



MORAY COUNCIL

CONSTITUTIONAL DOCUMENTS

2. SCHEME OF ADMINISTRATION

Detailing the Council's committee structure
[under Schedule 7 Paragraph 8 of the Local Government (Scotland) Act 1973]

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MORAY COUNCIL

SCHEME OF ADMINISTRATION

(I) TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

Subject to the provisions of the Local Government (Scotland) Act 1973 and any other statutes and subject also to the provisions of the Council's Standing Orders and also to the expectations, limitations and special delegations hereinafter specified, there shall be referred or delegated to the respective Committees of the Council all the functions, services, undertakings or other matters whether in pursuance of statute or otherwise as contained in the respective terms of reference of the said Committees as detailed in Section (III) hereof. When such functions, services, undertakings or other matters are delegated to a Committee, the Committee shall have the power to exercise the function in like manner in all respects as the Council could have exercised it had there been no delegation; provided however that it shall be competent for such Committee in relation to any matter, instead of taking a decision thereon, to make a recommendation thereon to Moray Council [Full Council] in which event the matter shall be decided by the Council after consideration of the Committee's recommendation. Any references to legislation within this document shall be taken to include any subsequent amending/replacement legislation.

- (1) A Committee may delegate to a Sub-Committee or to an Officer of the Council, any of the functions which have been delegated to the Committee by the Council.
- (2) In exercising the functions conferred on it, each Committee shall comply with the Standing Orders of the Council in so far as applicable and with any resolutions or instructions given by the Council.
- (3) Subject as aforesaid, the Council may at any time, if they so decide, notwithstanding the delegating of that matter to a Committee, deal with any question not previously determined in terms of that delegation. Where the Council uses this power, the matter shall thereafter remain within the Council's remit unless the Council decides to refer it back to the Committee.
- (4) The Council may vary, add to, recall or restrict any delegation to any Committee.
- (5) The senior members of staff at the level of the posts listed in the Appendix to this Scheme shall be appointed in accordance with the Recruitment and Selection of Senior Staff Procedure approved by the Council. Members of staff other than teaching staff shall be appointed in accordance with paragraph 2.1 of the Council's Scheme of Delegation. Subject to Section II (15), the power to dismiss a member of staff, other than teaching staff, the Chief Executive, the Head of Financial Services and Monitoring Officer to whose dismissal special statutory provisions apply, shall be exercised by the Head of the employing department, subject to any right of appeal enjoyed by that member of staff.

(II) MATTERS EXCLUDED FROM DELEGATION TO COMMITTEES

Subject to any relevant statutory provisions and to the provisions of the Council's Standing Orders, there shall be excluded from the delegation to Committees:

- (1) Fixing of the Council Tax and Council house rents in each financial year.
- (2) Approval of the acquisition or sale of land, buildings or interests in land over £100,000 in value, or where there is no budget provision.
- (3) The compulsory acquisition of any interest in land or buildings.
- (4) To approve any new rental concessions over £50,000 per annum.
- (5) Any enactment, alteration or revocation of any Orders, Regulations, Bye-laws or Schemes other than Orders of an emergency nature and orders which are delegated to a specific Committee.
- (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. Where any conflict arises between Service Committee decisions in relation to a strategic project, then all future decisions in relation to that project are from that point onwards to be determined by Moray Council [Full Council], unless Moray Council [Full Council] decides to remit the matter back to those Service Committees.
- (8) Alterations to the establishment, whether by way of increase or decrease, of posts graded on or above SCP (92) 39 of the SJC spinal column of hourly rates.
- (9) All matters relating to elections including the appointment of a Returning Officer and electoral boundaries.
- (10) Changes in Committee structure, distribution of functions and responsibilities.
- (11) Appointment of Committees and the appointment of Chair and Deputy-Chair thereof.
- (12) Appointments to Outside Bodies.
- (13) The approval of Council Reports and Strategies of a corporate nature including Local Development and Housing Plans.
- (14) To exercise all the functions of the Council as Social Work Authority within the terms of relevant legislation with regard to research; assessment of need re community care services, provision of information to carers and assessment of ability to provide care; and to determine the Council's policies in regard thereto.

