

East Ayrshire

COUNCIL

Scheme of Delegation and Administration

1 APRIL 2004

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CONTENTS

	PAGE
1. Introduction and Decision Making/Departmental/ Chief Officer Structures	(i)-(iv)
2. Outline and Remit of Portfolio Holders	1
3. Decision Making Structures and Arrangements	
3.1 Council	2
3.2 Cabinet and Call in Arrangements	3
3.3 Governance and Scrutiny Committee	7
3.4 Panels	
(i) Ad-Hoc Discretionary Rental Leases/Non Domestic Rates Relief Appeals Panel	8
(ii) Appeals Panel	9
(iii) Education Appeals Panel	10
(iv) Education (Joint Appeals & Bursaries) Panel	11
(v) Housing Appeals Panel	11
(vi) Recruitment Panel	11
(vii) Local Government Licensing Panel	12
(viii) Social Work Complaints Review Panel	13
3.5 Planning Function	
(i) Principal Planning Committee	13
(ii) Northern Local Planning Committee	13
(iii) Southern Local Planning Committee	13
3.6 Community Planning Forums	
(i) Central Area	15
(ii) Northern Area	15
(iii) Southern Area	15
BREAKDOWN OF WARDS AND AREAS COVERED	17
PROPER AND APPOINTED OFFICERS... ..	18
OTHER STATUTORY APPOINTMENTS... ..	20

INTRODUCTION

(1) **COMPLIANCE WITH STANDING ORDERS, FINANCIAL REGULATIONS AND POLICY**

EACH CABINET/COMMITTEE OR OTHER GROUP/PANEL OR OFFICER REFERRED TO HEREIN, IN CARRYING OUT ITS/THEIR FUNCTIONS, POWERS AND DUTIES REFERRED TO OR DELEGATED TO IT/THEM, SHALL OBSERVE AND COMPLY WITH THE STANDING ORDERS AND FINANCIAL REGULATIONS OF THE COUNCIL AND WITH ANY POLICY, RESOLUTIONS, DIRECTIONS OR INSTRUCTIONS PASSED BY THE COUNCIL WITH REFERENCE TO ITS/THEIR BUSINESS GENERALLY OR TO THE AFORESAID DELEGATIONS.

(2) **NON EXERCISE OF DELEGATED AUTHORITY**

A CABINET/COMMITTEE OR OTHER GROUP OR PANEL REFERRED TO HEREIN, MAY IN ANY CASE NOT EXERCISE ITS DELEGATED AUTHORITY AND DIRECT THAT THE MATTER BE REPORTED TO THE COUNCIL/CABINET/COMMITTEE FOR DECISION OR THE CABINET/COMMITTEE MAY SUBMIT TO COUNCIL/CABINET A RECOMMENDATION ON THE MATTER. SIMILARLY AN EXECUTIVE DIRECTOR (OR WHERE APPROPRIATE AN EXECUTIVE HEAD/HEAD OF SERVICE) MAY IN ANY CASE NOT EXERCISE HIS OR HER DELEGATED AUTHORITY AND FOLLOWING CONSULTATION WITH THE RELEVANT SPOKESPERSON, REPORT THE MATTER TO THE APPROPRIATE CABINET/COMMITTEE OR PANEL FOR DECISION.

(3) **MAKING OF POLICY**

UNLESS OTHERWISE STATED, COMMITTEES OR OTHER GROUP OR PANEL REFERRED TO HEREIN, DO NOT HAVE SPECIFIC POLICY MAKING POWERS AND CAN ONLY MAKE RECOMMENDATIONS IN THIS RESPECT.

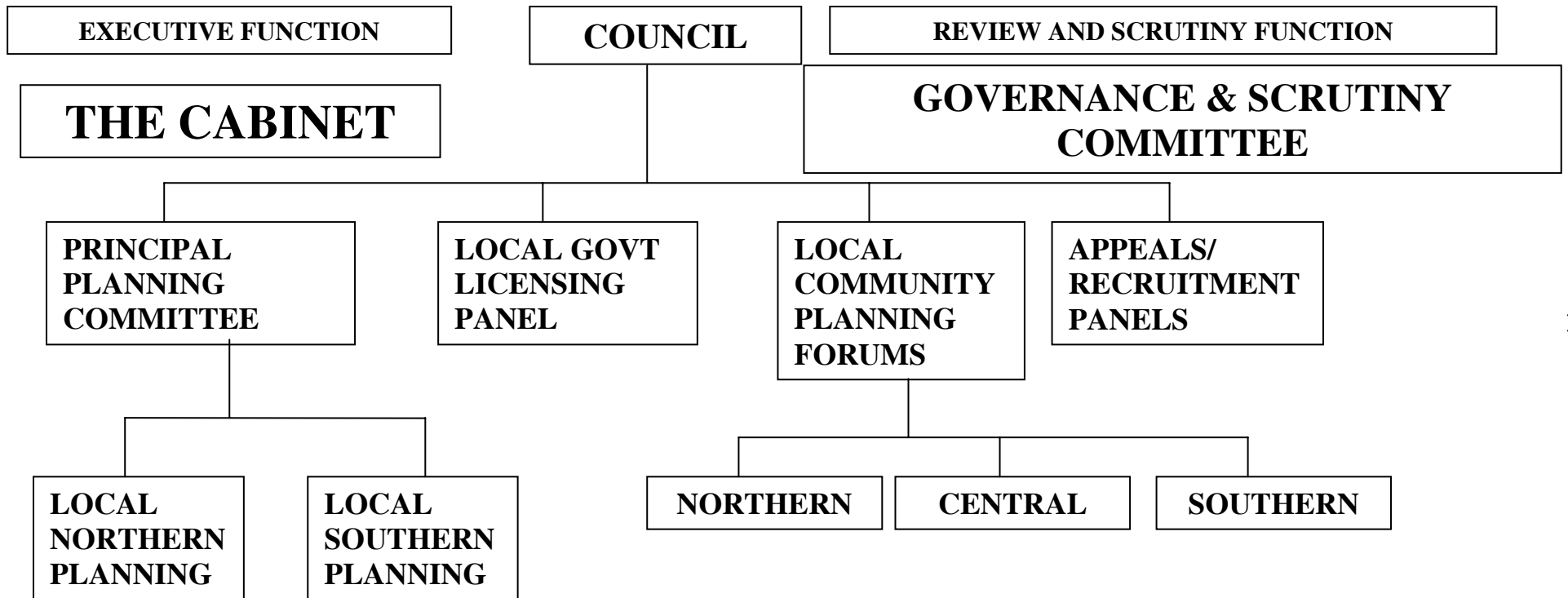
(4) **APPOINTMENT OF COUNCILLORS TO COMMITTEES ETC**

OTHER THAN AS PROVIDED FOR WITHIN THIS SCHEME, THE APPOINTMENT OF COUNCILLORS TO CABINET/COMMITTEES/PANELS/ WORKING GROUPS AND OUTSIDE ORGANISATIONS SHALL BE THE RESPONSIBILITY OF THE COUNCIL. CABINET AND COMMITTEES, MAY MAKE RECOMMENDATIONS ON APPOINTMENTS FOR RATIFICATION BY COUNCIL.

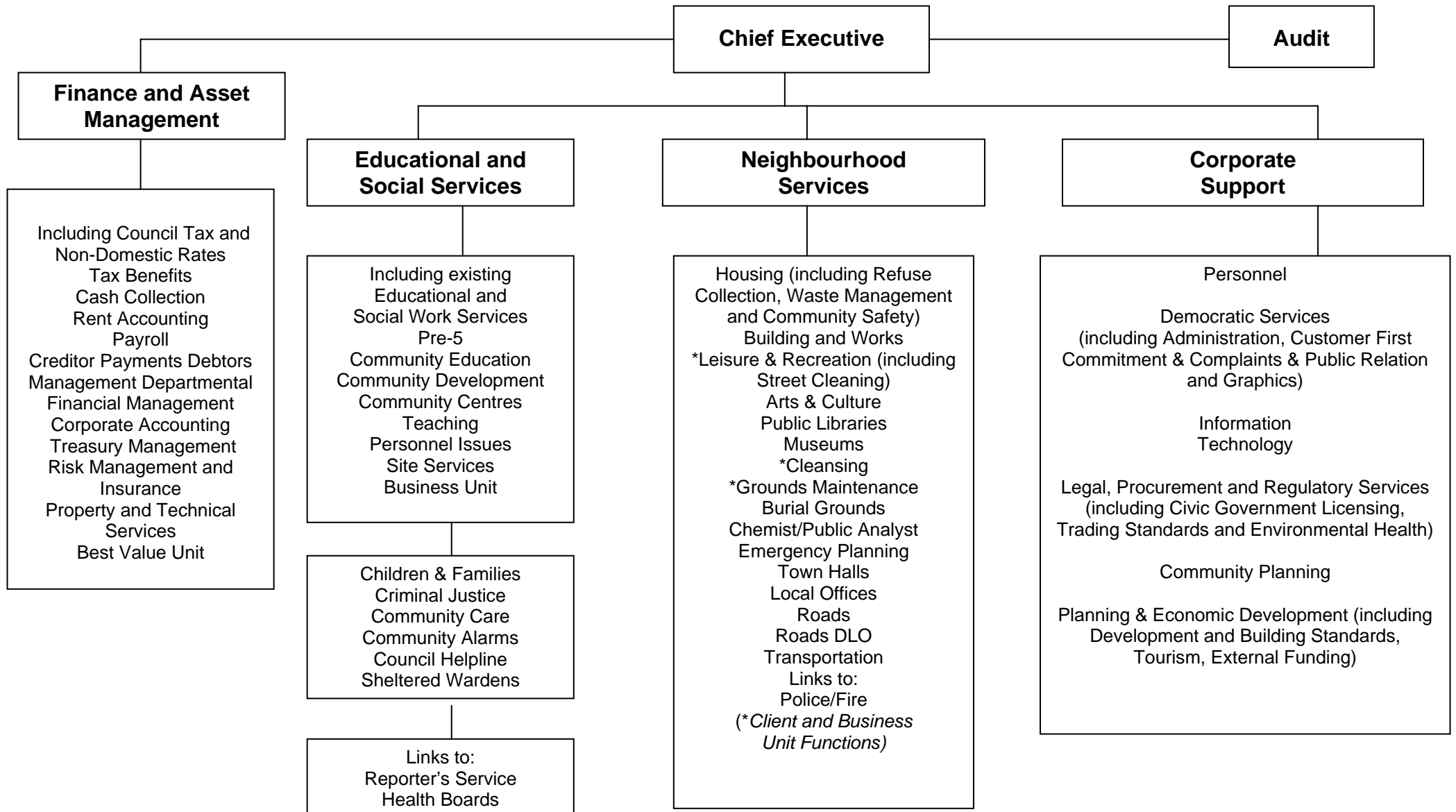
(5) **DECISION MAKING/DEPARTMENTAL/CHIEF OFFICER STRUCTURES**

DETAILS OF THE COUNCIL'S DECISION MAKING, DEPARTMENTAL AND CHIEF OFFICERS STRUCTURES TO WHICH THE SCHEME OF DELEGATION RELATES ARE PROVIDED WITHIN THIS INTRODUCTION SECTION.

