

# **EAST DUNBARTONSHIRE COUNCIL**

## **SCHEME OF DELEGATION TO OFFICERS**

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## **1.0 GENERAL PROVISIONS**

### **1.1 DELEGATION**

The powers specified in this Scheme of Delegation are delegated to officers of the Council. Except where prohibited by law or otherwise prohibited by the Council, an officer to whom powers have been delegated may nominate a person or designate a post within his/her Service to exercise certain specified delegated powers as he/she considers necessary to facilitate the business of the Council, and subject to such conditions as are appropriate. Notwithstanding any such delegation, the officer to whom the power is delegated shall remain responsible for any exercise of that power. The powers delegated under this Scheme are in addition to the normally accepted powers of an officer to deal with routine management and operational matters within the scope of their service responsibilities.

Where an officer deems it appropriate, he/she may refer a delegated matter to the Council or the appropriate Committee rather than exercise the delegation.

### **1.2 LIMITATIONS**

The following limitations apply to the exercise of any powers delegated to officers in terms of this Scheme of Delegation:

- (a) Where any delegated matters involve professional or technical considerations not within the competence of the officer concerned, he/she shall consult the appropriate professional or technical officer of the Council before authorising action and where a question of policy is or may be involved, he/she shall consult the Chief Executive. Any matter delegated shall include an authorisation for the officer to take any action to enable the delegation to be exercised.
- (b) Officers to whom powers are delegated will ensure that in exercising such powers they:-
  - (1) act in accordance with any relevant legislation, the Council's Financial Regulations and all other provisions of the Administrative Scheme;
  - (2) have regard to approved budgets and structures;
  - (3) ensure that they consult local members where it appears that a proposed decision or action is likely to affect the constituency interests of a local member or members; and
  - (4) ensure that they consult the Convener, or Vice-Convener in his/her absence, of the appropriate Committee in respect of all matters which

the officer considers to be sensitive or complex, or otherwise where consultation appears to him/her to be appropriate.

### **1.3 INDEMNIFICATION**

The Council agrees to indemnify the respective officers against any damages and expenses they might incur as a result of any action brought against them in respect of acts done by them in the discharge or purported discharge of the functions delegated to them, provided they honestly believe both that the acts complained of were done in the discharge of those functions and that their duty required or entitled them to do so.

## **2.0 GENERAL DELEGATION TO CHIEF EXECUTIVE, EXECUTIVE OFFICERS AND CHIEF OFFICER**

### **2.1 BUDGET**

- (a) Authorised to exercise virement within the overall Capital and Revenue Budgets for the Service concerned, all in terms of Section 7 of the Council's Financial Regulations.
- (b) Authorised to approve the purchase of materials, equipment and services necessary for delivery of the Service concerned, within the approved budget and subject to financial authorisation limits, the provisions of the Council's Financial Regulations and Contract Standing Orders.

### **2.2 CONTRACTS**

- (a) Authorised to accept tenders and approve variations of contracts, subject to the requirements of the Council's Contract Standing Orders.

### **2.3 HUMAN RESOURCES / PERSONNEL MATTERS**

- (a) Authorised to appoint employees within the approved establishment up to, but excluding, Chief Officer level and those appointments reserved to the Employment Board.
- (b) Authorised to create temporary posts for not more than 2 years, providing that there is adequate funding within the Revenue Estimates for the Council, and subject to consultation with the Executive Officer - Customer Services & Organisational Development.
- (c) Authorised to conduct disciplinary procedures in respect of employees within the terms of the Council's approved disciplinary procedure in consultation with the Executive Officer – Customer Services & Organisational Development.
- (d) Authorised in consultation with the Executive Officer – Customer Services & Organisational Development:
  - (1) to approve initial placing with an approved salary scale; and
  - (2) to review salary placing in appropriate circumstances within approved salary scales in conformity with accepted practice.
- (e) Authorised to approve, in consultation with the Executive Officer – Customer Services & Organisational Development, special leave with or without pay where the period of leave is in excess of the provision of the Council's conditions of service.

- (f) Authorised to consider and determine, in consultation with the Executive Officer – Customer Services & Organisational Development, applications for extension of leave for overseas visits for employees who have not completed the necessary period of continued service in terms of the Council's conditions of service.

### **3.0 SPECIFIC DELEGATION TO CHIEF EXECUTIVE, EXECUTIVE OFFICERS AND CHIEF OFFICER**

#### **CHIEF EXECUTIVE**

1.
  - (a) Authorised in an emergency or in cases of urgency to instruct executive action on a report from an Executive Officer or Chief Officer on any matter delegated or referred to a Committee, after consultation with the Convener or, in his/her absence, Vice-Convener, of the appropriate Committee.
  - (b) Authorised to direct in circumstances he/she deems appropriate, that an officer shall not exercise a delegated function.
  - (c) Authorised to sign contracts and similar documents binding the Council except where otherwise provided for in this Scheme of Delegation.
  - (d) Authorised to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions etc., providing same complies with the Council's policies and is within the scope of any relevant approved scheme.
  - (e) Authorised to determine and control the standard of furniture, furnishings and equipment within Council offices.
  - (f) Authorised, after consultation with the Chief Solicitor & Monitoring Officer and Police Scotland, and subject to the Council's published procedure, to make and execute on behalf of the Council, orders under Section 63 of the Civic Government (Scotland) Act 1987 (Public Processions).
  - (g) Authorised, subject to consultation with the Executive Officer – Roads & Neighbourhood Services, Police Scotland and the authorised representative of the Strathclyde Passenger Transport Executive to make requests to the Traffic Commissioner to determine and attach to operators' licences, traffic regulation conditions restricting the operations of local services, all in terms of Section 7 of the Transport Act 1985.
  - (h) Authorised to approve, in appropriate circumstances, applications from employees for reimbursement of reasonable legal expenses incurred in defending court actions raised personally against them, providing such court actions relate to acts (a) carried out within the course of their employment (b) in accordance with Council procedures and (c) carried out in good faith.
  - (i) Authorised in appropriate circumstances, to approve applications by employees charged in the course of their employment with offences under the Health and Safety at Work Act 1974, the Factories Act 1961, the Offices Shops and Railway Premises Act 1963, or similar legislation, for assistance with legal expenses in connection with their defence.

2. The Chief Executive has overall strategic/operational responsibility and provides strategic direction for the delivery of a range of services via the Executive Officers of the Council as follows:-
- Executive Officer – Assets & Facilities
  - Executive Officer – Community Services
  - Executive Officer – Customer Services & Organisational Development
  - Executive Officer – Education Services (Chief Education Officer)
  - Chief Finance Officer (Finance & Digital Services)
  - Chief Solicitor & Monitoring Officer (Legal & Regulatory Services)
  - Executive Officer – Land Planning & Development
  - Executive Officer – Roads & Neighbourhood Services (Chief Planning Officer)
  - Chief Officer - Health and Social Care Partnership (operational responsibility only, with strategic planning responsibility sitting with East Dunbartonshire IJB in line with the Public Bodies (Joint Working) (Scotland) Act 2014)
3. Authorised to exercise overall strategic responsibility for the commissioning and development of sports, recreation and leisure facilities in liaison with other bodies including the East Dunbartonshire Leisure & Culture Trust (EDLCT).

The Chief Officer and Executive Officers of the Council Services listed at paragraph 2 above, have the delegated powers set out below. The Chief Executive is also authorised to exercise these delegated powers except in relation to those powers which fall to be discharged by an officer specified by Statute.



## **EXECUTIVE OFFICER – ASSETS & FACILITIES**

1. Authorised to approve the terms & conditions of, and enter into, leases in conjunction with the Chief Solicitor & Monitoring Officer, for periods up to 15 years.
2. Authorised to agree to sub-leases and assignments of lease on receipt of satisfactory references and completion of appropriate checks to ensure suitability of the incoming tenant.
3. Authorised, in respect of leases, sub-leases and assignments referred to in paragraphs (1) and (2) above to consent to rent free periods.
4. Authorised to terminate leases at their natural expiry date and at any break point detailed in the lease agreement and to agree terms for the renunciation of leases prior to their natural expiry.
5. Authorised to agree lease rentals at review periods.
6. Authorised to agree to extensions and variations to existing lease agreements, subject to the extensions or variations not extending the term of the existing lease by a period in excess of 15 years.
7. Authorised, where arrears of rent have arisen, to instruct the Chief Solicitor & Monitoring Officer to raise the appropriate action necessary in order to recover the arrears and/or to secure vacant possession of the heritable property, and if any other term of the lease has been breached, to instruct the Chief Solicitor & Monitoring Officer to use the standard breach of contract remedies available which she/he considers appropriate.
8. Authorised, in conjunction with the Chief Solicitor & Monitoring Officer, to settle or otherwise agree claims for dilapidations at the termination of a lease, howsoever occasioned.
9. Authorised to proceed with repairs and capital investment to land, commercial and industrial premises in the ownership of the Council subject to budgetary provisions.
10. Authorised to enter into wayleaves, servitudes and leases with statutory bodies and other providers of utility services who require rights over land for particular purposes. For the avoidance of doubt, this authorisation shall extend to land or property held on the Housing Account.
11. Authorised to enter into servitude agreements with parties other than those referred to in paragraph (10) above where the value of the servitude does not exceed £20,000. For the avoidance of doubt, this authorisation shall extend to land or property held on the Housing Account.
12. Authorised in conjunction with the Chief Solicitor & Monitoring Officer to negotiate and settle all claims arising from the exercise of the Council's power to enter upon and take land in the discharge of statutory powers.

