



Fife Council Scheme of Delegation

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Effective from 2nd April 2015

SCHEME OF DELEGATION

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1.0 **APPLICATION OF SCHEME**

1.1 **Commencement of Scheme**

The Scheme shall commence and have effect as from 2nd April, 2015 This Scheme replaces the Scheme which came into effect on 26th June, 2014.

1.2 **Interpretation of Scheme**

1.2.1 In the Scheme the following words shall have the following meanings assigned to them, that is to say:-

"Act" means the Local Government (Scotland) Act 1973;

"Council" means the Fife Council;

"Executive Director" means the Chief Executive, the Executive Directors (Education and Children's Services), (Enterprise and Environment), (Finance and Corporate Services) and (Communities); and the Director of Health and Social Care.

1.2.2 Any reference to any Act of Parliament shall mean the Act of Parliament as from time to time amended, extended or re-enacted and to include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consents or permissions made under it. Any reference to any statutory instrument, regulation or order shall mean that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

1.2.3 Subject to the rest of paragraph 1.2, the Interpretation Act 1978 shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament.

1.3 **Alteration of Scheme**

Subject to the provisions of the Act, the Council shall be entitled to amend, vary or revoke the Scheme from time to time.

1.4 **Rules Regulating Use of Delegated Powers**

1.4.1 Where an Executive Director has delegated authority, the principle of subsidiarity should be applied and decisions should be further delegated to as close to the point of service delivery as is appropriate in the circumstances. Each Executive Director must prepare and publish a Scheme of Delegation for the Services for which they are responsible which details those decisions which have been delegated to officers within these Services. Actions which relate to areas of professional specialisms must be delegated to appropriate officers.

1.4.2 An Executive Director may arrange for powers delegated to them to be exercised by another Executive Director. When powers are delegated to another Executive Director both Executive Directors must retain a written record of the delegated powers in question.

1.4.3 All delegated powers must be exercised subject to adequate budgetary provision being available and having regard to the terms of the Council's Financial Regulations and Standing Orders - Scheme of Tender Procedures.

- 1.4.4 An employee must not make any decision or take any action in accordance with powers conferred by this Scheme or any Service Scheme of Delegation if the decision or outcome could create the perception that an employee is not strictly adhering to the key principles of public life as set out in the Council's Employee Code of Conduct. These principles are selflessness, integrity, objectivity, accountability, openness, honesty, respect and leadership. Delegated powers must not be used where either the interests of the employee, the matter to which the decision relates or the identity of any other person involved could lead a member of the public to conclude that the powers had been used to obtain preferential treatment or to avoid scrutiny by the Council or a committee of the Council. If an employee is in any doubt as to whether they should make use of delegated powers, then they should seek guidance from their Executive Director.
- 1.4.5 The provisions of the Scheme of Delegation to officers are intended to assist in the efficient and effective management of the Council's activities and to foster a culture of responsiveness to customers and service users. In applying the scheme, it is important that officers pay due regard to the need for appropriate periodic reporting of delegated decisions to members of the Council, both for information purposes and to allow Councillors to properly discharge their scrutiny role.

2.0 **DELEGATIONS TO ALL EXECUTIVE DIRECTORS**

2.1 **Emergencies and Cases of Urgency**

- 2.1.1 An Executive Director is authorised to take such measures as may be required in emergency situations, or in cases of urgency, subject to advising the appropriate Chair and Vice-Chair, as soon as possible, and to reporting to the appropriate committee as soon as possible thereafter, on any items for which committee approval would normally be necessary. Where such measures involve the Council in incurring expenditure then the Chief Executive and Executive Director (Finance and Corporate Services) should be advised.

2.2 **Proper Officer**

- 2.2.1 An Executive Director shall, in respect of any report prepared by or on their behalf, act in consultation with the Executive Director (Finance and Corporate Services) as the proper officer for the purposes of section 50D of the Act (Inspection of Background Papers).

2.3 **Employees**

- 2.3.1 Subject to paragraph 2.3.8 below, an Executive Director may, after consultation and agreement with the Executive Director (Finance and Corporate Services), amend the establishment of the Services in respect of the number of posts below the level of second tier or equivalent so long as the costs can be met on a continuing basis within the approved estimates of expenditure of the Service and do not conflict with any current policy. The Executive Director shall include reference to the exercise of powers in this connection in their annual performance monitoring report to committee.
- 2.3.2 An Executive Director may appoint an employee below second tier level or equivalent so long as such appointments are in accordance with the Council's pay and grading arrangements and the costs can be met on a continuing basis within

the approved estimates of expenditure of the Service and do not conflict with any current policy on appointments to vacancies.

- 2.3.3 An Executive Director may authorise any employees to attend training and development events and courses including conferences and seminars in the United Kingdom subject to reports being made to elected members where appropriate;
- 2.3.4 An Executive Director may attend, and may authorise the attendance of employees at, meetings of appropriate professional associations in the United Kingdom;
- 2.3.5 An Executive Director may, in accordance with the Council's agreed Disciplinary and Capability Procedures, take disciplinary action including dismissal as appropriate in respect of employees in the relevant Service.
- 2.3.6 An Executive Director may grant paid compassionate leave to any employee in their Service for up to five working days and may approve other paid, or unpaid, leave of absence within the limits defined in any current Council policy that allows discretionary leave.
- 2.3.7 An Executive Director may approve the payment of honoraria to any employee in their Service in accordance with the relevant Council policy.
- 2.3.8 An Executive Director may, following consultation and agreement with the Executive Director (Finance and Corporate Services), determine the grading of any posts below the level of second tier or equivalent. The Executive Director shall include reference to the exercise of powers in this connection in their annual performance monitoring report to Committee.
- 2.3.9 An Executive Director may, following consultation and agreement with the Executive Director (Finance and Corporate Services) approve the voluntary termination, early retiral or ill-health retiral of any employee in their Service provided the terms and conditions relating to the termination or retirement are in accordance with the relevant Council policy. Reports on decisions taken under such delegated authority shall be submitted to the Superannuation Fund and Pensions Sub-Committee for monitoring purposes.
- 2.3.10 An Executive Director may, following consultation with the Executive Director (Finance and Corporate Services), terminate or vary contracts of employment in accordance with Council policy decisions. Consultation with the Executive Director (Finance and Corporate Services) is not required in connection with the termination of temporary or fixed term contracts of employment.
- 2.3.11 An Executive Director shall be responsible for implementing the provisions of the Council's human resources policies and procedures and scheme of Contribution Management.
- 2.3.12 An Executive Director may respond to consultations from the Scottish or UK Government, local authorities or other bodies on matters relevant to the Council subject to consultation with the Chair, Vice-Chair and other members of the appropriate Committee(s) as to whether the matter requires to be considered at Committee. In each case, the Executive Director shall, so far as possible, take into account the views of individual members.