- (15) The closure of schools or other educational establishments.
- (16) The provision of office accommodation for all departments of the Council.
- (17) The formulation, review and amendment of the Council's constitutional documents comprising the Standing Orders, Scheme of Administration, Scheme of Delegation and Financial Regulations.
- (18) Dismissal of the Chief Executive, the Head of Financial Services and the Monitoring Officer in terms of the relevant disciplinary procedures relating to the same.
- (19) All matters relating to emergency planning and home defence.
- (20) Any new policy matter which does not fall within the terms of reference of any Committee.
- (21) The determination of applications by businesses for assistance of whatever nature which fall outwith the terms of reference of the Economic Development & Infrastructure Services Committee or any other relevant Committee.
- (22) The statutory functions delegated by the Council to the Integration Joint Board for Moray for those of 18 years and over in terms of the Integration Scheme for Moray.
- (23) The determination of any planning application that has been considered at a pre-determination hearing.
- (24) To consider the annual estimate for capital expenditure and agree any new or additional capital projects bi-annually on dates to be determined by the Asset Management Working Group.
- (25) To consider the annual estimates for, and approve all, revenue expenditure.
- (26) To consider the amounts to be raised by levying the Council Tax in each financial year.
- (27) To consider applications for granting the Freedom of Moray.
- (28) To authorise the use of the Council's Common Seal and signature by the Council Convener.
- (29) To consider petitions relative to the above matters.

(III) TERMS OF REFERENCE TO COMMITTEES

NOTE - All items marked * can be considered by the Committee and subject to recommendations but are excluded from the full delegation to Committees.

(A) ALL COMMITTEES

- (1) To form an Appointments Committee to appoint Heads of Services in accordance with the Recruitment and Selection of Senior Staff Policy.
- (2) To consider Capital and Revenue Budgets and long-term financial plans.
- (3) To approve the acquisition or sale of land, buildings or interests in land up to £100,000 in value and where there is budgetary provision. [See Section II (2) above]
- (4) To contribute to public performance reporting.
- (5) To consider petitions relative to the Committee's matters, excluding always those functions which are quasi-judicial in nature.

(B) POLICY & RESOURCES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- * (1) To consider the financial and budgetary policy of the Council.
- (2) To regulate and manage the finances of the Council in accordance with the policies determined by the Council and to prepare and review from time to time such rules as may be necessary for the proper administration of the Council's financial affairs.
- (3) To implement 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.
- * (4) To consider the need for new services and the necessity for existing ones.
- (5) To monitor progress of projects in the approved Capital Plan, including any revisions to the price or phasing on a quarterly basis.
- (6) To monitor current revenue expenditure in relation to approved estimates.

- (7) To deal with the administration of the levy, collection, payment and recovery of Council Tax, Community Charges, non-domestic rates and water and sewerage charges.
- (8) To arrange for the borrowing of money by the Council.
- (9) To deal with superannuation and pensions.
- (10) To supervise the payment and recovery of monies on behalf of the Council.
- (11) To keep accounts for the proper recording of all transactions of the Council and to audit such accounts.
- (12) To make banking arrangements for the Council.
- (13) To write off irrecoverable debts in accordance with the Council's Financial Regulations.
- (14) 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.
- (15) To deal with all matters relating to insurance.
- (16) To deal with the management and investment of any funds including Common Good Funds and trust funds, under the control of the Council and consult relevant service committees on expenditure of trust funds where appropriate; and to deal with the management of Common Good and Trust property.
- * (17) To provide office accommodation for all departments of the Council.
- (18) To provide furniture, office supplies and equipment including computer systems and all common office services.
- * (19) To consider the promotion or opposition of private legislation in Parliament under Section 82 of the Local Government (Scotland) Act 1973 subject to consultation with other Committees as appropriate.
- * (20) To consider any Provisional Order, Parliamentary Bill or Statutory Instrument (other than Orders, Bills or Instruments specifically affecting particular departments of the Council).
- (21) To exercise the functions of the Council in connection with the Registration of Births, Deaths and Marriages.
- (22) To deal with the functions of the Council as Valuation and Electoral Registration Authority.
- (23) To exercise the functions of the Council in connection with Community Councils.