13. Authorised, where land and/or property has been or is considered surplus to the Council's requirements, to agree terms for and conclude the disposal of such land and property up to the value of £20,000, in accordance with the Council's Standing Orders for the Disposal or Leasing of Heritable Property.
14. Authorised, in consultation with the Chief Executive and Chief Finance Officer, to acquire land and property on behalf of the Council up to a value of £500,000 subject to budgetary provision.
15. Authorised where a property transaction has been agreed by the Place, Neighbourhood & Corporate Assets Committee, to avoid unnecessary delay to the completion of the transaction, to agree appropriate variations in the transaction terms and conditions in conjunction with the Chief Solicitor & Monitoring Officer, and subject to the approval of the Chief Executive. Notwithstanding the foregoing, in the event that any amendment or variation results in the value of the transaction diminishing by 10% or more, or where the cost of the transaction to the Council increases by 10% or more, then the variation will require to be submitted to Place, Neighbourhood & Corporate Assets Committee for further approval.
16. Authorised to exercise powers with respect to closing and demolition orders under Sections 117 of the Housing (Scotland) Act 1987.
17. Authorised to exercise powers with respect to compensation payments under Sections 304-310 of the Housing (Scotland) Act 1987.
18. Authorised in conjunction with the Executive Officer – Community Services to purchase domestic/residential properties, subject to the available funds set out in the Council's approved Housing Capital Budget.
19. Authorised, in conjunction with the Executive Officer – Community Services to negotiate and conclude purchases under the Mortgage to Rent Scheme, within the approved budget.
20. Authorised, in conjunction with the Executive Officer – Community Services to negotiate and conclude purchases under the Shared Equity Scheme within the approved budget.
21. Authorised to discharge the Service's functions in relation to Improvement Grants under the Housing (Scotland) Act 2006 in liaison with the Chief Solicitor & Monitoring Officer.
22. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters).

## **EXECUTIVE OFFICER – COMMUNITY SERVICES**

The Executive Officer –Community Services is authorised to exercise the delegated powers listed below to ensure that the Council fulfils its statutory obligations in relation to the Environmental Health, Trading Standards, and Community Safety functions.

1. To exercise the powers of an Inspector and Authorised Officer (including powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure of goods, serving and issuing notices, issue and renewal of licences, registration and approval of premises, issue of certificates of registration and compliance, granting of authorisations and initiating prosecutions, where appropriate) on behalf of the Council in terms of the Acts or Regulations (as amended) listed below, and any Regulations, Orders or other instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018..
2. To authorise such officers as he/ she deems necessary and appropriate to exercise the powers and duties of an Inspector and Authorised Officer (including powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure of goods, serving and issuing notices, issue and renewal of licences, registration and approval of premises, issue of certificates of registration and compliance, granting of authorisations and initiating prosecutions, where appropriate) on behalf of the Council in terms of the Acts or Regulations (as amended) listed below, and any Regulations, Orders or other instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018..
3. To update the Community Protection Legislation list contained below, as necessary and required, between any revisions to the Scheme of Delegation to Officers, for the purposes of maintaining officer authorisations.

### **4. Community Protection Legislation**

Accommodation Agencies Act 1953  
Advanced Television Services Regulations 2003  
Aerosol Dispensers Regulations 2009  
Agriculture (Miscellaneous Provisions) Act 1968  
Agriculture Act 1970  
Air Quality (Scotland) Regulations 2000  
Air Quality Standards (Scotland) Regulations 2010  
Animal Boarding Establishments Act 1963  
Animal By-Products (Enforcement) (Scotland) Regulations 2013  
Animal Feed (Scotland) Regulations 2010  
Animal Health Act 1981  
Animal Health and Welfare (Scotland) Act 2006  
Animal Health and Welfare Act 1984  
Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021  
Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020

Antisocial Behaviour etc. (Scotland) Act 2004  
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013  
Biofuel (Labelling) Regulations 2004  
Building (Scotland) Act 2003  
Burial and Cremation (Scotland) Act 2016  
Business Protection from Misleading Marketing Regulations 2008  
Cancer Act 1939  
Caravan Sites and Control of Development Act 1960  
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008  
Chemicals (Hazard Information and Packaging for Supply) Regulations 2009  
Children and Young Persons (Protection from Tobacco) Act 1991  
Cigarette Lighter Refill (Safety) Regulations 1999  
Civic Amenities Act 1967  
Civic Government (Scotland) Act 1982  
Clean Air Act 1993  
Commission Regulation (EC) No 2073/2005  
Companies Act 2006  
Construction Products Regulations 2013  
Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013  
Consumer Credit Acts 1974 and 2006  
Consumer Protection (Distance Selling) Regulations 2000  
Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019  
Consumer Protection Act 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Consumer Rights (Payment Surcharges) Regulations 2012  
Consumer Rights Act 2015  
Control of Dogs (Scotland) Act 2010  
Control of Pollution Act 1974  
Copyright, Designs and Patents Act 1988  
Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002  
Cosmetic Products Enforcement Regulations 2013  
Dangerous Dogs Act 1991  
Dangerous Substances and Explosive Atmospheres Regulations 2002  
Dangerous Wild Animals Act 1976  
Debt Arrangement and Attachment (Scotland) Act 2002  
Deer (Scotland) Act 1996  
Detergents Regulations 2010  
Development of Tourism Act 1969  
Disabled Persons' Parking Badges (Scotland) Act 2014  
Diseases of Animals Act 1950  
Dog Fouling (Scotland) Act 2003  
EC Cosmetics Regulation 1223/2009  
EC Fertilisers (Scotland) Regulations 2006  
EC No. 1272/2008 Classification, Labelling and Packaging Regulations  
Electrical Equipment (Safety) Regulations 2016  
Electromagnetic Compatibility Regulations 2016

Electronic Commerce (EC Directive) Regulations 2002  
Energy Act 1976  
Energy Conservation Act 1996  
Energy Information Regulations 2011  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Union (Withdrawal Agreement) Act 2020  
European Union (Withdrawal) Act 2018  
Explosives Acts 1875 and 1923  
Explosives Regulations 2014  
Feed (Hygiene and Enforcement) (Scotland) Regulations 2005  
Financial Services (Distance Marketing) Regulations 2004  
Financial Services Act 2012  
Financial Services Act 2012 (Consumer Credit) Order 2013  
Financial Services and Markets Act 2000  
Fireworks (Scotland) Miscellaneous Amendments Regulations 2021  
Fireworks (Scotland) Regulations 2004  
Fireworks Act 2003  
Fireworks and Pyrotechnic Articles (Scotland) Act 2022  
Fireworks Regulations 2004  
Food (Scotland) Act 2015  
Food and Environment Protection Act 1985  
Food Hygiene (Scotland) Regulations 2006  
Food Imitations (Safety) Regulations 1989  
Food Information (Scotland) Regulations 2014  
Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013  
Food Safety Act 1990  
Footwear (Indication of Composition) Labelling Regulations 1995  
Furniture and Furnishings (Fire)(Safety) Regulations 1988  
Gambling Act 2005  
Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018  
General Product Safety Regulations 2005  
Genetically Modified Animal Feed (Scotland) Regulations 2004  
Hallmarking Act 1973  
Health (Tobacco, Nicotine, etc. Care) (Scotland) Act 2016  
Health and Safety at Work etc. Act 1974  
Household Appliances (Noise Emission) Regulations 1990  
Housing (Scotland) Act 1987  
Housing (Scotland) Act 2006  
Intellectual Property Act 2014  
Legal Services Act 2007  
Licensing (Scotland) Act 2005  
Measuring Container Bottles (EEC Requirements) Regulations 1977  
Measuring Instruments (EEC Requirements) Regulations 1988  
Measuring Instruments Regulations 2016  
Medical Devices Regulations 2002