2.4 **Contracts**

2.4.1 The delegations to Executive Directors in respect of contracts are set out in the Council's Standing Orders - Scheme of Tender Procedures.

2.5 **Finance**

2.5.1 An Executive Director may, in accordance with procedures set out in the Council's Financial Regulations, transfer amounts between heads of expenditure.

2.6 **Advertising**

2.6.1 An Executive Director may authorise the accepting of advertising and/or sponsorship in respect of Council controlled media where the value of the contract to be entered into is less than £20,000 and the terms of the Council's Advertising and Sponsorship Policy are complied with, in consultation within the Executive Director (Communities)

2.7 **Grants**

2.7.1 An Executive Director may determine applications for grant which are received from individuals, voluntary bodies, agencies or businesses in those cases where the sum applied for is less than £5,000 (except in the case of applications from a common good fund, in which case, the sum must be less than £2,000) and the Council already has in place agreed criteria and assessment systems relating to the type of grant applied for. An annual report detailing such expenditure must be submitted to the relevant committee.

2.7.2 Decisions in respect of grants paid from the Community Safety Project Fund should only be made following consultation with the Chair of, and the elected member representatives on, the Community Safety Partnership Group and the Chair of the Safer Communities Committee.

2.8 **Ex Gratia Payments**

2.8.1 Where an individual complaint or claim for compensation has been or is likely to be submitted to the Council then an Executive Director may decide that the circumstances giving rise to the claim merit the making of an ex gratia payment. All ex gratia payments must be made without any admission of legal liability and this must be stated in writing at the time any payment is made. Executive Directors and the Chief Executive are authorised to make such payments up to the value of £2,500 and £5,000 respectively.

2.9 **Power of Well-being**

2.9.1 An Executive Director may, following consultation with the Executive Director (Finance and Corporate Services), exercise the Council's Power to Advance Well-being to take measures where expedited action is necessary. The Executive Director shall record the exercise of the power and the costs incurred in a register to be maintained by the Executive Director (Finance and Corporate Services). Where the use of the power relates to a single ward, the ward members shall be advised of its use.

3.0 **CHIEF EXECUTIVE**

In addition to the delegated authority specified in section 2 above, the Chief Executive is authorised:-

3.1 **General**

- 3.1.1 to act as the head of the Council's paid service in terms of section 4 of the Local Government and Housing Act 1989;
- 3.1.2 to give a direction in special circumstances that any employee shall not exercise a delegated function subject to reporting on the terms of the direction to the next meeting of the appropriate committee;
- 3.1.3 to consider and deal with any urgent issues arising during a vacation period, subject to reporting back to committee at the first available opportunity. This power is to be exercised in consultation with the Executive Director (Finance and Corporate Services), the appropriate Chair and portfolio holder and the Leaders of the Administration and the Opposition;
- 3.1.4 to decide, in consultation with the Provost and the Council Leader,, requests for inward and outward visits in connection with existing twinning links; and
- 3.1.5 to determine applications by employees to attend training and development events, courses including conferences and seminars and meetings of professional associations, outwith the United Kingdom.

3.2 **Proper Officer**

- 3.2.1 to act as the Proper Officer for the following purposes of the Act:-

- (a) section 33A - Declaration of acceptance of office as a councillor,
- (b) section 34 - Receipt of resignations of councillors,
- ((c) section 194 (1) - Execution of deeds.

Other than provided for in the Scheme, this authority cannot be delegated further;

- 3.2.2 to act as Proper Officer for the nomination of a substitute member pro tem for any specific meeting of the Tay Road Bridge Joint Board in the event of neither the member nor the substitute member being available;
- 3.2.3 to act as the Proper Officer for the purpose of determining which committee or sub-committee should consider any matter in terms of the Council's Scheme of Administration; and
- 3.2.4 to make, in consultation as necessary with the Council Leader and the Leader of the Opposition, such non-substantive amendments of a technical, or grammatical nature as may from time to time be required to the Scheme of Administration, Scheme of Delegation, Standing Orders and / or Financial Regulations.

3.3 **Employment Matters**

- 3.3.1 for the proper exercise of discipline and to protect the interests of the Council, to suspend any Executive Director from duty on full pay or without pay, always subject to any appropriate statutory provisions and to reporting the suspension to the Executive Committee as soon as practicable;
- 3.3.2 to secure the effective management of the Council by agreeing severance terms with any chief officer whereby the chief officer in question agrees to terminate their

contract of employment with the Council, always subject to the relevant statutory provisions and Council policies;

- 3.3.3 to take such decisions in relation to the terms and conditions (including gradings) of second tier posts or employees, or to the amendment of the second tier establishment as they consider necessary in the interests of the efficient and effective management of the Council, without prejudice to any right of appeal which may lie to the Council against any such decisions. The Chief Executive shall report back to committee on the exercise of the authority delegated to them for information;
- 3.3.4 to deal with and, in appropriate circumstances, to approve applications by employees charged, or convicted and fined, in respect of acts or omissions arising in the course of employment under the Health and Safety at Work etc. Act 1974, the Road Traffic Acts or other legislation for assistance with legal expenses towards their defence, or towards the payment of the fine imposed, as the case may be, subject to the right of an employee aggrieved by a decision of the Chief Executive to appeal to the appropriate Appeals Committee;
- 3.3.5 to set and modify Council employment policies implementing agreements and arrangements as may be agreed by the Joint Negotiating and Consultation Forum between the Council and Trade Unions.

3.4 **Elections**

- 3.4.1 to act as the Returning Officer for the purpose of any elections.