- (24) To make arrangements for ceremonial matters and hospitality.
- (25) To provide members' services.
- (26) To authorise, control and review as necessary, in consultation with the appropriate Service Committee, the establishment of all categories of staff of the Council, with the exception of teachers.
- (27) To formulate, supervise the implementation of and review as necessary the policy and practices of the Council for all employees, other than teachers, in relation to:-
 - (a) the policies for the appointment and deployment, appraisal, transfer and promotion of all employees within the approved establishment;
 - (b) the remuneration, conditions of service and allowances of all posts;
 - (c) the recruitment, training and development, health, safety and welfare policies and practices of the Council;
 - (d) the grievance and disputes procedures, disciplinary rules and procedures and dismissal procedures relating to all employees.
- (28) To formulate, supervise the implementation of and review as necessary the policies and practices of the Council in relation to its procurement arrangements.
- (29) To formulate, supervise the implementation of and review as necessary the policies and practices of the Council in relation to asset management and to maintain an overview of the Council's property disposal programme.
- (30) In the case of teachers, to apply and monitor the implementation of general personnel policies and practices of the Council, including health, safety and welfare and to co-ordinate local conditions of service in line with Council policy.
- (31) To decide applications for early retirement under the Teacher's (Compensation for Early Retirement) Regulations 1996 and to decide applications from teachers requesting re-employment under the age of 65 in terms of the Teachers (Scotland) Act 1976.
- (32) To provide, develop and monitor all central support services including information technology, personnel, administrative, finance, legal and customer services including printing, reprographic and other services.

- (33) To deal with all matters relating to the exercise of the statutory functions of the Council under the Local Government in Scotland Act 2003 to initiate, maintain and facilitate Community Planning, the process by which public services in Moray are provided and planned for.
- (34) To ensure that the organisation, administrative and management processes of the Council are designed to make the most effective contribution to achieving the Council's objectives; to keep these procedures under review in the light of changing circumstances and to make such recommendations to Moray Council [Full Council] as are necessary for changes in the Committee or departmental structure or the distribution of functions and responsibilities.
- (35) To co-ordinate the activities of other Committees.
- (36) To exercise the statutory power of the Council to advance well-being under the Local Government in Scotland Act 2003.
- * (37) To consider any new policy matter which does not fall within the terms of reference of any other Committee.
- (38) To deal with all matters relating to risk assessment and management.
- (39) To exercise the functions of the Council under the Local Government and Housing Act 1989, the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994.
- (40) To deal with the overall estates management of Council properties which are not for the time being used by the appropriate service department and the sale or lease of land or buildings temporarily or permanently surplus to the needs of the Council except Council Housing.
- (41) To consider and act upon any urgent matter on behalf of the Council.
- (42) To develop and implement information technology policies
- (43) To deal with all matters relating to developing and monitoring customer access and information.
- (44) To deal with all matters relating to entering into partnerships, co-operating and liaising with other bodies and Authorities
- (45) To deal with all matters relating to developing and monitoring public relations, public reporting, publicity and corporate communications.
- (46) To set standards for services provided by the Council
- (47) To formulate and review Council wide policy, strategies, priorities and objectives in standards and levels of service.

- (48) To approve discretionary charges made for Council services in accordance with policy.
- (49) To monitor and review concessionary rents.
- (50) To approve any new rental concessions up to £50,000 per annum.
- (51) To deal with all matters relating to the Councils Strategy, Policy, budgetary and monitoring arrangements for Third Sector.
- (52) To promote and maintain high standards of conduct by Members of the Council.
- (53) To assist Members of the Council to observe the Councillors' Code of Conduct.
- (54) To advise the Council on the adoption or revision of the Councillors' Code of Conduct.
- (55) To monitor the operation of the Councillors' Code of Conduct.
- (56) To advise, train or arrange to train Members of Council on matters relating to the Councillors' Code of Conduct.
- (57) To assist the Standards Commission for Scotland and the Commissioner for Ethical Standards in Public Life in Scotland in whatever way may be required.
- (58) To develop and monitor the Council's Performance Management Framework for Central Services.

(C) APPEALS COMMITTEE

- (1) To hear, consider and determine appeals by employees, other than teachers, in terms of the Scheme of Pay and Conditions for Scottish Joint Council employees and the Scheme of Pay and Conditions of Service for Craft Operatives and Chief Officers excluding the Chair of the meeting at which the original decision was taken.

(D) CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To exercise all the functions of the Council as Education Authority within the terms of relevant legislation with regard to nursery, primary, secondary, and further education; adult and community education and Lifelong learning; and to determine the Council's policies in regard thereto.