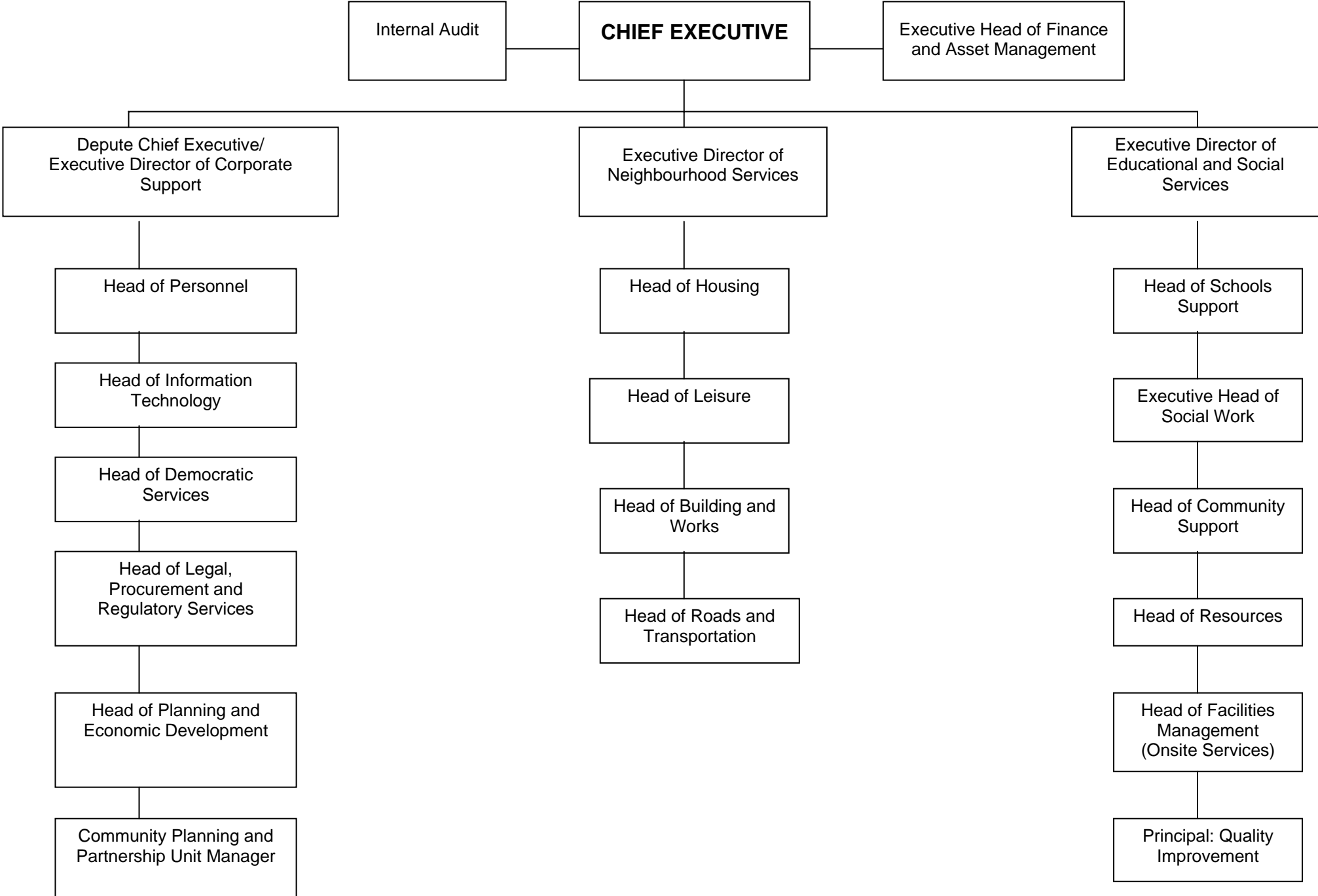
EAST AYRSHIRE COUNCIL: DECISION MAKING STRUCTURE



Departmental Structure - East Ayrshire Council



Chief Officer Staffing Structure - East Ayrshire Council



(1)

2. OUTLINE AND REMIT OF PORTFOLIO HOLDERS

2.1 PORTFOLIO HOLDERS

Portfolio Holders are Elected Members with specific areas of responsibility known as portfolios to ensure greater political accountability for the decisions taken by the Cabinet.

Portfolio Holders are politically accountable for service standards and service performance both in terms of direct service delivery and in terms of the contribution of individual services to the community plan priorities of the Council. Portfolio Holders are not responsible for service management.

Portfolio Holders have a specific role as advocate for their service groups. In this capacity portfolio holders will seek to ensure that relevant service needs and service views are taken into account in Cabinet decisions particularly where these relate to Community Plan priorities and strategies.

Portfolio Holders will:-

- meet on a regular basis with Senior Management with a view to discussing service issues including service performance;
- seek to resolve concerns regarding service delivery with service management;
- lead on service issues at Cabinet and Council meetings;
- lead on service reports at Governance and Scrutiny Committee; and
- attend Governance and Scrutiny Committees in respect of related called-in decisions to respond to questions and explain Cabinet proposals.

2.2 PORTFOLIO REMITS

Spokespersons hold the following remits:-

Leader of Council and Spokesperson for Community Planning and Equalities (Cllr Reid)

Focusing on the overall policies of the Council; the Community Plan and all its overarching themes; and all equality issues.

Spokespersons for Lifelong Learning (Cllrs Linton and Roberts)

Focussing on Community Planning themes, aspirations and aims:

- promoting Community Learning covering -

Educational Services, Pre-Five, Community Learning and Development, Teaching, Community Art, Libraries (including Registration and Local Offices), Museums and Art Galleries.

Spokespersons for Management and Resources (Cllrs Todd and Ross)

Focussing on the overall management of the Council activities:

- Cross-cutting policy overview.
- Management of Council's resources and assets - People, finance, systems and technology and property.
- Overseeing all corporate non-themed service functions.

Spokespersons for Environment and Regeneration (Cllrs McDill and Buchanan)

Focussing on Community Planning themes, aspirations and aims in terms of:

- Improving opportunities
- Improving the environment

covering -

Economic Development, Employment Initiatives, Planning and Building Standards, Structure Planning, Roads and Transportation, Tourism, Environmental Health, Cleansing and Waste Disposal, Outdoor Amenity Services (covering Grounds Maintenance, Golf Courses, Street Cleaning, Playparks and Cemeteries), Country Parks and Countryside Services

Spokespersons for Community Wellbeing (Cllrs Morrice and J MacKay)

Focussing on Community Planning themes, aspirations and aims in terms of

- promoting community safety
- improving health
- eliminating poverty

covering -

Social Work Services, Housing, Road and Community Safety, Leisure Development, Community Recreation, Consumer Protection, Emergency Planning, Street Lighting, Community Health and Chemistry and Public Analyst's Services.

3. DECISION MAKING STRUCTURES AND ARRANGEMENTS

3.1 COUNCIL

(a) Composition

All East Ayrshire Council Elected Members.

(b) Terms of Reference

- To set the Council's revenue and capital budgets.
- To set the Council Tax.
- To elect Provost and Depute Provost.
- To approve the Council's decision-making process and Departmental structures.
- To appoint Elected Members to serve on the Cabinet, the Governance and Scrutiny Committee, other Committees, Sub-Committees and Panels.
- To appoint Elected Members to outside Agencies.
- To determine and keep under review a Scheme of Members' Allowances.
- To prepare and keep under review a Scheme of Delegation and Administration, Standing Orders for the Regulation of Proceedings and Business, Financial Standing Orders for Contracts and Financial Regulations.

- Hold Cabinet to account with reports from Governance & Scrutiny Committee and through Members' questions at Council meetings.
- Consider motions for debate on general issues.
- Matters which cannot by law be delegated.

3.2 CABINET

(a) Composition

Number of Councillors - 10 (4 a quorum). (9/1).

Present Membership: Councillor Douglas Reid, Leader of Council and Spokesperson for Community Planning and Equalities;

Councillor Linton, Depute Leader of Council and Spokesperson for Lifelong Learning;

Councillor Jim Roberts, also Spokesperson for Lifelong Learning;

Councillor Jim Todd, as Spokesperson for Management & Resources;

Councillor Hugh Ross, also Spokesperson for Management & Resources;

Councillor Robert McDill, as Spokesperson for Environment & Regeneration;

Councillor Jim Buchanan, also Spokesperson for Environment & Regeneration;

Councillor Kathy Morrice, as Spokesperson for Community Wellbeing;

Councillor John MacKay, also Spokesperson for Community Wellbeing; and

Councillor Eric Jackson, Leader of the Labour Opposition.

(b) Terms of Reference

- To discharge all of the Council's functions (except those reserved to the Council and those matters specifically delegated to other Committees/Panels), namely:-
 - takes all key strategic and service delivery decisions.
 - implements policy framework
 - promotes the core values of the Council
 - develops Community Planning, working with partner organisations;
 - recommends revenue and capital budgets to Council.
- To discharge on behalf of the Council its functions as an Education Authority in respect of the delivery of Education Services to pre-fives, children of primary and secondary school age and young persons.

(c) Cabinet Decision-Making Arrangements

Chair

Meetings of the Cabinet will be chaired by the Leader of the Council or in his/her absence, the Depute Leader of the Council.

Agendas and Minutes

- Copy of the Cabinet Agendas and papers will be issued to all Elected Members at the same time the full Cabinet papers are issued to Cabinet Members. Cabinet papers will also be available on the Council's website (excluding confidential papers) from the time the papers are issued to Cabinet Members.

Cabinet Minutes

- The Minutes of the Cabinet will be circulated to all Elected Members by the end of the working day following the meeting i.e. Thursday, 5pm (Minutes will be circulated by e-mail **AND** placed in Members' individual mail box).
- No decisions of the Cabinet can be implemented until a further five working days have expired i.e. by 5pm the following Thursday (subject to certain exclusions, refer to call-in section paras vii-x).
- Cabinet Support Officers will notify Service Officers of what decisions can be implemented and what (if any) decisions have been called in.

Education Authority

- When the Cabinet is discharging the Council's functions as Education Authority, its voting membership shall also comprise three persons representing Churches and other religions as required by law and Teacher and Parent Representatives in accordance with existing Council policy.
- In terms of organising Cabinet business, every second meeting of the Cabinet will discharge the Council's functions as Education Authority. However, in the event of emergencies, the Cabinet may discharge the Council's function as Education Authority at any of its meetings and arrangements will be made to invite the Church and Teacher and Parent Representatives. Where other business of the Cabinet is to be transacted, prior to consideration of that business, the Church, Teacher and Parent Representatives will leave the meeting.

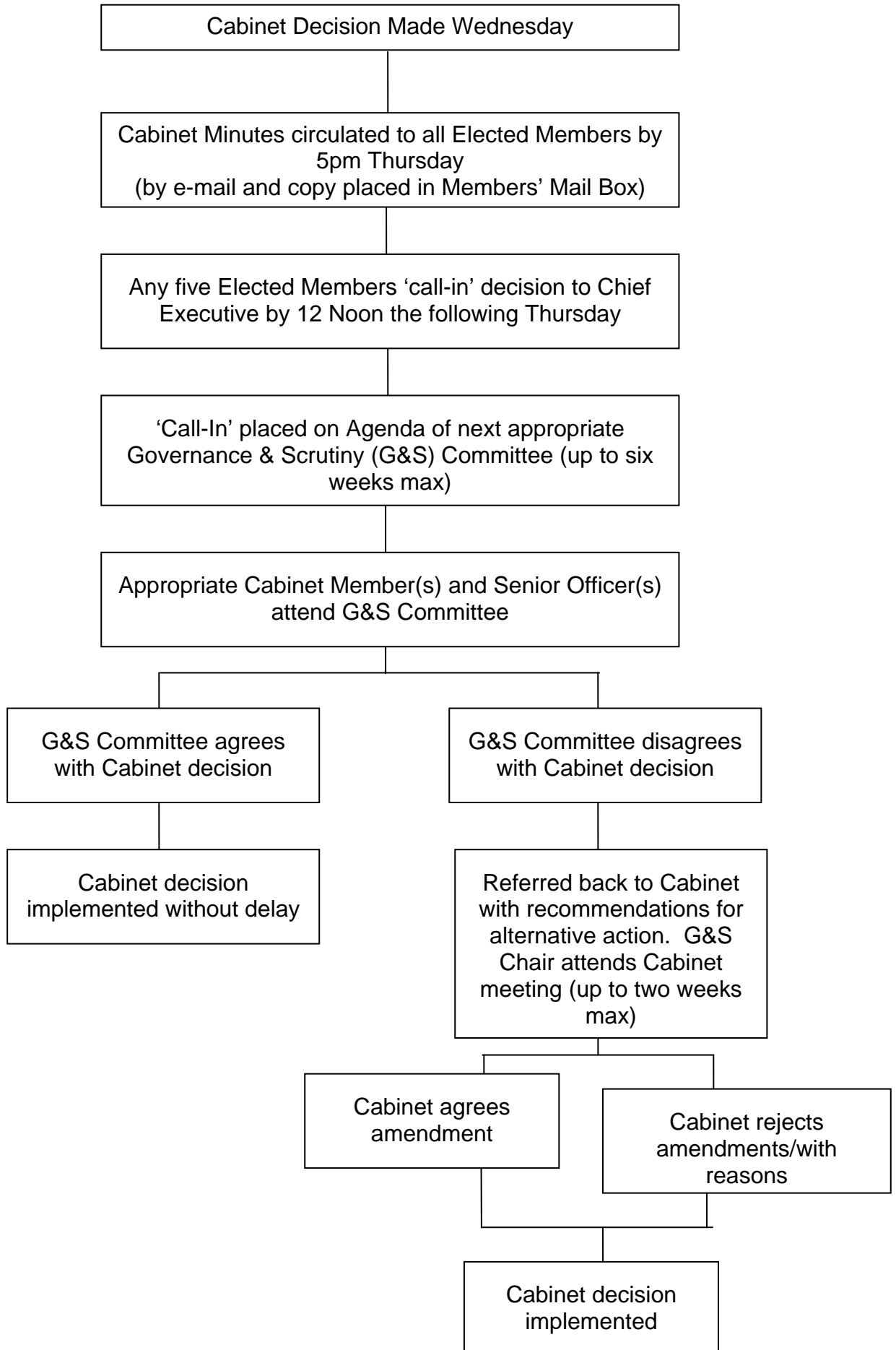
(d) Call-In Process

Cabinet decisions (with some special exceptions referred to below) are subject to call-in whereby decisions of Cabinet are delayed until examined further by the Governance and Scrutiny Committee.

