 2021/22.

On the motion of Councillor W Leslie Manson, seconded by Councillor Barbara Foulkes, the Committee thereafter resolved to **recommend to the Council**:

**4.6.** That, for the period 1 July to 30 September 2021, the first hour of parking in all pay and display car parks be free of charge, with the estimated cost, at up to £100,000, to be met from the Council's Coronavirus Response Fund.

## **5. UK Government – Community Renewal Fund**

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Head of Finance, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Committee:

Noted:

**5.1.** That, on 3 March 2021, the UK Government announced the launch of three new funds, including the Community Renewal Fund.

**5.2.** That Scottish local authorities had been invited to seek, collate, assess and submit a project bid to the UK Government's Community Renewal Fund by 18 June 2021.

**5.3.** That local authorities were required to appraise and shortlist project applications up to a maximum of £3 million per local authority area and submit a summary of shortlisted projects, together with the project application forms, to the UK Government, who would select the projects to receive funding based on published assessment criteria.

**5.4.** That the UK Government would announce successful projects from late July 2021 onwards, with successful projects requiring to be completed, including all expenditure incurred, by 31 March 2022.

**5.5.** That local authorities were required to enter into a funding agreement with the UK Government to deliver successful projects, to issue agreements to successful bidders once funding had been agreed, and thereafter undertake monitoring and assurance activity.

**5.6.** That, on 16 April 2021, the Council published an open invitation for a range of organisations to submit Community Renewal Fund project applications to the Council by 16 May 2021, for initial assessment.

**5.7.** The requirement to identify a Senior Responsible Officer to be responsible for ensuring that funding was used in line with the grant agreement and that appropriate management controls were in place.

The Committee resolved to **recommend to the Council**:

**5.8.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Leader and Depute Leader, the Chair of the Development and Infrastructure Committee, the Chair of the Education, Leisure and Housing Committee and the Head of Finance, to appraise applications for submission to the UK Government for consideration for funding from the Community Renewal Fund.

**5.9.** That the Head of Finance be confirmed as the Senior Responsible Officer to oversee delivery of any projects funded from the UK Government's Community Renewal Fund.

**5.10.** That, in the event of funding being awarded to any or all of the projects submitted to the UK Government, the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council and the Head of Finance, should enter into a funding agreement with the UK Government and, subsequently, enter into agreements with each of the successful project bidders.

Councillor Graham L Sinclair left the meeting during discussion of this item.

## **6. Early Learning and Childcare**

Councillor David Dawson declared a non-financial interest in this item, in that a close family member provided private childcare, and left the meeting at this point.

Councillor Rachael A King declared a non-financial interest in this item, in that a close family member was employed as a temporary Early Learning and Childcare Support Worker, and left the meeting at this point.

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Service Manager (Early Learning and Childcare), the Committee:

Noted:

**6.1.** That, on 20 April 2021, when considering the hourly rate to be set for the temporary Council provision of childcare, the Policy and Resources Committee recommended:

- That a price of £6.00 per hour be set for the temporary Council provision of childcare for 0-3 year old children.
- That the undernoted estimated budget shortfalls of operating the temporary Council provision of childcare for 0-3 year old children, be funded as follows:
  - Financial year 2021/22 (July 2021 to March 2022) – up to £170,000 to be met through a one-off contribution from the General Fund Contingency.
  - Financial year 2022/23 – up to £255,000 to be met through a one-off contribution from the General Fund Balance.

- That, in order to minimise losses to the Council, given that it was very unlikely a day nursery would be able to run at 100% capacity, powers be delegated to the Executive Director of Education, Leisure and Housing to explore and, if required, implement the risk mitigations detailed in Appendix 5 to the Minute.

**6.2.** That, on 5 May 2021, when considering the recommendations detailed above, the Council resolved that charging and budget shortfalls for operating the temporary Council provision of childcare for 0-3 year old children be referred back to the Policy and Resources Committee for further consideration.

**6.3.** That the premises at the former Papdale Halls of Residence were not large enough to enable 3-5 year olds to attend, therefore until the proposed new provision at Orkney College was completed, the focus for temporary childcare would be for 0-3 year old children, where there was the greatest need.

**6.4.** That, due to the staffing ratios required for the youngest children and in order for the service to be cost neutral, the hourly charge per place would require to be set at an unaffordable rate.

**6.5.** That it was very unlikely that any day nursery would be able to run at 100% capacity and, accordingly, a number of risk mitigations were proposed to minimise losses to the Council, as detailed in section 7 of the report by the Executive Director of Education, Leisure and Housing.

Councillor Graham L Sinclair rejoined the meeting at this point.

Councillor James W Stockan, seconded by Councillor W Leslie Manson, moved that:

- A price of £6.00 per hour be set for the temporary Council provision of childcare for 0-3 year old children.
- The undernoted estimated budget shortfalls of operating the temporary Council provision of childcare for 0-3 year old children, be funded as follows:
  - Financial year 2021/22 (July 2021 to March 2022) – up to £170,000 to be met through a one-off contribution from the General Fund Contingency.
  - Financial year 2022/23 – up to £255,000 to be met through a one-off contribution from the General Fund Balance.
- The modus operandi of the temporary Council provision of childcare should include the policy positions detailed in Appendix 3 to this Minute.

Councillor Barbara Foulkes, seconded by Councillor Andrew Drever, moved an amendment that:

- A price of £8.00 per hour be set for the temporary Council provision of childcare for 0-3 year old children.
- The undernoted estimated budget shortfalls of operating the temporary Council provision of childcare for 0-3 year old children, be funded as follows:
  - Financial year 2021/22 (July 2021 to March 2022) – up to £99,000 to be met through a one-off contribution from the General Fund Contingency.

- Financial year 2022/23 – up to £149,000 to be met through a one-off contribution from the General Fund Balance.
- The modus operandi of the temporary Council provision of childcare should include the policy positions detailed in Appendix 3 to this Minute.

As Councillor Graham L Sinclair was not present throughout consideration of the whole item of business, due to internet connectivity issues, he did not participate in the vote.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Andrew Drever, Barbara Foulkes and Duncan A Tullock (3).

For the Motion:

Councillors Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, J Harvey Johnston, W Leslie Manson, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, James W Stockan, Magnus O Thomson, Owen Tierney and Heather N Woodbridge (14).

The motion was therefore carried.

The Committee thereafter resolved to **recommend to the Council**:

**6.6.** That a price of £6.00 per hour be set for the temporary Council provision of childcare for 0-3 year old children.

**6.7.** That the undernoted estimated budget shortfalls of operating the temporary Council provision of childcare for 0-3 year old children, be funded as follows:

- Financial year 2021/22 (July 2021 to March 2022) – up to £170,000 to be met through a one-off contribution from the General Fund Contingency.
- Financial year 2022/23 – up to £255,000 to be met through a one-off contribution from the General Fund Balance.

**6.8.** That the modus operandi of the temporary Council provision of childcare should include the policy positions detailed in Appendix 3 to this Minute.

## **7. Conclusion of Meeting**

At 16:15 the Chair declared the meeting concluded.

Signed: (Chair's signature).





## **Scheme of Administration**

**Review/Updates to Scheme of Administration.**

<b>Date.</b>	<b>Committee.</b>	<b>Review/update – amendments made.</b>
February 2018.	Policy and Resources.	Full Review.
April 2018.	Policy and Resources.	Update – Constitutional arrangements for Orkney Health and Care Committee and Harbour Authority Sub-committee amended.
May 2021.	Policy and Resources.	Interim Review.

## Contents

1. Introduction .....	6
1.1. Background.....	6
1.2. Committees.....	6
1.3. Delegation to Committees and Sub-committees.....	6
1.4. Limitations and Conditions.....	7
1.5. Right of Reference to Committees and Council.....	7
1.6. Interpretation.....	7
1.7. Reports to Committees and Sub-committees .....	7
1.8. Member/Officer Working Groups .....	8
1.9. Commencement .....	8
1.10. Review.....	8
2. Orkney Islands Council.....	9
2.1. Retained Functions.....	9
Sub-committees of the Council.....	11
3. Community Development Fund Sub-committee .....	11
3.1. Referred Functions .....	11
3.2. Delegated Functions.....	12
4. Policy and Resources Committee.....	13
4.1. Referred Functions .....	14
4.2. Delegated Functions.....	17
Sub-committees of the Policy and Resources Committee .....	19
5. Asset Management Sub-committee.....	19
5.1. Referred Functions .....	19
5.2. Delegated Functions.....	20
6. Community Asset Transfer Review Sub-committee.....	22
6.1. Powers.....	22
6.2. Hearings Process .....	22
7. Human Resources Sub-committee .....	23
7.1. Referred Functions .....	23
7.2. Delegated Functions.....	23
7.3. Hearings Process when sitting as Staff Appeals Sub-committee.....	24
8. Investments Sub-committee .....	26
8.1. Referred Functions .....	26
8.2. Delegated Functions.....	27
9. Pension Fund Sub-committee.....	28

9.1. Referred Functions .....	28
9.2. Delegated Functions.....	29
10. Pension Board .....	30
10.1. Terms of Reference.....	30
11. Police and Fire Sub-committee.....	34
11.1. Referred Functions .....	34
12. Development and Infrastructure Committee .....	35
12.1. Referred Functions .....	35
12.2. Delegated Functions.....	40
Sub-committees of the Development and Infrastructure Committee .....	42
13. Harbour Authority Sub-committee.....	42
13.1. Referred Functions .....	42
13.2. Delegated Functions.....	44
14. Education, Leisure and Housing Committee.....	45
14.1. Referred Functions .....	45
14.2. Delegated Functions.....	48
Sub-committees of the Education, Leisure and Housing Committee .....	50
15. College Management Council Sub-committee.....	50
15.1. Referred Functions .....	50
15.2. Constitution.....	52
16. St Magnus Cathedral Sub-committee .....	55
16.1. Referred Functions .....	55
17. Orkney Health and Care Committee .....	56
17.1. Referred Functions .....	56
17.2. Delegated Functions.....	57
18. Orkney Integration Joint Board .....	58
18.1. Powers and Duties.....	58
18.2. Delegated Functions.....	58
18. Licensing Committee .....	59
18.1. Referred Functions .....	59
18.2. Delegated Functions.....	59
18.3. Hearings Process for Licensing Committee .....	61
19. Orkney Islands Area Licensing Board.....	62
19.1. Referred Functions .....	62
19.2. Delegated Functions.....	62
19.3. Hearings Process for Orkney Islands Area Licensing Board .....	63

20. Monitoring and Audit Committee .....	64
20.1. Referred Functions .....	64
20.2. Delegated Functions .....	66
21. Planning Committee .....	67
21.1. Remit and Powers .....	67
21.2. Definitions .....	68
21.3. Hearings Process for Determination of Planning Applications .....	70
21.4. Planning Committee – Site Visits .....	74
22. Local Review Body .....	77
22.1. Remit and Powers .....	77
22.2. Local Review Body – Site Inspections .....	78

## **1. Introduction**

### **1.1. Background**

1.1.1. This Scheme is made by Orkney Islands Council under section 56 of the Local Government (Scotland) Act 1973.

1.1.2. It sets out the terms of reference of the business of the Council, its Committees and Sub-committees, as well as defining the decisions which Committees and Sub-committees can make without any further reference to Committees or the Council.

1.1.3. The Scheme should be read in conjunction with the Council's constitutional documents, including the Standing Orders for the Regulation of Proceedings and Business of Orkney Islands Council, the Financial Regulations and the Contract Standing Orders.

### **1.2. Committees**

1.2.1. Orkney Islands Council will appoint the following Committees:

- Policy and Resources Committee.
- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Orkney Health and Care Committee.
- Licensing Committee.
- Monitoring and Audit Committee.
- Planning Committee and Local Review Body.

1.2.2. Orkney Islands Council and its Committees shall have the membership, quorum and functions as set out in this Scheme. Committees may appoint Sub-committees and working groups to consider specific matters falling inside their remit.

### **1.3. Delegation to Committees and Sub-committees**

1.3.1. There are limits to the powers which can be delegated by the Council. The Council can only delegate to a Committee, Sub-committee, an Officer of the Council or another local authority in Scotland.

1.3.2. Certain decisions must by law be taken by the Council itself, for example, setting the Council Tax or making this Scheme. Others it may choose to keep to itself, for example, approving the formulation of major policies.

1.3.3. There shall be delegated to the Committees and Sub-committees of the Council the powers and duties set out in this Scheme subject to the limitations and conditions stated below.

1.3.4. A Committee may further delegate to a Sub-committee or an Officer of the Council, any of the functions which have been delegated to the Committee by the Council. Sub-committees can also further delegate to Officers.

1.3.5. Decisions taken by Committees and Sub-committees exercising powers delegated to them shall be deemed to be actings and proceedings of the Council, except as otherwise provided by statute or by this Scheme.

#### **1.4. Limitations and Conditions**

1.4.1. The Council may vary, add to, recall or restrict any delegation to any Committee or Sub-committee.

1.4.2. All works authorised under delegated powers must comply with the Council's Financial Regulations and Contract Standing Orders.

1.4.3. Initial subscription payments in excess of £1,000 to external bodies must be referred to the Committee or Sub-committee. All existing subscriptions should be reviewed periodically to ascertain continuing value for money.

1.4.4. In accordance with the Council's Charging and Concessions Policy, charges for services should be reviewed as part of the annual budget setting process. Where the Council has the ability to amend these charges, an agreed budgetary uplift should be applied as a minimum. Authority to vary, cease or introduce new charges outside the budget setting process lies with the relevant Service Committee or Sub-committee for their sphere of responsibility.

#### **1.5. Right of Reference to Committees and Council**

1.5.1. Nothing shall prevent a Committee, Sub-committee or an Officer from referring any matter to the Council or any Committee for decision where that matter could otherwise be dealt with under delegated powers in terms of this Scheme or the Scheme of Delegation to Officers.

1.5.2. The Monitoring Officer has the power to refer for further consideration by the Council any item of business on which a decision has been made but which s/he may consider as being a contravention of law or any code of practice under any enactment, or maladministration leading to injustice.

#### **1.6. Interpretation**

1.6.1. In any situation of uncertainty, it is for the Chief Executive to determine which Committee is empowered to exercise authority which has been delegated (to a Committee) by the Council.

#### **1.7. Reports to Committees and Sub-committees**

1.7.1. Only those reports which require a decision to be taken by a Committee or Sub-committee of the Council, or are necessary to enable the Committee or Sub-committee to discharge its business or exercise its monitoring role, will normally be included on the agenda of any Committee or Sub-committee.

1.7.2. It is for the Chief Executive to determine whether or not an item of business should be included on an agenda.

1.7.3, Any reports which are for information only will normally be issued as briefing notes, prepared by the relevant Executive Director and issued through Democratic Services.

### **1.8. Member/Officer Working Groups**

1.8.1. Member/Officer working groups may be set up for a particular purpose by the Council or a Committee to allow Members to work with relevant Officers to provide an additional opportunity for debate as well as informal discussions.

1.8.2. Member/Officer working groups are not decision-making bodies and any references arising from these groups will require to be reported to the Council or appropriate Committee or Sub-committee.

1.8.3. Any Member/Officer working group should have a time limit set to fulfil its remit and extension of time or change to remit can only be approved by the establishing Committee or Sub-committee following consideration of a report detailing reasons for the request.

1.8.4. If the Member/Officer working group is to undertake an ongoing role, consideration should be given to establishing a consultative forum, rather than a working group.

1.8.5. The provisions of Standing Orders do not apply to Member/Officer working groups or consultative forums and meetings are not open to the public.

### **1.9. Commencement**

1.9.1. This Scheme shall take effect from 1 June 2021.

### **1.10. Review**

1.10.1. The Council may review this Scheme annually.

1.10.2. The Chief Executive shall have the power to alter or amend this Scheme:

- To correct any textual or minor errors.
- To make any consequential amendments required as a result of a decision of the Council.
- To reflect changes in legislation and/or established practice.



## 2. Orkney Islands Council

### Membership:

All 21 members elected in accordance with the provisions of the Local Government (Scotland) Act 1973 and the Representation of the People Acts.

### Quorum:

Six members of Orkney Islands Council.

### Remit:

The Council shall retain the key responsibilities for:

- The Council budget.
- The corporate management structure.
- Political decision-making processes.
- Specific statutory functions.

### 2.1. Retained Functions

The following functions shall not be delegated and shall be retained by the Council:

2.1.1.	The raising of money by Council Tax or any other form of legal rate.
2.1.2.	The incurring of any expenditure not provided for in the estimates of capital or revenue expenditure of the Council unless and until such expenditure is reported to and approved by the Policy and Resources Committee and by the Council.
2.1.3.	The making of an order for the compulsory acquisition of any land or interest in land.
2.1.4.	The taking of any decisions to co-operate or combine with other local authorities in the provision of services.
2.1.5.	The definition of the principal objectives of the Council and the approval of policies and programmes necessary to implement such objectives.
2.1.6.	The definition of the priorities of the Council in respect of the allocation of resources between the various functions and activities of the Council.
2.1.7.	The approval of prescribed Council policies and procedures for the implementation of the various functions of the Council.
2.1.8.	The determination of the Constitution, comprising: <ul style="list-style-type: none"> <li>• The Standing Orders relating to the Conduct of Meetings.</li> <li>• This Scheme setting out functions of all Committees of the Council and the reference, delegation or transfer of functions to or between Committees.</li> <li>• The Scheme of Delegation to Officers.</li> <li>• The Financial Regulations.</li> <li>• The Contract Standing Orders.</li> </ul>

2.1.9.	The evaluation and review of the work of Committees.
2.1.10.	The co-ordination of the recommendations of Committee.
2.1.11.	The approval of schemes for the establishment of Community Councils.
2.1.12.	The promotion of, or opposition to, private legislation.
2.1.13.	The promotion of Byelaws, Regulations and Management Rules.
2.1.14.	The exercise of the Council's functions with respect to local taxation.
2.1.15.	Matters relating to Local Government Areas and Electoral Arrangements, including the appointment of the Returning Officer.
2.1.16.	The appointment of Convener, Leader, Depute Leader, Chairs and members of Committees.
2.1.17.	The appointment of persons other than Elected Members to Committees and Sub-committees.
2.1.18.	The appointment of members of the Council to external bodies.
2.1.19.	To admit honorary Freemen.
2.1.20.	The appointment of the Chief Executive and all matters relating to disciplinary procedures for the Chief Executive.
2.1.21.	To respond to any finding of maladministration by the Scottish Public Services Ombudsman.
2.1.22.	The consideration of any report prepared by the Council's Monitoring Officer under section 5 of the Local Government and Housing Act 1989 and to comply with the requirements of that section.
2.1.23.	The consideration of any report by the Accounts Commission received in terms of section 103D of the Local Government (Scotland) Act 1973 and, where the findings contain recommendations under section 103F(3)(b) of the Act, to determine: <ul style="list-style-type: none"> <li>• Whether to accept any or all of those recommendations.</li> <li>• What, if any, action to take in response to those recommendations.</li> </ul>
2.1.24.	To determine the following planning applications which cannot be determined by Officers or the Planning Committee: <ul style="list-style-type: none"> <li>• Applications for developments defined as being National (listed in the National Planning Framework).</li> <li>• Applications for developments defined as Major (as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009), which are significantly contrary to the Local Development Plan.</li> </ul>
<a href="#">2.1.25.</a>	To determine the Council's response, as a statutory consultee, to Scottish Government marine licence consultations, where the officer recommendation is an objection.

### **Sub-committees of the Council**

The Council shall appoint the following Sub-committee:

- [Community Development Fund Sub-committee.](#)

### **3. Community Development Fund Sub-committee**

#### **Membership:**

Eight Members comprising:

- Convener.
- Chair, Policy and Resources Committee.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- 2 other Members of the Council.

#### **Quorum:**

Three Members of the Sub-committee.

#### **Remit:**

The Community Development Fund Sub-committee has responsibility for all matters relating to the Community Development Fund.

Eligibility criteria for the Community Development Fund continue to be flexible, with each project being considered by the Sub-committee on its own merits. All projects assisted by the Community Development Fund must provide benefit to, or be available to, the community as a whole. Funding is not prioritised to any particular area(s) of Orkney.

The following basic principles are applied:

- The Community Development Fund should attract the maximum amount of external match funding into the county.
- There should be no ongoing cost to the Council as a result of any of the projects supported by the Community Development Fund.
- No Community Development Fund assistance should be given to projects that would normally be carried out by the Council itself.

#### **3.1. Referred Functions**

The following matters stand referred to the Community Development Fund Sub-committee:

3.1.1.	All matters relating to the establishment, review and operation of the Community Development Fund.
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### 3.2. Delegated Functions

The following matters are delegated to the Community Development Fund Sub-committee:

3.2.1.	The determination of applications for financial assistance from the Community Development Fund, towards capital projects.
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## 4. Policy and Resources Committee

### Membership:

All 21 members of Orkney Islands Council.

The Leader and Depute Leader shall hold the posts of Chair and Vice Chair respectively of the Policy and Resources Committee.

### Quorum:

Six members of the Committee.

### Remit:

The Policy and Resources Committee shall have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas within the Chief Executive's Service and Corporate Services:

- Committee Services.
- Communications.
- Customer Services.
- Democratic Services, including Members' services and community councils.
- Executive Support, including elections.
- Finance.
- Improvement Support.
- Internal Audit.
- Cleaning and Catering services.
- Estates.
- Information Technology.
- Safety and Contingencies.
- Human Resources.
- Equalities and Performance.
- Legal Services and Licensing.
- Registration of Births, Marriages, Civil Partnerships and Deaths.
- Corporate Strategy.
- Community Planning.

#### 4.1. Referred Functions

The following matters stand referred to the Policy and Resources Committee:

<b>Corporate Policy.</b>	
4.1.1.	The establishment and review of the Council's corporate policies, objectives and priorities.
4.1.2.	The preparation and review of the Council's corporate strategic plan.
4.1.3.	The preparation and review of the Local Code of Corporate Governance.
4.1.4.	The establishment and review of schemes for reviewing the work of the Council, to ensure best value.
4.1.5.	The preparation and review of the Council's medium and long term financial plans.
<b>Community Planning.</b>	
4.1.6.	The establishment and review of schemes for the facilitation of community planning.
4.1.7.	The preparation and review of the Local Outcomes Improvement Plan, in so far as it applies to the Council.
<b>Participation Requests.</b>	
4.1.8.	The establishment and review of policy and guidance in respect of Participation Requests made in accordance with the Community Empowerment (Scotland) Act 2015.
<b>Committee and Political Management Arrangements.</b>	
4.1.9.	The establishment and review of schemes relating to committee and political management arrangements.
<b>Finance.</b>	
4.1.10.	The establishment and review of policies for funding the Council's expenditure and the provision of such expenditure, including arrangements for collection of revenue and granting of rebates and relief.
4.1.11.	The establishment and review of policies for alternative forms of local government finance.
4.1.12.	The establishment and review of policies for revenue support grant and other systems of grant available generally or in respect of a range of services.
4.1.13.	The establishment and review of policies relating to charges levied for miscellaneous services, including miscellaneous rents.
4.1.14.	The establishment and review of schemes for the allocation of the financial resources of the Council to the various services which the Council is required or empowered to provide, including the general level of capital and revenue expenditure and the levels of expenditure for individual services.

4.1.15.	The establishment and review of schemes for management of the financial resources of the Council, including the Council's Financial Regulations.
<u>4.1.16.</u>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Committee is responsible.
<u>4.1.17.</u>	To monitor, on a quarterly basis, the general levels of revenue expenditure, against approved budgets, across all service areas of the Council.
<u>4.1.18.</u>	To monitor, on a quarterly basis, the levels of capital expenditure incurred against approved budgets within the General and Non-General Fund capital programmes.
<b>Reserve Funds and Investments.</b>	
<u>4.1.19.</u>	The establishment and review of earmarked and non-earmarked reserves.
4.1.20.	The establishment and review of schemes in respect of utilisation of the Council's useable earmarked and non-earmarked reserves, including the Strategic Reserve Fund.
4.1.21.	The application of Strategic Reserve Fund monies to purchase land and property within Orkney, where the investment is as risk free as possible and it is ensured that the funds are applied to any purposes which "in the opinion of the Council, is solely in the interests of the County and its inhabitants".
<u>4.1.22.</u>	To consider the draft annual budget in respect of the Strategic Reserve Fund, prior to consideration through the budget setting process.
<b>Procurement.</b>	
4.1.23.	The establishment and review of strategies and schemes for the management of procurement requirements, including Contract Standing Orders.
<b>Land and Property Asset Management.</b>	
4.1.24.	All matters referred to the Asset Management Sub-committee.
<b>HR Management and Employee Relations.</b>	
4.1.25.	The establishment and review of policies relating to Local Government Pension Regulations.
4.1.26.	To receive the Triennial Actuarial Valuation of the Orkney Islands Council Pension Fund.
<u>4.1.28.</u>	The determination of the human resource requirements of services which fall within the remit of the Committee.
<u>4.1.29.</u>	The determination of the Council's corporate management structure.
4.1.30.	See also matters referred to the Human Resources Sub-committee.
<b>Communications.</b>	
4.1.31.	The establishment and review of policies and schemes for internal and external communications, including the Council's website.

