

**LOTHIAN VALUATION JOINT
BOARD (LVJB)
SCHEME OF DELEGATION TO
OFFICERS**

Contents

	<u>Page</u>
1. GENERAL	3
Scheme	3
Principles of delegation	4
2. CONSULTATION WITH ELECTED MEMBERS	4
Politically controversial matters and material decisions	4
Local members	5
Reports	5
3. DELEGATION	6
Delegated authority	6
Contract Standing Orders	7
4. ASSESSOR AND ELECTORAL REGISTRATION OFFICER	7
5. DELEGATION TO CHIEF EXECUTIVE AND CLERK	7
6. DELEGATION TO TREASURER	8
7. REVIEW	8
APPENDIX 1 - Delegation to Assessor and Electoral Registration Officer	9
APPENDIX 2 - Statutory powers and functions of the Assessor and Electoral Registration Officer	15
APPENDIX 3 - Delegation to Chief Executive and Clerk	17
APPENDIX 4 - Delegation to Treasurer	18
APPENDIX 5 - Proper Officer Functions	21

LOTHIAN VALUATION JOINT BOARD
SCHEME OF DELEGATION TO OFFICERS

1. GENERAL

Scheme

- 1.1 This Scheme of Delegation ("**Scheme**") applies from 15 June 2021 and sets out the powers delegated by the Lothian Valuation Joint Board ("**LVJB**") to officers. The Scheme is intended to facilitate the efficient conduct of LVJB business by clearly setting out the nature and extent of the powers delegated to officers by LVJB.
- 1.2 The Scheme further sets out, for information purposes in Appendix 2, the statutory powers and functions exercised directly by the Assessor and Electoral Registration Officer in those local authority areas set out in The Valuation Joint Boards (Scotland) Order 1995 (the "**Constituent Authorities**"). The principles set out in this Scheme do not otherwise apply to the exercise of statutory powers and functions by the Assessor and Electoral Registration Officer.
- 1.3 The powers delegated to officers in terms of this Scheme are subject to change by LVJB in accordance with its Standing Orders.
- 1.4 In this Scheme:
- (a) a reference to a statute or statutory provision:
 - (i) is a reference to it as amended, extended or re-enacted from time to time; and
 - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
 - (b) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
 - (c) a reference to "**LVJB Policies**" shall include all and any policies approved by LVJB from time to time (and "**LVJB Policy**" shall be interpreted accordingly);
 - (d) references to paragraphs are to paragraphs of this Scheme; and
 - (e) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

Principles of delegation

1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:

- (a) the decision or action must not be a matter ("**Reserved Matter**"):
 - (i) reserved by law to LVJB or a sub-committee of LVJB ("**Sub-Committee**"); or
 - (ii) that LVJB or a Sub-Committee has expressly determined should be discharged otherwise than by an officer;
- (b) the decision or action must not alter or be contrary to law or to policy set by the LVJB and/or its Sub-Committees;
- (c) the decision or action must be taken in accordance with LVJB's Standing Orders as amended from time to time;
- (d) the decision or action must be taken in accordance with LVJB's Financial Regulations as amended from time to time and comply with the financial limits set out in that document;
- (e) the financial consequences of the decision or action must be contained within the budget approved by LVJB for the financial year in question;
- (f) the decision or action must not give rise to a conflict of interest; and
- (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.

1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive and Clerk in consultation with the Convener of the LVJB (or the Vice-Convener if the Convener is absent).

2. **CONSULTATION WITH ELECTED MEMBERS**

Politically controversial matters and material decisions

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or

(b) a significant impact on service delivery or performance;

the Convener or Vice-Convener will be consulted before any decision or action is taken.

Local Members

2.2 Where a decision or action taken in terms of this Scheme relates to a particular Constituent Authority (and not to the whole area of the LVJB) those members shall be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

Reports

2.3 The LVJB or any Sub-Committee may require the Chief Executive and Clerk, the Assessor and Electoral Registration Officer or other relevant officers to submit reports on the decisions taken and action authorised by them under delegated authority.

