



Renfrewshire Valuation Joint Board

To: Renfrewshire Valuation Joint Board

On: 1 June 2018

Report
by
Clerk

Review of Scheme of Delegated Functions

1. Summary

- 1.1 The Joint Board approved its scheme of delegation and recognition at a meeting held on 28 August 1996. This scheme was subsequently amended at meetings held on 14 August 1998, 14 May 2004, 19 May 2006 and 20 August 2010. The scheme operates on the principle that decisions should be made at the lowest level consistent with the nature of the issues involved.
- 1.2 Having regard to the role and functions of the Joint Board and good practice and in view of the passage of time, a review of the scheme has been undertaken by the Clerk, in consultation with the Assessor and Electoral Registration Officer.
- 1.3 A copy of the revised scheme forms the appendix to this report with the suggested deletions detailed in blue ink and scored through and the suggested additions detailed in red ink.
- 1.4 The current review is aimed at ensuring that the provisions of the scheme do not contain any obstacles to the efficient operation of the Joint Board's functions. The amendments proposed reflect that approach.
- 1.5 The most significant changes are set out in section 4 of this report.

2. Recommendation

- 2.1 That the Joint Board revokes the existing scheme and approves the revised scheme of delegation as appended to the report.

3. Background

- 3.1 The Joint Board is only able to do what statute empowers it to do. In the absence of a decision by the Joint Board to the contrary, all powers are exercisable by the Joint Board itself. Recognising that such a requirement would be so cumbersome as to be unworkable, the Joint Board has chosen to delegate certain of its powers to the Assessor and Electoral Registration Officer, Clerk and Treasurer. The Joint Board may only delegate to a committee, or a sub-committee, or an officer.
- 3.2 Where a responsibility has been delegated, there is nothing to prevent the delegator from dealing with the responsibility delegated, or from withdrawing or amending the delegation granted. Exercise by a delegate of a delegated responsibility is as if it had been done by the Joint Board itself.

4. Significant Changes

- 4.1 The delegations to the Assessor and Electoral Registration Officer shall also be delegations to the Assistant Assessors and Electoral Registration Officers but only in those circumstances where the Assessor and Electoral Registration Officer is not available to exercise any of these delegations.
- 4.2 A delegation to the Assessor and Electoral Registration Officer has been included to enable her to maintain a register for inspection by the Surveillance Commissioner of authorisations for covert surveillance approved by the Assessor and Electoral Registration Officer under sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 and the appointment of officers to act as Authorising Officers for the purposes of the Act.
- 4.3 A delegation to the Assessor and Electoral Registration Officer has been included to enable her to advise the Treasurer of the Joint Board about any extraordinary procurement risk which will affect constituent Councils.
- 4.4 A delegation to the Assessor and Electoral Registration Officer has been included to enable her, in consultation with the Head of Transformation and Organisational Change, Renfrewshire Council, to determine all requests from employees for voluntary redundancy/early retirement.
- 4.5 A delegation to the Assessor and Electoral Registration Officer has been included to enable her to approve the creation of additional temporary senior management posts in response to major project work being undertaken, such posts to be reviewed at the end of a period of 24 months unless approved for a shorter period of time and advise the Head of Transformation and Organisational Change, Renfrewshire Council.

- 4.6 A delegation to the Assessor and Electoral Registration Officer has been included to enable her to appoint temporary staff on appropriate grades additional to the formal establishment to address exceptional workload peaks, such appointments to be for periods not exceeding 26 weeks or such longer period subject to funding being met from existing budgets and advise the Head of Transformation and Organisational Change, Renfrewshire Council.
- 4.7 A delegation to the Assessor and Electoral Registration Officer has been included to enable her to exercise delegations in terms of the Financial Regulations adopted by the Joint Board.
- 4.8 A delegation for the Data Protection Officer has been included to discharge the role of statutory DPO, which includes autonomy in advising on all issues which involve the protection of personal data and monitoring compliance



Renfrewshire Valuation Joint Board

**SCHEME OF DELEGATION
IN RESPECT OF THE ASSESSOR AND
ELECTORAL REGISTRATION OFFICER, CLERK AND TREASURER**

Scheme of Delegation in respect of the Assessor and Electoral Registration Officer, the Clerk and the Treasurer

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SCHEME OF DELEGATION IN RESPECT OF THE ASSESSOR AND ELECTORAL REGISTRATION OFFICER, THE CLERK AND THE TREASURER

INTRODUCTION

The powers/functions detailed within this document are those delegated by Renfrewshire Valuation Joint Board to the Assessor and Electoral Registration Officer, the Clerk and the Treasurer or in appropriate cases powers/functions recognised by the Joint Board as powers/functions exercised by the Assessor and Electoral Registration Officer under statutory authority.