4.0 **EXECUTIVE DIRECTOR (FINANCE AND CORPORATE SERVICES)**

In addition to the delegated authority specified in section 2 above, the Executive Director (Finance and Corporate Services), is authorised:-

4.1 **General**

- 4.1.1 to institute, defend, settle or appear in any legal or tribunal proceedings or any hearing or inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority) and to appoint or consult with external legal advisers including Counsel, where it is considered expedient to do so for the promotion or protection of the Council's interests;
- 4.1.2 to execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under the Act or any other Act or any regulation or order made thereunder, other than where the execution, publication or service of any document has been delegated by the Council to another Executive Director;
- 4.1.3 to make arrangements (where no arrangements are being made on a person's behalf and they are incapable of adequately managing their property and affairs) for applying to the Court for the appointment of a welfare or financial guardian or intervener under the Adults with Incapacity (Scotland) Act 2000 ("the 2000 Act") and to otherwise act on the Council's behalf in any proceedings under the 2000 Act;

- 4.1.4 with reference to planning appeals - to submit a statement on behalf of the Council in respect of such appeals. This power is to be exercised in consultation with the appropriate officers;
- 4.1.5 to determine applications for street parades and processions and to make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982. This power is to be exercised in consultation with the Executive Director (Enterprise and Environment). This power may not be exercised if a competent written objection to the application has been submitted to the Council;
- 4.1.6 to grant, subject to such conditions as the Executive Director (Enterprise and Environment) may recommend, construction consents under section 21 of the Roads (Scotland) Act 1984 in all cases where no representations are received in respect of applications for said consents, or any representations so received are withdrawn;
- 4.1.7 to consider and dispose of applications made to the Council for licences in respect of children taking part in public performances. This power is to be exercised in consultation with the Executive Director (Education and Children's Services);
- 4.1.8 to lodge, maintain and withdraw representations or objections on behalf of the Council to liquor licensing applications. This power is to be exercised in consultation with any other Executive Director who wishes to be represented;
- 4.1.9 to lodge, maintain and withdraw representations or objections on behalf of the Council relating to applications for the provision of gaming machines;
- 4.1.10 to consider applications for licences under Section 3 of the Civic Government (Scotland) Act 1982 and thereafter to determine these and other applications for licences, permissions, permits and ancillary matters in terms of that Act, the Theatres Act 1968, the Gambling Act 2005 and the Cinemas Act 1985 that determination being subject to there being no objections to the application;
- 4.1.11 to determine applications for safety certificates submitted under the Safety of Sports Grounds Act 1975 and to issue, amend, replace and cancel such certificates. This power is to be exercised in consultation with the Executive Director (Enterprise and Environment);
- 4.1.12 on being satisfied that it is appropriate to do so, to institute proceedings against persons contravening sections 35, 41 or 42 of the Education (Scotland) Act 1980 in relation to irregular attendance of school pupils;
- 4.1.13 to take such measures as considered appropriate to discharge responsibilities set out in the Council's Contract Standing Orders ("the Scheme of Tender Procedures").
- 4.1.14 to carry out all functions of the Council relating to the Children's Panel in terms of the Children's Hearings (Scotland) Act 2011.

4.2 **Proper Officer**

- 4.2.1 to act as the Proper Officer in terms of section 194 of the Act and to sign all deeds and documents, including stock certificates, bonds and mortgages, which require to be sealed with the common seal of the Council;
- 4.2.2 to act as the proper officer for the following purposes of the Act:-
- (a) section 68 - Recording of disclosures of interest by employees,
 - (b) section 50B - Access to agenda and connected reports,
 - (c) section 50C - Inspection of minutes and other documents,
 - (d) section 50D - Inspection of background papers (in respect of consultation by the appropriate head of service),
 - (e) section 50F - Additional rights of access to documents for members of local authorities,
 - (f) section 145 - Ordnance Survey,
 - (g) section 190 - Service of legal proceedings, notices, etc.,
 - hi) section 191 - Claims in sequestrations and liquidations,
 - (i) section 192 - Service of notices etc. by local authority,
 - (j) section 193 - Authentication of documents,
 - (k) section 197 - Inspection and deposit of documents,
 - (l) sections 202 and 202B - Procedure etc. for and register of byelaws,
 - (m) section 204 - Evidence of byelaws, and
 - (n) Schedule 7, paragraph 2(2) - Receipt of summonses to meetings;
- 4.2.3 to act as the Proper Officer for the purposes of section 2 (politically restricted posts) of the Local Government and Housing Act 1989;
- 4.2.4 to act, in the absence of the Chief Executive, as the Proper Officer for the purposes of section 33A of the Act (Declaration of acceptance of office of councillor);
- 4.2.5 to act as the Proper Officer for the purposes of section 223 of the Act (Property held on trust) unless the Council have otherwise specified the appointment of another officer for any of such purposes;
- 4.2.6 to act as the Proper Officer for the purposes of accepting a notice of resignation by any member of a committee;
- 4.2.7 to act as Proper Officer for the purposes of section 113 of the Civic Government (Scotland) Act 1982 (evidence of Management Rules);
- 4.2.8 to act, in the absence of the Chief Executive, as Proper Officer for the nomination of a substitute member pro tem for any specific meeting of the Tay Road Bridge

Joint Board in the event of neither the member nor the substitute member being available;

4.2.9 to carry out necessary duties incumbent on the Council in relation to registration of members, interests under section 7 of the Ethical Standards in Public Life etc (Scotland) Act 2000 and the regulations made thereunder; and

4.2.10 in the absence of the Chief Executive, to act as the Proper Officer for the purpose of determining which committee or sub-committee should consider any matter in terms of the Council's Scheme of Administration.

4.3 **Property Transactions**

In paragraphs 4.3.1 – 4.3.4, the term property includes land, buildings and all related rights and obligations. The term "dispose" shall include dealings with Council property less than full disposal, including consent to assignments of leases, exclusivity agreements and appropriating land for another Council function. Reports on the use of delegated powers shall be reported to the following meeting of the appropriate Area Committee for information.

4.3.1 to acquire property by lease or purchase where:-

- (a) the value of the property, including in the case of leases the capitalised value of the rent over ten years, is £250,000 or less; and
- (b) consultation has taken place with the Chair of the appropriate Committee, the local members and the relevant Executive Director responsible for the property;

4.3.2 to acquire property by lease or purchase in cases of urgency where:-

- (a) the value of the property, including in the case of leases, the capitalised value of the rent over ten years, is more than £250,000; and
- (b) consultation has taken place with the Chair of the appropriate Committee, the local members and the relevant Executive Director responsible for the property;

4.3.3 to dispose of property by sale or lease where:-

- (a) the value of the property, including in the case of leases, the capitalised value of the rent over ten years, is £250,000 or less; and
- (b) consultation has taken place with the relevant Executive Director responsible for the property. Where property is disposed of by sale, the local members must be consulted;

4.3.4 the power of disposal shall specifically include disposal in circumstances where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 apply, following consultation with the local members where the value of the property, including in the case of leases, the capitalised value of the rent over ten years is £250,000 or less; and subject to reporting back to the Executive Committee the ways in which the terms of the regulations have been met;

- 4.3.5 to dispose of property by sale or lease in cases of urgency where:-
- (a) the value of the property, including in the case of leases, the capitalised value of the rent over ten years, is more than £250,000; and
 - (b) consultation has taken place with the Chair of the appropriate Committee, the local members and the relevant Executive Director responsible for the property;

- 4.3.6 to accept offers received for the purchase of Council property where:-
- (a) the sale of the property has been agreed by the appropriate committee or sub-committee or the Executive Director (Corporate Services) has delegated powers under this scheme; and
 - (b) the offer which represents the best consideration which could be reasonably obtained by the Council is to be accepted or paragraph 4.3.4 applies.