- (2) To exercise all the functions of the Council as Social Work Authority within the terms of relevant legislation with regard to child support and protection, looked after children, fostering, adoption and young people leaving care; and to determine the Council's policies in regard thereto.
- (3) To exercise the functions of the Council within the terms of relevant legislation with regard to criminal, including youth, justice and to determine the Council's policies in regard thereto.
- (4) To exercise the functions of the Council within the terms of relevant legislation with regard to mental health and incapacity and to determine the Council's policies in regard thereto.
- (5) To exercise the functions of the Council within the terms of relevant legislation with regard to adult support and protection, and to determine the Council's policies in regard thereto.
- (6) To receive reports from and consider the recommendations of the Social Work Complaints Review Committee in relation to children and young people (under 18 years) services.
- * (7) To consider the closure of schools and other educational establishments under the control of the Council as Education Authority.
- (8) To deal with the appointment, transfer, dismissal, suspension, remuneration and conditions of service of teaching staff so far as under the control of the Council, subject to the duty of the Policy and Resources Committee to co-ordinate and apply local conditions of service of teaching staff after the approval of the Children and Young People's Services Committee.
- (9) To deal with Children's safety including school crossing patrols.
- (10) To assist voluntary organisations who provide youth and community facilities.
- (11) To carry out the duties of the Council in regard to Parent Councils and to consider submissions from such Parent Councils.
- (12) To exercise the functions of the Council under the Children and Young Persons (Scotland) Act 1937.
- (13) To deal with the managing or leasing out of Council Community Education Centres, working with locally elected Management Committees.
- (14) To exercise the statutory duties of the Council to ensure the adequate provision of facilities for recreational, sporting, cultural and social activities.
- (15) To exercise the Council's statutory powers to support activities related to the development of recreation, sport, culture and heritage.

- (16) To deal with the management of indoor and outdoor facilities operated by the Council for recreational, sporting, cultural and social activities.
- (17) To deal with the management of community centres, residential outdoor centres and community facilities within community high schools.
- (18) To deal with issues related to the community use of schools.
- (19) To act as Trustees of the Moray and Nairn Educational Trust Scheme.
- (20) To exercise control of expenditure of available funds in Educational Trusts
- (21) To consider and make recommendations on capital and minor works programmes.
- (22) To comment on and monitor general expenditure for school building projects.
- (23) To consider and monitor problems relating to:-
 - (a) School capacities and available accommodation;
 - (b) Review school zoning; and
 - (c) Social issues (such as vandalism) relating to schools.
- (24) To consider and monitor the allocation of educational grants under the Council policy for grants awards.
- (25) To select children and staff worthy of receiving awards for outstanding achievement in their personal development or note worthy service to their community and the authority.
- (26) To consider and oversee educational developments relating to the culture and heritage of Scotland including attention to local priorities.
- (27) To consider and decide on applications from parents under Section 35 of the Education (Scotland) Act 1980 for consent to withdraw their children from school in order to educate them at home.
- (28) To exercise the functions of the Council as Education Authority relating to truancy under Sections 36-43 of the Education (Scotland) Act 1980.
- (29) To exercise the statutory duties of the Council to secure the adequate provision of libraries.
- (30) To deal with matters related to the provision of library and information services.
- (31) To deal with matters related to the provision of museums and related services.

- (32) To develop and monitor the Council's Performance Management Framework for Children & Young People's Services.

(E) PLANNING AND REGULATORY SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) Subject to paragraphs (2) and (3) hereunder, to exercise the statutory functions of the Council as Planning Authority under the Planning Acts, the Local Government (Scotland) Act, 1973; the Local Government Scotland Act 1994 and other relevant legislation.

Membership of this Committee will be extended to include all members of the Council where, following receipt of a planning application, statutory pre-determination hearing is required. Immediately following the extended Planning and Regulatory Services Committee at which the pre-determination hearing has taken place, a special meeting of Moray Council will be called to determine the application.

- (2) To review or prepare all Local Development Plans including the Council Report and an Environmental Charter for submission to the Council.
- (3) To comment on Housing Plans.
- (4) To exercise the functions of the Council under Building Standards Regulations and Orders and relaxations.
- (5) To exercise the functions of the Council in relation to dangerous or dilapidated buildings or structures repair or demolition notices.
- (6) To exercise the Council's street naming functions under the Civic Government Act 1987 and related legislation.
- (7) To make, vary and revoke Orders for the preservation of trees including the power to make, vary and revoke orders of an urgent nature.
- (8) To deal with High Hedge Notices under the High Hedges Act (Scotland) 2013.
- (9) To exercise the statutory functions of the Council as Local Weights and Measures Authority.
- (10) To exercise the function of the Council under the Petroleum (Consolidation) Act 1928 including the issue, suspension or revocation of licences thereunder.
- (11) To deal with registration under the Poisons Act 1972.

