

EAST RENFREWSHIRE COUNCIL11 SEPTEMBER 2019Report by Deputy Chief ExecutiveSCHEME OF DELEGATED FUNCTIONS**PURPOSE OF REPORT**

1. To present to the Council an amended Scheme of Delegated Functions that has been prepared in the light of various changes to departmental structures resulting in the transfer of delegated responsibilities and changes in designations. The amended Scheme also contains a number of proposed additional delegated powers for which approval is sought.

RECOMMENDATION

2. That the Council:-
- (a) note the alterations that have been made to the Scheme of Delegated Functions to reflect the changes to departmental structures and designations and which have been approved under existing delegated powers; and
 - (b) agree that delegated powers be granted in respect of those new matters as outlined in the Scheme and as listed in Appendix 1.

REPORT

3. In terms of Section 56(1) of the Local Government (Scotland) Act 1973, a local authority may arrange for the discharge of any of their functions by an officer of the authority. The Council has agreed that certain powers be delegated to officers, and for that purpose, a Scheme of Delegated Functions has been drawn up and approved.

4. Since the Scheme was last approved in its entirety in September 2015 to reflect the establishment of the Health and Social Care Partnership and the creation of the Culture and Leisure Trust, a number of changes have taken place. These have included changes in legislation, changes in officer designations and also changes in operational management responsibility within departments. As and when these changes have occurred, reports have been submitted to the appropriate bodies and changes in the delegated powers agreed.

5. The Scheme of Delegated Functions already contains provision that empowers the Deputy Chief Executive and Democratic Services Manager to vary the Scheme in 3 particular cases, these being:-

- To reflect changes to job titles and any reorganisations that take place;
- To change references to any pieces of legislation where the legislation is repealed and to insert references to new pieces of legislation where the new legislation largely re-enacts the provisions of the repealed legislation; and
- To remove a delegated power previously granted that is no longer required.

6. Many of the changes made to the new Scheme fall within these 3 categories and so approval is not required for these. However, there are a number of changes, primarily relating to the extension of a previously approved delegated power, where approval is sought. Appendix 1 provides a commentary of the changes contained in the Scheme and whether or not approval is required, whilst the revised Scheme is attached as Appendix 2. To assist Members to identify alterations, the following coding has been used:-

- deletions from the Scheme that have been made under delegated powers and for which no approval is required have been struck through (~~struck through~~);
- deletions for which approval is required have been struck through in bold (**struck through in bold**);
- additions which have resulted from changes already approved or which have been made under the existing delegated powers are shown **in bold**;
- proposed new delegated powers for which approval is sought are shown ***in bold, italicised and underlined***.

7. It should be noted that Paragraph 1 in the Scheme of Delegated Functions duplicates Paragraph 5 in the Scheme of Administration and so corresponding changes will be made to the Scheme of Administration.

IMPLICATIONS OF THE REPORT

Legal

7. The Scheme addresses the requirement for any delegations to officers to be identified.

Other

8. There are no financial, human resources, property, IT, equalities or sustainability implications arising from this report.

CONSULTATION AND PARTNERSHIP WORKING

9. The Corporate Management Team was consulted on proposed amendments to the Scheme.

CONCLUSIONS

10. The Scheme of Delegated Functions needed to be reviewed in the light of various changes to departmental structures resulting in the transfer of delegated responsibilities and changes in designations. Whilst the Scheme already contains provision that enables it to be amended in certain circumstances without the need for formal approval the revised Scheme contains a number of amendments to existing delegations and new delegations for which approval is sought.

RECOMMENDATION/...

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11. That the Council:-

- (a) note the alterations that have been made to the Scheme of Delegated Functions to reflect the changes to departmental structures and designations and which have been approved under existing delegated powers; and
- (b) agree that delegated powers be granted in respect of those new matters as outlined in the Scheme and as listed in Appendix 1.

Report author

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BACKGROUND PAPERS

None

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Paragraph	Change made	Approval required for change
1(i)(iv)	SOA superseded by Community Plan - reference deleted	No
1(j)	Reworded to clarify it relates to Elected Members	No
3(d)	Reworded to clarify that consultation with Local Members will take place on the use of delegated powers when appropriate.	No
4(a)	Reworded to clarify that the use of delegated powers by officers must be subject to adherence to existing policies.	No
5(f)	Paragraph deleted as the delegation related specifically to the 2015-18 CLD Scheme that has now expired	No
5(f)(new)	Paragraph moved from the section of the Scheme relating to the exercise of delegated powers in consultation with Elected Members (in this case the Leader of the Council).	Yes
6(h)	Paragraph deleted as delegations re data protection have transferred to the newly appointed Information Governance Officer	No
10(b)	This paragraph has been moved to extend the delegated power to the Head of HR & Corporate Services.	Yes
11(e)	As the delegation now lies within the Council's special leave policy a stand-alone delegation is no longer required	No
11(h)	As the delegation now lies within the Council's special leave policy a stand-alone delegation is no longer required	No
11(j-l)	These paragraphs have been moved from elsewhere in the Scheme to extend the delegated power to the Head of HR & Corporate Services.	Yes
12(l)	SOA superseded by Community Plan - reference deleted	No
12(m)	Moved from paragraph 14(b) as a result of a structural change.	No
12(m)	Also seeks an additional delegated power that is sought.	Yes
13	New paragraph setting out the delegations to the newly appointed Information Governance Officer	Yes
15(b)	Moved to paragraph 12(m) as a result of a structural change.	No
17(bb)	Change of name from RSAMD to Conservatoire	No
17(cc)(ii and iii)	Seeks extension of delegated powers	Yes
Former 17	Paragraph no longer required as Town Centre Partnerships no longer in operation.	No
18(m)	Paragraph deleted as Right to Buy legislation repealed	No
21	Replaces paragraph in the existing Scheme where delegated power is exercised in consultation with Elected Members, and extends the scope of the delegation.	Yes

22	Extends the delegation to an additional officer	Yes
23	Change relates to a change in officer designation	No
24-26	Paragraphs moved from elsewhere in the Scheme as a result of the structural changes within the service.	No
27	Extends the delegation to an additional officer	Yes
27(c)	Removes the reference to the Economic Development Manager – post deleted	No
23-25 (former)	Paragraphs moved from elsewhere in the Scheme as a result of the structural changes within the service.	No
29	Extends the delegation to additional officers	Yes
29(a)	Extends the terms of the delegation	Yes
29(b)	Paragraph amended as a result of structural changes	No
30	Extends the delegation to additional officers	Yes
30(c)	Paragraph inserted to reflect the separation of Property Services and Technical Services	No
35	Extends the delegation to additional officers	Yes
35(e to g)	Paragraphs moved from paragraph 35 as a result of the structural changes within the service.	No
36	Extends the delegation to additional officers	Yes
36(a, c and g)	Extends the delegation to additional officers	Yes
36 (h to j)	Paragraphs moved to paragraph 34 as a result of the structural changes within the service.	No
36(k)	Legislation deleted as either repealed or superseded	No
36(k) – Statutes Relative to Environmental Health & Trading Standards	The legislation has been reviewed, updated and sub-divided into sections. The amended legislation replaces that previously contained in the Scheme.	Yes
37(b)	Extends the delegation to additional officers	Yes
42 – Chief Executive (a)(former)	Paragraph moved to paragraph 5(f) and requirement to consult with Elected Member removed.	Yes
42 - Deputy Chief Executive and Head of HR & Corporate Services (a)	The delegation relates to a structural change	No
42– Deputy Chief Executive and Head of Communities, Revenues and Change (a)	The delegation is no longer required	No
42 – Deputy Chief Executive and Head of Communities, Revenues and Change	The delegation is no longer required as this related to facilities now provided by the Leisure Trust which is now responsible for the setting of prices.	No

42 – Director of Environment (a)	Paragraph moved to officer section of Scheme, terms of delegation changed and delegation extended to other officers	Yes
42 – Director of Environment (c)	Delegated power no longer required	No
42 – Director of Environment (d)	Delegation to deal with rent reviews moved to paragraph 28(a) and requirement to consult with Elected Members removed.	Yes

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***East Renfrewshire Council
Scheme of Delegated Functions***

THE COUNCIL

1. The following matters are not subject to delegation and are discharged by the Council itself:-

- (a) approval of the annual estimates of housing and general revenue expenditure which may or may not be the subject of a recommendation by the Cabinet;
- (b) approval of the Housing and General Fund Capital Programmes which may or may not be the subject of a recommendation by the Cabinet;
- (c) determination of the Council Tax;
- (d) determination of rents for Council properties;
- (e) the power to incur capital expenditure which has not been specifically sanctioned or approved or provided for in the approved capital programmes which may or may not have been the subject of a recommendation by the Cabinet;
- (f) the power to incur revenue expenditure which has not been sanctioned or approved or provided for in the annual estimates of the Council, which cannot be contained within the existing overall budgetary position, and for which a supplementary estimate is required, which may or may not have been the subject of a recommendation by the Cabinet;
- (g) determining the objectives of the Council which may or may not have been the subject of a recommendation by the Cabinet;
- (h) determining matters of new policy which may or may not have been the subject of a recommendation by the Cabinet;
- (i) approval and review of the following matters, which may or may not be the subject of a recommendation by the Cabinet:-
 - (i) East Renfrewshire Local Plan
 - (ii) Local Transport Strategy
 - (iii) Outcome Delivery Plan
 - (iv) ~~Single Outcome Agreement~~/Community Plan
 - (v) Chief Social Work Officer's Annual Report
 - (vi) Any other plan or strategy which can be dealt with by the Cabinet, but which the Cabinet wish to be considered by the Council.
- (j) nomination of **Elected Members** members to represent the Council on other bodies;
- (k) to determine whether to co-operate or combine with other local authorities in the discharge of major functions excepting day to day service delivery issues;
- (l) matters reserved to the Council by statute, standing orders and any other schemes which are approved by the Council;
- (m) the making, alteration or revocation of standing orders, bye-laws, management rules or any other orders, rules or regulations required by statute other than those in respect of which delegated authority has been granted by the Council;

- (n) appointment to a committee or sub-committee of persons who are not members of the Council or of the committee;
- (o) to consider lodging objections to applications for licences in terms of the Licensing (Scotland) Act 2005 or the Gambling Act 2005;
- (p) the consideration of all matters arising from the activities of (i) the Boundary Commission for Scotland and (ii) the Local Government Boundary Commission for Scotland.
- (q) the determination of an application for a development of a class mentioned in section 38A(1) of the Town and Country Planning (Scotland) Act 1997 as amended.

LIMITATIONS ON DELEGATION TO COMMITTEES AND SUB-COMMITTEES

2. Delegation to a committee or sub-committee shall be subject to the following conditions:-

- (a) each committee and sub-committee shall, in discharging the functions, powers and duties referred or delegated to it, observe and comply with the Standing Orders of the Council and with any resolutions, directions or instructions passed by the Council with reference to its business generally;
- (b) Standing Order No.45(b) states that in the case of a committee or sub-committee exercising a delegated function in terms of the Scheme of Administration, where a vote is taken or dissent recorded under Standing Order No.28(e) it shall be competent for at least one quarter of the Members present to require that the delegated powers be not exercised and the matter under discussion be referred for determination to the relevant committee in the case of a sub-committee or to the Council in the case of a committee;
- (c) a committee or sub-committee may in any case direct that the matter be reported to the Council for decision or that its resolution be simply submitted to the Council in the form of a recommendation;

DELEGATION TO OFFICERS

3. Delegation to officers is subject to:-

- a) compliance with the policies of the Council as determined by it;
- b) there being adequate budgetary provision in the estimates;
- c) the right of any officer to consult with the Chief Executive on any matter even though it has been specifically delegated to him/her or to refer the matter to the appropriate committee or sub-committee of the Council;
- d) an obligation on Directors and Heads of Service to keep the appropriate members of the Cabinet apprised of the use of delegated power in relation to non-recurring or non-routine issues and also to arrange consultation with individual local Members **as appropriate** on the exercise of such delegated power;

- e) the need for Directors and Heads of Service to ensure that they observe the principles of corporate management in exercising any delegated function;
- f) all delegations to be exercised in consultation with elected Members being recorded in a format to be determined by the Democratic Services Manager.
- g) any Member or officer standing to benefit from the exercise of delegated power, in which case the delegated power will not be exercised and the matter shall be referred to the Cabinet or appropriate committee for consideration.