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<b>Freedom of Information and Data Protection.</b>	
4.1 <a href="#">32.</a>	The establishment and review of policies and schemes in respect of Freedom of Information and Data Protection.
<b>Information and Communication Technology.</b>	
4.1 <a href="#">33.</a>	All matters referred to the Asset Management Sub-committee.
<b>Digital Strategy.</b>	
<a href="#">4.1.34.</a>	The establishment and review of the Council's Digital Strategy.
<b>Equalities.</b>	
4.1 <a href="#">35.</a>	The establishment and review of policies relating to the Council's equality duties.
<b>Community Councils.</b>	
4.1 <a href="#">36.</a>	The establishment and review of schemes for Community Councils.
4.1 <a href="#">37.</a>	The establishment and review of schemes for the provision of facilities and grants to Community Councils.
<b>Europe.</b>	
4.1 <a href="#">38.</a>	The establishment and review of contractual arrangements with EC consultants to provide advice and to make representations on behalf of the Council on EC matters, including reference to "Brexit", as and when required.
4.1 <a href="#">39.</a>	The co-ordination of the Council's involvement in EC funding initiatives and schemes, including prioritisation of applications.
4.1 <a href="#">40.</a>	The co-ordination of representations to the EC on behalf of the Council.
4.1 <a href="#">41.</a>	The determination of the Council's participation in transnational projects.
4.1 <a href="#">42.</a>	The determination of all matters relating to the Conference of Peripheral Maritime Regions of the EC and other international organisations.
<b>Official Hospitality and External Relations.</b>	
4.1 <a href="#">43.</a>	The establishment and review of policies and schemes for affording official hospitality to visitors to the area.
4.1 <a href="#">44.</a>	The establishment and review of policies relating to twinning arrangements.
<b>Support to Outside Bodies.</b>	
4.1 <a href="#">45.</a>	The determination of responses to requests for support from outside bodies, including the Convention of Scottish Local Authorities (COSLA), in accordance with statutory requirements and any policy directions laid down by the Council.
<b>Political Campaigns.</b>	
4.1 <a href="#">46.</a>	The determination of responses to political campaigns in accordance with statutory requirements and any policy directions laid down by the Council.
<b>Community Safety.</b>	

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4.1.47.	The establishment and review of policies and schemes in respect of community safety partnerships.
<b>Change Review Framework.</b>	
4.1.48.	The preparation and annual review of the Change Review Schedule.
4.1.49.	The determination of scoping papers and final reports on preferred options resulting from high level Change Reviews.
<b>Risk Management.</b>	
4.1.50.	The establishment and review of policies and schemes relating to the Council's functions in respect of risk management.
<b>Civil Contingencies/CONTEST.</b>	
4.1.51.	The establishment and review of policies and schemes relating to the Council's functions in respect of civil contingency arrangements.
<b>Health and Safety.</b>	
4.1.52.	The establishment and review of policies and schemes relating to the Council's functions in respect of health and safety management.
<b>Registration of Births, Marriages, Civil Partnerships and Deaths.</b>	
4.1.53.	The establishment and review of policies and schemes to exercise the Council's functions in respect of registration of births, marriages, civil partnerships and deaths.
<b>National Audit Reports.</b>	
4.1.54.	To consider key messages, findings and recommendations of service specific national audit reports and review how recommendations are being addressed locally.
<b>Regulation of Investigatory Powers.</b>	
4.1.55.	The establishment and review of policies relating to the Council's powers of covert surveillance in terms of the Regulation of Investigatory Powers legislation.
<b>Miscellaneous.</b>	
4.1.56.	The determination of all matters not specifically referred to any other Committee, or retained by the Council.

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## 4.2. Delegated Functions

The following matters are delegated to the Policy and Resources Committee:

<b>Community Councils.</b>	
4.2.1.	The determination of the list of approved categories, relating to the Community Council Grant Scheme, within which the Community Council Liaison Officer can approve applications.

4.2.2.	The determination of applications for assistance from the Community Council Grant Scheme which fall outwith approved categories.
<b>Support to Outside Bodies.</b>	
4.2.3.	The determination of financial contributions to outside bodies which are not directly related to the provision of another service.

## **Sub-committees of the Policy and Resources Committee**

The Policy and Resources Committee shall appoint the following Sub-committees:

- [Asset Management Sub-committee.](#)
- [Community Asset Transfer Review Sub-committee.](#)
- [Human Resources Sub-committee.](#)
- [Investments Sub-committee.](#)
- [Pension Fund Sub-committee.](#)
- [Police and Fire Sub-committee.](#)

[Although not a Sub-committee of the Policy and Resources Committee, the Pension Board is included in this section for completeness. In practical terms, the Pension Board meets at the same time as the Pension Fund Sub-committee, with the same agenda, with the Chair of the Pension Fund Sub-committee chairing the concurrent meetings.](#)

## **5. Asset Management Sub-committee**

### **Membership:**

Seven Members of the Policy and Resources Committee comprising:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- 5 other Members of the Policy and Resources Committee.

### **Quorum:**

Three Members of the Sub-committee.

### **Remit:**

- The co-ordination, management, planning and use of the Council's land and property assets, including information and communications technology.
- The establishment and review of strategies and schemes for land and property asset management.

### **5.1. Referred Functions**

The following matters stand referred to the Asset Management Sub-committee:

<b>Revenue Expenditure.</b>	
<a href="#"><u>5.1.1.</u></a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<a href="#"><u>5.1.2.</u></a>	To monitor, on a quarterly basis, the levels of expenditure incurred against the approved annual revenue maintenance programmes for the Council's land and property assets, funded through the approved revenue budgets.
<b>Capital Expenditure.</b>	

5.1.3.	To monitor, on a quarterly basis, the levels of expenditure incurred against the following approved programmes, funded through the approved capital programmes: <ul style="list-style-type: none"> <li>• Corporate asset capital improvement programme.</li> <li>• Information and communication technology capital replacement programme.</li> <li>• Plant and vehicle replacement programme.</li> </ul>
<b>Land and Property Asset Management.</b>	
5.1.4.	The establishment and review of policies on the use, allocation, performance and management of the Council's land and property assets.
5.1.5.	The acquisition and disposal of land and property assets with a market value exceeding £1,000,000, established by independent valuation.
<b>Information and Communication Technology.</b>	
5.1.6.	The establishment and review of the Council's corporate information strategy, including matters relating to e-Government.
5.1.7.	The establishment and review of schemes for the provision of physical and logistical security of the Council's electronic data, information systems and technology, including information security.
5.1.8.	The establishment and review of schemes for the provision of information technology requirements of elected members and all services.
5.1.9.	The monitoring and evaluation of the Council's web site.

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## 5.2. Delegated Functions

The following matters are delegated to the Asset Management Sub-committee:

<b>Land and Property Asset Management.</b>	
5.2.1.	The acquisition and disposal of land and property assets with a market value above £300,000 but not exceeding £1,000,000, established by independent valuation.
5.2.2.	The determination of requests to purchase sites and premises within industrial estates and business parks.
5.2.3.	The establishment and review of the annual corporate asset capital improvement and revenue maintenance programmes for the Council's land and property assets, funded through the approved Capital Programme and revenue budgets.
5.2.4.	The determination of Asset Transfer Requests made in accordance with the Community Empowerment (Scotland) Act 2015.
<b>Information and Communication Technology.</b>	
5.2.5.	The establishment and review of the annual information and communication technology capital replacement programme, funded through the approved Capital Programme.

<b>Plant and Vehicle Management.</b>	
5.2.6.	The establishment and review of the annual plant and vehicle replacement programme, funded through the approved Capital Programme.
<b>Council Garages.</b>	
5.2.7.	The determination of requests to purchase Council garages.

## **6. Community Asset Transfer Review Sub-committee**

### **Membership:**

Seven members of the Policy and Resources Committee.

Members of the Asset Management Sub-committee are ineligible for membership.

### **Quorum:**

Three members of the Sub-committee.

### **Remit:**

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

### **6.1. Powers**

The Sub-committee will exercise delegated powers, on behalf of the Council, to conduct reviews where:

- The Asset Management Sub-committee has refused an Asset Transfer Request.
- The Asset Management Sub-committee has granted an Asset Transfer Request, subject to terms and conditions which are significantly different to those requested.
- The Council has not determined the Asset Transfer Request within six months, or such longer period as has been agreed.

### **6.2. Hearings Process**

To be completed.

(potentially amend process used at Licensing Committee).

## 7. Human Resources Sub-committee

### Membership:

Eight Members of the Policy and Resources Committee comprising:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Six other Members of the Policy and Resources Committee.

### Quorum:

Three members of the Sub-committee.

### Remit:

The co-ordination, management and planning of the human resource requirements of the Council.

### 7.1. Referred Functions

The following matters stand referred to the Human Resources Sub-committee:

7.1.1.	The establishment and review of policies, procedures and strategies relating to the human resource requirements of the Council.
7.1.2.	The formulation of local agreements in respect of conditions of service.
7.1.3.	The receipt of annual reports relating to staff numbers and statistics.

### 7.2. Delegated Functions

The following matters are delegated to the Human Resources Sub-committee:

7.2.1.	The determination of designations and grades in relation to permanent posts of chief officer (see Note below).
7.2.2.	The determination of appeals by employees, including teaching staff, and, subject to any statutory provisions, regarding any question in respect of disciplinary action, the employee's rights under the appropriate scheme of conditions of service, the grading of a post, or rights in respect of which the officer has a right of complaint to an employment tribunal.

### Note.

In the event of an appeal by a chief officer in respect of designation or grading determined by the Human Resources Sub-committee, the matter shall be determined by an appeals sub-committee, comprising those members not serving on the Human Resources Sub-committee, and convened solely for that purpose, the Chair of which will be appointed on an ad hoc basis.

### **7.3. Hearings Process when sitting as Staff Appeals Sub-committee**

#### **Order of Business**

##### **Briefing**

The following are present for the briefing:

- Members of the Sub-committee.
  - Clerk to the Sub-committee (a Solicitor).
  - Clerk's Assistant (Member of staff from Committee Services).
  - Head of HR and Performance or nominated depute (as HR Adviser to the Sub-committee).
1. Apologies for absence intimated by the Clerk's Assistant.
  2. Declarations of Interest – Chair asks members of the Sub-committee if they have any interest to declare.
  3. Disclosure of Exempt Information – Chair moves that the public be excluded from the meeting as the business to be considered involves the disclosure of exempt information (staffing related) and seeks a seconder.
  4. Briefing from Clerk – the Clerk will give a short briefing to the Sub-committee, outlining the nature of the appeal, the procedure to be followed and the range of outcomes which the Sub-committee is entitled to reach.

##### **Appeal Hearing**

A short break while the Council's Representative and the Appellant and/or his/her representative are invited into the meeting.

Witnesses should only be in attendance to give their evidence. They should not hear the presentations of cases, any evidence from any other witnesses or the summing up.

5. Short introductions from Chair of Sub-committee.
6. Presentation of the Council's Case (including evidence from witnesses, if called).
7. Questions from the Appellant's Representative to the Council's representative.
8. Presentation of Appellant's Case (including evidence from witnesses, if called).
9. Questions from the Council's Representative to the Appellant's Representative.
10. Questions from Members of the Sub-committee to both parties (the Council's representative and the Appellant's representative).
11. Summing up by the Council's Representative (introducing no new material).
12. Summing up by the Appellant's Representative (introducing no new material).



13. Both parties (Council's Representative and the Appellant and/or his/her representative) withdraw from meeting.

14. The Sub-committee deliberates in private with only the Clerk, the Clerk's Assistant and the HR Adviser (either the Head of HR and Performance or nominated depute) in attendance.

15. The Council's Representative and the Appellant and/or his/her representative are then invited back into the meeting.

16. The Sub-committee's decision is thereafter announced in the presence of both parties and in one of the following prescribed formats:

16.1. "That the grounds of the appeal have been substantiated and the appeal be upheld".

16.2. "That the grounds of the appeal have been substantiated in part and that the appeal be upheld to the extent that ...".

16.3. "That the grounds of the appeal have not been substantiated and the appeal be not upheld".

## 8. Investments Sub-committee

### Membership:

Seven Members of the Policy and Resources Committee comprising:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Five other Members of the Policy and Resources Committee.

### Quorum:

Three members of the Sub-committee.

### Remit:

The Investments Sub-committee has responsibility for matters relating to management of the investment of the Council's reserve funds, including monitoring fund managers, approval of the overall parameters within which the investment fund managers will be authorised to operate and monitoring investment performance.

Appointment of fund managers, although delegated to the Chief Financial Officer, is undertaken in consultation with the Investments Sub-committee, following an interview process and advice from the Council's appointed investment adviser.

The Investments Sub-committee also has responsibility for considering the application of reserve fund monies to local investments, including making loans.

### 8.1. Referred Functions

The following matters stand referred to the Investments Sub-committee:

<b>Revenue Expenditure.</b>	
<a href="#">8.1.1.</a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<b>Strategic Reserve Fund.</b>	
<a href="#">8.1.2.</a>	To consider and agree an investment strategy and management structure for the Strategic Reserve Fund and: <ul style="list-style-type: none"> <li>• To develop a responsible investment strategy.</li> <li>• To establish performance benchmarks and targets.</li> <li>• To monitor performance.</li> </ul>
<a href="#">8.1.3.</a>	To monitor the performance of the Council's portfolio of local investments held within the Strategic Reserve Fund, including investment properties, loans, investments in local companies and fishing quota.
<a href="#">8.1.4.</a>	The application of Strategic Reserve Fund monies, including the making of loans but excluding the purchase of land and property within Orkney, where:

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	<ul style="list-style-type: none"> <li>• The return on any such disbursement is equivalent to, or greater than, the amount of interest which could reasonably be expected to be obtained if the money is left with the investment managers.</li> <li>• The investment is as risk free as possible.</li> <li>• It is ensured that the funds are applied to any purposes which “in the opinion of the Council, is solely in the interests of the County and its inhabitants”.</li> </ul>
<b>Other Investments.</b>	
8.1 <u>5.</u>	The determination of applications to the Renewable Energy Investment Fund, having regard to appropriate internal and external professional advice and the balance of risks and rewards involved.

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**8.2. Delegated Functions**

The following matters are delegated to the Investments Sub-committee:

8.2.1.	All Referred Matters.
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## 9. Pension Fund Sub-committee

### Membership:

Same membership as the Investments Sub-committee namely:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Five other Members of the Policy and Resources Committee.

### Quorum:

Three members of the Sub-committee.

### Remit:

The Pension Fund Sub-committee has responsibility to discharge all functions and responsibilities relating to the Council's role as administering authority for the Orkney Islands Council Pension Fund (the Pension Fund) in terms of the Local Government (Scotland) Act 1994, the Superannuation Act 1972 and the Public Service Pensions Act 2013.

### 9.1. Referred Functions

The following matters stand referred to the Pension Fund Sub-committee:

<b>Revenue Expenditure.</b>	
9.1.1.	To consider the draft annual budget in respect of the Pension Fund, prior to consideration through the budget setting process.
9.1.2.	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<b>Pension Fund.</b>	
9.1.3.	To oversee administration of the Local Government Pension Scheme in accordance with the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008.
9.1.4.	To manage the investments of the Pension Fund in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010.
9.1.5.	The preparation, publication and review of: <ul style="list-style-type: none"> <li>• Funding Strategy Statement.</li> <li>• Statement of Investment Principles.</li> <li>• Governance Compliance Statement.</li> <li>• Pension Administration Strategy.</li> </ul>
9.1.6.	To receive, for information, the actuarial valuation of the assets and liabilities of the Pension Fund.

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9.1.7.	To consider and agree an investment strategy and management structure for the Pension Fund and: <ul style="list-style-type: none"> <li>• To develop a responsible investment strategy.</li> <li>• To establish performance benchmarks and targets.</li> <li>• To monitor performance.</li> </ul>
9.1.8.	To make suitable arrangements for the safekeeping and servicing of the Pension Fund's investment assets.
9.1.9.	To be responsible for governance arrangements including regulatory compliance and implementation of internal and external audit recommendations in respect of the Pension Fund.
9.1.10.	To contribute to development of the Local Government Pension Scheme and pension policies, and to ensure that regulatory and other changes are implemented timeously.
<b>Annual Reports and Accounts.</b>	
9.1.11.	To consider the unaudited Annual Accounts of the Orkney Islands Council Pension Fund, as submitted to the auditor, no later than 31 August immediately following the financial year to which the Annual Accounts relate.
9.1.12.	To consider the audited Annual Accounts of the Orkney Islands Council Pension Fund and thereafter approve for signature, as described in The Local Authority Accounts (Scotland) Regulations 2014, no later than 30 September immediately following the financial year to which the accounts relate.
9.1.13.	To prepare and publish a Pension Fund Annual Financial Report, incorporating the Annual Accounts.
9.1.14.	To review the Annual Audit Report on the Orkney Islands Council Pension Fund to elected members, including the audit certificate, from External Audit.
9.1.15.	To review implementation of recommendations arising from current and previous Annual Audit Reports on the Orkney Islands Council Pension Fund.

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## 9.2. Delegated Functions

The following matters are delegated to the Pension Fund Sub-committee:

9.2.1.	All referred matters.
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## 10. Pension Board

### Membership:

- Employer Representatives:
  - Orkney Islands Council – 3 Elected Members who are not members of the Pension Fund Sub-committee or the Monitoring and Audit Committee.
  - Scheduled/Admitted Bodies – 1 representative.
- Trade Union Representatives:
  - GMB – 1 representative.
  - UNISON – 2 representatives.
  - Unite – 1 representative.

### Quorum:

Three members of the Board.

### 10.1. Terms of Reference

<b>Introduction.</b>	
10.1.1.	Each Local Government Pension Scheme Manager in Scotland is required to establish a Board separate from the Committee that acts as the Scheme Manager.
10.1.2.	The Orkney Islands Council Pension Fund Pension Board is established under the provisions of The Local Government Pension Scheme (Scotland) Regulations 2014.
<b>Objectives.</b>	
10.2.1.	The Pension Board is the body responsible for assisting the Scheme Manager in relation to compliance with scheme regulations and the requirements of the Pensions Regulator.
10.2.2.	<p>The Pension Board will determine the areas they wish to consider including, amongst others:</p> <ul style="list-style-type: none"> <li>• Reports produced for the Pension Fund Sub-committee.</li> <li>• Seeking reports from the Scheme Manager on any aspect of the Pension Fund.</li> <li>• Monitoring investments and the investment principles/strategy/guidance.</li> <li>• The Pension Fund annual report.</li> <li>• External voting and engagement provisions.</li> <li>• Pension Fund administrative performance.</li> <li>• Actuarial reports and valuations.</li> <li>• Pension Fund funding policy.</li> <li>• Any other matters that the Pension Board deems appropriate.</li> </ul>

<b>Membership.</b>	
10.3.1.	Membership of the Pension Board will consist of equal numbers of trade union representatives and employer representatives, drawn from Orkney Islands Council and scheduled or admitted bodies in membership of the Pension Fund. Pension Board representatives must not also participate in, or act as members of, the Pension Fund Sub-committee or the Monitoring and Audit Committee. Local Authority employer representatives will normally be Elected Members of the Council.
10.3.2.	The Scheme Manager will appoint a senior officer as Joint Secretary. The trade unions will appoint their own Joint Secretary. The Joint Secretary's role is to liaise with Pension Board members and other colleagues to support the smooth operation of Pension Board meetings and to assist in the resolution of any issues arising within normal Pension Board meetings or processes.
10.3.3.	The term of appointment to the Pension Board will be concurrent with the Council election cycle. Pension Board members may be reappointed to serve further terms.
10.3.4.	There will be four trade union representatives appointed by the trade unions as follows: <ul style="list-style-type: none"> <li>• GMB – 1 representative.</li> <li>• UNISON – 2 representatives.</li> <li>• Unite – 1 representative.</li> </ul>
10.3.5.	Each of the trade unions will arrange their own selection process after consultation with the Scheme Manager. The Scheme Manager will confirm the appointment once satisfied that the person to be appointed does not have a conflict of interest.
10.3.6.	There will be four employer representatives appointed by the respective employer organisations as follows: <ul style="list-style-type: none"> <li>• Orkney Islands Council – 3 representatives.</li> <li>• Scheduled/Admitted Bodies – 1 representative.</li> </ul>
10.3.7.	The Orkney Islands Council representatives will be Councillors nominated by the Council's Policy and Resources Committee. On ceasing to be a Councillor, the Council representatives will also cease to be members of the Pension Board.
10.3.8.	The Scheduled and Admitted Bodies will be invited to nominate representatives who will be chosen by the drawing of lots at a meeting of the Pension Board.
10.3.9.	Timescales for organisations to notify the Pension Board of their representatives shall be determined locally. Employer bodies and organisations retain the right to withdraw representatives and identify replacements on occasion. Pension Board representatives are required to adhere to the Model Code of Conduct as specified by Scottish Government (details can be found at the following link: <a href="https://beta.gov.scot/policies/local-government/accountability-standards-councils/">https://beta.gov.scot/policies/local-government/accountability-standards-councils/</a> )

10.3.10.	Appointing bodies can appoint a named substitute for their representative. Such substitutes must undertake the same training as set out in section 10.6 below.
10.3.11.	Advisors may attend meetings of the Pension Board in a non-voting capacity.
10.3.12.	No person may be appointed to the Pension Board who has a significant conflict of interest. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Pension Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the scheme or any connected scheme for which the Pension Board is established. The Pension Board will adopt policies and protocols for handling any conflicts that are unanticipated and might arise during membership.
<b>Meetings.</b>	
10.4.1.	The Chair of the Pension Board will be rotated on an annual basis between the trade union and employer sides of the Pension Board.
10.4.2.	Pension Board meetings will be administered by Orkney Islands Council as agreed with Joint Secretaries appointed by the trade union and the employers' sides of the Pension Board. All reasonable administration costs shall be met by the Pension Fund.
10.4.3.	The Pension Board will meet at least quarterly. A majority of either side may requisition a special meeting of the Pension Board in exceptional circumstances.
10.4.4.	The Pension Board may establish sub-committees.
10.4.5.	While the statutory roles and function of the Pension Fund Sub-committee and the Pension Board are separate, the normal practice will be that both bodies will meet at the same time to consider the same agenda, with the Chair of the Pension Fund Sub-committee chairing the concurrent meeting. The Council's Standing Orders will apply at concurrent meetings. The aim is to engender a positive and proactive partnership culture where in practice the two bodies act as one.
10.4.6.	Ordinarily all items, including exempt items, will be open to the Pension Board. Exceptionally, the Pension Fund Sub-committee may reserve the right to consider items in the Pension Board's absence.
<b>Dispute resolution.</b>	
10.5.1.	If the Pension Fund Sub-committee and the Pension Board cannot reach joint agreement on any matter, the process for resolving any differences between the two bodies will be as set out in section 10.5.2 below. Whilst this process is undertaken the decision of the Pension Fund Sub-committee is still competent.
10.5.2.	In the first instance, if at least half of the members of the Pension Board agree, then the Pension Board can refer back a decision of the Pension Fund Sub-committee for further consideration if any of the following grounds are met:



	<ul style="list-style-type: none"> <li>• There is evidence or information which it is considered needs re-evaluating or new evidence or data which the Pension Fund Sub-committee did not access or was not aware of at the point of decision making and which is considered material to the decision taken.</li> <li>• The decision of the Pension Fund Sub-committee could be considered illegal or contrary to regulations.</li> <li>• The decision of the Pension Fund Sub-committee is contrary to a relevant Code of Practice published by the Pensions Regulator.</li> <li>• The decision is not in the interest of the continued financial viability of the Scheme or is against the principles of proper and responsible administration of the Scheme.</li> </ul>
10.5.3.	If there is no agreement after the matter has been referred back to the Pension Fund Sub-committee, then the difference in view between the Pension Board and the Pension Fund Sub-committee will be published in the form of a joint secretarial report on the Pension Fund website and included in the Pension Fund annual report.
10.5.4.	The Scottish LGPS Advisory Board may also consider and take a view on the matter and, if considered appropriate, provide advice to the Scheme Manager or the Pension Board in relation to the matter.
<b>Training.</b>	
10.6.1.	All members (and named substitutes) of the Pension Board must undertake a training programme in accordance with any guidance issued by the Pensions Regulator and complying with best practice training requirements of the Pension Fund Sub-committee.
10.6.2.	The Pension Board shall agree policies and arrangements for the acquisition and retention of knowledge and understanding for Pension Board members.
10.6.3.	The Scheme Manager will keep an updated list of the documents with which they consider Pension Board members need to be conversant to effectively carry out their role and make sure that both the list and the documents are accessible.
<b>Access to Information.</b>	
10.7.1.	The Scheme Manager and the Pension Board will together ensure that information is published about the activities of the Pension Board including: <ul style="list-style-type: none"> <li>• The full terms of reference for the Pension Board, including details of how it will operate.</li> <li>• The Pension Board appointment process.</li> <li>• Who each individual Pension Board member represents.</li> <li>• Any specific roles and responsibilities of individual Pension Board members.</li> </ul>
10.7.2.	The minutes of the Pension Board will be published on the Pension Fund website. The Pension Board may undertake such communications and stakeholder engagement as it deems appropriate to perform its functions.