- (i) Members will be entitled to call-in decisions of the Cabinet on a requisition signed by five Members delivered to the Chief Executive no later than Noon on the sixth working day following (and not counting) the date on which the Cabinet met.
- (ii) A decision which has been called-in will be placed on the Agenda for the next meeting of the Governance and Scrutiny Committee for consideration.
- (iii) The Elected Members who have activated the call-in process will be required to attend the Governance and Scrutiny Committee to explain their call-in request. If none of the Members attend the call-in request falls.
- (iv) Decisions called-in to the Governance and Scrutiny Committee will be dealt with as follows:
 - where the Governance and Scrutiny Committee agrees with a decision of the Cabinet it can be implemented without further delay;
 - where the Governance and Scrutiny Committee does not agree with the decision of the Cabinet it will be referred back to the Cabinet with the recommendations for alternative action as determined by the Governance and Scrutiny Committee. The Chair of the Governance and Scrutiny Committee or another Member of the Committee

- nominated by the Chair will have the right to attend the Cabinet and speak in support of its recommendation on that item; and
- only Elected Members serving on the Governance and Scrutiny Committee will be entitled to vote.
 - the appropriate Cabinet Portfolio Member and Senior Officer(s) will attend the Governance and Scrutiny Meeting to outline the reasons for the Cabinet's decision and answer any questions.
- (v) Consideration of a called-in decision will as far as possible be carried out within one full Council cycle. The Governance and Scrutiny Committee may continue consideration of a called-in decision to a further meeting but only with the consent of the Cabinet or relevant Cabinet portfolio Member. The Chair of the Governance and Scrutiny Committee and the relevant Cabinet portfolio Member may reach agreement on the time to be allowed.
- (vi) Where the Cabinet does not accept the recommendation of the Governance and Scrutiny Committee on a decision which has been called-in from the Cabinet, the decision of the Cabinet shall be final. The Cabinet however shall provide the Governance and Scrutiny Committee reasons for its decisions.
- (vii) The Cabinet may instruct that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, in circumstances resulting from actions or events beyond the control of the Council, if the call-in process could otherwise:-
- (a) prevent a final decision being made before the required date; or
 - (b) seriously prejudice the Council's position in relation to persons or events external to the Council or in respect of financial, commercial, contractual or legal issues.
- (viii) When the Cabinet instructs that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, the Chair of the Cabinet must give reasons in writing for this to the Chair of the Governance and Scrutiny Committee.
- (ix) The Cabinet may declare that a decision cannot be called-in where the Council's negotiating position with Trade Unions could be prejudiced; and
- (x) The call-in procedure does not apply to any decisions of the Cabinet which have been referred to the Council.
- A process chart of the call-in procedure is detailed overleaf.

EAST AYRSHIRE COUNCIL CALL-IN PROCESS CHART



3.3 GOVERNANCE AND SCRUTINY COMMITTEE

(a) Composition

Number of Councillors - 11 non Cabinet Members. (4 a quorum). (5/5/1).

Present Membership: Councillors Tom Cook (Chair) and Willie Coffey (Vice-Chair), Alan Brown, John Campbell, Helen Coffey, Drew Filson, Stuart Finlayson, John Knapp, Maureen McKay, Barney Menzies and Eric Ross.

(b) Terms of Reference

This Committee has overall responsibility for scrutiny and review within East Ayrshire Council and is primarily concerned in monitoring the performance of the Cabinet; Departments and third party organisations against service delivery and financial targets and is also responsible for dealing with Cabinet decisions that have been called in. Areas of responsibility will include

Corporate Governance Function

1. To oversee the Council's Corporate Governance arrangements which shall include:-
 - the continual review and development of the Council's Local Code of Corporate Governance, ensuring that the Council's Code is consistent with the principles and reflects the requirements of the CIPFA/SOLACE framework for Corporate Governance in Local Government covering the broad themes of community focus; structures and processes; risk management and internal control; service delivery; and standards of conduct;
 - ensuring the adequacy and effectiveness of the Council's local systems, processes and documentation identified within the Council's Local Code of Corporate Governance including compliance with audit committee principles; and
 - approval of the Council's annual Corporate Governance Implementation Plan.
2. To monitor and review the efficiency and effectiveness of all of the Council's work and the levels and standards of services provided.

Standards of Conduct Function

3. To provide advice to Members in respect of standards of conduct and compliance with the Councillors' Code of Conduct introduced under the Ethical Standards and Public Life Etc (Scotland) Act 2000.
4. To develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, Officers and Agents of the Council are required to subscribe.
5. To provide advice to Council in respect of Members Allowances.

Performance Review and Best Value Function

6. Oversee the implementation corporately of the Council's approach to fulfilling its duty to make arrangements to secure best value.
7. Keep under review the Council's approach to and outcomes in relation to continuous improvement in the delivery of Council Services.
8. Keep under review the Council's approach to Public Performance Reporting.
9. Determine matters in relation to submission to the Scottish Executive and the Accounts Commission in furtherance of the council's duty to make arrangements to secure best value.

Audit and Risk Function

10. Approval and review of operational and strategic internal audit plans.
11. To ensure that the Internal Audit function is properly resourced and has appropriate standing within the Council.
12. To review the activities of the Internal Audit function.
13. To review the adequacy of the internal control systems.
14. To review external audit strategic and operational plans and to manage all aspects of the Council's relationships with its External Auditors.
15. Review of the annual audit certificate and the Annual Report to Members by the External Auditor.
16. Monitor and review of implementation of audit recommendations.
17. Ensuring the existence of and compliance with an appropriate corporate risk management strategy.

Scrutiny Function

18. To co-ordinate and manage scrutiny processes on behalf of the Council.
19. To establish Scrutiny Groups as required and to determine and review their remit as required.
20. To carry out scrutiny of Cabinet policy decisions and service delivery including the review and monitoring on a continuous basis spending levels in relation to departmental budgets.
21. Consideration of performance reports at pre-determined intervals and submission of appropriate recommendations to Cabinet and/or Council as appropriate.
22. To prepare a programme of policy reviews and order of priority.
23. Submit periodical reports on the Committee's activities to Council.

3.4 PANELS

Each Panel is populated from the full Council Membership on a rotational basis and each Panel applies the Terms of Reference, i.e. composition and exclusions as detailed below.

(i) AD-HOC DISCRETIONARY RENTAL LEASES/NON-DOMESTIC RATES RELIEF APPEALS PANEL

(a) Composition

Number of Councillors - 5 available Elected Members (3 a quorum). (2/2/1).

The Chair of the Appeals Sub-Committee shall be the Chair or Vice-Chair of the Cabinet.

(b) Terms of Reference

1. To consider appeals against the decision of the Executive Head of Finance and Asset Management in relation to the grant of discretionary rental leases for non-domestic Council properties.
2. To consider appeals against the decision of the Executive Director of Corporate Support or Executive Head of Finance and Asset Management in respect of all mandatory and discretionary non-domestic rates relief.

The Chair and Members of an Ad-Hoc Appeals Panel will not involve the Local Members of the Ward in which the appellant resides or has his/her place of business.

(c) Delegated Powers

Full delegated powers to uphold appeals and to order grant of discretionary rental leases for non-domestic Council properties and grant of mandatory and discretionary non-domestic rates relief.

Note

Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with the Leaders of the Administration and Opposition.

(ii) APPEALS PANEL

(a) Composition

Five available Elected Members of the Council. (3 a quorum). (2/2/1).

Chair shall be the Spokesperson for Management and Resources (Councillor Jim Todd) and one of two other Members from the Administration (Councillors Robert McDill and Hugh Ross).

The Chair and Members of an Appeals Panel will not include the Spokespersons of the relevant Service Department in which the appellant is employed or the Local Members of the Ward in which the appellant resides.

(b) Terms of Reference

1. To consider grading appeals by employees in terms of the Scheme of Salaries and Conditions of Service for Local Government Employees and Craftpersons and the Scottish Joint Negotiating Committee for Local Authority Services (Chief Officials) and to make decisions thereon.
2. To determine appeals against:-
 - (a) withholding of annual increment;
 - (b) final warnings administered by Executive Directors in terms of the Council's Disciplinary Procedures;
 - (c) demotion;
 - (d) fixed term punitive suspensions; and
 - (e) dismissals.
3. To uphold or reject such appeals or order the varying of the disciplinary action taken.

4. To decide upon grievances raised by Local Government Employees, Craftpersons and Chief Officials under the Council's Approved Grievances Procedures.

(c) Delegated Powers

Full delegated powers to uphold or reject grievance, grading or disciplinary appeals, or to order the varying of disciplinary action taken in respect of Local Government Employees, Craftpersons and Chief Officials.

Note

Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with Leaders of the Administration and Opposition.

(iii) EDUCATION APPEALS PANEL

(a) Composition

Number of Councillors - 5 available Elected Members (3 a quorum). (2/2/1)

(When dealing with appeals against exclusions and placing, request one Member of Council required who is not a Member of Cabinet).

The Chair and Members of an Appeals Panel will not include the Spokespersons for Lifelong Learning or the Local Members of the Ward in which the appellant resides.

(b) Terms of Reference

The power to determine appeals made in terms of disciplinary procedure and procedure for settling grievances contained in the conditions of service, for all who are employees subject to teachers' conditions of service (excluding dismissal which shall be dealt with by the Cabinet where the Chair and Members will not include the Spokespersons for Lifelong Learning or the Local Member of the Ward in which the appellant resides).

The power to uphold or reject such appeals, to order the varying of disciplinary action taken and to dispose of all issues arising from appeals heard in terms of the said procedure for settling grievances.

The power to determine appeals made in terms of Section 28(h) of the Education (Scotland) Act 1980, i.e. appeals against a decision to exclude a pupil and in terms of Section 63 of the Education (Scotland) Act 1980, i.e. appeals against decisions about records of children or young persons.

The Appeals Panel is authorised to consider and dispose of cases relating to children and young people in cases where the authority has refused a placing request and there is no Co-ordinated Support Plan (CSP) in place, or for whom no CSP assessment has occurred.

To hear and determine appeals from teachers in respect of decision by the Executive Director of Educational and Social Services to issue a Final Written Warning or apply any punitive sanction as described in Paragraph 5.2(d)(i) and 5.2(d)(ii) of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

In places where the Authority has refused a placing request and there either is a CSP in place, or there has been an assessment for a CSP but one has not yet been prepared, or the Authority has decided that no CSP is required, then the matter will be automatically referred to the Additional Support Needs Tribunal and will be administered in accordance with Section 18 and Schedule 2 of the Education

(Additional Support for Learning) (Scotland) Act 2004 and any subsequent regulations and guidance issued by the Scottish Ministers.

(c) Delegated Powers

Full delegated powers to determine the above appeals heard by the Panel.

(iv) EDUCATION (JOINT APPEALS AND BURSARIES) PANEL

(a) Composition

Number of Councillors - 5 available Elected Members (3 a quorum). (2/2/1).

The Chair and Members will not include the Spokesperson for Lifelong Learning and the Local Members of the Ward in which the appellant resides.

(b) Terms of Reference

The power to determine appeals relating to certain further education and higher school bursaries for which East Ayrshire Council has direct responsibility.

The power to consider points of principle relating to bursary awards and to advise and make recommendations to the Cabinet on the Council's Policy.

