



SHETLAND ISLANDS COUNCIL

CONSTITUTION

PART C

SCHEME OF ADMINISTRATION AND DELEGATIONS Sections 1 and 2

Document Information			
Document Name/Description		SIC Constitution - Part C - Scheme of Administration and Delegations - Sections 1 and 2	
Version Number <i>e.g. V1.1</i>		2.0	
Author		Anne Cogle, Team Leader - Administration	
Lead Officer/Manager		Jan Riise, Executive Manager – Governance and Law	
Final Approval Date		14 December 2016	
Approved by – <i>Council/Committee/Group/Manager</i>		Shetland Islands Council	
Review Frequency	<ul style="list-style-type: none"> Annually with Code of Corporate Governance The Council's Chief Legal Officer/Monitoring Officer has delegated authority to agree updates to any of the constitutional documents where these are required to give effect to legislative requirements, Council decisions or changes in operational procedures, and to note that any such changes will be notified in the document version control and, where considered necessary, by a briefing note to Councillors and/or officers. 		
Date of next planned review start	August 2017		
Summary of changes to document			
Date	Version updated	New version number	Brief description of changes
12/05/2011	1.0	1.1	Adopted SIC 12 May 2011 [effective 18 May 2011]
14/05/2014	1.1	1.2	Change in titles of Executive Committee to P&R and Audit and Standards to Audit; remit for Transport removed from Development Committee to Env and Transport Committee; and various misc.
30/06/2015	1.2	1.3	Transfer of social care functions to the IJB and non-adult social care functions moved to Development and Education and Families Committees, as appropriate.
29/06/2016	1.3	1.4	Updated terms of reference for the Shetland College Board.
14/12/2016	1.4	2.0	Updated with above changes, updated list of policy framework documents, updated officer titles, IJB functions and responsibilities and addition of Committee remits.

Constitution - Part C - Scheme of Administration and Delegations

SECTION 1 - Political Management Framework

- Political Management Framework
- Constitution
- General Provisions Regulating Membership, etc
- Administration of Delegated and Referred Functions

SECTION 2 - Committee Terms of Reference and Delegations

- **Terms of Reference and Delegation**
 - General Delegations
 - Exclusions from Delegations - matters reserved to the Council
 - Limitations on Delegations
- **Policy and Resources Committee**
- **Functional Committees**
 - Education and Families
 - Development
 - Environment and Transport
- **Planning Committee** - Appendix 1 Scheme of Delegations
- **Licensing Committee**
- **Audit Committee**
- **Harbour Board**
- **Shetland College Board**
- **Appeals Committees**
 - Staffing Appeals
 - Placing Requests Appeals
 - Education Appeals for Teachers Grievances
 - Social Work Complaints Review Committee
- **Pension Fund Committee**
- **Pension Board**
- **Town Hall Sub-Committee**
- **Employee Consultation/Negotiating Committees**
- **Integration Joint Board**

SCHEME OF ADMINISTRATION AND DELEGATIONS

INTRODUCTION

The Council accepts the principle that decisions should be made at the lowest and the most local level consistent with the nature of the issues involved. An important element in the practical implementation of this principle is an effective Scheme of Delegations encompassing all major levels of decision making below that of the Council itself.

The delegations in this Scheme are made having regard to the terms of Section 56 of the Local Government (Scotland) Act 1973, and are subject to any alterations made necessary by the introduction of new, or amendments to existing, legislation, regulations, or codes of practice as through decisions of the Council itself.

SECTION ONE

1.1 POLITICAL MANAGEMENT FRAMEWORK

1.1.1 The Council's political management framework will comprise the following bodies -

- (1) the Policy and Resources Committee
- (2) The following functional Committees
 - (a) Education and Families
 - (b) Development
 - (c) Environment and Transport
- (3) Planning Committee
- (4) Licensing Committee
- (5) Audit Committee
- (6) Harbour Board
- (7) Shetland College Board
- (8) Appeals and other Committees as specified below

1.1.2 The Council may appoint such other bodies to be part of the political management framework as they may consider are required to discharge any of its functions or to provide advice and in so doing will specify the terms of reference and delegation to any such body. Only a body which is part of the political management framework, or an officer, may discharge any of the functions of the Council.