DELEGATION TO CHIEF EXECUTIVE, ALL DIRECTORS AND HEADS OF SERVICE

4. The Chief Executive, all Directors and Heads of Service are authorised:-
- a) to deploy resources as they think fit for the best execution of functions under their management, **adhering to appropriate policies**;
 - b) to appoint employees up to the level below head of service within their approved establishments except where the Council specifically determines otherwise;
 - c) to authorise the attendance of employees on courses of study and payment of appropriate fees;
 - d) to authorise the working of overtime by employees within their departments up to the approved grade ceiling and to approve the payment of overtime in exceptional circumstances to employees above the overtime ceiling;
 - e) to sign all documents on behalf of the Council relevant to the functions for which the Director is responsible and to authorise other officers so to do, subject to the requirements in terms of Contract Standing Orders for all goods and services contracts for sums between £50,000 and £150,000 inclusive to be accepted by the Chief Procurement Officer and all contracts over £150,000 to be accepted by the Chief Officer - Legal & Procurement or Principal Solicitor, and also subject to the exclusion of documents that require to be formally executed on behalf of the Council;
 - f) to act in any emergency situation and take such measures as may be required subject to advising the Chief Executive and the Cabinet as soon as possible thereafter;
 - g) to approve appointments of temporary, sessional and casual employees, where considered necessary and where budgetary provision exists, subject to six monthly review;
 - h) to approve the establishment of temporary posts funded under departmental Capital budgets;
 - i) to approve the establishment of temporary posts which are fully funded by an external agency;
 - j) to approve the secondment of employees to external agencies where the total cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment;
 - k) to grant, in accordance with the guidelines previously approved, unpaid leave of absence up to a maximum of two years in accordance with the Career Break Scheme for Local Government Employees;
 - l) to grant authorisations under sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 and to sign all other forms, as necessary, under the said Act.

CHIEF EXECUTIVE

5. The Chief Executive is authorised:-

- a) to give a direction in special circumstances that an officer shall not exercise a delegated function;
- b) to secure the efficient and effective implementation of the Council's programmes and policies and the deployment of resources towards that end;
- c) to deal with any operational matter not otherwise delegated in the period between the last meeting of an administration and prior to the setting up of a new Council following elections;
- d) to approve the settlement of current and future equal pay claims in the most financially efficient manner;
- e) to make minor changes at meetings of the East Renfrewshire Community Planning Partnership Board to items previously agreed by the Council; and
- ~~f) to further refine and strengthen the 2015-18 Community Learning and Development Strategy over its lifetime without the need for approval by elected members~~
- f) to determine the appointment of employees to outside bodies.**

CHIEF OFFICER - LEGAL & PROCUREMENT

6. The Chief Officer - Legal & Procurement is authorised:-
- a) to grant applications for wayleave consents from statutory undertakers and other bodies;
 - b) in consultation with the Director of Environment to serve Enforcement Notices, Stop Notices, Amenity Notices, Planning Contravention Notices and Breach of Condition Notices (all in terms of the Town & Country Planning (Scotland) Act 1997) and Building Preservation Notices in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in cases of urgency and emergency;
 - c) to make provisional Tree Preservation Orders or other Notices or Orders under the Town and Country Planning (Scotland) Act 1997 where necessary to maintain the Council's interest and to preserve the status quo;
 - d) to terminate on behalf of the Council any contract which the Council is entitled to terminate where satisfied that it is in the interests of the Council so to do;
 - e) to issue statutory notices and to institute proceedings on behalf of the Council and to defend all actions raised against it;
 - f) to promote and sign Management Rules and Bye-Laws on behalf of the Council;
 - g) to act as proper officer for the purposes of the Local Government (Contracts) Act 1997;
 - ~~h) to ensure that all Council information processing conforms to the Data Protection Act 1984;~~
 - h) to add to or remove from the East Renfrewshire Council Publication Scheme, prepared in accordance with the Freedom of Information (Scotland) Act 2002, references to publications;
 - i) to be responsible for the oversight of the Council's activities relative to the Freedom of Information (Scotland) Act 2002;
 - j) to consider requests for review of responses provided to Freedom of Information requests;
 - k) to grant authorisations under the Regulation of Investigatory Powers Act 2000;
 - l) to make any necessary Orders, prepare and negotiate contracts and enter into legal agreements necessary to progress the M77/GSO project; and
 - m) to make the necessary arrangements concerning the services provided by Scotland Excel for all purchases made by the Council.
 - n) to vary Standing Orders Relating to Contracts to reflect changes in job titles, departmental restructuring, vacancies in posts or any changes in the financial values of the E.U. Thresholds. In all other respects the Standing Orders may be varied or revoked only by decision of the Council.

7. The Chief Officer - Legal & Procurement or Principal Solicitor is authorised:-
- a) to engage private legal firms to undertake work on behalf of the Council whenever it is considered necessary to enable the legal work of the Council to be carried out;
 - b) to engage Counsel whenever this is deemed necessary to protect the Council's interests;
 - c) to undertake or arrange for the undertaking of prosecutions on behalf of the education authority in relation to the irregular attendance of pupils at school in terms of the Education (Scotland) Act 1980;
 - d) to carry out the functions of the Council in terms of Section 80 of the Social Work (Scotland) Act 1968, in respect of Contribution Orders relating to any maintainable child being looked after by the Council;
 - e) to carry out the functions of the Council in terms of Section 82 of the Social Work (Scotland) Act 1968 relating to the recovery of arrears of contributions due to be paid in terms of Sections 80 and 81 of the said Act;
 - f) after consultation with the relevant Director, to carry out the functions of the Council in terms of Section 47 of the National Assistance Act 1948 relating to the removal to suitable premises of persons who are suffering from grave chronic disease or being aged, infirm or physically incapacitated persons who are living in unsanitary conditions;
 - g) after consultation with the relevant Director, to carry out the functions of the Council in terms of Section 50 of the National Assistance Act 1948 relating to the burial or cremation of the bodies of any person who has died or been found dead in the East Renfrewshire area in any case, where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made;
 - h) in consultation with the Chief Officer – Health and Social Care Partnership to enter into all contractual arrangements relating to community care issues;
 - i) to place Charging Orders to secure payment of debts to the Council in respect of charges for residential/nursing home care;
 - j) to execute all deeds and similar documents which require to be executed and act as proper officer in terms of Section 193 of the Local Government (Scotland) Act 1973;
 - k) to act as the proper officer in terms of Section 190 of the Local Government (Scotland) Act 1973 for the receipt of notices of any legal proceedings served on the Council;
 - l) to sign Watercourse Notices served under Section 78 of the Roads (Scotland) Act 1984, as proper officer of the Council;
 - m) to grant applications for licences, permits, approvals etc. in terms of the Civic Government (Scotland) Act 1982 (with the exception of licences for houses in multiple occupation and second hand-hand vehicle dealers), The Gambling Act 2005, or other acts falling within the remit of the Licensing Committee;

- n) to determine the duration of any temporary licences granted up to the maximum permitted.
- o) after consultation with the Chief Constable and the Director of Environment, to make and execute Orders under Section 63 of the Civic Government (Scotland) Act 1982 with regard to the holding of public processions, including prohibitions and the imposition of conditions on the processions;
- p) to deal with applications for dispensations to use fireworks outwith the prescribed periods as detailed in the Fireworks (Scotland) Regulations 2004;
- q) to deal with requests from organisations to be added to the list of organisations exempt from the requirement to pay an application fee in respect of applications for a Public Entertainment Licence, or for the application to be advertised;
- r) prior to a hearing being held and following receipt of a hearing request by the recipient of a fixed penalty notice issued in terms of the Smoking, Health and Social Care (Scotland) Act 2005, to decide whether or not to withdraw the fixed penalty notice; and
- s) to arrange and conduct any hearings requested by the recipient of a fixed penalty notice issued in terms of the Smoking, Health and Social Care (Scotland) Act 2005 and following the hearing to decide whether to uphold or overturn the decision to issue the fixed penalty.
- t) to take all necessary actions to deal with any requests for changes/amendments to the Testing Specification for Licensed Taxi/Private Hire Vehicles and to take decisions arising from such requests.
- u) to take decisions in respect of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of the immediate suspension of licences.
- v) to dispose of applications for licences in terms of the Civic Government (Scotland) Act 1982 where a representation in respect of the application had been received, and to carry out the necessary administrative procedures required.

HEAD OF ACCOUNTANCY (CHIEF FINANCIAL OFFICER)

8. The Head of Accountancy (Chief Financial Officer) is authorised:-
- a) to enter into hub scheme investments but only where the Council is a major participant, and with the Council's take up of investment offered to public sector participants being restricted to a pro-rata share of the Council's interest in each scheme.
 - b) to progress the West Territory Hub Initiative on behalf of the Council.
 - c) to issue a letter to the East Renfrewshire Culture and Leisure Trust each year confirming the Council's ongoing financial support for the Trust's activities, subject to the Trust's accounts showing a surplus for the year in question.

HEAD OF ACCOUNTANCY (CHIEF FINANCIAL OFFICER) AND CHIEF ACCOUNTANT

9. Head of Accountancy (Chief Financial Officer) or Chief Accountant is authorised:-
- a) in respect of loans and banking:
 - i) to act as the proper officer in the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
 - ii) to make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any statutory limitations;
 - iii) to make application for the necessary consents for the issue of Stock and foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and Regulations made thereunder;
 - iv) to ensure a placing with the Bank of England relative to Negotiable Bonds;
 - v) to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if deemed advisable, any United Kingdom or foreign bank as Registrar of Stocks, Bonds and Mortgages raised either within or outwith the United Kingdom and whether in sterling or in a foreign currency;
 - vi) to authorise the signature on cheques, receipts, loan documents and any other financial documents and discharges on behalf of the Council;
 - vii) to carry out temporary investment of surplus funds by making deposits with organisations previously approved;
 - viii) to manage movements between borrowing and other long-term liabilities;

- ix) to operate and implement the Council's Loans Fund in accordance with the regulations relating thereto and the Council's Financial Regulations, including the taking of all decisions as to the mode of borrowing or lending by the Council, the terms of loan and rates of interest etc., including the negotiations and issue of bonds and local bonds and all necessary ancillary duties as Registrar of Bonds and Mortgages;
- b) to sell surplus plant, furniture and equipment following consultation with the appropriate Director for the best price obtainable and to write off such plant, furniture and equipment which have become unfit for use and are unsaleable, except where separate arrangements are delegated for the disposal of such items;
- c) to arrange and sign all operating leases for vehicles, plant, equipment or other capital assets on behalf of the Council;
- d) in consultation with the relevant Director, to receive and determine applications for disbursements of funds in accordance with the provisions of the Trust Schemes vested in the Council and any endowments administered by these Trusts;
- e) in consultation with the appropriate Director, is authorised to accept and administer any new Trusts or endowments offered to the Council.

DEPUTY CHIEF EXECUTIVE (DIRECTOR OF CORPORATE AND COMMUNITY SERVICES)

10. The Deputy Chief Executive is authorised:-
- a) to arrange for the issue of publicity related to the promotion of the Council's interests including the issue of press releases and pamphlets; and
 - ~~b) to approve redesignations, regradings, redundancies and the establishment of additional posts within existing budgets, up to the level below head of service, for which Council approval shall be required.~~
 - b) to further refine and strengthen the 2018/2021 Community Learning & Development Plan over its lifetime without further recourse to the Cabinet.
11. The Deputy Chief Executive is authorised in consultation with the relevant Director:-
- a) to approve increases in the establishment of posts in departments, where the increase is in line with staffing ratios previously approved, subject to provision being available in departmental Revenue budgets;
 - b) to approve ex-gratia payments to employees where the circumstances of the payment are not covered by the Council's Conditions of Service;
 - c) to approve the retrospective application of the terms of a report where the report has previously been approved in principle by the Cabinet subject to consultations with the appropriate Trade Union(s);
 - d) to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
 - ~~e) to consider and determine applications for extension of leave for overseas visits from employees who have not completed the necessary period of continuous service in terms of the Local Government Employees' Conditions of Service;~~
 - e) to approve special leave with or without pay where the period of leave is in excess of the provision in the Local Government Employees' Conditions of Service;
 - f) to approve unpaid leave of absence for employees to undertake courses of further education where attendance at such courses is not covered by the Council's Policy on Post-Entry Training and Education;
 - ~~h) in exceptional cases where a service requirement rule is not met, to approve an extension to a holiday period but without pay;~~
 - g) to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council;
 - ~~j) to approve requests for application of discretionary provisions in terms of the Local Government Pension Scheme (Scotland) Regulations 1998 and other associated pensions legislation;~~

- ~~k) — to approve initial placing within approved salary scales; and~~
- ~~l) — to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice.~~

DEPUTY CHIEF EXECUTIVE AND HEAD OF COMMUNITIES, REVENUES & CHANGE

12. The Deputy Chief Executive or Head of Communities, Revenues & Business or where indicated by an asterisk (*) the Senior Revenues Manager is authorised:-