The power to determine appeals relating to access or amendment of pupil or student records.

The power to determine exceptional payments to increase individual bursaries up to a maximum of £500 per annum in order to alleviate cases of severe hardship.

(c) Delegated Powers

Full delegated powers to determine appeals relating to bursaries and appeals relating to access to or amendment of pupil or student records.

(v) HOUSING APPEALS PANEL

(a) Composition

Number of Councillors - 5 available Elected Members (3 a quorum). (2/2/1).

The Chair and Members will not include the Spokesperson for Community Wellbeing and the Local Members of the Ward in which the appellant resides.

(b) Terms of Reference

To consider all appeals made in respect of decisions taken in terms of the Council's housing policies and procedures, appropriate legislation and regulations.

(c) Delegated Powers

The Panel shall have full delegated powers to uphold or reject appeals.

(vi) RECRUITMENT PANEL

(a) Composition

Number of Councillors 5 (3 a quorum). (2/2/1). Chair for all Chief Officers posts: Leader of the Council or his nominee.

Note

Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with the Leaders of the Administration and Opposition.

(b) Terms of Reference

To short-leet, interview and appoint applicants for Chief Officers posts within the Authority.

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference.

(vii) LOCAL GOVERNMENT LICENSING PANEL

(a) Composition

Number of Councillors - 11 (4 a quorum). (5/5/1).

Present Membership: Councillors Hugh Ross (Chair), Jim Buchanan, John Campbell, Gordon Cree, Rose-Ann Cuninghame, Elaine Dinwoodie, Robert Keohone, John MacKay, Neil McGhee, Barney Menzies and Jim Roberts.

(b) Terms of Reference

To discharge the Council's function in respect of all forms of Local Government Licensing including Civic Government and other miscellaneous licensing.

(c) Delegated Powers

Full delegated powers to discharge the Council's functions in respect of all forms of Local Government Licensing including Civic Government and Miscellaneous Licensing.

(viii) SOCIAL WORK COMPLAINTS REVIEW PANEL

(a) Composition

Number of Members - 3 "independent persons".

Members to be selected on each occasion from a maintained pool of "independent persons" from outwith the Authority. The Panel is maintained by the Executive Director of Corporate Support (Democratic Services).

(b) Terms of Reference

To examine objectively and independently the facts of a complaint, as presented by (i) the complainant, and (ii) officials, and to make recommendations to the Cabinet.

The following types of complaints will be excluded from the remit of the Panel:-

(i) vexatious complainers, where the same complaint is repeated although the substance of the complaint has been dealt with and no issues are being raised (positively agreed by the Executive Head of Social Work and the relevant Spokespersons

(ii) complaints regarding Social Work procedures where there is an in-built appeals system, e.g. via Children's Hearing System - re-parental access to children in care; and

(iii) complaints where there is obviously no substance to the complaint (positively agreed by the Executive Head of Social Work and the relevant Spokesperson).

(c) Delegated Powers

Nil.

3.6 PLANNING FUNCTION

(i) PRINCIPAL PLANNING COMMITTEE

(a) Composition

Number of Councillors - 11 (4 a quorum). (5/5/1).

Present Membership: Councillors Alan Brown (Chair), Drew Filson (Vice-Chair); Jim Buchanan, Tom Cook, William Crawford, Jimmy Kelly, Iain Linton, John McGhee, Drew McIntyre, Maureen McKay and Douglas Reid.

(b) Terms of Reference

Applications referred from Local Planning Committee as the relevant Local Planning Committee decides against recommendation of Head of Planning and Economic Development and agrees approval of an application which is a significant breach of Council Policy OR refusal of an application on the basis of the principle of that development and where the principle is in accordance with the East Ayrshire Local Plan.

LOCAL PLANNING COMMITTEES

(ii) Northern

(a) Composition

Wards 1 to 6 (see page 17 for breakdown of areas covered).

Number of Councillors 21 (7 a quorum).

Present Membership - Councillors Alan Brown (Chair), John Campbell (Vice-Chair), Jim Buchanan, Helen Coffey, Willie Coffey, Tom Cook, Gordon Cree, Rose-Ann Cuninghame, Stuart Finlayson, Robert Keohone, John Knapp, Iain Linton, John MacKay, Robert McDill, John McGhee, Drew McIntyre, Maureen McKay, Douglas Reid, Hugh Ross, Jim Todd and Provost Stephanie Young.

(iii) Southern

(a) Composition

Wards 7 to 9 (see page 17 for breakdown of areas covered).

Number of Councillors 11 (4 a quorum).

Present Membership - Councillors Drew Filson (Chair), Jim Sutherland (Vice-Chair), William Crawford, Elaine Dinwoodie, Eric Jackson, Jimmy Kelly, Barney Menzies, Kathy Morrice, Neil McGhee, Jim Roberts and Eric Ross.

(b) Terms of Reference

To consider all applications detailed within the undernoted delegated powers.

(c) Delegated Powers

Details of the complete planning application delegation remits are provided on page 61.

- “Major developments” category as defined within the national planning framework (see below for examples);
- Valid planning objections have been timeously received from more than 10 separate households or organisations or other third parties;
- Where the Head of Planning and Economic Development is recommending approval for a proposal which is a significant departure from the Development Plan or an emerging Development Plan (where that can be viewed as a material consideration);
- Where there is an unresolved objection from a statutory consultee such that approval of the application would amount to a significant departure from the existing (or emerging) Development Plan; and
- Where the Head of Planning and Economic Development considers that the application raises new or significant issues meriting determination of the proposal at Committee.

Major Development Applications will comprise the following proposals: *(Depending upon the emergence of further guidance from the Scottish Executive, this list may require amendment):-*

- Retail/Warehousing Developments over 2000 sqr meters;
- Industrial Developments over 2000 sqr metres;
- Flood Alleviation Schemes;
- Wind farm applications with >5 turbines;
- Applications for >100 dwellings;
- Waste transfer sites;
- Applications subject to Environmental, Transport or Retail Assessment; and
- Tourism/Leisure > £1 million.

3.7 LOCAL COMMUNITY PLANNING FORUMS

The Council have approved, in principle, the following three Local Community Planning Forums. An Officer Working Group has been established to progress this initiative with a view to introducing the new arrangements from 1 April 2008. Prior to this date, the three Forums will operate in accordance with the former Local Committee delegation as follows:-

1. GENERAL

Council policy and Council-wide planning will be formulated at the centre of the Council. However, the power to implement policy and deliver services will be devolved to the local level through the Local Community Planning Forums which will invite 10 non-voting Community Representatives to become members of the Local Community Planning Forums. Standing representatives will be invited from Community Councils and Elderly, Disability and Youth Forums (or equivalent organisations).

2. POLICY ISSUES

Local Community Planning Forums do not have specific policy making powers but can under their terms of reference recommend proposals for consideration, to reflect the needs of their community.

In respect of general policy issues on proposals in relation to the Council's Decentralisation Scheme, Local Community Planning Forums will report to the Cabinet

3. SERVICE ISSUES

In respect of specific service issues, proposals shall be reported to the Cabinet for consideration.

4. NO DECISION

Where Local Community Planning Forums are unable to reach a decision, the issue under discussion will be submitted to the Cabinet for consideration as required.

5. QUORUM POOL

Pool of Members established consisting of the Chair and Vice-Chair of the Cabinet and the Chairs of the Local Community Planning Forums to provide for the appointment of one Member from this pool to act as a Member of a Local Community Planning Forum for the purposes of ensuring that meetings take place in relation to a quorum being available.

6. MINUTES

Minutes of Local Community Planning Forums shall be submitted to Council.

(a) Membership

(i) Central Area

Wards 2, 3, 4 and 5 (see page 17 for breakdown of areas covered).

Number of Councillors - 14 (2 a quorum). Councillors Helen Coffey (Chair), Jim Todd (Vice-Chair), Jim Buchanan, John Campbell, Willie Coffey, Tom Cook, Gordon Cree, Robert Keohone, John Knapp Iain Linton, Drew McIntyre, Maureen McKay, Douglas Reid and Hugh Ross and up to 10 non-voting Community Representatives.

(ii) Northern Area

Wards 1 and 6 (see page 17 for breakdown of areas covered).

Number of Councillors - 7 (2 a quorum). Councillors Robert McDill (Chair), Rose-Ann Cuninghame (Vice-Chair), Alan Brown, Stuart Finlayson, John MacKay, John McGhee and Provost Stephanie Young and up to 10 non-voting Community Representatives.

(iii) Southern Area

Wards 7, 8 and 9 (see page 17 for breakdown of areas covered).

Number of Councillors - 11 (2 a quorum). Councillors Jim Sutherland (Chair), Kathy Morrice (Vice-Chair), Elaine Dinwoodie, William Crawford, Drew Filson Eric Jackson, Jimmy Kelly, Barney Menzies, Neil McGhee, Jim Roberts and Eric Ross and up to 10 non-voting Community Representatives.

(b) Terms of Reference

To ensure that the delivery of Council services and the utilisation of its resources, at a local level, reflect the policies and priorities of the Council.

To identify local issues, priorities and opportunities and ensure the responsiveness of individual service plans and activities accordingly.

To ensure that Council services work together at a local level to adopt an effective common response to local issues wherever appropriate.

To provide a focus for community participation in the process of Council decision-making and a vehicle for liaison between the wider community and Council services.

To support the activities of voluntary organisations and community groups by:-

- the development of systems of information and advice;
- the distribution of grant funds; and
- the creation and ongoing support of local forums.

To make decisions about grants relevant specifically to the Forum's area.

To bring forward for consideration centrally, proposals for change in Council policy, practice and resource allocation, in order to make these more sensitive to the needs of their local area.

At a local level, to develop joint working practices with other agencies, for example, the Health Board, on issues of local interest.

To publicise and promote the activities of the Council at a local level.

Responsibility for street naming and for recommending to Cabinet names for new establishments.

Consultation regarding revision of the Community Council Scheme.

Commenting on the level and range of Departmental services delivered from Local Offices.

To carry out other functions as may be determined by the Council.

(c) Delegated Powers

Processing applications for financial assistance relevant specifically to the Committee's area, including Housing Association grants;

Street Naming; and

Delegated powers are the subject of ongoing review by Cabinet.

BREAKDOWN OF WARDS AND AREAS COVERED

<u>WARD NO</u>	<u>WARD NAME</u>	<u>AREA COVERED</u>
1	Annick	Includes Lugton, Dunlop, Stewarton, Kilmaurs and surrounding landward areas
2	Kilmarnock North	Includes Southcraigs, Onthank, Altonhill, Knockinlaw, Longpark (Part), Beansburn and Dean (Part), the Glasgow Road District and Wardneuk areas.
3	Kilmarnock West and Crosshouse	Includes Crosshouse, Knockentiber, Gatehead, Hillhead, Longpark (Part), Bonnyton, the Grange, Howard Park, Woodstock, Gargieston, Kay Park (Part) and Glencairn and Queen's Drive areas.
4.	Kilmarnock East and Hurlford	Includes Loanhead, Wellpark, South Dean, New Farm Loch, Kay Park (Part), Scott Ellis, Crookedholm and Hurlford areas.
5.	Kilmarnock South	Includes Riccarton, Caprington, Kirkstyle, Bellfield and Shortlees areas.
6.	Irvine Valley	Includes Fenwick, Waterside, Moscow, South Landward Hurlford, Galston, Newmilns and Darvel areas.
7.	Ballochmyle	Includes Mauchline, Sorn, Catrine, Muirkirk, Lugar, Logan and Auchinleck areas.
8.	Cumnock & New Cumnock	Includes Ochiltree, Skares, Netherthird and Craigens, Cumnock and New Cumnock areas.
9.	Doon Valley	Includes Stair, Drongan, Rankinston, Dalrymple, Hollybush, Patna, Dalmellington and Bellsbank areas.

PROPER AND APPOINTED OFFICERS

The Proper Officers and Appointed Officers in respect of the undernoted functions are as follows, viz:-

RETURNING OFFICER FOR COUNCIL ELECTIONS

Chief Executive, whom failing the Depute Chief Executive/Executive Director of Corporate Support.

OFFICER RESPONSIBLE FOR KEEPING OF RECORDS OF PROCEEDINGS, MINUTES ETC AND SAFE CUSTODY OF TITLE DEEDS AND RECORDS ETC

Executive Director of Corporate Support and Head of Democratic Services for Records of Proceedings, Minutes etc;

Solicitor to the Council for safe custody of Title Deeds, Mortgages, Securities, Bonds etc. To sign missives and other similar documents binding the Council, except where otherwise provided for in terms of this scheme or by statute.

