

## **SCHEME OF DELEGATION**

**(as at 30 June, 2011)**

### **Introduction**

Subject to the provisions of the Local Government (Scotland) Act, 1973, the Local Government Etc (Scotland) Act, 1994, and any other statutes and subject also to the provisions of the Council's Standing Orders and also to the exceptions, limitations and special delegations in this Scheme, there shall be delegated to the Committees of the Council all the functions, services, undertakings or other matters whether in pursuance of statute or otherwise as contained in the respective sections of this Scheme. When such functions, services, undertakings or other matters are delegated to a Committee, the Committee shall have the power to exercise the function as the Council could have exercised it had there been no delegation; provided that it shall be competent for a Committee in relation to any matter, instead of taking a decision, to make a recommendation to the Council in which event the matter shall be decided by the Council after consideration of the Committee's recommendation.

A Policy Committee may delegate to an Area Committee or to an Officer of the Council and an Area Committee may delegate to an Officer any of the functions which have been delegated to the Committee.

In exercising the functions conferred on them, Committees and Officers shall comply with the Standing Orders of the Council insofar as applicable and with any resolutions or instructions given by the Council.

The Council may notwithstanding the delegation of any matter to a Committee or Officer, deal with any questions not previously determined in terms of that delegation. As far as consistent with legislation, Committees have power to delegate to Sub-Committees or Officers.

The Council may vary, add to, recall or restrict any delegation.

### **A. FULL COUNCIL**

The following matters are reserved for decision by the Full Council and are consequently excluded from delegation to Committee:-

1. Fixing of Council taxes and non-domestic rates.
2. Setting of rents and other charges related to housing.
3. Approval of the annual estimates of capital and revenue expenditure.
4. The incurring of any capital or revenue expenditure exceeding £150,000 not provided for in the capital plan or revenue budget.
5. The compulsory acquisition of any interest in land or buildings.
6. The promotion or opposition of private legislation and the consideration of Provisional Orders or Private Bills affecting the interests of the Council.
7. The resolution of any conflict that may arise on any matter between Committees and is not capable of resolution by the Policy and Resources Committee.

8. All matters relating to elections including the appointment of Returning Officers and matters relating to electoral boundaries.
9. Changes in Committee structure, distribution of functions and responsibilities. All Committees may establish Sub-Committees and Working Parties.
10. Appointment of Committees and the appointment of their Chairs and Vice Chairs other than the Chairs and Vice Chairs of Area Committees.
11. The preparation, review and amendment of the Scheme of Delegation and Standing Orders.
12. The approval of the Annual Accounts and Accounts Report, Structure, Local and Housing Plans and Transport Strategy documents and such other specific documents as the Council may decide.
13. The approval of concessionary travel arrangements.
14. Appointment and dismissal of the Chief Executive in accordance with the Procedure for the Appointment of Senior Staff attached to this Scheme of Delegation as Appendix B. Dismissal of Directors and Area Managers.
15. The provision of major new services and the discontinuation of major elements of existing ones.
16. Determination of planning applications for Major development which is significantly contrary to the development plan and National development (Major development is defined in the Town & Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and National Developments are set out in the National Planning Framework 2).
17. Determination of planning applications which, in the opinion of the Director of Infrastructure Services, after consultation with leaders of the political groups on the Council (and any representative of the Independents) and the Chief Executive, are considered to be of regional or national significance.
18. A decision on any matter (which would otherwise have been delegated), following a division in Committee, where one third or more members of the Committee present and voting (i.e. excluding any member declining to vote) on that matter (excluding ex officio members) have voted against the successful proposal, provided one third or more members of the Committee make such a request at the time the decision of the Committee is reached.

This provision shall not apply following a division:-

- (a) making an appointment of a member of staff following interview;
- (b) on a matter of urgency being dealt with by the Policy and Resources Committee;
- (c) where such would deny the Council from making a decision or observations within a statutory timescale;
- (d) on appointment of members to Sub-Committees or as representatives of the Council;

- (e) in connection with School Placings and Exclusions Appeal Committee responsibilities; and
  - (f) after consideration of a planning application by an Area Committee, in which case the matter shall instead be referred to the Infrastructure Services Committee, subject to the restriction in Section A17.
19. Arrangements for the maintenance of ethical standards of conduct of councillors and officers.