DEFINITIONS

In this scheme of delegation, the following words have the following meanings:

Joint Board – the Renfrewshire Valuation Joint Board set up under The Valuation Joint Boards (Scotland) Order 1995.

The Order – The Valuation Joint Boards (Scotland) Order 1995 made in terms of section 27(7) to (9) of the Local Government etc. (Scotland) Act 1994.

Assessor and Electoral Registration Officer – the officer appointed by the Joint Board as the Assessor and Electoral Registration Officer in terms of the Local Government etc. (Scotland) Act 1994.

Clerk – the Clerk to the Joint Board appointed by the Joint Board.

Treasurer – the Treasurer to the Joint Board appointed by the Joint Board.

Renfrewshire Council – the authority undertaking a range of duties including administering the meetings of the Joint Board and providing support services to facilitate the work of the Joint Board.

Head of Transformation and Organisational Change – the Head of Transformation and Organisational Change of Renfrewshire Council.

Sub-committee – a sub-committee appointed by the Joint Board.

Assistant Assessors and Electoral Registration Officers – the officer appointed by the Joint Board as the Assistant Assessors and Electoral Registration Officers in terms of the Local Government etc. (Scotland) Act 1994.

Convener – the Convener of the Joint Board appointed by the Joint Board.

Depute Convener – the Depute Convener of the Joint Board appointed by the Joint Board.

GENERAL

Without prejudice to the statutory functions and duties of the Assessor and Electoral Registration Officer the delegations approved by the Renfrewshire Valuation Joint Board are subject to:-

- (1) appropriate provisions for financial outlays having been made in the estimates for the current year; and
- (2) the standing orders relating to contracts and the financial regulations adopted by the Joint Board.
- (3) the Chief Executive of Renfrewshire Council authorising other officers to carry out the duties of the Clerk, Treasurer and Monitoring Officer in their absence or with their authority.

POWERS/FUNCTIONS DELEGATED OR RECOGNISED

The delegations to the Assessor and Electoral Registration Officer shall also be delegations to the Assistant Assessors and Electoral Registration Officers but only in those circumstances where the Assessor and Electoral Registration Officer is not available to exercise any of these delegations.

The **Assessor and Electoral Registration Officer** is empowered or is recognised by the Joint Board as enjoying the authority:-

- (1) to deploy resources as he/she thinks fit for the best execution of functions under his/her management **subject to the Joint Board's Financial Regulations and subject to there being appropriate provision in the Joint Board's budget.**
- (2) to ensure, so far as reasonably practicable, the health, safety and welfare at work of Joint Board employees and others affected by the Joint Board's health and safety policy and health and safety plan.
- (3) to maintain proper security for staff, buildings, stocks, stores, furniture, equipment, non-physical assets such as data and similar items under his/her control. Where special arrangements are considered necessary he/she shall consult with the Treasurer to the Joint Board.
- (4) to ensure that all activities undertaken are within the legal powers of the Joint Board and/or of the Assessor and Electoral Registration Officer and in the event of doubt to consult with the Clerk to the Joint Board and/or an independent legal adviser as appropriate.
- (5) where he/she thinks it is in the interests of the Joint Board or to be of assistance in carrying out his/her statutory functions to approve the provision of reasonable hospitality to representatives of other authorities, organisations, officers of the Joint Board and to others up to a maximum of £500 in relation to any one occasion.