Medicines Act 1968  
Mines and Quarries Act 1954  
Mobile Homes Act 1975  
Motor Fuel (Composition and Content) Regulations 1999  
Motor Vehicle Tyres (Safety) Regulations 1994  
Motorcycle Noise Act 1987  
Nightwear (Safety) Regulations 1985  
N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995  
Noise and Statutory Nuisance Act 1993  
Non-automatic Weighing Instruments Regulations 2016  
Novel Food (Scotland) Regulations 2017  
Official Feed and Food Controls (Scotland) Regulations 2009  
Oil Heaters (Safety) Regulations 1977  
Olympic Symbol etc. (Protection) Act 1995  
Package Travel and Linked Travel Arrangements Regulations 2018  
Packaging (Essential Requirements) Regulations 2015  
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001  
Pedal Bicycles (Safety) Regulations 2010  
Performing Animals (Regulation) Act 1925  
Personal Protective Equipment (Enforcement) Regulations 2018  
Pesticides (Fees and Enforcement) Act 1989  
Pet Animals Act 1951  
Petroleum (Consolidation) Regulations 2014  
Plant Protection Products Regulations 2011  
Plugs & Sockets etc. (Safety) Regulations 1994  
Poisons Act 1972  
Pressure Equipment (Safety) Regulations 2016  
Prevention of Damage by Pests Act 1949  
Price Indications (Bureau de Change) (No. 2) Regulations 1992  
Price Marking Order 2004  
Prices Act 1974  
Private Water Supplies (Scotland) Regulations 2006  
Protection of Animals (Scotland) Act 1912  
Provision of Services Regulations 2009  
Public and Private Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2017  
Public Health etc. (Scotland) Act 2008  
Pyrotechnic Articles (Safety) Regulations 2015  
Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018  
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000  
Radio Equipment Regulations 2017  
Radioactive Substances Act 1993  
Rag Flock and Other Filling Materials Act 1951  
REACH Enforcement Regulations 2008  
Recreational Craft Regulations 2017  
Refuse Disposal (Amenity) Act 1978  
Registered Designs Act 1949



Regulation (EC) No 178/2002  
Regulation (EC) No 852/2004  
Regulation (EC) No 853/2004  
Regulation (EU) 2015/2283  
Regulation (EU) No 1169/2011  
Regulation (EU) 2017/625  
Regulation 765/2008/EC on Accreditation and Market Surveillance  
Riding Establishments Acts 1964 and 1970  
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013  
Road Traffic Act 1988  
Road Traffic Act 1991  
Road Traffic Regulation Act 1984  
Road Vehicles (Brake Linings Safety) Regulations 1999  
Sale of Venison (Scotland) Act 1968  
Sewerage (Scotland) Act 1968  
Simple Pressure Vessels (Safety) Regulations 2016  
Single Use Carrier Bags Charge (Scotland) Regulations 2014  
Slaughter of Animals (Scotland) Act 1980  
Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2015  
Smoking, Health and Social Care (Scotland) Act 2005  
Standardised Packaging of Tobacco Products Regulations 2015  
Supply of Machinery (Safety) Regulations 2008  
Textile Products (Labelling and Fibre Composition) Regulations 2012  
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010  
Tobacco Advertising and Promotion Act 2002  
Tobacco and Primary Medical Services (Scotland) Act 2010  
Tobacco and Related Products Regulations 2016  
Tobacco for Oral Use (Safety) Regulations 1992  
Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002  
Tobacco Products (Traceability and Security Features) Regulations 2019  
Toys (Safety) Regulations 2011  
Trade Descriptions Act 1968  
Trade in Animals and Related Products (Scotland) Regulations 2012  
Trade Marks Act 1994  
Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006  
Transport (Scotland) Act 2019  
Unsolicited Goods and Services Act 1971  
Video Recording Acts 1984 and 2010  
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012  
Water (Scotland) Act 1980  
Water Intended for Human Consumption (Private Water Supplies) (Scotland) Regulations 2017  
Weights and Measures (Packaged Goods) Regulations 2006  
Weights and Measures Acts 1976 and 1985  
Wildlife and Countryside Act 1981

5. Authorised in conjunction with the Executive Officers – Land Planning & Development and Roads & Neighbourhood Services to make arrangements for the management of car parks, etc, including granting use, or part thereof, to other persons or bodies, taking account of the Council's policy in relation to off-street parking charges and decriminalised parking enforcement.
6. Authorised, in conjunction with the Executive Officer – Assets & Facilities to negotiate and conclude purchases under the Mortgage to Rent Scheme, within the approved budget.
7. Authorised, in conjunction with the Executive Officer – Assets & Facilities to negotiate and conclude purchases under the Shared Equity Scheme within the approved budget.
8. Authorised to manage the Council's housing stock within approved policies.
9. Authorised to sign missives of let issued under the terms of the Housing (Scotland) Act 1987 (as amended).
10. Authorised to exercise powers with respect to sub-standard housing under Sections 99-101 of the Housing (Scotland) Act 1987.
11. Authorised to exercise powers with respect to houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006.
12. Authorised to sign Notices of Proceedings and Notices to Quit to raise proceedings for re-possession of dwelling houses.
13. Authorised to exercise powers with respect to Regulation of Private Landlords as required under the Antisocial Behaviour etc (Scotland) Act 2004 – Sections 7 & 8.
14. Authorised to provide temporary & permanent accommodation and make decisions / exercise Council obligations in terms of the Homelessness etc (Scotland) Act 2003.
15. Authorised to put in place a process to review homelessness decisions, if requested, under section 35A of the 1987 Act as amended.
16. Authorised to put in place a process of appeal in term of Housing decisions, if requested, under the 1987 Act as amended.
17. Authorised in conjunction with the Executive Officer – Assets & Facilities, Chief Finance Officer and the Chief Solicitor & Monitoring Officer, to purchase domestic/residential properties, subject to the available funds set out in the Council's approved Housing Capital Budget.
18. Authorised in conjunction with the Chief Solicitor & Monitoring Officer, and the Executive Officer – Assets & Facilities to sell HRA properties which are within blocks where the Council does not own a majority share and there are ongoing



issues with delivering the capital works programme, subject to (i) consultation with the Tenant participation working group, and (ii) any existing tenants being re-housed.

19. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters)

## **EXECUTIVE OFFICER – CUSTOMER SERVICES & ORGANISATIONAL DEVELOPMENT**

1. Authorised to instruct the immediate implementation of any Circular relating to employment matters (including pay and other conditions of employment) from any officially recognised body which allows no discretion to the Council.
2. Authorised to approve appointments of temporary staff, where considered necessary, and where budgetary provision exists.
3. Authorised to action requests by the Chief Executive for the establishment of temporary posts funded under departmental Budgets.
4. Authorised to action requests by the Chief Executive for the establishment of temporary posts which are fully funded by an external agency.
5. Authorised to exercise the discretionary powers available to the employer in implementation of the conditions of service in respect of all employees in the employment of the Council.
6. Authorised to implement the decisions of the Job Evaluation Steering Group in respect of job evaluation outcomes.
7. Authorised to settle individual employment disputes and sign any Settlement Agreements arising from the same where the Chief Solicitor & Monitoring Officer has provided or arranged for the provision of legal advice.
8. Authorised to pay claims which he/she may deem valid in respect of damage to or loss of personal property of employees occurring during the course of their employment, subject to the Council's insurance arrangements and up to an amount of £1,000 per claim for any one incident.
9. Authorised to grant, in accordance with guidelines approved by Policy & Resources Committee, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service in developing countries with a voluntary sector organisation.
10. Authorised to approve the employment in appropriate circumstances of teachers in receipt of occupational pensions.
11. Authorised together with the Chief Education Officer to transfer teachers within the policy established by the Council and, in accordance with policy guidelines.
12. Authorised in conjunction with the Chief Finance Officer, to take out and maintain at an appropriate and adequate level, any and all insurances necessary to protect the interests of the Council.
13. Authorised in conjunction with the Chief Finance Officer to make arrangements with insurance companies concerning the settlement of claims.

14. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters).