Executive Director of Neighbourhood Services for safe custody of records and reports in accordance with Archival Acquisitions Policy.

OFFICER RESPONSIBLE FOR CUSTODY OF SECURITIES OTHER THAN HERITABLE SECURITIES

Solicitor to the Council.

DISCLOSURE OF SCOTTISH CRIMINAL RECORD INFORMATION - INDEMNITY FORMS

Solicitor to the Council to execute the relevant documentation.

FOOD SAFETY REPORTS: COUNCIL OWNED PREMISES

Head of Onsite Services to receive all formal notices and related correspondence in respect of serious breaches of the Code of Practice.

“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT (SCOTLAND) ACT, 1973 AS AMENDED

Section 33A(1)(b) and 33A(3)(b) - Officer to receive declaration of office of Councillor Etc.

Chief Executive.

Section 34 - Officer to receive notification of resignations of Members.

Chief Executive.

Section 50G - Officer to publish additional information.

Executive Director of Corporate Support or Head of Democratic Services.

Section 92 - Officer in relation to transfer of securities.

Executive Head of Finance and Asset Management.

Section 95 - Officer responsible for administration of financial affairs.

Executive Head of Finance and Asset Management.

Section 145 - Recipient of applications from Ordnance Survey.

Executive Director of Corporate Support and Head of Planning and Economic Development.

Section 190 - Recipient of legal proceedings, formal Notices etc.

Solicitor to the Council.

Section 191 - Officer to sign claims in sequestration or liquidation etc.

Solicitor to the Council.

Section 193 - Authentication of documents (unless otherwise indicated herein).

Solicitor to the Council.

Section 194 - Execution of Deeds (including affixing of the Common Seal)

Chief Executive and Solicitor to the Council.

Section 197(2) - Proper Officer to receive documents deposited by Parliament or under statute.

Solicitor to the Council.

Section 202(3) - Authentication of Bye-Laws.

Solicitor to the Council.

Section 202(13) - Notification of Bye-Laws between Councils.

Solicitor to the Council.

Section 204 - Evidence of Bye-Laws.

Solicitor to the Council.

Section 206(2) - Maintenance of Roll of Freemen.

Executive Director of Corporate Support and Head of Democratic Services.

Schedule 7 Para 2 - Calling of Meetings.

Chief Executive, Executive Director of Corporate Support and Head of Democratic Services.

“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT AND HOUSING ACT 1989

Section 4 - Chief Executive designated “Head of Paid” Service and carries the duties specified.

“PROPER OFFICER” IN TERMS OF HEALTH AND SAFETY AT WORK REGULATIONS 1992

Regulation 6 - Competent person - Health and Safety Manager, Department of Corporate Support.

“PROPER OFFICER” IN TERMS OF HOUSING (SCOTLAND) ACT 1987

Section 87 - Officer to make official representation in respect of houses not meeting the tolerable standard.

Executive Director of Corporate Support and Head of Legal, Procurement and Regulatory Services.

“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT AND HOUSING ACT 1989

Chief Executive to receive written notification in respect of the constitution of and amendments to political groups.

“PROPER OFFICER” IN TERMS OF THE WEIGHTS AND MEASURES ACT 1985

Section 73(1) - Principal Officer (Trading Standards) designated as the Council’s Chief Inspector of Weights and Measures.

Assistant Principal Officer (Trading Standards) designated as Depute Chief Inspector of Weights and Measures.

“PROPER OFFICER” IN TERMS OF THE RESERVOIRS ACT 1975

The Executive Director of Corporate Support and Head of Legal, Procurement and Regulatory Services to discharge the Council’s responsibilities in terms of the Act.

“PROPER OFFICER” IN TERMS OF THE EXPLOSIVES ACT 1875 AND 1923 (AS AMENDED)

The Executive Director of Corporate Support and Head of Legal, Procurement and Regulatory Services to be authorised in relation to premises storing mixed explosives, including fireworks for sale.

“PROPER OFFICER” FOR THE PURPOSES OF SECTION 7 OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000 AND ASSOCIATED SECONDARY LEGISLATION

Head of Democratic Services.

OTHER STATUTORY APPOINTMENTS

Data Protection Act 1984

Data Protection Officer - Head of Information Technology

District Court (Scotland) Act 1975 - Section 7 - Clerk of the District Court

Solicitor to the Council.

Depute Clerk of Court: Legal Manager.

District Court (Scotland) Act 1975 - Section 18 - Clerk of the Peace

Solicitor to the Council.

Depute Clerk of the Peace: Legal Manager.

Food and Environmental Protection Act 1985 - Investigation and enforcement.

Powers to appoint Authorised Officers and Point of Contact Officers between Scottish Office Agricultural and Fisheries Department.

Executive Director of Corporate Support and Head of Legal, Procurement and Regulatory Services.

Licensing (Scotland) Act 1976 - Section 7 - Clerk to the Licensing Board

Solicitor to the Council.

Licensing (Scotland) Act 1976 - Section 7 - Depute Clerk to the Licensing Board

Legal Manager

Local Government (Access to Information) Act 1985

Chief Executive, Executive Director of Corporate Support and Head of Democratic Services.

Local Government and Housing Act 1989

Monitoring Officer - Solicitor to the Council.

Depute Monitoring Officers: Legal Manager and Team Leader: Litigation and Advice.

Representation of the People Act 1983 as amended Schedule 5 - Para 6(b) - List of Meeting Rooms for use of Candidates in Parliamentary Elections

Executive Director of Corporate Support and Head of Democratic Services.

Registrar of Mortgages

Solicitor to the Council.

Social Work (Scotland) Act 1968 - Section 3 (as amended)

Chief Social Work Officer - Executive Head of Social Work.

Social Work (Scotland) Act 1968/Children (Scotland) Act 1995

Clerk to Children's Panel Advisory Committee - Head of Democratic Services.

Tenants' Rights Etc (Scotland) Act 1980 - Applications to purchase Council houses.

Solicitor to the Council.

Town and Country Planning (Scotland) Act 1997 as amended - Signing of planning and listed building consent and refusal notices

Executive Director of Corporate Support and Head of Planning and Economic Development.

Freedom of Information (Scotland) Act 2002

Freedom of Information Officer - Head of Democratic Services.

OFFICER DELEGATION

CONSULTATION WITH RELEVANT SPOKESPERSON

IMPLEMENTATION OF THE SCHEME OF DELEGATION INVOLVES CONSULTATION WITH THE RELEVANT SPOKESPERSONS IN RESPECT OF THE UNDERNOTED DUTIES MARKED * IN THE RIGHT HAND MARGIN.

WHERE SPOKESPERSONS ARE NOT AVAILABLE FOR CONSULTATION, THE LEADER OR DEPUTE LEADER OF COUNCIL SHOULD BE CONSULTED.

SUB-DELEGATION

THE DEPUTE CHIEF EXECUTIVE IS EMPOWERED TO EXERCISE THE DUTIES OF THE CHIEF EXECUTIVE IN THE ABSENCE OF OR WITH THE AUTHORITY OF THE CHIEF EXECUTIVE.

EXECUTIVE HEADS/HEADS OF SERVICES ARE AUTHORISED TO EXERCISE THE DUTIES OF THE EXECUTIVE DIRECTORS IN THE ABSENCE OF OR WITH THE AUTHORITY OF THE EXECUTIVE DIRECTORS.

IN ADDITION TO ANY SPECIFIC OFFICER DELEGATION REFERRED TO WITHIN THIS SCHEME, THE CHIEF EXECUTIVE, EXECUTIVE DIRECTORS OR EXECUTIVE HEADS/HEADS OF SERVICE MAY AUTHORISE RESPECTIVELY OTHER OFFICERS TO CARRY OUT THE DUTIES OF THE CHIEF EXECUTIVE,

EXECUTIVE DIRECTORS OR EXECUTIVE HEADS/HEADS IN THEIR ABSENCE OR WITH THEIR AUTHORITY.

PERSONNEL/BUDGETARY

EXECUTIVE DIRECTORS AND EXECUTIVE HEADS/HEADS OF SERVICE AND THE COMMUNITY PLANNING AND PARTNERSHIP MANAGER ARE EMPOWERED TO EXPEND APPROVED DEPARTMENT/SERVICE BUDGETS AND TO ISSUE APPOINTMENTS TO LOCAL GOVERNMENT EMPLOYEES AND CRAFTSPERSONS IN ACCORDANCE WITH COUNCIL POLICY AND PROCEDURES AND INCLUDE THE FOLLOWING:

Staff appointments will be to all posts within their departmental jurisdiction, excluding Chief Officer appointments, ie those posts on JNC conditions of service, and Executive Directors and Executive Heads/Heads of Service and the Community Planning and Partnership Manager will have authority to offer appointments at the minimum of the appropriate salary scale. (Requests for placing above the minimum of the scale will require to be referred to the Executive Director of Corporate Support or Head of Personnel).

Notifying the appropriate information to the Finance Service in respect of new appointments.

Authorising payments of interview expenses in accordance with the permitted levels.

Processing and settling claims from employees in respect of loss of or damage to their personal property when such claims are below the excess value recognised within the Council's related insurance policy.

GENERAL

DELEGATED POWERS WILL BE EXERCISED IN ACCORDANCE WITH COUNCIL POLICY AND WITHIN THE AUTHORISED BUDGET LEVELS FOR SUCH EXPENDITURE IN EACH FINANCIAL YEAR. OFFICERS MAY DECIDE NOT TO EXERCISE THEIR DELEGATED AUTHORITY AND REFER THE MATTER TO THE CABINET OR APPROPRIATE COMMITTEE FOR CONSIDERATION.

CHIEF EXECUTIVE

Emergency Situation

In the event that an emergency occurs which requires a decision to be taken by Council and no other decision process is feasible within the timescale available, the Chief Executive may, if he/she considers it necessary to do so and after taking appropriate legal and financial advice take whatever necessary action he/she considers appropriate to resolve the situation. The Chief Executive shall report on the matter to the next appropriate meeting of the Cabinet and notify the appropriate Spokespersons and Leader of the Council.

Staffing

To make changes to staffing structures, numbers and gradings in accordance with the approved pay grading arrangements and subject to the agreement of the Head of Personnel and the Executive Head of Finance and Asset Management. Major departmental restructuring or staffing reviews will continue to be submitted to Cabinet for approval.

Civic Ceremonial Matters

That in respect of civic ceremonial matters and the provision of civic receptions and hospitality that specific delegation be given to the Chief Executive in consultation with the Provost to approve the request for civic recognition/hospitality up to a maximum of £5,000 in respect of major civic events, such matters would be reported to Cabinet for consideration.

Attendance at Conferences

To approve Elected Members' attendance at Conferences in consultation with the Leader of the Council or Depute Leader.

Debt Write Off

To authorise the writing off of debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises following representation from the Executive Head of Finance and Asset Management,

Property Matters

To authorise leases in excess of £50,000 per annum and to authorise licences, wayleaves and such transactions in excess of £50,000 or the equivalent on a rental basis per annum so long as budgetary provision existed for transactions in favour of EAC following representation from the Executive Head of Finance and Asset Management,

Following representation from the Executive Head of Finance and Asset Management, in conjunction with the relevant Director, to make the decision on removal from operational service property and ground no longer required for operational purposes for internal transfer or for disposal either on the open market or on a negotiated basis where the value of the asset is assessed to be less than £100,000.

To authorise or vary the principal terms and conditions of acquisition, internal transfer and disposal of all interest in land and property in excess of £100,000 up to £1M on the terms and conditions recommended by the Solicitor to the Council so long as budgetary provision existed for acquisitions following representation from the Executive Head of Finance and Asset Management.

Community Planning

The Chief Executive as the Council's representative on the Community Planning Partnership Board will have authority to act in that capacity on behalf of the Council at Board Meetings to ensure that the decisions of the Community Planning Partnership Board and related sub-groups/operating groups are implemented and to take any urgent decisions as required to progress the Council's interests in Community Planning related activity.

The Chief Executive will report to the appropriate bodies on any action taken under this delegated authority, where appropriate.

