



**SHETLAND ISLANDS COUNCIL**

**CONSTITUTION**

**PART C**

**SCHEME OF ADMINISTRATION AND DELEGATIONS**

**Section 3**

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## **SECTION THREE**

### **DELEGATIONS TO OFFICERS**

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#### *Part 3A - General Delegations to Officers and Proper Officer Functions*

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The functions, powers and duties delegated to the Chief Executive and each Director are also exercisable by such Officers as are designated by them, subject to the provision of any law, and provided the designated Officers are suitably qualified. The Chief Executive and each Director will maintain a register of such functions, powers and duties which have been delegated and to whom.

#### **3.1 Limitation of Delegations to Officials**

3.1.1 Delegations to Officers set out in this Section are subject always to the following:-

- (1) Officers will exercise the authority delegated to them having regard to and in accordance with the policies adopted by the Council from time to time; and will act in the interests of the Council;
- (2) Officers will comply with any appropriate departmental practice or procedure, of any managerial instruction given, and of any other similar consideration;
- (3) Officers will exercise the authority delegated to them in accordance with any relevant provisions contained elsewhere in the Council's Constitution;
- (4) Officers will have the right to consult with the Chief Executive on any matter, even though it has been specifically delegated to that Officer, or to refer the matter to an appropriate body which is part of the political management framework;
- (5) Officers will consult the Chief Executive or any relevant Director where appropriate to do so on issues of a corporate nature or which may have a significant impact on the Council or other Services or on issues which are sensitive or complex;
- (6) Officers will consult the Leader or Chair of the appropriate Committee on issues which are sensitive or complex, or otherwise where consultation appears to be appropriate; and
- (7) Officers will consult Ward Councillors where a proposed decision or action is likely to affect significantly the constituency interests of those Councillors.

- 3.1.2 Officers will ensure that they make suitable arrangements to record decisions taken and actions authorised in relation to the discharge of any functions powers and duties delegated to them, and will submit such reports as may be required from time to time.
- 3.1.3 Where an applicant for a service provided by the Council is a Councillor or an employee, the Officer within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with the Chief Executive who may if she/he considers it appropriate require the Officer to refer the application to the appropriate body for determination.

### **3.2 General Delegations to Officials**

The Chief Executive and Directors are authorised to –

- 3.2.1 Appoint employees as required by them to discharge the functions of the services for which they are responsible, within the overall budget approved by the Council for their Service. The power to dismiss employees, is included in the delegation to the Chief Executive and Directors.
- 3.2.2 Apply and implement the terms of National and Local Agreements on Salaries and Conditions of Service to any post or posts and take such other decisions in relation to such posts and the employees who occupy them as they consider necessary in the interests of the effective operation of the Council's Services.
- 3.2.3 Conduct Disciplinary and Grievance proceedings and make appropriate determinations in accordance with the Council's approved Disciplinary and Grievance Procedures.
- 3.2.4 Select tenderers and award contracts in compliance with the Contract Standing Orders.
- 3.2.5 To take such measures as may be required to enable the Council to respond to an emergency situation, subject to advising as appropriate (a) the Leader, (b) the relevant Senior Councillor Chair, and where the emergency is likely to affect significantly a particular part of the Council's area (c) the Ward Councillors, reporting to the Policy and Resources Committee as soon as possible thereafter, on any items of expenditure for which approval would normally be necessary.
- 3.2.6 To act as the proper officer for the statutory functions of the Council under all relevant legislation relating to the functions of the Council for which they are responsible, to appoint officers as appropriate to act as authorised officers for the purposes of the administration and enforcement of the legislation, and to authorise suitably qualified officers to discharge functions set out in this Scheme on their behalf, and to sign and to issue –