## **B. AREA COMMITTEES**

The following matters are delegated to these Committees:-

1. To approve area policies in relation to the delivery of all Council Services consistent with Council-wide Policy.
2. To monitor the effectiveness of the Council's work within their area and report their findings to the Full Council or appropriate Policy Committee.
3. To refer any matter coming before them which has implications for another area to the appropriate Area Committee.
4. To enact, alter or revoke any Orders, Regulations, Bye-laws or Schemes relating exclusively to their area.
5. To consider and make recommendations to the Policy and Resources Committee on (a) the establishment or closure of work places within their area, and (b) the permanent closure of schools or other educational establishments or Social Work establishments; which matters shall also be discussed at appropriate Policy Committees prior to being determined by the Policy and Resources Committee.
6. Subject to the powers vested by statute in the proper officers of the Council or to the powers delegated to officers by the Council, to exercise the statutory functions of the Council under planning legislation including consideration and determination of applications for statutory consent, provided the development concerned, if approved, would not be, in the opinion of the Head of Planning and Building Standards, significantly in conflict with Council-wide policy, or the development concerned does not fall within the categories of development referred to in Sections A16 and A17. Where the application has implications for an adjacent Area, the Area Committee within which the proposed development lies in its entirety shall consult with the Area Committee of that adjacent area, prior to reaching a final determination. In the event that each Area Committee has a different view, the application shall be referred to the Infrastructure Services Committee for final determination.
7. To make permanent or experimental orders for the regulation of traffic.
8. To approve Traffic Management Schemes.
9. Subject to Council-wide policy and financial regulations, to approve the virement of funding between items of area based expenditure in the approved revenue and capital estimates provided this does not prejudice partnership funding or any other Area.

10. To consider and prioritise revenue and capital expenditure estimates for their area and to make recommendations to the Policy and Resources Committee and Policy Committees.
11. To approve the acquisition, sale or lease of land or buildings within that area. Where the Area Committee decision is contrary to officers' recommendations or where it does not accord with existing Council policy, the decision must be referred to the Policy and Resources Committee for determination or to the Social Work and Housing Committee, where the land or property is held, or was previously held, on the Council's Housing account. Where the value of the acquisition or sale is less than £60,000, the matter shall be determined by appropriate officers, in exercise of their delegated powers. Any land and/or buildings within the area may be declared surplus to requirements, prior to exercise of powers of disposal, except where, as indicated above, the decision is contrary to officers' recommendations or does not accord with existing Council policy, in which case the matter should be referred to the Policy and Resources Committee or Social Work and Housing Committee, as appropriate.
12. To approve projects or obligations either in principle or at tender stage where the value of the matter exceeds £60,000, is in the approved annual service budget, relates exclusively to their area and the decision is in accordance with officer recommendations. Any income received above the estimate in the Revenue Budget or Capital Plan shall be reported to and allocated by the Policy and Resources Committee (see Table of Delegation in Appendix A below). These provisions shall not apply to the extension of an existing contract for a period of up to twelve months which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.

Where a project or obligation is contained within an approved area budget, however, Area Committees may approve in principle or at tender stage where the value of the matter exceeds £20,000 and relates only to their area.

**(The matters listed in paragraphs 13-21 shall be delegated to the proper Officers of the Council unless material objections have been lodged or there is an Officer or member recommendation that an application be refused).**

13. To grant, revoke, refuse, vary or renew all miscellaneous licences and registrations for their areas, including:-
  - (a) Riding Establishments
  - (b) Pet Animals
  - (c) Breeding Establishments
  - (d) Scrap Metal Dealers
  - (e) Slaughter House/Person
  - (f) Milk Retailers
  - (g) Animal Boarding Establishments
  - (h) Caravan Sites
  - (i) Petroleum Licences
  - (j) Cinemas
  - (k) Explosives
  - (l) Zoos
  - (m) Performing Animals
14. Service of such notices re abatement, prohibition or restriction or noise nuisance as are not statutorily matters within the discretion of the proper Officer of the Council.