1.2 CONSTITUTION

1.2.1 The Constitution of the various bodies referred to in paragraph 1.1.1 will be as follows:-

- (1) **Policy and Resources Committee**
 - (a) 10 Councillors, being Leader, the Depute Leader, the three Committee Chairs and the three Committee Vice-Chairs, the Councillor appointed Chair or Vice-Chair of the Integration Joint Board, and one other Councillor appointed member of the Integration Joint Board. The appointment of additional Council members is permitted but limited to the number required in order to achieve representation of all Council wards
- (2)
 - (a) **Education and Families Committee**
 - (b) **Development Committee**
 - (c) **Environment and Transport Committee**

Each of the foregoing Committees will comprise 11 Councillors, being one councillor from each Ward, the relevant Senior Councillor Chair mentioned in Article 7 of Part A of the Constitution and the relevant Vice Chair, the Leader of the Council, and 1 further Councillor having regard to relevant skills and expertise.

When the **Education and Families Committee** is considering any of the functions of the Council as education authority, 3 persons interested in the promotion of religious education will be voting members of the Committee.

- (3) **Planning Committee**
11 Councillors, being a councillor from each ward, plus two further Councillors to be chair and vice chair appointed by the Council, plus two further Councillors having regard to skill and expertise.
- (4) **Licensing Committee**
8 Councillors, including two Councillors to be chair and vice chair appointed by the Council.
- (5) **Audit Committee**
9 Councillors, including two Councillors to be chair and vice chair appointed by the Council, plus two independent assessor members who are non-Councillors co-opted by the Council, in the selection of whom the Council will have regard to skills and expertise.
- (6) **Harbour Board**
8 Councillors, including two Councillors to be chair and vice chair appointed by the Council.
- (7) **Shetland College Board**
8 Members, being 6 Councillors including two Councillors to be chair and vice chair appointed by the Council, and 2 other members co-opted by the Council in the selection of whom the Council will have regard to skills and expertise.

Appeals Committees

- (8) **Complaints (Social Work) Review Sub-Committee –**
A panel of persons from which the Sub-Committee shall be drawn shall include 4 Councillors and 4 independent persons. The Sub-Committee shall consist of 3 persons to be drawn from the panel of independent persons and Councillors, provided that the Chair shall be an independent person. **[Note that this Sub-Committee is under review by legislation and will cease to exist from April 2017.]**
- (9) **Education Appeals Sub-Committee (for Appeals and Grievances by Teaching Staff) –**
A panel of 4 Councillors will be drawn from amongst a group of 14 Councillors appointed by the Council.
- (10) **Placing Requests (ASN) Appeals Sub-Committee –**
The panel of persons from which the Sub-Committee shall be drawn shall include 4 Councillors and 4 independent persons. The Sub-Committee shall consist of 3 persons to be drawn from the panel of independent persons and Councillors, provided that the Chair shall be an independent person.
- (11) **Staffing Appeals Committee (for Appeals and Grievances by non-Teaching staff)**
A panel of 4 Councillors will be drawn from amongst a group of 14 Councillors appointed by the Council.

Other Committees

- (12) **Pension Fund Committee**
Membership of the Pension Fund Committee will consist of all members of the Council's Policy and Resources Committee appointed by the Shetland Islands Council. Pension Fund Committee members must not also participate in or act as members of the Pension Board.
- (13) **Pension Board**
Membership of the Pension Board will consist of equal numbers of trade union representatives and employer representatives, drawn from Shetland Islands Council and scheduled or admitted bodies in membership of the Pension Fund, as set out in the approved Terms of Reference.
- Pension Board representatives must not also participate in or act as members of the Pension Fund Committee.
- (14) **Town Hall Sub-Committee**
The Sub-Committee shall consist of:

- Two Councillors from each of Lerwick South and Lerwick North wards;
- Five Councillors from the remaining five wards, one from each;
- One Community Councillor nominated by Lerwick Community Council (and one named substitute); and
- One Community Councillor nominated by the Association of Shetland Community Councils (and one named substitute).