**EXECUTIVE OFFICER – EDUCATION SERVICES**  
**(CHIEF EDUCATION OFFICER)**

1. Authorised to grant leave of absence with salary to enable teachers to undertake part-time courses approved by him/her, provided such leave of absence will not give rise to, or increase, the incidence of part time education in schools and colleges.
2. Authorised to arrange programmes of in-service training for teachers.
3. Authorised to arrange in-service courses for chaplains to schools as and when considered desirable.
4. Authorised to carry out the functions of the Council as Education Authority in relation to the provision of education for children in terms of Part 1 of the Education (Scotland) Act 1980 including placement in day and residential schools.
5. Authorised to receive and determine applications for disbursements of funds in accordance with the provisions of the education trust schemes vested in the Council and any endowments administered by such trusts.
6. Authorised to decide from time-to-time which courses will be supported by the Council Bursary Scheme.
7. Authorised to satisfy themselves that dance and drama courses are at an establishment accredited by the approved national body and that support for them is reasonable.
8. Authorised to exercise his/her discretion in deciding whether theology courses may be supported.
9. Authorised to exercise the power to include within the administration of bursary awards, financial assistance towards the running costs of appropriate student associations.
10. Authorised 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.
11. Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scale.
12. Authorised 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.
13. Authorised to make the necessary arrangements for the boarding out of pupils and for the allocation of hostel accommodation.

14. Authorised to issue licences in terms of the Children (Performances) Regulations 1968.
15. Authorised to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy.
16. Authorised to provide courses in education training as requested by outside agencies and to negotiate appropriate charges for these services.
17. Authorised to make grants to pupils from schools within the Council area or who are normally resident within the Council area, 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.
18. Authorised to increase, in cases of hardship, and at his/her discretion, the amount of grant awarded to school pupils attending part-time courses at the Royal Conservatoire of Scotland and the Scottish Ballet School up to a maximum of the cost of fees and travelling expenses.
19. Authorised to exercise at his/her discretion 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 to 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 Council but who are, for various reasons, placed in schools outwith the Council area.
20. Authorised to exercise, at his/her discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.
21. Authorised to accept and administer any new trusts or small endowments which may be offered to the Council for schools in their area.
22. Authorised 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.
23. Authorised to exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980 (provision of travelling facilities and accommodation in exceptional circumstances).
24. Authorised, along with heads of educational establishments to grant or refuse requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990 and the Further Education Student Records (Scotland) Regulations 1990.
25. Authorised, to make grants to organisations, groups or persons in respect of the provision of Out of School Care.

26. Authorised to exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools under their management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980 after appropriate consultation.
27. Authorised to approve, without reference to the Chief Executive, attendance by Community Education employees on authorised youth exchange visits overseas where the employees, as part of their duties, are required to accompany the group undertaking the exchange.
28. Authorised to determine the policy for applications for footwear and clothing grants and free school meals in terms of the Education Authority's responsibilities and in keeping with Council policies on criteria for such grants and 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 outwith the guidelines approved by the Council.
29. Authorised to exercise the power to disregard parental income, in part or in total, where the parents of the students are divorced or living apart.
30. Authorised to carry out the administration, assessment and award of Education Maintenance Allowance (EMA).
31. Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales.
32. Authorised 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.
33. Authorised 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.
34. Authorised in consultation with the Convener or Vice Convenor of the Education Committee 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 his/her attention, where supporting documentation satisfies him/her that the child concerned has serious emotional or psychological problems.
35. Authorised, in cases where the parent changes residence and in terms of the Education (Scotland) Act 1980 makes a placing request that his/her child remain in the school attended prior to that change, to accept that request provided that (a) the parent agrees to comply with the Council's policy on transport arrangements and costs, and (b) in all the circumstances the Chief Education Officer considers it is appropriate to accept the request.

36. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters)

## **CHIEF FINANCE OFFICER – EXECUTIVE OFFICER - FINANCE & DIGITAL SERVICES**

1. Authorised to prepare, maintain and enforce the Council's Financial Regulations.
2. Authorised 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 and all statutory limitations.
3. Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Acts 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 functions including the preparation and issue of non-domestic rates notices, collection of non-domestic rates, receiving and settling claims for exemption from non-domestic rates, handling objections to non-domestic rates levels and the abatement, remission or repayment of non-domestic rates under the relevant rating provisions.
4. Authorised to act as the Proper Officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges.
5. Authorised to act as the Proper Officer for the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities).
6. Authorised 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 and all statutory limitations;
7. Authorised to apply for the necessary consents for the issue of stock and foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and any and all regulations made thereunder.
8. Authorised to ensure a placing with the Bank of England relative to negotiable bonds.
9. Authorised to act as Registrar of Stocks, Bonds and Mortgages, except for negotiable bonds and to appoint, if required, 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 a foreign currency.
10. Authorised to make arrangements for the signature of cheques and/or payment settlement on behalf of the Council.
11. Authorised to carry out temporary investment of surplus funds by making deposits with appropriate financial institutions consistent with the Treasury Management Strategy.



12. Authorised to enquire into the financial standing of any tenderer who has submitted a tender, or who may be asked to submit a tender, in relation to any contract.
13. Authorised in conjunction with the Executive Officer – Customer Services & Organisational Development to take out and maintain at an appropriate and adequate level any and all insurances necessary to protect the interests of the Council.
14. Authorised in conjunction with the Executive Officer – Customer & Organisational Development to make arrangements with insurance companies concerning the settlement of claims.
15. Authorised to exercise the Council's option to tax, under and in accordance with the Value Added Tax (VAT) law, in relation to supplies of land and property.
16. Authorised to lodge objections on behalf of the Council with respect to applications for licences in terms of the Licensing (Scotland) Act 1976 and Civic Government (Scotland) Act 1982, in respect of any suspected fraud.
17. Authorised to make appropriate changes to Treasury Management Practices to reflect changes in organisational structures, bankers, treasury consultants, technology or credit worthiness selection methodology.
18. Authorised to execute letters of grant from outside bodies and agencies on behalf of the Council, in consultation with the Chief Solicitor & Monitoring Officer.
19. Authorised to oversee the administration of housing benefit within the Council area and certify the Council's subsidy claim in accordance with the relevant regulations, any directions issued by the Department of Work & Pensions, and the requirements of section 95 of the Local Government (Scotland) Act 1973.
20. Authorised to administer the Discretionary Housing Payment Scheme, including making minor changes to the Policy and Scheme for administrative reasons.
21. Authorised to administer the Scottish Welfare Fund including in particular the setting of priority level for the Scottish Welfare Fund and the ability to vire between the crisis grant and community care grant budget.
22. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters)

## **CHIEF SOLICITOR & MONITORING OFFICER – EXECUTIVE OFFICER - LEGAL & REGULATORY SERVICES**

1. Authorised to sign all missives, agreements, contracts and any similar documents binding the Council, and to authorise solicitors to sign missives in defined circumstances.
2. Authorised to engage private legal firms to carry out legal work on behalf of the Council, in appropriate cases.
3. Authorised to appoint Counsel or a Solicitor Advocate to act for the Council in appropriate cases and to seek Counsel's Opinions.
4. Authorised to appoint Parliamentary Agents.
5. Authorised to discharge the Council's functions in relation to any type of judicial and quasi-judicial proceedings and in that regard, to initiate, enter, defend and settle or otherwise withdraw from such proceedings.
6. Authorised in consultation with the Executive Officer – Assets & Facilities to settle claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss and Disturbance Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, providing that the statutory requirements have been met.
7. Authorised to review and maintain the Council's Curator Ad Litem panel membership, including the power to appoint new panel members and remove existing panel members as appropriate.
8. Authorised to exercise the following powers in relation to the Council's Housing function:
  - to sign Notices of Proceedings and Notices to Quit and to raise proceedings for re-possession of dwelling houses;
  - to carry out and/or settle procedures for repossession of dwelling houses and other housing properties, and to sign notices connected therewith;
  - to instigate the necessary procedures where tenants fail, refuse or delay to formally accept an offer of lease; and
  - to consent to discharge or variation of community burdens imposed in house sale transactions provided that no objections have been received from relevant departments or the local members.
9. Authorised in consultation with the Executive Officer – Community Services to agree and complete conveyances required to correct issues in respect of former Council owned properties (including the disposal of additional property) which were previously sold under the former Right to Buy legislation, where in the opinion of the

Chief Solicitor & Monitoring Officer, the issue has arisen as a result of an error or oversight in the original plan or conveyance and, in the opinion of the Executive Officer – Community Services, there is no material detriment to remaining Housing assets.