15. Registration of food premises.
16. To issue, suspend, determine and renew closing orders and demolition orders.
17. To enforce conditions under Section 2(1), (2) and (3) of the Safety of Sports Grounds Act 1975 and to authorise and issue Safety Certificates and Prohibition Notices.
18. To exercise all the Council's functions in terms of the Civic Government (Scotland) Act 1982 as amended.
19. In collaboration with the Grampian Joint Police Board and Grampian Police, to exercise the functions of the Council in relation to public processions in any instance where objections or observations are received, subject to the power of the Policy and Resources Committee to set Council-wide policy.
20. To issue, renew or refuse permits under the Gaming Act 1968.
21. To determine applications for fairgrounds and circuses in terms of the appropriate legislation.
22. To progress the local development of Agenda 21.
23. To set local holidays, taking into account local circumstances.
24. To approve the attendance of members at courses and conferences, within the approved budget allocation.
25. To administer Common Good Funds for their area.
26. To administer Local Trusts for their area.
27. In conjunction with the Education, Learning and Leisure Committee, to establish and operate an Area School Attendance Sub-Committee.
28. In the event of any purported decision of the Area Committee being in the opinion of the Monitoring Officer or his nominee ultra vires of the Committee's powers the matter shall forthwith be referred to the appropriate Policy Committee or the Full Council.
29. The appointment of the Area Manager for their respective Area in accordance with the Procedure for the Appointment of Senior Staff attached to this Scheme of Delegation as Appendix B.
30. To make additions to the Statutory List of Public Roads and Footpaths.
31. To exercise the Council's functions in terms of applications for assent under the Manufacture and Storage of Explosives Regulations 2005.
32. To approve the granting of Minutes of Waiver.
33. To approve the setting of caravan park charges.
34. To resolve issues of naming of streets and buildings within the Council's control where the local members and Community Council(s) are not in accord

and to consider, in all instances, proposed street names which were that of individual persons living or dead.

35. To approve appropriate promotional initiatives and to make temporary variations to charges for recreational facilities.
36. To consider the provision of any burial ground (including extension to a burial ground) or to close a burial ground in terms of Sections 9 and 10 of the Burial Grounds (Scotland) Act 1855 or to contract for and purchase heritable property for such purpose in terms of Section 12 of the Act.
37. The appointment of the Chairs and Vice Chairs of their Area Committees.
38. To consider consultative responses relating to the siting of windfarms, in terms of Section 36 of the Electricity Act 1989.

### **C. POLICY AND RESOURCES COMMITTEE**

1. The following functions of the Council are delegated to this Committee. The Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the full Council or specifically delegated to any other Committee of the Council:-
  - (a) Finance
  - (b) Personnel (except in relation to Teaching Staff)
  - (c) Information Technology
  - (d) Communications
  - (e) Administration
  - (f) Legal Services
  - (g) Registration of Births Deaths and Marriages
  - (h) Valuation and Electoral Registration
  - (i) Licensing other than Liquor Licensing
  - (j) Best Value Regime
  - (k) Emergency Planning and Home Defence
  - (l) Any matter arising from the Civic Government (Scotland) Act 1982 with implications across Area boundaries, particularly public processions and public charitable collections, in any instance where objections or observations are received.

(The Policy and Resources Committee be advised of any decisions by Policy or Area Committees which breach those stated policies).

2. To decide on any conflict which may arise between two or more Committees other than between Area Committees.
3. To make recommendations to the Council regarding the formulation of the annual Revenue Budget and Capital Plan.
4. To make recommendations to the Council on the setting of budgets for Area Committees and the extent to which these may be varied by the Area Committees.
5. To deal with any proposals to incur capital or revenue expenditure up to £150,000 not provided for in the Capital Plan or Revenue Budget.