- (12) To deal with all matters relating to Trading Standards.
- (13) To exercise the functions of the Council in relation to Diseases of Animals.
- (14) To exercise the functions of the Council under the Explosives Acts including the issue, suspension or revocation of licences thereunder.
- (15) To exercise the functions of the Council under the Mines and Quarries Acts.
- (16) To exercise the functions of the Council in relation to the safety of sports grounds legislation.
- (17) To exercise the functions of the Council as the Environmental Health Authority.
- (18) To deal with all matters relating to contaminated land in terms of the Environmental Protection Act 1990, the Environmental Act 1995 and the Contaminated Land (Scotland) Regulations 2000, as amended 2005.
- (19) To exercise the functions of the Council in relation to the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and the Smoking, Health and Social Care Act (Scotland) 2005
- (20) To develop and monitor the Council's Performance Management Framework for the Planning & Regulatory Services.
- (21) To deal with matters relating to the provision of museums and related Services.

(F) ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with all matters relating to twinning, subject, where appropriate, to consultation with other Committees. Any proposal to establish a new twinning link shall be the subject of a recommendation to Moray Council [Full Council].
- (2) To exercise the statutory functions of the Council in relation to economic development in terms of paragraph 171 of the Local Government (Scotland) Act 1994.
- (3) To deal with all matters relating to industrial and commercial development, subject to (5) below.
- (4) To provide financial and other assistance to those engaged in industry or commerce.

- (5) To consider all other applications by business for assistance of whatever nature which fall outwith the terms of (5) above and to make recommendations to Moray Council [Full Council].
- (6) To manage and maintain public conveniences.
- (7) To exercise the statutory functions of the Council under the Land Reform (Scotland) Act 2003.
- (8) To exercise the functions of the Council in relation to Countryside Amenities including the Speyside Way, Fisheries and Ranger Service.
- (9) To provide architectural, quantity surveying, maintenance and allied property services.
- (10) To manage the transport of vehicles belonging to, hired by or otherwise under the control of the Council.
- (11) To exercise the functions of the Council in relation to Parks, Open Spaces and Tree/Woodland management and maintenance.
- (12) To exercise the functions of the Council in relation to the provision of Catering and Cleaning Services.
- (13) To deal with all matters relating to Environmental Protection.
- (14) To provide and maintain all burial ground services.
- (15) To exercise all functions of the Councils as Roads Authority including safety, the detailed planning, design and construction, improvement, maintenance and lighting of roads, bridges and other structures and excluding street naming functions [see Section III (E)(6) above].
- (16) To exercise the functions of the Council under the Roads (Scotland) Act 1984 and other relevant legislation.
- (17) To deal with traffic management functions, including the preparation and implementation of traffic management schemes.
- (18) To exercise the function of the Council in relation to public passenger transport under the Transport Act 1985.
- (19) To exercise the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997.

Note: this Act will be superseded by the Flood Risk Management (Scotland) Act 2009, but will still apply to ongoing legacy projects.
- (20) To make Orders for the regulation of traffic including the power to make Orders of an emergency nature.

- * (21) To prepare the Local Transport Strategies and Road Traffic Reduction for consideration by Moray Council [Full Council].
- (22) Determining arrangements for waste management, street sweeping, refuse collection and refuse disposal including re-cycling.
- * (23) To consider concessionary travel arrangements.
- (24) To exercise the functions of the Council as lighting authority.
- (25) To exercise the functions of the Council as Harbour Authority under the Grampian Regional Council (Harbours) Order Confirmation Act 1987, the Harbours Act 1964, the Pilotage Act 1987, the Merchant Shipping (Port Waste Reception Facilities) Regulations 1987, the Merchant Shipping Act 1995 and the Dangerous Vessels Act 1985 and in relation to the maintenance of piers and harbours and coast protection.
- (26) To exercise the functions of the Council under the Reservoirs Act 1975.
- (27) To exercise supervision of the internal transport section dealing with the management, repair and maintenance of all Council vehicles, plant and equipment.
- (28) To promote tourism development in Moray.
- (29) To oversee the application for, co-ordination and monitoring of Council funding from European programmes.
- * (32) To deal with all matters relating to emergency planning and home defence.
- (33) To develop and monitor the Council's Performance Management Framework for the Economic Development and Infrastructure Services.