## 11. Police and Fire Sub-committee

### Membership:

Seven members of Orkney Islands Council comprising:

- One Member from each of the six electoral wards.
- One other Member of the Council.

### Quorum:

Three Members of the Sub-committee.

### Remit:

All matters concerning the scrutiny of and engagement with the Police service and the Fire and Rescue Services in terms of the Police and Fire Reform (Scotland) Act 2012 and the Fire (Scotland) Act 2005 respectively.

### 11.1. Referred Functions

The following matters stand referred to the Police and Fire Sub-committee:

11.1.1.	To scrutinise and review the outcomes, priorities and objectives set out in the Local Police Plan and the Local Fire and Rescue Plan.
11.1.2.	To consider and monitor progress and performance on implementation of the Local Police Plan and the Local Fire and Rescue Plan.
11.1.3.	To work with the Area Commander, Police Scotland, and the Local Senior Officer for the Fire and Rescue Service to set priorities and objectives for Local Police Plans and Local Fire and Rescue Plans to ensure alignment with the Local Outcomes Improvement Plan.
11.1.4.	To monitor delivery of the Police and Fire and Rescue Services in Orkney, providing feedback and making recommendations for improvements as required.
11.1.5.	To call for reports from the Area Commander, Police Scotland, and the Local Senior Officer for the Fire and Rescue Service on issues relevant to delivery of the Police and Fire and Rescue Services in Orkney as appropriate.
11.1.6.	To respond to consultations relative to national strategic plans and priorities for the Police and Fire and Rescue Services.
11.1.7.	To make representations to national authorities, as required, in relation to wider scrutiny issues and concerns relating to the Police and Fire and Rescue Services.
11.1.8.	To engage with the Scottish Police Authority and the Scottish Fire and Rescue Service Board so that they are aware of the community safety context and issues for Orkney when determining national policies.
11.1.9.	To ensure compliance with any requirements on Orkney Islands Council arising from governance reviews of the national bodies.

## 12. Development and Infrastructure Committee

### Membership:

Twelve Members of the Council comprising:

- Convener (ex officio).
- Leader (ex officio).
- Depute Leader.
- 9 other Members of Orkney Islands Council.

### Quorum:

Four members of the Committee.

### Remit:

The Development and Infrastructure Committee shall have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Marine Services, Engineering and Transportation.
- Roads and Environmental Services.
- Strategic Development and Regeneration.
- Planning and Regulatory Services.

### 12.1. Referred Functions

The following matters stand referred to the Development and Infrastructure Committee:

<b>Revenue Expenditure.</b>	
<a href="#">12.1.1.</a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Committee is responsible.
<b>Service Staffing Requirements.</b>	
<a href="#">12.1.2.</a>	The determination of the human resource requirements which fall within the remit of the Committee.
<b>Economic Development.</b>	
12.1. <a href="#">3.</a>	The establishment and review of policies, projects and schemes for the exercise of the Council's functions in respect of economic development, including promotion, diversification, individual business enterprises, formulation of economic partnerships, sourcing of external funds and skills and inward investment.
12.1. <a href="#">4.</a>	The form of co-operation and level of support awarded to organisations promoting tourism and other sectors in Orkney.
12.1. <a href="#">5.</a>	The determination of applications for assistance, for grant and/or loan exceeding £500,000, which relate to the promotion of economic

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	development and are not eligible for consideration in terms of approved schemes of assistance.
<b>Business and Industry.</b>	
12.1.6.	The provision of industrial and commercial land and property estate, including development of new industrial sites and premises.
12.1.7.	The establishment and review of policies and schemes for management of the Council's industrial land and commercial property estate.
<b>Business Improvement Districts.</b>	
12.1.8.	The making of arrangements with regard to business improvement districts.
<b>Energy.</b>	
12.1.9.	The establishment and review of policies and schemes relating to the promotion and development of energy related matters, including low carbon technology.
12.1.10.	The establishment and review of policies in respect of the use, source, conservation and generation of energy and energy efficiency in Orkney.
<b>Public Transport.</b>	
12.1.11.	The establishment and review of policies and schemes to exercise the Council's functions in respect of public transport services.
12.1.12.	The form of co-operation with national, regional and local statutory bodies and voluntary organisations engaged in activities connected with the provision of public transport services and facilities.
<b>Public Bus Services.</b>	
12.1.13.	The establishment and review of policies and schemes to provide public bus services, including services within the scope of Public Service Obligations.
12.1.14.	The establishment and review of policies and schemes on the form of co-operation with, and support to, public transport operators.
<b>Airfields and Air Services.</b>	
12.1.15.	The establishment and review of policies and schemes in respect of airfields owned and operated by, or on behalf of, the Council.
12.1.16.	The construction of, substantial improvements to and maintenance of Council-owned airfields.
12.1.17.	The establishment and review of policies and schemes to provide internal air services, including services operated within the scope of Public Service Obligations.
12.1.18.	To consider Civil Aviation Authority audit findings and recommendations and to review actions taken on recommendations made.
<b>Harbours and Towing.</b>	

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12.1.19.	All matters referred to the Harbour Authority Sub-committee.	Deleted: 8
<b>Internal Ferry Services.</b>		
12.1.20.	The establishment and review of policies and schemes to provide internal ferry services, including services operated within the scope of Public Service Obligations.	Deleted: 19
12.1.21.	The provision of transport subsidies to internal ferry operators.	Deleted: 0
12.1.22.	The determination of inter-isles ferry service levels.	Deleted: 1
<b>External Ferry Services.</b>		
12.1.23.	The form of co-operation and policy for engagement with national, regional and local statutory bodies and voluntary organisations engaged in activities connected with the provision of external ferry services.	Deleted: 2
<b>Roads.</b>		
12.1.24.	The establishment and review of policies and schemes to exercise the Council's functions as roads authority, including all matters pertaining to roads and roads infrastructure.	Deleted: 3
12.1.25.	The construction of, or major improvement to, the Council's roads and/or roads infrastructure, including bridges, tunnels, roundabouts, passing places, lay-bys, footways, footpaths, foot bridges, street refuges, fences, walls, rails, retaining walls, embankments, pedestrian crossings and protective works to safeguard roads against hazards of nature, including floods, erosion and landslides.	Deleted: 4
12.1.26.	The making of arrangements to secure improvement and maintenance of private roads, including payment of contributions towards the cost of improvement and/or maintenance of such roads.	Deleted: 5
12.1.27.	The establishment and review of the winter service policy and the annual winter service plan.	Deleted: 6
12.1.28.	To monitor, on a quarterly basis, the levels of expenditure incurred against the approved annual road asset replacement programme, funded through the approved capital programme and revenue budgets.	
<b>Parking Provision.</b>		
12.1.29.	The establishment and review of policies and schemes in respect of the provision of on-street and off-street parking facilities, including electric vehicle infrastructure.	Deleted: 7
12.1.30.	The provision of, or substantial improvement to, off-street parking facilities.	Deleted: 28
12.1.31.	The establishment and review of policies and schemes for parking permits.	Deleted: 29
<b>Flood Protection.</b>		
12.1.32.	The establishment and review of policies and schemes for the prevention of flooding of non-agricultural land.	Deleted: 0
<b>Traffic Management and Road Safety.</b>		

12.1.33.	The establishment and review of policies and schemes in respect of traffic management and road safety, including public education and accident investigation and prevention.	Deleted: 1
<b>Street Lighting.</b>		
12.1.34.	The establishment and review of policies and schemes for the provision of street lighting on public roads and other locations.	Deleted: 2
<b>Collection, Disposal and Control of Waste and Litter.</b>		
12.1.35.	The establishment and review of policies and schemes for the collection, disposal and control of waste and litter, including street cleaning services.	Deleted: 3
12.1.36.	The requirement for landfill sites.	Deleted: 4
<b>Environment.</b>		
12.1.37.	The establishment and review of policies and schemes for the control of pollution.	Deleted: 5
12.1.38.	The establishment and review of policies and schemes for the improvement of the environment, including recycling schemes.	Deleted: 6
12.1.39.	The promotion of environmental awareness.	Deleted: 7
12.1.40.	The establishment and review of policies and schemes relating to the environment, including the rehabilitation of contaminated land, open space and biodiversity issues.	Deleted: 38
<b>Coastal Protection.</b>		
12.1.41.	The establishment and review of policies and schemes for coastal protection.	Deleted: 39
<b>Burial Grounds.</b>		
12.1.42.	The requirement for the provision of burial grounds.	Deleted: 0
12.1.43.	The establishment and review of policies and schemes relating to the maintenance and management of burial grounds.	Deleted: 1
<b>Public Conveniences.</b>		
12.1.44.	The requirement for the provision and maintenance of public conveniences.	Deleted: 2
<b>Mineral Extraction.</b>		
12.1.45.	The requirement for the provision of sites for the extraction of minerals to support Council services.	Deleted: 3
<b>Development Planning.</b>		
12.1.46.	The preparation, monitoring and review of policies and schemes to exercise the Council's functions as planning authority, including conservation areas, listed buildings, ancient monuments, archaeological sites, tree preservation orders and designated nature conservation and landscape interests.	Deleted: 4

12.1.47.	The preparation and annual update thereafter of a Development Plan Scheme, setting out the programme for preparing and reviewing Local Development Plans.
12.1.48.	The preparation, monitoring and review of statutory Local Development Plans, including supplementary guidance and related non-statutory planning policy and guidance.
	<p><b>Note.</b></p> <p>In relation to preparation, monitoring and review of the Local Development Plan, in order to emphasise the corporate nature of the document, although the Development and Infrastructure Committee will lead on this process, Members not on the Committee will be invited to participate in the process. This may require scheduling special meetings of the Development and Infrastructure Committee and the Council, particularly when the Local Development Plan is being submitted for adoption.</p>
<b>Marine Planning.</b>	
12.1.49.	The discharge of marine planning functions delegated to the Council from Scottish Ministers, including the preparation, monitoring and review of the Orkney Islands Regional Marine Plan.
<b>Planning Enforcement.</b>	
12.1.50.	The preparation, monitoring and review of the Planning Enforcement Charter.
<b>Access to the Countryside.</b>	
12.1.51.	The establishment and review of policies and schemes relating to the Council's functions, in terms of legislation, relating to public rights of way and to public access generally, including creation of path agreements and the exemption of land from access rights.
12.1.52.	The establishment and review of policies and schemes for providing a system of core paths for the purpose of giving the public reasonable access throughout the area.
12.1.53.	The establishment of, and review of the operation of, the Local Access Forum.
<b>Historic Buildings.</b>	
12.1.54.	The enhancement of conservation areas, including assisting with safeguarding the future use of historic buildings, by securing external funding sources.
<b>Environmental Health.</b>	
12.1.55.	The establishment and review of policies and schemes to exercise the Council's environmental health functions, including food safety, pollution control, public health, non-Council workplace health and safety and private water supplies.
<b>Antisocial Behaviour.</b>	

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12.1.56.	The establishment and review of policies and schemes in relation to antisocial behaviour, including noise nuisance, litter, graffiti and dog fouling.
<b>Port and Public Health.</b>	
12.1.57.	The establishment and review of policies and schemes in relation to port and public health.
<b>Trading Standards.</b>	
12.1.58.	The establishment and review of policies and schemes to exercise the Council's trading standards functions, including animal health and welfare, animal feed, consumer and business advice, consumer safety, fair trading, petroleum and explosives and weights and measures.
<b>Building Standards.</b>	
12.1.59.	The making of arrangements for the granting of building warrants.
<b>National Audit Reports.</b>	
12.1.60.	To consider key messages, findings and recommendations of service specific national audit reports and review how recommendations are being addressed locally.

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## 12.2. Delegated Functions

The following matters are delegated to the Development and Infrastructure Committee:

<b>Economic Development.</b>	
12.2.1.	The determination of applications for assistance, for grant and/or loan up to £500,000, which relate to the promotion of economic development and are not eligible for consideration in terms of approved schemes of assistance, including short-term projects initiated by the Council.
<b>Public Bus Services.</b>	
12.2.2.	The determination of timetables in respect of public bus services.
<b>Airfields and Air Services.</b>	
12.2.3.	The determination of timetables in respect of inter-isles air services.
<b>Internal Ferry Services.</b>	
12.2.4.	The determination of timetables in respect of inter-isles ferry services.
<b>Roads.</b>	
12.2.5.	The establishment and review of the annual road asset replacement programme, funded through the approved Capital Programme and revenue budgets.
<b>Traffic Management and Road Safety.</b>	



<a href="#">12.2.6.</a>	To amend existing or make new traffic orders, whether permanent or experimental, where any objection has been raised through statutory consultation procedures.
<b>Environmental Health.</b>	
<a href="#">12.2.7.</a>	The closure and/or demolition of housing below the tolerable standard, if the dwelling is occupied.

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### **Sub-committees of the Development and Infrastructure Committee**

The Development and Infrastructure Committee shall appoint the following Sub-committee:

- [Harbour Authority Sub-committee.](#)

### **13. Harbour Authority Sub-committee**

#### **Membership:**

Seven members of Orkney Islands Council comprising:

- Chair, Development and Infrastructure Committee (ex officio).
- Vice Chair, Development and Infrastructure Committee (ex officio).
- Three other Members of the Development and Infrastructure Committee.
- Two other Members of the Council.

#### **Quorum:**

Three members of the Sub-committee.

#### **Remit:**

To exercise the function of Duty Holder, with responsibility for the safety, effectiveness and affordability of all harbour activities and for compliance with all appropriate codes and legislation.

### **13.1. Referred Functions**

The following matters stand referred to the Harbour Authority Sub-committee:

<b>Revenue Expenditure.</b>	
<a href="#">13.1.1.</a>	To consider the draft annual budgets in respect of the Scapa Flow Oil Port and the Miscellaneous Piers and Harbours accounts, prior to consideration through the budget setting process.
<a href="#">13.1.2.</a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<a href="#">13.1.3.</a>	To monitor, on a quarterly basis, the levels of expenditure incurred against the approved annual revenue maintenance programmes for assets held on the Scapa Flow Oil Port and the Miscellaneous Piers and Harbours accounts, funded through the approved revenue budgets.
<b>Capital Expenditure.</b>	
<a href="#">13.1.4.</a>	To monitor, on a quarterly basis, the levels of expenditure incurred against the approved annual capital improvement programmes for assets held on the Scapa Flow Oil Port and the Miscellaneous Piers and Harbours accounts, funded through the approved capital programme.
<b>Service Staffing Requirements.</b>	

13.1.5.	The determination of the human resource requirements of services which fall within the remit of the Sub-committee.
<b>Harbour Authority Responsibilities.</b>	
13.1.6.	The establishment and review of policies and schemes to exercise the Council's functions as harbour authority, including pilotage and towage functions.
13.1.7.	The establishment and review of policies and schemes to provide all navigation aids which come under the jurisdiction of the Council as local lighthouse authority.
13.1.8.	The establishment and review of policies and schemes to ensure safe navigation within harbour areas.
13.1.9.	The establishment and review of policies and schemes to control commercial operations within the Council's harbour areas, including ship-to-ship transfers of any cargo.
13.1.10.	The establishment and review of policies and schemes in relation to pollution contingency planning within the Orkney harbour areas.
13.1.11.	The establishment and review of policies and schemes for the provision of berthing facilities.
13.1.12.	The provision of, or substantial improvements to, Council-owned harbour infrastructure, including piers, boat slips and jetties, vessels, navigation equipment and surveillance/communications equipment.
13.1.13.	The establishment and review of charges for services and facilities in relation to the provision of harbour operations.
13.1.14.	The establishment and review of Bye Laws, General Directions, Enforcement Policies and Pilotage Directions.
13.1.15.	To consider audit findings and recommendations from the undernoted bodies and to review actions taken on recommendations made: <ul style="list-style-type: none"> <li>• Designated Person.</li> <li>• Maritime and Coastguard Agency.</li> <li>• Northern Lighthouse Board.</li> <li>• Department for Transport.</li> <li>• Accounts Commission.</li> <li>• External Audit.</li> <li>• Internal Audit.</li> </ul>
13.1.16.	To receive reports on assurance from the Designated Person in relation to compliance with the Port Marine Safety Code, including an annual compliance audit report.
13.1.17.	To receive an annual performance report in respect of harbour authority activities, including pilotage and towage.

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13.1.18.	To receive an annual Competent Harbour Authority report on pilotage matters, including Minutes of Meetings of the Pilotage Examining Body and Incident Investigation Reports.
13.1.19.	To consider business development opportunities, through the Port Master Plan, and ensuring those opportunities are consistent with the Council's broader economic development context, relevant policies and strategies and the Council Plan.

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### 13.2. Delegated Functions

The following matters are delegated to the Harbour Authority Sub-committee:

13.2.1.	The establishment and review of the annual capital improvement and revenue maintenance programmes for assets held on the Scapa Flow Oil Port and the Miscellaneous Piers and Harbours accounts, funded through the approved Capital Programme and revenue budgets.
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## 14. Education, Leisure and Housing Committee

### Membership:

Seventeen Members comprising:

- Convener (ex officio).
- Leader (ex officio).
- Depute Leader.
- 9 other Members of Orkney Islands Council.
- Three Religious Representatives (with voting rights).
- Two Teacher Representatives (no voting rights).

### Quorum:

Five members of the Committee, being one quarter of the voting membership of the Committee.

### Remit:

The Education, Leisure and Housing Committee shall have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Early Learning and Childcare.
- Primary Education.
- Secondary and Tertiary Education, including Orkney College.
- Support for Learning and Inclusion.
- Housing, Homelessness and Schoolcare Accommodation Services.
- Education Resources.
- Community Learning and Development.
- Leisure and Culture.

### 14.1. Referred Functions

The following matters stand referred to the Education, Leisure and Housing Committee:

<b>Revenue Expenditure.</b>	
<a href="#">14.1.1.</a>	To consider the draft annual budget in respect of the Housing Revenue Account, prior to consideration through the budget setting process
<a href="#">14.1.2.</a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Committee is responsible.
<b>Service Staffing Requirements.</b>	
<a href="#">14.1.3.</a>	The determination of the human resource requirements of services which fall within the remit of the Committee.
<b>Education Services.</b>	

14.1.4	The establishment and review of policies and schemes for the exercise of the Council's functions as education authority, including the efficient provision of education, early learning and childcare and the provision of education services for the assessment and guidance of children with additional support needs.
14.1.5	The establishment and review of policies and schemes of delegation to Head Teachers in relation to the preparation of school management plans and other management functions.
14.1.6	The making of arrangements for religious observance in schools.
<b>Educational Resources.</b>	
14.1.7	The requirement for the construction of, or major improvement to, schools or other property required for education services, including schoolcare accommodation.
<b>Parent Councils.</b>	
14.1.8	The establishment and review of schemes for the establishment and operation of parent councils.
<b>School Staffing.</b>	
14.1.9	The establishment and review of schemes for the provision of staff in schools, including teaching staff.
14.1.10	The making of arrangements for joint consultation with the Council's teaching staff through the Local Negotiating Committee for Teachers.
<b>Schools Meals.</b>	
14.1.11	The establishment and review of policies and schemes in relation to the provision of school meals.
<b>School Transport.</b>	
14.1.12	The establishment and review of policies and schemes in relation to the provision of school transport.
<b>Financial Assistance.</b>	
14.1.13	The establishment and review of policies and schemes of assistance for educational purposes.
14.1.14	The establishment and review of policies and schemes of financial assistance to pupils and students to enable them to take advantage of higher and further education.
<b>Orkney College.</b>	
14.1.15	All matters referred to the College Management Council Sub-committee.
<b>Leisure and Lifelong Learning.</b>	
14.1.16	The establishment and review of policies and schemes for the exercise of the Council's functions in respect of leisure and lifelong learning services.

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14.1.17.	The requirement for the construction of, or major improvements to, public libraries, museums, galleries, theatres, halls, arts and cultural centres, sports halls, gymnasiums, playing fields, tracks, courts, swimming pools, outdoor centres, campsites, caravan sites, parks, healthy living centres and other facilities for recreational, sporting, social and cultural services.	Deleted: 4
14.1.18.	The form of co-operation with national and local statutory bodies and voluntary organisations on the provision of leisure and lifelong learning facilities.	Deleted: 5
14.1.19.	The establishment and review of policies and schemes of assistance to voluntary organisations and other persons engaged in activities connected with the provision of leisure and lifelong learning services.	Deleted: 6
14.1.20.	The establishment and review of policies and schemes of assistance for leisure and lifelong learning purposes.	Deleted: 17
<b>Leisure and Cultural Management.</b>		
14.1.21.	The establishment and review of policies and schemes for the exercise of the client function of leisure and cultural management, including arrangements with the Pickaquooy Centre Trust.	Deleted: 8
<b>St Magnus Cathedral.</b>		
14.1.22.	The establishment and review of policies and schemes for all matters relating to the fabric and use of St Magnus Cathedral and its curtilage.	Deleted: 19
<b>Housing Services.</b>		
14.1.23.	The establishment and review of policies and schemes to exercise the Council's functions in respect of housing.	Deleted: 0
14.1.24.	The declaration of housing action areas and housing renewal areas.	Deleted: 1
14.1.25.	The requirement for the provision of serviced, self-build housing sites.	Deleted: 2
14.1.26.	The making of representations to external agencies on the provision of housing.	Deleted: 3
<b>Council Housing Stock.</b>		
14.1.27.	The requirement for additional Council housing stock.	Deleted: 4
14.1.28.	The establishment and review of the levels of rent to be charged for Council housing and other housing services.	Deleted: 5
14.1.29.	To monitor, on a quarterly basis, the levels of expenditure incurred against the approved annual programme for improving and maintaining the existing Council housing stock, held on the Housing Revenue Account, funded through the approved capital programme and revenue budgets.	
<b>Council Housing Allocation.</b>		
14.1.30.	The establishment and review of policies and schemes for the allocation of Council housing and conditions of tenancy.	Deleted: 26

14.1.31.	The establishment and review of policy for taking court action to recover possession of Council houses and the enforcement of orders for repossession.
<b>Sale of Council Housing.</b>	
14.1.32.	The establishment and review of policies and schemes for the sale of Council housing and conditions of sale.
<b>Operation of Businesses from Council Housing.</b>	
14.1.33.	The establishment and review of policies and schemes in relation to the operation of businesses from Council housing.
<b>Furnished Accommodation.</b>	
14.1.34.	The establishment and review of policies and schemes for the provision of furnished accommodation and associated facilities.
<b>Homelessness.</b>	
14.1.35.	The establishment and review of policies and schemes to meet the needs of homeless persons or persons threatened with homelessness.
<b>Financial Assistance.</b>	
14.1.36.	The establishment and review of the levels of support to be afforded to external bodies engaged in activities connected with the provision of affordable housing.
<b>Housing Grants.</b>	
14.1.37.	The establishment and review of schemes for the repair and improvement of non-Council housing, excluding aids and adaptations.
<b>Housing Loans.</b>	
14.1.38.	The establishment and review of policies and schemes in respect of housing loans.
<b>Fuel Poverty.</b>	
14.1.39.	The establishment and review of general policies in respect of fuel poverty.
<b>National Audit Reports.</b>	
14.1.40.	To consider key messages, findings and recommendations of service specific national audit reports and review how recommendations are being addressed locally.

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## 14.2. Delegated Functions

The following matters are delegated to the Education, Leisure and Housing Committee:

<b>Council Housing Stock.</b>	
14.2.1.	The establishment and review of the annual programme for improving and maintaining the existing Council housing stock, held on the Housing Revenue



	Account, funded through the approved Capital Programme and revenue budgets.
<b>Operation of Businesses from Council Housing.</b>	
14.2.2.	The determination of contentious applications to operate businesses from Council housing.