The Chair and Vice-Chair shall be a Councillor, appointed by the Council from amongst those Councillors appointed to the Sub-Committee.

The Sub-Committee will be established for two years from the date of approval, and its continuance and/or terms of reference will be reviewed no later than February 2018.

(15) **Employees Joint Consultative Committee**

The Committee shall comprise eight Councillors of the Shetland Islands Council and an equal number of employee representatives, as set out in the jointly agreed Constitution.

(16) **College Lecturers Joint Consultative Committee [JCC] and the College Lecturers Joint Negotiating Committee [JNC]**

The Committees shall comprise 4 Councillors of the Shetland Islands Council College Board and an equal number of employee representatives. Employee representation shall comprise four members nominated by the College Lecturers Trade Union(s), all as set out in either the approved Constitution for the JCC or the Local Recognition and Procedure Agreement for the JNC.

(17) **Local Negotiating Committee for Teachers**

The composition of each side of the Joint Negotiating Committee for Teaching Staff shall be determined separately by the relevant side but shall not exceed six members of each side (including, in each case, the joint secretary), as set out in the approved Local Recognition and Procedure Agreement.

(18) **Joint Staff Forum [for Health and Social Care Staff]**

JSF membership comprises:

- 4 Representatives (from 6 representatives) nominated by the Health Board Area Partnership Forum (APF)
- 4 Representatives (from 6 representatives) nominated by the Council's Employees Joint Consultative Committee (EJCC)
- Staff representatives will comprise 50% of the

membership from each of the Parties and will include the staff representatives appointed by the Council and the Health Board to the IJB.

- Non-staff representatives will include at least one representative from among those appointed by each of the Parties to serve on the IJB.

(19) **Other Bodies**

Integration Joint Board

Voting members of the Integration Joint Board [IJB] shall comprise three persons appointed by the Shetland NHS Board, and three Councillors appointed by the Shetland Islands Council. Non-voting members of the Integration Joint Board shall comprise those posts and individuals as contained in the IJB Scheme of Administration.

1.3 GENERAL PROVISIONS REGULATING MEMBERSHIP, ETC

- 1.3.1 The general role, duties and obligations of a Councillor are set out in Appendix 1 of Part A of the Constitution.

Senior Office Bearers

- 1.3.2 (1) For the purposes of this Scheme, a Senior Office Bearer is any one of the following:-
- (a) Convener
 - (b) Leader of the Council
 - (c) Senior Councillor Chair as provided in Article 7 of Part A of the Constitution and the relevant Vice-Chair
- (2) Except where otherwise provided by any enactment or statutory order, or otherwise by this Scheme, the Councillors to be appointed to any one or more of the foregoing positions will be so appointed at the first meeting of Council following each ordinary election of Councillors, always provided that the Council has confirmed those appointments for the remaining period following a review conducted mid way through the life of the Council.
- (3) Subject to the foregoing proviso and to the provisions of the next following sub-paragraph, so long as s/he remains a Member of the Council, a Councillor appointed to any of the foregoing positions will hold such office, until the next ordinary election of Councillors.

- (4) (a) A Councillor appointed to be the Convener or the Leader of the Council may be removed from such office by resolution of the Council, provided notice to that effect signed by one-quarter of the whole number of Councillors of the Council is submitted to the Executive Manager - Governance and Law and is included on the agenda for an ordinary meeting of the Council when the notice will be held over to be considered as a substantive item of business at the succeeding meeting.
- (b) A Councillor appointed to any other Senior Office Bearer position may be removed from such office at any time by resolution of the Council, provided the agenda for the meeting contains notice to that effect or an item of business is included on the agenda for the meeting arising out of the consideration of which the removal of a councillor from a Senior Office Bearer position might reasonably be apprehended.