- (6) to approve the attendance of officers at conferences or meetings within the United Kingdom where he/she considers it to be in the interests of the Joint Board or is relevant to the statutory functions of the Assessor and Electoral Registration Officer provided that the cost does not exceed ~~£750~~ £2,000 exclusive of subsistence, travelling and other ancillary expenses.
- (7) to authorise the attendance of employees on full-time or part-time courses of study and the payment of appropriate fees.
- (8) to sign all documents on behalf of the Joint Board relative to the functions for which the Assessor and Electoral Registration Officer is responsible and to authorise other officers to do so.
- (9) to authorise officials to travel within and outwith the Joint Board's area (but within the United Kingdom), to authorise overnight absences in appropriate circumstances and to authorise the payment of monies for travel and subsistence in accordance with the scheme of travel/subsistence allowances accepted or approved by Renfrewshire Council.
- (10) to issue orders for the supply of goods and services required for normal working and for which there is adequate provision in the estimates all in accordance with any purchasing policy and financial regulations adopted by the Joint Board.
- (11) to authorise the payment of accounts due by the Joint Board or by the Assessor and Electoral Registration Officer for goods and services properly supplied and for which there is adequate provision in the estimates.
- (12) to appoint all staff up to and including Assistant Assessors and Assistant Electoral Registration Officers within the authorised establishment.
- (13) to agree with constituent authorities the exchange of staff or other resources to complete work on behalf of the Joint Board.
- (14) to approve salary placings within the agreed salary scales and advise the Head of Transformation and Organisational Change, Renfrewshire Council.
- (15) to approve the acceleration of increments within existing salary scales to members of staff and advise the Head of Transformation and Organisational Change, Renfrewshire Council.
- (16) in consultation with the Head of Transformation and Organisational Change, Renfrewshire Council to amend post designations where they do not affect the grade of the posts.
- (17) to exercise all powers given in the Conditions of Service adopted by the Joint Board so far as discipline and efficiency of the Joint Board is concerned.
- (18) to determine appeals arising from **disciplinary action and** termination of service of employees except in so far as such appeals stand referred to any sub-committee of the Joint Board arranged for this purpose.
- (19) to determine appeals relating to statutory grievances.

- (20) to apply the Conditions of Service adopted by the Joint Board as affecting members of staff of the Joint Board.
- (21) to authorise the working of ordinary overtime by appropriate grades of officers. In addition the Assessor and Electoral Registration Officer is empowered to authorise the payment of overtime to certain officers whose salary exceeds the normal overtime limit subject to the proviso that the basic overtime rate will not exceed any grading level or spinal column point approved by Renfrewshire Council as the maximum basic overtime rate payable **subject to the proviso that the payments in respect of overtime can be met from the approved revenue budget.**
- (22) in consultation with the Head of Transformation and Organisational Change, Renfrewshire Council to approve the award of temporary responsibility payments to employees in recognition of significant increase in duties and responsibilities, such payments to be reviewed at the end of a period of six months unless approved for a shorter period of time.
- (23) to take all necessary action of a routine nature in terms of his/her appointment to implement policies, practices and procedures previously agreed by the Joint Board and also to take such action implicitly in all matters ancillary thereto, including the incurring of expenditure of a minor or recurring nature and for which adequate provision has been made in the estimates.
- (24) to sign and issue (a) authorisation to officers of the Joint Board to exercise statutory powers (including the right to enter land and premises in connection with the discharge of their duties) and (b) identity cards.
- (25) to make recompense in respect of damage to, or loss of an employee's personal property in respect of any one incident up to an amount not exceeding £110 and up to £550 with the agreement of the Clerk to the Joint Board.
- (26) in addition to signing documents on their own behalf under their own authority and in connection with the exercise of their statutory functions the Assessor and Electoral Registration Officer and the Assistant Assessor and Assistant Electoral Registration Officers are empowered to sign documents on behalf of the Joint Board relevant to any other functions which Assessors and Electoral Registration Officers and Assistant Assessor and Assistant Electoral Registration Officers in Scotland have traditionally carried out on behalf of their valuation authorities.
- (27) to advise the Treasurer to the Joint Board about any extraordinary financial obligation which will affect the Joint Board.
- (28) to advise the Treasurer to the Joint Board about any extraordinary risk which will affect the insurances held on behalf of the Joint Board.
- (29) to permit any member of his/her staff to absent him/herself occasionally and temporarily during business hours to attend to personal or family related matters or duties or services of a civic, honorary, charitable, academic or social nature or as otherwise prescribed in the adopted special leave policy provided that these do not interfere with the efficient discharge of the functions of the Assessor and Electoral Registration Officer or of the Joint Board.