- (a) statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their office
  - (b) authorisations to Officers to exercise statutory powers (including, where appropriate, the right to enter land and premises in connection with discharge of their duties), and
  - (c) identity cards, and such other similar authorisations as may be required, to Officers.
- 3.2.7 To pay valid claims for damage to, or loss of, property of employees occurring during the course of their employment or of members of the public, arising from the work of the Service concerned, up to £10,000 in respect of any one claim, subject to the approval of the Chief Executive in respect of any higher amount, and subject also to the requirement to ensure that appropriate notification is given and/or claims made on the relevant Council Insurance Policies.
- 3.2.8 To act as Proper Officer in terms of Sections 50(D)(1)(a) and 50(D)(5) of the Local Government (Scotland) Act 1973 (Background Papers).
- 3.2.9 To approve terms and conditions for the lease to or from a third party of property to be held on their Service account.
- 3.2.10 To review and ensure compliance with the requirements of existing and new legislation and statutory regulations, and the Council's policies in respect of those matters.
- 3.2.11 Each Director is authorised, in terms of arrangements made from time to time by the Chief Executive, to exercise the functions of the Chief Executive in her/his absence.
- 3.2.12 To exercise or to designate a suitably qualified officer to exercise the powers and duties of the Council and of an Inspector and authorised Officer (including powers of entry, inspection, sampling, seizure of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) under any relevant legislation.
- 3.2.13 To authorise reports for submission to the Procurator Fiscal with a view to the initiation of proceedings under all relevant delegated legislation.

### **3 Specific Delegations to Officers**

#### **(A) CHIEF EXECUTIVE**

The Chief Executive's powers and duties enable her/him to carry out the following functions, and without prejudice to all statutory duties, responsibilities and powers exercisable by her/him, authorise her/him to exercise the following –

- 1 The Chief Executive is Head of the Council's paid service in terms of Section 4 of the Local Government and Housing Act 1989.
- 2 The Chief Executive is principal advisor to the Council on all matters of policy and strategic direction and is responsible for the implementation of Council aims and priorities, including leading the delivery of Best Value and Community Planning.
- 3 The Chief Executive provides leadership, direction and motivation for staff and is responsible for the management of other resources to ensure that the Council's policies and priorities are delivered in an efficient and effective manner. This includes management of the Council's health and safety responsibilities, managed through the management team and Chairmanship of the Central Safety Committee.
- 4 To give a direction on the applicability of the Scheme of Delegations to an officer in any specific case, and power in special cases to direct that any official shall not exercise a delegated function except where –
  - (a) the officer concerned is exercising a statutory responsibility, or
  - (b) the officer concerned is exercising professional discretion or judgement
- 5 Power in an emergency to instruct executive action on any matter.
- 6 To determine gradings of categories of posts in implementation of review processes initiated within or out with the Council or to correct anomalies in the Council's salary structure as a consequence of review processes, within the limits of existing budgets.
- 7 To determine the allocation of functions amongst officers and to make or confirm the appointment of such Proper Officers as may be necessary.
- 8 To exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications

for early retirement all in accordance with any relevant policies of the Council.

- 9 Where s/he considers that it would be in the interests of the Council to do so, to authorise visits by officers of the Council and others representing the Council out with the United Kingdom.
- 10 To authorise, in appropriate circumstances, reports to the Procurator Fiscal or Police on matters not otherwise covered within the Council's regulatory frameworks.

**(B) Chief Legal Officer [Executive Manager – Governance and Law]**

The Council's Chief Legal Officer is authorised –

- 1 To act as Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.
- 2 To act as Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50B(2), 50C(2), 50F(2) and 231 of the Local Government (Scotland) Act 1973 and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council, or a body which is part of the political management framework.
- 3 To act as Proper Officer in terms of Section 206 of the Local Government (Scotland) Act 1973 (Roll of Honorary Freemen) and to be responsible for the arrangements for the custody of all archives and regalia.
- 4 To act as Returning Officer in respect of Scottish Parliamentary and Local Authority elections and to discharge the functions in Sections 18, and 18A to 18E of and act as "appropriate officer" in terms of Sections 75, 75A, 81 and 82 of the Representation of the People Act 1983 (as amended).
- 5 To act as Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office); Section 7 of the Ethical Standards in Public Life etc (Scotland) Act 2000 (register of Members Interests) and the relevant provisions of the Local Governance (Scotland) Act 2004 and related regulations regarding Councillor remuneration and expenses.
- 6 To act as or to designate a suitably qualified officer to act as Clerk to the Licensing Board in terms of the Licensing (Scotland) Act 2005.
- 7 To act as or to designate a suitably qualified officer to act as the "proper officer" in terms of Sections, 190, 191, 193, 194, 195, 202 and 204 of the Local Government (Scotland) Act 1973 including the signing and arranging as necessary for the affixing of the Common Seal of the Council to all deeds and other documents which require to be sealed with the Common Seal of the Council.

