

EAST RENFREWSHIRE COUNCIL

16 SEPTEMBER 2015

Report by Deputy Chief Executive

SCHEME 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 the establishment of the Health and Social Care Partnership, the Culture and Leisure Trust and 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 to the Scheme of Delegated Functions to reflect the establishment of new bodies and changes to departmental structures; and
 - (b) agree that delegated powers be granted in respect of those new matters outlined in the Scheme.

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, a number of changes have taken place. These have included the establishment of the Health and Social Care Partnership and the Culture and Leisure Trust, changes in legislation, changes in officer designation and also changes in operational management responsibility, sometimes within departments, and in some cases, with responsibility for services transferring between 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 proposed new Scheme has been the subject of consultation with the Corporate Management Team, and in addition to those delegated powers that have already been approved, a number of additional delegated powers are now sought.

Additional Delegated powers sought

Paragraph 12(iii)

Approval of this delegated power is sought to remove the need for Council approval to amend the Scheme in the event a delegated power is no longer required and needs to be removed from the Scheme.

Paragraph 21(m)

Approval of this delegated power is sought to enable Notices to be served 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, without the need for committee approval.

Paragraph 30

This delegated power enables officers to be appointed without the need for Cabinet approval each time.

Paragraph 33(c)

The additional delegated powers sought in this case clarify the documents that Environmental Health Officers and Trading Standards Officers are authorised to issue on behalf of the Council.

Draft Scheme

6. A copy of the new draft Scheme is attached (Appendix 1). To assist Members to identify alterations, proposed deletions from the Scheme have been struck through (~~struck through~~), additions which have resulted from changes already approved are shown **in bold**, whilst proposed new delegated powers 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 approval for these changes is being sought in relation to the item on the agenda dealing with amendments 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 Administration needed to be reviewed in the light of a number of changes that have taken place, particularly in relation to the establishment of the Health and Social Care Partnership and the creation of the Culture and Leisure Trust. As part of this review, the opportunity was taken to review other elements of the Scheme to streamline business processes.

RECOMMENDATION

11. That the Council:-

- (a) note the alterations that have been to the Scheme of Delegated Functions to reflect the establishment of new bodies and changes to departmental structures; and
- (b) agree that delegated powers be granted in respect of those new matters outlined in the Scheme.

Report author

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BACKGROUND PAPERS

None

East Renfrewshire Council
Scheme of Delegated Functions

Approved by Council 16 September 2015 Updated ~~15 April 2014~~

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) ~~following recommendation by the Cabinet,~~ 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) ~~following recommendation by the Cabinet,~~ 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) ~~following recommendation by the Cabinet,~~ determining the objectives of the Council **which may or may not have been the subject of a recommendation by the Cabinet;**
- (h) ~~following recommendation by the Cabinet,~~ 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 ~~or the CHCP Committee as appropriate:-~~
 - ~~(i) Community Plan~~
 - ~~(ii) Children's Services Plan~~
 - ~~(iii) CHCP Development Plan~~
 - ~~(iv) Community Safety Strategy~~
 - ~~(v) Criminal Justice Plan~~
 - (vi) East Renfrewshire Local Plan
 - (vii) Local Transport Strategy
 - ~~(viii) Community Learning Strategy and Plans~~
 - (ix) Outcome Delivery Plan
 - (x) Single Outcome Agreement/Community Plan
 - (xi) Chief Social Work Officer's Annual Report**
 - (xii) 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 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 ~~at any meeting whether contained in any formal document or not;~~
- 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 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 Head of Democratic and Partnership Services.
- 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;
 - b) to appoint staff 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 officers 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 staff 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 contracts for sums between £50,001 and £100,000 to be accepted by the Chief Procurement Officer and over £100,000 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 staff, 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 Council's Career Break Scheme;
 - ~~l) to approve initial placing within approved salary scales;~~
 - ~~m) to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice;~~
 - ~~n) except for those leases for shop premises and other commercial/industrial leases delegated to the Director of Environment, to determine leases for ground within their responsibility in consultation with the Director of Environment;~~

- 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.