In this paragraph, the term property includes land, buildings and all rights and obligations relating thereto. Reports on the use of delegated powers shall be reported to the following meeting of the appropriate Area Committee for information;

- 4.3.7 to accept offers received to purchase tenanted houses in terms of Part III of the Housing (Scotland) Act 1987;
- 4.3.8 to determine requests to resile from the bargain for the sale of a tenanted house subject to the tenant meeting the Council's expenses; and

4.4 **Finance**

- 4.4.1 to determine payments in respect of claims made against the Council under Part 1 of the Land Compensation (Scotland) Act 1973 of up to £5,000.
- 4.4.2 to review annually the Scheme for Members' Allowances; and
- 4.4.3 to determine the fee to be charged for issuing property enquiry certificates and to determine any miscellaneous legal fees.
- 4.4.4 to make arrangements for the collection and recovery of all income due to or to be collected by the Council including the council tax, water charges, rates and community charge income;
- 4.4.5 to make arrangements for payments, by whatever means, on behalf of the Council in respect of authorised expenditure;
- 4.4.6 to make the necessary arrangements for duly authorised borrowing and lending in terms of Schedule 3 to the Local Government (Scotland) Act 1975;
- 4.4.7 to act, as the proper officer for the purposes of section 92 of the Act (Transfer of securities on alteration of area etc.);
- 4.4.8 to act, as Registrar of Stocks, Bonds and Mortgages;

- 4.4.9 to make up and maintain the Assessment Roll, to prepare and issue demand notes for the payment of rates and to receive claims for exemption, abatement or remission of rates and to determine applications for discretionary relief, in accordance with Council Policy;
- 4.4.10 without prejudice to section 69 of the Act, to act for the purposes of section 95 of the Act as the proper officer responsible for the administration of the financial affairs of the Council in accordance with the arrangements made or to be made by the Council for the proper administration of such affairs;
- 4.4.11 to execute and administer treasury management matters in accordance with the Council's policy and treasury management practices and, if relevant, current professional codes;
- 4.4.12 to deal with claims under the self funded insurance scheme;
- 4.4.13 to determine requests for discretionary payments in respect of housing benefit;
- 4.4.14 to sign operating lease documentation;
- 4.4.15 to arrange, through the Fife Council Pension Fund's Investment Managers, for the making of investments in accordance with the policy of the Council;
- 4.4.16 to arrange through the Fife Council Pension Fund's Investment Managers, for the investment of the moveable capital of the Fife Educational Trust in accordance with the Fife Educational Trust Scheme 1958 and where appropriate to arrange for the investment of moveable capital in other Trusts and common good funds;

5.0 **EXECUTIVE DIRECTOR (EDUCATION AND CHILDREN'S SERVICES SOCIAL WORK OFFICER¹**

In addition to the delegated authority specified in section 2 above, the Executive Director (Education and Children's Services) and, as appropriate in relation to such matters as relate to the Chief Social Work Officer is authorised:-

- 5.1 to exercise the functions of the Council under the Education (Additional Support for Learning) (Scotland) Act 2004 in relation to children and young persons with additional support needs;
- 5.2 to appoint persons recommended by an Education Appointment Committee for the posts of Headteacher and Depute Headteacher of a school;
- 5.3 to determine, in the first instance, placing requests under section 28A of the Education (Scotland) Act 1980; and
- 5.4 to exercise the Council's powers in relation to irregular attendance of school pupils under sections 36, 37, 38, 39 and 42 of the Education (Scotland) Act 1980.
- 5.5 to carry out the functions of the Council under section 11 of the Matrimonial Proceedings (Children) Act 1958

¹ The Chief Social Work Officer is a separate appointment.

- 5.6 to administer the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 1984, including arrangements for training of members of said Panel or Panels;
- 5.7 to carry out the functions of the Council under the Adoption (Scotland) Act 1978 and Regulations made thereunder including the operation of the Adoption Allowance Scheme;
- 5.8 to operate the scheme for the payment of allowances under section 50 of the Children Act 1975;
- 5.9 to carry out the functions of the Council under the Foster Children (Scotland) Act 1984 and the Private Fostering (Scotland) Regulations 1985, and
- 5.10 to carry out the functions of the Council in relation to the provision of services for children in terms of the Children (Scotland) Act 1995 and regulations made thereunder.

6.0 **DIRECTOR OF HEALTH AND SOCIAL CARE/CHIEF SOCIAL WORK OFFICER**

In addition to the delegated authority specified in section 2 above, the Director of Health and Social Care, and, as appropriate in relation to such matters as relate to their statutory duties, and/or in relation to Children and Families, and Criminal Justice, the Chief Social Work Officer, is authorised:-

- 6.1 to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
 - section 12 - general social welfare services of local authorities,
 - section 13 - power of local authority to assist persons in need in disposal of produce of their work,
 - section 14 - home help and laundry facilities,
 - section 27 - supervision and care of persons put on probation or released from prisons or under the community service scheme,
 - section 28 - burial or cremation of the dead,
 - section 29 - power of local authority to defray expenses of parents, etc. visiting persons or attending funerals,
- 6.2 to make arrangements, in consultation with the Executive Director (Finance and Corporate Services), for the care of persons who are suffering from grave chronic disease or who, being aged, infirm or physically incapacitated, are living in unsanitary conditions and are unable to devote to themselves - and are not receiving from others - proper care and attention, in terms of section 47 of the National Assistance Act 1948;
- 6.3 to make arrangements for the protection of property of persons admitted to hospitals etc. in terms of section 48 of the National Assistance Act 1948;