- a) to act as the proper officer in terms of the Local Government (Scotland) Acts of 1973 and 1975, the Abolition of Domestic Rates Etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative purposes including arranging the preparation and issue of Non-Domestic Rates Notices, the collection of such rates, the receiving and settling of claims for exemption from such rates, the handling of objections to the amount of such rates levied and the abatement, remission or repayment of such rates under the various rating provisions; (*)
- b) to act as the proper officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative purposes including the preparation and issue of Council Tax Notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement or remission of charges; (*)
- c) to arrange for the recovery of arrears of rates, Council Tax and Community Charge; (*)
- d) in accordance with Schedule 2 of the Local Government Finance Act 1992 to administer Council Tax rebates and discounts on behalf of the Council; (*)
- e) to enter into arrangements with Scottish Water for the collection of water and waste water charges and to negotiate a fee for providing this service; (*)
- f) to enter into arrangements with others concerning the collection of non-domestic rates, or Council Tax on behalf of the Council and to make arrangements with each agent as to suitable collection points;
- g) to make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other authorities and by private owners, factors or other agents with regard to the collection of Non-Domestic Rates, and/or Council Tax and the administration of any Council Tax rebate or discount schemes etc. (*)
- h) in respect of insurance: (*)
 - i) to take out the necessary insurance to protect the interests of the Council;
 - ii) to make arrangements with insurance companies concerning the settlement of claims.
- i) in respect of housing finance to administer the housing benefit schemes in accordance with the Council's policy guidelines; (*)
- j) to make the necessary arrangements concerning the collection of debts owed to the Council and the terms and commissions payable for services rendered to the Council by other authorities and agents with regard to the collection of debts. (*)

- k) to develop mechanisms to promote partnership working through agreed community planning structures;
- l) to produce, in association with community planning partners, a ~~Single Outcome Agreement~~ Community Plan from which all other Council strategies and action plans are derived;
- m) **to take all necessary action, with a view to fulfilling the Council's legal obligations under the various pieces of equality legislation, to ensure that in carrying out its functions, the Council has due regard to the need to:-**
 - **eliminate unlawful discrimination; and**
 - **promote equality of opportunity and good relations between all persons regardless of their gender, race, disability, faith, age and sexual orientation**
 - **meet the Fairer Scotland Duty to reduce inequalities in outcomes caused by socio-economic disadvantage**

INFORMATION GOVERNANCE OFFICER

13. The Information Governance Officer is authorised to undertake the formal tasks and duties of the Data Protection Officer (DPO) as defined within the Data Protection Act 2018, European General Data Protection Regulation 2016 and any other successor legislation and regulations.

DEPUTY CHIEF EXECUTIVE AND HEAD OF DIGITAL & COMMUNITY SAFETY

14. The Deputy Chief Executive or Head of Digital & Community Safety is authorised:-
- a) to determine the Council's approved IT products and suppliers.
 - b) to authorise appropriate investigations and action to be taken in pursuit of Anti-Social Behaviour Orders, under the terms of the Crime and Disorder Act 1998 and Antisocial Behaviour etc. (Scotland) Act 2004;
 - c) to operate a system of public space Closed Circuit Television to aid the prevention and detection of crime;
 - d) to appoint officers concerned with enforcement activity associated with the Environmental Protection Act 1990 and the Smoking, Health and Social Care (Scotland) Act 2005;
 - e) to appoint officers to discharge duties under the Control of Dogs (Scotland) Act 2010; and

DEPUTY CHIEF EXECUTIVE AND HEAD OF HR & CORPORATE SERVICES

15. The Deputy Chief Executive or Head of HR & Corporate Services is authorised:-

- a) to operate facilities for the registration of birth, deaths and marriages; the conduct of civil marriages, citizenship ceremonies, renewal of vows and other activities promoted by the Registrar General for Scotland;
- ~~b) to take all necessary action, with a view to fulfilling the Council's legal obligations under the various pieces of equality legislation, to ensure that in carrying out its functions, the Council has due regard to the need to:-~~
 - ~~• eliminate unlawful discrimination; and~~

~~promote equality of opportunity and good relations between all persons regardless of their gender, race, disability, faith, age and sexual orientation~~

- b) to approve redesignations, regradings, redundancies and the establishment of additional posts within existing budgets, up to the level below head of service, for which Council approval shall be required.**
- c) to approve requests for application of discretionary provisions in terms of the Local Government Pension Scheme (Scotland) Regulations 1998 and other associated pensions legislation;**
- d) to approve initial placing within approved salary scales; and**
- e) to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice.**

DEPUTY CHIEF EXECUTIVE AND DEMOCRATIC SERVICES MANAGER

16. The Deputy Chief Executive or Democratic Services Manager is authorised:-
- a) to advise on the applicability of the Scheme of Delegated Functions to an officer in any specific case;
 - b) to vary this Scheme but only in the following circumstances:-
 - (i) to reflect changes in job titles and any reorganisations that take place;
 - (ii) to change references to any pieces of legislation where the legislation is repealed and to insert references to new pieces of legislation where the new legislation largely re-enacts the provisions of the repealed legislation; and
 - (iii) to remove a delegated power previously granted which is no longer required .
 - c) to submit to the Scottish Public Services Ombudsman the Council's comments on investigations into alleged maladministration after consultation with interested parties;
 - d) to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions etc. falling outwith the letting arrangements managed by other departments;
 - e) to determine issues relating to expenses in respect of the Children's Hearings system;
 - f) to renew the Partnership Agreement between the Council and Children's Hearings Scotland, subject to the existing support arrangements continuing to work well.

DIRECTOR OF EDUCATION

17. The Director of Education or each Education Department Head of Service is authorised:-
- a) to determine applications for the provision of footwear and clothing for pupils at local authority schools, in terms of Section 54 of the Education (Scotland) Act 1980 outwith the guidelines approved by the Council;
 - b) to grant leave of absence with salary to enable teachers to undertake part-time or full-time courses approved by the Director, provided such leave of absence will not give rise to, nor increase the incidence of, part-time education in schools;
 - c) to arrange programmes of in-service training for teachers;
 - d) to arrange in-service courses for Chaplains to schools as and when considered desirable;
 - e) to carry out the functions of the Council as education authority in relation to the provision of education for children with additional support needs in terms of Sections 1 and 60 of the Education (Scotland) Act 1980 including placement in day and residential schools;
 - f) to appoint and supervise teaching staff within complements approved by the Council;
 - g) to transfer teachers within the policy established by the education authority and, where appropriate, to pay transfer expenses;
 - h) in conjunction with the Director of Corporate and Community Services, to exercise the discretionary powers available in implementation of conditions of service in relation to teachers in the employment of the authority;
 - i) to decide from time to time which courses will be supported by the Council's bursary scheme;
 - j) to carry out the administration, assessment and award of higher school and further education bursaries for colleges outside of Scotland in accordance with Council policy;
 - k) where it is within the discretion of the Council, to determine the circumstances when the "elsewhere" rate of maintenance is payable;
 - l) to exercise the power to disregard parental income in part or in total where the parents of the students are divorced or living apart;
 - m) to exercise the power to include within the administration of bursary awards, financial assistance towards the running costs of appropriate student associations;
 - n) to exercise the power, after consultation with the education establishment the student is attending, to include within the assessment of the award an allowance for essential books, instruments, tools and materials and special clothing;

- o) to amend the levels of tuition fees, examination expenses, dependants' allowances, maintenance allowances and contribution scales;
- p) to ensure that dance and drama courses are at an establishment accredited by the approved national body and that support for them is reasonable;
- q) to exercise discretion in deciding whether theology courses may be supported;
- r) to carry out the administration, assessment and award of Education Maintenance Allowances (EMAs) in accordance with Council policy;
- s) to approve premature retirement under Section 46 of the Superannuation Regulations without enhancement of salary;
- t) to make grants to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad within the approved estimates and policies of the Council;
- u) to make the necessary arrangements for the boarding out of pupils and for the allocation of hostel accommodation;
- v) to make the necessary arrangements for the phasing of secondary school zoning in accordance with the Council's approved policy;
- w) to issue licences in terms of the Children (Performances) Regulations 1968;
- x) to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- y) to provide courses in educational training as requested by outside agencies and to negotiate appropriate charges for these services;
- z) to ensure that requisite provision is made for any pupil entitled in terms of Section 53(3) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day;
- aa) to make grants to pupils who are selected to join the National Youth Orchestra of Scotland in respect of fees and attendance at courses related to their membership of the Orchestra in accordance with the Council's policy;
- bb) to increase, in cases of hardship, the amount of grant awarded to local authority school pupils within the Council area attending part-time courses at the **Royal Conservatoire of Scotland** ~~Scottish Academy of Music and Drama~~ and the Scottish Ballet School up to a maximum of the cost of fees and travelling expenses in accordance with the Council's policy;
- cc) in consultation with the local Members and Parent Council concerned, to permit parent/teacher associations or such other organisations or persons as considered appropriate to execute works of construction or improvement within the curtilage of an educational establishment subject to:-
 - i) being satisfied that the works are relevant to the function of and will not prejudice the operation of the educational establishment;

- ii) the Head of Environment (Strategic Services **or Operations**) being satisfied that the works are acceptable;
 - iii) the execution of the works being supervised by the Head of Environment (Strategic Services **or Operations**); and
 - iv) the Chief Officer - Legal & Procurement and the Head of Accountancy (Chief Financial Officer) being satisfied with the contractual and financial arrangements relating to the execution of the works.
- dd) to exercise the powers available to the Council as education authority, in terms of Section 23 of the Education (Scotland) Act 1980, with regard to the provision by the Council of education for pupils belonging to the areas of other education authorities and incur outwith area fees and to pay the negotiated cost-related rate to any other education authority which has provided education for pupils normally resident in the area of the Council but who are, for various reasons, placed in schools outwith the Council area;
 - ee) to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 in accordance with the guidelines formulated by the Council;
 - ff) to accept placing requests in terms of the Education (Scotland) Act 1980 and to make whatever transport arrangements are deemed to be appropriate in individual cases where supporting documentation indicates that the child concerned has serious emotional or psychological problems;
 - gg) to authorise the employment in appropriate circumstances of teachers in receipt of occupational pensions;
 - hh) to exercise, in accordance with Council policy and the relevant statutory provisions, the powers available to the Council as education authority in relation to the exclusion of pupils from schools;
 - ii) to carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the cleanliness of pupils at schools;
 - jj) to carry out the functions of the Council in implementing the Education (Additional Support for Learning)(Scotland) Act 2004 and the associated Code of Practice;
 - kk) to approve the participation of schools, pupils and supervising employees in cultural social and recreational visits within and outwith the United Kingdom and the reception of visiting pupils and supervisors;
 - ll) to approve the taking up of temporary posts by teaching staff of posts outwith the area of the Council and the taking up of temporary positions within the area of the Council by teaching staff from elsewhere;
 - mm) to approve the level of fees payable to establishments outwith the area of the Council in respect of the education of children with additional support needs;

- nn) to exercise the powers available to the Council as education authority, in terms of the Standards in Scotland's Schools etc. Act 2000, with regard to the right of a child to school education; the duty of the authority to raise standards in schools; the exercising of delegation schemes by head teachers; co-operating fully with any inspection of the authority or any of its schools; the presumption that education be provided in mainstream schools unless in exceptional circumstances; and the number of places to "reserve" in a particular school to accommodate pupils likely to become resident in the school's catchment;
- oo) within the limits of the Council's Scheme of Delegated Functions, to determine and implement all matters within the terms of reference of the East Renfrewshire Joint Negotiating Committee;
- pp) to develop and deliver programmes of community learning, in accordance with Sections 1 and 6 of the Education (Scotland) Act 1980, as amended in the Scottish Executive Working and Learning Together Guidance, February 2004.