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;
 - i) 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.
 - j) to be responsible for the oversight of the Council's activities relative to the Freedom of Information (Scotland) Act 2002.
 - k) to consider requests for review of responses provided to Freedom of Information requests.
 - l) to grant authorisations under the Regulation of Investigatory Powers Act 2000.
 - m) to make any necessary Orders, prepare and negotiate contracts and enter into legal agreements necessary to progress the M77/GSO project
 - n) to make the necessary arrangements concerning the services provided by Scotland Excel for all purchases made by 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) after consultation with the Chief Social Work Officer to carry out the duties of the Council in terms of Section 92 of the Mental Health (Scotland) Act 1984 in relation to the appointment of curators bonis;
 - i) in consultation with the Director of Community Health and Care Partnership to enter into all contractual arrangements relating to community care issues;
 - j) to place Charging Orders to secure payment of debts to the Council in respect of charges for residential/nursing home care;
 - k) to execute all deeds and similar documents which require to be executed and act as proper officer in terms of Section 194(i) of the Local Government (Scotland) Act 1973;
 - l) 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.
 - m) to sign Watercourse Notices served under Section 78 of the Roads (Scotland) Act 1984, as proper officer of the Council.
 - n) 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;
 - o) to determine the duration of any temporary licences granted up to the maximum permitted.

- p) 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;
- q) ~~to grant applications for period approvals and temporary approvals in terms of the Marriage (Scotland) Act 2002;~~
- r) ~~to attach to temporary approvals such conditions, and to period approvals such further conditions in addition to the standard conditions, as are considered reasonable, in order to ensure that the facilities provided are suitable;~~
- q) to deal with applications for dispensations to use fireworks outwith the prescribed periods as detailed in the Fireworks (Scotland) Regulations 2004;
- r) 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.
- s) 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.
- t) 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.

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

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.

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES

10. The Director of Corporate and Community Services 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;
 - 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.
11. The Director of Corporate and Community Services is authorised in consultation with the relevant Director:-
- ~~a) to approve applications from Directors for the retention of staff beyond normal retirement age where it is in the interests of the Council to do so;~~
 - b) 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;
 - c) to approve ex-gratia payments to employees where the circumstances of the payment are not covered by the Council's Conditions of Service;
 - d) ~~to approve continued payment of the full telephone/line rental beyond the third full telephone accounting quarter to an employee who is absent from work but is an authorised participant in the Scheme for the Provision of Telephones;~~
 - e) 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);
 - f) to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
 - g) 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 Council's Conditions of Service;
 - h) to approve special leave with or without pay where the period of leave is in excess of the provision in the Council's Conditions of Service;
 - i) 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;
 - j) in exceptional cases where a service requirement rule is not met, to approve an extension to a holiday period but without pay;
 - k) to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council;
 - l) to approve requests for application of discretionary provisions in terms of the Local Government Pension Scheme (Scotland) Regulations 1998 **and other associated pensions legislation;**
 - m) to approve initial placing within approved salary scales;**
 - n) to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice;**

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AND HEAD OF DEMOCRATIC AND PARTNERSHIP SERVICES

12. The Director of Corporate and Community Services or Head of Democratic and Partnership Services 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; ~~and~~
 - (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 appoint safeguarders in terms of the Children (Scotland) Act 1995 and associated Regulations made thereunder, and to deal with any associated training and administrative issues;~~
- g) to develop mechanisms to promote partnership working through agreed community planning structures;
- h) to produce, in association with community planning partners, a **Single Outcome Agreement from which all other Council strategies and action plans are derived** ~~Community Safety Strategy, the Community Plan, and a Community Learning and Development Strategy, all supported by action plans;~~
- i) 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.
- j) 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.
- k) to operate a system of public space Closed Circuit Television to aid the prevention and detection of crime.
- l) ~~to seek external funding for Democratic and Partnership Services projects;~~

- m) to appoint officers concerned with enforcement activity associated with the Environmental Protection Act 1990 and the Smoking, Health and Social Care (Scotland) Act 2005.
- n) to appoint officers to discharge duties under the Control of Dogs (Scotland) Act 2010.
- o) 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 CORPORATE AND COMMUNITY SERVICES AND HEAD CUSTOMER AND BUSINESS CHANGE SERVICES

13. The Director of Corporate and Community Services or Head of Customer and Business Change Services **or where indicated by an asterisk (*) the Revenues and Business Support Manager** is authorised:-