## **Sub-committees of the Education, Leisure and Housing Committee**

The Education, Leisure and Housing Committee shall appoint the following Sub-committees:

- [College Management Council Sub-committee.](#)
- [St Magnus Cathedral Sub-committee.](#)

### **15. College Management Council Sub-committee**

#### **Membership:**

Thirteen Members comprising:

- Five Elected Members of the Education, Leisure and Housing Committee, one of which must be the Chair or Vice Chair of the Committee.
- Three Business Community representatives (with voting rights).
- Three Community/Third Sector representatives (with voting rights).
- Two Student representatives (with voting rights).

#### **Quorum:**

Three members of the Sub-committee.

For the avoidance of doubt there must be at least two Elected Members of the Council present.

#### **Remit:**

All matters in relation to the management and operation of Orkney College.

#### **15.1. Referred Functions**

The following matters are referred to the College Management Council Sub-committee:

<b>Revenue Expenditure.</b>	
<a href="#">15.1.1.</a>	To consider the draft annual budget in respect of Orkney College, prior to consideration through the budget setting process
<a href="#">15.1.2.</a>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<b>Service Staffing Requirements.</b>	
<a href="#">15.1.3.</a>	The determination of the human resource requirements, including the permanent lecturing staff establishment, of Orkney College.
<a href="#">15.1.4.</a>	The promotion and development of further and higher education and training, through Orkney College.
<a href="#">15.1.5.</a>	The receipt of an annual report on the activities of Orkney College.

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15.1.6	The establishment and review of the Operational Plan, the Improvement (Strategic) Plan and HMIE/Quality Assurance Agency action plans.
15.1.7	The establishment and review of policies not covered by Council policies.
15.1.8	The requirement for the provision of, construction of, or major improvement to, property and other capital projects, prior to progression through the Council's Capital Project Appraisal system.

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## 15.2. Constitution

### 1. Introduction

1.1. Although Orkney College is part of Orkney Islands Council and is an “unincorporated college” and the College Management Council Sub-committee is therefore bound to follow the Council’s Standing Orders, cognisance requires to be taken of Orkney College’s association with the University of the Highlands and Islands.

1.2. This Constitution is included to provide clarity to the non-elected members on the Sub-committee and the wider UHI structure.

1.3. Orkney Islands Council’s Standing Orders require to be read in conjunction with this Constitution. In the event of any dubiety and/or conflict between interpretation of this Constitution and the Standing Orders, then Orkney Islands Council’s Standing Orders take precedence.

### 2. Membership

2.1. Membership of the Sub-committee shall comprise the following:

- Elected Members (5) (no less than four plus either the Chair or Vice Chair of Education, Leisure and Housing Committee) (1 vote each).
- Business Community representatives (3) (1 vote each).
- Community representatives/Third Sector representatives (3) (1 vote each).
- Student representatives (2) (1 vote each).

2.2. Employees of Orkney Islands Council (with the exception of Teachers employed in an educational establishment under the management of an education authority) are not eligible to sit on the Sub-committee, as a voting member, be that as a business, community, Third Sector or student representative.

2.3. Students enrolled at Orkney College are not eligible to sit on the Sub-committee, as a voting member, in the capacity as a business, community or Third Sector representative.

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### 3. In attendance

3.1. The following officers (or deutes as appropriate) will be expected to attend meetings of the Sub-committee:

- Orkney College:
  - College Principal.
  - Teaching staff representative.
  - Support staff representative.
  - Other College staff, as appropriate.
- Orkney Islands Council:
  - Committees Officer (Clerk to the Sub-committee).
  - Head of Finance or representative.

- Executive Director of Education, Leisure and Housing or representative.
- Representatives of Estates, Legal, Human Resources, as appropriate.
- Others:
  - Head teacher of an Orkney school.

#### **4. Recruitment of members**

4.1. Elected members will be appointed by Orkney Islands Council and can be drawn from any Committee of the Council, but will include the Chair or Vice Chair of the Education, Leisure and Housing Committee.

4.2. Community and Business Community member vacancies shall be filled by advertisement and approved by Orkney Islands Council in accordance with its Standing Orders.

4.3. Student representatives shall be filled at the start of the academic year, in the same format as the election for the Highlands and Islands Student Association representative. One of the student representatives should be the Highlands and Island Student Association (HISA) representative. Should the HISA representative be a Further Education student, the other representative should, where possible, be a Higher Education student, or vice versa if the HISA representative is a Higher Education student. The minimum age of a student representative should be 16 years old.

#### **5. Term of Office**

5.1. The duration of tenure of the Chair and Vice Chair of the College Management Council will comply with Orkney Islands Council's Standing Orders.

5.2. Members appointed by Orkney Islands Council should normally serve for two years.

5.3. Community and Business Community representatives will be appointed, initially, for a maximum period of four years and can be re-appointed for a further term of office.

5.4. Student representatives will be appointed, initially for a maximum period of one year and can be re-appointed for a further term of office.

#### **6. Appointment of Chair and Vice Chair**

6.1. The Chair will be appointed by the College Management Council.

6.2. The Chair can be chosen from any of the members with voting rights.

6.3. In the event that the Chair is chosen from among the non-elected members, the Chair or Vice Chair of the Education, Leisure and Housing Committee will hold the position of Vice Chair.

#### **7. Voting**

7.1. Whenever possible agreement should be arrived at by consensus but if a vote is necessary this will be undertaken in accordance with Orkney Islands Council's Standing Orders. The Chair will have the casting vote.

## **8. Meetings**

8.1. College Management Council meetings will normally be held at Orkney College.

8.2. To ensure that the time period for making decisions is reduced to a minimum, College Management Council meetings will be arranged to correspond with meetings of the Education, Leisure and Housing Committee.

## **9. Quorum**

9.1. The College Management Council will be quorate if at least one quarter of the membership is present and if there are at least three members of the College Management Council present. For the avoidance of doubt, for the College Management Council to be quorate there must be at least two elected members of Orkney Islands Council present.

## **10. Declarations of Interest**

10.1. Where a member of the College Management Council has personal knowledge of, is related to, is in business with or has any other connection with an item of business that has to be discussed by the College Management Council, then that person shall declare an interest in that item of business, will not listen to and/or participate in any discussions regarding that item of business and will withdraw from the meeting immediately.

10.2. Where a member of the College Management Council discloses an interest including but not exclusively a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting at which the contract or other matter is the subject of consideration, that member shall, after disclosing the fact, withdraw from the meeting.

## **11. Admission of Press and Public**

11.1. Except where specified in Orkney Islands Council's Standing Orders, every meeting of the Sub-committee will be open to the public and the press.

11.2. The public and press must be excluded from a meeting when an item of business is being considered, if the Sub-committee considers it likely that confidential information, as defined in the Local Government (Scotland) Act 1973 (the 1973 Act), would be disclosed. The Sub-committee is not authorised to disclose confidential information, by law. The definitions of confidential information are set out in Appendix 2 to Orkney Islands Council's Standing Orders.

11.3. The public and press may be excluded from a meeting when an item of business is being considered, if it is likely that exempt information, as defined in the 1973 Act, would be disclosed. The definitions of exempt information are set out in Appendix 3 to Orkney Islands Council's Standing Orders.

## 16. St Magnus Cathedral Sub-committee

### Membership:

Nine Members comprising:

- Convener.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Four other Members of the Education, Leisure and Housing Committee.
- Lord Lieutenant as Chair, Council of Society of Friends of St Magnus Cathedral (no voting rights).
- Minister of St Magnus Cathedral (no voting rights).

### Quorum:

Three members of the Sub-committee.

### Remit:

The St Magnus Cathedral Sub-committee has responsibility for all matters relating to the upkeep of the fabric of St Magnus Cathedral and uses made of the building and its curtilage, having regard to the architectural character of the building.

### 16.1. Referred Functions

The following matters stand referred to the St Magnus Cathedral Sub-committee:

16.1.1.	The determination of all matters relating to the fabric and use of St Magnus Cathedral and its curtilage.
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## 17. Orkney Health and Care Committee

### Membership:

Nine Members of Orkney Islands Council comprising:

- Convener.
- Leader.
- Depute Leader.
- 3 Members of the Council, who also act as voting members on the Integration Joint Board.
- 3 other Members of the Council, who also act as proxies for the Integration Joint Board.

The Chair of the Orkney Health and Care Committee also acts as the Chair or Vice Chair of the Integration Joint Board, whichever is the Council appointment.

### Quorum:

Three Members of the Committee.

### Remit:

The Orkney Health and Care Committee shall have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Social Work and Social Care services for adults.
- Social Work and Social Care services for children.
- Criminal Justice Social Work services.

### 17.1. Referred Functions

The following matters stand referred to the Orkney Health and Care Committee:

<b>Revenue Expenditure.</b>	
<u>17.1.1.</u>	To monitor, on a quarterly basis, the levels of revenue expenditure incurred against approved budgets, in respect of each of the service areas for which the Sub-committee is responsible.
<b>Service Staffing Requirements.</b>	
<u>17.1.2.</u>	The determination of the human resource requirements of services which fall within the remit of the Committee.
<b>Social Services.</b>	
<u>17.1.3.</u>	The establishment and review of policies and schemes to exercise the Council's functions in respect of social work services.
<u>17.1.4.</u>	The establishment and review of complaints procedures in terms of current legislation.
<b>Children and Families.</b>	

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17.1.5.	The establishment and review of policies and schemes in respect of services for children and families.
17.1.6.	The establishment and review of policies and schemes in respect of fostering and adoption services.
<b>Community Care.</b>	
17.1.7.	The establishment and review of policies and schemes in respect of community care services.
<b>Residential Care.</b>	
17.1.8.	The requirement for construction of, or major improvements to, residential and other establishments required for social work services.
<b>Criminal Justice.</b>	
17.1.9.	The establishment and review of policies and schemes to exercise the Council's functions in respect of criminal justice services.
<b>National Audit Reports.</b>	
17.1.10.	To consider key messages, findings and recommendations of service specific national audit reports and review how recommendations are being addressed locally.

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## 17.2. Delegated Functions

The following matters are delegated to the Orkney Health and Care Committee:

17.2.1.	The arrangements for co-operation with, and support of, national and local statutory bodies, voluntary organisations and private agencies engaged in the provision of services or treatment for persons in need or in the promotion of social welfare.
17.2.2.	The form and level of support to be afforded to voluntary organisations engaged in activities connected with the provision of social work services or the promotion of social welfare.
17.2.3.	The determination of one-off financial contributions, exceeding £5,000, to external bodies connected with the provision of social work services.
17.2.4.	The one-off provision of assistance, in cash or in kind, to persons requiring such facilities for the promotion of social welfare, for sums in excess of £6,000.

## 18. Orkney Integration Joint Board

The Orkney Integration Joint Board is a statutory body established by the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Amendment Order 2016. The Orkney Integration Joint Board is required by legislation to carry out the statutory health and social care functions as set out in the Orkney Integration Scheme prepared under Section 1 of the Public Bodies (Joint Working) (Scotland) Act 2014, which has been approved by the Scottish Ministers.

The Orkney Integration Joint Board shall have three councillors appointed to its voting membership.

### 18.1. Powers and Duties

The Orkney Integration Joint Board has the following powers and duties:

18.1.1.	To prepare and implement a Strategic Plan in relation to the provision of integration functions.
18.1.2.	To issue directions to the Council or the Health Board to require either party to carry out an integration function.
18.1.3.	To monitor the performance and delivery of integration functions.
18.1.4.	To prepare a performance report for the reporting year.
18.1.5.	To manage resources provided to it by the Council and the Health Board for delivery of integration functions.

### 18.2. Delegated Functions

The integration functions delegated to the Integration Joint Board by Orkney Islands Council are as set out in the Integration Scheme, which can be accessed from the Related Downloads section of the undernoted web link.

<http://www.orkney.gov.uk/Service-Directory/S/useful-documents-and-plans.htm>

**Commented [HF1]:** The report considered by P&R Committee in January 2018 had the following comment:

"Although not a Council committee, beneficial to have something in the scheme.

The wording here is similar to what other councils have included in their Schemes of Administration"

In 2018, Integration Authorities were still quite "new", hence its inclusion in the Scheme of Administration.

On checking other local authorities' schemes, it now appears that reference to IJBs has been removed, therefore it is proposed that this section is removed.

## 18. Licensing Committee

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### Membership:

Eight Members of Orkney Islands Council.

Orkney Islands Council has determined that membership should be identical to the Orkney Islands Area Licensing Board and that appointments last for the terms of office as Councillor.

Where the Licensing Committee considers an application on more than one occasion, the same members must make up the Licensing Committee each time the application is considered.

### Quorum:

Three members of the Committee.

### Remit:

The Licensing Committee has responsibility for all matters relating to civic and other licensing roles within the remit of the Council.

### 18.1. Referred Functions

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The following matters stand referred to the Licensing Committee:

18.1.1.	The making of arrangements to exercise the Council's regulatory functions in respect of all current legislation pertaining to civic and other licensing roles, which fall within the remit of the Council.
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### 18.2. Delegated Functions

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The following matters are delegated to the Licensing Committee:

18.2.1.	To oversee the functions of the Council, as licensing authority in terms of the legislation set out below.
18.2.2.	To resolve that any activity, provision for the licensing and regulation of which is made by the "optional provisions" as defined and referred to in the Civic Government (Scotland) Act 1982, shall require or shall not require to be licensed in accordance with the provisions of the 1982 Act relating to that activity.
18.2.3.	The determination of applications for licences, permits, approvals and registrations, including transfers, variations or renewals thereof, in terms of the following Acts and all related legislation, where the authorised officer does not have delegated authority or has chosen not to exercise delegated authority, and to exercise discretion in terms of any condition attached to such licences, permits, approvals or registrations where the approval of the Council, as licensing authority, is required: <ul style="list-style-type: none"> <li>Animal Boarding Establishments Act 1963.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Breeding of Dogs Acts 1973 and 1991.</li> <li>• Breeding and Sale of Dogs (Welfare) Act 1999.</li> <li>• Caravan Sites and Control of Development Act 1960.</li> <li>• Children and Young Persons Act 1963.</li> <li>• Cinemas Act 1985.</li> <li>• Civic Government (Scotland) Act 1982.</li> <li>• Dangerous Wild Animals Act 1976.</li> <li>• Deer (Scotland) Act 1996.</li> <li>• Explosives Regulations 2014.</li> <li>• Guard Dogs Act 1975.</li> <li>• Housing (Scotland) Act 2006.</li> <li>• Hypnotism Act 1952.</li> <li>• Performing Animals (Regulation) Act 1925.</li> <li>• Pet Animals Act 1951.</li> <li>• Petroleum (Consolidation) Regulations 2014.</li> <li>• Police, Public Order and Criminal Justice (Scotland) Act 2006.</li> <li>• Riding Establishments Acts 1964 and 1970.</li> <li>• Theatres Act 1968.</li> <li>• Zoo Licensing Act 1981.</li> </ul>
18.2.4.	To determine standard conditions to which licences, permits, approvals and registrations will be subject, in accordance with the relevant legislation referred to above.
18.2.5.	To suspend, recall any suspension, revoke any licence, permit, approval or registration, so far as permitted in terms of the legislation referred to above, including determination of the period of any such suspension and any conditions to be attached thereto.
18.2.6.	To set fees and charges for those licences, permits, approvals and registrations referred to above where the Council has discretion to do so and to oversee any associated consultations with the public or operators as appropriate or necessary.
18.2.7.	To determine, on behalf of the Council, proposals in relation to contracts for service in connection with the Council's functions arising from the legislation referred to above.

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### **18.3. Hearings Process for Licensing Committee**

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1. Identify all parties – applicant and agent (if any) and objector(s) and agent(s) (if any); also members of the Committee and licensing staff.
2. Licensing staff introduce report and cover any preliminary legal matters.
3. Applicants, objectors and their agents will be permitted to speak during the meeting in accordance with the points below, but such participation should normally be limited to 5 minutes in respect of each point below. The Committee reserves the right to permit slightly longer participation in appropriate circumstances in each case.
4. Applicant/agent to be invited to speak.
5. Objector(s)/agent(s) (in order if more than one) and the Committee to be invited to ask questions of the applicant/agent. Questions must relate to the spoken information at point 4 above and be asked through the Chair.
6. Objector(s)/agent(s) (in order if more than one) to be invited to speak. Presentation must not introduce new information and refer solely to the matters raised in the written objection.
7. Applicant/agent and the Committee to be invited to ask questions of the objector(s)/agent(s). Questions must relate to the spoken information at point 6 above and be asked through the Chair.
8. Objector(s)/agent(s) in turn to be asked to sum up.
9. Applicant/agent to be invited to sum up.
10. Committee to determine application.

## 19. Orkney Islands Area Licensing Board

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### Membership:

Eight Members.

Orkney Islands Council has determined that membership should be identical to the Licensing Committee and that appointments last for the terms of office as Councillor.

Where the Orkney Islands Area Licensing Board considers an application on more than one occasion, the same members must make up the Board each time the application is considered.

### Quorum:

Four members of the Board.

### Remit:

The Orkney Islands Area Licensing Board has responsibility for all matters relating to the regulation and administration of liquor licensing, gambling and such other activities as provided in terms of legislation.

### 19.1. Referred Functions

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The following matters stand referred to the Orkney Islands Area Licensing Board:

19.1.1.	The making of arrangements to exercise the Council's regulatory functions in respect of all current legislation pertaining to liquor licensing, gambling and other relevant regulatory matters, which fall within the remit of the Board.
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### 19.2. Delegated Functions

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The Orkney Islands Area Licensing Board is an independent statutory entity and derives all its powers from legislation. The Board does not have any delegated functions. However, it can delegate certain functions to officers and these are listed in the Board's Statement of Alcohol Licensing Policy, the Statement of Gambling Policy and in relevant Board minutes. The policy documents can be accessed from the Related Downloads section of the following web link:

<http://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>

### **19.3. Hearings Process for Orkney Islands Area Licensing Board**

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1. Identify all parties – applicant and agent (if any) and objector(s) and agent(s) (if any); also members of the Board and licensing staff.
2. Licensing staff introduce report and cover any preliminary legal matters.
3. Applicants, objectors and their agents will be permitted to speak during the meeting in accordance with the points below, but such participation should normally be limited to 5 minutes in respect of each point below. The Board reserves the right to permit slightly longer participation in appropriate circumstances in each case.
4. Applicant/agent to be invited to speak.
5. Objector(s)/agent(s) (in order if more than one) and the Board to be invited to ask questions of the applicant/agent. Questions must relate to the spoken information at point 4 above and be asked through the Chair.
6. Objector(s)/agent(s) (in order if more than one) to be invited to speak. Presentation must not introduce new information and refer solely to the matters raised in the written objection.
7. Applicant/agent and the Board to be invited to ask questions of the objector(s)/agent(s). Questions must relate to the spoken information at point 6 above and be asked through the Chair.
8. Objector(s)/agent(s) in turn to be asked to sum up.
9. Applicant/agent to be invited to sum up.
10. Board to determine application.

## 20. Monitoring and Audit Committee

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### Membership:

Seven Members of Orkney Islands Council.

In order to ensure the formal independence of the Committee and consistency with audit and scrutiny principles, the following members shall be ineligible for membership of the Monitoring and Audit Committee:

- Convener.
- Leader.
- Depute Leader.
- Chairs of Service committees.

As at May 2017, the Service committees comprise the following:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Orkney Health and Care Committee.
- Policy and Resources Committee.

### Quorum:

Three members of the Committee.

### Remit:

- To provide independent assurance to the Council and those charged with governance on the adequacy of the Council's performance and risk management frameworks and internal control environment.
- To provide an independent review of the Council's corporate governance and performance, risk management and control frameworks and to oversee the financial reporting and annual governance processes.
- To oversee the Council's internal and external audit arrangements, helping to ensure efficient and effective assurance arrangements are in place.

### 20.1. Referred Functions

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The following matters stand referred to the Monitoring and Audit Committee:

Internal Audit.	
20.1.1	To consider Internal Audit's annual audit plan.
20.1.2.	To monitor Internal Audit's performance in completing the annual audit plan.
20.1.3.	To consider Internal Audit findings and recommendations and to review actions taken on recommendations made.
20.1.4.	To receive an annual report from the Chief Internal Auditor on the Council's internal control environment.

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<b>External Audit.</b>	
20.1.5.	To review External Audit's annual audit plan.
20.1.6.	To monitor the adequacy and effectiveness of liaison between External and Internal Audit.
20.1.7.	To consider External Audit findings and recommendations and to review actions taken on recommendations made.
<b>National Audit.</b>	
20.1.8.	To consider national audit findings and recommendations and to review actions taken on recommendations made.
<b>Annual Accounts.</b>	
20.1.9.	To consider the unaudited Annual Accounts, as submitted to the auditor, no later than 31 August immediately following the financial year to which the Annual Accounts relate.
20.1.10.	To consider the audited Annual Accounts of the Council no later than 30 September immediately following the financial year to which the accounts relate.
20.1.11.	To review the Annual Audit Report to elected members, including the audit certificate, from External Audit.
20.1.12.	To review implication of recommendations arising from current and previous Annual Audit Reports.
<b>Risk Management.</b>	
20.1.13.	To assess the adequacy and effectiveness of the Council's risk management strategy and associated procedures.
<b>Corporate Governance.</b>	
20.1.14.	To assess the adequacy and effectiveness of the Council's corporate governance framework.
<b>Scrutiny/Performance Management.</b>	
20.1.15.	To assess the adequacy and effectiveness of the Council's strategic planning and performance management arrangements, as outlined in the Strategic Planning Framework.
20.1.16.	To provide an overview of scrutiny implementation and performance management for the Council.
<b>Change Review Framework.</b>	
20.1.17.	To monitor annually the recommendations resulting from high level Change Reviews, as presented to and agreed by the Policy and Resources Committee.
<b>Standards.</b>	

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20.1.18.	To encourage the highest standards of probity and public accountability in respect of member standards.
20.1.19.	To assess the adequacy and effectiveness of the Council's policies in respect of anti-fraud, anti-corruption and whistleblowing.
20.1.20.	To assess the adequacy and effectiveness of the Council's arrangements for ensuring proper accountability of funds which have been transferred to arms-length companies or external bodies for the purpose of discharging a Council function.

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## 20.2. Delegated Functions

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The following matters are delegated to the Monitoring and Audit Committee:

<b>Annual Accounts.</b>	
20.2.1.	To approve the Annual Governance Statement, for inclusion in the Council's Annual Accounts, ensuring that it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
20.2.2.	To approve for signature the audited Annual Accounts of the Council, as described in The Local Authority Accounts (Scotland) Regulations 2014, no later than 30 September immediately following the financial year to which the accounts relate.

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## 21. Planning Committee

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### Membership:

Twelve members of Orkney Islands Council, comprising two representatives from each of the six electoral wards.

Where the Planning Committee considers an application on more than one occasion, only those members who have been present on each such occasion may participate in the determination of the application.

### Quorum:

Three members of the Committee.

### 21.1. Remit and Powers

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Planning Applications.	
21.1.1.	<p>To determine the following planning applications which cannot be determined by officers:</p> <ul style="list-style-type: none"> <li>• Applications for major developments which are not significantly contrary to the Local Development Plan.</li> <li>• Applications (other than for national and major developments) which are significantly contrary to the Local Development Plan and are recommended for approval.</li> <li>• Applications which attract an objection, which is valid in planning terms, and are recommended for approval (See <b>Note 1</b> below).</li> <li>• Applications which are subject to an Environmental Impact Assessment.</li> <li>• Applications where notice is given to the Appointed Officer by two or more elected members of the Council that they require the application to be referred to the Planning Committee for determination. Such notification will only be valid where it includes a statement of the material planning reasons why the referral is requested (See <b>Note 2</b> below).</li> <li>• Applications made by or on behalf of the following:               <ul style="list-style-type: none"> <li>○ An Elected Member of the Council.</li> <li>○ A member of staff employed within the Planning Service (Development Management or Development and Marine Planning).</li> <li>○ A member of staff routinely servicing the Planning Committee, including the Clerk to the Committee and the Legal Adviser.</li> <li>○ The Chief Executive or any other Chief Officer.</li> </ul> </li> </ul>
	<p><b>Note 1.</b> Should the objection be withdrawn, the matter may be withdrawn from the agenda for the Planning Committee and the application thereafter determined by the Appointed Officer.</p>
	<p><b>Note 2.</b></p>

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	Should the call-in be withdrawn, the matter may be withdrawn from the agenda for the Planning Committee and the application thereafter determined by the Appointed Officer.
<b>Works Licences.</b>	
21.1.2.	To determine applications for Works Licences, or variation or transfer of existing licences, which attract an objection and are recommended for approval.
<b>Other Applications.</b>	
21.1.3.	To determine other applications not falling under Section 43a of the Town and Country Planning (Scotland) Act 1997 (as amended) and Section 11 of the Orkney County Council Act 1974, as follows: <ul style="list-style-type: none"> <li>• Consent to display advertisements where an objection has been received or where the application is recommended for refusal.</li> <li>• Consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where an objection has been received or where the application is recommended for refusal.</li> <li>• Subject, in appropriate cases, to confirmation by Scottish Ministers, applications for Listed Building Consent, including consent for demolition, Conservation Area Consent for demolition, or to vary or discharge conditions attached to Listed Building Consent or Conservation Area Consent where an objection has been received or where the application is recommended for refusal.</li> </ul>
21.1.4.	To make an order to revoke or modify Listed Building Consent or Conservation Area Consent where the owner, lessee or occupier of land affected or such other person who, in the opinion of the Appointed Officer, will be affected by the order has objected to the order.
21.1.5.	To grant or modify Hazardous Substances Consent where an objection has been received.