(G) COMMUNITIES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with the Capital and Revenue budgeting and long-term financial planning in the discharge of the Council's Housing function including:-
 - * (a) to set Council house rent levels;
 - * (b) to set garage and garage site rent levels; and
 - * (c) to deal with levy, collection, payment and recovery of Council house rents.

- (2) To exercise all the functions of the Council as Housing Authority.
- (3) To carry out the management and maintenance of the Council's Housing Stock including housing for the homeless and sites for Gypsies/Travellers.
- (4) To deal with the allocation and letting of houses and homelessness.
- (5) To administer private sector housing grants etc.
- (6) To administer house purchase/improvement loans.
- (7) To exercise the Council's powers within the terms of relevant legislation in relation to housing support and contributing to the expense of housing elderly, infirm or disabled people.
- (8) To deal with matters arising under the Right to Buy and Rent to Mortgage Schemes.
- (9) To deal with the Council's responsibilities for the Direct Labour Organisation.
- (10) To prepare housing quality plans and other such housing related plans as may be required to ensure effective implementation of strategic housing matters.
- (11) To formulate and implement the Council strategic Housing Plan in partnership with other housing providers in co-operation with other Council Committees and services.
- (12) To develop and implement the Council's strategy and policies in relation to social inclusion in partnership with other public sector partners, voluntary sector and private sectors as appropriate.
- (13) To formulate, supervise the implementation of and review as necessary the policies and practices of the Council in relation to its arrangements for promoting, fostering and maintaining equal opportunities
- (14) To develop and implement the Council's strategy and policies in relation to Community Liaison, Community Safety and Anti Social behaviour (including road accidents) in partnership with other public sector partners, voluntary sector and private sectors as appropriate.
- (15) To develop and monitor the Council's Performance Management Framework for the Communities Services.

(H) LICENSING COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To exercise all the functions of the Council as Licensing Authority including applications in terms of relevant legislation other than duties carried out by the Licensing Board.
- (2) To issue and suspend, revoke and refuse applications for all licences made in respect of activities, which require to be licensed in terms of the Civic Government (Scotland) Act 1982.
- (3) To make recommendations to Police Scotland relating to prosecution of offences prescribed in terms of the Civic Government (Scotland) Act 1982.
- (4) To deal with all matters of Licensing and Registration not falling within the functions of any other Committee.
- (5) To issue, suspend, revoke and refuse approvals for venues for civil marriages in terms of the Marriage (Scotland) Act 2002.

(I) AUDIT AND SCRUTINY COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

Standards

- (1) To ensure that the highest standards of probity and public accountability are demonstrated.

Audit Functions

- (2) Considering reports from the Council's Internal Auditor.
- (3) Considering reports from Audit Scotland concerning Council functions.
- (4) Contributing towards making the Council, its Committees and Services more responsive to the audit function and its purpose.
- (5) Enhancing corporate governance arrangements by promoting internal control and risk management, by supporting an anti-fraud culture, and by the review of revisions to financial procedures.
- (6) Having responsibility for focussing audit resources through a process of endorsing the five year strategic audit plan and agreeing the annual programme of work.

- (7) Monitoring delivery of the audit service through receipt of quarterly reports on work carried out by Internal Audit.
- (8) Considering reports produced by the Council's External Auditor and by Audit Scotland.
- (9) Considering the annual assurance statement provided by Internal Audit on the Council's control environment.

Scrutiny Functions

- (10) Scrutinising the policies of the Council and their effectiveness in meeting the Action Plans of the Council as set out in the Corporate Development Plan.
- (11) Evaluating the actions of Committees and implementing the Action Plan set out in the Corporate Development Plan.

Performance Monitoring

- (12) Reviewing the development and definition of local performance indicators.
- (13) Reviewing the development and definition of local performance monitoring and reporting systems to assist decision making processes.
- (14) Development and implementation of public performance reporting at service level to explain and demonstrate to the community how well each service is delivering.
- (15) Reviewing progress in implementing Best Value Reviews.
- (16) Reviewing current performance information for all services.
- (17) Reviewing how performance information can be used to improve performance.
- (18) Overseeing the development and implementation of the Best Value improvement process.
- (19) To deal with all matters relating to the Council's duty to secure Best Value in terms of the Local Government in Scotland Act 2003 with the exception of equalities, the power of well-being and Community Planning.
- (20) To receive reports on the performance of and trends within all of the Council's services in terms of service standards and performance information.
- (21) To receive reports from and consider the recommendations of the Social Work Complaints Review Committee in relation to adult (18 years and over) services.