- ~~a) to let or arrange for the letting, hire and use of public and community halls, school premises and facilities outwith school hours, youth facilities and also the provision of entertainment, promotions and events within the remit of the Chief Executive's Department in accordance with the policies, practices and procedures and subject to the charges fixed from time to time by the Council;~~
- ~~b) to arrange, in consultation with the Head of Accountancy (Chief Financial Officer), for the routine maintenance and repair of buildings held on the Community Resources account within budgetary levels;~~
- 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 operate a registration scheme for groups and organisations seeking to use Council premises, which includes child protection procedures for groups using Council premises catering for under 18 year olds~~
- b) 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; (*)**
- c) 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; (*)**
- d) in terms of the Housing (Scotland) Act 1987, to offer loans to sitting tenants who wish to purchase their council house but who have been unable to secure a loan from usual lenders such as bank/building society and who have then applied to the Council as landlord for a loan;**
- e) to arrange for the recovery of arrears of rates, Council Tax and Community Charge; (*)**
- f) in accordance with Schedule 2 of the Local Government Finance Act 1992 to administer Council Tax rebates and discounts on behalf of the Council; (*)**
- g) 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; (*)**
- h) 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;**

- i) 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. (*)**
- j) 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.**
- k) in respect of housing finance to administer the housing benefit schemes in accordance with the Council's policy guidelines; (*)**
- l) 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. (*)**

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AND HEAD OF ICT

14. The Director of Corporate and Community Services or Head of ICT is authorised to determine the Council's approved IT products and suppliers.

~~DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AND HEAD OF REVENUES~~

15. ~~The Director of Corporate and Community Services or Head of Revenues 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) in terms of the Housing (Scotland) Act 1987, to offer loans to sitting tenants who wish to purchase their council house but who have been unable to secure a loan from usual lenders such as bank/building society and who have then applied to the Council as landlord for a loan;~~
- ~~d) to arrange for the recovery of arrears of rates, Council Tax and Community Charge;~~
- ~~e) in accordance with Schedule 2 of the Local Government Finance Act 1992 to administer Council Tax rebates and discounts on behalf of the Council;~~
- ~~f) 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;~~
- ~~g) 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;~~
- ~~h) 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.~~
- ~~i) 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.~~~~
- ~~j) in respect of housing finance:
 - ~~i) to administer the housing benefit or rent allowance schemes in accordance with the Council's policy guidelines;~~
 - ~~ii) to arrange for the collection of council house rents and for the recovery of arrears.~~~~

- ~~k) — to raise proceedings for recovery of possession of dwellinghouses and to serve all necessary notices preliminary thereto in terms of the Housing (Scotland) Act 1987 or otherwise, and to take all appropriate action 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;~~
- ~~l) — 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;~~

DIRECTOR OF EDUCATION

15. The Director of Education or each Education Department Head of Service (~~Education~~) 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 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** ~~school board~~ 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 (**Housing and Planning**, Property **Services and Regeneration**) being satisfied that the works are acceptable;
 - iii) the execution of the works being supervised by the Head of Environment (**Housing and Planning**, Property **Services and Regeneration**); 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.

17. ~~The Director of Education or Head of Education Services (Culture, Sport and Continuing Education) is authorised:-~~
- ~~a) to select, acquire and discard all materials necessary to provide a comprehensive library, archives and information service, making use of appropriate formats and media, together with all materials for heritage collections within the expenditure approved therefor;~~
 - ~~b) to make bookings for exhibitions, performances, recitals and other cultural events, and to set charges for such events;~~
 - ~~c) to grant permission to reproduce works of art and approve publications and to impose the appropriate charges for those artefacts and exhibits in the Council's ownership;~~
 - ~~d) to authorise the acceptability of gifts of works of art or items relating to East Renfrewshire's heritage on behalf of the Council and to acknowledge the acceptance of these gifts;~~
 - ~~e) to authorise the loan to outside bodies of works of art or museum exhibits;~~
 - ~~f) to liaise with other agencies in the promotion of sporting, recreational, leisure, community and cultural facilities;~~
 - ~~g) to organise and manage exercise referral schemes in association with the Health Board, for those residents who meet agreed criteria;~~
 - ~~h) to operate arts and sports development programmes;~~
 - ~~i) to arrange, in consultation with the Director of Finance, for the routine maintenance and repair of buildings held on the Culture and Sport account, within budgetary levels;~~
 - ~~j) to seek external funding for Culture and Sport projects~~
 - ~~k) to let or arrange for the letting of theatres and arts facilities, sport and leisure centres, swimming or leisure pools, and all other indoor or outdoor leisure facilities, and also the provision of entertainment, promotions and events within the remit of the Education Department in accordance with the policies, practices and procedures and subject to the charges fixed from time to time by the Council.~~

DIRECTOR OF ENVIRONMENT

16. 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.