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## 21.2. Definitions

To assist with clarity the following are recognised definitions of the principal terms detailed above:

### Local Development

“Local development” for the purposes of this Scheme of Delegation will include all development other than national development, as designated in a National Planning Framework document prepared and published by the Scottish Ministers under Part 1A of the Town and Country Planning (Scotland) Act 1997 (as amended); and major development, as identified in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**Appointed Officer**

The appointed officer of the Council in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997, is the Executive Director of Development and Infrastructure or the Planning Manager (Development Management).

**Valid representation**

A valid representation (letter or statement) shall require to meet the following criteria:

- Be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender specifically indicating an objection to the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory's address.
- Be received by the Council no later than ten working days prior to the date of the meeting of the relevant committee or full Council to which the application is being reported with the exception of any that may be received in a statutory notification period that is still to expire.
- Where more than one letter/statement of representation per household is received this shall be defined as the Council having received one letter/statement.
- Where a letter or petition is received which is signed by more than one person, each signatory must provide a valid postal address, otherwise they will not be considered as a valid representation.
- For the avoidance of doubt pre-printed letters or cards which are not individually addressed and signed will not be entertained as valid and acknowledged as such. Photocopied standard template letters will be valid as long as they are signed and dated and bear the postal address of the sender.
- To be valid a representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned.
- The content of invalid letters/statements will not be referred to in Executive Director's reports and similarly non-material matters referred to in valid letters of representation will not be referred to or taken into account in the determination of the application.
- The Executive Director of Development and Infrastructure shall, in cases of doubt, determine whether an objection or other representation is valid or timeous.

**Significantly contrary**

A proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgement of the Executive Director of Development and Infrastructure, is directly related to the achievement of the core objectives of any element of the development plan and the approval of the application would seriously compromise the achievement of the development plan's objectives and compromise its other policies and proposals. For the avoidance of doubt a proposal will not necessarily be significant if, for example, it fails to meet the terms of one or more policies or one or more of the criteria in any criteria based policy.

### 21.3. Hearings Process for Determination of Planning Applications

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#### Terms of Reference

1. The following procedure shall be adopted for the conduct of all meetings of the Planning Committee involving the 'hearings process' in respect of the determination of planning applications. The 'hearings process' will operate in any circumstances where it has been deemed that an application should be determined by the Committee.

#### Order of Business

2. At the start of the meeting, and thereafter as necessary, the Chair will outline the 'hearings process' by explaining the procedure to be followed.

3. Officials representing the Executive Director of Development and Infrastructure will present the report by giving a description of the proposed development and site, together with a summary of the relevant statutory and Development Plan provisions, an assessment of any valid objections made, and clarification of the recommendations and conditions.

4. At the discretion of the Executive Director of Development and Infrastructure, in consultation with the Chair, officers from Council services, and/or representatives of agencies such as NatureScot (formerly Scottish Natural Heritage), Historic Environment Scotland, Scottish Environment Protection Agency and Scottish Water, may be invited to provide additional professional guidance in respect of technical matters.

5. Objectors will then be given an opportunity to present their case; thereafter members of the Committee may ask questions of objectors for clarification: where no objectors are present, this condition shall not apply.

6. The applicants will then be given an opportunity to present their case, which may include a response to any matter raised by objectors; again, members of the Committee will have the opportunity to ask questions of the applicants for clarification: where no applicants are present, this condition shall not apply.

7. Members of the Committee will then have the opportunity to ask any final questions, and may give any party present the opportunity to comment further on relevant matters raised during the hearings process.

8. If necessary, and at the discretion of the Chair, officials will be given the opportunity to address any salient points raised by any party present.

9. Thereafter the 'hearings process' will be complete. Committee members will then proceed to determine the application.

#### Notes for Guidance and Information

10. Certain objections are not valid in planning terms, and cannot be considered by Councillors when determining the outcome of a planning application. Examples of these are:

- Issues covered by other laws, such as Licensing or Building Standards.

- Private legal disputes over boundary or access rights, or feu superior's consent.
- The background or motives of the developer.
- Concerns that the proposal is speculative, or only to make money.
- Loss of financial value of property.
- Loss of a view.

11. The standard approach for planning applications is that applicants and objectors will each be allotted five minutes to make their presentation, which should focus on matters that have already been raised in writing and should not introduce any new material. The five minute period is the total time available to each side and must be divided amongst those wishing to speak for that side (please refer to paragraph 18.3 below).

12. In exceptional circumstances, and at the discretion of the Chair, the time allotted to applicants and objectors for making presentations may be extended depending, for example, on whether the applications are of a particularly complex nature or where there are large numbers of objectors present. The Chair's discretion, if applicable, can only be notified at the start of each item during the meeting. In the case of [developments defined as "National" and "Major"](#), it is expected that this provision will be necessary due to the level of interest which is likely to be generated for the projects concerned.

13. Applicants and objectors who wish to circulate photographs and/or drawings, or to show PowerPoint slides, as part of their presentation at the meeting, must submit the information to the Clerk to the Committee no later than 16:00 two working days prior to the meeting (e.g. 16:00 on Monday for a meeting on Wednesday). In exceptional circumstances, and at the discretion of the Executive Director of Development and Infrastructure, this deadline may be extended on request. Applicants and objectors may submit information to the Clerk by e-mail (details below), or in person at the Council's Customer Services Reception. It is the responsibility of applicants and objectors to ensure that all such information is received personally by the Clerk, who will confirm receipt.

14. In cases where key agencies, such as NatureScot (formerly Scottish Natural Heritage), Historic Environment Scotland, Scottish Environment Protection Agency and Scottish Water, have formally objected to an application and have sent representatives to the meeting, they will normally be afforded additional time to present their objections and the applicants will normally be afforded additional time to respond to any points raised.

15. Objectors who wish to be heard are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them, and to avoid repetition.

16. Applicants and objectors must address all remarks through the Chair. Cross-examination of any party present shall not be permitted.

17. Applicants and objectors may present their case personally to the Committee, or may be represented by any person of their choice, other than an elected member (i.e. a Councillor) of Orkney Islands Council. In the event that a Councillor is an applicant or objector in his/[her](#) own right, this condition shall not apply.

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17.1. In the event that a Councillor is an applicant or objector in his/her own right, he/she shall attend the meeting as an applicant or an objector, and not as a Councillor/member of the Planning Committee, and shall only be present for deliberation of the application for which they are the applicant or the objector.

17.2. In the event that a member of staff, as defined in Section 22.1.1 of the Scheme of Administration, is an applicant or an objector in his/her own right, he/she shall attend the meeting as an applicant or an objector, and not as a member of staff, and shall only be present for deliberation of the application for which they are the applicant or the objector.

18. If applicants (and/or their agents, if applicable) or objectors are unable to attend the meeting, the following options are available to them:

18.1. Ask someone to represent them at the meeting and speak on their behalf. Anyone other than a Councillor is eligible to represent applicants or objectors in this way. For example, both applicants and objectors can ask friends, relatives, neighbours, solicitors, architects, agents, etc. to represent them, although professional representation, such as by a solicitor, may result in a financial cost.

18.2. In addition to their original objection submitted during the initial consultation period, objectors can submit a further letter, of unrestricted length, detailing their objections. Applicants may also submit a letter of representation outlining the reasons why they feel the application should be granted. All such representations should be received as early as possible. For the avoidance of doubt, all such representations or objections must be submitted to, and marked for the attention of, the Clerk to the Planning Committee.

18.3. For planning applications, objectors, or applicants, can submit a further written representation, limited to 250 words, summarising their case. Such representations would be read out by the Clerk to the Committee at the meeting at the point where the applicants or objectors would, if present, be asked to make their representations. All such representations must be received by the Clerk no later than 16:00 on the day prior to the meeting. With reference to paragraph 11 above, objectors who are present at the meeting will be entitled to make full use of the time available, and any additional time taken for the Clerk to read out short statements on behalf of objectors who are not present would be added to the time made available to the applicants to make their presentation. In the case of "national developments", it is expected that a large number of representations may be received. In such circumstances, the Clerk will collate the key issues raised by written representations and ensure those are presented to the meeting. However, each individual written representation will be made available to all Members of the Committee and published in public, with time allowed for Members to review these as part of the decision making process if this is considered by the Chair to be prudent and necessary.

19. The Council reserves the right to edit all letters of objection or representation received to ensure that applicants, objectors, and indeed the Council, do not breach any legislation in respect of libel or slander. Please also note that further objections in terms of the issues detailed at paragraph 10 above will not be made available to Councillors or read out to them at the meeting.



20. For the avoidance of doubt, information supplied to the Clerk, in terms of paragraphs 13 and 18.2 above, will be circulated to Councillors, applicants, agents and objectors in advance of the meeting.

Should applicants or objectors have any queries in respect of the hearings process, advice is available from the Clerk to the Committee:

[insert details: name, telephone number and extension number, email address].

## 21.4. Planning Committee – Site Visits

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Site visits form part of the formal decision making process and the Council's Standing Orders and Members' interests provisions will apply.

### 1. Purpose of Site Visit

- To view the site of the planning application under consideration together with all surrounding land.
- To assist the appraisal of the constraints and opportunities afforded by the proposed development, and its potential impact on surrounding land.
- To allow the officers to point out material considerations and answer questions from members of the Committee.

### 2. Sites to be visited, when and by whom

2.1. Generally, site visits will only be undertaken where there are anticipated benefits over and above the assessment of the information presented to Committee, and where the majority of the Committee support the need for a site visit. In addition, in instances where the application is of a particularly complex or contentious nature, at the discretion of the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee, a site visit may be arranged prior to the first meeting of the Committee to determine the application. The site visit will be undertaken as close as possible to the date on which the Committee will meet to determine the application.

2.2. The site visit will be attended by the following:

- All members of the Planning Committee who are available to attend and who have been present on each prior occasion when the Committee has considered the application.
- The Clerk to the Planning Committee.
- The Head of Planning and Regulatory Services.
- The Planning Manager (Development Management).
- The Planning Case Officer.
- The Solicitor.
- Any other relevant officer of Orkney Islands Council, where necessary.

2.3. In a very limited number of cases, it may be necessary for the applicant (or agent) to be present on site, eg for safety or access reasons, but at no time will they be allowed to discuss the merits of the planning application with members of the Planning Committee or seek advice or comment from Council Officers other than matters of fact.

### 3. Site Visit Arrangements

3.1. Committee Services will give notice to members of the Planning Committee and relevant officers advising that an unaccompanied site visit will take place. The notice will identify an unambiguous meeting point and indicate the time when parties are to meet. The date, time and place of the meeting at which the Committee will determine the planning application will also be included in this notice. Interested parties (applicant,

consultees and those parties lodging representations) will also be informed of the site visit but will not be invited to attend.

3.2. Where arrangements require to be made for a site visit to take place on land which does not form part of the application site, Committee Services will make sure that the occupier of the land is made aware in advance of the proposed site visit.

3.3. If any detailed travel arrangements are necessary, for example visits to the Isles, these will be intimated by Committee Services to Members and Officers in advance of the site visit.

#### **4. Site Visit Procedure**

4.1. Members of the Committee shall arrive at the meeting point at or just before the appointed time. If one or more of the expected participants is not present on time, any delay to the start of the site visit will be at the Chair's discretion.

4.2. The Clerk to the Committee will note the names of those members of the Committee present at the site visit as only those members will be able to take part in the determination of the planning application.

4.3. The Chair will call Members of the Planning Committee present to order. The Chair will explain the purpose of the site visit and remind all parties present that it is not possible to discuss the merits of the proposed development during the visit.

4.4. The Chair will then ask the Planning Case Officer to describe the proposal to Members, identifying relevant features of the site, including site boundaries, access arrangements, location of neighbouring properties etc. Through the Chair, Members may seek clarification from the Planning Case Officer on relevant site features.

4.5. Members may want to view the application site from neighbouring land or buildings but throughout the formal business of the site visit the visiting party will stay together as a group. When pointing out the location of the proposed development/ physical features on site, participants must address the Committee as a group (not as individual Members) through the Chair.

4.6. On conclusion of the site visit, the Chair will thank everyone for their attendance and remind participants of the place and time of the meeting when the Committee will determine the review. The Chair will then indicate that the site visit has concluded.

#### **5. Planning Committee**

5.1. On occasions when the site of the planning application under consideration is remote from the Council Offices, School Place, Kirkwall, the meeting of the Planning Committee to determine the application may take place in an alternative location from the Council Chamber immediately following the site visit.

5.2. In accordance with Standing Order 31 – "Meetings conducted by Hearings", a member of the Committee may only participate and/or vote on the determination of an application if s/he has been present throughout consideration of the whole item of business, which includes the site visit.

5.3. If Members identify issues during the site visit that may be decisive but have not been addressed in the report to Committee, in the interests of natural justice the applicant and other interested parties will require to be invited to comment on these matters before a final decision is reached.

## 22. Local Review Body

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### Membership:

Identical to the Planning Committee, namely Twelve Members of Orkney Islands Council, comprising two representatives from each of the six electoral wards.

Where the Local Review Body considers a Notice of Review on more than one occasion, only those members who have been present on each such occasion, including attendance at any site inspection, may participate in determination of the Notice of Review.

### Quorum:

Three Members of the Review Body.

### 22.1. Remit and Powers

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The Planning Committee, when sitting as the Local Review Body, will exercise delegated powers, on behalf of the Council, to conduct reviews in accordance with Section 43(a)(8) of The Town and Country Planning (Scotland) Act 1997 as amended, where the appointed officer, for the purposes of determining applications for “local developments” as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2008:

- Has refused an application for planning permission or for consent, agreement or approval.
- Has granted it subject to conditions.
- Has not determined it within the period allowed for determination of the application.

The Local Review Body shall, at all times, conduct its affairs in accordance with the provisions of the Town and Country Planning (Scheme of Delegation and Local Review Procedures)(Scotland) Regulations 2008.

### Meetings

Meetings of the Local Review Body will be held in public.

A Planning Adviser and a Legal Adviser shall attend all meetings of the Local Review Body to provide planning and legal advice relevant to the business before the Local Review Body. The Planning Adviser and the Legal Adviser should not have had direct prior involvement with the application that is subject to review.

The Local Review Body may, other than where they consider that the review documents provide sufficient information to enable them to determine the review without further procedure, determine the review by:

- Means of written submissions.
- Holding one or more hearing sessions.
- A combination of these procedures.

### Site Inspections

The Council has adopted a policy of undertaking unaccompanied site inspections for all planning applications subject to a local review, prior to meeting to consider the review.

## **22.2. Local Review Body – Site Inspections**

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Site visits form part of the formal decision making process and the Council's Standing Orders and Members' interests provisions will apply.

### **1. Purpose of Site Inspection**

- To view the site of the planning application under review together with all surrounding land.
- To assist the appraisal of the constraints and opportunities afforded by the proposed development, and its potential impact on surrounding land.
- To allow the Planning Adviser to point out material considerations and answer questions from members of the Local Review Body.

### **2. Sites to be visited, when and by whom**

2.1. A site inspection will be undertaken of all planning applications subject to a review, with the inspection being undertaken before the meeting of the Committee.

2.2. The site inspection will be attended by the following:

- Members of the Local Review Body.
- The Clerk to the Local Review Body.
- The Planning Adviser.
- The Legal Adviser.

2.3. In a very limited number of cases it may be necessary for an applicant (or agent) to be present on site e.g. for safety or access reasons, but at no time will they be allowed to discuss the merits of the planning application with members of the Local Review Body.

### **3. Site Inspection Arrangements**

3.1. Committee Services will give notice to members of the Local Review Body and relevant officers advising that an unaccompanied site inspection will take place. The notice will identify an unambiguous meeting point and indicate the time when parties are to meet. The date, time and place of the meeting at which the Local Review Body will determine the review will also be included in this notice. Interested parties (applicant, consultees and those parties lodging representations) will be informed of the site inspection but will not be invited to attend.

3.2. Where arrangements require to be made for a site inspection to take place on land which does not form part of the review site, Committee Services will make sure that the occupier of the land is made aware in advance of the proposed site inspection.

3.3. If any detailed travel arrangements are necessary, for example visits to the Isles, these will be intimated by Committee Services to Members and Officers in advance of the site inspection.

#### **4. Site Inspection Procedure**

4.1. Members of the Local Review Body shall arrive at the meeting point at or just before the appointed time. If one or more of the expected participants is not present on time, any delay to the start of the site inspection will be at the Chair's discretion.

4.2. The Clerk will note the names of those members of the Local Review Body present at the site inspection as only those members will be able to take part in the determination of the review.

4.3. The Chair will call the Members of the Local Review Body present to order. The Chair will remind those present that it is not possible to discuss the merits of the proposed development during the inspection, and that the site inspection shall not be used as a forum for debate on the review.

4.4. The Chair will then ask the Planning Adviser to describe the proposal to Members, identifying relevant features of the site, including site boundaries, access arrangements, location of neighbouring properties etc. Through the Chair, Members may seek clarification from the Planning Adviser on relevant site features.

4.5. Members may want to view the site from neighbouring land or buildings but throughout the formal business of the site inspection the visiting party will stay together as a group. When pointing out the location of the proposed development/ physical features on site, Members must address the Local Review Body as a group (not as individual Members) through the Chair.

4.6. On conclusion of the site inspection, the Chair will thank everyone for their attendance and remind participants of the place and time of the meeting when the Local Review Body will determine the review. The Chair will then indicate that the site inspection has concluded.

#### **5. Local Review Body meeting**

5.1. On occasions when the site of the planning application under review is remote from the Council Offices, School Place, Kirkwall, the meeting of the Local Review Body to determine the review may take place in an alternative location from the Council Chamber immediately following the site inspection.

5.2. In accordance with Standing Order 31, the Local Review Body to determine the review will comprise only those members who attended the site inspection. This is because it is those members who have received information from the site inspection in order to assist in the determination of the review.

5.3. If Members identify issues during the site inspection that may be decisive but have not been addressed by the applicant in their review submission, in the interests of natural justice the applicant and other interested parties (including the relevant Development Management Case Officer) will require to be invited to comment on these matters before a final decision is reached.



## **Scheme of Delegation to Officers**



**Review/Updates to Scheme of Administration.**

<b>Date.</b>	<b>Committee.</b>	<b>Review/update – amendments made.</b>
February 2018.	Policy and Resources.	Full Review.
March 2018.	Not applicable.	Update – Inclusion of Data Protection Officer (Statutory Officer) at Section 1.9.
May 2021.	Policy and Resources.	Interim Review.

## Contents

Scheme of Delegation to Officers .....	1
1. Introduction .....	4
1.1. Background.....	4
1.2. Interpretation.....	4
1.3. Statutory and Proper Officers .....	4
1.4. Head of Paid Service .....	4
1.5. Monitoring Officer .....	5
1.6. Officer responsible for Financial Administration.....	6
1.7. Chief Social Work Officer.....	6
1.8. Proper Officers.....	6
1.9. Data Protection Officer .....	6
1.10. Limitations and Conditions.....	7
1.11. Further Delegation .....	8
1.12. Consultation.....	8
1.13. Commencement .....	8
1.14. Review.....	8
2. Scheme of Delegation to Officers .....	10
2.1. General Delegation to all Chief Officers.....	10
2.2. Chief Executive.....	13
2.3. Chief Financial Officer .....	17
2.4. Executive Director of Corporate Services .....	21
2.5. Solicitor to the Council .....	24
2.6. Chief Internal Auditor .....	26
2.7. Executive Director of Development and Infrastructure.....	28
2.8. Harbour Master.....	38
2.9. Executive Director of Education, Leisure and Housing .....	39
2.10. Executive Director of Orkney Health and Care .....	43
2.11. Chief Social Work Officer.....	46
Appendix 1.....	49
List of Chief Officers .....	49

## **1. Introduction**

### **1.1. Background**

1.1.1. This Scheme is made by Orkney Islands Council for the purposes of Section 50G of the Local Government (Scotland) Act 1973.

1.1.2. There shall be delegated to the Chief Executive and Executive Directors the powers hereinafter specified, subject to the limitations and conditions stated.

1.1.3. Acts and proceedings, except as otherwise provided by statute, done in pursuance of delegated powers shall be deemed to be acts and proceedings of the Council. Such delegations are in addition to the powers of the Chief Executive and Executive Directors to exercise responsibility for operational, functional and managerial matters falling within the scope of their service responsibilities which may not be expressly provided for or specifically detailed in this Scheme.

### **1.2. Interpretation**

1.2.1. The Interpretation Act 1978 applies to this Scheme.

1.2.2. Any reference in this Scheme to legislation, including delegated or subordinate legislation, should be taken as including any amendments, replacement and re-enactments of such legislation currently in force.

1.2.3. References in this Scheme to authorisation to grant, approve or issue, shall also be taken to include authority to refuse or to grant, approve or issue subject to conditions.

1.2.4. In the context of this Scheme, power to serve a Notice or other proceedings shall also include power to enforce that Notice or those proceedings.

1.2.5. In any situation of uncertainty, the Chief Executive will determine:

- Whether an issue is delegated to a particular Committee/Sub-committee or a Chief Officer.
- Which Chief Officer is empowered to exercise authority which has been delegated by the Council.

### **1.3. Statutory and Proper Officers**

1.3.1. Statutory Officers of the Council have specific duties as set out in legislation and discharge these roles as part of their wider responsibilities within the Council. They have an important, independent role in promoting and enforcing good governance and for making sure that the Council complies with legislation as follows.

### **1.4. Head of Paid Service**

1.4.1. In terms of Section 4 of the Local Government and Housing Act 1989, it shall be the duty of every relevant authority:

- To designate one of their officers as the Head of Paid Service.

- To provide that Officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow his/her duties under Section 5 of the 1989 Act to be performed.

1.4.2. It shall be the duty of the Head of Paid Service, where he/she considers it appropriate to do so in respect of any proposals of his/hers with respect to any of the matters specified below, to prepare a report to the authority setting out his/her proposals:

- The manner in which the discharge by the authority of its different functions is co-ordinated.
- The number and grades of staff required by the authority for the discharge of its functions.
- The organisation of the authority's staff.
- The appointment and proper management of the authority's staff.

1.4.3. The Head of Paid Service in Orkney Islands Council is the **Chief Executive**.

## 1.5. Monitoring Officer

1.5.1. It shall be the duty of every relevant authority:

- To designate one of their officers (to be known as the Monitoring Officer) as the officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989.
- To provide that Officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow those duties to be performed.

1.5.2. The officer so designated may be the Head of Paid Service but shall not be the Chief Finance Officer.

1.5.3. It shall be the duty of the Monitoring Officer if, at any time it appears to him/her that any proposal, decision or omission by the authority, by any Committee, Sub-committee or officer of the authority, or by any Joint Committee on which the authority is represented, constitutes, has given rise to or is likely to or would give rise to:

- A contravention by the authority, by any Committee, Sub-committee or officer of the authority or by any such Joint Committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
- Any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners) or Part II of the Local Government (Scotland) Act 1975 (which makes corresponding provision for Scotland),

to prepare a report to the authority with respect to that proposal, decision or omission.

1.5.4. It shall be the duty of the Monitoring Officer:

- In preparing a report under this section to consult so far as practicable with the Head of Paid Service and the Chief Finance Officer.
- As soon as practicable after such a report has been prepared by him/her or his/her deputy, to arrange for a copy of it to be sent to each member of the authority.