Inquiries

- (22) To deal with all matters relating to local inquiries into matters affecting children.

(J) POLICE AND FIRE AND RESCUE SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with all matters relating to Police and Fire and Rescue Services in Moray.
- (2) To participate in consultations relative to national strategic plans and priorities for the Police and Fire and Rescue Services.
- (3) To work with the Local Police Commander and the Local Senior Officer for the Fire and Rescue Service to set priorities and objectives for Local Police Plans and Local Fire and Rescue Plans for Moray.
- (4) To monitor delivery of the Police and Fire and Rescue Services in Moray, providing feedback and making recommendations for improvements as required.
- (5) To call for reports from the Local Police Commander or the Local Senior Officer for the Fire and Rescue Service on issues relevant to the delivery of the Police or Fire and Rescue Service in Moray as appropriate.
- (6) To facilitate Community Planning relative to the Police and Fire and Rescue Services in accordance with statutory guidance.

(IV) TERMS OF REFERENCE TO HOUSING APPEALS SUB-COMMITTEE

The following functions of the Council shall stand referred or delegated to this Sub-Committee:

- (1) To determine Housing Management matters which are outwith Officer's Scheme of Delegation.
- (2) To determine appeals from applicants or tenants, which relate to the Council's Allocations or Homelessness Policies.
- (3) To determine appeals from applicants relating to Private Sector grants.
- (4) To determine the outcome of any Right to Buy applications which cannot be resolved under the Officer's Scheme of Delegation.

- (5) To deal with other matters as may be remitted to the Sub-Committee by the Policy and Resources Committee from time to time.

(V) TERMS OF REFERENCE TO SUSTAINABLE EDUCATION SUB-COMMITTEE

The following functions of the Council shall stand referred or delegated to this Sub-Committee:

- (1) To provide direction over and to monitor the progress of the major capital works in Moray's schools (all school associated capital works in excess of £1million) and in particular review the design briefs and the resources required.
- (2) To consider matters of strategic importance, capital expenditure and statutory consents and to give recommendations to Moray Council as appropriate.
- (3) As each project progresses, to give guidance to the Head of Lifelong Learning, Culture and Sport (as Senior Responsible Officer), reviews the plan for each project at each stage and review progress.
- (4) To discuss any major changes to any project and review any exception plans.

(VI) TERMS OF REFERENCE TO MORAY LOCAL REVIEW BODY

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To consider and determine requests by applicants to review a planning application decision of the 'Appointed Person' or the failure of the 'Appointed Person' to determine a planning application within three months, as required by the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland Regulations) 2013.

(VII) TERMS OF REFERENCE TO SERVICE DEVELOPMENT GROUP

The Group will have no formal decision-making powers. Its remit will be as follows:

- (1) To oversee the implementation of the Corporate Plan.
- (2) To prepare, for the approval of Council, and keep under review, the Council's Corporate Plan and its corporate planning processes.
- (3) To manage the flow of business to the Council and its Committees and the interface between the formal and informal structures, in particular to oversee Governance, Resources & Performance issues and Community Planning.

- (4) To initiate and oversee the development, implementation and promotion of all Council corporate policies, working, as appropriate, through Committees and any Member/Officer Working Groups established to review particular policy issues.
- (5) Working with Partner Agencies' representatives, to prepare, for the approval of Council, and keep under review, the Moray Community Plan and other partnership plans.
- (6) To formulate, for the approval of Council, the Revenue Budget, including the proposed level of Council Tax.
- (7) To formulate, for the approval of Council, the General Services Capital Programme.
- (8) To formulate, for the approval of Council, the Housing Revenue Budget, including the proposed level of Council house rents.
- (9) To formulate, for the approval of the Policy Committee, the Housing Capital Programme.
- (10) To consider the scope, outcomes and policy implications of all Best Value Reviews prior to their submission to appropriate Committees for approval.
- (11) To consider major policy implications of reports submitted for approval of Committees and reports which concern the remit of more than one Committee.