- 8 To act as or to designate a suitably qualified officer to act as Solicitor to the Council and as such to sign missives and other similar documents binding the Council, except where otherwise provided for in this Scheme.
- 9 To engage private legal firms or Counsel for Court and other legal work if and when she/he may consider this to be necessary to enable the legal work of the Council to be carried out and appoint Parliamentary Agents.
- 10 To arrange for the Council to be represented in relation to any type of judicial and quasi judicial proceedings before any Court, Tribunal or other body and in that regard to initiate, enter, defend and withdraw from such proceedings.
- 11 To settle without reference, claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, provided that the statutory requirements have been met.
- 12 To settle, without reference, up to a maximum of £100,000, any claim against the Council which involves or is likely to involve action against the Council in any Court or statutory tribunal.
- 13 To authorise payments to account to sellers of property to the Council in cases where negotiations are protracted for any reason, up to a value of 90% of the valuation.
- 14 To authorise payments to account to sellers of property to the Council in cases where conveyancing procedures are protracted for any reason subject to the exhibition of a good title and the grant of appropriate undertakings.
- 15 To terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of contract where, after consultation with the appropriate Director, she/he is satisfied that it is in the interest of the Council to do so.
- 16 In respect of Insurance-
  - (i) to take out the necessary insurances to protect the interests of the Council;
  - (ii) to make arrangements with insurance companies concerning settlement of claims;
  - (iii) in respect of claims not settled on behalf of the Council to settle up to a maximum of £100,000
- 17 To maintain a panel of Curators ad Litem and Reporting Officers for appointment in connection with the interests of any child in connection with any proceedings before the Sheriff or a Children's Panel, and to determine fees in accordance with Council policies.



- 18 To act as the Council's Data Protection Officer in terms of Sections 69 to 71 of the Data Protection Act 2018, including to –
  - 1 inform and advise about the Council's obligations to comply with data protection laws;
  - 2 monitor compliance with data protection laws, and with the Council's data protection policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
  - 3 advise on, and to monitor, data protection impact assessments;
  - 4 co-operate with the supervisory authority; and
  - 5 be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers, etc.).
- 19 To determine requests for review of refusal, or partial refusal, to provide information, or any procedural matter relating to a request for information in terms of the Freedom of Information (Scotland) Act 2002 or the Environmental Information Regulations.

**(C) Chief Finance Officer [Executive Manager – Finance]**

The Council's Chief Finance Officer is authorised -

- 1 To act as proper officer in terms of sections 92 and 95 of the Local Government (Scotland) Act 1973 and has a responsibility to the Council under section 35 of the Local Government in Scotland Act 2003 and the appropriate provisions of the Prudential Code for Capital Finance in Local Authorities and has responsibility for the administration of the financial affairs of the Council and the provision of financial advice to the Council.
- 2 to make the arrangements for keeping the accounts of the Council in terms of Section 96 of the Local Government (Scotland) Act 1973.
- 3 to determine the detailed form of Capital and Revenue Estimates consistent with the directions of the Council.
- 4 prepare and submit to the Controller of Audit in accordance with Section 96 of the Local Government (Scotland) Act 1973 the Annual Abstract of Accounts and advertise and make them available for public inspection.
- 5 exercise all the other powers and duties as set out in and in accordance with the Financial and Security Regulations as approved by the Council from time to time.
- 6 to discharge all the Treasury Management functions of the Council in accordance with the Financial and Security Regulations, including exercising voting rights on any stock held in the name of the Council.
- 7 to act as the proper officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Local Government Finance Act 1992 and associated

legislation for all financial purposes including the preparation and issue of Council Tax and Rates Notices, the collection of Council Tax and Rates, the receiving and settling of claims for any exemption, the handling of objections to any amount levied and the abatement, remission or repayment of any Rates or Council Tax under the various statutory provisions.