3. **DELEGATION**

Delegated authority

- 3.1 LVJB delegates authority for certain powers or functions to the Assessor and Electoral Registration Officer, the Chief Executive and Clerk, the Treasurer and the Solicitor as detailed in this Scheme.
- 3.2 The Assessor and Electoral Registration Officer has certain statutory powers and functions and may exercise those powers and functions by law without the requirement for that power or function to be delegated by LVJB. Those powers and functions are set out in Appendix 2 of this Scheme.
- 3.3 In the event that LVJB appoints separate individuals to the roles of Assessor and Electoral Registration Officer respectively, all references to "Assessor and Electoral Registration Officer" in this Scheme shall be construed as applying to the separate officers acting in those separate offices.
- 3.4 In the event that the Chief Executive and Clerk or Assessor and Electoral Registration Officer is unavailable, his/her nominated sub-delegated officer, as referred to in paragraphs 3.8 and 3.9 of this Scheme, will have delegated authority to take urgent decisions in the absence of the Chief Executive and Clerk or Assessor and Electoral Registration Officer as appropriate.
- 3.7 The Chief Executive and Clerk and/or Assessor and Electoral Registration Officer will remain accountable to the LVJB for decisions taken by his/her depute.
- 3.8 The Assessor and Electoral Registration Officer may sub-delegate their delegated powers to such other officer(s) of LVJB as they consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Assessor and Electoral Registration Officer will remain accountable for decisions taken by their sub-delegate(s).
- 3.9 The Chief Executive and Clerk, Treasurer and Solicitor may sub-delegate their delegated powers to such other officer(s) who are employees of the Constituent Authority by which the Chief Executive and Clerk, Treasurer and/or Solicitor respectively are employed as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive and Clerk, Treasurer and Solicitor will remain accountable for decisions taken by their sub-delegates.

- 3.10 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.11 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.12 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out LVJB officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service area to exercise those functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in Appendix 5.
- 3.13 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

Contract Standing Orders

- 3.13 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders which apply to all contracts made by or on behalf of LVJB for the procurement of the execution of works, the supply of goods and materials to LVJB and/or for the provision of services ("**Contract Standing Orders**").

4. ASSESSOR AND ELECTORAL REGISTRATION OFFICER

- 4.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Assessor and Electoral Registration Officer shall have delegated authority to manage all human, financial and other resources within LVJB, including those functions set out in Appendix 1.
- 4.2 The Assessor and Electoral Registration Officer has statutory authority to exercise the powers and discharge the functions of Assessor and Electoral Registration Officer, including those statutory powers and functions set out in Appendix 2.

5. DELEGATION TO CHIEF EXECUTIVE AND CLERK

- 5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive and Clerk shall have delegated authority to exercise the functions set out in Appendix 3.

6. **DELEGATION TO TREASURER**

- 6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Treasurer shall have delegated authority to exercise the finance functions of the LVJB, including those set out in Appendix 4.

7. **REVIEW**

- 8.1 This Scheme of Delegation will be reviewed as and when required at a meeting of LVJB, and in any event on no less than a five-yearly basis.

APPENDIX 1

GENERAL DELEGATION TO ASSESSOR AND ELECTORAL REGISTRATION OFFICER

These are the functions referred to in paragraph 4.1 of the Scheme:

Funds, contracts and property

1. spending money and managing their budget in accordance with LVJB approved resource allocations and with LVJB's Financial Regulations;
2. subject to any policies and/or directions issued by the Treasurer:
 - (a) transferring funds between headings within their approved revenue budget;
 - (b) transferring funds between capital projects included in LVJB's capital budget;

provided that (1) the Assessor and Electoral Registration Officer informs the Treasurer of the transfer and (2) the transfer does not affect revenue or LVJB's capital budget for future years;

3. entering into, terminating, varying, suspending or extending contracts subject to compliance with Contract Standing Orders;
4. declaring property or land surplus to requirements, in consultation with the Chief Executive and Clerk;
5. negotiating, processing and instructing appropriate legal assistance to conclude any rent review of LVJB premises;

Proper officer

6. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which are binding on LVJB;

Legal

7. settling legal actions and claims, where appropriate in consultation with the Solicitor;

8. to initiate, enter, defend or withdraw from judicial or quasi-judicial proceedings in connection with the functions of Assessor and/or Electoral Registration Officer, where appropriate in consultation with the Chief Executive and Clerk, Treasurer and/or Solicitor;
9. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Solicitor;
10. engaging private legal firms and other agents when he or she may consider this to be necessary in consultation with the Solicitor;
11. engaging counsel for Court of Session or other business as and when he or she may consider the engagement of counsel to be necessary in consultation with the Solicitor;