DIRECTOR OF ENVIRONMENT

~~17. The Director of Environment, in consultation with the relevant Town Centre Partnership, is authorised to take decisions relative to the regeneration and redevelopment of the various town centres.~~

HOUSING

18. The Director of Environment or Head of Environment (Strategic Services) is authorised:-

- a) to operate the system of allocation of houses within the policy determined by the Council;
- b) to consider and control sub-tenancies in houses belonging to the Council;
- c) to control and abate overcrowding;
- d) to control the conduct and standard of tenancies;
- e) to assess responsibility for repairs and replacements in accordance with the policy determined by the Council;
- f) to determine applications by tenants for alterations to Council houses and by owner/occupiers for alterations to former Council houses in accordance with the terms of policy guidelines for such alterations laid down by the Council;
- g) to deal with all applications received in terms of the Housing (Scotland) Act 1987 Part II and to take all necessary action to implement the duties placed upon the Council by the said Act, including the grant of temporary accommodation and the issue of all notices in terms of the Act;
- h) to award permanent tenancy of decants provided for repairs in appropriate circumstances;
- i) in cases of emergency, to approve requests for the provision of temporary housing;
- j) to consider and determine cases where an applicant's circumstances are not taken into account within the approved Allocations Policy or where a combination of factors occurs creating a situation that merits special consideration;
- k) to exercise the Council's functions in relation to the improvement or removal of unsatisfactory housing conditions in respect of properties not in Council ownership;
- l) to determine applications within the schemes of financial assistance whether by way of grant or loan or otherwise to assist in improvement in the quality of housing in the area of the Council generally;
- ~~m) to exercise and undertake the operation of statutory schemes for the sale of council housing stock in terms of the Right to Buy legislation;~~

- m) to liaise with other agencies in relation to meeting the needs and priorities of the Council in the provision of resources for housing.
- n) to determine applications for housing grants in terms of the Housing (Scotland) Act 2006;
- o) to authorise surveillance activity under the terms of the Regulation of Investigatory Powers (Scotland) Act 2000;
- p) to grant licences for houses in multiple occupation in terms of the Housing (Scotland) Act 2006, as amended;
- q) to grant applications for registration as a private landlord in terms of the Antisocial Behaviour etc (Scotland) Act 2004, as amended.
- r) to negotiate and agree affordable housing packages in terms of the application of the Council's Affordable Housing Policy in relation to individual planning applications, and to secure the packages through planning conditions or legal agreements as appropriate;
- s) to participate in the Scottish Government's Mortgage to Rent Scheme and to purchase suitable properties in mixed tenure blocks where the Council retains an interest as landlord;
- t) in consultation with the Head of Accountancy (Chief Financial Officer), to amend the Strategic Housing Investment Plan as appropriate to facilitate the take up of funding and the provision of affordable housing;
- u) to make all necessary arrangements to purchase suitable properties relative to the Council's participation in a "rental off the shelf" programme;
- v) in respect of housing finance:-
 - (i) to administer the Rent Allowance Scheme in accordance with the Council's policy guidelines; and
 - (ii) to arrange for the collection of council house rents and for the recovery of arrears.
- w) to raise proceedings for recovery of possession of dwelling houses and to serve all necessary notices preliminary thereto in terms of the Housing (Scotland) Act 1987 or otherwise, and to take all appropriate actions necessary to implement and enforce decrees granted by the courts in pursuance of such actions, including the acceptance of suitable offers of payment of arrears of rent in lieu thereof.

19. The Director of Environment or the Head of Environment (Strategic Services) and the officers listed below are authorised to sign leases on behalf of the Council for the let of houses:-

- Property Services Manager
- Housing Maintenance Team Manager
- Supported Housing and Private Sector Manager
- Senior Housing Officer (Allocations & Sheltered)
- Principal Officer (Tenancy Management and Customer Care)
- Tenancy Services and Service Improvement Manager

DEVELOPMENT MANAGEMENT

20. The Director of Environment is authorised to carry out all necessary procedures associated with Stopping-up Orders carried out under the terms of the Town and Country Planning (Scotland) Act 1997, including authority to confirm an Order.

21. The Director of Environment or Head of Environment (Operations), in the event of a breach of planning control which requires immediate action, is authorised to initiate whatever action is deemed necessary and for the action to reported to the next available meeting of the Planning Applications Committee;

22. The Director of Environment or Head of Environment (Operations) **or Operations Manager, or Principal Planner** is authorised in relation to development management matters, to determine the categories of applications set out below:-

A Applications for Advertisement Consent

- (a) All applications

B Applications for Listed Building Consent

- (a) All applications other than significant alterations to Category A buildings

C Conservation Area consents

- (a) All applications

D Prior notifications by statutory undertakers

- (a) All applications

E Other Applications and Submissions

- (a) All other applications and submissions including courtesy submissions by Government departments, consultations from adjacent local authorities, applications for overhead lines, Certificates of Lawful Use or Development.
- (b) Provisions contained in the Town and Country Planning (General Permitted Development)(Scotland) Order 1992; e.g. demolition, proposals from gas and electricity suppliers, agricultural applications.

23. The Director of Environment or Head of Environment (Operations) or the Operations Manager or the Principal ~~Planning Officer~~ **Planner** is further authorised:
- a) to carry out Screening Opinions under the provisions of the Environmental Impact Assessment (Scotland) Regulations 1999 in respect of planning applications for Schedule 2 developments and to determine whether Environmental Impact Assessments are required;
 - b) to remove or obliterate placards and posters erected without consent in accordance with the terms of Section 187 of the Town and Country Planning (Scotland) Act 1997;
 - c) In consultation with the Chief Officer - Legal & Procurement, to negotiate and conclude agreement in relation to planning applications in terms of Section 69 of the Local Government (Scotland) Act 1973 and planning obligations under Section 75 of the Town and Country Planning (Scotland) Act 1997;
 - d) to authorise:-
 - (i) Notices under Section 179 of the Town and Country Planning (Scotland) Act 1997;
 - (ii) Planning Contravention Notices under Section 125 of the 1997 Act; and
 - (iii) Breaches of Conditions Notices under Section 145 of the 1997 Act.
 - e) to carry out pre-application screening on receipt of a pre-application screening notice from an applicant to determine whether an application is a “National” or “Major” application and whether pre-application consultation with the community is required;
 - f) to determine treeworks applications required for works on trees in areas covered by Tree Preservation Orders or in Conservation Areas;
24. **The Director of Environment or Head of Environment (Operations) in consultation with the Chief Officer - Legal & Procurement is authorised to issue a Fixed Penalty notice in respect of a failure to comply with the requirements of an Enforcement Notice or Breach of Condition Notice.**
25. **The Director of Environment or Head of Environment (Operations) is further authorised to appoint officers for the purposes of the administration and enforcement of Fixed Penalty Notices.**
26. **The Director of Environment or Head of Environment (Operations) is authorised to determine applications and take any associated action, including enforcement action, under the High Hedges (Scotland) Act 2013.**

PLANNING

27. The Director of Environment or Head of Environment (Strategic Services) **or the Strategic Services Manager** is authorised:-
- a) to determine applications for financial assistance from the Environmental Small Grants, Tree Planting Grants, and Shop Front Improvement Grants Schemes;

- b) to determine applications for financial assistance from the Heritage Fund established in terms of the Local Authorities (Historic Buildings) Act 1962;
- c) to approve grants and loans for economic development purposes. ~~For sums up to £5,000, for the same purposes, the delegated power will be exercisable by the Economic Development Manager in addition to the aforesaid two officers;~~
- d) following consultation with the relevant councillors, to exercise the functions of the Council in relation to the naming of streets;
- e) to enter into Public Path Creation Agreements under the terms of the Countryside (Scotland) Act 1967;
- f) to take the necessary action to encourage tourism;
- g) to serve Notices under Section 14 of the Land Reform (Scotland) Act 2003 to require remedial action by land owners who are preventing or deterring any person entitled to exercise their access rights, from doing so.

~~23. The Director of Environment or Head of Environment (Operations) in consultation with the Chief Officer – Legal & Procurement is authorised to issue a Fixed Penalty notice in respect of a failure to comply with the requirements of an Enforcement Notice or Breach of Condition Notice.~~

~~24. The Director of Environment or Head of Environment (Operations) is further authorised to appoint officers for the purposes of the administration and enforcement of Fixed Penalty Notices.~~

~~25. The Director of Environment or Head of Environment (Operations) is authorised to determine applications and take any associated action, including enforcement action, under the High Hedges (Scotland) Act 2013.~~

BUILDING STANDARDS

28. The Director of Environment or Head of Environment (Operations) or the officers shown against each function are authorised:-

Building Warrant applications

To determine all applications to grant, refuse or determine building warrant applications to erect, extend, alter convert and/or demolish buildings referred to in the Building (Scotland) Act 2003 (as amended) and associated legislation.

Enforcement

To determine the following measures referred to in the Building (Scotland) Act 2003 (as amended) and associated legislation

- a) to exercise the power and duties of the Operations Manager
Council as an inspector or authorised All Building Standards Surveyors
officer including the powers of entry,
and inspection;

- b) to submit reports to the Procurator Fiscal under such legislation as may from time to time be referred by the Cabinet; Operations Manager
All Building Standards Surveyors
- c) to issue notices, orders, registrations and licences as appropriate to the statutes listed hereunder and in respect of any other relevant legislation and to take such action is necessary following the service of such Notices; Operations Manager
All Building Standards Surveyors
- d) to appoint officers for the purposes of the administration and enforcement of the statutes listed hereunder;

Statutes Relative to Building Standards

The Building (Procedure) (Scotland) Regulations 2004
 The Building (Scotland) Acts 1959, 1970 & 2003
 The Building (Scotland) Act 2003 (Commencement No. 1, Transitional Provisions and Savings) Order 2004
 The Building (Scotland) Regulations 2004
 Boiler (Efficiency) Regulations 1993 and 1994
 Cinematographic (Safety) (Scotland) Regulations 1955; Part 1
 Civic Government (Scotland) Act 1982 - Order 2000
 Clean Air Act 1993
 Construction (Design and Management) Regulations 2007
 Construction (Health, Safety and Welfare) Regulations 1996
 Control of Pollution (Oil Storage) (Scotland) Regulations 2004
 Control of Pollution Act 1974
 Dangerous Substances and Explosive Atmosphere Regulations 2002
 Disability Discrimination Act 1995 and 2005
 Disability Discrimination (Providers of Services)(Adjustment of Premises)(Amendment) Regulations 2005
 Electricity Act 1989
 Electricity at Work Regulations 1989
 Electricity Safety, Quality and Continuity Regulations 2002
 Energy Act 1983
 Environment Act 1995
 Environmental Protection Act 1990
 Factories Act 1961
 Fire Safety and Safety of Places of Sport Act 1987
 Fire (Scotland) Act 2005 as amended
 Fire (Scotland) Regulations 2006
 Gas Appliance (Safety) Regulations 1995
 Gas Safety (Installation and Use) Regulations 1998
 Groundwater Regulations 1998
 Health and Safety (Safety Signs and Signals) Regulations 1996
 Health and Safety at Work etc Act 1974
 Ionising Radiations Regulations 1999
 Licensing (Scotland) Act 1976 and 2005
 Management of Health and Safety at Work Regulations 1999
 Mines and Quarries Act 1954
 Registration of Care (Scotland) Act 2001
 Safety of Sports Grounds Act 1975

School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979
 Sewage (Scotland) Act 1968
 Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990, as amended
 Water Byelaws 2004
 Water Environment (Controlled Activity) Regulations 2005
 Water Environment and Water Services (Scotland) Act 2003
 Working at Height Regulations
 Workplace (Health, Safety and Welfare) Regulations 1992

PROPERTY AND TECHNICAL SERVICES

29. The Director of Environment or Head of Environment (~~Strategic Services Operations~~), Operations Manager or Property and Technical Services Manager Principal Officer Asset Management is authorised:-

- a) to determine all routine and non-contentious lease related requests in respect of the Council's commercial and industrial properties and Council-owned land **including rent reviews**;
- b) to take whatever steps are necessary, including the appointment of consultants, agency staff, or the utilisation of overtime in the ~~Property & Technical Services Division~~, to ensure that the Council's approved Housing and General Fund Capital Programmes ~~are~~ **is** achieved;
- c) to be responsible for the Council's activities in relation to energy conservation and management in the Council's property; and
- d) to be responsible for the maintenance of the Council's central land register.

TECHNICAL SERVICES

30. The Director of Environment or Head of Environment (Strategic Services) or ~~Property and Technical~~ **Strategic Services Manager** or Principal Officer Technical Services is authorised:-

- a) in terms of the Construction (Design and Management) Regulations 1994 made under the Health and Safety at Work etc. Act 1974, to act as the client's agent and appoint a Designer, Planning Supervisor, Principal Contractor and other contractors where more than one contractor is to be employed;
- b) in terms of the aforesaid Regulations where the Council itself is appointed as Designer and/or Planning Supervisor, to carry out the duties appropriate to such appointment(s); and-
- c) **to take whatever steps are necessary, including the appointment of consultants, agency staff, or the utilisation of overtime in Technical Services, to ensure that the Council's approved Housing and general Fund Capital Programmes are achieved.**

ROADS & TRANSPORTATION

31. The Director of Environment or Head of Environment (Strategic Services) is authorised to alter inspection charges for roads in new developments in accordance with charges agreed through the Charging for Services review process.
32. The Director of Environment or Head of Environment (Strategic Services) is authorised to appoint officers for the purposes of the administration and enforcement of the New Roads and Street Works Act 1991 and the Roads (Scotland) Act 1984 both as amended by the Transport (Scotland) Act in relation to fixed penalty notices.
33. The Director of Environment or Head of Environment (Strategic Services) is authorised to appoint officers for the purposes of the administration and enforcement of the Road Traffic Act 1991 in relation to penalty charge notices.
34. The Director of Environment, or Head of Environment (Strategic Services) or other senior officers in the Roads & Transportation Service as listed are authorised to carry out the functions shown below.

STATUTORY

1. To carry out the following functions of the Council in terms of the Roads (Scotland) Act, 1984:- STRATEGIC SERVICES MANAGER
 - a. After consultation with the Chief Constable and the Chief Officer - Legal & Procurement, and after informing the Convener for Environment and the local Members, under Sections 36 and 37 in relation to the construction of road humps
 - b. To exercise the functions of the Council under Section 12 in relation to the stopping up of and diversion of roads crossings or entering routes of proposed new roads.
 - c. To exercise the functions of the Council under Section 152(2) to re-determine the exercise of a public right of passage over a road.