- 6.4 to carry out the functions of the Council under sections 1 and 2 of the Chronically Sick and Disabled Persons Act 1970;
- 6.5 to make arrangements for facilities for seriously disabled persons for sheltered employment and training in terms of the Disabled Persons (Employment) Act 1958;
- 6.6 to make arrangements with respect to the prevention of illness, care and aftercare of persons suffering from mental disorder under sections 7(1)(a) - in so far as relating to the care of persons for the time being resident in accommodation - 7(1)(b) to (d) and 8 of the Mental Health (Scotland) Act 1984;
- 6.7 to instruct, in consultation with the Executive Director (Finance and Corporate Services), the provision of aids and the adaptation of property of chronically sick and disabled persons in accordance with the relevant Council policy;
- 6.8 approval of luncheon clubs subject to provision having been made for any expenditure in the approved estimates of the Council;
- 6.9 to issue contracts under the National Health Service and Community Care Act 1990 for the provision of residential accommodation subject to the terms of the contracts having been approved in advance by the Executive Director (Finance and Corporate Services);
- 6.10 to carry out the functions of the chief social work officer and to exercise the powers and duties of the Council in terms of the following provisions of the Adults with Incapacity (Scotland) Act 2000:-
 - section 10 - exercise of general functions in relation to guardians, welfare attorneys and persons authorised under intervention orders
 - section 12 - safeguarding of property, financial affairs or personal welfare following investigation
 - Part 6 - various powers and duties in respect of intervention orders and guardianship orders.
- 6.11 The Director of Health and Social Care will also act as the Chief Officer of the Health and Social Care Integration Board for Fife as provided for by section 10 of the Public Bodies (Joint Working)(Scotland) Act 2014.

7.0 **EXECUTIVE DIRECTOR (ENTERPRISE AND ENVIRONMENT)**

In addition to the delegated authority specified in section above, the Executive Director (Enterprise and Environment) is authorised:-

7.1 **Transportation & Environmental Services**

- 7.1.1 to exercise the functions of the Council under section 91 of the Transport Act 1985 and regulations made thereunder relating to the provision of additional and emergency public passenger transport services;
- 7.1.2 to exercise the functions of the Council under section 6 of the Transport Act 1985 and regulations made thereunder in relation to alterations of existing public

passenger transport services and to the registration of new services where these are financially supported by the Council. This power is only to be exercised having regard to the need to alter such services at short notice;

- 7.1.3 to make payments towards the cost of registration or amending registrations of public passenger transport services or amending registrations of such services together with a reasonable contribution towards associated publicity. This power is only to be exercised where such registration or amendments are made at the request of the Council;
- 7.1.4 to adjust the departure charges at bus stations managed by the Council where this is necessary to achieve a reasonable balance in the revenue budgets for such bus stations; and
- 7.1.5 to approve or refuse applications for grants in terms of section 106(1) of the Transport Act 1985 up to a maximum of £20,000.
- 7.1.6 without prejudice to the generality of paragraph 2.1.1 of the Scheme, to instruct immediate repairs to engineering works which have become damaged in order to mitigate any loss, damage or injury to property or persons;
- 7.1.7 to carry out the functions of the Council under the appropriate sections of the Roads (Scotland) Act 1984 relating to the use of builders' skips on roads for non-building operations; the provision of lighting; the control of roadworks; the prevention of roadside dangers; obstructions to and excavations of roads without consent; the fencing and lighting of obstructions and excavations; technical approval of new or replacement structures supporting roads; and the various restrictions on placing bridges, beams, rails, etc. over roads subject always to the provision that notices requiring to be served shall be served by the Executive Director (Enterprise and Environment) after consultation with and subject to the Executive Director (Finance and Corporate Services) being satisfied it is competent and appropriate to do so;
- 7.1.8 to carry out the functions of the Council relating to roadworks under the New Roads and Street Works Act 1991, subject always to the provision that notices requiring to be served shall be served by the Executive Director (Enterprise and Environment) after consultation with and subject to the Executive Director (Finance and Corporate Services) being satisfied it is competent and appropriate to do so;
- 7.1.9 to carry out the functions of the Council under the Road Traffic Regulation Act 1984 relating to traffic regulations, subject always to the provision that notices requiring to be served shall be served by the Executive Director (Finance and Corporate Services) when satisfied it is competent and appropriate to do so;
- 7.1.10 to carry out the functions of the Council under the Road Traffic Act 1991 and the Road Traffic Regulation Act 1984 relating to enforcement of parking controls within the parking area designated by the Road Traffic (Permitted Parking Area and Special Parking Area) (Fife Council) Designation Order 2013;
- 7.1.11 to carry out the functions of the Council relating to the temporary prohibition or restriction of traffic on roads under the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. All notices required will be made and issued by the Executive Director (Enterprise and Environment) and all orders required will be made or issued by the Executive Director (Finance and Corporate Services) when satisfied that it is competent and appropriate to do so; and

7.1.12 to determine in relation to roads, fleet and waste operations, the following matters:-

- numbers of staff and workforce;
- provision of vehicles for Council;
- tendering strategies; and
- provision of materials, plant and equipment.

7.1.13 to exercise the functions of the Council under sections 1, 2, 3, 4A and 4B of the Flood Prevention (Scotland) Act 1961 regarding the carrying out of operations specified in section 2(1) of the said Act;

7.1.14 to operate the Council's scheme for Disabled Persons under the Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 1992;

7.1.15 to exercise the function of the Council under sections 4, 12, 13, 16, 26 and 27 of the Coast Protection Act 1949 regarding the carrying out of coast protection work for the protection of land;

7.1.16 to exercise the function of the Council under sections 2, 3, 8, 9, 10, 12, 13, 14, 15 and 16 of the Reservoirs Act 1975.

7.2 Economy, Planning and Employability Services

7.2.1 To determine all applications for planning permission by means of an appointed person which fall within the relevant categories below. In this paragraph:-

"the appointed person" shall mean any officer appointed by the Council to carry out the actions delegated to them in terms of this Scheme;

"application" shall mean (a) an application for planning permission; and/or (b) an application for consent, agreement or approval required by a condition imposed on a grant of planning permission where that grant has not been made by a Committee.

The appointed person is authorised:-

To determine all local development applications whether for approval or refusal with the exception of:-

1. Applications attracting six or more separate individual representations (i.e. this excludes six letters of representation from a single person / organisation) which are contrary to the officer's recommendation.
2. Applications which are significantly contrary to the Development Plan and which are recommended for approval.
3. Applications which are submitted by members of staff directly involved in the consideration of planning applications, Fife Councillors and Officers of the Council who are Senior Managers, Heads of Service, Executive Directors or the Chief Executive of Fife Council or any persons who have held any of these posts up to 12 months preceding the date of the application.

4. Applications attracting objections from statutory consultees, where the officer's recommendation is for approval.
5. Applications which the Council considers should be referred to Committee for determination in terms of section 43A(6) of the Town and Country Planning, etc. (Scotland) Act 1997.
6. Applications which are submitted by Fife Council, or which relate to land in the ownership of Fife Council, or in which they have a financial interest, which are required by law to be considered by a Committee.
7. Applications which have associated applications for other forms of consent (e.g. listed building consent) where the appointed person considers it expedient for both applications to be considered by Committee.
8. Any application that has been processed under the terms of the EIA Regulations 2013.
9. Any application for a wind turbine or turbines where the height of those turbines exceeds 50m to the top of the blade.