Staff

12. appointing employees within agreed staffing levels;
13. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, where appropriate in consultation with the Treasurer;
14. conducting, in consultation with the Chief Executive and Clerk where necessary, disciplinary and grievance proceedings for employees in accordance with LVJB's approved policy and procedures, other than disciplinary or grievance proceedings in relation to the Assessor and Electoral Registration Officer which shall be conducted by the Chief Executive and Clerk or their nominee;
15. authorising staff attendance at meetings, training courses, conferences, seminars and other developmental activities;
16. remedying inconsistencies in pay or conditions of service in consultation, where appropriate, with the Chief Executive and Clerk and Treasurer;
17. deciding the following personnel matters in accordance with approved LVJB Policy, schemes and/or guidance:
 - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;

- (b) to absent himself/herself or permit any member of staff to leave of absence occasionally and temporarily during business hours to attend to duties or services of a civic, honorary or charitable nature provided that these do not interfere with efficient discharge of duties in accordance with LVJB policies;
- (c) entering into settlement agreements with staff in relation to their employment with the LVJB in consultation with the Solicitor, and subject also to consultation with the Convener;
- (d) save in the case of the Assessor and Electoral Registration Officer, where the decision shall be reserved to LVJB, making decisions in relation to Local Government Pension Scheme membership (including, for example, early payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);
- (e) extension of sickness allowance;
- (f) recovery of maternity pay;
- (g) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (h) to operate a car leasing scheme approved by LVJB;
- (i) approval of transfer of annual leave;
- (j) approval of overtime;
- (k) approval of applications for secondary employment;
- (l) authorisation of payments for lectures, speeches etc. to external organisations;
- (m) determination of claims of up to £250 for damage to or loss of the personal property of employees;
- (n) payment of removal expenses and allowances;
- (o) payment of car users' allowances;
- (p) authorisation of telephone allowances;

- (q) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (r) authorisation of leave of absence for members of staff to undertake courses of further education in accordance with LVJB Policies;
- (s) establishment and filling of fixed term posts in accordance with the relevant LVJB Policy;
- (t) in relation to staffing matters, instructing the immediate implementation of any circular from any officially recognised body which allows no discretion to LVJB and reporting the terms of such circulars to LVJB for information;

Health and Safety

- 18. implementing LVJB's Health and Safety Policy and arrangements;

Health and Wellbeing

- 19. implementing LVJB's Health and Wellbeing arrangements;

Use of land and buildings

- 20. approving the temporary closure of property owned, occupied or managed by LVJB to:
 - (a) ensure the safety of LVJB staff or members of the public; or
 - (b) undertake essential planned maintenance;

subject to consultation with the Convener or Vice-Convener, and the Leader of each of the constituent local authorities and insertion of a public notice in the press informing the public of the closure when relevant;

- 21. regulating access to, and conduct of persons on property owned, occupied or managed by LVJB, including ejection and expulsion from property;

Hospitality

- 22. approving reasonable expenditure on hospitality in accordance with LVJB Policy;
- 23. approving reasonable expenditure on overseas visits by officers in accordance with LVJB Policy;

24. to promote, market and present events in accordance with LVJB Policy;

Write off

25. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:
 - (a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and
 - (b) the decision is made in consultation with the Treasurer;

Access to information

26. responding to requests for information made to the LVJB under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;
27. monitoring the management of LVJB records in line with the provisions of the Public Records (Scotland) Act 2011;

Consultations

28. responding to consultations from external bodies seeking the input of LVJB to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature; and

Fees and charges

30. setting at a reasonable level the fees and charges payable by persons requesting copies of the valuation roll and/or the council tax list, including certified information, and altering the said fees and charges from time to time.

APPENDIX 2

STATUTORY POWERS AND FUNCTIONS OF THE ASSESSOR AND ELECTORAL REGISTRATION OFFICER

These are the statutory powers and functions referred to in paragraph 4.2 of the Scheme:

1. Assessor

1.1 The Assessor and Electoral Registration Officer acts as Assessor for the Constituent Authorities in terms of section 27(4) of the Local Government (Scotland) Act 1994, and in so acting exercises the statutory powers and functions set out in:

- (a) the Lands Valuation (Scotland) Act 1854;
- (b) the Valuation and Rating (Scotland) Act 1956;
- (c) the Local Government (Scotland) Act 1975;
- (d) the Abolition of Domestic Rates Act 1987;
- (e) the Local Government Finance Act 1992;
- (f) the Local Government etc. (Scotland) Act 1994;
- (g) the Local Government and Rating Act 1997;
- (h) the Local Government in Scotland Act 2003;
- (i) the Non-Domestic Rates (Scotland) Act 2020; and
- (j) all other relevant primary and secondary legislation relating to the statutory powers and functions of the role of Assessor.