2. To exercise the following functions of the Council in terms of the Roads Traffic Regulation Act, 1984:- STRATEGIC SERVICES MANAGER

Under Section 23 in relation to pedestrian crossings.

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| <p>3. After consultation with the Chief Constable and the Chief Officer - Legal & Procurement, and after informing the Convener for Environment and the local Members, to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under:-</p> <p>a. The Roads Traffic Regulation Act, 1984; and</p> <p>b. Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>4. To exercise the following functions of the Council in terms of the Road Traffic Act 1991:-</p> <p>(a) The duties contained in Schedule 6, Paragraph 2(7) of the Act, to consider representations and any supporting evidence provided in relation to grounds set out in Schedule 6.</p> <p>(b) To make a decision in relation to such representations and supporting evidence and to serve on the person making representations notice of their decision as to whether they accept that the ground in question has been established</p> <p>(c) To decide upon any other representations which may be made to the Council outwith the statutory appeal process.</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>5. To exercise the road safety functions in conjunction with the Chief Constable and the Scottish Government.</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>6. After consultation with the Chief Officer - Legal & Procurement, to agree terms for Bridge Agreements with Network Rail and terms of agreement of the Council's liability for annual maintenance and renewal charges in that connection.</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>7. After consultation with the Chief Constable, to consider, and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures.</p> | <p>STRATEGIC SERVICES MANAGER</p> |

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| <p>8. To make arrangements for the management of car parks, etc. including, subject to consultation with the Chief Officer - Legal & Procurement, granting the use of part thereof to other persons or bodies and following consultation with the Head of Accountancy the imposition or waving of charges for such use.</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>9. To exercise the following functions of the Council in terms of the Roads (Scotland) Act, 1984:-</p> <p>Under Section 79 and after consultation with the Chief Officer - Legal & Procurement, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations</p> | <p>STRATEGIC SERVICES MANAGER</p> |
| <p>10. To exercise the following functions of the Council in terms of the Roads (Scotland) Act, 1984:-</p> <p>a. Under Section 13 in relation to the imposition of frontagers of the requirements to make up and maintain private roads including the service of appropriate notices.</p> <p>b. Under Section 16(1)(b) in relation to the consideration and determination of applications for the adoption of private roads.</p> <p>c. After consultation with the Chief Constable and the Chief Officer - Legal & Procurement, and after informing the Convener for Environment and the local Members, under Section 62 in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience.</p> | <p>STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER</p> |
| <p>11. To exercise the following functions of the Council in terms of the Roads (Scotland) Act 1984:-</p> <p>a. Under Section 15 in relation to the completion of necessary work on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91)</p> <p>b. Under Section 18 in relation to the adoption of footpaths associated with development.</p> <p>c. Under Section 21 in relation to applications for construction consent.</p> <p>d. Under Section 23 in relation to stopping up or temporarily closing any new road constructed without consent or in contravention of, or in non-compliance with, a condition imposed by a construction consent.</p> | <p>ROADS AND TRANSPORTATION
CONTROLLER</p> |

- e. Under Section 35(1) and (4) and after giving notice in terms of Section 35(5) in relation to the provision of road lighting and related structures.
- f. Under Section 51 in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants within a public road.
- g. Under Section 57 in relation to the prevention or termination of dangerous works or excavations in or under a public road.
- h. Under Section 59 in relation to the control of obstructions in roads.
- i. Under Section 60 in relation to the issuing of consent for marking, lighting and fencing obstruction on roads works and for shoring buildings requiring protection in similar circumstances.
- j. Under Section 61 in relation to granting permission to place and thereafter maintain apparatus in or under a public road.
- k. Under Section 63 in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate.
- l. Under Section 64(2) in relation to the issue of consents to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus in terms of Section 64(1)(b).
- m. Under Section 66 in relation to enforcing maintenance of vaults, cellars and related structures within the vicinity of a road.
- n. Under Section 67 in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users.
- o. Under Section 83 in relation to the prevention of sight obstructions in the view of road users.
- p. Under Section 87 in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site.
- q. Under Section 88 in relation to the removal of projections interfering with safe or convenient passage along a road.

- r. Under Section 89 in relation to the removal of accidental obstructions from roads.
 - s. Under Section 90 in relation to the granting of consent for fixing or placing over or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus.
 - t. Under Section 91 in relation to the prevention of danger to road users or road from nearby vegetation and fences etc. or from retaining walls being inadequate.
 - u. Under Section 92 in relation to granting consent for planting trees or shrubs within 5 metres of the edge of the made up carriageway.
 - v. Under Section 93 in relation to the protection of road users from dangers near a road.
 - w. Under Section 94 in relation to dangerous ditches on land adjoining or near to a public road.
 - x. Under Section 96 in relation to
 - (i) the issue as proper officer of the authority of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc.;
 - (ii) the recovery of said extraordinary expenses.
 - y. Under Section 97 in relation to the issue of consent for trading.
 - z. Under Section 99(2) in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99(1).
 - aa Under Section 99(3) in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99(1).
12. To carry out the following functions of the Council terms of the Roads (Scotland) Act, 1984:-
- a. Under Section 56 in relation to the authorisation of works and excavations in or under a public road.
 - b. Under Section 58 in relation to the granting of permission for the deposit of building materials on roads.
- STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER
PROJECT COORDINATOR,
PRINCIPAL PROJECTS OFFICER

- c. Under Section 85 in relation to granting permission for the location of builders' skips on roads.
- d. Under Section 86 in relation to the removal or repositioning of any builder's skip which is causing, or is likely to cause a danger or obstruction.

13. To carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

- a. Under Section 14 in relation to the temporary prohibition or restriction of traffic on roads.
- b. Under Section 65 in relation to the placing of traffic signs.
- c. Under Section 68 in relation to the placing of traffic signs in connection with the exercise of other powers of the Authority as defined in sub-section (1) thereof.
- d. Under Section 69 in relation to the removal of unauthorised signs.
- e. Under Section 71(1) in relation to the power to enter land in connection with the placing of traffic signs.

14. To grant wayleaves in respect of public utilities.

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

15. To carry out the functions of the Council under the Public Utilities Street Work Act 1950 and the New Roads & Street Works Act 1991 in relation to roads for which the Council is responsible.

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

16. To carry out the following functions of the Council in terms of the Roads (Scotland) Act, 1984:-

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

- a. Under Section 30 in relation to the service of notices, subject to Section 31(3), in connection with carrying out works for protecting roads against hazards of nature.
- b. Under Section 31(3) in relation to the service of notices in connection with the drainage of public roads.

- c. Under Section 78(2) in relation to the service of notice prior to the diversion of waters, where necessary, in connection with the construction, improvement or protection of a public road.
 - d. Under Section 140 in relation to the authorisation of persons taking entry to land for the purposes specified therein.
 - e. Under Section 140 in relation to the recovery of expenses reasonably incurred.
 - f. Under Section 141 in relation to the carrying out of works or excavations previously the subject of a Notice under the Act.
17. To carry out the following functions of the Council in terms of the Strathclyde Regional Council Order Confirmation, Act 1991:-
- STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER
- a. Under part II, Roads, Section 4, in relation to the erection and keeping in position barriers on roads for the purpose of securing public order or public safety.
18. To carry out the following functions of the Council in terms of The Security for Private Road Works (Scotland) Regulations 1985:-
- STRATEGIC SERVICES MANAGER
- a. Under Regulation 7, and subject to the agreement of the Chief Officer - Legal & Procurement, in relation to -
 - (i) apportioning Security between associated persons;
 - (ii) granting or refusing an application to commence to a person who has lodged Security when others have not.
 - b. Under Regulation 8, and subject to the agreement of the Chief Officer - Legal & Procurement, in relation to agreeing to other than joint owners lodging Security in joint names
 - c. Under Regulation 9, in relation to the return of Security where there is a delay in commencing building works.
 - d. Under Regulation 12, and subject to the agreement of the Chief Officer - Legal & Procurement, in relation to arrangements for Security where land is sold or transferred after Security is lodged.

- e. Under Regulation 13, where Security has been provided in relation to –
 - (i) the completion by the Council of a private road which has not been completed within the required period;
 - (ii) the serving of notices for remedial works where a private road has deteriorated since completion in accordance with a Construction Consent;
 - (iii) the carrying out by the Council of such remedial works if not carried out within the specified time.
- f. Under Regulation 14, and subject to consultation with the Chief Officer - Legal & Procurement, in relation to calling up of Bonds or application of Deposit where private roads have been completed by the Council under Regulation 13.
- g. Under Regulation 15, in relation to the release of any part of any Security or the return of any Bond for cancellation or the refund of the Deposit or any part thereof.

19. To carry out the following functions of the council in terms of The Security for Private Road Works (Scotland) Regulations 1985:-

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

- a. Under Regulation 6, in relation to calculating and notifying persons as to the amount of Security required.
- b. Under Regulation 11, in relation to the provision of additional Security.

CONTRACTS

- 1. To take such measures as may be required in emergency situations, subject to advising the Director of Environment as soon as possible thereafter on any items for which Council approval would normally be necessary. This includes any contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 2. In accordance with the Council's Quick quote procedures, to select four or more persons whose names appear on the appropriate list of contractors to whom invitations to tender for a contract shall be sent.

STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

STRATEGIC SERVICES MANAGER

- 3. Acting as Engineer's Representative, to be responsible for the control of contracts under NEC3 Conditions of Contract STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER
- 4. To issue to the Contractor the letter of appointment of the Resident Engineer. STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER

CDM REGULATIONS 2015

- 1. In terms of the Construction (Design & Management) Regulations 2015 as follows:- STRATEGIC SERVICES MANAGER
ROADS AND TRANSPORTATION
CONTROLLER
 - a. To act as Client, and appoint CDM Co-ordinator, Designer, Principal Contractor and/or Contractor:-
 - b. In the case of contracts in which the Council acts as agent of the Scottish Government in terms of Section 4 of the Roads (Scotland) Act 1984, to consent to the Council being appointed as a partner or (joint) Client, CDM Co-ordinator, and/or Designer;
 - c. In the case of contracts where the Council is appointed as a partner or (joint) Client CDM Co-ordinator, Designer, Principal Contractor and/or Contractor, to carry out the duties appropriate to each such appointment.

ENVIRONMENTAL SERVICES (PARKS, PLAYING FIELDS AND CEMETERIES)

35. The Director of Environment or Head of Environment (Operations) **or Operations Manager or the officers shown against each function are** authorised:-

- a) to arrange for the routine maintenance and repair of equipment and parks infrastructure, together with the grounds maintenance of parks and open spaces, all within budgetary levels;
- b) to take all necessary action with regard to the supervision and management of the Council's cemeteries and burial grounds, including the sale of lairs and the giving of titles thereto etc;
- c) to negotiate franchises, estimated to be valued under £10,000 per annum; and
- d) to let or arrange for the letting, hire and use of those playing fields, sports pitches and outdoor leisure facilities which are the responsibility of the Environment Department and also the provision of entertainment, promotions and events within the remit of the Environment Department in accordance with the policies, practices and procedures and subject to the charges fixed from time to time by the Council.

e) to issue graffiti removal notices in accordance with Section 58 of the Antisocial Behaviour etc. (Scotland) Act 2004 Operations Manager
 Cleansing & Waste Strategy
 Manager
 Principal Environment Officer
 (Regulations and Compliance)

f) to make the necessary arrangements for the provision of the Council's refuse collection and street cleaning services Operations Manager
 Cleansing & Waste Strategy
 Manager
 Senior Environment Officer
 (Cleansing)
 Area Supervisor
 Principal Environment Officer
 (Regulations and Compliance)

g) to issue litter fixed penalty notices in accordance with Section 88 of the Environmental Protection Act 1990 Cleansing & Waste Strategy
 Manager
 Cleansing Supervisor

ENVIRONMENTAL SERVICES (ENVIRONMENTAL AND PREVENTION SERVICES – TRADING STANDARDS AND ENVIRONMENTAL HEALTH)