~~19. The Director of Environment is authorised to develop town twinning activities~~

HOUSING

17. The Director of Environment **or Head of Environment (Housing and Property 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;
- n) to liaise with other agencies in relation to meeting the needs and priorities of the Council in the provision of resources for housing.

- o) to determine applications for housing grants in terms of the Housing (Scotland) Act 2006;
- p) to authorise surveillance activity under the terms of the Regulation of Investigatory Powers (Scotland) Act 2000;
- q) to grant licences for houses in multiple occupation in terms of the Housing (Scotland) Act 2006, as amended;
- r) to grant applications for registration as a private landlord in terms of the Antisocial Behaviour etc (Scotland) Act 2004, as amended.
- s) 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;
- t) 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;
- u) 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;
- v) to make all necessary arrangements to purchase suitable properties relative to the Council's participation in a "rental off the shelf" programme.
- w) **in respect of housing finance:-**
 - (i) **to administer the Rent Allowance Scheme in accordance with the Council's policy guidelines;**
 - (ii) **to arrange for the collection of council house rents and for the recovery of arrears**
- x) **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.**

18. The Director of Environment or the **Head of Environment (Housing and Property Services) and the officers listed below** are ~~Business Managers (Tenancy Services, Property Services and Development/Strategy) or the Principal Officer (Tenancy Services)~~ is authorised to sign leases on behalf of the Council for the let of houses:-

- **Property Services Manager**
- **Housing Maintenance Team Manager**
- **Strategy & Development Manager**
- **Senior Housing Officer (Allocations & Sheltered)**
- **Senior Housing Officer (Housing Management and Homeless)**
- **Senior Housing Officer (Service Improvement)**

PLANNING AND BUILDING STANDARDS

19. 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.

20. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) is authorised in relation to development control 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.

21. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) or the Planning and Building Standards Manager 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
 - (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;
- g) to determine applications for financial assistance from the Environmental Small Grants, Tree Planting Grants, and Shop Front Improvement Grants Schemes;
- h) to determine applications for financial assistance from the Heritage Fund established in terms of the Local Authorities (Historic Buildings) Act 1962;
- i) 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;
- j) following consultation with the relevant councillors, to exercise the functions of the Council in relation to the naming of streets;
- k) to enter into Public Path Creation Agreements under the terms of the Countryside (Scotland) Act 1967;
- l) to take the necessary action to encourage tourism;
- m) 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.**

- 22. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) 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.
- 23. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) is further authorised to appoint officers for the purposes of the administration and enforcement of Fixed Penalty Notices.
- 24. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) is authorised to determine applications and take any associated action, including enforcement action, under the High Hedges (Scotland) Act 2013.
- 25. The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) 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 Council as an inspector or authorised officer including the powers of entry, and inspection; | Planning and Building Standards Manager
All Building Standards Surveyors |
| b) to submit reports to the Procurator Fiscal under such legislation as may from time to time be referred by the Cabinet; | Planning and Building Standards 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; | Planning and Building Standards 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

26. The Director of Environment or Head of Environment (**Housing and Planning, Property ~~Services and Regeneration~~**) or Property and Technical Services Manager 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**;
- 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 achieved;
- c) to be responsible for the Council's activities in relation to energy conservation and management in the Council's property;
- d) to be responsible for the maintenance of the Council's central land register.

27. The Head of Environment (**Housing and Planning, Property Services and Regeneration**) or Property and Technical Services Manager 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).

ROADS & TRANSPORTATION

28. The Director of Environment or Head of Environment (Environmental Services and Roads) is authorised to alter inspection charges for roads in new developments in accordance with charges agreed **through the Charging for Services review process** ~~by the Roads Working Group.~~

29. The Director of Environment or Head of Environment (Environmental Services and Roads) 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.

30. ***The Director of Environment or Head of Environment (Environmental Services and Roads) 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.***

31. The Director of Environment, or Head of Environment (Environmental Services and Roads) and other senior officers in the Roads & Transportation Service are authorised to carry out the functions shown against the officers in the following list.

STATUTORY

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

DIRECTOR OF ENVIRONMENT
HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION 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 carry out the following functions of the Council in terms of the Roads Traffic Regulations Act, 1984:-

DIRECTOR OF ENVIRONMENT
HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER**

Under Section 23 in relation to pedestrian crossings.