- 8 to determine applications for mandatory or discretionary relief of Rates in accordance with the Council's policies; and to be responsible for the collection of relevant charges and for the administration of housing and Council tax benefits.
- 9 to make arrangements with the Water Authority in relation to the collection of water and sewerage charges.
- 10 to make arrangements with others in respect of the collection of Rates or Council Tax on behalf of the Council and the administration of any Council Tax rebate or discount schemes etc including making the necessary arrangements concerning terms and commissions payable for such services.
- 11 to exercise the Council's powers to initiate sequestration proceedings arising from the non-payment of any Rates or Council Tax.

**(D) Director of Childrens Services**

The Director of Childrens Services is authorised –

- 1 to secure the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into on behalf of the council as education authority.
- 2 to secure improvement in the quality of school education with a view to raising standards of education and to prepare the annual statement of education improvement objectives.
- 3 to authorise Head Teachers to prepare an annual school plan which will identify the principal achievement targets to be sought in the following academic year and a report on the implementation of the plan as defined in the Standards in Scotland's Schools etc. Act 2000.
- 4 to secure the provision of pre-school education for those children whose parents request such provision all in terms of Section 1 of the Education (Scotland) Act 1980 and Sections 32 to 34 of the Standards in Scotland's Schools Etc. Act 2000.
- 5 to authorise the provision of school transport as described in Section 51 of the Education (Scotland) Act 1980 and Section 37 of the Standards in Scotland's Schools Etc Act 2000 within the financial limits agreed by the Council.

- 6 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 the Education (Additional Support for Learning) Scotland Act 2004.
- 7 to ensure that requisite provision is made for any pupil entitled in terms of Section 53(3AA) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day.
- 8 to determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980.
- 9 to consider and determine all placing requests under Section 28A of the Education (Scotland) Act 1980 as amended by Section 43 of the Standards in Scotland's Schools Act 2000 in accordance with the guidelines formulated by the Council.
- 10 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 brought to her/his attention where supporting documentation satisfies her/him that the child concerned has serious physical, emotional or psychological problems.
- 11 in cases where the parent changes residence and in terms of the Education (Scotland) Act 1980 makes a placing request that her/his child remain in the school attended prior to that change, to accept that request provided that (1) the parent agrees to comply with the Council's policy on transport arrangements and costs, and (2) in all the circumstances the Executive Director considers it is appropriate to accept the request.
- 12 to exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools all in terms of Sections 36-41 of the Education (Scotland) Act 1980.
- 13 to exercise, at her/his discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.
- 14 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 approved COSLA rate to any other Education Authority which has provided education for pupils normally resident in the area of the Authority but who are, for various reasons, placed in Schools outwith the Authority.
- 15 to implement rates of fees for educational establishments used by the Council outwith the Council's area.
- 16 to exercise the functions of the Council in terms of Section 50 and 125A of the Education (Scotland) Act 1980 (provision of travelling facilities and accommodation in exceptional circumstances).

- 17 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.
- 18 to determine requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990.
- 19 to determine school staffing levels within the limits of resources provided by the Council.
- 20 to authorise Head Teachers in Schools to approve appointments, where considered necessary and where budgetary provision exists, of temporary non-teaching staff in schools.
- 21 to authorise the distribution of the educational hypothecated resources received from the Scottish Government within the policies determined for this purpose by the Council.
- 22 where a teacher is compulsorily transferred to authorise payment of the cost of removal expenses in terms of the Council's relevant arrangements or, where appropriate, reasonable daily travel expenses subject to the relevant provisions of the Conditions of Service for teachers in Day Schools.
- 23 to arrange programmes of in-service training for teachers and other staff.
- 24 to carry out the administration, assessment and award of any education bursaries or other related forms of assistance.
- 25 to fix the levels of any tuition fees, examination expenses, and determine rates of pay to examination invigilators.
- 26 to approve the participation of school pupils and supervising staff in cultural, social and recreational visits inside and outside the United Kingdom and the reception of visiting pupils and staff.
- 27 to approve attendance by relevant employees on authorised youth exchange visits inside and outside the United Kingdom where the employees, as part of their duties, are required to accompany the group undertaking the exchange.
- 28 to approve temporary exchange visits by teaching staff inside and outside the United Kingdom.
- 29 to make grants to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions inside and outside the United Kingdom including participation in national youth orchestras or similar national literary, music, drama or dance events.
- 30 to make necessary arrangements for the boarding out of pupils.

