

South Ayrshire Council

Report by Chief Governance Officer to South Ayrshire Council of 12 December 2024

Subject: Scheme of Delegation

1. Purpose

- 1.1 The purpose of this report is to seek approval to amend the Scheme of Delegation following review.

2. Recommendation

- 2.1 **It is recommended that the Council approves the revised Scheme of Delegation (extract contained in [Appendix 1](#)) with effect from 13 December 2024.**

3. Background

- 3.1 It is a requirement of corporate governance that the Council's Scheme of Delegation be kept under review. The last update was approved by Special Council on 19 August 2024.

- 3.2 At its meeting on 6 November 2024, the Audit and Governance Panel considered a call-in from the Cabinet of 29 October 2024 relating to 'Item 4: Community Councils – Amendments to the Scheme for Establishment of Community Councils' and decided:

'to approve the recommendation for the report of 29 October 2024 to be brought back to Cabinet and the word 'Council' to be substituted for the word 'Cabinet' where it occurred in the report in relation to any proposed dissolution of a Community Council; and that corresponding changes to the Council's governance documents reflect this change.'

- 3.3 At its meeting on 29 November 2024, the Cabinet agreed to this substitution in the relevant sections of the Scheme for Establishment of Community Councils. As a result, the Council's Scheme of Delegation requires to be updated to reflect these changes.

4. Proposals

- 4.1 The Scheme of Delegation has been updated to reflect that:

- 4.1.1 powers in relation to dissolution of a community council should be reserved to Council and not to Cabinet;

- 4.1.2 powers delegated to the Director of Communities and Transformation and the Chief Governance Officer be amended to reflect the requirements of the amended Scheme for Establishment of Community Councils;
 - 4.1.3 responsibility for Skills, Development and Training lies with the Portfolio Holder for Education (no longer shared with the Portfolio Holder for Economic Development); and
 - 4.1.4 powers delegated to the Director of Housing Operations and Development be amended to include a delegated power in relation to the Ward Capital/ Seafront projects.
- 4.2 The proposed amendments are tracked and highlighted in **bold text** in the relevant extract from the revised Scheme (attached as [Appendix 1](#)).
- 4.3 Subject to approval, it is proposed that the revised Scheme of Delegation is adopted with effect from 13 December 2024.
- 4.4 Subject to approval, the revised Scheme of Delegation will be published on The Core and the Council's website and will also be notified to employees by way of the SAC Staff Community Hub.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Not applicable.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 Risk Implications of Rejecting the Recommendations

- 8.2.1 The risk associated with rejecting the recommendations is that the Council's corporate governance will be less effective.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Priority 4 of the Council Plan: Efficient and effective enabling services.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Chief Governance Officer will ensure that the following steps are taken within the following timescales, with progress reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the steps are completed:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Updated Scheme of Delegation to be published and notified to employees	20 December 2024	Chief Governance Officer

Background Papers [Scheme of Delegation](#)

[Call-In Requisition: Cabinet – 29 October 2024 – Item 4: Community Councils – Amendments to the Scheme for Establishment of Community Councils](#)

Cabinet – 26 November 2024 – Decision Notice

Person to Contact **Catriona Caves, Chief Governance Officer**
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Date: 5 December 2024

Relevant Extracts from Scheme of Delegation

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Section 1 - Powers Reserved to Council

20. *Dissolution of Community Councils*

- 20.1 To consider and take decisions on any reports and/ or recommendations regarding the proposed dissolution of a Community Council within the South Ayrshire area.

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Para 2 - Functions and Powers Delegated to the Cabinet: General Delegations

- 2.1.17 considering and determining any recommendations regarding the operation of any Community Council within the South Ayrshire area, **with the exception of decisions regarding the proposed dissolution of a Community Council.**

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Para 4.6 – Education Portfolio

- 4.6.3 On the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, in pursuit of this remit the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:
- Schools and Lifelong Learning;
 - Management of education system;
 - Early Years;
 - Additional Support for Learning;
 - Parental Involvement;
 - Children/ Disability;
 - Play and Out of School Care;
 - Youth Support (in conjunction with the Youth Champion);
 - Skills Development and Training; ~~(in conjunction with the Economic Development Portfolio Holder)~~
 - Adult and Continuing Education;
 - School Sport; and
 - School Estate.

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Para 4.9 – Economic Development Portfolio

4.9.2 On the basis that the Ayrshire Roads Authority is responsible for delivery of roads services as set out Section 5 of this Scheme, and also on the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1 of this remit, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- Road Traffic Regulation;
- Road Network Management;
- Building Standards;
- Flood Prevention;
- Catering and Cleaning Services;
- Fleet Management;
- Planning;
- Procurement and all Contracts (in conjunction with the Finance, Human Resources and ICT Portfolio Holder);
- ~~Skills Development and Training (in conjunction with the Education Portfolio Holder);~~
- Economic Development and Regeneration; and
- Transportation Planning.

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Director of Housing, Operations and Development

HOD90 in relation to:

HOD90.1 the Repairs and Renewals Fund, following consideration by the Capital Asset Management Group, to formally approve expenditure from that fund on works requiring to be undertaken, provided the amount involved does not exceed £100,000;

HOD90.2 **the Ward Capital Fund and Shorefront/ Promenade Capital projects, following consultation with the Ward Councillors in the relevant Ward, and consideration by the Capital Asset Management Group, to formally approve expenditure from that fund on works requiring to be undertaken, provided the amount involved does not exceed £100,000;**

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Director of Communities and Transformation

CT08 to implement South Ayrshire Council's Scheme for Establishment of Community Councils, and to take all relevant and appropriate decisions in relation thereto, **including authority to the Assistant Director – Communities to take decisions on proposals to extend a period of suspension of a Community Council by an additional three months or such further period as deemed appropriate.**

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Chief Governance Officer, Legal and Regulatory Services

LRS66 to consider **appeals in respect of a Community Council; and consider** requests or recommendations from the Service Lead – Thriving Communities in respect of suspension and/ or dissolution of a Community Council, and to report to ~~Cabinet~~ **Council** as appropriate thereafter.

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Scheme of Delegation
Lead Officer (Name/Position/Email)	Catriona Caves, Chief Governance Officer – catriona.caves@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: This report provides an update on amendments to the Scheme of Delegation following further review, and asks Members to approve. Their decision on this has no specific equality implications	
Signed : Catriona Caves	Chief Governance Officer
Date: 6 November 2024	