2. Electoral Registration Officer

2.1 the Assessor and Electoral Registration Officer acts as Electoral Registration Officer for the Constituent Authorities and in so acting exercises the statutory powers and functions set out in:

- (a) the Representation of the People Act 1983;

- (b) the Representation of the People (Scotland) Regulations 2001;
- (c) any Order governing local government elections in Scotland;
- (d) any Order governing Scottish Parliamentary elections in Scotland;
- (e) any legislation, including but not limited to the Political Parties, Elections and Referendums Act 2000, regarding the conduct of referendums in Scotland and/or the wider United Kingdom; and
- (f) all other relevant primary and secondary legislation relating to the statutory powers and functions of the role of Electoral Registration Officer.

APPENDIX 3 – DELEGATION TO CHIEF EXECUTIVE AND CLERK

These are the powers and functions referred to in paragraph 5.2 of the Scheme:

1. acting as advisor to LVJB on procedural and administrative matters and in this capacity to ensure the provision of adequate administrative and other support to LVJB and its Sub-committees;
2. arranging meetings and proceedings of LVJB as set out in section 43 and Schedule 7 of the Local Government (Scotland) Act 1973;
3. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the LVJB or are binding on the LVJB;
4. conducting disciplinary or grievance proceedings in relation to the Assessor and Electoral Registration Officer, or delegating the conduct of those proceedings, in writing, to an officer of Head of Service grade or above within the Constituent Authority which employs the Chief Executive and Clerk; and
5. appointing an acting Assessor from the staff of the Assessor's Office when the Assessor is absent for a long time or the post is vacant.

APPENDIX 4

DELEGATION TO TREASURER

These are the powers and functions referred to in paragraph 6 of the Scheme:

1. establishing and maintaining a financial framework which provides for the effective management control and review of LVJB, including monitoring and reporting procedures;
2. determining the accounting and financial records and procedures of LVJB;
3. establishing and maintaining effective arrangements in respect of LVJB's treasury management, pensions and the safeguarding of LVJB assets including risk management and insurance;
4. creating, closing and operating bank accounts on behalf of LVJB;
5. approving and making payments due to Her Majesty's Revenue and Customs;
6. carrying out LVJB's treasury management and management of relevant funds in accordance with the relevant LVJB Policy;
7. the pooling and treasury management of all surplus funds in the LVJB's budget and all executive treasury management decisions in accordance with LVJB Policy and relevant professional guidance;
8. exercising all borrowing and lending by LVJB in accordance with LVJB Policy;
9. determining suitable banking and advisory services for LVJB;
10. effecting suitable insurance cover and negotiating with LVJB's insurers for all claims in consultation with other officers where necessary;
11. reviewing annually all insurances in consultation with the Assessor and Electoral Registration Officer where necessary and reporting annually to the Convener or Vice Convener;
12. on taking appropriate advice where necessary, determining specific purchases and sales of stocks, shares and/or any other permissible investments in accordance with LVJB Policy;

13. reviewing and amending as appropriate the financial limits given in the Financial Regulations every year, in line with the relevant inflation indices; and
14. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with LVJB Policies.

APPENDIX 5
PROPER OFFICER FUNCTIONS

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Chief Executive and Clerk
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	Assessor and Electoral Registration Officer, Chief Executive and Clerk, Treasurer and Solicitor
Members' rights of access to documents which enclose "exempt information"	section 50F(2) of the Local Government (Scotland) Act 1973	Chief Executive and Clerk
Financial administration	Section 95 of the Local Government (Scotland) Act 1973	Treasurer
Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Solicitor
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Treasurer
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 1995	Solicitor
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Solicitor
Notice of Meeting	Schedule 7 of the Local	Chief Executive and Clerk

	Government (Scotland) Act 1973	
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Chief Executive and Clerk