- (30) to terminate, vary or amend on behalf of the Joint Board any contract or part of any contract which the Joint Board is entitled to terminate, amend or vary under the appropriate conditions of contract after consultation with the Clerk to the Joint Board if satisfied that it is in the interests of the Joint Board.
- (31) after consultation with the Clerk to the Joint Board to renew any contract, or conclude a contract with an existing supplier replacing a previous contract, where this is required by a continuing need for the service and there is adequate provision for the sums or fees payable, where it is in the Joint Board's interests to do so, and where there are no other circumstances requiring Joint Board decisions. Always provided that this delegation is subject to the provisions of the Joint Board's standing orders relating to contracts.
- (32) to engage private legal firms and/or legal counsel in respect of judicial or quasi-judicial proceedings or in connection with questions relating to the statutory powers or functions of the Assessor and Electoral Registration Officer and to take appropriate action including initiating, entering, defending and withdrawing from such proceedings or engagements.
- (33) in consultation with the Treasurer, to contribute towards the costs of representative cases up to a maximum of ~~£5,000~~ £10,000 in any one case.
- (34) to authorise that the salary of an officer should progress over/beyond a salary bar point in circumstances where the Assessor and Electoral Registration Officer is satisfied that the officer has attained the qualification and/or experience generally recognised as necessary/appropriate for such progression and provided that the agreement of the Head of Transformation and Organisational Change, Renfrewshire Council has been sought and obtained.
- (35) to deal with any operational matter not otherwise delegated in the period between the last meeting of an administration and prior to the setting up of a new Joint Board following statutory elections.
- (36) to deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending actions raised against them personally, providing that they were acting:
- (a) within the course of their employment;
 - (b) in accordance with Joint Board procedures; and
 - (c) in good faith.
- (37) to employ temporary staff for electoral registration canvass work or in the discharge of the statutory duties of the Assessor and Electoral Registration Officer on such terms and conditions as may be appropriate subject to the proviso that any payments can be met from the approved revenue budget.
- (38) in consultation with the Head Transformation and Organisational Change, Renfrewshire Council to appoint temporary staff as replacements for established employees on long term absence through sickness, maternity or special leave or where the appointments are fully funded by external agencies.

- (39) to set fees for the sale of the valuation roll, other documents and services where the level of such fees is not prescribed by statute.
- (40) in consultation with the Clerk to the Joint Board, to take such measures as may be required in emergency situations on any matter for which the Joint Board's approval would normally be necessary subject to advising the Convener or Depute Convener of the Joint Board where possible and reporting to the Joint Board as soon as practicable thereafter.
- (41) in consultation with the Clerk to the Joint Board, to make decisions regarding complaints made under the Joint Board's Complaints Procedure.
- (42) to submit responses to consultation documents which concern operational issues.
- (43) to allow reasonable unpaid leave of absence to any employee to attend public duties as defined in section 50(1) and (2) of the Employment Rights Act 1996 or approve leave of absence in accordance with the Joint Board's Special Leave Policy.
- (44) to approve the secondment of staff to other organisations, such appointments to be subject to the exigencies of the service and to be for periods not exceeding 2 years.
- (45) to grant authorisations for covert surveillance permitted under sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 and to appoint officers to act as investigation managers for the purposes of the Act.
- (46) to authorise the acceptability of gifts on behalf of the Joint Board and acknowledge the acceptance of these gifts.
- (47) to determine requests under the Freedom of Information (Scotland) Act 2002 for the release of information held by the Joint Board.
- (48) to determine requests under the Data Protection Act ~~1998~~ 2018 for the release of personal data held by the Joint Board.
- (49) to act as proper officer for compiling lists of background papers in terms of section 50D of the Local Government (Scotland) Act 1973.
- (50) to update and amend the Joint Board's Scheme of Publication in terms of the Freedom of Information (Scotland) Act 2002 as required by the Scottish Information Commissioner.
- (51) in consultation with the Clerk to the Joint Board to approve the terms and conditions of and to sign missives for leases or licences to occupy by or to the Joint Board for periods not exceeding one year and to approve the renewal of leases or licences to occupy by the Joint Board for up to a maximum overall term of 9 years.