EXECUTIVE HEAD OF FINANCE & ASSET MANAGEMENT

FINANCE

To act as the proper officer in terms of the Local Government (Scotland) Acts of 1973 and 1975, the Abolition of Domestic Rates Etc. (Scotland) Act 1987, the Local

Government Finance Act 1992 and associated delegated legislation for all administrative purposes including arranging the preparation and issue of Non-Domestic Rates Notices, the collection of such rates, the receiving and settling of claims for exemption from such rates, the handling of objections to the amount of such rates levied and the abatement, remission or repayment of such rates under the various rating provisions.

To act as the proper officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative purposes including the preparation and issue of Council Tax Notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement or remission of charges; in accordance with Schedule 2 of the Local Government Finance Act 1992 to administer Council Tax rebates and discounts on behalf of the Council.

To arrange for the recovery of arrears of rates, Council Tax and Community Charge.

To enter into arrangements with Scottish Water for the collection of water and waste water charges and to negotiate a fee for providing this service.

To enter into arrangements with others concerning the collection of non domestic rates, or Council Tax on behalf of the Council and to make arrangements with each agent as to suitable collection points.

To make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other authorities and by private owners, factors or other agents with regard to the collection of Non-Domestic Rates, and/or Council Tax and the administration of any Council Tax rebate or discount schemes etc.

To determine all applications received in respect of all forms of mandatory and discretionary non-domestic rates relief.

To make 50% Discretionary Relief of Non-Domestic Rates (in addition to the existing 50% Mandatory Relief), to the eight post offices in designated rural areas with effect from 1 April 2005 agreed at Policy and Resources Committee on 31 May 2005.

In terms of the Local Government Finance Act 1992 Paragraph 2 schedule 8:- to make applications for Warrant for Recovery of Non Domestic Rates and Council Tax Arrears.

To act for and represent the Council at Council Tax Appeal Hearings before the Valuation Appeal Panel in relation to Banding and Rebate appeals

Authority to prepare, maintain and enforce the Council's Financial Regulations.

Treasury Management

- To act as the proper officer in the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities).
- To make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any statutory limitations.
- To make application for the necessary consents for the issue of Stock and foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and Regulations made thereunder.
- To ensure a placing with the Bank of England relative to Negotiable Bonds.
- To authorise the signature on cheques, receipts, loan documents and any other financial documents and discharges on behalf of the Council.

- To carry out temporary investment of surplus funds by making deposits with organisations previously approved.
- To manage movements between borrowing and other long-term liabilities.
- To operate and implement the Council's Loans Fund in accordance with the regulations relating thereto and the Council's Financial Regulations, including the taking of all decisions as to the mode of borrowing or lending by the Council, the terms of loan and rates of interest etc., including the negotiations and issue of bonds and local bonds and all necessary ancillary duties as Registrar of Bonds and Mortgages.
- To arrange and sign all operating leases for vehicles, plant, equipment or other capital assets on behalf of the Council.
- To sign, for banking activity purposes, bank indemnities on behalf of the Council.

Insurance

- Authorised to take out any and all insurances necessary to protect the interests of the Council.
- Authorised to make arrangements with insurance companies concerning the settlement of claims.

Group Life Assurance Scheme

- To take decisions required for the financial administration of the Group Life Assurance Scheme.
- to determine, in consultation with the Head of Personnel, the beneficiary of any payments to be made in terms of the Council's Group Life Assurance Scheme.

Recovery of Outstanding Debts Against Adjudged Debtors of The Council

- To proceed case by case with appropriate action following consultation with Sheriff Officers, Local Members and the Chair of the Cabinet.

Debtor Balances Write off Procedure

- Sequestration or Insolvency of Debtor.

Where the advice is that no funds exist to pay creditors, there is then no legal recourse to pursue the debt further - to write such debts off.

- Death of Debtor.

Where no funds are available and executors provide adequate proof of this, to write such debts off.

Debt Write Off

- To write off debts up to £1,500 where the Solicitor to the Council or Sheriff Officer so advises.
- To write off debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises subject to authorisation by the Chief Executive.

Housing Finance

- To administer the housing benefit, rent allowance and council tax benefit schemes in accordance with the Council's policy guidelines;
- To arrange for the collection of council house rents and for the recovery of arrears.

To lodge and maintain objections on behalf of the Council to applications for and related to licences under the Gaming Act 1968, the Lotteries and Amusement Act 1976, the Licensing (Scotland) Act 1976, the Civic Government (Scotland) Act 1982 and any amending or related statutes, where the applicant has outstanding financial liabilities to the Council.

To act as the Council's liaison point with the Ayrshire Valuation Joint Board.

In terms of the Financial Regulations relating to Contracts, to enquire into the financial standing of any tenderer who may be accepted in relation to any contract.

ASSET MANAGEMENT

Property Issues

- In conjunction with the relevant Director, to make the decision on removal from operational service property and ground no longer required for operational purposes for internal transfer or for disposal either on the open market or on a negotiated basis where the value of the asset is assessed to be less than £100,000 subject to authorisation by the Chief Executive.
- To make arrangements for the treatment of any property identified by Cabinet as surplus to the requirements of the Council in accordance with the Council's policy for surplus properties.
- To make arrangements to market for disposal any property identified for sale on the open market either directly or using agents by way of advertising, inviting offers to purchase and fixing closing dates. (Offers to be returned and opened in accordance with the financial regulations and any offers in the Scottish legal form to be submitted to the Solicitor to the Council who will prepare a recommendation based on the terms and conditions of such offer in accordance with Delegated Powers).
- To approve or vary the principal terms and conditions of acquisition and disposal of all interest in land and property up to a value of £100,000 on the terms and conditions recommended by the Solicitor to the Council.
- To approve or vary the principal terms and conditions of acquisition, internal transfer and disposal of all interests in land and property in excess of £100,000 up to £1M on the terms and conditions recommended by the Solicitor to the Council so long as budgetary provision existed for acquisitions subject to authorisation by the Chief Executive.
- To determine applications received for the lease of non-domestic council properties on a concessionary rental basis as per the concessionary rental policy.
- To approve the terms and conditions of lease in respect of property with rentals of up to £50,000 per annum in accordance with the financial regulations and, subject to authorisation by the Chief Executive, to approve leases in excess of £50,000 per annum so long as budgetary provision existed for leases in favour of EAC.
- To approve (in consultation with the Solicitor to the Council) the terms and conditions for the granting or taking of licences/wayleaves/Minutes of Agreements/Deed of Servitudes or other associated transactions in respect of property where the capital consideration to be received or paid in respect of such licences/wayleaves/Minutes of Agreements/Deeds of Servitudes or other associated transaction does not exceed £50,000 or the equivalent on a rental

basis per annum again in accordance with the financial regulations and, subject to authorisation by the Chief Executive, to approve such transactions in excess of £50,000 or the equivalent on a rental basis per annum so long as budgetary provision existed for transactions in favour of EAC.

- To negotiate and settle all claims other than those directly relating to the acquisition of land and property arising out of the use of the Council's statutory compulsory purchase powers unless otherwise delegated in terms of this scheme to include claims in terms of Part 1 of the Land Compensation (Scotland) Act 1973 relating to compensation for depreciation in value arising out of the use of public works.

TECHNICAL SERVICES

To prepare and determine those persons who should be invited to tender and to process (excluding opening and acceptance, unless otherwise stated) contracts for Capital/Revenue projects (excluding Roads) in accordance with the Council's Standing Orders Relating to Contracts.

To appoint consultants for Capital/Revenue projects, (excluding Roads), in accordance with the Council's Standing Orders Relating to Contracts.

To open and accept tenders, quotations, etc. for nominated suppliers and/or nominated sub-contractors in respect of contracts, which have been awarded.

To sign operational leasing contracts and related documentation entered into by the Council for the let of equipment.

Civic Government (Scotland) Act 1982

- Section 97 - Street Names and House Numbers, Numbering of streets, street sign erection and maintenance.
- Section 99 - Power to enter, execute works and recover expenses.
- To erect street name plates and agree house numbers.

CORPORATE SUPPORT

Delegated to the Executive Director and the undernoted identified Executive Heads/Heads of Service or appropriate Officers under sub-delegation process.

EXECUTIVE DIRECTOR OF CORPORATE SUPPORT

Staffing

To make changes to staffing structures, numbers and gradings in accordance with the approved pay grading arrangements and subject to the agreement of the Head of Personnel and the Executive Head of Finance and Asset Management. Major departmental restructuring or staffing reviews will continue to be submitted to Cabinet for approval.

Temporary Posts

Together with the Head of Personnel to approve temporary posts irrespective of the duration of such temporary posts subject to the availability of financial resources.

Community Planning

The Depute Chief Executive/Executive Director of Corporate Support will deputise for the Chief Executive as the Council's representative on the Community Planning Partnership Board and will have authority to act in that capacity on behalf of the Council at Board Meetings to ensure that the decisions of the Community Planning Partnership Board and related sub-groups/operating groups are implemented and to take any urgent decisions as required to progress the Council's interests in Community Planning related activity.

The Depute Chief Executive/Executive Director of Corporate Support will report to the appropriate bodies on any action taken under this delegated authority, where appropriate.

The Depute Chief Executive/Executive Director of Corporate Support will have delegated authority to administer on behalf of the Council and Community Planning Partnership Board any community planning related funding streams. For example: to make arrangements to identify priorities for CP funding streams, disburse such funding streams and ensure effective monitoring and evaluations systems are in place to meet the reporting requirements associated with any such funding streams. The Depute Chief Executive/Executive Director of Corporate Support will ensure appropriate reporting of any such delegated powers to the CPP Board or related structure.

The Depute Chief Executive/Executive Director of Corporate Support can process quarterly grant claims, approved by the Community Planning Partnership Board, for Community Planning related funding streams up to a maximum of £100,000 per single claim.

Panel of Safeguarders

To appoint Safeguarders to the Council's Panel of Safeguarders in terms of the Children (Scotland) Act 1995, subject to satisfactory reports from the interested agencies, namely the Sheriff Principal, the Executive Director of Educational and Social Services, the Children's Panel Chair or Depute and the Children's Reporter.

Street Naming

(a) New Names

Under Section 97 of the Civic Government (Scotland) Act 1982, delegated authority to the Depute Chief Executive/Executive Director of Corporate Support or the Head of Democratic Services to name streets in consultation with the Local Members (following receipt of suggestions from the local Community Council where appropriate).

(b) Altering Existing Names

In terms of subsequent objection against any street name/or request to alter street names, the Depute Chief Executive/Executive Director of Corporate Support or Head of Democratic Services will consult with the Local Members on whether or not to instigate statutory procedures. Where statutory procedures to change a street name are initiated, delegated authority to the Depute Chief Executive/Executive Director of Corporate Support and Head of Democratic Services in consultation with the Local Members to determine final street names.

HEAD OF DEMOCRATIC SERVICES

Freedom of Information (Scotland) Act 2002: Publication Scheme

Officers to make changes to the Publication Scheme as follows, viz:-

- Where no approval by, or notification to the Scottish Information Commissioner is required, changes to be made by the Freedom of Information Officer;
- Where the Commissioner requires to be notified, changes to be approved by the Head of Democratic Services; and
- Where the Commissioner's approval is required for changes, approval to be sought from the Cabinet prior to submission to the Commissioner.

All Grants

The Head of Democratic Services will be the single point of contact for all Council grant applications from community groups and voluntary organisations. In consultation with Service Departments, the Head of Democratic Services will determine the appropriate route for consideration of applications. The Head of Democratic Services will be responsible for entering all applications received on the Community Grants Database, with input thereafter including the decisions taken on each application, being entered by the Service Department handling the application.

Community Grants

In respect of applications for community grants relative to events that will take place prior to scheduled meetings of the relevant Local Community Planning Forums, the Executive Director of Corporate Support or Head of Democratic Services or Administration Manager shall be authorised, on receipt of satisfactory reports and following consultation with the Chair and Vice-Chair of the relative Local Community Planning Forums, to award a community grant up to £500. *

The Executive Director of Corporate Support, Head of Democratic Services or Administration Manager shall report the awarding of such grants to the next appropriate meeting of the relevant Local Community Planning Forums.

Scottish Public Services Ombudsman - Cases

Head of Democratic Services.

Panel of Safeguarders

To appoint Safeguarders to the Council's Panel of Safeguarders in terms of the Children (Scotland) Act 1995, subject to satisfactory reports from the interested agencies, namely the Sheriff Principal, the Executive Director of Educational and Social Services, the Children's Panel Depute Chair and the Children's Reporter.