Memberships and Period of Office

- 1.3.3 (1) Except where otherwise provided by any enactment or statutory order, or otherwise by this Scheme, the Members of a body which is part of the political management framework will be so appointed at the first meeting of the Council following each ordinary election of Councillors.
- (2) Subject to the foregoing, and in the case of Councillors so long as they remain members of the Council, members of a body which is part of the political management framework will hold office, unless otherwise determined by the Council at any time, until the next ordinary election of Councillors, except in the case of the Councillors who hold a Senior Office Bearer position where the provisions of paragraph 1.3.2(4) will apply.
- (3) When appointing a body which is part of the political management framework and so far as not provided for otherwise in this Scheme the Council will appoint two of the members to be respectively the Chair and Vice-Chair of the body and they will hold office, unless otherwise determined by the Council at any time, until the next ordinary election of Councillors, always provided that the Council has confirmed those appointments for the remaining period following a review conducted mid way through the life of the Council.

Casual Vacancies

- 1.3.4 (1) Casual vacancies occurring in any body which is part of the political management framework will be filled as soon as may be by the Council after the vacancy takes place.
- (2) Provided a quorum remains a body which is part of the political management framework may act, and its proceedings will not be invalidated by any defect in the appointment of any person to it.

1.4 ADMINISTRATION OF DELEGATED AND REFERRED FUNCTIONS

1.4.1 In the administration of any delegated or referred function, a body which is part of the political management framework will give effect to any instruction of the Council or the Policy and Resources Committee, and to the following:-

- (1) The approved estimated expenditure in respect of the Service to which that function relates will not be exceeded unless otherwise authorised by the Council or in accordance with this Scheme or the Financial Regulations.
- (2) The directions, policies, and procedures set out in any part of this Constitution, or otherwise laid down by the Council or the Policy and Resources Committee will be complied with.
- (3) Decisions or actions taken in the proper exercise of powers delegated in terms of this Scheme will be binding on the Council.
- (4) Each body established in terms of this Scheme will submit a report to the Council on any matter which it either does not have, or does not wish to exercise, a delegated power to deal with the business which is the subject of the report.
- (5) A body established in terms of this Scheme will furnish any information which the Council or the Policy and Resources Committee may require from time to time.
- (6) Every meeting of the Council, and any body which is part of the political management framework, and such other bodies as the Council may direct from time to time, will be regulated by the Council's Standing Orders in Part B of the Constitution and the provisions of Section 50 of the Local Government (Scotland) Act 1973 and will, except where otherwise provided by those Standing Orders, that Section, or Council direction, be open to the public.

SECTION TWO

2.1 TERMS OF REFERENCE AND DELEGATION

2.1.1 The following terms of reference and delegations are to be read in conjunction with other provisions contained in the Standing Orders for Meetings; the Contract Standing Orders, and the Financial Regulations and are subject to those other provisions.

General Delegations

- 2.1.2 (1) A body established which is part of the political management framework will be free to incur expenditure on any function delegated to it and within the Council's legal powers up to the limit for which provision has been made in the Council's approved Estimates of Revenue or Capital Expenditure.
- (2) Subject to the provisions of the Local Government (Scotland) Acts 1973 and 1994 and of any Regulations made there under, and to the specific delegations, exceptions and limitations provided for in this Scheme and in the Standing Orders for meetings, the Financial Regulations and the Contract Standing Orders, there is delegated to the relevant Committees, the matters, services or undertakings, including the acquisition, construction, holding, maintenance and disposal of any land or buildings or works as are specified in this Scheme.
- (3) A body established in terms of this Scheme may exercise and perform on behalf of and in the name of the Council all powers and duties of the Council in relation to any function, matter, service or undertaking delegated to it by the Council.