The above exceptions shall not prevent applications from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.

7.2.2. to determine all applications (other than applications for planning permission) of whatever nature submitted to the Council for determination as planning authority, including (but not limited to) certificates of lawfulness, listed building consent, advertisement consent and conservation area consent as well as consent to undertake work on protected trees; whether for approval or refusal, with the exception of:-

1. applications attracting six or more separate individual representations (i.e. this excludes six letters of representation from a single person / organisation) which are contrary to the officer's recommendation;
2. applications which are submitted by members of staff directly involved in the consideration of planning applications, Fife Councillors and Officers of the Council who are Senior Managers, Heads of Service, Executive Directors or the Chief Executive of Fife Council or any persons who have held any of these posts up to 12 months preceding the date of application.
3. applications attracting objections from statutory consultees, where the recommendation is for approval.

The above exceptions shall not prevent applications (including major planning applications which are not significantly contrary to the Development Plan) from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.

7.2.3. In consultation with the Chair of the relevant committee, to take any decision or determine any procedural or substantive matter in connection with the consideration or assessment of any planning or other application including such matters as pre-application notification and consultation, referral of local

development applications to committee, decisions relating to which committee(s) should determine specific applications, deciding whether or not to hold a Discretionary Hearing and determining the Council's position at any appeal in relation to planning matters;

- 7.2.4. to determine whether to take enforcement action including issuing fixed penalty notices and the service of any Enforcement Notice, Planning Contravention Notice, Breach of Conditions Notice, Discontinuance Notice or referral of alleged breaches to the Procurator Fiscal and to authorise entry to land made under any statutory power available to the Council to enable the Council to discharge any of their functions as planning authority including direct action;
- 7.2.5 to serve any notice in connection with or to secure the removal of advertisements displayed in contravention of any regulations controlling the display of advertisements;
- 7.2.6 in the interests of expediency, to take such action as necessary or appropriate in the interests of, or to preserve the position of the planning authority including the service of any stop notice (including a temporary stop notice) or the making of any statutory order including a Tree Preservation Order;
- 7.2.7 to determine and to take all action necessary to enable the determination of any application for Building Warrant and to determine any application for relaxation of the Building Standards Regulations unless the application has attracted relevant and unresolved representations or objections and to determine whether any representation or objection made in response to such an application is a relevant representation or objection;
- 7.2.8 in consultation with the Executive Director (Finance and Corporate Services), to enter into legal agreements ancillary to the approval of local development applications under section 7.2.1; and such other agreements including processing agreements and variation and discharge of other agreements as are non-material to the determination of the relevant application. For the avoidance of doubt, this shall include determining applications for the modification and discharge of agreements made under s.75A of the Town and Country Planning (Scotland) Act 1997 where such agreements are ancillary to planning applications determined under delegated powers;
- 7.2.9 In relation to all mineral consents, to ensure that appropriate terms, s.75 Agreements and bonds are in place, and properly recorded, reported, monitored and enforced. In the absence of a formal Committee decision taken and recorded to the contrary, the termination terms of bonds should be enforced;
- 7.2.10 to take all action necessary to protect Fife's trees and enhance the environment, including the making of Tree Preservation Orders and giving consent to felling, pruning, lopping and other matters relating to existing Orders;
- 7.2.11 to refuse, as appropriate, any application for a Notice under the High Hedges (Scotland) Act 2013;
- 7.2.12 in connection with the enforcement of Building Standards:- to issue any Building Standards qualifying statement where this is considered appropriate; to serve any notice or certificate relating to works carried out without or in contravention of a Building Warrant; to require buildings to be brought up to standard; to require such action as it is considered necessary or appropriate to take in connection with

dangerous buildings including the removal of people from them or any adjoining building; and to authorise entry to land under any statutory power available to the Council to enable the Council to discharge their functions under Building Standards legislation;

- 7.2.13 in cases of urgency to authorise any action by the Council as Building Standards authority which is considered necessary or appropriate to protect people or property;
- 7.2.14 to determine applications for grant assistance under any Scheme approved by the Council which is operated by the Executive Director (Enterprise and Environment);
- 7.2.15 to issue Defective Building notices in terms of section 28 of the Building (Scotland) Act 2003;
- 7.2.16 to allocate street names and numbers in terms of section 97 of the Civic Government (Scotland) Act 1982 and in accordance with the Council's names and numbering policy and procedure;
- 7.2.17 to incur expenditure on single items up to £100,000 in respect of maintaining and expanding the Council's Business Property Portfolio; and
- 7.2.18 to determine applications for financial assistance to businesses administered by Business Gateway Fife (or its successors) or the Scottish Local Authority Loan Fund (or their successors) in the form of grants, loans, or repayable grants up to the value of £100,000 (or 50% of the cost of the project – whichever is lower); subject to the submission of a report to the relevant Scrutiny Committee annually, detailing such expenditure;
- 7.2.19 to approve the advance reservation of space of participating in trade exhibitions, missions or events in the UK and overseas;
- 7.2.20 to carry out the functions and to designate employees to carry out the functions assigned to the Council as the local food authority, health and safety authority, pollution control authority, local weights and measures authority and pest control and animal welfare authority; which functions include, without prejudice to the foregoing generality, the following:-
- 7.2.21 to determine applications for approvals and/or licences and/or certificates in terms of the following Acts and any regulations made thereunder and any other relevant and current Environmental Health and Trading Standards legislation:

Animal Boarding Establishments Act 1963

Breeding of Dogs Act 1973

Dangerous Wild Animals Act 1976

Deer (Scotland) Act 1996

Performing Animals (Regulations) Act 1925

Pet Animals Act 1951

Riding Establishments Acts 1964/70

Zoo Licensing Act 1981

Food Safety Act 1990

The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland)