- 31 to issue licences in terms of the Children (Performances) Regulations 1968 as amended or succeeded.
- 32 to determine applications received from schools for arrangements to be made for visits during school terms.
- 33 to accept and administer any educational trusts, grants or endowments which may be offered to the Council for schools in its area.
- 34 In so far as not previously decided, to determine the dates of occasional local school holidays and to authorise Head Teachers to determine those dates or any of them after consultation with any appropriate Parent Council.
- 35 to arrangement for the management of the Council's Library and Museums Services.
- 36 to act as or designate a suitably qualified officer to act as Chief Social Work Officer in terms of Section 3 of the Social Work (Scotland) Act 1968 for the purposes of the Council's functions under the Social Work (Scotland) Act 1968 and the enactments in Section 5(1B) of the same Act, and the Childrens (Scotland) Act 1995 including and in addition where not otherwise included -
  - (1) Section 12, 12A, 12AA, 12AB, 12B and 12C 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, and a request to assess needs, ability to provide care, provide information to carer and direct payments. The delegation in terms of this Section shall include authority -
    - (a) to make loans or grants to any person or family in accordance with any policy approved by the Council.
    - (b) to give any other appropriate assistance, including provision for the storage of furniture in cases of emergency.
  - (2) Section 13, 13A, 13B and 132A under which the Council may assist in the disposal of produce of work undertaken by persons in need, provide residential accommodation with nursing, provide care and after-care services and provide services to incapable adults.
  - (3) Section 14 under which the Council is required to provide home help and laundry facilities for persons in need, etc. subject to the recovery by the Executive Director on the appropriate scale as may be determined by the Council; but subject also to the Executive Director being empowered to abate or waive home help charges to avoid hardship according to the person and financial circumstances of the client in accordance with policies approved by the Council.
  - (4) To provide support, services, advice and assistance for children and their families under Part II of the Children (Scotland) Act 1995, and to

carry out the Council's functions with respect to protection and supervision of children under the 1995 Act.

- (5) 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.
- (6) Section 29 which empowers the Council to pay the expenses incurred by a parent, relative or 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.
- (7) To carry out the Council's functions with respect to adoption and fostering services etc. under the Regulation of Care (Scotland) Act 2001.
- (8) To arrange or assist in arranging holidays or other absences appropriate to the needs of the child, of any child in the care of the Council in accordance with the policies of the Council.
- (9) 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.
- (10) To appoint Mental Health Officers in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- (11) To provide aids and adaptations for the homes of handicapped persons within the budget available for this purpose and in accordance with the policies of the Council.
- (12) To carry out the functions of the Council in relation to the Adoption of Children in terms of the Adoption and Children (Scotland) Act 2007.
- (13) To carry out the functions of the Council as Care Authority under the Fostering of Children (Scotland) Regulations 1996.
- (14) To determine assistance with legal fees (in consultation with the Chief Finance Officer) and medical expenses in relation to adoptions.
- (15) To determine fees for curators ad litem, foster parents and community carers in accordance with Council policies.
- (16) To exercise the functions of the Council in relation to the Social Work (Scotland) Act 1968 as amended by the National Health Service and Community Care Act 1990 for the purpose of implementing the Council's

policies in relation to financial assessment systems for chargeable services within packages of community care.