6. To consider any proposal to incur capital or revenue expenditure over £150,000 not provided for in the estimates and make recommendations to the Council.
7. To consider and approve or otherwise the acquisition, sale or lease of land or property not on the Council's Housing account, where the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers.
8. To approve of projects or obligations either in principle or at tender stage where the value of the matter exceeds £60,000 and relates to more than one area or the decision is contrary to officer recommendations and the matter is in the approved annual budget subject to the qualification that, in the case of maintenance contracts to be met from revenue, no approval shall be required provided the tender or revised estimate is within the total allowance for maintenance set in the revenue budget (see Table of Delegation in Appendix A). These provisions shall not apply to the extension of an existing contract for a period of up to twelve months, which shall instead be delegated to appropriate officers, in accordance with Financial Regulations.
9. To approve policies for the regulation and management of the finances of the Council and to prepare and review from time to time such regulations as may be necessary for the proper administration of the Council's financial affairs.
10. To approve and maintain a list of selected tenderers for Council contracts where the contract price is estimated to be more than £60,000.
11. To approve banking arrangements for the Council.
12. To write-off irrecoverable debts (a) other than Council Tax debts if the value is £6,000 or more, (b) relating to Council Tax, Non-Domestic Rates and Community Charges if their value is £6,000 or more, or (c) where any debt cannot be related to a particular area (see Table of Delegation in Appendix A).
13. To determine appeals against assessments and to dispose under any enactment of all other claims or applications for relief from or repayment of charges or rates.
14. To approve policies for the management and investment of any funds including trust and superannuation funds, under the control of the Council, except that policy for the expenditure of available funds in Education and Social Work Trusts shall be under the control of the Education, Learning and Leisure and Social Work and Housing Committees respectively.
15. To approve and monitor the treasury policy statement dealing with the management of all money and capital market transactions in connection with cash and funding resources of the Council.
16. To authorise, control and review as necessary, in consultation with the appropriate Policy and Area Committees, the establishment of all categories of staff of the Council.
17. To co-ordinate the local conditions of service of all employees.
18. To appoint a Standing Appeals Committee of the Council, to hear, consider and determine appeals by employees in terms of the Schemes of Salaries

and Conditions of Service for APT & C Staff and the Scheme of Pay and Conditions of Service for Manual Workers.

19. To approve (a) the establishment or closure of work places, and (b) the permanent closure of schools or other educational establishments or Social Work establishments; which matters shall previously have been discussed at Area and appropriate Policy Committees prior to being determined by this Committee.
20. To approve the attendance of members of this Committee at courses and conferences.
21. To co-ordinate the work of all Council services as this relates to training of employees and external customers.

#### **D. INFRASTRUCTURE SERVICES COMMITTEE**

1. The following functions of the Council are delegated to this Committee. The Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the full Council or specifically delegated to any other Committee of the Council:-
  - (a) Economic Development
  - (b) International Links
  - (c) Town and Country Planning
  - (d) Environmental Health
  - (e) Consumer Protection
  - (f) Weights and Measures
  - (g) Transportation and Roads
  - (h) Property
  - (i) Building Standards
  - (j) Flood Prevention
  - (k) Harbours and Coast Protection
  - (l) Pollution Control
  - (m) Waste Management
  - (n) Conservation and Agenda 21
2. To exercise, with the exception of matters properly delegated to officers of the Council, the Area Committees and those matters reserved to the Full Council (Sections A16 and A17), the statutory functions of the Council under planning legislation to consider applications for planning permission and listed building consent where the development concerned is, in the opinion of the Head of Planning and Building Standards, in significant conflict with Council-wide policy and the relevant Area Committee is minded to approve the development, or, where an application has implications for more than one Area, and following cross Area consultation (as required in Section B6 above), each Area Committee has a different view on the proposed development.
3. To prepare concessionary travel arrangements and to make recommendations to Council.
4. To approve the attendance of Members of this Committee at courses and conferences.

5. To make recommendations to the Council regarding the formulation of the Council's Capital Plan.
6. To consider consultative responses relating to the siting of windfarms, in terms of Section 36 of the Electricity Act 1989.
7. To make arrangements for the establishment of a panel to conduct hearings in respect of appeals against fixed penalty notices issued under Sections 1, 2 or 3 of the Smoking, Health & Social Care (Scotland) Act 2005.
8. To make arrangements for the establishment of a Panel to consider requests to review penalty charge notices issued under Section 111 of the Housing (Scotland) Act 2006.
9. To make arrangements for the establishment of a Panel to consider requests to review penalty charge notices issued under Section 23B of the Estate Agents Act 1979.