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:-

DIRECTOR OF ENVIRONMENT
HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER**

- a. The Roads Traffic Regulations Act, 1984; and
b. Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984

4. To carry out the following functions of the Council in terms of the Road Traffic Act 1991

DIRECTOR OF ENVIRONMENT
HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER**

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

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

To decide upon any other representations which may be made to the Council outwith the statutory appeal process.

5. To carry out the **road safety** functions of the ~~Joint Road Safety Officer~~ in conjunction with the Chief Constable **and the Scottish Government.**

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES
MANAGER**

6. After consultation with the Chief Officer - Legal & Procurement, to agree terms for Bridge Agreements with **Network Rail** the ~~British Railways Board~~ and terms of **agreement** ~~discharge~~ of the Council's liability for annual maintenance and renewal charges in that connection.

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER**

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.

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION MANAGER~~

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** ~~Director of Finance~~ the imposition or waving of charges for such use.

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION MANAGER~~

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

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION MANAGER~~

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

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

DIRECTOR OF ENVIRONMENT
 HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION MANAGER~~
~~ROADS AND TRANSPORTATION CONTROLLER (Maintenance)~~
~~ROADS AND TRANSPORTATION CONTROLLER (Traffic)~~

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.

b. Under Section 16(1)(b) in relation to the consideration and determination of applications for the adoption of private roads.

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.

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

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER**
ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION
CONTROLLER (Traffic)~~

- 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)
- b. Under Section 18 in relation to the adoption of footpaths associated with development.
- c. Under Section 21 in relation to applications for construction consent.
- 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.
- 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:-

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS), PLANNING AND
TRANSPORTATION SERVICE
ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION MANAGER
ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION~~
~~CONTROLLER (Traffic),~~
PROJECT COORDINATOR,
PRINCIPAL PROJECTS OFFICER

- 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.
- 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:-

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION~~ MANAGER
 ROADS AND TRANSPORTATION CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION~~ CONTROLLER (Traffic)

- 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.

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION~~ MANAGER
 ROADS AND TRANSPORTATION CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION~~ CONTROLLER (Traffic)

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.

HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
~~ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION~~ MANAGER
 ROADS AND TRANSPORTATION CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION~~ CONTROLLER (Traffic)

~~16. After consultation with the local Members, to make grants to householders for the purpose of making good fabric and decoration (excluding curtains) in houses affected by the Council under the Noise Insulation (Scotland) Regulations 1975 at the rates and on the conditions which may be prescribed from time to time by the Council.~~

~~HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
 ROADS AND TRANSPORTATION MANAGER
 ROADS AND TRANSPORTATION CONTROLLER (Maintenance)
 ROADS AND TRANSPORTATION CONTROLLER (Traffic)~~

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

- 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.

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
~~ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER
ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
ROADS AND TRANSPORTATION
CONTROLLER (Traffic)~~

18. To carry out the following functions of the Council in terms of the Strathclyde Regional Council Order Confirmation, Act 1991:-

- 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.

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
~~ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER
ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
ROADS AND TRANSPORTATION
CONTROLLER (Traffic)~~

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

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION 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.

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

- 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 terms of Standing Orders Relating to Contracts in respect of public notices regarding tenders for contracts, to select in which portals newspapers and trade journals such public notices are to be inserted.
3. In terms of Standing Orders Relating to Contracts, 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.
4. Acting as Engineer's Representative, to be responsible for the control of contracts under the Institution of Civil Engineers Conditions of Contract other than in the cases of Forfeiture (Clause 63) and Arbitration (Clause 66).
5. To issue to the Contractor the letter of appointment of the Resident Engineer.
6. Preparation and checking of contract documentation associated with roadwork and lighting projects under £100,000 and structural projects under £50,000.

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
~~ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER
ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
ROADS AND TRANSPORTATION
CONTROLLER (Traffic)~~

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**
~~ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)
ROADS AND TRANSPORTATION
CONTROLLER (Traffic)~~

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**

**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**
**ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)**

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**
**ROADS AND TRANSPORTATION
CONTROLLER (Maintenance)**

HEAD OF ENVIRONMENT
(ENVIRONMENTAL SERVICES AND
ROADS)
**ENVIRONMENTAL SERVICES ROADS
AND TRANSPORTATION-MANAGER**
ROADS AND TRANSPORTATION

CONTROLLER (Maintenance)

CONDAM CDM REGULATIONS 200715

1. In terms of the Construction (Design & Management) Regulations 200715 as follows:-
- HEAD OF ENVIRONMENT (ENVIRONMENTAL SERVICES AND ROADS)
ENVIRONMENTAL SERVICES ROADS AND TRANSPORTATION-MANAGER
ROADS AND TRANSPORTATION CONTROLLER (Maintenance)
~~ROADS AND TRANSPORTATION CONTROLLER (Traffic)~~
- 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)

32. The Director of Environment or Head of Environment (Environmental Services and Roads) is 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;
 - 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.