1.5.5. The Monitoring Officer in Orkney Islands Council is the **Head of Legal Services/ Solicitor to the Council**.

### **1.6. Officer responsible for Financial Administration**

1.6.1. The Council shall, in terms of the Local Government and Housing Act 1989 and Section 95 of the Local Government (Scotland) Act 1973:

- Make arrangements for the proper administration of such of its financial affairs as it relates to its capacity as a local authority, police authority or port health authority.
- Secure that one of its officers has responsibility for the administration of those affairs.

1.6.2. The officer responsible for Financial Administration in Orkney Islands Council is the **Chief Financial Officer**.

### **1.7. Chief Social Work Officer**

1.7.1. The Council shall, for the purposes of its functions in terms of the Social Work (Scotland) Act 1968 and the enactments contained in Section 5(1B) appoint an officer to be known as the Chief Social Work Officer.

1.7.2. The overall objectives of the Chief Social Work Officer are:

- To confidently manage the discharge of the Council's statutory social work duties.
- To ensure the provision of effective professional and objective advice to elected members and officers in the Council's provision of social work services.
- To secure the effective provision of social work services.

1.7.3. The Chief Social Work Officer in Orkney Islands Council is the **Head of Children and Families and Criminal Justice**.

### **1.8. Proper Officers**

1.8.1. The Chief Executive is the Proper Officer for the purposes of implementing the provisions of Section 43 (Schedule 7) – Meetings and Proceedings of the Council, Committees and Sub-committees and Section 197 – Inspection and Deposit of Documents (Minutes, Reports etc) of the Local Government (Scotland) Act 1973.

1.8.2. The Chief Executive and the Monitoring Officer are the Proper Officers in connection with the signature and execution of, and affixation of the Common Seal of the Council to, all deeds and other documents, in terms of Sections 193 and 194 of the Local Government (Scotland) Act 1973 and Paragraph 4 of Schedule 2 of the Requirements of Writing (Scotland) Act 1995. Either the Chief Executive or the Monitoring Officer may sign or execute, or affix the Common Seal of the Council to, any deed or other document in terms of the foregoing provisions.

### **1.9. Data Protection Officer**

1.9.1. The General Data Protection Regulation, which came into force on 25 May 2018, replaces the Data Protection Act 1998 and makes changes to the law in relation to the processing of personal information.

1.9.2. In terms of Article 39 of the General Data Protection Regulation, the Data Protection Officer must have the ability to fulfil the following minimum tasks:

- To inform and advise the Council and its employees about their obligations to comply with the General Data Protection Regulation and other data protection laws.
- To monitor compliance with the General Data Protection Regulation, including the assignment of responsibilities, awareness-raising and training of staff involved in the processing operations and related audits.
- To provide advice where requested about data protection impact assessments and to monitor their performance.
- To co-operate with the supervisory authority (the Information Commissioner's Office).
- To act as the contact point for the Information Commissioner's Office on issues related to the processing of personal data.

1.9.3. The Data Protection Officer in Orkney Islands Council is the **Head of Legal Services**.

## 1.10. Limitations and Conditions

1.10.1. The delegation granted in this Scheme shall be exercised having regard to and in accordance with the Council's other constitutional documents, including:

- The Council's Standing Orders.
- Scheme of Administration.
- Financial Regulations.
- Contract Standing Orders.

1.10.2. The delegation granted in this Scheme shall be exercised as follows:

- On the basis that it will not result in actual expenditure exceeding that set out in the relevant part of the approved budget(s) to the extent that this could not be contained by the relevant Officer viring budget in accordance with the Financial Regulations.
- On the basis that it will not result in actual income falling below that set out in the relevant part of the approved budget(s) to the extent that this could not be contained by the relevant Officer viring budget in accordance with the Financial Regulations.
- On the basis that it will not result in expenditure exceeding that set out in the relevant part of the Capital Programme for the financial year in question.
- Subject to the member of the public or, in the case of employment matters, employee, being notified, in writing, of any right of appeal.
- To be consistent with any general or particular policy direction made by the Council.
- To be consistent with the Council's procedures, corporate standards and strategies.
- To be consistent with any qualifications required to exercise the delegation.
- To be consistent with agreed service objectives.
- Subject to the Health and Social Care Integration Scheme for Orkney.

1.10.3. Chief Officers and the Chief Internal Auditor may choose not to exercise the powers delegated to them on any occasion they deem appropriate. Should this be the

case, the matter should be referred to the appropriate Committee/Sub-committee for consideration.

### **1.11. Further Delegation**

1.11.1. In the absence of the Chief Executive, a member of the Senior Management Team is authorised to exercise the powers delegated to the Chief Executive by this Scheme, unless prohibited by any statutory provision from so doing.

1.11.2. The Senior Management Team currently comprises the four Executive Directors, the Chief Financial Officer, the Head of Executive Support, the Head of Legal Services and the Head of HR and Performance.

1.11.3. A Chief Officer is authorised in the absence, or on the written instruction, of the Chief Executive or Executive Director to exercise the powers delegated by this Scheme which relate to his/her service, unless prohibited by any statutory provision from so doing. A list of Chief Officers forms Appendix 1 to this Scheme.

1.11.4. A Chief Officer may authorise any member of his/her staff to act for them in respect of any duties and responsibilities delegated in terms of this Scheme. The Chief Officer must consider the role of the officer they intend to delegate those powers to and whether the officer has appropriate qualifications and experience.

1.11.5. Any officer using delegated powers will be responsible for their actions. However, if an officer delegates their powers to another officer, this will not relieve the delegating officer of his/her responsibility for the duties they have delegated.

1.11.6. Proper Officers should ensure any delegation of statutory powers and duties is recorded.

### **1.12. Consultation**

1.12.1. In using the authority delegated to them, Chief Officers may, where appropriate, consult the Convener, the Leader, the Depute Leader, the Chair and Vice Chair of the relevant Service Committee and/or Ward councillors, if they consider that a proposed decision or action is of a non-routine nature and is likely to significantly and directly affect the Ward interests of Ward Members. This does not apply to proposed decisions or actions that have a general effect throughout the area, or are of a routine nature covered by this Scheme.

### **1.13. Commencement**

1.13.1. This Scheme will apply and have effect on and after 1 June 2021.

### **1.14. Review**

1.14.1. The Council may review this Scheme annually.

1.14.2. Subject to adequate publicity being given to such amendments, the Chief Executive shall have the power to amend or alter this Scheme:

- To correct any textual or minor errors.

- To make any consequential amendments required as a result of a decision of the Council.
- To reflect changes in legislation and/or established practice.



## 2. Scheme of Delegation to Officers

### 2.1. General Delegation to all Chief Officers

The following matters are delegated to all Chief Officers:

<b>Human Resources.</b>	
2.1.1.	To appoint employees in accordance with the appointments procedure.
2.1.2.	To implement, in accordance with Council policies and any instructions given by the Chief Executive, the terms of national and local agreements on salaries and conditions of service, in respect of: <ul style="list-style-type: none"> <li>• The placing of employees within their grade.</li> <li>• The granting of paid and unpaid leave of absence, and of occasional absences to attend to services of a civic, honorary, charitable or personal nature.</li> <li>• The application of car, travelling and other related allowances, appropriate to the duties of the post.</li> <li>• The payment of removal expenses.</li> <li>• The secondment of employees to other agencies, or for training purposes, for temporary periods.</li> <li>• The attendance of employees at conferences, seminars, meetings and training events, provided that attendance would be beneficial to the Council.</li> <li>• The creation, subject to the agreement of the Chief Executive and the Chief Financial Officer, of temporary posts of not more than two years' duration, provided that adequate funding has been identified within the relevant budget.</li> </ul>
2.1.3.	To conduct disciplinary and grievance proceedings and to take disciplinary action in accordance with the disciplinary procedure.
<b>Procurement.</b>	
2.1.4.	To invite tenders, select tenderers from the Council's approved lists or equivalent procedure and issue tender documents in respect of any contract.
2.1.5.	To accept tenders, subject to the identification of necessary funding within the relevant budget, and in accordance with the Financial Regulations and Contract Standing Orders.
2.1.6.	To determine participation in collaborative procurement opportunities.
2.1.7.	To issue orders for work, goods and services in accordance with the Financial Regulations.
2.1.8.	To purchase specialist consultancy services, provided that necessary funding is identified within the relevant budget, and in accordance with the Financial Regulations and Contract Standing Orders.
<b>Entry to Land and Premises and Identification.</b>	

2.1.9.	To issue the necessary authorisation to officers to exercise statutory powers and duties including, where necessary, the right to enter land and premises in connection with the discharge of their duties.
2.1.10.	To issue identity cards to officers.
<b>Annual Subscriptions.</b>	
2.1.11.	To approve payment of annual subscriptions to bodies of which the Council is a member.
<b>Fees and Charges.</b>	
2.1.12.	To revise on 1 April each year all fees and charges commensurate with the uprating factors determined annually as part of the budget setting process in accordance with the Corporate Charging and Concessions Policy.
<b>Capital Projects and Revenue Maintenance Programmes.</b>	
2.1.13.	To instruct the preparation of plans and tender documents and, in consultation with the Solicitor to the Council, the Chief Financial Officer and the Executive Director of Corporate Services, to instruct the acquisition of land, property or heritage in respect of any project within the approved Capital Programme and provided that the said land, property or heritage is identified within the relevant project appraisal.
2.1.14.	To authorise works contained within approved corporate asset capital improvement and revenue maintenance programmes for the Council's land and property assets, funded through the approved Capital Programme and revenue budgets.
<b>Land and Property Assets.</b>	
2.1.15.	To exercise day-to-day operational responsibility for land and property assets allocated to the respective service area, on terms that may be determined from time to time by the Council and/or the Executive Director of Corporate Services.
2.1.16.	In consultation with the Executive Director of Corporate Services, to undertake initial enquiries in relation to potential purchase of strategic land and/or property assets, where this could contribute to approved Council priorities, and thereafter progress negotiation on principles.
<b>Finance.</b>	
2.1.17.	To transfer, following the consent of the Chief Financial Officer, sums between Heads of Estimate within revenue budgets, provided that the transfer would not result in any increase to the overall budget.
<b>Grant Funding.</b>	
2.1.18.	In consultation with the Chief Financial Officer, to submit applications for grant funding and/or pursue other funding opportunities, where these are in line with agreed Council policy and/or service plan priorities.
2.1.19.	To grant extension of time to existing approved grants, provided there is no net impact on approved budget(s) and exceptional circumstances are defined.

<b>Representations and Consultation Responses.</b>	
2.1.20.	To make representations in respect of applications for licences, consents, permissions or comparable applications, appropriate to the particular function of the Chief Officer.
2.1.21.	To submit consultation responses, on behalf of the Council, where these are in line with agreed Council policy and/or service plan priorities.
<b>Information Governance.</b>	
2.1.22.	In consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and relevant data protection legislation.
2.1.23.	In consultation with the Solicitor to the Council, the Executive Director of Corporate Services or other Chief Officer, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and relevant data protection legislation.
<b>Policies, Plans, Processes and Procedures</b>	
2.1.24.	To develop new policies, plans, processes and procedures in order to reflect changes in legislation and practice and undertake consultation, prior to submission to the Council for adoption, if required.
2.1.25.	To monitor and, if necessary, amend existing policies, plans, processes and procedures in order to reflect changes in legislation and practice, subject to adequate publication being given to such amendments.

## 2.2. Chief Executive

### Statutory and Proper Officer Duties

The Chief Executive is appointed as the Head of the Council's paid service, in terms of Section 4 of the Local Government and Housing Act 1989 and is the Chief Adviser to the Council on matters of policy.

The Chief Executive is also appointed by the Council as Returning Officer for Local Government and Community Council 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. The Chief Executive, as Returning Officer, will make appropriate arrangements for any circumstances in which he/she is unable to act in person, and will therefore appoint one or more Depute Returning Officers to discharge his/her functions where appropriate.

The Chief Executive acts as the Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50B(2), 50C(2), 50F(2) and 231 of the Local Government (Scotland) Act 1973 and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council, or its Committees and Sub-committees.

The Chief Executive also acts as the Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office); Section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Members' Interests) and the relevant provisions of the Local Governance (Scotland) Act 2004.

### Specific Delegated Powers

The Chief Executive holds the following delegated powers to enable him/her to carry out these functions, without prejudice to all statutory duties, responsibilities and powers exercisable by him/her, as follows:

<b>Operational Responsibility.</b>	
2.2.1.	To exercise operational responsibility for the administrative and financial services of the Council, including the Council's web site.
<b>Emergency and Urgent Powers.</b>	
2.2.2.	To determine all matters of urgency which require decision by the Council during the period from the date of the local government election to the date of the first meeting of the Council following that election.
2.2.3.	To determine, in consultation with the Convener, the Leader and Depute Leader and/or the Chair and Vice Chair of the relevant Service Committee, all matters of urgency which require decision by the Council during the period from the date of the last General Meeting of the Council to the date of the Local Government Election.
2.2.4.	To take action on behalf of the Council where considered necessary in the event of an emergency, or as required as a matter of urgency, following consultation with the Convener, the Leader and Depute Leader and/or the Chair and Vice Chair of the relevant Service Committee.

<b>Human Resources.</b>	
2.2.5.	To designate Chief Officers to perform such functions of the Chief Executive as may be required.
2.2.6.	To designate posts and determine salary levels, with the exception of chief officers and teaching staff.
2.2.7.	To designate suitably qualified officers to act as Appropriate and/or Statutory Officers, in accordance with relevant legislation.
2.2.8.	To approve temporary appointments, up to a maximum of two years.
2.2.9.	In exceptional circumstances, to authorise extensions to existing temporary appointments, in accordance with good employment practice, in order to deliver activities which meet Council priorities and where budget provision is available.
2.2.10.	If deemed necessary, to approve short term appointments to enable continuation of essential duties in the event of long term sickness or maternity leave.
2.2.11.	To make any long term temporary posts permanent, provided the post meets the following criteria: <ul style="list-style-type: none"> <li>• The individual having a minimum of 4 years' continuous service under the contract for that post, including any temporary amendments to that contract.</li> <li>• Funding for the post being contained within an approved baseline budget.</li> <li>• It is not currently anticipated that the post will be at risk.</li> <li>• Where the required hours of the post might vary, any appointment should be to the minimum known full-time equivalent requirement.</li> <li>• The postholder originally obtaining the post via a recruitment and selection exercise which complies with Council policy.</li> </ul>
2.2.12.	To determine applications from employees in terms of the Voluntary Severance and Early Retirement Policy, with the exception of applications from Chief Officers.
2.2.13.	To vary the conditions of the Resettlement Allowances Scheme in specific cases, subject to the total amount to be granted to any individual employee not exceeding the maximum entitlement under the Scheme.
2.2.14.	To determine the Council's public holidays, following consultation with trade unions.
2.2.15.	To authorise the payment of acting-up allowances, provided that adequate funding has been identified within the relevant budget.
<b>Civic Hospitality.</b>	
2.2.16.	To arrange, in consultation with the Convener, and to incur reasonable expenses connected with, civic hospitality, including the reception and entertainment of distinguished persons and of persons connected with local government and other public services, and to authorise Chief Officers to so arrange.

2.2.17.	To make arrangements for artistic direction at corporate civic events, including payment of fees, payment of expenses and the cost of supply cover, if required.
2.2.18.	To determine the level of fee to be paid to professional artists.
<b>Representations in respect of Local Government or other Public Services.</b>	
2.2.19.	To make representations, following consultation with the Leader and Depute Leader, to the European Union, the United Kingdom Government, the Scottish Government, the Convention of Scottish Local Authorities, and such other relevant bodies or agencies with regard to matters affecting local government, or other public services.
<b>Land and Property Assets</b>	
2.2.20.	To acquire land and property assets required for strategic reasons, subject to funding being identified.
2.2.21.	To determine requests, following consultation with the Chair and Vice Chair of the Policy and Resources Committee, for the waiving of hire fees for use of Council property.
<b>Donations.</b>	
2.2.22.	To determine requests for donations to charitable or voluntary bodies, or for community benefit, of not more than £1,000.
<b>Twinning Activities.</b>	
2.2.23.	To determine disbursement of the annual budget for twinning activities, including requests for financial assistance relating to the twinning arrangements between Orkney and Hordaland.
2.2.24.	To award, where appropriate, travel grants to community groups wishing to travel to Norway.
<b>Elected Members.</b>	
2.2.25.	To determine attendance by Councillors at any conference, seminar, course or meeting held within or outwith the United Kingdom, including attendance at meetings of bodies to which members have been nominated or appointed by the Council.
2.2.26.	In consultation with the Chief Financial Officer, to determine the scheme of elected members' allowances in terms of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
<b>Foreign Travel.</b>	
2.2.27.	In consultation with the Chief Financial Officer, to authorise foreign trips by employees in respect of international professional development opportunities and/or service priorities.
<b>Common Seal of the Council.</b>	
2.2.28.	To act as and to designate suitably qualified officers to act as the Proper Officer in connection with the signature of, and affixation of the Common Seal of the Council to, deeds and other documents.

<b>Statutory Notices.</b>	
2.2.29.	To issue statutory notices on behalf of the Council.
<b>Fees and Charges.</b>	
2.2.30.	In consultation with the Chief Financial Officer, to set fees payable to local interpreters.
<b>Legal Actions and Claims.</b>	
2.2.31.	To negotiate and settle legal actions and claims by or against the Council, over £50,000, excluding any associated claim for expenses, after consultation with the Chief Financial Officer, the Solicitor to the Council and any other relevant Chief Officer.
<b>Community Councils.</b>	
2.2.32.	To implement schemes of assistance to Community Councils.
<b>Education Appeals Committee.</b>	
2.2.33.	To select members to sit on the Education Appeals Committee, as and when required, depending on availability and the nature of the appeal.
<b>Local Review Body.</b>	
2.2.34.	To issue the Decision Notice arising from an appeal to the Local Review Body.
<b>Civil Contingencies.</b>	
2.2.35.	To exercise strategic responsibility in respect of the Council's functions relating to civil contingencies.
<b>Regulation of Investigatory Powers.</b>	
2.2.36.	To act as the Council's Senior Responsible Officer in terms of the Regulation of Investigatory Powers (Scotland) Act 2000.

### 2.3. Chief Financial Officer

The Chief Financial Officer is appointed as the Proper Officer in terms of Section 95 of the Local Government (Scotland) Act 1973 and to administer the financial affairs of the Council and to take any necessary action in terms of the Council's Financial Regulations.

The following matters are delegated to the Chief Financial Officer:

<b>Accounting Practices.</b>	
2.3.1.	To select suitable accounting policies for the Council and ensure that they are consistently applied to the Council's Accounts.
2.3.2.	To determine all accounting procedures and records of the Council and its Officers.
2.3.3.	To prepare the Council's annual financial statement of accounts, in accordance with proper accounting practice and as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom.
<b>Financial Planning.</b>	
2.3.4.	To develop and manage the Council's financial planning process and determine the detailed form and timetable in respect of the Council's revenue and capital plans and budgets.
2.3.5.	To review and amend, as required, the Financial Regulations.
2.3.6.	To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the budget monitoring statements.
<b>Lending and Borrowing.</b>	
2.3.7.	To take all necessary action on behalf of the Council in relation to the borrowing and lending of money and in arranging the terms thereof including, for the avoidance of doubt, the negotiation and issue of bonds.
2.3.8.	To effect borrowings in the name of the Council in accordance with the provisions of the General Code of Practice for the Regulation of the borrowing of Local Authorities in England, Scotland and Wales.
2.3.9.	To lend on the money markets in accordance with the provisions contained in the Financial Regulations.
2.3.10.	To manage funds in accordance with the limits and conditions imposed by statute and by the Council.
2.3.11.	To incur expenditure on fees and expenses payable to brokers and bankers acting for and on behalf of the Council.
<b>Income Collection.</b>	
2.3.12.	To collect Council Tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992.



2.3.13.	To collect Non-Domestic Rates payable to the Council in terms of section 237 of the Local Government (Scotland) Act 1947.
<b>Debt Collection.</b>	
2.3.14.	To establish and review procedures for the collection, recovery and enforcement of sundry debt invoices issued by the Council, including the instruction of actions for payment, and the appointment and instruction of Sheriff Officers and debt recovery agents in accordance with policy and statute.
2.3.15.	In respect of Council Tax, Non-Domestic Rates and sundry debts due to the Council, to pursue civil actions against payment defaulters, including raising bankruptcy, liquidation, or sequestration petitions.
2.3.16.	Following unsuccessful debt recovery action, including by Sheriff Officers and debt recovering agents, to write off debts which are considered not to be realistically or economically viable to collect.
2.3.17.	To write off debts where the debtor has been the subject of a formal insolvency or sequestration procedure.
2.3.18.	To write off, in consultation with the Chair and Vice Chair of the Development and Infrastructure Committee and the Executive Director of Development and Infrastructure, assistance from the Strategic Reserve Fund due to be repaid to the Council, in circumstances where a business has failed, where the individual concerned has made a genuine attempt to establish the business and where repayment of the assistance would cause personal hardship.
2.3.19.	To approve the non-recovery of an overpayment to an employee of the Council following consultation with the Head of HR and Performance.
<b>Benefit Schemes.</b>	
2.3.20.	To administer benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
2.3.21.	To administer a Council Tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012.
2.3.22.	To administer the Scottish Welfare Fund for payments of Crisis Grants and Community Care grants in accordance with the Welfare Funds (Scotland) Act 2015.
2.3.23.	To establish and review procedures for considering, authorising and making discretionary housing payments in accordance with the Discretionary Financial Assistance Regulations 2001.
<b>Business Improvement District.</b>	
2.3.24.	To administer a Business Improvement District scheme in accordance with the Planning etc (Scotland) Act 2006.
<b>Investment Managers.</b>	
2.3.25.	To appoint, in consultation with the Investments Sub-committee or the Pension Fund Sub-committee, as appropriate, investment fund managers.

<b>Asset Register.</b>	
2.3.26.	To set up and maintain an asset register of all assets owned by the Council.
2.3.27.	To apply asset rental charges to service accounts in respect of assets employed and the crediting of charges to the Plant and Vehicle Replacement Reserve.
<b>Banking Arrangements.</b>	
2.3.28.	To deal with all matters relating to banking arrangements and negotiation of banking terms, pay duly authorised accounts and operate the Council's banking accounts without exceeding a total overdraft position of £1,000,000.
2.3.29.	To provide such imprest accounts as he/she considers appropriate to such Officers of the Council as may need them for the purposes of defraying petty cash and other expenses.
<b>Insurance Arrangements.</b>	
2.3.30.	To effect all insurance cover and negotiate and settle all insurance claims in consultation with other Officers where necessary.
2.3.31.	To determine, in consultation with the Executive Director of Corporate Services, whether or not insurance premiums should be recharged to the tenant where the Council has made special arrangements regarding rent for charitable, voluntary or sporting groups.
2.3.32.	To pay, following consultation with the Solicitor to the Council, valid claims for damage to or loss of personal property of employees which occurred during the course of their employment, up to an amount of £1,000 per claim for any one incident, and, claims of up to £1,000 for damage to, or loss of property by members of the public, arising from the fault of the Council.
<b>Payroll Arrangements.</b>	
2.3.33.	To pay all salaries, wages, pension, compensation and other emoluments to all employees or former employees of the Council.
2.3.34.	To implement nationally agreed pay awards for Council staff and allowances for Councillors.
2.3.35.	To settle any liabilities arising from reviews by Her Majesty's Revenues and Customs and to enter into local agreements for the efficient processing of taxation matters.
<b>Procurement.</b>	
2.3.36.	To enter into any non-procurement related contract or agreement in circumstances where, after consultation with the Solicitor to the Council and relevant Chief Officer, he/she is satisfied that it is in the interest of the Council so to do.
2.3.37.	To enter into finance and operating leases on behalf of the Council.
<b>Housing Loans.</b>	

2.3.38.	To determine applications for housing loans and the interest rate levels charged to Home Loan borrowers, in terms of the Housing (Scotland) Acts.
2.3.39.	To call-up housing loans where borrowers have fallen into arrears.
<b>Pension Services.</b>	
2.3.40.	To make suitable arrangements for the actuarial valuation of the assets and liabilities of the Orkney Islands Council Pension Fund.
2.3.41.	To administer the Local Government Pension Scheme and to implement investment arrangements for the Orkney Islands Council Pension Fund in accordance with the Local Government Pension Regulations.
2.3.42.	To exercise operational responsibility in respect of the application of Local Government Pension Regulations.
2.3.43.	To determine the terms of "closed" admission agreements to the Council's Pension Scheme, by external providers, including the scope and nature of bonds and guarantees to be granted, in consultation with the Solicitor to the Council.
2.3.44.	To conclude Admission Agreements between the Council and bodies admitted to the Council's Pension Fund, in consultation with the Solicitor to the Council.
<b>Deprivation of Capital Assets.</b>	
<u>2.3.45.</u>	Following determination by the Chief Social Work Officer on whether or not deprivation of capital assets has occurred in relation to residential care charging and, subject to any decision on review made by the Solicitor to the Council, in terms of section 2.5.13 of this Scheme, to determine whether or not to pursue the debt.