Exclusions from Delegations

2.1.3 The following are excluded from the delegation to any body established in terms of this scheme:-

- 1 Matters reserved to the Council by Statute, or otherwise by the Council's constitution including this scheme, including-
 - (a) The establishment of any body to be part of the political management framework and all appointments to or removal from those bodies
 - (b) The appointment of Councillors to Statutory Joint Boards or to the Licensing Board
 - (c) The power to fix the Council Tax
 - (d) The promotion of or opposition to private legislation

- (e) Where required by the Head of Paid Service, reports under section 4 of the Local Government and Housing Act 1989
 - (f) Reports by the Monitoring Officer under section 5 of the Local Government and Housing Act 1989
 - (g) Receiving the unaudited and audited accounts of the Council and related certificates and reports
 - (h) Considering any reports from the Accounts Commission or the Controller of Audit in terms of Section 101 – 103 of the Local Government (Scotland) Act 1973 where the Council is required to consider these
 - (i) Changing the name of the Council
 - (j) Admission of honorary freemen
 - (k) Where directed, the consideration of reports by the Scottish Public Services Ombudsman in terms of the 2002 Act.
 - (l) Approval of any annual investment strategy or annual investment report required by any consent issued by the Scottish Ministers by virtue of Section 40 of the Local Government in Scotland Act 2003.
- 2 Determining the overall Goals, Values and *Policy Framework Documents or matters of new policy/strategy or variation of existing policy/strategy which may be inconsistent with those Goals, Values or Policy Framework Documents.
 - 3 The approval of any plan which is part of the Policy Framework and any other plan which introduces new policies of major significance or varies existing plans or policies to a material extent.
 - 4 The approval of plans which are part of the Council's Planning and Performance Management Framework and the Estimates of Revenue and Capital Expenditure.
 - 5 The power of incurring any expenditure not provided for in the Annual Estimates of Revenue and Capital expenditure.
 - 6 The power to fix Council House Rent Levels, or the levels of charges for any services.
 - 7 The making, alteration or revocation of any part of any document which forms part of the Council's Constitution.
 - 8 The determination of planning applications which in terms of the relevant legislation are for (1) national developments; (2) major developments where in the case of the latter there would be a significant departure from the development plan, were the application to be approved.
 - 9 The appointment and dismissal of the Chief Executive.

*The Policy Framework Documents are set out in Part A of the Council's Constitution.

Limitations on Delegations

2.1.4 Delegations to a body which is part of the political management framework will be subject to the following restrictions and conditions:-

- (1) A body will, in carrying out the functions, powers and duties referred to or delegated to it, observe and comply with this Scheme, the Standing Orders of the Council, the Financial Regulations, and the Contract Standing Orders, and with any resolutions, directions, or instructions given by the Council with reference to its business generally or to the delegations to any particular body.
- (2) A body may, in any case, decide that any matter delegated to it be referred to the Council with or without a recommendation.
- (3) A body established in terms of this scheme will have the powers and duties set out in the Terms of Reference in respect of that body save that any function which is referred or delegated to any body will be exercised subject to the powers and functions vested in the Policy and Resources Committee.
- (4) A matter on which the body discharges any power or duty is one which has application only within the delegation to that body; a matter having application across or which affects the terms of reference of more than one body will be referred to the Policy and Resources Committee who may give such advice as may be appropriate or refer the matter to the Council.