10. Authorised in consultation with the Executive Officer – Assets & Facilities to approve applications for housing improvement or repair grants or loans under section 75 of the Housing (Scotland) Act 2006.
11. Authorised to act as the Council's Data Protection Officer in terms of the UK General Data Protection Regulation and the Data Protection Act 2018.
12. Authorised to act as Senior Responsible Officer in terms of the Public Records (Scotland) Act 2011.
13. Authorised to manage and have oversight of the Council's framework for responses to access requests in terms of the Freedom of Information (Scotland) Act 2002.
14. Authorised to issue, vary, review, or suspend (whether immediately or otherwise) licences in respect of all licensing matters not specifically delegated to other Officers or Council Services.
15. Authorised to monitor implementation of any conditions included in a General Safety Certificate issued by the Council in terms of the Safety of Sports Grounds Act 1975.
16. Authorised Officer to carry out duties relative to the Civic Government (Scotland) Act 1982 and to execute on behalf of the Council all Orders made under the said Act.
17. Authorised to grant licences for charitable collections where (a) Police Scotland has no objection, (b) the applicant has no relevant convictions, (c) the dates do not clash with dates already allocated to other organisations and (d) there are no unusual features about the application.
18. Authorised to determine whether any convictions, penalties, endorsements and the like are relevant for the purposes of consideration of any application for the grant or renewal of a licence where there are no other adverse comments made by relevant agencies and to determine such applications accordingly.
19. Authorised to grant or renew licences where the applicant has agreed in writing to adhere to any conditions or recommendations made within reports by relevant consultees and there are no other adverse comments made.
20. Authorised to grant licences under the Civic Government (Scotland) Act 1982 in respect of which no objections or representations have been received and where there are no unusual features about the application.

21. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982 an application for a renewal of licence which is received outwith the relevant deadline can be accepted where there is good cause for the late application.
22. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982, an application for a licence is valid and to reject any licence application where sufficient supporting information and documentation has not been provided.
23. Authorised to approve new vehicle types in line with current Council policy and in consultation with the Executive Officer – Neighbourhood Services and the Conveners of Policy & Resources and the Civic Government Appeals Board
24. Authorised in conjunction with the Executive Officer – Roads & Neighbourhood Services, to determine whether in terms of the Civic Government (Scotland) Act 1982 a vehicle type or meter type meets the Council's policy requirements.
25. Authorised to approve the installation of any CCTV or similar recording equipment in any taxi or private hire vehicle in line with the Council's Taxi and/or Private Hire Vehicle Operator's licence conditions and associated policy.
26. Authorised to approve the display of advertisements, signage, and company logos on private hire vehicles which are in line with the conditions attached to the Taxi and/or Private Hire Vehicle Operator's licence.
27. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982 an application for a licence must be accompanied by a medical examination or certification of fitness to drive by an appropriate medical practitioner to the standard required in line with Council policy.
28. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982 any change in the circumstances of a licensee requires to be referred to the Civic Government Appeals Board.
29. Authorised to issue a warning to a Licence Holder as to their future conduct following receipt of complaints from the public or representations made by any party, or to decide whether the alleged conduct is sufficiently serious that it should be referred to the Civic Government Appeals Board for determination and/or whether a referral should be made to the Procurator Fiscal. Where, in the previous 12 month period from the date of the conduct complained of, the Licence Holder has already been issued with such a warning as to their conduct, the matter will automatically be referred to the Civic Government Appeals Board for a decision to be made.
30. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982, to instigate reasonable inquiries in respect of an application in terms of paragraph 4(1) of Schedule 1 and paragraph 11(4)(b) of Schedule 1 of the Act.
31. Authorised to determine whether in terms of the Civic Government (Scotland) Act 1982, a licence application is required in specific circumstances.

32. Authorised to reinstate any licence suspended by the Chief Solicitor & Monitoring Officer on any ground. Where a licence has been suspended on medical grounds, authorised to reinstate on the production of a medical report to the required standard in line with Council policy.
33. Authorised to suspend approval for any motor vehicle testing centre approved for the testing of taxi and private hire vehicles licensed by the Council, to refer any such suspension to the Civic Government Appeals Board for determination, and to reject any certificates of compliance issued by a non-approved or suspended testing centre.
34. Authorised to maintain a list of wheelchair-accessible vehicles in accordance with section 167 of the Equality Act 2010 by amending, adding or removing entries as required.
35. Authorised to issue exemption certificates under sections 166, 169 and 171 of the Equality Act 2010 to a holder of a taxi or private hire driver's licence where satisfied that it is appropriate to do so on medical grounds, or where the licence holder's physical condition is such that it makes it impossible or unreasonably difficult to comply with the duties under the 2010 Act.
36. Authorised to extend the statutory time period of three months set out in paragraph 8(3) of schedule 1 of the Civic Government (Scotland) Act 1982 on application of the Executory for an extension subject to such application meeting the statutory requirements.
37. Authorised to make an order under section 62(4) of the Civic Government (Scotland) Act 1982 to dispense with the notice requirements found in section 62(2) of the Act for public processions.
38. Authorised to exempt under section 42 of the Civic Government (Scotland) act 1982 the use of premises requiring a late hours catering licence from the requirement to have such a licence.
39. Authorised to determine whether any objection received to a notified public procession should be referred to the Civic Government Appeals Board for determination.
40. Authorised to have full oversight and authority over all aspects of the Corporate Procurement arrangements.
41. Authorised to have full oversight and authority over all aspects of the Council's Strategic Commissioning arrangements in support of the East Dunbartonshire Health & Social Care Partnership.
42. Authorised to have full oversight and authority over all aspects of the use of surveillance by the Council and to make an application on behalf of the Council under section 60 of the Investigatory Powers Act 2016.

43. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters).

## **CHIEF PLANNING OFFICER EXECUTIVE OFFICER – LAND PLANNING & DEVELOPMENT**

### **Development Applications**

1. Authorised to determine in accordance with the Town & Country Planning (Scotland) Act 1997.
2. Authorised to act as the appointed officer in terms of Section 43A of the Town & Country Planning (Scotland) Act 1997 and any officer authorised on his/her behalf is authorised to determine applications for planning permission specified below:
  - grant (with or without conditions) planning applications, except where an objection has been received from the local community council, and/or where objections have been received from six or more addresses;
  - agree non material variations to permissions;
  - refuse applications in accordance with development plan policies, whether or not objections have been received;
  - agree the fulfilment of conditions;
  - agree the requirement for an environmental assessment and matters to be contained within a screening report;
  - negotiate and finalise legal agreements in consultation with the Chief Solicitor & Monitoring Officer, where the details reflect the terms agreed in a consent; and
  - refer a case to the Planning Board if it is deemed appropriate and/or necessary.

### **Other Consents**

3. Authorised, subject to the provisions of the Local Government (Scotland) Act 1984, along with any officer authorised on his/her behalf to determine applications specified below:
  - grant (with or without conditions) applications, except where an objection has been received from the local community council, and/or where objections have been received from six or more addresses;
  - agree non material variations to permissions;
  - refuse applications in accordance with Local Plan Policy whether or not objections have been received;
  - agree fulfilment of conditions;
  - agree the requirement for an environmental assessment and matters to be contained within a screening report;
  - negotiate and finalise legal agreements where the details reflect the terms agreed in a consent; and
  - refer a case to the Planning Board if it is deemed necessary.

In these circumstances applications relate to: -

- conservation area consent



- listed building consent
- renewal of permissions
- advertisement consent
- prior notifications/approvals
- certificates of existing or proposed lawful use
- approval of matters specified in conditions
- material variations to permissions, including applications for planning permission and applications for the modification or discharge of section 75 Agreements.

**\*\*** Objections (above) is defined as written (or emailed) correspondence including (1) a return address and (2) a material planning objection to an application received by the planning service prior to determination of the application if delegated; or prior to Noon on the day of planning board pre-agenda if the application is to be considered by planning board.

### **Planning Appeals**

4. Authorised to progress matters in line with the decision of the Planning Board in consultation with the Chief Solicitor & Monitoring Officer.
5. Miscellaneous Planning Matters
  - Authorised to undertake programming work including the Development Plan Scheme in relation to the Local Development Plan;
  - Authorised to respond to requests for observations on applications from adjoining authorities (after consultation with local members); and
  - Authorised to respond to consultations from the Scottish Government in relation to Forestry and other matters.

### **Planning Enforcement**

6. Authorised to carry out the statutory planning enforcement functions of the Council in terms of the following legislation:-
  - Town and Country Planning (Scotland) Act 1997
  - Planning (Listed Building and Conservation Areas)(Scotland) Act 1997
  - Town and Country Planning (Control Of Advertisement) (Scotland) Amendment Regulations 2013
  - Planning (Hazardous Substances)(Scotland) Act 1997

### **Trees**

7. Authorised as required:-
  - To serve emergency Tree Preservation Orders (TPO).
  - To agree works on, or the removal of, protected trees.
  - To determine applications and process appeals in relation to the High Hedges (Scotland) Act 2013.

### **Building Standards**



8. Authorised to carry out the statutory and verification functions of the Council, including enforcement as appropriate, in terms of the following legislation:-
- Building (Scotland) Act 2003
  - Civic Government (Scotland) Act 1982
  - Safety of Sports Grounds Act 1975
9. Authorised to issue letters of comfort/intent in relation to unauthorised building work.