## 2.4. Executive Director of Corporate Services

The following powers are delegated to the Executive Director of Corporate Services:

<b>Operational and Functional Responsibilities.</b>	
2.4.1.	To exercise operational responsibility for the Council's corporate services including, but not restricted to, legal, human resource, information technology, facilities, strategic property asset management, procurement, risk and performance management, corporate policy and community planning services.
2.4.2.	To exercise functional responsibility for the internal audit services of the Council.
<b>Corporate Governance.</b>	
2.4.3.	To maintain the Council's Local Code of Corporate Governance and to co-ordinate the Council's annual assessment in relation to the Code.
<b>Community Empowerment.</b>	
2.4.4.	To establish and maintain processes for the management of participation requests submitted in terms of the Community Empowerment (Scotland) Act 2015.
2.4.5.	To establish and maintain processes for the management of community asset transfer requests submitted in terms of the Community Empowerment (Scotland) Act 2015, including undertaking service and community reviews and consultations, if required.
<b>Corporate Property Asset Management.</b>	
2.4.6.	To exercise operational responsibility for estates management, including lease and rental income management, identification and management of surplus property and land and property acquisitions and disposals.
2.4.7.	To exercise strategic asset management planning for the Council's land and property.
2.4.8.	To instruct valuations of property in order that the Council might consider possible acquisition or disposal, or acquisition of land or heritage in respect of approved Council schemes, and to accept, where appropriate, the conclusion of the valuation.
2.4.9.	In consultation with the Solicitor to the Council, to obtain valuations of land and property required for operational reasons.
2.4.10.	To provide in-house valuations, in agreement with the Solicitor to the Council.
2.4.11.	To determine acquisition of land and property assets required for operational requirements, up to a market valuation of £300,000.
2.4.12.	To determine sale of land and property assets not required by any Council service, including those deemed surplus to operational requirements, up to a market valuation of £300,000.

2.4.13.	In consultation with the relevant Executive Director, to approve requests for leases on terms below market value, up to a maximum duration of 5 years and for a maximum market rental value of £10,000 per annum.
2.4.14.	To determine requests to lease land and property assets, including within industrial estates and business parks, on terms to be agreed with the Solicitor to the Council.
2.4.15.	In consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, the Executive Director of Education, Leisure and Housing, the Solicitor to the Council and the Chief Financial Officer, to purchase appropriate properties in terms of the Mortgage to Rent Scheme.
2.4.16.	In consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, together with relevant Ward Members and the Executive Director of Education, Leisure and Housing, subject to approval from Scottish Ministers, where required, to dispose of properties, held on the Housing Revenue Account, which become vacant and where there is no housing demand for the property concerned.
2.4.17.	In consultation with the Executive Director of Education, Leisure and Housing, the Solicitor to the Council and the Chief Financial Officer, to purchase additional properties for the purpose of providing homeless accommodation.
<b>Procurement.</b>	
2.4.18.	To exercise contractual management of all tender and procurement exercises.
2.4.19.	To enter into any goods and/or services supply contract or agreement in circumstances where, after consultation with the Solicitor to the Council and relevant Chief Officer, if required, he/she is satisfied that it is in the interest of the Council so to do.
2.4.20.	To determine requests for Non-Competitive Action.
2.4.21.	To review and amend, as required, the Contract Standing Orders.
<b>Building Cleaning.</b>	
2.4.22.	To exercise operational responsibility for the cleaning of Council buildings and facilities, including public conveniences.
<b>School Meals.</b>	
2.4.23.	To exercise operational management of the provision of school meals.
<b>Health and Safety.</b>	
2.4.24.	To exercise operational responsibility for the establishment and review of policies, including monitoring, to comply with the Council's statutory duties in terms of the Health and Safety at Work Act 1974, amendments thereof and regulations made thereunder.
<b>Civil Contingencies.</b>	
2.4.25.	To exercise operational responsibility in respect of the Council's functions relating to preparedness for a response to an incident/emergency under the

	Civil Contingencies Act 2004, the Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Regulations 2005 and Preparing Scotland.
2.4.26.	To exercise operational responsibility in respect of the Council's duties relating to preparedness in relation to the Counter-Terrorism and Security Act 2015.
<b>Citizenship Ceremonies.</b>	
2.4.27.	In consultation with the Convener, to make necessary arrangements regarding the format and extent of individual citizenship ceremonies, taking into account the number of persons involved and other relevant circumstances.
<b>Document Management.</b>	
2.4.28.	To review and update the Council's Publication Scheme.
2.4.29.	To direct the management and monitoring of the Council's records in line with the provisions of the Public Records (Scotland) Act 2011.
<b>Information Governance.</b>	
2.4.30.	To direct the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and relevant data protection legislation.

## 2.5. Solicitor to the Council

The Solicitor to the Council is appointed as Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.

The Solicitor to the Council shall act as, or designate a suitably qualified officer to act as, Clerk to the Orkney Islands Area Licensing Board in terms of the Licensing (Scotland) Act 2005.

The following powers are delegated to the Solicitor to the Council:

<b>Operational Responsibility.</b>	
2.5.1.	To exercise operational responsibility in respect of the registration of births, deaths, marriages and civil partnerships.
<b>Standard Contract Terms.</b>	
2.5.2.	To determine standard terms for contracts and for the sale, lease or occupation of land, property or buildings, including sites or premises within industrial estates and business parks.
<b>Contracts and Agreements.</b>	
2.5.3.	To enter into, vary, and, where necessary, terminate any contract or agreement in circumstances where, after consultation with the relevant Chief Officer, he/she is satisfied that it is in the interest of the Council so to do.
2.5.4.	To sign missives, deeds, notices, orders, leases, contracts and other similar documents binding the Council, except where otherwise provided for in this Scheme.
<b>External Legal Advice.</b>	
2.5.5.	To engage private legal firms, or to instruct Counsel, as necessary to enable the legal work of the Council to be carried out.
<b>Parliamentary Agents.</b>	
2.5.6.	To appoint parliamentary agents.
<b>Legal Proceedings by or against the Council.</b>	
2.5.7.	To submit reports, notices, orders or other similar documents in respect of any judicial, quasi-judicial or administrative proceedings before any court, tribunal or other body.
2.5.8.	To arrange for the Council to be represented in relation to any type of judicial, quasi-judicial or administrative proceedings before any court, tribunal or other body and in that regard to initiate, enter, defend and withdraw from such proceedings.
2.5.9.	To act as proper officer in respect of the receipt of notices of any legal proceedings served on the Council.
<b>Settlement of Claims.</b>	

2.5.10.	To negotiate and settle legal actions and claims by or against the Council, up to a maximum sum of £50,000, excluding any associated claim for expenses, after consultation with the Chief Financial Officer and any other relevant Chief Officer.
<b>Information Governance.</b>	
2.5.11.	To manage the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and relevant data protection legislation.
<b>Records Management.</b>	
2.5.12.	To manage the Council's records in line with the provisions of the Public Records (Scotland) Act 2011.
<b>Deprivation of Assets.</b>	
2.5.13.	To review decisions taken by the Chief Social Work Officer in respect of deliberate deprivation of assets in terms of the Health and Social Services and Social Security Adjudications Act 1983 and associated legislation.
<b>Safeguarders, Curators Ad Litem, Reporting Officers and Legal Representatives for Children.</b>	
2.5.14.	To maintain, and make appointments to, the Panels of Safeguarders, Curators Ad Litem, Reporting Officers and Legal Representatives for children, and to determine fees for the performance of the members' duties.
<b>Superior's Consent.</b>	
2.5.15.	To approve applications, following consultation with the Executive Director of Development and Infrastructure, for the consent of the Council as superior, in respect of self-build plots.
<b>Improvement Orders.</b>	
2.5.16.	In consultation with the Executive Director of Development and Infrastructure, to make Improvement Orders.
<b>Civic Government Licensing.</b>	
2.5.17.	To grant applications for licences and renewals thereof, in terms of the Civic Government (Scotland) Act 1982, the Cinemas Act 1985 and the Theatres Act 1968, where no objection has been raised, and to exercise such other statutory functions of the Council which are not reserved to the Licensing Committee.
<b>Common Seal of the Council.</b>	
<u>2.5.18.</u>	To act as the Proper Officer in connection with the signature of, and affixation of the Common Seal of the Council to, deeds and other documents.



## 2.6. Chief Internal Auditor

The following powers are delegated to the Chief Internal Auditor:

<b>Internal Audit Plans.</b>	
2.6.1.	To prepare and finalise operational and strategic internal audit plans covering the entire control environment of the Council.
2.6.2.	To ensure that internal audit resources are appropriate, sufficient and effectively deployed to achieve the approved plan. Where it is believed that the level of agreed internal audit resources will impact adversely on the provision of the annual internal audit opinion, the Chief Internal Auditor must bring the consequences to the attention of the Monitoring and Audit Committee.
<b>Access.</b>	
2.6.3.	To access all records, assets, personnel and premises as follows: <ul style="list-style-type: none"> <li>• To enter at all reasonable times on any Council premises or land.</li> <li>• To have access to, and remove, all records, documents and correspondence, including computer records, relating to any financial and other transactions of the Council.</li> <li>• To be provided with a separate log-in to any computer system within the Council and have full access to any system, personal computer or other device in the ownership of the Council.</li> <li>• To require and receive such explanations as are necessary concerning any matter under examination.</li> <li>• To require any employee or member of the Council to produce cash, stores or any other Council property under their control.</li> <li>• To examine financial records of Council owned companies, trusts administered by the Council and other organisations funded by the Council.</li> </ul>
<b>Internal Audit Reports.</b>	
2.6.4.	To prepare and finalise internal audit reports in his/her own name without hindrance or delay, together with the requirement to disclose all material facts known which, if not disclosed, could distort a report or conceal unlawful or inappropriate practice. This covers, but is not limited to, any fact(s) arising from, or as a result of, a review directly or indirectly identified during the course of their work.
2.6.5.	To determine the recipients of both routine, ad hoc and investigation reports, together with communicating matters to Audit Scotland and/or the appointed external auditor.
2.6.6.	To require response from the management of the Council in relation to reports issued in draft format in order that these can be progressed and reported in a reasonable timeframe.
2.6.7.	To determine the timing of presentation of a report to the relevant Committee.
<b>Annual Report and Assurance Statement.</b>	

2.6.8.	To prepare and finalise the Internal Audit Annual Report and Assurance Statement which must be issued in his/her own name.
<b>Formal Investigations.</b>	
2.6.9.	To initiate, undertake and report on formal investigations into any matter. Investigations may also be requested by the Chief Executive, an Executive Director, the Chief Financial Officer, Audit Scotland and/or the appointed external auditor.
<b>Fraud Prevention.</b>	
2.6.10.	In accordance with the Corporate Anti-Fraud Policy, to report a matter of criminal activity to the Police or appropriate investigative body, in consultation with the Chief Executive and the Chief Financial Officer, and to liaise with that body in furtherance of the investigation.
<b>Access to Chair and Vice Chair of Audit Committee.</b>	
2.6.11.	To arrange a meeting, periodically, in private with the Chair and Vice Chair of the Monitoring and Audit Committee.

## 2.7. Executive Director of Development and Infrastructure

The following matters are delegated to the Executive Director of Development and Infrastructure:

<b>General.</b>	
2.7.1.	To exercise operational management of the Council's functions falling within the remit of development and infrastructure services.
2.7.2.	To implement schemes for the control of, and response to, flooding and coastal erosion.
<b>Harbour and Towing Services.</b>	
2.7.3.	To exercise functional responsibility for the Council's harbour and towing services.
<b>Airfields and Air Services.</b>	
2.7.4.	To exercise operational management of airfields owned and operated by, or on behalf of, the Council, including implementing all relevant health and safety, emergency procedures and safety management systems, and exercising the function of Accountable Manager in terms of CAP 1059 guidance issued by the Civil Aviation Authority.
2.7.5.	To make arrangements for maintenance of, and minor improvements to, such airfields, including any provisions necessary to respond to unforeseen circumstances which may threaten safety or consistency of lifeline air services.
2.7.6.	To exercise responsibility for contracting the provision of internal air services.
2.7.7.	To make temporary arrangements, for the provision of internal air services, outwith the scope of public service obligations, to meet unforeseen circumstances.
<b>Transport.</b>	
2.7.8.	To exercise operational responsibility for the Council's functions in respect of public transport services.
2.7.9.	To make temporary arrangements, for the provision of public transport services, outwith the scope of public service obligations, to meet unforeseen circumstances.
<b>Ferries.</b>	
2.7.10.	To make temporary arrangements for the provision of internal ferry services to meet unforeseen circumstances.
2.7.11.	To represent the Council in advising and supporting the Board of Orkney Ferries Limited on operational and management related matters associated with the delivery of Service Level Agreements.
<b>Naming of Roads.</b>	

2.7.12.	To name all roads in accordance with the principles of the Road Naming Policy and Procedure Guidelines.
<b>Roads.</b>	
2.7.13.	To exercise operational management of the Council's functions as roads authority, including all matters pertaining to roads, roads infrastructure, car parking, street lighting, Christmas Trees and other decorative features.
2.7.14.	To grant construction consent for the building of new roads, other than roads built by the Council.
2.7.15.	To grant consent for works to, or excavations of, public and other roads.
2.7.16.	To add or delete roads from the list of public roads.
2.7.17.	To review annually and thereafter implement service plans in respect of the Council's functions as roads authority, including the winter service plan.
2.7.18.	To exercise operational management of Electric Vehicle infrastructure, including installation of infrastructure and establishment of new charge points and associated infrastructure.
<b>Land and Property.</b>	
2.7.19.	To exercise operational management for maintenance of the Council's land and property, including land and property held on the Housing Revenue Account, industrial estates and business parks.
2.7.20.	To provide technical advice in respect of management of the Council's land and property portfolio.
<b>Parking Provision.</b>	
2.7.21.	To exercise operational management of off-street parking facilities, including temporary cancellation of charging or amendments to charges to meet unforeseen circumstances.
2.7.22.	To exercise operational management for the enforcement of notices of charge relating to contravention of road traffic orders, including determination of requests for cancellation thereof.
2.7.23.	To determine applications for parking permits.
2.7.24.	In consultation with the Solicitor to the Council, to grant permission for street trading or market-type operations in non-charging car parks, in accordance with the following criteria: <ul style="list-style-type: none"> <li>• The prime traffic management purpose of the car parks should not be compromised, with commercial trading or market-type operations only permitted should there be surplus capacity in the car park and sufficient space for the trader to operate from and for customer car parking.</li> <li>• Consultation to take place with the relevant ward members and the relevant Community Council.</li> </ul>

	<ul style="list-style-type: none"> <li>• A charge to be levied to meet administration costs, for the use of Council property for street trading or market-type operations, to ensure equity with local businesses paying non-domestic rates.</li> </ul>
2.7.25.	In consultation with the Solicitor to the Council, to grant permission for charitable and community fund raising events within non-charging car parks, subject to no traffic management difficulties being anticipated.
<b>Flood Prevention.</b>	
2.7.26.	To exercise operational management of policies and schemes for the prevention of flooding of non-agricultural land.
<b>Traffic Management and Road Safety.</b>	
2.7.27.	To make temporary restrictions and prohibitions, by order, of the use of roads by traffic and pedestrians.
2.7.28.	Following approval by Council of the principle of restrictions and/or prohibitions for the use of roads, to make new traffic orders, whether permanent or experimental, including statutory consultation procedures, where no objection has been raised.
2.7.29.	In consultation with the Solicitor to the Council, to amend existing or make new traffic orders, including those necessitated by new road layouts, including statutory consultation procedures, where no objection has been raised.
2.7.30.	To stop up unnecessary or dangerous roads.
<b>Operational Environmental Services.</b>	
2.7.31.	To exercise operational management for the collection, disposal and control of waste and litter, including street cleansing services and recycling schemes.
<b>Quarry Services.</b>	
2.7.32.	To appoint a suitably qualified officer for the statutory functions and obligations of the Council in terms of all current and relevant legislation relating to explosives and shot firing in relation to the Council's quarrying operations.
2.7.33.	To exercise operational management for the Council's quarrying services.
<b>Coastal Protection.</b>	
2.7.34.	To implement schemes for coastal protection.
2.7.35.	In consultation with the Chief Financial Officer, to authorise works for coastal protection in order to respond to urgent situations.
<b>Burial Grounds.</b>	
2.7.36.	To exercise operational management of burial grounds, including maintenance.
2.7.37.	To appoint Burial Ground Clerks.

<b>Public Conveniences.</b>	
2.7.38.	To exercise operational management of public conveniences, including maintenance and determination of opening hours where these are accommodated within existing budgets.
<b>St Magnus Cathedral.</b>	
2.7.39.	To make arrangements for the maintenance of St Magnus Cathedral.
<b>Economic Development.</b>	
2.7.40.	To determine applications for financial assistance which meet the criteria of approved schemes.
2.7.41.	To liaise with tenants accommodated within the Council's industrial and commercial land and property estate regarding any current and future development needs.
<b>Fisheries.</b>	
2.7.42.	In consultation with the Solicitor to the Council, to amend or extend previously accepted terms of grant undertakings, provided exceptional circumstances apply.
2.7.43.	In consultation with the Solicitor to the Council, to agree terms in respect of the lease of the Council's fisheries quota.
<b>Environment.</b>	
2.7.44.	To implement schemes and identify external funding sources relating to environmental improvements, including the rehabilitation of derelict land and property, contaminated land, open space and biodiversity issues.
2.7.45.	To deliver the Council's duties and responsibilities, in partnership with other agencies, in relation to the conservation of biodiversity and protective species as required by the Nature Conservation Act 2004 and the Wildlife and Countryside Act 1981.
<b>Access to the Countryside.</b>	
2.7.46.	To exercise operational responsibility for the assertion of access rights and public rights of way, including maintenance of a paths network.
2.7.47.	To uphold access rights, including asserting, protecting and keeping open and free from obstruction any route, and ensuring that landowners do not deliberately undertake any activity for the purpose of preventing or deterring the exercise of access rights.
2.7.48.	To take steps to warn and protect the public against any danger on any land in respect of which access rights are exercisable.
2.7.49.	To ensure that core paths and rights of way are reinstated after ploughing or any other land management practices which have disturbed the route.
2.7.50.	To determine applications to exclude land from access rights.

2.7.51.	To authorise contractors or others operating on behalf of the Council to enter land.
<b>Historic Buildings and Town Heritage.</b>	
2.7.52.	To implement schemes and identify external funding sources to help safeguard the future use of historic buildings and the enhancement of conservation areas.
2.7.53.	To make arrangements for the delivery of all project and policy decisions and operational activities arising from townscape heritage initiatives, landscape partnerships and other heritage schemes, where these fall within approved budgets, including the establishment of partnership boards.
<b>Development Management.</b>	
2.7.54.	<p>To determine all planning applications, with the exception of the following:</p> <ul style="list-style-type: none"> <li>• Any planning application which is deemed as a “national development” or a “major development”.</li> <li>• Any planning application which is significantly contrary to the Local Development Plan and recommended for approval.</li> <li>• Any planning application which attracts an objection, which is valid in planning terms, and recommended for approval.</li> <li>• Any planning application which is subject to an Environmental Impact Assessment.</li> <li>• Where notice has been given to the Appointed Officer by two or more elected members of the Council that they require the planning application to be referred to the Planning Committee for determination.</li> <li>• Any planning application made by or on behalf of the following: <ul style="list-style-type: none"> <li>○ An Elected Member of the Council.</li> <li>○ A member of staff employed within the Planning Service (Development Management or Development and Marine Planning).</li> <li>○ A member of staff routinely servicing the Planning Committee, including the Clerk to the Committee and the Legal Adviser.</li> <li>○ The Chief Executive or any other Chief Officer .</li> </ul> </li> </ul>
2.7.55.	Notwithstanding the delegation above, to refuse planning applications, regardless of representations, which are the subject of requests from planning officers for information required in order to determine the applications, but where such requests have not been met within the prescribed time, being a minimum of 14 days, and without prejudice to re-submission of further applications, containing the required information, within one year of the date of refusal without incurring a further planning fee.
2.7.56.	<p>To issue the undernoted notices and orders:</p> <ul style="list-style-type: none"> <li>• Enforcement Notices for change of use, unauthorised development, breach of condition, listed buildings and advertisement control.</li> <li>• Breach of Condition Notice.</li> </ul>

	<ul style="list-style-type: none"> <li>• Stop Notice.</li> <li>• Completion Notice.</li> <li>• Building Preservation Notice.</li> <li>• Discontinuance Order.</li> <li>• Hazardous Substances Contravention Notice.</li> <li>• Temporary Stop Notice.</li> <li>• Fixed Penalty Notice.</li> <li>• Amenity Notice.</li> <li>• Planning Contravention Notice.</li> <li>• Section 272 Notice.</li> </ul>
2.7.57.	To determine applications for Works Licences, or any variation to or transfer of an existing Works Licence, where no objection has been raised, or alternatively, an objection has been made and the application is not recommended for approval.
2.7.58.	To determine applications for advertisement consent.
2.7.59.	To determine applications for tree works for trees protected by Tree Preservation Orders or by virtue of their location within conservation areas.
2.7.60.	To determine applications for High Hedge Notices.
2.7.61.	To determine applications for Listed Building Consent or Conservation Area Consent, with the exception of applications which attract an objection, which is valid in planning terms, and the application is recommended for approval.
2.7.62.	To determine applications for Hazardous Substances Consent.
2.7.63.	To determine applications for prior notification or prior approval made under the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended).
2.7.64.	To determine requests for non-material variation of planning applications in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended)..
2.7.65.	To determine, in accordance with the applicable Environmental Impact Assessment (EIA) Regulations, whether a planning application requires to be supported by an EIA Report (Screening Opinion) and to determine the scope of any such EIA Report (Scoping Opinion).
2.7.66.	To carry out Habitats Regulations Appraisals and, where any plan or project will have a likely significant effect on a European site, carry out an Appropriate Assessment.
2.7.67.	To process, administer and defend planning and related appeals to Scottish Ministers, either by written representation, hearing or Inquiry sessions.