2.2 Policy and Resources Committee

2.2.1 The terms of reference of the Policy and Resources Committee are as follows -

- | | | |
|----|---|------------------|
| 1a | Develop and recommend the corporate plan, the development plan and the overall framework of strategies contained in the Policy Framework | <i>Referred</i> |
| 1b | Ensure the outcomes are achieved through service plans concerned with service delivery developed in cooperation with the functional Committees, and manage performance | <i>Delegated</i> |
| 2 | Advise the Council in the development of its strategic objectives, policies and priorities | <i>Referred</i> |
| 3 | Review the overall effectiveness of the Council's work and the standards and levels of service and ensure the Council discharges its functions relating to Best Value | <i>Delegated</i> |
| 4 | Ensure the effectiveness of the Council's planning and performance management framework | <i>Delegated</i> |
| 5 | Co-ordinate with partner organisations in relation to the Council's leadership of the Community Planning Partnership | <i>Delegated</i> |
| 6a | Undertake the planning and preparation of the Council's annual service plans and budget estimates of capital and revenue expenditure | <i>Delegated</i> |
| 6b | and make recommendations to the Council as to:- <ul style="list-style-type: none">• the corporate and annual service plans• the estimates of capital and revenue expenditure• the level of Council Tax• charges for council services | <i>Referred</i> |
| 7 | Secure the co-ordination, control and proper management of the financial affairs of the Council | <i>Delegated</i> |
| 8 | Be responsible for the development and operation of Council as an organisation and all matters relating to organisational development and staffing, officer structures and systems of performance appraisal | <i>Delegated</i> |

- 9 Be responsible for the development of cross departmental change including for example customer management, workforce deployment and asset management and health and safety matters *Delegated*
- 10 Act as or appoint a panel to make appointments, on behalf of the Council, to the positions of Chief Executive and Directors. *Delegated*
- 11 Subject to the exclusions from and limitations of delegations set out in this scheme, the Committee is authorised to discharge the powers and duties of the Council within any functional area as may be allocated to the Committee by the Council in accordance with the policies of the Council, and the relevant provisions in its approved revenue and capital budgets *Delegated*

'Referred' means that it is within the remit to consider but final decision rests with the Council, and "Delegated" means that it is within the remit and authority to decide

2.3 Functional Committees

- 2.3.1 (1) Advise the Policy and Resources Committee and the Council in the development of service objectives, policies and plans concerned with service delivery within the functional areas noted below and manage performance
- (2) Monitor and review achievement of key outcomes in the Directorate Plans within the functional areas noted below by ensuring –
- (a) appropriate performance measures are in place, and to monitor the relevant Planning and Performance Management Framework, including risk management; and
 - (b) best value in the use of resources to achieve these key outcomes is met within a performance culture of continuous improvement and customer focus.
- (3) Subject to the exclusions from and limitations of delegations set out in this scheme, and the terms of reference and authority of the Policy and Resources Committee, the Committee is authorised to discharge the powers and duties of the Council within the functional areas noted below in accordance with the policies of the council, and the relevant provisions in its approved revenue and capital budgets
- (4) Undertake community engagement in terms of the Council's community engagement strategy
- (5) Encourage effective collaboration and co-ordination between and within organisations operating in Shetland and particularly lead the work of the relevant Community Planning Partnership group, to enable a co-ordinated approach to the development of service policy and performance management across the public body partners

Education and Families

The relevant functional areas relate to children and families, school, pre-school, tertiary, child protection, young people, leisure and sport, community learning and development, and lifelong learning.

Development

The relevant functional areas relate to strategic regeneration, development, economy and business, energy, telecommunications, agriculture, fisheries, arts, culture, and tourism, housing, poverty, community regeneration / community development, community safety and voluntary sector.

Environment and Transport

The relevant functional areas relate to the natural environment, roads, transport and ferry services, planning, building services and environmental services.

2.4 Planning Committee

2.4.1 Subject to the provisions of this Scheme, and the delegation to any officer, the Committee is authorised to discharge the powers and duties of the Council in accordance with the Planning Service Scheme of Delegations attached as **Appendix 1** to this Scheme.

2.5 Licensing Committee

2.5.1 Subject to the provisions of this Scheme, and the delegation to any officer, the Committee is authorised to discharge the powers and duties of the Council in accordance with the Licensing Scheme of Delegations attached as **Appendix 2** to this Scheme.

2.6 Audit Committee

To promote good internal control, financial management, risk, governance and performance management, in order to provide reasonable assurance of effective and efficient operation, and compliance with laws and regulations, including the Council's Code of Corporate Governance, Financial Regulations, Contract Standing Orders and accounting codes of practice.