#### **E. SOCIAL WORK AND HOUSING COMMITTEE**

1. The following functions of the Council are delegated to this Committee. The Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the full Council or specifically delegated to any other Committee of the Council:-
  - (a) Social Work
  - (b) Housing
  - (c) Housing Benefit
2. To refuse or cancel the registration of any premises.
3. To deal with the assumption of parental rights.
4. To consider and approve or otherwise the acquisition of land and property proposed to be held on the Council's Housing Account, and the sale or lease of land or property currently or previously held on the Council's Housing Account, where the matter has not already been appropriately determined at Area Committee or by officers in the proper exercise of their delegated powers.
5. To approve the attendance of Members of this Committee at courses and conferences.
6. To write off irrecoverable debts relating to council house rent arrears (including former tenant arrears) if their value is £6,000 or more (see Table of Delegation in Appendix A).
7. To make recommendations to the Council regarding the formulation of the Council's Capital Plan.

#### **F. EDUCATION, LEARNING AND LEISURE COMMITTEE**

1. The following functions of the Council are delegated to this Committee. The Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not

been reserved to the full Council or specifically delegated to any other Committee of the Council:-

- (a) Education.
  - (b) Leisure and Recreation.
  - (c) Personnel issues relating to Teaching Staff.
2. To act for the Council in the appointment of teaching staff in terms of the School Boards (Scotland) Act 1988.
  3. To enforce attendance at school in terms of the Education (Scotland) Act 1980, through Area School Attendance Sub-Committees.
  4. To set capacity limits for schools.
  5. To approve the attendance of Members of this Committee at courses and conferences.
  6. To make recommendations to the Council regarding the formulation of the Council's Capital Plan.

#### **G APPOINTMENTS COMMITTEE**

1. The following functions of the Council are delegated to this Committee. The Committee shall have power to decide on all matters relating to those functions which have not been reserved to the full Council or specifically delegated to any other Committee of the Council.
2. The Appointment of Directors and Heads of Service in accordance with the Procedure for the Appointment of Senior Staff attached to this Scheme of Delegation as Appendix B.

#### **H APPEALS COMMITTEE**

1. The following function of the Council is delegated to this Committee:-  
  
the Committee shall have full powers to consider and determine appeals by Council employees against any decision of the authority, or against its failure to come to a decision, on any of the grounds detailed in the relevant schemes of pay and conditions of service.  
  
Those appeals shall be in accordance with the procedures specified in Appendix C to this Scheme of Delegation.

#### **I VACATION COMMITTEE**

1. The Vacation Committee shall have power to decide on all urgent matters arising during the Council's vacation period requiring a decision to meet an externally-imposed timetable prior to the next ordinary meetings of the Council or its Committees.
2. Any matters arising during the vacation period, which are normally delegated to an Area Committee in terms of the Scheme of Delegation, or which have been specifically delegated to an Area Committee by the Council or by a Policy Committee and which require a decision prior to the next ordinary

meeting of that Area Committee, should, where possible, be decided at a vacation meeting of the Area Committee.

## **J SCRUTINY AND AUDIT COMMITTEE**

1. The following functions are delegated to this Committee:-
  - (a) to review the effectiveness of Council policy implementation and Council service delivery, and to identify potential improvements,
  - (b) to undertake an annual programme of reviews,
  - (c) to make recommendations regarding improvements to the performance of services,
  - (d) to call upon any officer of the Council or Chair/Vice-Chair of the Council's committees to give evidence or provide written reports, as appropriate,
  - (e) to call upon expert witnesses or members of the public to give evidence, where necessary,
  - (f) to review, in conjunction with Council managers, the adequacy of: (i) internal control systems, (ii) policies and practices employed to ensure compliance with relevant statutes, directions, guidance and policies, (iii) financial information presented to the Council, and (iv) risk assessment arrangements and procedures,
  - (g) to review, in conjunction with Council managers, financial statements, management letters or reports, and compliance with relevant codes of practice,
  - (h) to ensure that the Council's Internal Audit function is properly resourced and has appropriate standing within the Council,
  - (i) to review the activities of the Internal Audit function, including its annual work programme, and
  - (j) to manage all aspects of the Council's relationship with its external auditors.

## **K. LOCAL REVIEW BODY**

The following functions of the Council are delegated to this Body. The Body shall have full powers to consider and determine requests by applicants to review decisions in respect of planning applications for Local Developments made under delegated powers, or failure of officers to timeously determine an application for Local Development under the List of Delegated Powers to Officers.