ENVIRONMENTAL SERVICES (ENVIRONMENTAL AND PROTECTIVE PREVENTION SERVICES)

33. The Director of Environment or the Head of Environment (Environmental Services and Roads) 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; | 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 Environmental Services Managers
All Environmental Health and Trading Standards Officers |
| c) to issue notices, <u>fixed penalty notices</u> , orders, registrations, and licences and certificates as appropriate to the statutes listed hereunder and in respect of any other relevant legislation; | 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 Environmental Services Managers |
| e) to revoke Closing Orders where the property in question has been brought up to the tolerable standard; | Prevention Environmental Services Managers and Senior Principal Environmental Health Officers |
| f) to grant second-hand vehicle dealer's licences in terms of the Civic Government (Scotland) Act 1982 | Prevention Services Environmental Services Managers and Principal Trading Standards Officer |
| g) to deal with applications for licences to sell fireworks outwith the prescribed periods as specified in the Fireworks Regulations 2004 | All Trading Standards and Environmental Health Officers Services Manager and Principal Trading Standards Officer |
| 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 Enforcement Officer (Regulations and Compliance)
Contracts Services Co-ordinator |
| i) to make the necessary arrangements for the provision of the Council's refuse collection and street cleaning services | Operations Manager
Cleansing & Waste Strategy Recycling Manager
Senior Environment Officer (Cleansing) |

~~Refuse Collection Services Officer~~
~~Area Cleansing Supervisor~~
Principal Environment Officer
(Regulations and Compliance)
~~Contract Services Co-ordinator~~

- j) to issue litter fixed penalty notices in accordance with Section 88 of the Environmental Protection Act 1990
- Cleansing & Waste Strategy and Recycling Manager
Area Cleansing Supervisor (Street Cleaning)
Community Wardens
- 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
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 Information (Scotland) Regulations 2014
Food Safety Act 1990
Guard Dogs Act 1975
Health and Safety at Work etc. Act 1974
Housing (Scotland) Act 1987
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
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
Sale of Venison (Scotland) Act 1968
Sewerage (Scotland) Act 1968
Shops Act 1950-1980
Slaughterhouses Act 1958
Slaughter of Animals (Scotland) Act 1980
Slaughter of Poultry Act 1967
The Smoking, Health and Social Care (Scotland) Act 2005
~~Tobacco and Primary Medical Services (Scotland) Act 2010~~
Water (Scotland) Act 1980
Zoo Licensing Act 1981

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
~~Agricultural Act 1970~~
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
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 ~~s 1954 and~~ 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 (Regulation) Acts 1928 and 1936~~
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licence) Act 1936
Plant Varieties and Seeds Act 1964
 Poisons Act 1972
 Prices Acts 1974 and 1975
~~Property Misdemeanors Act 1991~~
 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

Other Criminal Statutes Affecting Relative to Consumer Protection

~~Animal Health Act 1984
Agriculture Act 1967 (Meat and Livestock Commission's schemes for classification and price marking)
Companies Act 1985 (Business ownership disclosure)
Criminal Justice (Scotland) Act 1980 (Compensation Orders)
Mock Auctions Act 1961
Trading Representations (Disabled Persons) Acts 1958 and 1972
Trading Stamps Act 1964
Unsolicited Goods and Services Acts 1971 and 1975~~

Other Statutes Affecting Consumer Protection

~~Acts of Sederunt
Agriculture & Horticulture Act 1964
Banking Act 1987
Bankruptcy (Scotland) Act 1993
Building Societies Act 1986
Children & Young Persons Act 1937
Civil Jurisdiction & Judgements Act 1982
Companies Act 1985
Company Directors Disqualification Act 1986
Competition Act 1980
Consumer Arbitration Agreements Act 1988
Copyright Acts 1956 & 1983
Credit Unions Act 1979
Criminal Justice (Scotland) Act 1980
Debtors (Scotland) Act 1987
Emergency Laws (Re-enactments & Repeals) Act 1964
Environmental Protection Act 1990
Financial Services Act 1986
Hire Purchase Act 1964
Insolvency Acts 1985 and 1986
Insurance Brokers (Registration) Act 1977
Insurance Companies Acts 1981 and 1982
Law Reform (Miscellaneous Provisions) (Scotland) Act 1990
Plant Varieties & Seeds Act 1964
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
Supply of Goods (Implied Terms) Act 1973
Unfair Contract Terms Act 1977~~