(VIII) TERMS OF REFERENCE TO COMMUNITY PLANNING

(A) COMMUNITY PLANNING BOARD

The Community Planning Board shall, in so far as it conforms to the approved strategic objectives and priorities of the partners, agree the basis on which public services provided in the Moray area are planned and provided and in particular shall:

- (1) Agree a strategy to achieve the objectives of the Partnership, based on the National Outcomes within the Single Outcome Agreement, what the priorities are and how they will translate into outcomes and what indicators will be used to measure progress of these outcomes.
- (2) Agree the programme for, and the method of achieving the agreed objectives and priorities, ensuring the effective use of resources, in particular, what actions need to be taken to deliver improvements.
- (3) Further the sharing of information among the partners, within the parameters of an agreed data sharing protocol.

- (4) Scrutinise the performance of the Partnership in achieving its strategic priorities.
- (5) Secure the funds and resources required to address the strategic priorities of the Partnership.
- (6) Review the performance of each partner of its obligations under the Single Outcome Agreement in meeting the strategic priorities of the Partnership.
- (7) Report to the Partnership on progress in furthering the objectives and priorities of the Partnership as and when required and in a form agreed by the Partnership.
- (8) Review the objectives and priorities as and when required and in a form required by the Partnership in order to agree future levels of activity.
- (9) Provide effective commitment and leadership and facilitate agreement between partners on the strategic priorities of the area.
- (10) Oversee and direct the achievement and the performance of agreed objectives and priorities.
- (11) Develop a strategic approach to its Partnership activity ensuring effective use of resources which contribute to achieving the strategic priorities.
- (12) Review commitments made to partners on a regular basis to agree future of levels of activity.
- (13) Oversee governance arrangements across the Partnership.
- (14) Ensure strategic priorities are reflected in the work of each of the Partners.
- (15) Encourage open discussion and transparent decision making within the Partnership.
- (16) Provide direction in reaching decisions on those issues that involve competing interests or are controversial or contentious.
- (17) Embed Community Planning issues in the policy and decision making process of all Partners.
- (18) Ensure other Elected Members, Council Committees and Partner Boards are fully and regularly briefed on key Community Planning issues, developments and programmes under the Community Planning Agenda and how that would affect their service interest in the community areas.

- (19) Develop networks, discussion forums for sharing experiences in good practice.
- (20) Promote mutual understanding by sharing key organisational information (for example, Committee decisions, and resource allocations).
- (21) Gain a shared understanding of need.
- (22) Improve efficiency and reduce duplication (e.g. one partner to analyse Census information and provide briefings to all).
- (23) Actively encourage opportunities for formal and informal joint working, joint use of resources and joint funding options, where this will offer scope for service improvement.
- (24) To work with partner organisations to ensure a joined up approach to meeting the needs of stakeholders and communities.
- (25) Address impediments and barriers which inhibit integrated approaches to joint funding and joint management of services with internal and external partners.

The Board shall be responsible, in particular, for the following over-arching outcome within the Single Outcome Agreement:-

- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

(B) COMMUNITY ENGAGEMENT GROUP

The Group shall:

- (1) Co-ordinate consultation and engagement with local communities and service users between partners themes and the partnership.
- (2) Collate local information from community engagement to improve services to inform community-planning activity.
- (3) Provide feedback to the local community, theme groups and Partners on the impact the Partnership has had on service users.
- (4) Ensure that the development of the strategic assessments for the Single Outcome Agreement is fully informed by the views of local communities and users.
- (5) Contribute the views of the community to the development of Outcomes and actions in the Single Outcome Agreement
- (6) Raise community concerns and support community engagement at a more local level.

- (7) Ensure that the Partnership is visible and accountable to the community about what is being done to address their concerns.
- (8) Ensure the Partnership engages with, involves and regularly offers feedback to the community to increase public confidence and reassurance.

APPENDIX

SENIOR MEMBERS OF STAFF APPOINTED THROUGH RECRUITMENT PROCEDURE APPROVED BY THE COUNCIL

Chief Executive

Corporate Director (Corporate Services)

Corporate Director (Economic Development, Planning and Infrastructure)

Corporate Director (Education and Social Care)

Heads of Service

Approved and adopted by Moray
Council at their meeting on 29
March 2017

Previously amended by:

Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
Moray Council
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Moray Council

Date:

29 May 2002
07 July 2004
05 July 2006
31 January 2007
14 May 2008
17 June 2009
20 January 2010
15 September 2010
20 December 2011
14 November 2012
27 March 2013
02 April 2014
28 May 2014
17 December 2014
3 February 2016