## APPENDIX A

### 1. Table of Delegation in Relation to Financial Matters

The following table shows the delegation of approval of projects or obligations either in principle or at tender stage and which are contained within the approved annual budget (with the exception of the extension of an existing contract for a period of up to twelve months).

Value	Delegated To
Where the value of the matter is less than <b>£60,000</b>	Officers*
Where the value of the matter exceeds <b>£60,000</b> , relates exclusively to their area and the decision is in accordance with officer recommendations	Area Committees*
Where the value of the matter exceeds <b>£60,000</b> and relates to more than one area or the decision is contrary to officer recommendations	Policy and Resources Committee

\* Where the project or obligation is contained within an approved Area Budget, the relevant figure shall be £20,000.

### 2. Table of Delegation in Relation to Writing Off Bad Debt

The following table sets out the level of delegation in relation to writing off irrecoverable debts other than Council Tax.

Value of Debt	General Debts Delegated to:-	Rent Arrears Delegated to:-	Local Taxes Arrears Delegated to:-	Debts where the Debtor is Bankrupt Delegated to:-
Up to <b>£6,000</b>	Officers	Officers	Officers	Officers
<b>£6,000</b> or more	Policy and Resources Committee	Social Work and Housing Committee	Policy and Resources Committee	Officers

## APPENDIX B

### PROCEDURE FOR THE APPOINTMENT OF SENIOR STAFF

#### 1. APPOINTMENTS COMMITTEE - GENERAL

- 1.1 An Appointments Committee shall be created for the purpose of appointing senior staff within the terms of this Procedure. The Committee shall act with full powers, except in so far as these are restricted by paragraphs 1.4 and 2.2 below.
- 1.2 With the exception of 1.6 below the Committee shall have 7 members based upon the distribution of seats amongst political groups (including Independents) as shall be approved from time to time by the Council, including so far as practicable the Chairpersons and Deputy Chairpersons of the Policy and Resources and Service Committees. There should be provision for substitute members only prior to the commencement of the interview process.
- 1.3 The Committee shall be advised throughout the procedure by the Chief Executive, the Head of the Service in which the vacancy exists and the Director of Personnel or their nominated senior representatives.
- 1.4 **Appointments Committee - Chief Executive**, the Appointments Committee shall act with powers to the extent that they will be required to select a final short list of candidates for formal interview with the appointment being made at a further meeting of the Appointments Committee, to which all members of the Council shall be added.
- 1.5 **Appointments Committee - Directors and Heads of Service**, the Appointments Committee shall act with full powers in the making of the appointment.
- 1.6 **Appointments Committee - Area Managers**, the appropriate Area Committee shall constitute the Appointments Committee for Area Managers and shall act with full powers in the making of the appointment.

#### 2. AUTHORITY TO FILL A VACANCY

- 2.1 All vacancies within the scope of this Procedure shall be reported to the Chair of the appropriate Policy or Area Committee and a report submitted to Policy and Resources Committee.
- 2.2 Any proposal to vary the Procedure in the making of any particular appointment shall be considered and approved by the Policy and Resources Committee upon the recommendation of the appropriate Policy or Area Committee. This may include, for example, a proposal to dispense with public advertisement in a specific case or to match an existing employee to a redesignated post within an existing Service establishment.

#### 3. TIMETABLE FOR THE FILLING OF THE VACANCY

- 3.1 The Appointments Committee shall consider and approve a timetable and arrangements prepared by the Director of Personnel for the making of the appointment.

#### 4. ADVERTISEMENT OF A VACANCY

- 4.1 All vacancies shall be advertised publicly, unless in exceptional cases specific authority is given to vary the Procedure in accordance with paragraph 2.2
- 4.2 All advertisements shall define a closing date for receipt of applications issued to candidates and indicate the proposed date of interview for the appointment.
- 4.3 Printed further particulars of the vacancy shall be prepared and issued by the Director of Personnel. These shall include information regarding the Council, the Service in which the vacancy exists and details about the post, the qualifications and experience sought of candidates and the form of application to be used. They will provide advice to candidates on any arrangements made for them to make further enquiries about the vacancy. They should also describe the stages of the Procedure and the timetable for the making of the appointment and state that applications received after the closing date will not be considered.
- 4.4 Where any post covered by this procedure is subject to the terms of the Rehabilitation of Offenders Act (Exceptions) Order, this fact, and the arrangements to elicit information about any convictions, shall be stated in the further particulars issued by the Director of Personnel.