### **Licensing Board**

10. Authorised to issue or refuse certificates as to Building Standards and Planning under Section 50 of Licensing (Scotland) Act 2005 and provide services as required by the Licensing Board.

### **Parking**

11. Authorised, in consultation with the Convener of the Place Neighbourhood & Corporate Assets Committee and the Members of the affected Ward to agree to any future requests for suspension of car park charges required to support events, but subject always to the terms of the relevant Traffic Regulation Order.
12. Authorised in conjunction with the Executive Officers – Roads & Neighbourhood Services and Community Services to make arrangements for the management of car parks, etc, including granting use, or part thereof, to other persons or bodies, taking account of the Council's policy in relation to off-street parking charges and decriminalised parking enforcement.

### **Miscellaneous**

13. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters).

## **EXECUTIVE OFFICER – ROADS & NEIGHBOURHOOD SERVICES**

1. Authorised, after consultation with Police Scotland and the Chief Executive and after consulting the Convener, and Vice-Convener of the Place, Neighbourhood and Corporate Assets Committee, and the local members, to arrange for the advertisement of any proposal for the making, revocation, or variation of (non DPE) Orders and Schemes under:
  - the Road Traffic Regulations Act 1984;
  - The Land Reform (Scotland) Act 2003;
  - The Countryside (Scotland) Act 1967; and
  - Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984.
2. Authorised to maintain and improve the road network under:
  - The Roads (Scotland) Act 1984;
  - The Traffic Regulation Act 1984; and
  - The Traffic Signs, General Directions and Regulation Act 2016
3. Authorised to carry out the functions of the Joint Road Safety Officer in conjunction with Police Scotland.
4. Authorised to deal with all requests for information in connection with grant applications made under Section 8 of the Railways Act 1974 (grants to assist the provision of facilities for freight haulage by rail).
5. Authorised to carry out the functions of the Council under the Public Utilities Street Works Act 1950 and the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible.
6. Authorised after consultation with the local member, to make grants to householders for the purpose of making good fabric and decoration (excluding curtains) 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.
7. Authorised to exercise the functions of the Council under Section 12 of the Roads (Scotland) Act 1984 in relation to the stopping-up or diversion of highways crossing or entering routes of proposed new highways.
8. Authorised after consultation with the Chief Solicitor & Monitoring Officer to agree terms for Bridge Agreements with the relevant Railway Body and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection.
9. Authorised, after consultation with Police Scotland to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures.

10. Authorised in conjunction with the Chief Solicitor & Monitoring Officer under Section 19(5), of the Civic Government (Scotland) Act 1982, after consultation with the local members, to approve proposals for taxi stances.
11. Authorised in terms of the Health and Safety at Work Act 1974 to carry out all duties set out in the Statements of Responsibilities for "Health, Safety and Welfare in Places of Work" and the "General Statement of Policy on Health and Safety at Work" issued in 1985 as amended.
12. Authorised in conjunction with the Executive Officers – Land Planning & Development and Community Services to make arrangements for the management of car parks, etc, including granting use, or part thereof, to other persons or bodies, taking account of the Council's policy in relation to off-street parking charges and decriminalised parking enforcement.
13. Authorised to respond to consultation for applications for Planning Development Management where these relate to roads issues.
14. Authorised to make application for extensions to the Operator's Licence to the Vehicle Licensing Authority or any other decisions necessary to ensure the legal operation of the Council's fleet.
15. Authorised where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operator's Licences, under Section 63 of the Transport Act 1968.
16. Authorised to make applications for extensions to the Operator's Licence to the Vehicle Licensing Authority or any other decisions necessary to ensure the legal operation of the Council's fleet.
17. Authorised where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operator's Licences, under Section 63 of the Transport Act 1968.
18. Authorised in terms of the Health and Safety at Work Act 1974 to establish the Council's Health & Safety Policy, being its "General Statement of Policy on Health and Safety at Work". This sets out the responsibilities and arrangements in order to achieve the Council's Health & Safety objectives.
19. Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical or operational matters falling within the strategic portfolio (but not including any policy or significant legislative matters)

## **CHIEF OFFICER EAST DUNBARTONSHIRE HEALTH & SOCIAL CARE PARTNERSHIP**

### **Chief Officer**

The Chief Officer of the East Dunbartonshire Health & Social Care Partnership (HSCP) is responsible for the operational management and performance of health, social work and social care services in East Dunbartonshire, with the exception of NHS Acute Services (unless agreed with NHS Greater Glasgow & Clyde (NHSGGC) through a hosted services agreement) and in so doing will report to the Chief Executives of the Council and NHSGGC.

The following powers are delegated to the Chief Officer subject to the Chief Officer being an employee of the Council. In the event that the Chief Officer is no longer an employee of the Council, these powers shall revert to the holder of the Chief Social Worker role, pending the agreement of alternative arrangements by the Council.

The Chief Officer shall undertake delegated management of social work operational services in line with the Direction of the Integrated Joint Board ("IJB") to the Council

In respect of the operational management of social work and social care services, the Chief Officer will operate as the Council's senior officer responsible for the following social work and social care functions, and subject to the exceptions set out in the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014) and the terms of the East Dunbartonshire Health and Social Care Integration Scheme:-

1. National Assistance Act 1948

- Section 45 (recovery in cases of misrepresentation or non-disclosure)
- Section 48 (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)

2. The Disabled Persons (Employment) Act 1958

- Section 3 (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)

3. The Social Work (Scotland) Act 1968

- Section 1 (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)
- Section 4 (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)
- Section 5 (powers of Secretary of State)
- Section 6B (local authority enquiries into matters affecting children)
- Section 8 (The conducting of or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)
- Section 10 (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of employees.)

- Section 12 (The promotion of social welfare and the provision of advice and assistance) except in so far as it is exercisable in relation to the provision of housing support services
  - Section 12A (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)
  - Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)
  - Section 12AA (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care.)
  - Section 12AB (The notification of carers as to their entitlement to make a request for an assessment under section 12AA.)
  - Section 13 (The assistance of persons in need with the disposal of their work.)
  - Section 13ZA (The taking of steps to help an incapable adult to benefit from community care services.)
  - Section 13A (The provision, or making arrangements for the provision, of residential accommodation with nursing.)
  - Section 13B (The making of arrangements for the care or aftercare of persons suffering from illness.)
  - Section 14 (The provision or arranging the provision of domiciliary services and laundry services.)
  - Section 27 (supervision and care of persons put on probation or released from prison)
  - Section 28 (The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation) so far as it is exercisable in relation to persons cared for or assisted under another delegated function.
  - Section 29 (The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)
  - Section 59 (The provision of residential and other establishments.)
  - Section 78A (recovery of contributions)
  - Section 80 (enforcement of duty to make contributions)
  - Section 81 (provision of decrees for ailment)
  - Section 83 (variation of trusts)
  - Section 86 (adjustments between authority providing accommodation etc and authority of area of residence)
4. Disabled Persons (Services, Consultation and Representation) Act 1986
- Section 2 (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)
  - Section 3 (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision

of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)

- Section 7 (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)
- Section 8 (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)

5. The Adults with Incapacity (Scotland) Act 2000

- Section 10 (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)
- Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- Sections 37, 39, 41-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)

6. The Housing (Scotland) Act 2001

- Section 92 (assistance for housing purposes) only in so far as it relates to an aid or adaptation.

7. The Community Care and Health (Scotland) Act 2002

- Section 4 (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)
- Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)
- Section 6 (deferred payment of accommodation costs)
- Section 14 (The making of payments to an NHS body in connection with the performance of the functions of that body.)

8. The Mental Health (Care and Treatment) (Scotland) Act 2003

- Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- Section 25 (The provision of care and support services for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A (1)(a) of the Social Work (Scotland) Act 1968.)



- Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)
9. Health and Social Services and Social Security Adjudications Act 1983
- Section 21 (recovery of sums due to local authority where persons in residential accommodation have disposed of assets)
  - Section 22 (arrears of contributions charged on interest in land in England and Wales)
  - Section 23 (arrears of contributions secured over interest in land in Scotland)
10. The Adult Support and Protection (Scotland) Act 2007
- Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)
  - Section 5 (The co-operation with other councils, public bodies and office holders in relation to inquiries made under section 4.)
  - Section 6 (The duty to have regard to the importance of providing advocacy services.)
  - Section 7 (visits)
  - Section 8 (interviews)
  - Section 9 (medical examinations)
  - Section 10 (examination of records etc)
  - Section 11 (The making of an application for an assessment order.)
  - Section 14 (The making of an application for a removal order.)
  - Section 16 (right to remove an adult)
  - Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)
  - Section 22 (The making of an application for a banning order.)
  - Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)
  - Section 42 (The establishment of an Adult Protection Committee.)
  - Section 43 (The appointment of the convener and members of the Adult Protection Committee.)
11. Social Care (Self-directed Support) (Scotland) Act 2013
- Section 3 (The consideration of an assessment of an adults ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support.)
  - Section 5 (The giving of the opportunity to choose a self-directed support option.)
  - Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
  - Section 7 (The giving of the opportunity to choose a self-directed support option.)
  - Section 8 (Choice of options: children and family members)
  - Section 9 (The provision of information.)
  - Section 10 (Provision of information: children under 16.)
  - Section 11 (Giving effect to the choice of self-directed support option.)

- Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
- Section 13 (Offering another opportunity to choose a self-directed support option.)
- Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
- Section 19 (Promotion of the options for self-directed support.)

#### 12. Children's Hearing (Scotland) Act 2011

- Section 35 (child assessment orders)
- Section 37 (child protection orders)
- Section 42 (parental responsibilities and rights directions)
- Section 44 (obligations on local authority)
- Section 48 (application for variation or termination)
- Section 49 (notice of application for variation or termination)
- Section 60 (local authority's duty to provide information to Principal Reporter)
- Section 131 (Duty of implementation authority to require review)
- Section 144 (Implementation of compulsory supervision order: general duties of implementation authority)
- Section 145 (Duty where order requires child to reside in certain place)
- Section 153 (Secure accommodation: regulations)
- Section 166 (Review of requirement imposed on local authority)
- Section 167 (Appeals to sheriff principal: section 166)
- Section 180 (Sharing of information: panel members)
- Section 183 (Mutual assistance)
- Section 184 (Enforcement of obligations on health board under section 183)

#### 13. Carers (Scotland) Act 2016

- Section 6 (duty to prepare adult carer support plan)
- Section 12 (duty to prepare young carer statement)
- Section 21 (duty to set local eligibility)
- Section 24 (duty to provide support)
- Section 25 (provision of support to carers: breaks from caring)
- Section 31 (duty to prepare local carer strategy)
- Section 34 (information and advice services for carers)
- Section 35 (short breaks services statements)

#### 14. Children (Scotland) Act 1975

- Section 34 (access and maintenance)
- Section 39 (reports by local authorities and probation officers)
- Section 40 (notice of application to be given to local authority)
- Section 50 (payment towards maintenance of children)

#### 15. Children (Scotland) Act 1995

- Section 17 (Duty of local authority to child looked after by them)
- Section 22 (promotion of welfare of children in need)
- Section 23 (children affected by disability)
- 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 (aftercare)
- 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 38 (short-term refuges for children at risk of harm)
- Section 76 (exclusion orders)

**16. Matrimonial Proceedings (Children) Act 1958**

- Section 11 (reports as to arrangements for suture care and upbringing of children)

**17. Adoption and Children (Scotland) Act 2007**

- Section 1 (Duty of local authority to provide adoption service)
- Section 5 (guidance)
- Section 6 (assistance in carrying out functions under section 1 and 4)
- Section 9 (assessment of need for adoption and support services)
- Section 10 (provision of services)
- Section 11 (urgent provision)
- Section 12 (power to provide payment to person entitled to adoptions support service)
- Section 19 (notice under section 18: local authority's duties)
- Section 26 (looked after children: adoption not proceeding)
- Section 45 (adoption support plan)
- Section 47 (family member's right to require review of plan)
- Section 48 (other cases where authority under duty to review)
- Section 49 (reassessment of needs for adoption support services)
- Section 51 (guidance)
- Section 71 (adoption allowances scheme)
- Section 80 (permanence orders)
- Section 90 (permanence or 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 order)

**18. Foster Children (Scotland) Act 1984**

- Section 3 (local authorities to ensure wellbeing of and to visit foster children)
- Section 5 (notification by persons maintaining or proposing to maintain foster children)
- Section 6 (notification by persons ceasing to maintain foster children)
- Section 8 (power to inspect premises)
- Section 9 (power to impose requirements as to the keeping of foster children)
- Section 10 (power to prohibit the keeping of foster children)

**19. Secure Accommodation (Scotland) Regulations 2013**

**20. Management of Offenders etc (Scotland) Act 2005**

- Section 10 (arrangements for assessing and managing risks posed by certain offenders)
- Section 11 (review of arrangements)

21. Criminal Procedure (Scotland) Act 1995

- Section 51 (remand and committal of children and young persons)
- Section 203 (reports)
- Section 234B (drug treatment and testing orders)
- Section 245A (restriction of liberty orders)

22. Miscellaneous

Exercise the foregoing functions of the IJB in terms of the following legislation which relate to the services detailed in the Integration Scheme:

- Local Government (Scotland) Act 1973
- Local Government (Scotland) etc Act 1994
- Local Government in Scotland 2003
- Regulation of Care (Scotland) Act 2001
- Equality Act 2010
- Human Rights Act 1998
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000

23. Chief Social Worker function

Support the Chief Social Work Officer in the discharge of his or her specific functions. The specific functions of the Chief Social Work Officer are as follows.

The Chief Social Work Officer is authorised to:-

- a. Take any necessary action on behalf of the Council in terms of the Social Work (Scotland) Act 1968, the Mental Health (Scotland) Act 1984, the Children (Scotland) Act 1995, the National Health Service and Community Care Act 1990, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adoption and Children (Scotland) Act 2007 or generally any legislation concerning the Council's functions relating to the provision of Social Care Services.
- b. To appoint Mental Health Officers under the Mental Health Acts (approval as Mental Health Officers is restricted to those members of staff who have satisfactorily completed the approved training course).
- c. To admit children to secure care in terms of the Secure Accommodation (Scotland) Regulations 2013 save to the extent that function has been delegated to the Health and Social Care Partnership.
- d. To consider and decide upon recommendations made by the Adoption and Fostering Review Panel in connection with any adoption and fostering matters, including decisions about the provision of aids and adaptations.
- e. To carry out the functions of the Council in relation to the adoption of children in terms of the Adoption (Scotland) Act 1978 and to act as "agency decision maker" in

terms of the Adoption Agencies (Scotland) Regulations 1996 and any amendment thereto or re-enactment thereof.

- f. To consider and decide upon recommendations by Adoption and Fostering Panels, on matters of approval of persons to adopt or foster, and the placement of children with such persons.

#### 24. Operational Services

In pursuance of the above delegated functions, the Chief Officer has overall responsibility for the following social work and social care services and over and subject to the terms of the East Dunbartonshire Health and Social Care Integration Scheme: -

- Older People Assessment & Care Management Services;
- Learning Disability Assessment & Care Management Services;
- Physical Disability Assessment & Care Management Services;
- Sensory Impairment Assessment & Care Management Services;
- Rehabilitation and Occupational Therapy Services;
- Mental Health Assessment & Care Management Services;
- Addiction Services;
- Adult Intake Services;
- Homecare Services (in-house and purchased);
- Residential and Care Home Services (in-house and purchased);
- Day care and day opportunity services;
- Supported accommodation and supported living;
- Self-Directed Support Services;
- Local Area Coordination;
- Carer and Respite Services;
- Telecare Services;
- Children's Social Work Services
- Child Care Assessment and Care Management.
- Looked After and Accommodated Children.
- Child Protection.
- Adoption and Fostering.
- Child Care.
- Special Needs/Additional Support.
- Early intervention.
- Throughcare Services.
- Respite Care for children
- Children's Residential Care
- Criminal Justice Social Work Services including prison based social work and youth just services
- Other commissioned and directly provided services within the scope of prescribed health and social care functions, as set out in the Integration Scheme.

#### 25. Children's & Families Social Work

- a. Authorised to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:

- (i) 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, including authority:
- to make loans or grants in accordance with the policy approved by the Council up to a limit of £250 in any one month in respect of any one family, and subject to a report being made to the Committee on the total amount of assistance so given in any one month;
  - to give any other appropriate assistance, including provision for the storage of furniture in cases of emergency.

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 Council;

- (ii) Section 44(5), which requires the Council to give effect to a supervision requirement made by a Children's Hearing for its area;
- (iii) Section 44(6), which relates to the transfer of a child's place of residence in cases of urgent necessity;
- (iv) Section 47(1), which requires the Council to seek review by a Children's Hearing of a supervision requirement in certain circumstances;
- (v) Section 47(2), which requires the Council to refer cases involving a supervision requirement to the Reporter within 3 months of the child's 18th birthday;
- (vi) Section 48(2), which requires a supervision requirement to be reviewed by a Children's Hearing where the Council so recommends.
- b. Authorised to arrange or assist in arranging holidays, including holidays abroad, or other temporary absences from East Dunbartonshire of any child being looked after by the Council.
- c. Authorised:
- (i) to appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984, and
- (ii) to carry out the functions of the Council under the Mental Health (Scotland) Act 1984 with the exception of those under Sections 41 and 45.
- d. Authorised to carry out the functions of the Council in relation to the Adoption of Children in terms of the Adoption (Scotland) Act 1978 and the Children Act 1975, as amended by the Children (Scotland) Act 1995.