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2.7.68.	To fulfil functions of the Council in terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
<a href="#">2.7.69.</a>	To determine applications made under Regulation 62 of the Conservation (Natural Habitats, &c.) Regulations 1994.
<a href="#">2.7.70.</a>	To determine applications for Modifications or Discharge of Planning Obligations.
<a href="#">2.7.71.</a>	To determine applications for certificates of lawfulness of existing and proposed use or development.
<a href="#">2.7.72.</a>	To decline to determine an application in terms of Section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended).
<b>Marine Planning.</b>	
<a href="#">2.7.73.</a>	To determine the Council's response, as a statutory consultee, to Scottish Government marine licence consultations, with the exception of responses where the officer recommendation is an objection.
<b>Trees.</b>	
<a href="#">2.7.74.</a>	In consultation with the Solicitor to the Council, to serve Tree Preservation Orders that are considered necessary to ensure the immediate protection of trees.
<a href="#">2.7.75.</a>	To confirm provisional Tree Preservation Orders, where no objection has been raised.
<b>Electricity Act.</b>	
<a href="#">2.7.76.</a>	To determine the Council's response to energy consent applications made to Scottish Ministers in terms of the Electricity Act 1989, known as Section 36 and Section 37 applications, and to Simplified Notifications submitted by developers, with the exception of the following: <ul style="list-style-type: none"> <li>• Electricity Act consultations equivalent in scale to "national development".</li> <li>• Electricity Act consultation where an objection is raised.</li> </ul>
<b>Environmental Health.</b>	
<a href="#">2.7.77.</a>	To appoint suitably qualified officers for the statutory functions and obligations of the Council in terms of all current and relevant legislation relating to environmental health.
<a href="#">2.7.78.</a>	To maintain a current list of local authority competent persons who carry out the functions conferred by the Public Health (Scotland) Act 2008 and any other enactment.
<a href="#">2.7.79.</a>	To exercise the Council's operational and regulatory functions relating to environmental health and to exercise statutory powers, including the determination and issue of notices, orders, licences, grants, certificates and returns in respect of all legislative provisions, including the right to enter

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	land, premises and vessels in connection with the discharge of these duties which fall within the following activities: <ul style="list-style-type: none"> <li>• Air Quality.</li> <li>• Anti-social Behaviour.</li> <li>• Contaminated Land.</li> <li>• Food Safety.</li> <li>• Licensing Standards (alcohol).</li> <li>• Port Health.</li> <li>• Private Sector Housing.</li> <li>• Private Water Supplies.</li> <li>• Public Health.</li> <li>• Statutory Nuisances.</li> <li>• Waste Regulation.</li> <li>• Workplace Health and Safety.</li> </ul>
2.7.80.	To exercise the Council's statutory functions in terms of environmental protection and public health with respect to statutory nuisances, anti-social behaviour, clean air, dog fouling, litter, fly-tipping, graffiti and waste regulation.
2.7.81.	To arrange for the identification of contaminated land and to take appropriate action to carry out remediation.
2.7.82.	To appoint suitably qualified officers for the statutory functions and obligations of the Council in terms of all current and relevant legislation relating to the functions of the Licensing Standards Officer and alcohol licensing.
2.7.83.	To serve Closing and Demolition Orders in respect of below tolerable standard housing, other than in instances where the property is occupied.
2.7.84.	To determine grants to owners of private premises, in respect of private water supplies.
2.7.85.	To promote improvements to public health and hygiene, including education and awareness raising on prevention of infectious diseases, contamination and other hazards that constitute a danger to public health.
2.7.86.	To grant new, or vary existing, miscellaneous licences, including, but not limited to, caravans, caravan sites and houses in multiple occupation, where no objection has been raised.
2.7.87.	To bury or cremate the body of any person where it appears that no suitable arrangements for the disposal of the body have been made and to recover costs from the estate of the deceased person.
2.7.88.	To prepare, revise and update operational plans, including, but not limited to, Food Safety, Health and Safety and Port Health.
<b>Trading Standards.</b>	

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2.7.89.	To appoint a suitably qualified officer for the statutory functions and obligations of the Council in terms of all current and relevant legislation relating to trading standards, including fulfilling the statutory functions of Chief Inspector of Weights and Measures.
2.7.90.	To exercise the Council's operational and regulatory functions relating to trading standards and to exercise statutory powers, including the determination and issue of notices, orders, licences, grants, certificates and returns in respect of all legislative provisions, including the right to enter land, premises and vessels in connection with the discharge of these duties which fall within the following activities: <ul style="list-style-type: none"> <li>• Animal health and welfare.</li> <li>• Animal feed.</li> <li>• Consumer and business advice.</li> <li>• Consumer safety.</li> <li>• Fair trading.</li> <li>• Petroleum and explosives.</li> <li>• Weights and measures.</li> </ul>
2.7.91.	To grant new, or vary existing, miscellaneous licences or conditions thereof, including, but not limited to the following activities, where no objection has been raised: <ul style="list-style-type: none"> <li>• Animal boarding establishments.</li> <li>• Dog breeding establishments.</li> <li>• Pet animals.</li> <li>• Performing animals.</li> <li>• Keeping dangerous wild animals.</li> <li>• Riding establishments.</li> <li>• Zoos.</li> <li>• Storage of explosives.</li> <li>• Petroleum storage.</li> <li>• Fireworks.</li> </ul>
2.7.92.	To undertake all functions and make all decisions in relation to the seizure, detention and disposal of stray dogs.
2.7.93.	To make test purchases pursuant to the Council's statutory obligations.
2.7.94.	To exercise the Council's statutory functions in respect of The Energy Performance of Buildings (Scotland) Regulations 2008, and any amendment thereto or re-enactment thereof, in respect of domestic buildings.
2.7.95.	To authorise trading standard personnel from outwith Orkney to undertake any investigations or specialised work on behalf of the Council.
<b>Building Standards.</b>	

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2.7.96.	To exercise the Council's regulatory functions relating to building standards in terms of the Building (Scotland) Act 2003 and carry out the duties of verifier as appointed/directed by Scottish Ministers, including the determination and issue of notices, orders, licences, certificates and returns in respect of all legislative provisions.
2.7.97.	To determine and issue building warrants and certificates of completion.
2.7.98.	To ensure compliance with, and enforcement of, building regulations, including serving Building Regulations Compliance Notices, Continuing Requirement Enforcement Notices and Building Warrant Enforcement Notices.
2.7.99.	To exercise the Council's functions in relation to dangerous and defective buildings, including the serving of Defective Building Notices and Dangerous Buildings Notices.
2.7.100.	To exercise the Building Standards functions in relation to providing advice and certification required in respect of applications in terms of the Licensing (Scotland) Act 2005 and the Civic Government (Scotland) Act 1982.
2.7.101.	To exercise the Council's statutory functions in respect of The Energy Performance of Buildings (Scotland) Regulations 2008, and any amendment thereto or re-enactment thereof, in respect of non-domestic buildings.

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## 2.8. Harbour Master

The Port Marine Safety Code, issued by the Department for Transport and the Maritime and Coastguard Agency, is endorsed by the UK Government, the devolved administrations and representatives from across the maritime sector. While the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code states that the Harbour Master should have day-to-day responsibility for managing the safe operation of navigation and other marine activities in the harbour and its approaches.

The following matters are delegated to the Harbour Master, in consultation with and where appropriate, as determined by, the Executive Director of Development and Infrastructure:

<b>Harbour and Towing Services.</b>	
2.8.1.	To exercise operational management of the Council's functions as Harbour Authority, including pilotage, towage and salvage functions.
2.8.2.	To exercise operational management of the Council's functions as local lighthouse authority, including the provision of aids to navigation.
2.8.3.	To exercise operational management of the Council's harbours, harbour areas, piers, boat slips and jetties, including maintenance.
2.8.4.	To make operational arrangements to ensure safe navigation within the Council's harbour areas.
2.8.5.	To exercise operational management of the commercial operation of the Council's harbour areas, in accordance with the Schedule of Charges.
2.8.6.	To implement emergency procedures, including those in terms of the Dangerous Substances in Harbour Areas Act 1998 and the Health and Safety at Work Act 1974.
2.8.7.	To implement schemes for the control of, and response to, pollution within the harbour area and approaches.
2.8.8.	In consultation with the Chief Financial Officer, to determine charges, or amend existing charges, on a case-by-case basis, to respond to commercial competitiveness and/or expediency to secure maximum overall benefit to the Council from the Harbour Authority activities.
2.8.9.	To exercise operational responsibility for advising the Council, as duty holder for the harbour area, within the context of the Port Marine Safety Code.

## 2.9. Executive Director of Education, Leisure and Housing

The Executive Director of Education, Leisure and Housing will be appointed the Chief Education Officer for the purposes of Section 25 of the Education (Scotland) Act 2016 once in effect.

The following matters are delegated to the Executive Director of Education, Leisure and Housing:

<b>Education.</b>	
2.9.1.	To exercise operational management of the Council's function as education authority, including: <ul style="list-style-type: none"> <li>• The provision of school education, early learning and childcare and additional support needs.</li> <li>• The provision of services for the assessment and guidance of children with additional support needs.</li> <li>• The management of schemes for the operation of parent councils.</li> <li>• Orkney College.</li> <li>• The making of arrangements to secure improvement in the quality of school education.</li> <li>• The preparation and implementation of school development plans and standards and quality reports.</li> </ul>
2.9.2.	To exclude pupils from schools.
2.9.3.	To suspend pupils from halls of residence.
2.9.4.	To determine applications for assistance, within policy, to enable pupils and students to take advantage of further education.
2.9.5.	To determine applications for travel grants, within policy.
2.9.6.	To award the annual travel scholarship to Hordaland County.
2.9.7.	To determine, in consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, applications for financial assistance which require to be urgently resolved and which fall outwith Council policy.
2.9.8.	To determine the sum to be awarded towards the cost of education projects, to coincide with the St Magnus Festival.
<b>Recreation Services.</b>	
2.9.9.	To exercise operational management of the Council's functions in relation to: <ul style="list-style-type: none"> <li>• Public libraries, theatres, halls, gymnasiums, playing fields, tracks, courts, swimming pools, outdoor centres, campsites, caravan sites, parks and other facilities for recreational and social activities.</li> <li>• Schemes to assist voluntary organisations and other persons engaged in activities connected with the provision of recreational and social activities.</li> <li>• The client function of leisure management, including the Council's arrangements with the Pickaquoy Centre Trust.</li> </ul>

	<ul style="list-style-type: none"> <li>• Maintenance of the Kirk Green, Broad Street, Kirkwall.</li> </ul>
2.9.10.	To determine applications which meet the criteria of approved schemes of assistance.
2.9.11.	To determine annual requests for financial assistance from voluntary organisations and other persons concerned with the provision of recreational, cultural and social activities or facilities, up to a maximum sum of £5,000.
<b>Heritage Services.</b>	
2.9.12.	To exercise operational responsibility for museums, galleries, arts and cultural centres and other facilities for heritage facilities.
2.9.13.	To implement schemes to assist voluntary organisations and other persons engaged in activities connected with the provision of heritage services.
2.9.14.	To acquire items for, and dispose of items within, the museum service collections, in accordance with the approved Collections Development Policy, Museums Accreditation and Museums Association Code of Ethics.
2.9.15.	To determine requests for loans of museum artefacts, including those which meet the undernoted criteria, subject to all standard conditions of loan being met by the applicant: <ul style="list-style-type: none"> <li>• Key artefacts.</li> <li>• Valuable artefacts.</li> <li>• Large collections of artefacts.</li> <li>• Requests for artefacts to travel outwith the United Kingdom.</li> </ul>
2.9.16.	To exercise operational responsibility for the caretaking and security of, and guiding of visitors around, St Magnus Cathedral.
<b>Schoolcare Accommodation Services.</b>	
2.9.17.	To exercise operational management of schoolcare accommodation.
2.9.18.	In consultation with the Chief Financial Officer, to amend charges for use of Papdale Halls of Residence, on a case-by-case basis, if required, to respond to requests for individual groups and/or expediency to secure maximum overall benefit to the Council for use of Papdale Halls of Residence.
<b>Housing.</b>	
2.9.19.	To exercise operational allocation and management of the Council's housing stock, in terms of the Council's Lettings Policy.
2.9.20.	To issue a Short Scottish Secure Tenancy, or convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy, where deemed appropriate.
2.9.21.	To determine applications received under the Housing Organisations Mobility and Exchange Services (HOMES) and MoveUK initiatives.
2.9.22.	To determine applications for mutual exchange tenancies, assignations and sub-letting.

2.9.23.	To determine applications for sheltered accommodation, in consultation with the Executive Director of Orkney Health and Care.
2.9.24.	To determine whether applications for rehousing should be given priority in circumstances of medical or social need, under-occupation or statutory overcrowding.
2.9.25.	To determine whether applicants for Council accommodation, whose names are removed from the Housing Register, should be reinstated without penalty.
2.9.26.	To determine whether former tenants owing rent in respect of a former Council property should be admitted to the Council's housing waiting list.
2.9.27.	To waive penalties for refusal of "reasonable" offers of accommodation, where deemed appropriate.
2.9.28.	To waive normal eligibility rules relating to property size allocation, where deemed appropriate.
2.9.29.	To determine responses for breaches of conditions of tenancy up to, but not including, eviction, in consultation with the Solicitor to the Council.
2.9.30.	To determine whether any court action for eviction should be taken in individual cases, in consultation with the Solicitor to the Council.
2.9.31.	In consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, together with members representing isles wards, relevant Parent Councils and Community Councils, to declare isles' schoolhouses surplus to service operational requirements, as they become vacant.
2.9.32.	To determine non-contentious applications to operate businesses from Council housing, in consultation with the Solicitor to the Council.
2.9.33.	To exercise operational management of the provision of furnished accommodation and associated facilities.
2.9.34.	To implement schemes to meet the needs of homeless persons or persons threatened with homelessness.
2.9.35.	In consultation with the Solicitor to the Council, to accept a household as being homeless or being threatened with homelessness, without a court order, where it was likely that a court action would be detrimental to the tenant on medical grounds, had no reasonable prospect of being successfully defended, or where it was believed the tenant could be at risk of actual harm from the landlord.
2.9.36.	To determine appeals in connection with the provision of accommodation made in terms of homelessness legislation.
<a href="#">2.9.37.</a>	To determine funding awards to relevant agencies in line with their roles relating to the approved Homelessness Strategy.



2.9.38.	To establish a Register of Private Sector Landlords in accordance with the provisions of Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004, and to determine applications in respect thereof.
2.9.39.	To refuse to register and/or deregister landlords in accordance with Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004, in consultation with the Solicitor to the Council.
2.9.40.	To award Decoration and Removals Grants in accordance with Council policy.
2.9.41.	In consultation with a panel, comprising the Chair and Vice Chair of the Education, Leisure and Housing Committee, the Head of Housing, Homelessness and Schoolcare Accommodation Services and other relevant officers, to determine the most appropriate action when tenants refuse to allow improvements, resulting in the property failing to meet the Scottish Housing Quality Standard and the Energy Efficiency Standard for Social Housing.
2.9.42.	To determine whether applicants should be eligible for further assistance under the Small Repairs Scheme within a period of two years from the initial application and to award assistance of sums in excess of £1,000 in special circumstances.
2.9.43.	To determine financial contributions to external bodies, including tenant associations, engaged in activities connected with the provision of social housing.
2.9.44.	To determine applications for Housing Grants, excluding aids and adaptations.
<b>Fuel Poverty and Energy Efficiency.</b>	
2.9.45.	In consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, to submit bids, on an annual basis, for fuel poverty or energy efficiency funding that may become available as and when funds are opened.

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## 2.10. Executive Director of Orkney Health and Care

The Executive Director of Orkney Health and Care holds the following delegated powers, with the exception of matters which are formally reserved to the Chief Social Work Officer:

<b>General.</b>	
2.10.1.	To exercise operational management of the Council's functions as social work authority.
<u>2.10.2.</u>	<u>Under secondment to the role of Chief Officer of the Orkney Integration Joint Board from the employing authority, either OIC or NHS Orkney, to ensure strategic management and operational delivery of the functions delegated to the Integration Joint Board.</u>
<b>Advice and Assistance.</b>	
2.10.3.	To determine financial contributions, of a sum not exceeding £5,000, to external bodies connected with the provision of social work services.
2.10.4.	To provide advice, guidance and assistance, in cash or in kind, to persons requiring such facilities for the promotion of social welfare, up to a maximum of £6,000.
<b>Children and Families.</b>	
2.10.5.	To exercise the Council's statutory functions in terms of the Children (Scotland) Act 1995, and any amendment thereto or re-enactment thereof, including the power to make application for Exclusion Orders, Child Assessment Orders, Child Protection Orders and Parental Responsibilities Orders.
2.10.6.	To provide services including advice, guidance and assistance to children and their families referred to the Council by the Reporter and services to assist the Reporter and the Children's Panel in the discharge of their functions.
2.10.7.	To provide advice, guidance and assistance to further the interests of children looked after by the Council and the arrangements for the accommodation and maintenance of such children.
2.10.8.	To undertake investigations and submit reports to court in certain actions relating to parental responsibilities.
2.10.9.	To safeguard the interests of children in matrimonial proceedings.
2.10.10.	To exercise the Council's statutory functions in terms of the Adoption (Scotland) Act 1978, and any amendment thereto or re-enactment thereof, including the power to make application to the Sheriff Court for an Order Declaring a Child Free for Adoption.
2.10.11.	To make arrangements for services to ensure the protection of children placed for fostering and adoption.

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2.10.12	To act as “agency decision maker” in terms of the Adoption Agencies (Scotland) Regulations 1996 and any amendment thereto or re-enactment thereof.
<b>Criminal Justice.</b>	
2.10.13	To exercise operational responsibility for the management of criminal justice services, including the provision of social work services to the courts to assist in the discharge of their functions, supervision of persons placed on probation, released from prison or subject to a community service order and arrangements for the supervision of, and provision of services to, offenders.
<b>Community Care.</b>	
2.10.14	To exercise operational responsibility for the management of community care services.
2.10.15	To exercise the Council’s statutory functions in terms of the National Assistance Act 1948, the NHS and Community Care Act 1990 and the Adult Support and Protection (Scotland) Act 2007 and any amendment thereto or re-enactment thereof.
2.10.16	To provide home-help and personal care services, for households containing persons in need, and the arrangements for assessment and review of the requirements for such help.
2.10.17	To exercise the Council’s statutory functions in terms of the Mental Health (Scotland) Act 1984 and any amendment thereto or re-enactment thereof.
2.10.18	To exercise the Council’s statutory functions in terms of the Adults with Incapacity (Scotland) Act 2000 and any amendment thereto or re-enactment thereof.
2.10.19	To make arrangements for the care and aftercare of persons suffering from mental disorders.
2.10.20	To appoint Mental Health Officers.
2.10.21	To make arrangements for the care and aftercare of persons who have been suffering from illness, other than persons requiring medical, dental, nursing care or health visiting services.
2.10.22	To make arrangements for the management of residential and other establishments required for social work services.
2.10.23	To make arrangements for the assessment of the needs of persons requiring admission to such establishments and for securing their welfare.
2.10.24	To implement Council policies and decisions in relation to joint working with partner organisations, including NHS Orkney, in furtherance of the Council’s statutory duties, and agreed community planning objectives.
<b>Community Safety Partnerships.</b>	
2.10.25	To exercise operational responsibility in respect of community safety partnerships.

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<b>Housing Grants.</b>	
2.10.26.	To determine applications for enhanced Housing Grant, on grounds of disability, in consultation with the Executive Director of Education, Leisure and Housing where required.

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## 2.11. Chief Social Work Officer

The Chief Social Work Officer is a statutory appointment [of the Council](#) by virtue of Section 3 of the Social Work (Scotland) Act 1968.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the Social Work (Scotland) Act 1968 and under those other enactments listed in Section 5(1B) of that Act. In broad terms, those functions cover all social work and social care services whether provided directly by the Council, in partnership with other agencies, or procured by the Council and provided by others on its behalf.

[Under the Public Bodies \(Joint Working\) \(Scotland\) Act, 2014, the Council's Chief Social Work Officer is required to be a co-opted non-voting member of Orkney's Integration Joint Board.](#)

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996.

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under general guidance issued by Scottish Ministers.

<b>Responsibility for values and standards.</b>	
The Chief Social Work Officer should:	
2.11.1.	Promote values and standards of professional practice, including relevant National Standards, and provide a clear statement of expectation of social service workers and employers (consistent with the Scottish Social Services Council's Codes of Practice).
2.11.2.	Ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically.
2.11.3.	Work with Human Resources to ensure that all social service workers meet the requirements of the Scottish Social Services Council's Code of Practice and that all registered workers meet the requirements of their regulatory body.
2.11.4.	Support and advise managers in maintaining and developing high standards of practice and supervision.
2.11.5.	Ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance.
2.11.6.	Ensure that there are effective governance arrangements for management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the local authority's corporate policy on risk does not reflect this balance, the Chief Social Work Officer is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements.
2.11.7.	Ensure appropriate advice is provided on corporate workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff.

2.11.8.	Actively promote continuous improvement, raising standards and evidence-informed good practice, including development of person-centred services that are focussed on the needs of the service user.
2.11.9.	Oversee the quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the Scottish Social Services Council's Code of Practice for Employers of Social Service Workers.
2.11.10.	Ensure that appropriate systems are in place both to promote good practice and to identify and address weak and poor practice. The Chief Social Work Officer should work with managers to ensure these systems are effective and, where this is not the case, the Chief Social Work Officer has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems.
2.11.11.	Ensure that significant case reviews are undertaken into all critical incidents either resulting in, or which may have resulted in, death or serious harm.
2.11.12.	Take final decisions on behalf of the local authority in relation to a range of social work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time.
2.11.13.	Contribute to reports to the Chief Executive and elected members – providing independent comment where necessary – on the findings of relevant performance reports, setting out: <ul style="list-style-type: none"> <li>• Implications for the local authority, for services, for service users and carers, for individual teams/members of staff/partners as appropriate.</li> <li>• Implications for delivery of national and local outcomes.</li> <li>• Proposals for remedial action.</li> <li>• Means for sharing good practice and learning.</li> <li>• Monitoring and reporting arrangements for identified improvement activity.</li> </ul>
2.11.14.	Report to the local authority on any other social work related issues.
2.11.15.	Prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role.
<b>Access.</b>	
To discharge these responsibilities effectively, the Chief Social Work Officer needs:	
2.11.16.	Access to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners, partner services and agencies.
2.11.17.	To be able to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained.
2.11.18.	To be visible and available to any social service worker and ensure the availability of professional advice and guidance.
2.11.19.	To provide professional advice as required to senior managers across the authority in support of corporate agendas.

<b>Leadership Responsibilities.</b>	
The Chief Social Work Officer is responsible for providing professional leadership and should:	
2.11.20.	Support and contribute to evidence-informed decision making and practice, at professional or corporate level, by providing appropriate professional advice.
2.11.21.	Seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery.
2.11.22.	Support the delivery of social work's contribution to achieving local outcomes.
2.11.23.	Promote partnership working across professions and agencies to support the delivery of suitably integrated social work services.
2.11.24.	Promote social work values across corporate agendas.

The Chief Social Work Officer holds the following delegated powers:

<b>Deprivation of Capital Assets.</b>	
<a href="#">2.11.25.</a>	To determine, with advice as appropriate from the Chief Financial Officer and/or the Solicitor to the Council, whether or not deprivation of capital assets has occurred in relation to residential care charging.

## Appendix 1

### List of Chief Officers

#### Chief Executive's Service:

- Chief Executive.
- Head of Executive Support.
- Head of Finance (currently also designated Chief Financial Officer).

#### Corporate Services (interim line management reporting arrangements currently apply as indicated):

- Executive Director (post currently vacant).
- Head of Legal Services (currently also designated Solicitor to the Council and Monitoring Officer) (reports to Chief Executive).
- Head of Human Resources and Performance (reports to Executive Director of Education, Leisure and Housing).
- Head of Information Technology and Facilities (reports to Executive Director of Development and Infrastructure).

#### Development and Infrastructure:

- Executive Director.
- Head of Marine Services, Engineering and Transportation.
- Head of Strategic Development and Regeneration.
- Head of Planning and Regulatory Services.
- Head of Roads and Environmental Services.

#### Interim Structure currently in place:

- Head of Marine Services and Transportation (currently also designated Harbour Master).
- Head of Infrastructure and Strategic Projects.
- Head of Planning, Development and Regulatory Services.

#### Education, Leisure and Housing:

- Executive Director (Chief Education Officer designate).
- Head of Education.
- Head of Community Learning, Leisure and Housing.

#### Orkney Health and Care:

- Chief Officer and Executive Director.
- Head of Health and Community Care.
- Head of Children and Families and Criminal Justice (currently also designated Chief Social Work Officer).



Appendix 3.

## **Willow Tree Nursery – Policy Positions**

### **1.1.**

Places would be offered to babies aged 6 months and over, and children would lose their place when they had entitlement at their own setting (usually from the term after their third birthday). The Education Service would also use the temporary provision for funded two-year olds. The cost for these children would be covered by the early years' service budget.

### **1.2.**

It is very unlikely that any day nursery would be able to run at 100% capacity, however, the following is suggested to mitigate risks/reduce losses:

#### **1.2.1. Sessions**

Rather than booking hours as and when, parents would be able to book the following only:

- Morning session (08:00 to 13:00).
- Afternoon session (13:00 to 17:30).
- All day session (08:00 to 17:30).

#### **1.2.2. Fixed hourly rate**

Many nurseries offer discounts for two children, or for taking more hours. Having a fixed hourly rate will cost parents more, however, the income would be more predictable.

#### **1.2.3. Food**

There will be a lunch offer (cooked meal only) which parents will be charged for separately, the price to be set in agreement with the School Meals service. A snack will be included within the fees.

#### **1.2.4. Holiday Allowance**

In addition to the closure days at Christmas, parents will have a four week holiday entitlement. Any additional holiday time taken will be charged for.

#### **1.2.5. Sickness Absence**

Parents will normally be charged for days that their child is not attending due to illness. If a child is going to be off for more than two weeks, then the parent should speak to the manager. In this case, fees may not be charged, in accordance with the existing charging policy for Early Learning and Childcare settings.

#### **1.2.6. Changing the day of attendance each week**

Random or varied attendance will not be able to be accommodated. However, parents may ask if there is any availability for ad hoc sessions and the manager will accommodate requests if there is space.

**1.2.7. One week off/ one week on**

If parents wish to use one or two weeks every month, then they will need to pay for the full month to retain the space.

**1.2.8. Changing arrangements**

Parents will need to give 4 weeks' notice of any significant changes they wish to make, eg reducing/stopping sessions. If a parent wished to change/swap a session for any reason, then they would contact the manager who would see if the request could be accommodated.

**1.2.9. Payments**

Payments would be made a month in advance. Any ad hoc sessions taken during the month would be added to the next bill.