## **5. SELECTION OF CANDIDATES FOR INTERVIEW**

- 5.1 **General** - In all cases, a sufficient shortlist shall be selected to enable the Committee to form a satisfactory impression of the respective strengths and weaknesses of each candidate invited for interview and to satisfy themselves that they are able to offer the appointment to the best candidate.
- 5.2 The names of candidates selected for interview shall be recorded by the Director of Law and Administration, but shall not form part of the minute of meeting.
- 5.3 Candidates not selected for interview shall be immediately advised of the decision in writing.
- 5.4 The views of the Chief Executive and Director of Personnel on applicants shall be sought at the meeting at which the selection of candidates for interview is made.
- 5.5 Candidates shall be advised in writing of the date, time and arrangements of interview not less than 7 days in advance.
- 5.6 They shall also be advised of the stages involved in the interview arrangements, and of the requirement to make an immediate decision whether or not to accept, if offered the post at the conclusion of the interviews.
- 5.7 Arrangements shall be made by Personnel Services for all candidates to be offered facilities before the interview to discuss any aspects of the post and conditions of service, and also to ensure that personal matters relating to housing, schools, or similar issues are resolved as far as possible in advance of the interview.
- 5.8 Candidates shall also be informed of any arrangements made for their partner to visit Aberdeenshire in conjunction with the interview.
- 5.9 Candidates invited for interview shall be required to provide evidence of relevant qualifications when they attend for interview.
- 5.10 **Chief Executive** - All applications received by the closing date shall be copied and circulated by the Director of Personnel under Confidential cover to the Appointments Committee for consideration and the selection of candidates for interview. The

Committee, advised by the Director of Personnel, shall adopt a procedure and timetable for interview which will enable them to meet each candidate formally and informally to provide the Committee with an extended opportunity to explore with the candidates their professional, managerial and technical experience. The exact arrangements shall be for the Committee to decide and may include the requirement for each candidate to make a presentation on a given topic.

- 5.11 The selected short list candidates shall be invited to a formal interview with the Appointments Committee to which all members of the Council shall be invited, advised by the Director of Personnel, to assess each candidate's ability based on a range of formal and informal questions. The formal interview may also include a presentation by each candidate.
- 5.12 **Directors and Heads of Service-** From all applications received by the closing date a long list shall be prepared by an Officers group comprising in the case of a Director post of Chief Executive, Director of Personnel and two Service Directors in consultation with the Chair of the Appointments Committee and the particular Policy Committee. In the case of a Head of Service post the Director of Personnel and two Service Directors. This list shall take account of the candidate's managerial and technical experience, professional qualifications and declared job history.

The selection process from the agreed list shall consist of:-

Stage 1 An informal interview with the Officers group to explore each candidate's job history and assess their qualifications, experience and compatibility with the Council's Aims, Values and the culture of the organisation.

The preparation of a report recommending to the Appointments Committee a short list of candidates from the above.

Stage 2 An informal interview with the Officers group followed by dinner with the members of the Appointments Committee to provide the Committee with an extended opportunity to discuss job history, qualifications and professional experience with the candidates.

Stage 3 A formal interview with the Appointments Committee advised by the Chief Executive and Director of Personnel to enable the Committee to assess each candidate's ability based on a range of formal and informal questions.

This stage may also include a short presentation by each candidate. The topic for this, the time allowed and the availability of appropriate visual aids to be advised to each candidate in advance of the interview.

- 5.12 **Area Managers** - From all applications received by the closing date a long list shall be prepared by an Officers group comprising Chief Executive, Director of Personnel, one Service Director and one Area Manager in consultation with the Chairs of the Area Committee and the Policy and Resources Committee. This list shall take account of the candidate's managerial and technical experience, professional qualifications and declared job history.

The selection process from the agreed list shall consist of:-

Stage 1 An informal interview with the Officers group to explore each candidate's job history and assess their qualifications, experience and

compatibility with the Council's Aims, Values and the culture of the organisation.

The preparation of a report recommending to the Area Committee a short list of candidates from the above.

Stage 2 An informal group interview with the Officers group followed by dinner with the members of the Area Committee to provide the Committee with an extended opportunity to discuss job history, qualifications and professional experience with the candidates.