36. The Director of Environment or the Head of Environment (Operations) or **Operations Manager or** the officers shown against each function are authorised:-
- a) to exercise the power and duties of the Council as an inspector or authorised officer including the powers of entry, inspection, sampling, purchase of goods and services, opening containers; **Prevention Services Managers**
All Environmental Health and Trading Standards Officers
 - b) to submit reports to the Procurator Fiscal under such legislation as may from time to time be referred by the Cabinet; Prevention Services Managers
All Environmental Health and Trading Standards Officers
 - c) to issue notices, fixed penalty notices, orders, registrations, and certificates as appropriate to the statutes listed hereunder and in respect of any other relevant legislation; **Prevention Services Managers**
All Environmental Health and Trading Standards Officers
 - d) to appoint consultants in public health medicine for the purposes of exercising all functions of the Council where the Council is required to appoint Medical Officers; Prevention Services Managers
 - e) to revoke Closing Orders where the property in question has been brought up to the tolerable standard; Prevention Services Managers and Senior Environmental Health Officers
 - f) to grant second-hand vehicle dealer's licences in terms of the Civic Government (Scotland) Act 1982 Prevention Services Managers
 - g) to deal with applications for licences to sell fireworks outwith the prescribed periods as specified in the Fireworks Regulations 2004 **Prevention Services Managers**
All Trading Standards and Environmental Health Officers
 - ~~h) to issue graffiti removal notices in accordance with Section 58 of the Antisocial Behaviour etc. (Scotland) Act 2004~~ ~~Operations Manager~~
~~Cleansing & Waste Strategy Manager~~
~~Principal Environment Officer~~
~~(Regulations and Compliance)~~
 - ~~i) to make the necessary arrangements for the provision of the Council's refuse collection and street cleaning services~~ ~~Operations Manager~~
~~Cleansing & Waste Strategy Manager~~
~~Senior Environment Officer~~
~~(Cleansing)~~
~~Area Supervisor~~
~~Principal Environment Officer~~
~~(Regulations and Compliance)~~

- j) ~~to issue litter fixed penalty notices in accordance with Section 88 of the Environmental Protection Act 1990~~ Cleansing & Waste Strategy Manager
Cleansing Supervisor
- k) to appoint officers for the purposes of the administration and enforcement of the statutes listed below including any Regulations or Orders made thereunder;

Statutes Relative to Environmental Health

Agriculture (Miscellaneous Provisions) Act 1968
 Animal Boarding Establishments Act 1963
 Animal Health Act 1981
 Animal Health and Welfare (Scotland) Act 2006
 Antisocial Behaviour etc. (Scotland) Act 2004 Parts 5 and 6
 Breeding of Dogs Act 1973 and 1991
Building (Scotland) Act 2003
 Caravan Sites and Control of Development Act 1960
 Civic Government (Scotland) Act 1982
 Clean Air Act 1993
 Contaminated Land (Scotland) Regulations 2000
 Control of Pollution Act 1974
 Control of Pollution (Amendment) Act 1989
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Deer (Scotland) Act 1996
 Diseases of Animals Act 1950 – 1975
 Dog Fouling (Scotland) Act 2003
 Environment Act 1995
 Environmental Protection Act 1990
 European Communities Act 1972 and all Food Safety and Food Standards legislation made thereunder
Food (Scotland) Act 2015
 Food Information (Scotland) Regulations 2014
 Food Safety Act 1990
 Guard Dogs Act 1975
 Health and Safety at Work etc. Act 1974
 Housing (Scotland) Acts 1987 **and 2006**
 Licensing (Scotland) Act 2005 (Section 50)
 Medicines Act 1968
 Methylated Spirits (Sale by Retail) (Scotland) Act 1937
 National Assistance Act 1948 (Section 50)
 Noise & Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Feed and Food (Scotland) Controls Regulations 2009
 Pet Animals Act 1951
 Prevention of Damage by Pests Act 1949
Private Rented Housing (Scotland) Act 2011
Private Water Supplies (Scotland) Regulations 2006
 Public Health (Scotland) Act 1897-1945
 Public Health (Scotland) Act 2008 (Parts 3, 5, 8 and 9)
 Radioactive Substances Act 1960
 Refuse Disposal (Amenity) Act 1978
 Removal and Disposal of Vehicles Regulations 1986

Riding Establishments Act 1964/70
Road Traffic (Scotland) Act 1991
 Sale of Venison (Scotland) Act 1968
 Sewerage (Scotland) Act 1968
~~Shops Act 1950-1980~~
 Slaughterhouses Act 1958⁷⁴
 Slaughter of Animals (Scotland) Act 1980
~~Slaughter of Poultry Act 1967~~
 The Smoking, Health and Social Care (Scotland) Act 2005
 Water (Scotland) Act 1980
Water Industry (Scotland) Act 2002
Water Services etc (Scotland) Act 1990
 Zoo Licensing Act 1981

Statutes Relative to Environmental Health and Trading Standards

1 Consumer Advice and Fair Trading

Accommodation Agencies Act 1953
Advanced Television Services Regulations 2003
Business Protection from Misleading Marketing Regulations 2008
Cancer Act 1939
Companies Act 2006
Companies (Trading Disclosures) Regulations 2008
Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Rights Act 2015
Consumer Protection from Unfair Trading Regulations 2008
Consumer Rights (Payment Surcharges) Regulations 2012
Enterprise Act 2002
Estate Agents Act 1979
European Communities Act 1972
Electronic Commerce (EC Directive) Regulations 2002
Footwear (Indication of Composition) Labelling Regulations 1995
Package Travel and Linked Travel Arrangements Regulations 2018
Provision of Services Regulations 2009
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
Radio Equipment Regulations 2017
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
Single Use Carrier Bags Charge (Scotland) Regulations 2014
Textile Products (Labelling and Fibre Composition) Regulations 2012
Unsolicited Goods and Services Act 1971
European Union (Withdrawal) Act 2018 (and relevant regulations made thereunder)

2 Consumer Credit and Prices**Consumer Credit Acts 1974 and 2006****Debt Arrangement and Attachment (Scotland) Act 2002****Development of Tourism Act 1969****European Communities Act 1972****Prices Act 1974****Price Indications (Bureau de Change) (No. 2) Regulations 1992****Price Marking Order 2004****Timeshare, Holiday Products, Resale and Exchange Contracts
Regulations 2010****Financial Services Act 2012****Financial Services Act 2012 (Consumer Credit) Order 2013****Financial Services (Distance Marketing) Regulations 2004****Financial Services and Markets Act 2000****Legal Services Act 2007****3 Petroleum and Dangerous Substances****Clean Air Act 1993****Civic Government (Scotland) Act 1982****European Communities Act 1972****Explosives Acts 1875 and 1923****Explosives Regulations 2014****Fireworks Act 2003****Fireworks Regulations 2004****Health and Safety at Work etc. Act 1974 (sections 20, 21, 22 and 25) and,
by virtue of section 19(1) of the Act, any other related Health and Safety
Regulation for which North Lanarkshire Council is responsible****Petroleum (Consolidation) Regulations 2014****Pyrotechnic Articles (Safety) Regulations 2015****Volatile Organic Compounds in Paints, Varnishes and Vehicle
Refinishing Products Regulations 2012****4 Consumer Safety and Poisons****Aerosol Dispensers Regulations 2009****Antisocial Behaviour etc. (Scotland) Act 2004****Biocidal Products and Chemicals (Appointment of Authorities and
Enforcement) Regulations 2013****Biofuel (Labelling) Regulations 2004****Cat and Dog Fur (Control of Import, Export and Placing on the Market)
Regulations 2008****Chemicals (Hazard Information and Packaging for Supply) Regulations
2009****EC No. 1272/2008 Classification, Labelling and Packaging Regulations****Children and Young Persons (Protection from Tobacco) Act 1991****Cigarette Lighter Refill (Safety) Regulations 1999****Construction Products Regulations 2013****Cosmetic Products Enforcement Regulations 2013**

Consumer Protection Act 1987
Detergents Regulations 2010
Electrical Equipment (Safety) Regulations 2016
Electromagnetic Compatibility Regulations 2016
Energy Act 1976
Energy Conservation Act 1996
Energy Information Regulations 2011
Food Imitations (Safety) Regulations 1989
Furniture and Furnishings (Fire)(Safety) Regulations 1988
Gas Appliances (Safety) Regulations 1995
Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
General Product Safety Regulations 2005
Household Appliances (Noise Emission) Regulations 1990
Medical Devices Regulations 2002
Motorcycle Noise Act 1987
Motor Fuel (Composition and Content) Regulations 1999
Motor Vehicle Tyres (Safety) Regulations 1994
Nightwear (Safety) Regulations 1985
N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995
Oil Heaters (Safety) Regulations 1977
Packaging (Essential Requirements) Regulations 2015
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
Pedal Bicycles (Safety) Regulations 2010
Personal Protective Equipment Regulations 2002
Personal Protective Equipment (Enforcement) Regulations 2018
Pesticides (Fees and Enforcement) Act 1989
Plant Protection Products Regulations 2011
Plugs & Sockets etc. (Safety) Regulations 1994
Poisons Act 1972
Pressure Equipment (Safety) Regulations 2016
REACH Enforcement Regulations 2008
Recreational Craft Regulations 2004
Regulation 765/2008/EC on Accreditation and Market Surveillance
Road Traffic Act 1988 (sections 17 and 18)
Road Vehicles (Brake Linings Safety) Regulations 1999
Standardised Packaging of Tobacco Products Regulations 2015
Tobacco Advertising and Promotion Act 2002
Tobacco for Oral Use (Safety) Regulations 1992
Tobacco and Primary Medical Services (Scotland) Act 2010
Tobacco and Related Products Regulations 2016
Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
Toys (Safety) Regulations 2011
Simple Pressure Vessels (Safety) Regulations 2016
Supply of Machinery (Safety) Regulations 2008

5 Trade Descriptions and Hallmarking

Copyright, Designs and Patents Act 1988
Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002
Energy Conservation Act 1996
European Communities Act 1972
Hallmarking Act 1973
Housing (Scotland) Act 2006
Intellectual Property Act 2014
Olympic Symbol etc. (Protection) Act 1995
Trade Descriptions Act 1968
Trade Marks Act 1994
Registered Designs Act 1949
Video Recording Acts 1984 and 2010
The Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2018
The Consumer Protection (Amendment etc.) (EU Exit) Regulations 2018

6 Quality Control, Food and Agriculture

Agriculture Act 1970
Animal By-Products (Enforcement) (Scotland) Regulations 2013
Animal Feed (Scotland) Regulations 2010
EC Fertilisers (Scotland) Regulations 2006
European Communities Act 1972
Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
Food and Environment Protection Act 1985
Food Safety Act 1990
Genetically Modified Animal Feed (Scotland) Regulations 2004
Medicines Act 1968
Official Feed and Food Controls (Scotland) Regulations 2009
Trade in Animals and Related Products (Scotland) Regulations 2012

7 Quantity Control

European Communities Act 1972
Measuring Container Bottles (EEC Requirements) Regulations 1977
Measuring Instruments Regulations 2016
Measuring Instruments (EEC Requirements) Regulations 1988
Non-automatic Weighing Instruments Regulations 2016
Weights and Measures Acts 1976 and 1985
Weights and Measures (Packaged Goods) Regulations 2006

8. Animal Health and Welfare

Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare (Scotland) Act 2006
Animals (Scotland) Act 1987
Anthrax Order 1991
Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005
Avian Influenza (Preventive Measures) (Scotland) Order 2007

Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006
Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006
Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007
Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007
Breeding of Dogs Act 1973
Breeding and Sale of Dogs (Welfare) Act 1999
Cattle Identification (Scotland) Regulations 2007
Civic Government (Scotland) Act 1982
Dangerous Wild Animals Act 1976
Disease Control (Interim Measures) (Scotland) Order 2002
Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008
Diseases of Poultry (Scotland) Order 2003
Diseases of Swine Regulations 2014
Equine Animal (Identification) (Scotland) Regulations 2019
Foot-and-Mouth Disease (Scotland) Order 2006
Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006
Importation of Animal Pathogens Order 1980
Importation of Animals Order 1977
Infectious Diseases of Horses Order 198
Local Government (Scotland) Act 1992
Microchipping of Dogs (Scotland) Regulations 2016
Non-Commercial Movement of Pet Animals Order 2011
Pet Animals Act 1951
Pigs (Records, Identification and Movement) (Scotland) Order 2011
Rabies (Control) Order 1974
Rabies (Importation of Dogs, Cats and other Mammals) Order 1974
Riding Establishments Act 1964
Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009
Sheep Scab (Scotland) Order 2010
Trade in Animals and Related Products (Scotland) Regulations 2012
Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010
Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005
Tuberculosis (Scotland) Order 2007
Welfare of Animals at Markets Order 1990
Welfare of Animals (Transport) (Scotland) Regulations 2006
Welfare of Farmed Animals (Scotland) Regulations 2010
Welfare of Horses at Markets (and Other Places of Sale) Order 1990
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981

9 Health and Safety at Work etc. Act 1974

The officer is empowered to authorise any person to accompany him/her, if necessary on visits to premises for the purpose of carrying out his/her duties in terms of the Health and Safety at Work, etc. Act 1974. This officer is also hereby authorised to exercise the power of an inspector specified in:-

- (a) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc Act 1974;*
- (b) Any health and safety regulations made under the above Act; and*
- (c) The provisions specified in the third column of Schedule 1 of the Act which and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified.*