Specific terms of reference are –

2.6.1 Audit Activity

- To agree the internal audit strategic plan, oversee and review action taken on internal audit recommendations;
- To consider the annual report, opinion, and summary of Internal Audit activity (actual and proposed) including the level of assurance it can give over the Council's corporate governance arrangements and other specific internal audit reports;
- To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance and other specific External Audit reports;
- To comment on the scope and depth of External Audit work and to ensure it gives value for money;
- To consider the performance of Internal and External Audit;

- To facilitate training to support the role of Audit Committee Members;
- To promote an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
- To promote good financial practice within the Council;
- To be consulted on the External Audit strategy and plan, review reports from the Council's External Advisors and review action on External Audit recommendations; and
- To review the Council's financial performance as contained in the Annual Report, and to report annually to the Council on the internal control environment.

2.6.2 Regulatory Framework

- To maintain an overview of the Council's Constitution in respect of contract procedure rules, and financial regulations;
- To monitor the effective development and operation of risk management and corporate governance in the Council;
- To receive an annual report from the Monitoring Officer reviewing the Council's Code of Corporate Governance;
- To monitor the Anti fraud and corruption strategy and the Council's
- arrangements for dealing with any allegations of fraud or similar improper behaviour;
- To oversee the production of the Council's Statement on Internal Control; and
- To consider the Council's compliance with its own and other published standards and controls.

2.6.3 Accounts

- To examine the activities and accounts of the Council and exercise a governance role over management efforts to ensure that -
 - the expenditure approved by the Council has been incurred for the purposes intended;
 - services are being provided efficiently and effectively;
 - value for money is being obtained, all in accordance with Best Value requirements; and
 - the Council has appropriate information and advice available to it to make decisions
- To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;

- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts;
- To promote good performance management practice within the Council;
- To assess the effectiveness of the Council's Performance Management System by reviewing outputs from the system and overview key performance indicators;
- To consider a selection of performance and inspection reports from internal audit, external audit and other relevant agencies;
- To review Best Value arrangements and outcomes, with consideration of both external and internal Best Value reports, strategy/plans and outcomes from Best Value reviews;
- To comment on the effectiveness of the planning and performance management framework (PPMF), systems and processes; and
- To review the impact of national performance reports from external bodies such as Audit Scotland and consider their impact on future audit plans for performance work to be undertaken by both external and internal audit.

2.7 Harbour Board

- 2.7.1 Strategic oversight and direction in all aspects of the operation of the Council's harbour undertaking in accordance with overall Council policy and the requirements of the Port Marine Safety Code;
- 2.7.2 Act as Duty Holder required by the Port Marine Safety Code and ensure that the necessary management and operational mechanisms are in place to fulfil that function; and
- 2.7.3 To consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendations to the Council

2.8 Shetland College Board

2.8.1 To support the Interim Joint Principal of Shetland College / Train Shetland / NAFC Marine Centre in carrying out his roles and to monitor progress against objectives approved by the Board or which have been set by the Council, including: -

- a Strategic direction for Shetland College and Train Shetland: specifically the Board shall have the delegated authority to approve immediate short and medium term joint strategic plans with reference to the Council's agreed deliverables and milestones until June 2018. Approval of long term plans shall be reserved the Education and Families Committee and thereafter to SIC as a component of its longer term vision and wider strategic remit for learning at all stages of life.
- b Ascertaining the needs of users and promoting access between school, work, research and further and higher education, including approval for submission of annual, strategic and operational plans to UHI on behalf of the Council.
- c Developing resources, including financial resources, to support the learner.
- d Authority to review and develop structure plans to provide the staffing required for Shetland College and to meet needs and provision for staff development and career review.
- e To give direction on matters of quality assurance and improvement.
- f To monitor and give assurance that Shetland College operates sound financial management, including developing budgets and pursuing credit funding.
- g Liaising with UHI and other appropriate bodies, e.g. SQA, Colleges Funding Council and Education Scotland.
- h Take such decisions as appropriate to support the Interim Joint Principal in meeting the Council approved integration milestones.