Tenders - Opening

The Head of Democratic Services shall be responsible for the opening of tenders for capital/revenue projects unless otherwise stated, in accordance with Council's Standing Orders relating to contracts.

To arrange for the provision of information concerning the Council's services and functions, by

- (1) placing advertisements, ordering printed material and arranging displays or producing guidebooks, directories and other publications describing and *

illustrating Council services or publicising and promoting any aspect of the Council, at a cost not exceeding £20,000 in any one case.

- (2) issuing Press releases and similar articles for publication or broadcasting on behalf of the Council.

To interpret the Council's guidelines for governing advertising within Council publications.

Street Naming

(a) New Names

Under Section 97 of the Civic Government (Scotland) Act 1982, delegated authority to the Depute Chief Executive/Executive Director of Corporate Support or the Head of Democratic Services to name streets in consultation with the Local Members (following receipt of suggestions from the local Community Council).

(b) Altering Existing Names

In terms of subsequent objection against any street name, the Depute Chief Executive/Executive Director of Corporate Support or Head of Democratic Services will consult with the Local Members on whether or not to instigate statutory procedures. Where statutory procedures to change a street name are initiated, delegated authority to the Depute Chief Executive/Executive Director of Corporate Support and Head of Democratic Services in consultation with the Local Members to determine final street names.

HEAD OF LEGAL, PROCUREMENT AND REGULATORY SERVICES AND SOLICITOR TO THE COUNCIL

To engage private legal firms for Court and other legal work if and when the Solicitor to the Council may consider this to be necessary to enable the legal work of the Council to be carried out.

To obtain Counsel's opinion and to engage Counsel for Court of Session and other business as and when the Solicitor to the Council may consider this to be necessary to enable the legal work of the Council to be carried out.

To appoint Parliamentary Agents as and when necessary.

To represent the Council in all types of judicial and quasi-judicial proceedings and in that regard to initiate, enter, defend and withdraw from such proceedings. To settle all liability claims against the Council up to a maximum value of £25,000, where it is considered appropriate in the Council's interest to do so.

To act as proper Officer of the Council for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice, order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council or the proper officer thereof.

In consultation with, and as instructed by, the appropriate Department of the Council, to serve statutory notices under Town and Country Planning, Environmental Health, Building Control and all similar legislation and to report any breaches of such legislation to the Procurator Fiscal for the purpose of pursuing prosecution of any party, whether or not such Departments also have a delegated power to discharge such duties, whether under the terms of this scheme or any other relevant statutory provision.

To implement all enforcement powers of the Council under and in terms of the Town and Country Planning (Scotland) Act 1997, and all related legislation and to report any breaches of said legislation to the Procurator Fiscal for the purpose of pursuing prosecution of any party.

To confirm on behalf of the Council Tree Preservation Orders in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997.

To act as the proper officer of the Council in terms of Section 113 of the Civic Government (Scotland) Act 1982 with regard to the certification of management rules.

To act as the proper officer of the Council in relation to the signing of all deeds and other documents which require to be sealed with the Common Seal of the Council including Stock Certificates, Bonds and Mortgages.

To sign missives and other similar documents binding upon the Council.

To receive, offers to purchase in relation to the sale of Council property identified as surplus to the requirements of the Council in accordance with the Financial Regulations, to evaluate and report to Council subject to consultation with the Executive Head of Finance and Asset Management on same and to return unopened offers received after the appropriate closing date.

To settle without reference to Committee claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of Home Loss Payments following compulsory acquisition by the Council and also to settle any discretionary points arising from acquisition by voluntary arrangements, provided that the statutory requirements have been met.

To authorise payments to account to sellers of property to the Council in cases where negotiations through the Executive Head of Finance and Asset Management or District Valuer are protracted for any reason, up to a value of 90% of the valuation by the Head of Planning and Economic Development or the District Valuer.

To authorise payments to account to sellers of property to the Council in cases where conveyancing procedures are protracted for any reason, subject to the exhibition of good title and the grant of appropriate undertakings.

After consultation with the Executive Director of Educational and Social Services and the Executive Director of Neighbourhood Services, to determine requests to waive repayment of Adaptation Grants having regard to the individual merits and circumstances of each case.

To determine requests to postpone the Council's Discount Standard Security in respect of the sale of Council houses under the Housing (Scotland) Act 1987 having regard to the individual merits and circumstances of each case.

To process applications to the Council for Superior's Consent in respect of properties for which the Council hold the superiority interest.

To sign every contract entered into on behalf of the Council except where otherwise provided for under the Scheme of Delegation or other provision of the Council.

To terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of the contract where, after consultation with the appropriate Executive Director or Head of Service, the Solicitor to the Council is satisfied that it is in the interest of the Council to do so.

Procurement

To prepare, maintain and review approved lists of contractors/consultees for Capital/Revenue projects (excluding Roads Contracts).

To prepare statistical and other reports in terms of:-

Public Works Contracts Regulations 1991 - Section 28

Public Supply Contracts Regulations 1995 - Section 25

Public Services Contracts Regulations 1993 - Section 27

National Assistance Act 1948

To arrange burials in terms of Section 50.

Caravan Sites and Control of Development Act 1960

To approve and transfer licences.

Civic Government (Scotland) Act 1982

Section 10 - Taxi and Private Hire Car Licences

With regard to Section 10(2) to approve 'full body livery' advertising on certain vehicles used as taxis provided always that designs of a contentious nature will be submitted to the Local Government Licensing Panel for consideration.

Section 19 - Notices of Taxi Stances (in terms of Section 56 of the Local Government (Scotland) Act 1973) to serve Notices.

Section 20 - Taxi and Private Hire Car Drivers Licences

Sections 24 - 27 - Second Hand Dealers

Sections 28 - 36 Metal Dealer

Section 39 - Street Traders

Section 40 - Market Operators

Section 41 - Public Entertainment

Section 41A - Indoor Sports Entertainment

Section 42 - Late Hours Catering

Section 43 - Window Cleaners

Schedule 1 Paragraph 8(3)

In the event of the death of a licence holder to extend or further extend an application, the 3 month period during which the licence is held by the executor.

Schedule 1 Paragraph 9 - Material Change of Circumstances

To grant applications, sign and issue all licences subject to conditions adopted by Council, on receipt of satisfactory reports and where no **material** competent objections or representations have been received.

Following consultation with the Chair, to grant any application where a competent representation has been received and the nature of the representation is not considered to **materially** affect the licence.

Following consultation with the Chair to agree to hold a hearing in respect of applications where a **material** competent objection or representation has been made or in relation to which results of enquiries are intended to be taken into account.

NB Material will be determined on the basis of the gravity of the representation and its relevant to the activity applied for.

Section 44(i)(b) and Section 44(2) - Licensing of Houses in Multiple Occupation

Section 90 - Lighting of Common Stairs Etc

Section 92 - Cleaning and Painting of Common Stairs

Section 119 - Charitable Collections**Dairy Products (Hygiene) (Scotland) Regulations 1995, The Ice Cream (Scotland) Regulations 1948**

To issue Certificates of Registration and licences, including renewals.

Dog Fouling (Scotland) Act 2003

Power to authorise Officers to issued fixed penalty notices to individuals believed to have committed an offence under the Act.

Environment Act 1995 - Section 106 - 114 and Section 120(3)

Summary proceedings to deal with statutory nuisance and noise.

Powers to authorise suitable persons to carry out inspections, including entering premises, taking samples or carrying out related activities for the purpose of enabling the authority to determine whether any land is contaminated (including supplemental provisions under Schedule 18 of the Act.

Environmental Protection Act 1990

Sections 79-81 - Summary Proceedings.

Section 149 - Control of stray dogs.

Food Safety Act 1990

Powers to appoint authorised officers and sign appropriate documentation including powers to serve Improvement and Prohibition Notices.

Health and Safety at Work Etc Act 1974 - Sections 19, 20, 21 and 22

Appointment of Officers under Section 19, authorising them to use the powers set out in Section 20 and authorising them to serve improvement and prohibition notices in terms of Sections 21 and 22.

Powers to authorise personnel accompanying Environmental Health Officers to premises.

Health and Safety at Work Etc Act 1974 in respect of the Explosives Acts 1875 and 1923 (As Amended)

Powers to appoint such Officers as determined necessary to carry out enforcement duties.

Housing (Scotland) Act 1987

To make Closing Orders in terms of Section 114.

To make Demolition Orders in terms of Section 115.

To revoke Closing Orders and Demolition Orders in terms of Section 116.

To make and review Suspension Orders in terms of Section 117(2)(9) and (4).

To issue written authorisation to Environmental Health Officers for power of entry in terms of Sections 183 and 317.

To serve Notice where owners of houses in multiple occupation have failed to respond to requests for proposals for required works.

To serve Notices in terms of Section 108.

Powers to sign and serve Notices on occupiers or persons receiving rent for houses requiring them to declare their interest or provide information regarding ownership.

Licensing (Scotland) Act 1976 - Sections 16 and 23

Powers to object in terms of Section 16 on the Council's behalf to applications for licences which are of concern to the Environmental Health legislation. *

If either of the Spokespersons are members of the Licensing Board, the Executive Director shall liaise with the Chief Executive to determine Member consultation.

Authorised under Section 23 to issue food hygiene certificates in respect of applications for a new licence.

Noise and Statutory Nuisances Act 1993

Powers to serve notices.

Prevention of Damage by Pests Act 1949

To sign and serve Notice in terms of Section 4 and (where the Notice has not been complied with) instruct remedial works in terms of Section 5.

The Private Water Supplies (Scotland) Regulations 1992

To grant relaxation of the wholesomeness standards where there would be no risk to public health.

Public Health (Scotland) Act 1897

To sign and serve Notices in terms of Section 40. Powers to be arranged for dirty houses to be cleaned following non-compliance with Notices served.

Powers to authorise personnel accompanying Environmental Health Officers to premises.

Water (Scotland) Act 1980

Powers to issue Improvement Notices requiring improvement of a private water supply (where breaches are not of a trivial nature and likely to recur).

Safety of Sports Grounds Act 1975

To exercise powers of an authorised person under Section 11 of the Act (power to enter and inspect a sports ground).

Town Centres

Applications to hold meetings, stalls etc - Process in accordance with Council policy. *

Others

THE UNDERNOTED ENACTMENTS, EITHER WHOLLY OR IN PART, CONFER POWERS OR IMPOSE DUTIES ON EAST AYRSHIRE COUNCIL

Accommodation Agencies Act 1953

Agriculture (Miscellaneous Provisions) Act 1968.

Agricultural Procedure (Grading and Marketing) Acts 1928 and 1931

Agriculture (Safety, Health and Welfare Provisions) Act 1956

Agriculture Act 1970

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Antisocial Behaviour Etc (Scotland) Act 2004

Abandonment of Animals Act 1960

Breeding of Dogs Act 1973

Breeding of Dogs Act 1991

Breeding and Sale of Dogs (Welfare) Act 1999

British Telecommunications Act 1981

Broadcasting Act 1990

Caravan Sites and Control of Development Act 1960

Children and Young Persons (Protection from Tobacco) Act 1991
Cinemas Act 1985
Civic Government (Scotland) Act 1982
Clean Air Act 1993
Competition Act 1998
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Copyright Etc and Trade Marks (Offences & Enforcement) Act 2002
Copyright (Visually Impaired Persons) Act 2002
Courts and Legal Services Act 1990
Crossbows Act 1987
Criminal Procedure (Scotland) Act 1995
Dangerous Wild Animals Act 1976
Deer (Scotland) Act 1996
Development of Tourism Act 1969
Dogs Act 1906 - 1928
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2003
Environment and Safety Information Act 1988
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875 - 1976
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Fireworks Acts 1951 and 1964
Fireworks Act 2003
Food and Environmental Protection Act 1985
Food Safety Act 1990
Game (Scotland) Act 1832 and Game Licences Act 1860
The Gaming Act 1968
Guard Dogs Act 1975
Hallmarking Act 1973
Health and Safety at Work Etc Act 1974
Housing (Scotland) Acts 1987/88
Knives Act 1997
Licensing (Scotland) Act 1976
Lotteries and Amusements Act 1976
Medicines Act 1968
Methylated Spirits (Sale by Retail) (Scotland) Act 1937
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
Noise and Statutory Nuisances Act 1993
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Etc (Protection) Act 1995
Patents, Designs and Marks Act 1986
Performing Animals (Regulations) Act 1925
Pesticides (Fees and Enforcement) Act 1989