Statutes Relative to Consumer Protection & Trading Standards

Acts of Sederunt

~~Agricultural Produce (Grading and Marking) Acts 1928 & 1931~~
~~Agriculture Act 1967 (Meat and Livestock Commission's schemes for classification and price marking)~~
~~Agriculture Act 1970~~
~~Agriculture (Miscellaneous Provisions) Act 1968~~
~~Agriculture and Horticulture Act 1964~~
~~Animal Health Act 1981~~
~~Animal Health and welfare (Scotland) Act 2006~~
~~Antisocial Behaviour etc. (Scotland) Act 2004 Sections 122-125~~
~~Banking Act 1987~~
~~Bankruptcy (Scotland) Act 1993~~
~~Building Societies Act 1986~~
~~Business Names Act 1985~~
~~Cancer Act 1939~~
~~Children and Young Persons (Protection from Tobacco) Act 1991~~
~~Children & Young Persons (Scotland) Act 1937~~
~~Civic Government (Scotland) Act 1982~~
~~Civil Jurisdiction & Judgements Act 1982~~
~~Clean Air Act 1993~~
~~Climate Change (Scotland) Act 2009~~
~~Companies Act 1985~~
~~Companies Act 1985 (Business ownership disclosure)~~
~~Company Directors Disqualification Act 1986~~
~~Competition Act 1980~~
~~Consumer Arbitration Agreements Act 1988~~
~~Consumer Credit Act 1974~~
~~Consumer Protection Act 1987~~
~~Consumer Rights Act 2015~~
~~Control of Pollution Act 1974~~
~~Copyright Acts 1956 and 1983~~
~~Copyright, Designs & Patents Act 1988~~
~~Courts and Legal Services Act 1990~~
~~Credit Unions Act 1979~~
~~Criminal Justice (Scotland) Act 1980~~
~~Criminal Justice (Scotland) Act 1980 (Compensation Orders)~~

~~Customs and Excise Management Act 1979~~
~~Debtors (Scotland) Act 1987~~
~~Development of Tourism Act 1969 (Price Display)~~
~~Education Reform Act 1988~~
~~Emergency Laws (Re-enactments and Repeals) Act 1964~~
~~Energy Act 1976~~
~~Energy Conservation Act 1981~~
~~Enterprise Act 2002~~
~~Environment and Safety Information Act 1988~~
~~Environmental Protection Act 1990~~
~~Estate Agents Act 1979~~
~~European Communities Act 1972~~
~~Explosives Act 1875 and 1923~~
~~Fair Trading Act 1973~~
~~Farm and Garden Chemicals Act 1967~~
~~Feeding Stuffs (Scotland) Regulations 2000 as amended~~
~~Feeding Stuffs and the Feeding Stuffs (Enforcement) Amendment (Scotland) Regulations 2001~~
~~Financial Services Act 1986~~
~~Fireworks Act 1964 (Labelling)~~
~~Fireworks Act 2003~~
~~Food and Environment Protection Act 1985~~
~~Food Safety Act 1990~~
~~Hallmarking Act 1973~~
~~Health and Safety at Work etc. Act 1974 (Sections 19, 20, 21, 22 and 25)~~
~~(Petroleum, Packaging and Labelling of Dangerous Substances)~~
~~Hire Purchase Act 1964~~
~~Housing (Scotland) Act 2006~~
~~Insolvency Acts 1985 and 1986~~
~~Insurance Brokers (Registration) Act 1977~~
~~Insurance Companies Acts 1981 and 1982~~
~~Law Reform (Miscellaneous Provisions) (Scotland) Act 1990~~
~~Medicines Act 1968~~
~~Mock Auctions Act 1961~~
~~Motor Cycle Noise Act 1987~~
~~Motor Vehicles (Safety Equipment for Children) Act 1991~~
~~Olympic Symbols etc (Protection) Act 1995~~
~~Pesticides (Fees and Enforcement) Act 1989~~
~~Petroleum (Consolidation) Act 1928~~
~~Petroleum (Transfer of Licence) Act 1936~~
~~Plant Varieties and Seeds Act 1964~~
~~Poisons Act 1972~~
~~Prices Acts 1974 and 1975~~
~~Protection of Children (Tobacco) Act 1991~~
~~Resale Prices Act 1976~~
~~Restrictive Trade Practices Act 1976 and 1977~~
~~Road Traffic Act 1988 (Safety of Crash Helmets)~~
~~Sale & Supply of Goods Act 1984~~
~~Sale of Goods Act 1979~~
~~Scotch Whisky Act 1988~~
~~Single Use Carrier Bags Charge (Scotland) Regulations 2014~~
~~Supply of Goods (Implied Terms) Act 1973~~
~~Telecommunications Act 1984~~
~~The Dangerous Substances and Explosives Atmospheres Regulations 2002~~
~~Timeshare Act 1992~~

~~Tobacco Advertising and Promotion Act 2002~~
~~Tobacco and Primary Medical Services (Scotland) Act 2010~~
~~Trade Descriptions Act 1968~~
~~Trade Marks Act 1994~~
~~Trading Representations (Disabled Persons) Acts 1958 and 1972~~
~~Trading Stamps Act 1964~~
~~Unfair Contract Terms Act 1977~~
~~Unsolicited Goods and Services Acts 1971 and 1975~~
~~Video Recordings Act 1984 and 1993~~
~~Weights and Measures Acts 1976 and 1985~~

PREVENTION SERVICES MANAGER

37. (a) In respect of Consumer & Trading Standards, the Prevention Services Manager is authorised to act as Chief Inspector of Weights & Measures for the purposes of the Weights and Measures Act 1985.

(b) any suitably qualified officer is authorised to act for the Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985.

TRADING STANDARDS SCOTLAND

38. With effect from 4 December 2014, All Trading Standards Officers employed by Trading Standards Scotland are appointed as officers of the Council. Individuals becoming employed by Trading Standards Scotland after that date are automatically, by virtue of their appointment as Trading Standards Officers of Trading Standards Scotland, appointed as officers of the Council.

TRADING STANDARDS SCOTLAND – CHIEF OFFICER

39. The Chief Officer of Trading Standards Scotland is authorised

- a) to discharge the Council's functions as a local weights and measures authority under the legislation listed in the Schedule below;
- b) to act as an authorised officer for the purposes of that legislation in fulfilment of all functions granted to local weights and measures authorities thereunder; and
- c) to delegate the functions delegated to the Chief Officer by virtue of paragraph 37(a) to grant authorisations to all or any Trading Standards Officers employed by trading Standards Scotland to act as authorised officers for the purposes of the legislation listed in the Schedule below, provided that:-
 - (i) the authorisations of individual officers shall not take effect until such times as their names appear on the list of authorised officers maintained by the Chief Officer of Trading Standards Scotland, a copy of which shall be provided to the Council and kept up to date at all times.

SCHEDULE

- Trade Descriptions Act 1968
- European Communities Act 1972 (section 2)
- Consumer Credit Act 1974

- Prices Act 1974
- Consumer Protection Act 1987
- Copyright, Designs and Patents Act 1988
- Trade Marks Act 1994
- Unfair Terms in Consumer Contracts Regulations 1999
- Consumer protection (Distance Selling) Regulations 2000
- Financial Services and Markets Act 2000
- Enterprise Act 2002
- Electronic Commerce (EC Directive) Regulations 2002
- Financial Services (Distance Marketing) Regulations 2004
- Counter-Terrorism Act 2008
- Business Protection from Misleading Markets Regulations 2008
- Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008
- Consumer protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) Regulations 2012
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Financial Services Act 2012 (Consumer Credit) Order 2013
- Consumer Rights Act 2015

CHIEF OFFICER – HEALTH AND SOCIAL CARE PARTNERSHIP

40. The Chief Officer – Health and Social Care Partnership or HSCP Heads of Service are authorised:-

- a) to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
 - (1) Section 65(1) which empowers or requires the Council in certain circumstances to remove a person from certain residential or other establishments; and
 - (2) Section 68, which requires the Council to make arrangements for periodic visits to persons in establishments in the Council's area, in the interests of the well-being of those persons.
- b) to provide aids and adaptations for the homes of persons with physical or learning disabilities;
- c) to accept or reject applications for installation of telephones for persons with physical or learning disabilities based on approved criteria;
- d) to carry out the functions of the Council under the Disabled Persons (Badge for Motor Vehicles) Regulations 1982 and subsequent legislation;
- e) to undertake all statutory functions incumbent upon the Council in terms of the Children (Scotland) Act 1995.
- f) in accordance with Standing Orders relating to Contracts, to decide on the procedure to be used to award any contract for Social and other Specific Services falling under their remit
- g) to waive a charge for a service dependent on individual circumstances

CHIEF SOCIAL WORK OFFICER

41. The Chief Social Work Officer is authorised:-

- a) to appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984;
- b) to carry out the functions of the Council in relation to the adoption of children in terms of the Adoption (Scotland) Act 1978;
- c) following the appointment by the Council of a Fostering and Adoption Panel in terms of the Adoption Agencies (Scotland) Regulations 1996, to carry out the remaining functions of the Council as care authority under the Regulations;
- d) to consider and determine recommendations made by the Adoption and Fostering Review Panel in reviewing original decisions made in connection with fostering and adoption matters;

- e) to consider and determine recommendations by the Adoption Panel which are approved by the Adoption Panel for assistance with legal fees (up to an amount considered reasonable by the Director of Corporate and Community Services) and medical expenses;
- f) to make applications for all appropriate Orders in terms of the Children (Scotland) Act 1995, in particular the following:-
 - (i) Exclusion Orders
 - (ii) Child Protection Orders
 - (iii) Child Assessment Orders
 - (iv) Parental Responsibilities Orders

42. DELEGATION TO OFFICERS IN CONSULTATION WITH ELECTED MEMBERSCHIEF EXECUTIVE, AND ALL DIRECTORS

N.B. Any reference to Convener/Chair in this section should be taken to refer to the appropriate Vice Convener/Vice Chair in the absence of the Convener/Chair.

- a) in consultation with the appropriate Convener/Chair, to take any necessary action during any of the Council's recess periods which would normally require approval by the Cabinet or other Committee.

CHIEF EXECUTIVE

- ~~a) the Chief Executive, in consultation with the Leader of the Council, is authorised to determine the appointment of employees to outside bodies.~~

DEPUTY CHIEF EXECUTIVE AND DEMOCRATIC SERVICES MANAGER

- a) The Deputy Chief Executive or Democratic Services Manager, in consultation with the appropriate Convener is authorised to agree the level of annual grant to community councils in line with the formula previously agreed by the Council;
- b) The Deputy Chief Executive or Democratic Services Manager in consultation with the appropriate Convener, is authorised to determine applications for financial assistance from national and local organisations, except those which fall to be determined by other Directors in consultation with the appropriate Convener;
- c) The Deputy Chief Executive or Democratic Services Manager, in consultation with the Leader of the Council and the local Members (provided they are not a member of the Licensing Board), is authorised to determine whether to lodge an objection to an application for a licence in terms of the Licensing (Scotland) Act 2006 or the Gambling Act 2005, where the Council, which would normally deal with this matter, does not meet until after the last date for the lodging of objections;
- d) The Deputy Chief Executive or Democratic Services Manager, in consultation with the Provost, is authorised to disburse funds from the Provost's Appeal Fund subject to information being issued to other members of the Council on request;
- e) The Deputy Chief Executive or Democratic Services Manager, in consultation with the Provost, is authorised to deal with all matters in relation to the civic and ceremonial arrangements of the Council up to an estimated value of £400; and

- f) The Deputy Chief Executive or Democratic Services Manager, in consultation with the Leader of the Council, or in his absence the Deputy Leader, is authorised to determine elected Member attendance at conferences etc.

DEMOCRATIC SERVICES MANAGER

- a) The Democratic Services Manager, in consultation with the Provost, is authorised to decide whether to fly a flag at any time other than that set out in the agreed protocol, should a national or international event deem it necessary.

DEPUTY CHIEF EXECUTIVE AND HEAD OF HR & CORPORATE SERVICES COMMUNITIES, REVENUES & BUSINESS CHANGE

- a) The Deputy Chief Executive or Head of **HR & Corporate Services Communities, Revenues & Business Change**, in consultation with the appropriate Convener and the Head of Accountancy (Chief Financial Officer), is authorised to set or adjust prices for specific promotions and joint ventures

DEPUTY CHIEF EXECUTIVE AND HEAD OF COMMUNITIES, REVENUES AND CHANGE

- ~~a) The Deputy Chief Executive or Head of Communities, Revenues & Business Change, in consultation with the appropriate Convener, is authorised to agree charges for facilities provided on behalf of the Council by other bodies.~~

CHIEF OFFICER - LEGAL & PROCUREMENT

- a) The Chief Officer - Legal & Procurement or the Principal Solicitor, in consultation with the Chair of the Licensing Committee, is authorised to determine requests for advertising on licensed taxis and private hire cars.

DIRECTOR OF EDUCATION

- a) The Director of Education, in consultation with the Chair of the Education Committee, is authorised to operate a special case premature retiral scheme for the teaching profession including the determination of the level of any pension enhancement;
- b) The Director of Education, in consultation with the Chair of the Education Committee, is authorised to determine requests for financial assistance for education purposes;
- c) The Director of Education and Deputy Chief Executive are authorised in consultation with the Chair of the Education Committee to determine the dates of local school holidays within East Renfrewshire after seeking the views of parent councils and trade unions; and
- d) The Director of Education, in consultation with the Convener for Community Services and Community Safety, is authorised to modify the conditions for eligibility for the Theatre Tickets for Armed Forces scheme, based on experience and future comments from relevant organisations.