- (52) in consultation with the Head of Transformation and Organisational Change, Renfrewshire Council, to exercise all discretions available to the Valuation Joint Board in terms of The Local Government Pension Scheme (Scotland) Regulations 2014, The Local Government Pension Scheme (Transitional Provisions & Savings) (Scotland) Regulations 2014, The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008, The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008, The Local Government Pension Scheme (Governance) (Scotland) Regulations 2015 and The Local Government (Discretionary Payments and Injury Benefits (Scotland) Regulations 1998.
- (53) to advise the Treasurer of the Joint Board about any extraordinary procurement risk which will affect constituent Councils.
- (54) in consultation with the Head of Transformation and Organisational Change, Renfrewshire Council, to determine all requests from employees for voluntary redundancy/early retirement.
- (55) to approve the creation of additional temporary senior management posts in response to major project work being undertaken, such posts to be reviewed at the end of a period of 24 months unless approved for a shorter period of time, and advise the Head of Transformation and Organisational Change, Renfrewshire Council.
- (56) to appoint temporary staff on appropriate grades additional to the formal establishment to address exceptional workload peaks, such appointments to be for periods not exceeding 26 weeks or such longer period subject to funding being met from existing budgets, and advise the Head of Transformation and Organisational Change, Renfrewshire Council.
- (57) to exercise delegations in terms of the Financial Regulations adopted by the Joint Board.

The Clerk is empowered :-

- (1) to act as adviser to the Joint Board on procedural and administrative matters and in this capacity ensure the provision of adequate administrative and other support to the Joint Board and its sub-committees.
- (2) to act as proper officer to exclude reports containing exempt information from the public, and to provide documents to the press, in accordance with the provisions of section 50(B) of the Local Government (Scotland) Act 1973.
- (3) to act as proper officer to sign summons to special meetings of the Joint Board.
- (4) to act as proper officer for receipt of notice by members of an alternative address.
- (5) to act as proper officer to provide a written summary where minutes are excluded.
- (6) to act as proper officer for calling meetings of the Joint Board.
- (7) to act as monitoring officer for the Joint Board in terms of the Local Government and Housing Act 1989.
- (8) following consultation with the Assessor and Electoral Registration Officer to provide to the Local Government Adjudicator for Scotland on behalf of the Joint Board any certificates that may be required for the purposes of section 3(3) of the Local Government and Housing Act 1989 or any other legislation in relation to exemption of posts from political restrictions.
- (9) to vary this scheme but only in the following circumstances:-
 - (a) to reflect changes in job titles, reorganisations within the Joint Board and vacancies in posts; or
 - (b) to change references to any piece of legislation where the legislation is repealed and to insert references to new pieces of legislation where the new pieces of legislation largely re-enact the provisions of repealed legislation.
- (10) to liaise and deal with any enquiries made by the Scottish Public Services Ombudsman. Should any investigation be carried out by the Scottish Public Services Ombudsman resulting from a complaint received, the necessary arrangements will be undertaken by the Clerk to the Joint Board.
- (11) following consultation with the Assessor and Electoral Registration Officer and the Treasurer to the Joint Board, to authorise ex-gratia payments up to a maximum of £1,000 relative to recommendations by the Scottish Public Services Ombudsman.
- (12) to exercise delegations in terms of the standing orders relating to contracts adopted by the Joint Board.
- (13) to exercise delegations in terms of the financial regulations adopted by the Joint Board.

- (14) to determine reviews of decisions not to release information under the Freedom of Information (Scotland) Act 2002.

The Data Protection Officer

The Data Protection Officer is authorised to discharge the role of statutory DPO, which includes autonomy in advising on all issues which involve the protection of personal data and monitoring compliance.

The Treasurer is empowered or is recognised by the Joint Board as enjoying the authority:-

- (1) to co-ordinate the financial planning of the Joint Board in terms of the financial regulations approved by the Joint Board.
- (2) to issue guidance for the control of all expenditure in terms of the financial regulations approved by the Joint Board.
- (3) to advise on procedures for accounting and financial record-keeping by the Joint Board.
- (4) in respect of insurance:
 - (i) to make arrangements with insurance companies concerning the settlement of claims;
 - (ii) in consultation with the Clerk to the Joint Board and the Convener of the Joint Board, to settle without reference to the Joint Board claims against the Joint Board not otherwise covered by the Joint Board's insurance arrangements up to a maximum of £10,000 per claim.
- (5) to make the necessary arrangements concerning the collection of debts owed to the Joint Board and the terms and commissions payable for services rendered to the Joint Board by other authorities and agents with regard to the collection of debts.
- (6) to determine in consultation with the Assessor and Electoral Registration Officer, the beneficiary of any payments to be made in terms of any Group Life Assurance Scheme for Joint Board staff.
- (7) to exercise delegations in terms of the standing orders relating to contracts adopted by the Joint Board.
- (8) to exercise delegations in terms of the financial regulations adopted by the Joint Board.