PREVENTION SERVICES MANAGER (PRINCIPAL TRADING STANDARDS OFFICER)

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

TRADING STANDARDS SCOTLAND

36. 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

37. 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

CHIEF OFFICER – HEALTH AND SOCIAL DIRECTOR OF COMMUNITY HEALTH AND CARE PARTNERSHIP

36. The **Chief Officer – Health and Social Director of the Community Health and Care Partnership or CHCP 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 12 under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area. The delegation in terms of this Section shall include authority:-~~
 - ~~(i) to make payments in cash or kind or loans up to £10,000 to any one client in any one year subject to details of the levels of assistance so given being issued to Members for information;~~
 - ~~(ii) to give any other appropriate assistance, including provisions for the storage of furniture in cases of emergency;~~
 - ~~(iii) in calculating the amount given or loaned for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Director of Community Health and Care Partnership.~~
 - ~~(2) Section 13 under which the Council may assist in the disposal of produce of work undertaken by persons in need;~~
 - ~~(3) Section 14 under which the Council is required to provide home help and laundry facilities for persons in need, etc. Any charge for the provision of such facilities shall be recovered by the Director of Community Health and Care Partnership on the appropriate scale as may be determined by the Council, subject to the Director of Community Health and Care Partnership being empowered to abate or waive Home Help charges to avoid hardship according to the personal and financial circumstances of the client in accordance with any guidelines agreed with the Head of Accountancy (Chief Financial Officer);~~
 - ~~(4) Section 28 which empowers the Council to make arrangements for the burial or cremation of any person who was in the care of or was receiving assistance from the Council at the date of death and to recover where appropriate any expenses so incurred which are not recoverable under the National Insurance Act 1965;~~
 - ~~(5) Section 29 which empowers the Council to pay the expenses incurred by a parent, relative, other person visiting a person in the care of the Council, or incurred in attending the funeral of a person who was in the care of or was receiving assistance from the Council if it appears that the parent or relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment;~~
 - (1) Section 65(1) which empowers or requires the Council in certain circumstances to remove a person from certain residential or other establishments;
 - (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 carry out the functions of the Council under Section 48 of the National Assistance Act 1948 relating to the temporary storage of furniture in certain circumstances on behalf of certain 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.

CHIEF SOCIAL WORK OFFICER

37. 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

38. DELEGATION TO OFFICERS IN CONSULTATION WITH ELECTED MEMBERS

CHIEF 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 staff to outside bodies.

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AND HEAD OF DEMOCRATIC AND PARTNERSHIP SERVICES

- a) The Director of Corporate and Community Services or Head of Democratic and Partnership Services, 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 Director of Corporate and Community Services or Head of Democratic and Partnership Services 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 Director of Corporate and Community Services or Head of Democratic and Partnership Services, 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 Director of Corporate and Community Services or Head of Democratic and Partnership Services, 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 at six monthly intervals;
- e) The Director of Corporate and Community Services or Head of Democratic and Partnership Services, 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.
- f) The Director of Corporate and Community Services or Head of Democratic and Partnership Services, in consultation with the Leader of the Council, or in his absence the Deputy Leader, is authorised to determine elected Member attendance at conferences, courses etc.;

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AND HEAD OF CUSTOMER AND BUSINESS CHANGE SERVICES

- a) The Director of Corporate and Community Services or Head of Customer and Business Change Services, 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;
- b) The Director of Corporate and Community Services or Head of Customer and Business Change Services, 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, the Principal Solicitor or the Assistant 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 Director of Corporate and Community Services 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;
- 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. Transferred to Trust?