DIRECTOR OF ENVIRONMENT

- ~~a) The Director of Environment or Head of Environment (Operations), in the event of an emergency situation, is authorised to initiate whatever action is deemed necessary in consultation with the Chair and Vice Chair of the Planning Applications Committee and the local Members in whose ward the breach of planning control has taken place;~~
- a) The Director of Environment or Head of Environment (Operations) is authorised, following consultation with the Chair of the Planning Applications Committee, to determine applications to remove or vary conditions imposed by the Planning Applications Committee;
- ~~(c) The Director of Environment or Head of Environment (Operations) is authorised, following consultation with the Chair of the Planning Applications Committee, to hold a public hearing in respect of any planning application when it is believed that the application raises wide issues, that it would be of benefit to the Committee when determining the application, or where there is a recommendation to grant an application which is contrary to the development plan and which has attracted a substantial number of objections; and~~
- ~~(d) The Director of Environment is authorised, in consultation with the relevant local Members, to determine all rent reviews for shop premises with the exception of any cases which the Director considers requires Council approval.~~

CHIEF OFFICER – HEALTH AND SOCIAL CARE PARTNERSHIP/CHIEF SOCIAL WORK OFFICER

- a) The Chief Officer – Health and Social Care Partnership or the Chief Social Work Officer, in consultation with the Convener for Social Work and Health, is authorised to appoint Curators ad litem in terms of the Children (Scotland) Act 1995 and associated regulations made thereunder.

DELEGATED POWERS IN RELATION TO TENDERS AND CONTRACTS

43. The delegated powers in relation to the acceptance of tenders and the awarding of contracts, including contracts for the appointment of consultants, shall be as set out in the Council's Standing Orders Relating to Contracts.

RENFREWSHIRE VALUATION JOINT BOARD

44. East Renfrewshire Council has agreed that its electoral registration function should be discharged by the Renfrewshire Valuation Joint Board with a consequent delegation of powers in respect of electoral registration to the Joint Board.

POLICE SCOTLAND

45. The Chief Constable of Police Scotland is authorised to discharge the functions of East Renfrewshire Council under Section 19 (Appointment of Inspectors) of the Health & Safety at Work Act 1974 for the purposes of the enforcement of the Explosive Acts of 1875 and 1923 in so far as they relate to the licensing, registration and regulation of stores or registered premises.

EAST RENFREWSHIRE INTEGRATION JOINT BOARD

46. East Renfrewshire Council has agreed to delegate to the Integration Joint Board those functions associated with the delivery of adult, criminal justice and children's social care services as set out in Appendix to this scheme.

Functions delegated by the Council to the Integration Joint Board

Set out below is the list of functions delegated by the Council to the Integration Joint Board. Part 1 of the list reflects those functions which must be delegated in terms of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014.

Further local authority functions can be delegated as long as they fall within the relevant sections of the Acts set out in the Schedule to the Public Bodies (Joint Working) (Scotland) Act 2014 . Part 2 of the list reflects those functions which the Council has delegated on this discretionary basis.

PART 1 – FUNCTIONS WHICH MUST BE DELEGATED

Column A Enactment conferring function	Column B Limitation
National Assistance Act 1948	
Section 48 (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
The Disabled Persons (Employment) Act 1958	
Section 3 (Provision of sheltered employment by local authorities)	
The Social Work (Scotland) Act 1968	
Section 1 (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 8 (Research.)	So far as it is exercisable in relation to another integration function.
Section 10 (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.

Column A Enactment conferring function	Column B Limitation
Section 12A (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.
Section 12AZA (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 13 (Power of local authorities to assist persons in need in disposal of produce of their work.)	
Section 13ZA (Provision of services to incapable adults.)	So far as it is exercisable in relation to another integration function.
Section 13A (Residential accommodation with nursing.)	
Section 13B (Provision of care or aftercare.)	
Section 14 (Home help and laundry facilities.)	
Section 28 (Burial or cremation of the dead.)	So far as it is exercisable in relation to persons cared for or assisted under another integration function.
Section 29 (Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)	
Section 59 (Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)	So far as it is exercisable in relation to another integration function.
The Local Government and Planning (Scotland) Act 1982	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly.)	
Disabled Persons (Services, Consultation and Representation) Act 1986	
Section 2 (Rights of authorised representatives of disabled persons.)	
Section 3 (Assessment by local authorities of needs of disabled persons.)	
Section 7 (Persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which have been delegated.

Column A Enactment conferring function	Column B Limitation
Section 8 (Duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.
The Adults with Incapacity (Scotland) Act 2000	
Section 10 (Functions of local authorities.)	
Section 12 (Investigations.)	
Section 37 (Residents whose affairs may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 39 (Matters which may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (Duties and functions of managers of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 42 (Authorisation of named manager to withdraw from resident's account.)	Only in relation to residents of establishments which are managed under integration functions
Section 43 (Statement of resident's affairs.)	Only in relation to residents of establishments which are managed under integration functions
Section 44 (Resident ceasing to be resident of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 45 (Appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
The Housing (Scotland) Act 2001	
Section 92 (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Community Care and Health (Scotland) Act 2002	
Section 4 (Accommodation more expensive than usually provided)	
Section 5 (Local authority arrangements for residential accommodation outwith Scotland.)	

Column A Enactment conferring function	Column B Limitation
Section 14 (Payments by local authorities towards expenditure by NHS bodies on prescribed functions.)	
The Mental Health (Care and Treatment) (Scotland) Act 2003	
Section 17 (Duties of Scottish Ministers, local authorities and others as respects Commission.)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 26 (Services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 27 (Assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 33 (Duty to inquire.)	
Section 34 (Inquiries under section 33: Co-operation.)	
Section 228 (Request for assessment of needs: duty on local authorities and Health Boards.)	
Section 259 (Advocacy.)	
The Housing (Scotland) Act 2006	
Section 71(1)(b) (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Adult Support and Protection (Scotland) Act 2007	
Section 4 (Council's duty to make inquiries.)	
Section 5 (Co-operation.)	
Section 6 (Duty to consider importance of providing advocacy and other.)	
Section 11 (Assessment Orders.)	

Column A Enactment conferring function	Column B Limitation
Section 14 (Removal orders.)	
Section 18 (Protection of moved persons property.)	
Section 22 (Right to apply for a banning order.)	
Section 40 (Urgent cases.)	
Section 42 (Adult Protection Committees.)	
Section 43 (Membership.)	
Social Care (Self-directed Support) (Scotland) Act 2013	
Section 5 (Choice of options: adults.)	
Section 6 (Choice of options under section 5: assistances.)	
Section 7 (Choice of options: adult carers.)	
Section 9 (Provision of information about self-directed support.)	
Section 11 (Local authority functions.)	
Section 12 (Eligibility for direct payment: review.)	
Section 13 (Further choice of options on material change of circumstances.)	Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.
Section 16 (Misuse of direct payment: recovery.)	
Section 19 (Promotion of options for self-directed support.)	

PART 2 – ADDITIONAL FUNCTIONS TO BE DELEGATED ON A DISCRETIONARY BASIS

National Assistance Act 1948

Section 45
(Recovery in cases of misrepresentation or non-disclosure)

Matrimonial Proceedings (Children) Act 1958

Section 11
(Reports as to arrangements for future care and upbringing of children)

Social Work (Scotland) Act 1968

Section 5
(Powers of Secretary of State).

Section 6B
(Local authority inquiries into matters affecting children)

Section 27
(supervision and care of persons put on probation or released from prison etc.)

Section 27 ZA
(advice, guidance and assistance to persons arrested or on whom sentence deferred)

Section 78A
(Recovery of contributions).

Section 80
(Enforcement of duty to make contributions.)

Section 81
(Provisions as to decrees for aliment)

Section 83
(Variation of trusts)

Section 86
(Adjustments between authority providing accommodation etc., and authority of area of residence)

Children Act 1975

Section 34
(Access and maintenance)

Section 39
(Reports by local authorities and probation officers.)

Section 40
(Notice of application to be given to local authority)

Section 50
(Payments towards maintenance of children)

Health and Social Services and Social Security Adjudications Act 1983

Section 21
(Recovery of sums due to local authority where persons in residential accommodation have disposed of assets)

Section 22
(Arrears of contributions charged on interest in land in England and Wales)

Section 23
(Arrears of contributions secured over interest in land in Scotland)

Foster Children (Scotland) Act 1984

Section 3
(Local authorities to ensure well being of and to visit foster children)

Section 5
(Notification by persons maintaining or proposing to maintain foster children)

Section 6
(Notification by persons ceasing to maintain foster children)

Section 8
(Power to inspect premises)

Section 9
(Power to impose requirements as to the keeping of foster children)

Section 10
(Power to prohibit the keeping of foster children)

Children (Scotland) Act 1995

Section 17
(Duty of local authority to child looked after by them)

Sections 19
(Local authority plans for services for children)

Section 20
(Publication of information about services for children)

Section 21
(Co-operation between authorities)

Section 22
(Promotion of welfare of children in need)

Section 23
(Children affected by disability)

Section 24
(Assessment of ability of carers to provide care for disabled children)

Section 24A
(Duty of local authority to provide information to carer of disabled child)

Section 25
(Provision of accommodation for children etc)

Section 26
(Manner of provision of accommodation to children looked after by local authority)

Section 27
(Day care for pre-school and other children)

Section 29
(After-care)

Section 30
(Financial assistance towards expenses of education or training)

Section 31
(Review of case of child looked after by local authority)

Section 32
(Removal of child from residential establishment)

Section 36
(Welfare of certain children in hospitals and nursing homes etc)

Section 38
(Short-term refuges for children at risk of harm)

Section 76
(Exclusion orders)

Criminal Procedure (Scotland) Act 1995

Section 51
(Remand and committal of children and young persons).

Section 203
(Reports)

Section 234B
(Drug treatment and testing order).

Section 245A
(Restriction of liberty orders).

Adults with Incapacity (Scotland) Act 2000

Section 40
(Supervisory bodies)

Community Care and Health (Scotland) Act 2002

Section 6
(Deferred payment of accommodation costs)

Management of Offenders etc (Scotland) Act 2005

Section 10
(Arrangements for assessing and managing risks posed by certain offenders)

Section 11
(Review of arrangements)

Adoption and Children (Scotland) Act 2007

Section 1
(Duty of local authority to provide adoption service)

Section 4
(Local authority plans)

Section 5
(Guidance)

Section 6
(Assistance in carrying out functions under sections 1 and 4)

Section 9
(Assessment of needs for adoption support services)

Section 10
(Provision of services)

Section 11
(Urgent provision)

Section 12
(Power to provide payment to person entitled to adoption support service)

Section 19
(Notice under section 18: local authority's duties)

Section 26
Looked after children: adoption not proceeding

Section 45
Adoption support plans

Section 47
Family member's right to require review of plan

Section 48
Other cases where authority under duty to review plan

Section 49
Reassessment of needs for adoption support services

Section 51
Guidance

Section 71
Adoption allowance schemes

Section 80
Permanence orders

Section 90
Precedence of court orders and supervision requirements over order

Section 99
Duty of local authority to apply for variation or revocation

Section 101
Local authority to give notice of certain matters

Section 105
Notification of proposed application for order

Adult Support and Protection (Scotland) Act 2007

Section 7
(Visits)

Section 8
(Interviews)

Section 9
(Medical examinations)

Section 10
(Examination of records etc)

Section 16
(Right to move adult at risk)

Children's Hearings (Scotland) Act 2011

Section 35
(Child assessment orders)

Section 37
(Child protection orders)

Section 42
(Parental responsibilities and rights directions)

Section 44
(Obligations of local authority)

Section 48
(Application for variation or termination)

Section 49
(Notice of application for variation or termination)

Section 60
(Local authority's duty to provide information to Principal Reporter)

Section 131
(Duty of implementation authority to require review)

Section 144
(Implementation of compulsory supervision order: general duties of implementation authority)

Section 145
(Duty where order requires child to reside in certain place)

Section 153
(Secure accommodation: regulations)

Section 166
(Review of requirement imposed on local authority)

Section 167
(Appeals to sheriff principal: section 166)

Section 180
(Sharing of information: panel members)

Section 183
(Mutual assistance)

Section 184
(Enforcement of obligations on health board under section 183)

Social Care (Self- Directed Support)(Scotland) Act 2013

Section 8
(Choice of options: children and family members)

Section 10
(Provision of information: children under 16)

Carers (Scotland) Act 2016

Section 6
(Duty to prepare Adult Carer Support Plan)

Section 24
(Duty to provide support)

Section 25
(Provision of support to carers: breaks from caring)

Section 31
(Duty to prepare local carer strategy)

Section 34
(Information and advice for carers)

Section 35
(Short breaks services statements)