- (17) To enter into contracts with private and voluntary agencies for the provision of services relative to the Council's policies in relation to the discharge of its functions under the Social Work (Scotland) Act 1968 as amended by the National Health Service and Community Care Act 1990.
- (18) To make direct payments in terms of the Social Work (Scotland) Act 1968 as amended by the Community Care (Direct Payments) Act 1996 and the Community Care and Health (Scotland) Act 2002 to service users who meet the eligibility criteria to purchase their own services.
- (19) Act as the proper Officer in relation to the Council's functions in regard to –
  - the Chronically Sick And Disabled Persons Act 1970 and the Disabled Persons (Services Consultation And Representation) Act 1986
  - Part IV of the Children And Young Persons (Scotland) Act 1937
  - the National Assistance Act 1948
  - the Disabled Persons (Employment) Act 1958
  - the Matrimonial Proceedings (Children) Act 1958
  - the Adults With Incapacity (Scotland) Act 2000
  - Sections 23, 24, 297 and 329 of the Criminal Procedure (Scotland) Act 1975
  - The Children Act 1975
  - The Adoption (Scotland) Act 1978 and the Adoption and Children (Scotland) Act 2007
  - Sections 21 to 23 of the Health And Social Services And Social Security Adjudication Act 1983.
  - The Mental Health (Scotland) Act 1984, the Mental Health (Care and Treatment) (Scotland) Act 2003 and any subsequent amendment
  - The Foster Children (Scotland) Act 1984
  - Section 38(b) of the Housing (Scotland) Act 1987
- 37 To carry out of prosecutions under Section 43(2) of the Education (Scotland) Act 1980, where he/she considers it appropriate.
- 38 To manage the parks, gardens, playing fields, open spaces and other recreational facilities, swimming pools and public halls provided or operated by the Council.
- 39 To arrange for the letting of halls and other properties on behalf of the Council.
- 40 Provision of a school crossing patrol service.

- 41 To undertake all housing account building maintenance work either by employed staff or by the use of contractors
- 42 To determine applications for assistance under Part 2 of the Housing (Scotland) Act 2006 in relation to local authority housing.



**(E) Director of Infrastructure Services**

The Director of Infrastructure Services is authorised -

- 1 To serve any notices, issue any licences, give any consents and generally take any necessary action on behalf of the Council in terms of the Roads (Scotland) Acts, the Road Traffic Regulation Acts and the New Roads and Streetworks Act 1991 or generally any legislation concerning the Council's functions relating to transport, parking and roads.
- 2 After consultation with the Chief Constable to approve locations for advertisements on road safety barriers and similar structures.
- 3 To act as, or arrange for the appointment of, a suitably qualified officer to be the Council's vehicle operator and to hold the Council's vehicle operator's licence in terms of the Goods Vehicles (Licensing of Operators) Act 1995 and any regulation thereunder.
- 4 To exercise the functions of the Council under the Environmental Protection Act 1990, as amended by the Environment Act 1995 and regulation, as they relate to the Statutory Obligations incumbent on the Council in respect of waste management.
- 5 To exercise the functions of the Refuse Disposal (Amenity) Act 1978, as amended by any subsequent legislation, relating to any matter referred to therein including abandoned vehicles
- 6 To authorise such members of staff as s/he thinks fit to issue fixed penalty notices in terms of Section 88 of the Environmental Protection Act 1990
- 7 To authorise the Harbour Master in any way as s/he thinks fit to exercise the functions of the Council in terms its obligation to the Port Marine Safety Code.
- 8 To grant authorisation in terms of the Water (Scotland) Act 1980 relating to private water supplies.
- 9 To act as or appoint a suitably qualified officer to act as Access Officer, Home Safety Officer, Animal Welfare Officer and Chief Inspector of Weights and Measures.
- 10 To carry out the Council's functions under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and subsequent legislation.
- 11 To carry out the Council's functions under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation.
- 12 To make arrangements for the management of piers, harbours, jetties, aerodromes and landing strips etc.