- e. Authorised following the appointment by the Council of a Fostering Panel in terms of paragraphs 4 and 5 of the Boarding-out and Fostering of Children (Scotland) Regulations 1985, to carry out the remaining functions of the Council, as care authority under the Regulations.
- f. Authorised to consider and determine recommendations made by the Adoption and Foster Review Panel in reviewing original decisions made in connection with fostering and adoption matters.
- g. Authorised to carry out the functions of the Council under Part X and Schedule 9 of the Children's Act 1989;
- h. Authorised to consider and determine recommendations by the Adoption Panel for assistance with legal fees (up to an amount considered reasonable by the Chief Solicitor & Monitoring Officer) and medical expenses
- i. Authorised to issue notices in terms of Section 16(5) of the Social Work (Scotland) Act 1968, assuming parental rights in respect of a child in the care of the Council
- j. Authorised to make summary applications to the Sheriff under Section 16(8) of the Social Work (Scotland) Act 1968, against a counter-notice served on the Council by any parent or guardian objecting to the Council's assumption of parental rights.
- k. Authorised to carry out the Council's functions in terms of Section 80 of the Social Work (Scotland) Act 1968 with respect to contribution orders relating to any maintainable child in the care of the Council.
- l. Authorised to carry out the Council's functions in terms of Section 81 of the Social Work (Scotland) Act 1968 relating to the raising and enforcing of actions for aliment with respect to any maintainable child in the care of the Council for whom an affiliation order has been made.
- m. Authorised to carry out the Council's duties in terms of Section 92 of the Mental Health (Scotland) Act 1984 in relation to the appointment of Curators Bonis.

**26. General**

Authorised to formulate and submit responses on behalf of the Council in respect of any consultation exercises relating to technical matters falling within the strategic portfolio (but not including any policy or legislative matters)

## **4.0 PROPER OFFICERS AND STATUTORY APPOINTEES**

### **4.1 PROPER OFFICERS**

The undernoted officers are appointed to act as Proper Officer for the following purposes.

#### **(a) Local Government (Scotland) Act 1973**

- (1) Section 33A – Councillors’ declaration of acceptance of office:
  - Chief Executive
  - Chief Solicitor & Monitoring Officer
- (2) Section 34 – Receipt of Councillors’ resignations:
  - Chief Executive
  - Chief Solicitor & Monitoring Officer
- (3) Section 40 – Receipt of general notices from Councillors in respect of pecuniary interests and for recording of Councillors’ disclosures of pecuniary interests:
  - Chief Solicitor & Monitoring Officer
- (4) Section 43 and Schedule 7 paragraph 1(4) – Receipt of requisition for special Council meeting:
  - Chief Executive
  - Chief Solicitor & Monitoring Officer
- (5) Section 43 and Schedule 7 paragraph 2(1) – Signing summons to Council meeting:
  - Chief Executive
  - Chief Solicitor & Monitoring Officer
- (6) Section 43 and Schedule 7 paragraph 2(2) – Receipt of notice by Councillor of alternative address:
  - Chief Executive
  - Chief Solicitor & Monitoring Officer
- (7) Section 50B – Excluding reports containing exempt information from public, and providing documents to the press:
  - Chief Solicitor & Monitoring Officer

- (8) Section 50C – Providing written summary where minutes are excluded from public:
  - Chief Solicitor & Monitoring Officer
- (9) Section 50F – determining documents which are not open to inspection:
  - Chief Solicitor & Monitoring Officer
- (10) Section 92 – Dealing with the transfer of securities:
  - Chief Solicitor & Monitoring Officer
  - Chief Finance Officer
- (11) Section 95 – Administration of the Council's financial affairs:
  - Chief Finance Officer
- (12) Section 145 – Ordnance Survey applications:
  - Chief Planning Officer
- (13) Section 189 – Instituting legal proceedings:
  - Chief Solicitor & Monitoring Officer
- (14) Section 190 – Service of legal proceedings, notices on the Council:
  - Chief Solicitor & Monitoring Officer
- (15) Section 191 – Signing any claim on behalf of the Council in any sequestration, liquidation and other such proceedings in which the Council is entitled to make a claim:
  - Chief Solicitor & Monitoring Officer
- (16) Section 193 – Signing notices, orders, etc:
  - Executive Officer with responsibility for the relevant function to which the notice, order etc relates.
- (17) Section 194 - Execution of all deeds and/or other legally binding documents, whether or not they require to be sealed with the Council's common seal (other than stock certificates, bonds and mortgages):



- Chief Executive
- Chief Solicitor & Monitoring Officer
- Legal Manager

(18) Section 197 – Inspection and deposit of documents:

- Chief Solicitor & Monitoring Officer

(19) Section 202 – Authenticating byelaws:

- Chief Solicitor & Monitoring Officer

(20) Section 202B – Certifying entry in register of byelaws:

- Chief Solicitor & Monitoring Officer

(21) Section 204 – Providing certificate as evidence of byelaws:

- Chief Solicitor & Monitoring Officer

(22) Section 231 – Making application to the Sheriff on questions arising from the Local government (Scotland) Act 1973:

- Chief Solicitor & Monitoring Officer

**(b) Civic Government (Scotland) Act 1982**

(1) Section 113 – Evidence of management rules:

- Chief Solicitor & Monitoring Officer

**(c) Local Government and Housing Act 1989**

(1) Section 2 – Lists of politically restricted posts:

- Executive Officer - Customer Services & Organisational Development

(2) Section 19 - Receipt of notices of Councillors' interests and maintenance of records:

- Chief Solicitor & Monitoring Officer

**(d) Local Government (Scotland) Acts 1973 and 1975, Abolition of Domestic Rates etc (Scotland) Act 1987, Local Government Finance Act 1992 and associated delegated legislation**



- (1) All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions:
    - Chief Finance Officer
- (e) Local Government Finance Act 1992 and associated delegated legislation**
  - (1) All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges:
    - Chief Finance Officer
- (f) Local Government etc (Scotland) Act 1994**
  - (1) Section 16 – Property held in trust:
    - Chief Solicitor & Monitoring Officer
- (g) Requirements of Writing (Scotland) Act 1995**
  - (1) Schedule 2, paragraph 4(1) – Signing of documents:
    - Chief Executive
    - Chief Solicitor & Monitoring Officer
    - Legal Manager
- (h) Local Authorities (Contracts) (Scotland) Regulations 1997**
  - (1) Regulation 4 – Certification purposes
    - Chief Solicitor & Monitoring Officer
- (i) Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003**
  - (1) Regulation 3 – Setting up, maintaining and making available for public inspection the register of interests:
    - Chief Solicitor & Monitoring Officer
- (k) Scottish Local Government Elections Order 2007**
  - (1) Schedule 1, Rule 57 – Receipt of documents following an election:

- Chief Solicitor & Monitoring Officer

**(I) Planning etc (Scotland) Act 2006**

- (1) Regulation 17 – Local Developments – Schemes of delegation – Appointed Officer
- Executive Officer – Land Planning & Development

## **4.2 STATUTORY APPOINTEES**

The following appointments are made in terms of the undernoted legislation:

**(a) Social Work (Scotland) Act 1968**

Section 3 - Chief Social Work Officer

**(b) Representation of the People Act 1983**

Section 41 - Returning Officer:

- Chief Executive

**(c) Weights and Measures Act 1985**

Section 72(1)(a) – Chief Inspector of Weights and Measures:

- Executive Officer – Community Services

**(d) Local Government and Housing Act 1989**

Section 4 – Head of Paid Service:

- Chief Executive

Section 5 – Monitoring Officer:

- Chief Solicitor & Monitoring Officer

**(e) Environmental Protection Act 1990**

Section 149(1) – Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area:

- Executive Officer – Community Services

**(f) Regulation of Investigatory Powers (Scotland) Act 2000**

Section 6 – Authorising officer – directed surveillance:

- Chief Solicitor & Monitoring Officer
- Executive Officer – Community Services
- Chief Finance Officer

Section 7 – Authorising officer – covert human intelligence sources:

- Chief Executive (where required by statute)
- Chief Solicitor & Monitoring Officer
- Executive Officer – Community Services
- Chief Finance Officer

**(g) Licensing (Scotland) Act 2005**

Schedule 1, paragraph 8 – Clerk to the Licensing Board:

- Chief Solicitor & Monitoring Officer