Regulations 2009

- 7.2.22 to approve / refuse grants for the improvement of water quality for private water supplies in terms of the Private Water Supplies (Grants) (Scotland) Regulations 2006;
- 7.2.23 to appoint officers to carry out the functions of Licensing Standards Officers under the Licensing (Scotland) Act 2005;
- 7.2.24 to grant certificates relative to Food Hygiene in terms of section 39 of the Civic Government (Scotland) Act 1982 and section 50 of the Licensing (Scotland) Act 2005;
- 7.2.25 to agree transfer of responsibility for enforcement in terms of the Health and Safety (Enforcing Authority) Regulations;
- 7.2.26 to authorise persons to accompany inspectors in terms of section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974;
- 7.2.27 to appoint inspectors in terms of section 19 of the Health and Safety at Work etc. Act 1974 for the purposes of sections 20, 21, 22 and 25 of the said Act;
- 7.2.28 to carry out the functions of the Council under the Food Safety Acts, the Offices, Shops and Railway Premises Act and the Food Hygiene Regulations;
- 7.2.29 to issue Improvement and Prohibition notices and to inspect, detain and seize suspect food under sections 9, 10, 11 and 12 of the Food Safety Act 1990;
- 7.2.30 to refuse applications for a repairs grant where the owner's proposals are such that, in terms of section 248 of the Housing (Scotland) Act 1987, a financial assessment requires to be applied and it appears that the owner would be able to finance the expense of the work to which the application relates without undue hardship:-
- to approve extensions to the date by which authorised works should be completed up to a maximum extension of 18 months;
- to approve applications for discretionary improvement grants including those for the conversion of buildings into houses;
- 7.2.31 to serve, suspend and/or revoke Notices/Orders in terms of the Housing (Scotland) Acts 1987 and 2006 insofar as they relate to the closure, demolition, repair, maintenance or improvement of property;
- 7.2.32 to approve applications for grants in terms of the Housing (Scotland) Act 1987 insofar as the applications relate to financial assistance in respect of:-
- the improvement of property; and
 - the repair of property.
- 7.2.33 to determine Housing Improvement Orders and revoke Closing Orders in terms of the Housing (Scotland) Act 1987;
- 7.2.34 to approve and issue Caravan Site Licences in terms of the Caravan Sites and Control of Development Act 1960;

- 7.2.35 to arrange for burials in terms of section 50 of the National Assistance Act 1948;
- 7.2.36 to determine applications for approval of the height of chimneys in terms of section 15 of the Clean Air Act 1993;
- 7.2.37 to appoint the Council's Public Analyst, Agricultural Analyst and Deputy Agricultural Analyst;
- 7.2.38 to serve notices in terms of Parts II and IV of the Environmental Protection Act 1990;
- 7.2.39 to serve notices in terms of the Council's Management Rules relating to Civic Amenity Sites;
- 7.2.40 to enforce the provisions relating to (a) noise and (b) the sale of paint to those under 16 years of age contained within the Anti-Social Behaviour, etc. (Scotland) Act 2004;
- 7.2.41 to enforce the provisions contained within the Smoking, Health and Social Care (Scotland) Act 2005;
- 7.2.42 to carry out the functions and to designate employees to carry out the functions assigned to employees of the Council as the local weights and measures authority which functions include, without prejudice to the foregoing generality, those referred to in the following Acts and any regulations made thereunder:-

Agriculture Act 1970

Children and Young Persons (Protection from Tobacco) Act 1991

Civic Government (Scotland) Act 1982

Clean Air Act 1993

Consumer Credit Act 1974

Consumer Protection Act 1987

Development of Tourism Act 1969

Education Reform Act 1988

Enterprise Act 2002

Estate Agents Act 1979

European Communities Act 1972

Fair Trading Act 1973

Farm and Garden Chemicals Act 1967

Fireworks Act 2003

Food and Environment Protection Act 1985

Hallmarking Act 1973

Health and Safety at Work etc. Act 1974

Medicines Act 1968

Petroleum (Regulations) Acts 1928 and 1936

Poisons Act 1972

Prices Acts 1974

Road Traffic Act 1988

Tobacco Advertising and Promotions Act 2002

Trade Descriptions Act 1968

Trade Marks Acts 1994

Video Recordings Act 1984 and 1993

Weights and Measures Act 1985;

- 7.2.43 to serve notices under sections 94 and 99 of the Civic Government (Scotland) Act 1982 on occupiers or owners of premises or land on which disused petrol tanks are situated, requiring them to take such steps as are reasonably necessary to prevent damage from the containers;
- 7.2.44 to provide facilities to Class F2 standard, or other such approved standard;
- 7.2.45 to exercise the functions of the Council under the Explosives Act 1875
- 7.2.46 to carry out the functions and to designate employees to carry out the functions of the Council in relation to the enforcement of the Environmental Protection (Controls On Ozone- Depleting Substances) Regulations 2002
- 7.2.47 to carry the functions of the Council in relation to the powers conferred on the Council by the Unfair Terms in Consumer Contracts Regulations 1999;
- 7.2.48 to accept on behalf of the Council undertakings in terms of the Enterprise Act 2002;
- 7.2.49 to exercise the licensing powers of the Council under the Fireworks Regulations 2004;
- 7.2.50 to authorise any officers of Trading Standards Scotland to operate in Fife under the Consumer Credit Act 1974 and any other relevant legislation;
- 7.2.51 to authorise the use of a “source” or “covert surveillance activity” to officers of the Scottish Illegal Money Lending Unit under the Regulation of Investigatory Powers (Scotland) Act 2000.
- 7.2.54 In consultation with the Head of Legal Services, to take decisions relating to recovery of costs of remediating contaminated land under the relevant policy.

7.3 **Asset Management and Building Services**

- 7.3.1 to accept tenders in accordance with the powers delegated by the Council's Standing Orders - Scheme of Tender Procedures;
- 7.3.2 without prejudice to the generality of paragraph 2.1.1 of the Scheme to instruct, immediate repairs to buildings which have become damaged in order to mitigate any loss, damage or injury to property or persons; where practicable, such repairs must be carried out after consultation with the appropriate Executive Director;
- 7.3.3 to instruct the repair and maintenance of any Council building and to furnish and re-furnish such accommodation subject to provision having been made therefor in the approved budget estimates of the Council and, where appropriate, compliance with the Council's Standing Orders relating to Contracts;
- 7.3.4 where necessary, in the interests of public safety or for other reasons of expediency, to authorise the demolition of any Council building;
- 7.3.5 to determine, in relation to Building, Transport, Catering and Cleaning operations, the following matters:-
- numbers of staff and workforce;
 - provision of vehicles and materials;
 - tendering strategies; and

- provision of plant and equipment.

7.3.6 to enter into wayleaves of any duration for services and utilities crossing council land following consultation with relevant Services and to enter into leases or agreements relating to heritable property the duration of which does not exceed one year; and

7.3.7 to advertise any land or property for sale after consultation and agreement with relevant Executive Director and the local member.

7.3.8 to conclude and sign agreements with partners under the Council's "Comfort Scheme".