2.9 Appeals and Other Committees

2.9.1 Staffing Appeals Committee (for Appeals and Grievances by non-Teaching Staff)

The hearing and determination of appeals by employees in terms of the Council's approved grievance and disciplinary procedures.

2.9.2 Placing Requests (ASN) Appeals Sub-Committee

The hearing and determination of appeals against the refusals of placing requests in terms of Section 28A-H of the Education (Scotland) Act 1980, and appeals in terms of Sections 63 to 65 of the 1980 Act and Section 5 of Education (Additional Support for Learning)(Scotland) Act 2004 in relation to special educational needs.

2.9.3 Education Appeals Sub-Committee (for Appeals and Grievances by Teachers)

The hearing and determination of appeals by teaching staff in terms of the Council's approved grievance and disciplinary procedures.

2.9.4 Social Work Complaints Review Committee

The hearing and determination of complaints in terms of the complaints procedure in terms of Section 5B the Social Work (Scotland) Act 1968 as amended by National Health Service and Community Care Act 1990.

2.9.5 Pension Fund Committee

As set out in its own approved Terms of Reference, the power to discharge all functions and responsibilities relating to the Council's role as administering authority for the Shetland Islands Council Pension Fund (the Pension Fund) in terms of the Local Government (Scotland) Act 1994, the Superannuation Act 1972 and the Public Service Pensions Act 2013.

2.9.6 Pension Board

As set out in its own approved Terms of Reference, the Pension Board is the body responsible for assisting the Scheme Manager in relation to compliance with scheme regulations and the requirements of the Pensions Regulator.

- 2.9.7 **Town Hall Sub-Committee**
To consider and provide comment on matters of a civic nature relating to the public use of, and proposals for restoration/improvement or essential construction works to, the Town Hall, Lystina House or their environs, where appropriate. The Sub-Committee shall have no delegated authority, but shall make recommendations via the relevant officer to the appropriate Committee or to the Council regarding any proposals within the terms of reference of the Sub-Committee.
- 2.9.8 **Employees Joint Consultative Committee [EJCC]**
As set out in its own approved Terms of Reference, the main purpose of the EJCC is to provide a formal mechanism for open and constructive consultation to take place between the Council and its employees.
- 2.9.10 **College Lecturers Joint Consultative Committee [JCC]and the College Lecturers Joint Negotiating Committee [JNC]**
As set out in the approved Local Recognition and Procedure Agreement, and terms of reference the CLJCC and the CLJNC provide a formal mechanism for negotiation and consultation between the Council and EIS-FELA whereby relevant conditions of service can be determined for all lecturing staff.
- 2.9.11 **Local Negotiating Committee for Teaching Staff [LNCT]**
As set out in the approved Local Recognition and Procedure Agreement, the LNCT provides a formal mechanism for negotiation and consultation between the Council and the signatory unions whereby relevant conditions of service can be determined for all teaching staff, educational advisers, educational psychologists and instructors.
- 2.9.12 **Joint Staff Forum [for Health and Social Care Staff]**
As set out in the approved Terms of Reference, the Joint Staff Forum provides a formal mechanism whereby staffing issues, professional issues and concerns relevant to joint working can be raised and discussed, where difficulties can be explored and resolved and where shared routes forward can be agreed.

2.9.13 **Integration Joint Board**

The Integration Joint Board [IJB] is a body corporate, established by Order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014. The functions that are to be delegated by the Council to the IJB are set out in Part 1 of Annex 2 of the Integration Scheme. The services to which these functions relate are set out in Part 2 of Annex 2 of the Integration Scheme. For both Part 1 and Part 2, services relate to those for Adults unless stated otherwise in the Annex to the Integration Scheme.

END OF SECTION 2

Separate documents:

Section 3A - General Delegations to Officers and Proper Officer Functions

Section 3B - Specific Delegations to Officers

Appendix 1 – Shetland Islands Council: Planning Committee – Scheme of Delegations

Appendix 2 – Licensing Scheme of Delegations

END