Stage 3 A formal interview with the Area Committee advised by the Chief Executive and Director of Personnel to enable the Committee to assess each candidate's ability based on a range of formal and informal questions.

This stage may also include a short presentation by each candidate. The topic for this, the time allowed and the availability of appropriate visual aids to be advised to each candidate in advance of the interview.

## **6. REFERENCES**

- 6.1 Each candidate shall provide on the application form the names and addresses of 2 referees as to previous employment and professional experience.
- 6.2 References shall not be taken up except for candidates selected for interview, who shall be advised that references are being taken up when they are invited for interview.
- 6.3 Candidates shall also be informed at the time that the application is made that the provision of the names of referees shall be deemed to be permission to contact those referees prior to interview, unless the candidate specifically requests otherwise.
- 6.4 References from elected members of the Council or, where an employee of the Council is an applicant for a post within the Council's service, from the Head of Department concerned with the appointment, shall not be accepted.
- 6.5 Canvassing, directly or indirectly, shall disqualify the candidate.
- 6.6 Only formal written references shall be accepted for consideration at interview, together with the original applications. The references shall be copied and circulated under confidential cover to the Committee.

## **7. REACHING THE DECISION - GENERAL**

- 7.1 The Appointments Committee shall consider only those candidates who have been interviewed by them.
- 7.2 Before the Committee makes a decision, the views of the Chief Executive and/or Director of Personnel, as appropriate, shall be sought on the professional and technical suitability of each candidate for the post.

- 7.3 The Appointments Committee should consider the merits of the candidates before reaching their decision, which should if possible be by consensus, on the appointment. If the Committee considers more than one candidate and a division is necessary, voting shall be in accordance with the provisions of Standing Orders.

## **8. OFFER OF APPOINTMENT**

- 8.1 The successful candidate shall be recalled by the Committee and the post shall be formally offered to the candidate at a declared point of the appropriate scale and, where practicable, from a declared date. The candidate shall be asked to confirm his or her acceptance on the appropriate salary and conditions.
- 8.2 The offer made shall be subject to a subsequent satisfactory medical examination and shall then be confirmed in writing.
- 8.3 Unsuccessful candidates attending for interview shall be advised immediately of the decision.

## **9. PROCEDURAL - GENERAL**

- 9.1 In the case of a decision following formal interview by the Appointments Committee, only those members present throughout all the interviews shall be permitted to speak and subsequently to participate in any vote.

## APPENDIX C

### PROCEDURE FOR THE DETERMINATION OF APPEALS

1. The Committee shall consider appeals in respect of the following matters:-
  - (a) any question as to an employee's rights generally under national or relevant local agreements;
  - (b) any question as to the rights in respect of which the employee has a right of complaint to an employment tribunal, including termination of employment, and any question in respect of disciplinary action (but excluding warnings); and
  - (c) any question as to the grading of an employee's post within the pay scales contained within national or relevant local agreements.

2. Appeal hearings should only consider appeals on the following bases:-

#### Termination of Employment

- (a) The Council's dismissal policies and/or its procedures have not been correctly applied;
- (b) New evidence provided by the appellant, which would have had a bearing on the earlier decision, was not previously available;
- (c) The penalty imposed at the original hearing or the decision to dismiss was inappropriate.

#### Grading

That one of the following grounds to justify a regrading exists:-

- (a) that, for posts of similar duties and responsibilities, higher gradings are generally applied, either by the employee's authority or by other comparable authorities;
- (b) that there has been a substantial change in the duties and responsibilities of the post since it was last regraded; or
- (c) that the pay scales set out within national or relevant local agreements have been incorrectly applied to the post.

#### Grievance

That any other outstanding individual or collective grievance has not been resolved at the prior stages required by the Council's policy or that that policy has been incorrectly applied.

3. In coming to a decision, the Appeals Committee should consider whether the authorised officer of the Council has acted reasonably in the correct and proper exercise of the powers delegated to him or her in respect of the above matters.

The Committee should not determine an issue anew but review (as in the case of Employment Tribunals) whether the discretion bestowed on an officer to act in a given way was incorrectly applied in fact or in terms of the recognised procedure or was exercised in an unreasonable manner.