DIRECTOR OF ENVIRONMENT

- a) The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**), 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;
- b) The Director of Environment or Head of Environment (Planning, **Economic Development** ~~Property~~ and **City Deal Regeneration**) 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 (Planning, **Economic Development** ~~Property and City Deal Regeneration~~) 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.
- (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 DIRECTOR OF COMMUNITY HEALTH AND CARE PARTNERSHIP/CHIEF SOCIAL WORK OFFICER

- a) The **Chief Officer – Health and Social** ~~Director of the Community Health and 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;
- b) ~~The Director of the Community Health and Care Partnership, in consultation with the Convener for Social Work and Health, is authorised to determine all applications for financial assistance relative to the social work function.~~

39. DELEGATED POWERS IN RELATION TO TENDERS AND CONTRACTS

ACCEPTANCE OF TENDERS

- i) Tenders will be evaluated in accordance with the criteria specified in the invitation to tender and the tender to be accepted will be either:
 - a) the most economically advantageous tender; or
 - b) the lowest priced tender.
- ii) In circumstances where it is proposed to accept the tender identified in the evaluation process as the most economically advantageous tender or the lowest priced tender, and which is within a budgetary or indicative figure, it shall be delegated to the Chief Procurement Officer, in relation to contracts with a value between £50,001 and £100,000, to accept or, in relation to contracts with a value in excess of £100,000, to provide written instruction to the Chief Officer - Legal & Procurement or Principal Solicitor to accept the tender.
- iii) In circumstances where it is proposed to accept a tender other than the tender identified in the evaluation process as the most economically advantageous tender or the lowest priced tender, or, subject to the provisions of Financial Regulation 8.3 which permit a funding variation of £20,000 or 10% of approved funding (whichever is the greater) up to a maximum of £50,000, where the tender figure is in excess of the budgetary or indicative figure, it shall be necessary to seek the prior approval of the Chief Executive or the Head of Accountancy (Chief Financial Officer), subject to a report thereon being submitted to the next meeting of the Cabinet or appropriate Committee.

APPOINTMENT OF CONSULTANTS

- i) Where it is anticipated that a fee bid is likely to exceed £50,000, the Chief Officer - Legal & Procurement or Director of the procuring department in consultation with the Chief Executive or the Director of Corporate and Community Services shall make all such appointments.
- ii) It shall be a condition of the appointment of any consultant that they shall comply with these Standing Orders as though they were officers of the Council.
- iii) It shall be a condition of the appointment of any consultant that at any time during the contract, the consultant shall, on request by the Director of the procuring department, produce all records maintained by them in relation to the contract and on completion of the contract shall transmit all such records to the Director of the procuring department, if so requested.

AREA FORUMS

40. There shall be delegated to both the Director of Corporate and Community Services and the Head of Democratic and Partnership Services a power to spend up to £1,000 on any one project.

RENFREWSHIRE VALUATION JOINT BOARD

41. 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

42. 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 HEALTH AND SOCIAL CARE PARTNERSHIP INTEGRATION JOINT BOARD

43. 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 12AA (Assessment of ability to provide care.)	
Section 12AB (Duty of local authority to provide information to carer.)	
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.)	

Column A Enactment conferring function	Column B Limitation
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.
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

Column A Enactment conferring function	Column B Limitation
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.)	
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	

Column A Enactment conferring function	Column B Limitation
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.)	
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 3 (Support for adult carers.)	Only in relation to assessments carried out under integration functions.
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.)	

Column A Enactment conferring function	Column B Limitation
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)	

Column A Enactment conferring function	Column B Limitation
<p>Section 86 (Adjustments between authority providing accommodation etc., and authority of area of residence)</p>	
Children Act 1975	
<p>Section 34 (Access and maintenance)</p>	
<p>Section 39 (Reports by local authorities and probation officers.)</p>	
<p>Section 40 (Notice of application to be given to local authority)</p>	
<p>Section 50 (Payments towards maintenance of children)</p>	
Health and Social Services and Social Security Adjudications Act 1983	
<p>Section 21 (Recovery of sums due to local authority where persons in residential accommodation have disposed of assets)</p>	
<p>Section 22 (Arrears of contributions charged on interest in land in England and Wales)</p>	
<p>Section 23 (Arrears of contributions secured over interest in land in Scotland)</p>	
Foster Children (Scotland) Act 1984	
<p>Section 3 (Local authorities to ensure well being of and to visit foster children)</p>	
<p>Section 5 (Notification by persons maintaining or proposing to maintain foster children)</p>	
<p>Section 6 (Notification by persons ceasing to maintain foster children)</p>	

Column A
Enactment conferring function

Column B
Limitation

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)

Column A Enactment conferring function	Column B Limitation
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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)

Column A
Enactment conferring function

Column B
Limitation

**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**

Column A Enactment conferring function	Column B Limitation
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	

Column A Enactment conferring function	Column B Limitation
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)	

Column A
Enactment conferring function

Column B
Limitation

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)