8.0 **EXECUTIVE DIRECTOR (COMMUNITIES)**

In addition to the delegated authority specified in section 2 above, the Executive Director (Communities) is authorised :-

8.1 **Housing Services**

8.1.2 to allocate housing (including the allocation of pitches to Travelling Persons and the letting of garages) and to make decisions on homeless priority and the allocation of housing to homeless applicants, in accordance with Council policy;

8.1.3 to pay statutory compensation to tenants up to a maximum of £5,000 in any case subject to confirmation by the Executive Director (Finance and Corporate Services) that the tenant is entitled to said compensation;

8.1.4 to determine, in consultation with the Executive Director (Finance and Corporate Services), requests for communal heating charge rebates;

8.1.5 to act as the Proper Officer in terms of sections 193 and 194 of the Act for the purposes of granting leases and serving notices in terms of Part III of the Housing (Scotland) Act 1987;

8.1.6 to raise court action for eviction of tenants on the grounds of nuisance or other breach of tenancy, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services);

8.1.7 to raise court action to compel compliance with each tenant's obligation to maintain their garden ground, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services). Such court action to be as follows:-

(a) specific Implement which failing warrant to carry out the works and recover the costs;

(b) Variation of Tenancy Agreement to allow the Council to remedy the tenant's failure to maintain the garden ground and recover its reasonable costs; or

(c) re-possession of the dwelling house for persistent failure to maintain garden ground amounting to a deterioration of the premises;

8.1.8 to raise court action to compel compliance with each owner-occupier's obligation to maintain their garden ground, this power to be exercised with the approval of

the Executive Director (Finance and Corporate Services). Such court action to be as follows:-

(a) Specific Implement which failing warrant to carry out the works and recover the costs; or

(b) where the terms of section 16 of the Public Health (Scotland) Act 1897 are satisfied, pursue appropriate proceedings under that Act;

8.1.9 to take houses out of management following consultation with the relevant Area Chair and the local members;

8.1.10 to take action on behalf of the Council in accordance with the exercise of the Council's powers and functions under Part 7 (Housing: Antisocial Behaviour Notices) and Part 8 (Housing: Registration of Certain Landlords) of the Antisocial Behaviour, etc. (Scotland) Act 2004;

8.1.11 to determine applications for licences in respect of houses in Multiple Occupation in accordance with the terms of the Housing (Scotland) Act 2006;

8.1.12 to determine all matters relating to applications to purchase tenanted houses under the Housing (Scotland) Act 1987;

8.1.13 to register a notice of potential liability for costs in terms of the Tenements (Scotland) Act 2004, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services); and

8.1.14 to submit all necessary applications, evidence and reports required by the Property Factors (Scotland) Act 2011 to the Scottish Ministers.

8.2 **Area Services**

8.2.1 to serve Notices and to designate employees of the Council to carry out the functions assigned to employees in terms of the following Acts and any regulations made thereunder

Animal Boarding Establishments Act 1963

Breeding of Dogs Act 1973

Dangerous Wild Animals Act 1976

Civic Government (Scotland) Act 1982, Sections 87, 90, 91,92 and 95

Environmental Protection Act 1990

Dog Fouling (Scotland) Act 2003

Prevention of Damage by Pests Act 1949

Dangerous Dogs Act 1991

Dogs Act 1906

Animal Health and Welfare (Scotland) Act 2006

Refuse Disposal (Amenity) Act 1978

8.2 .2 to seize dogs under section 5(1) of the Dangerous Dogs Act 1991;

8.2.3 to take action in terms of the control of dogs powers set out in sections 149, 150 and 151 of the Environmental Protection Act 1990;

8.2.4 To serve fixed penalty notices under Section 79(e) of the Environmental Protection Act 1990 as amended by the Public Health Etc (Scotland) Act 2008

- 8.2.5 to determine in relation to Grounds Maintenance Operations the following matters:-
- numbers of staff and workforce;
 - provision of vehicles and materials;
 - tendering strategies; and
 - provision of plant and equipment.
- 8.2.6 to control the employment of children in terms of the Council's Bye-Laws. This power is to be exercised in consultation with the Executive Director (Finance and Corporate Services) and the Executive Director (Education and Children's Services).
- 8.2.7 to consider requests for free lets or lets at a reduced charge of community facilities. The Executive Director shall include reference to the exercise of powers in this connection in their annual performance monitoring report to Committee.
- 8.2.8 to carry out the functions of the Council in terms of Parts 1, 2 and 3 and Schedules 1 and 2 of the Civic Government (Scotland) Act 1982 and to serve Notices and issue certificates in terms of the following Acts and any regulations made thereunder:-
- Civic Government (Scotland) Act 1982, sections 87, 90 and 92
 Health and Safety at Work etc. Act 1974
 Environmental Protection Act 1990
 Food Safety Act 1990
 Prevention of Damage by Pests Act 1949
 Water (Scotland) Act 1980
 Refuse Disposal (Amenity) Act 1978
 Noise and Statutory Nuisance Act 1993
 European Communities Act 1972
 Public Health (Scotland) Act 2008
 Tobacco and Primary Medical Services Act 2010
- 8.2.9 to act as Chief Inspector for the purposes of the Animal Health Act 1981; Dogs Act 1906; Protection of Animals (Scotland) Act 1912; Animal Health and Welfare Act 1984; Agriculture (Miscellaneous Provisions) Act 1963 and the Animal Health and Welfare (Scotland) Act 2006 and to appoint as Inspectors such employees as are deemed necessary and appropriate;
- 8.3 Customer Service Improvement
- 8.3.1 to consider and dispose of applications made to the Council on behalf of pupils for free school meals and school clothing grants. This power is to be exercised in consultation with the Executive Director (Education and Children's Services).
- 8.3.2 to carry out the functions of register of Births, Marriages and Deaths;
- 8.3.3 to administer, in accordance with agreed policy, payments etc, under the Scottish Welfare Fund;
- 8.3.4 to implement the Council's responsibilities as category 1 provider under the Civil Contingencies Act 2004;

8.3.5 to carry out the Council's obligations under freedom of information environmental information, and data protection legislation, as well as matters arising to the Scottish Public Service Ombudsman.

9.0 **OTHER DELEGATIONS**

In addition to the delegations specified above, the following matters are delegated to officers who are not Executive Directors :-

9.1 Head of Legal Services

9.1.1. to act as the Monitoring Officer for the purpose of section 5 of the Local Government and Housing Act 1989.

9.2 **Head of Democratic Services**

9.2.1 to act as the Electoral Registration Officer for the purposes of section 8(3) of the Representation of the People Act 1983; and to appoint such a deputy as may be required to carry out the relevant functions.