- 13 To arrange and provide cleaning services in Council property either by directly employed staff or by the use of contractors.
- 14 To manage and operate burial grounds and be responsible for the records in relation thereto and to undertake the allocation of lairs in accordance with Council policy.
- 15 To arrange for street cleaning.
- 16 Provision maintenance of public conveniences.
- 17 To act as, or arrange for the appointment of, a suitably qualified officer to be the Council's Oil Pollution Officer.
- 18 To make grants to householders for the purpose of making good fabric and decoration in houses affected by work carried out by the Council under the Noise Insulation (Scotland) Regulations 1975 at the rates and on conditions which may be prescribed from time to time by the Council.
- 19 To exercise the functions of the Council under the Fire Safety and Safety of Places of Sports Act 1987, including the issue of Safety Certificates.
- 20 To determine applications for assistance under Part 2 of the Housing (Scotland) Act 2006 in relation to private housing.
- 21 To appoint a suitably qualified officer for the statutory functions and obligations of the Council under all current and relevant legislation relating to Environmental Health and Animal Welfare.
- 22 To appoint a suitably qualified officer for the Statutory Functions and obligations of the Council under all current and relevant legislation relating to Trading Standards and Fire Precautions.
- 23 To undertake all building maintenance work (excluding housing account work) either by employed staff or by the use of contractors.
- 24 To be responsible for implementation of the provisions of Part IV of the Housing (Scotland) Act 1987 and of the Housing (Scotland) Act 2006 relating to sub-standard houses.
- 25 To be responsible for implementation of the provisions of the Housing (Scotland) Act 2006 relating to repairs of houses.
- 26 To be responsible for implementation of the provisions of Part VI of the Housing (Scotland) Act 1987 and of the Housing (Scotland) Act 2006 relating to Closing and Demolition Orders.
- 27 To be responsible for implementation of Part VII of the Housing (Scotland) Act 1987 relating to overcrowding.

## **(F) Executive Manager – Capital Programme**

The Executive Manager - Capital Programme is authorised -

- 1 to provide a valuation and estates service in respect of the valuation and management of heritable property.
- 2 to acquire heritable property and/or associated property rights (including wayleaves) up to a value of £100,000 (excluding fees and VAT).
- 3 to approve the terms of a lease where the rent does not exceed £25,000 (excluding fees and VAT).
- 4 to approve the terms for the disposal of property surplus to the requirements of the Council within the terms of the Contract Standing Orders.
- 5 to maintain a list of all heritable property owned or leased by the Council and to appeal rating assessments in respect of council property and determine the conduct and settlement of any such appeal.
- 6 to inspect, assess, instruct and supervise repairs and maintenance of non-operational Council property.

## **(G) Executive Manager - Economic Development**

The Executive Manager - Economic Development is authorised -

- 1 To determine the award of assistance under the terms of Schemes of Business Development, including Business Gateway, or Employment Support approved from time to time by the Council.

## **(H) Director of Corporate Services**

The Director of Corporate Services is authorised -

- 1 To act on behalf of the Council as Data Controller, and determines the purposes for which, and the manner in which, any personal data are, or are to be, processed, and has overall responsibility for ensuring the Council's compliance with the Data Protection Act 2018.
- 2 To act as the proper officer for the statutory functions and obligations of the Council under all current relevant legislation relating to Freedom of Information, Public Records (Scotland) Act 2011, Regulation of Investigatory Powers Act and the Regulation of Investigatory Powers (Scotland) Act, and any other relevant legislation or statutory guidance relating to information and records management.
- 3 To act as Senior Information Risk Owner, with responsibility for managing the risks and assurance measures, maturity level targets and reporting regularly

to Corporate Management Team on the effectiveness of information and records management, and alerting to issues of non-compliance.

**(I) Director of Development**

The Director of Development is authorised -

- 1 To be responsible for housing provision and the preparation of a Local Housing Strategy in accordance with the Housing (Scotland) Acts 1987 and 2001.
- 2 To manage and factor houses provided by the Council on the Housing Account including –
  - (1) To provide, maintain and revise a waiting list of applicants for houses to be allocated by the Council.
  - (2) To allocate houses and garages in accordance with the policy decisions of the Council including authority to enter into Missives of Let on behalf of the Council in respect of those houses and garages.
- 3 To make payments by way of compensation in cash or in kind as may competently be made by the Council in exercise of their statutory housing functions.
- 4 To determine applications under Part II of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Acts 2001 and 2010 and the Homelessness etc (Scotland) Act 2003 relating to homeless persons.
- 5 To take such action as necessary in the allocation of emergency accommodation as may from time to time be the statutory obligation of the Council.

**(J) Director of Community Health and Social Care**

*Under review*

END