Pet Animals Act 1951
Petroleum (Regulations) Acts 1928 and 1936
Pharmacy and Poisons Act 1933
Poisons Act 1972
Prevention of Damage by Pests Act 1949 including powers of entry
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection of Animals (Scotland) Acts 1912 - 1988
Protection from Harassment Act 1997
Public Health (Scotland) Acts 1897/1945
Refuse Disposal (Amenity) Act 1978
Registered Designs Act 1949
Regulation of Investigatory Powers Act 2000
Regulation of Investigatory Powers (Scotland) Act 2000
Reservoirs Act 1975
Riding Establishments Acts 1964 and 1970
Road Traffic Act 1972
Scotch Whisky Act 1988
Shops Act 1950
Slaughter of Animals (Scotland) Act 1980
Slaughter of Poultry Act 1967
Telecommunications Act 1984
Theatres Act 1968
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Trade Marks Act 1994
Trade Descriptions Act 1968
Trading Schemes Act 1996
Transport Act 1985 (Section 19)
Video Recordings Acts 1984 and 1993
Water (Scotland) Act 1980
Weights and Measures Acts 1976 and 1985
Zoo Licensing Act 1981

IN RELATION TO ALL OF THE ABOVE LEGISLATION, THE EXECUTIVE DIRECTOR OF CORPORATE SUPPORT AND HEAD OF LEGAL, PROCUREMENT AND REGULATORY SERVICES ARE AUTHORISED TO GRANT, SIGN AND ISSUE LICENCES SUBJECT TO SATISFACTORY REPORTS AND SHALL BE THE PROPER OFFICERS, APPOINTED OFFICERS AND AUTHORISED OFFICERS FOR INSPECTION, FOR ALL FUNCTIONS FOR WHICH THE COUNCIL IS RESPONSIBLE IN RESPECT OF THE ABOVE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER AND ANY AMENDING LEGISLATION, SHALL BE AUTHORISED TO APPOINT ANY OTHER QUALIFIED OFFICER OF THE COUNCIL OR OTHER APPROPRIATE PERSON TO CARRY OUT ANY DUTIES OR HOLD ANY APPOINTMENTS UNDER THESE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER.

SUCH POWERS SHALL INCLUDE POWERS OF ENTRY, INSPECTION (INCLUDING INSPECTION OF DOCUMENTS), SAMPLING, PURCHASE OF GOODS AND SERVICES, OPENING OF CONTAINERS AND SEIZURE WHERE APPROPRIATE IN TERMS OF THE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER.

ENFORCEMENT: EXECUTIVE DIRECTOR OF CORPORATE SUPPORT OR THE HEAD OF LEGAL, PROCUREMENT AND REGULATORY SERVICES ARE AUTHORISED TO MAKE REPORTS TO THE PROCURATOR FISCAL REGARDING OFFENCES UNDER ANY OF THE STATUTES COMING WITHIN THE SCOPE OF THE DEPARTMENT'S ACTIVITIES.

Designated Environmental Health Officer to lead Food Safety within the Authority

The Principal Officer: Environmental Health, Licensing and Community Safety has been designated Environmental Health Officer heading Food Safety within East Ayrshire.

Standards of Competence for Health and Safety Inspectors

The Council has deemed that all qualified Environmental Health Officers meet the Standards of Competence set out in Section 18(4)(a) of the Health and Safety at Work Etc Act 1974.

Powers Delegated to the Principal Officer (Trading Standards)

For the purposes of Section 72(1)(a) of the Weights and Measures Act 1985, the Council has appointed the Principal Officer (Trading Standards) as Chief Inspector of Weights and Measures.

Powers Delegated to the Chief Constable

The Chief Constable is authorised to discharge the functions of East Ayrshire Council under Section 19 (Appointment of Inspectors) of the Health and Safety at Work Etc Act 1974 for the purposes of the enforcement of the Explosives Acts of 1875 and 1923 (as amended) insofar as they relate to the licensing, registration and regulation of stores or registered premises.

Consumer Credit Act 1974

Executive Director of Corporate Support and the Head of Legal, Procurement and Regulatory Services to authorise named Officers of Glasgow City Council to undertake enforcement duties under above Act.

DVLA Database

Executive Director of Corporate Support and the Head of Legal, Procurement and Regulatory Services authorised to nominate designated Officers who will have access to the DVLA Database.

HEAD OF PERSONNEL

Annual Leave

To adjudicate on any requests to carry forward outstanding annual leave entitlements from one leave year to the next in accordance with Council policy.

Appointments

To assist in selecting the most suitable candidates for vacant posts ensuring that appropriate salary placings and all relevant terms and conditions of employment are observed together with any employment law provisions and/or codes of practice.

To advise candidates of any policy matters affecting their appointment, eg political restrictions, no smoking policy.

In conjunction with the Executive Director of Neighbourhood Services to pursue special case status where necessary for incoming employees to the Building and Works Trading Operation.

To approve requests by the Chief Executive or Executive Directors or Executive Heads/Heads of Service for the secondment of employees to external agencies where the total cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment.

Training and Career Development

In conjunction with the Chief Executive and in consultation with the appropriate Members to determine requests made in terms of the Council's Training and Career Development Scheme. *

Circulars

To instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council. The terms of such Circulars shall be reported to the Cabinet for information.

Conditions of Service

To exercise the discretionary and authorisation powers available in implementation of the Council's approved Schemes of Conditions of Service and Detriment Regulations for all employees, except teachers.

Discipline

To advise departments on procedure and appropriate action in matters of discipline.

To respond on behalf of the Council to information required by the Government Departments and Agencies and the Secretary for Employment Tribunals.

To act as adviser to the Council's Appeals Panel.

Flexible Working Scheme

To determine questions of entitlement in connection with the operation of any flexible working scheme operated by the Council.

Industrial Relations

In consultation with other officers as appropriate to negotiate with trade unions on any relevant matters.

To assist in attempting to resolve grievances and to participate in the grievance process in accordance with the agreed arrangements.

Life Assurance

In conjunction with the Executive Head of Finance and Asset Management and where necessary in consultation with legal staff to determine beneficiaries under the staff life assurance scheme.

Policy Matters

To advise on employee related policies approved by the Council, eg equal opportunities, recruitment and selection, discipline and grievance.

Politically Restricted Posts

To maintain a register of politically restricted posts and to notify any changes in accordance with the requirements to the Local Government Adjudicator for Scotland.

Recruitment

To administer the central recruitment process in accordance with the Council's approved policies and procedures.

Relocation Scheme

To authorise appropriate payments in relation to the Council's relocation scheme.

Salary Administration

To approve placings within approved salary scales in respect of requests received from Executive Directors or Executive Heads or Heads of Service.

To authorise any adjustments in respect of salary scales and/or placings within approved salary scales in conformity with accepted practice.

To authorise salary/wage advances.

To approve changes in post designations where there is no change in salary grade.

To introduce further Salary Sacrifice Initiatives as they arise in the future.

Skills Training

Along with the Chief Executive to act as signatory in respect of contracts with Enterprise Ayrshire for Training provision.

Sounding Board Procedure

To draft and co-ordinate response providing the Council's view on matters identified by CoSLA through the sounding board procedure.

Special Leave

To determine in consultation with the appropriate Spokespersons any requests for special leave including: *

To consider and determine applications for extension of leave for overseas visits from employees who have not completed the necessary period of continuous service in terms of the Council's Conditions of Service.

To approve, in conjunction with the appropriate Executive Director or Executive Head/Head of Service, special leave with or without pay where the period of leave is in excess of the provision of the Council's Conditions of Service.

To approve, in conjunction with the appropriate Executive Director or Executive Head/Head of Service, unpaid leave of absence for employees to undertake courses of further education where attendance at such courses is not covered by the Council's Policy on Post-Entry Training and Education.

To grant, in accordance with Council policies, unpaid leave of absence up to a maximum of two years to enable employees to undertake voluntary service in Third World countries with voluntary organisations.

Staffing

To advise the Council through the Chief Executive on proposals relating to structure and establishment.

Pension Arrangements

To act as signatory in respect of documents relating to death in service benefits and early retirement/redundancy of employees.

Temporary Posts

Together with the Depute Chief Executive/Executive Director of Corporate Support to have authority to approve temporary posts irrespective of the duration of such temporary posts subject to the availability of financial resources.

HEAD OF PLANNING AND ECONOMIC DEVELOPMENT:

PLANNING APPLICATIONS

Details of the complete planning application delegation remits are provided on page 61.

All applications, be they recommended for approval or refusal **UNLESS:-**

- They fall into the “major development” category as defined within the national planning framework,
 - Valid planning objections have been timeously received from more than 10 separate households or organisations or other third parties,
 - The Head of Planning and Economic Development is recommending approval for a proposal which is a significant departure from the Development Plan or an emerging Development Plan (where that can be viewed as a material consideration);
 - Where there is an unresolved objection from a statutory consultee such that approval of the application would amount to a significant departure from the existing (or emerging) Development Plan; and
 - Where the Head of Planning and Economic Development considers that the application raises new or significant issues meriting determination of the proposal at Committee.
- Certificates of Existing/Proposed, Lawful Use or Development.
 - Prior Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, demolition of buildings, Toll road facilities.
 - Claims for Hazardous Substances Deemed Consent.
 - Making Provisional TPO.
 - Section 75 Agreements, where application is delegated.
 - Enforcement Actions, provided any costs are within Corporate Support Revenue budgets.
 - Consultations with the neighbouring planning authorities regarding planning applications.
 - A decision on whether or not an EIA is required and the adoption and notification of a screening and/or a scoping opinion under the Environmental Impact Assessment (Scotland) Regulations 1999 in respect of the need for and content of an Environmental Impact Assessment.
 - Initiate and confirm road stopping up procedures where a planning consent is in place.
 - Refusals on basis of insufficient information. (objections or not).

Major Development Applications will comprise the following proposals:-

- Retail/Warehousing Developments over 2000 sqr meters
- Industrial Developments over 2000 sqr metres
- Flood Alleviation Schemes
- Wind farm applications with >5 turbines
- Applications for >100 dwellings
- Waste transfer sites
- Applications subject to Environmental, Transport or Retail Assessment
- Tourism/Leisure > £1 million

BUILDING STANDARDS

All Applications/Notices.

Building (Scotland) Acts 1959 and 1970

Section 4 - Applications for relaxation of the Building Regulations.

Section 6 - Applications for building warrant or amendment to warrant.

Section 9 - Applications for completion certificates.

Section 10 - Notices requiring works to be stopped.

Section 13 - Notices requiring demolition or making safe of dangerous buildings.

Section 14 - Powers to Local Authorities to sell materials from demolished buildings.

Section 15 - Powers to Local Authorities to purchase buildings and sites where the owner cannot be found.

Building (Scotland) Act 2003

Section 9 - Applications for building warrant or amendment to warrant;

Section 17 - Applications for completion certificates;

Section 24 - Provision of a Building Standards Register;

Section 25 - Building Regulations Compliance Notice;

Section 26 - Continuing Requirements Enforcement Notice;

Section 27 - Building Warrant Enforcement Notice requiring works to be stopped or contravention of an approved building warrant;

Section 28 - Defective Buildings Notice - Notices requiring works to be carried out to a defective buildings;

Section 29 - Dangerous Buildings Notice - Notices requiring demolition or making safe of dangerous buildings.

Section 30 - Immediate works undertaken requiring demolition or making safe of dangerous buildings.

Civic Government (Scotland) Act 1982

Section 89 - Safety of Platforms etc;

Section 91 - Installation of lights in private property;

Section 95 - Private open spaces; and

Section 96 - Statues and Monuments.

NEWMILNS TOWN SCHEME

- To determine grant applications under the Scheme in terms of the criteria agreed by the Development Services Committee of 29 June 2004.

Business Support Financial Assistance

- To determine together with the Executive Director of Corporate Support and the Business Development Manager (delegation to any two of the three named Officers) applications for business grants and loans subject to eligibility as follows:-
- West of Scotland Loan Fund - loans up to £50,000.
- Business grants of up to £30,000 to support business development opportunities and in the case of grants to support export market development grants up to £2,000 per event or £4,000 in any financial year.

Environmental Regeneration Financial Assistance

- To determine together with the Executive Director of Corporate Support applications for grant assistance to facilitate demolition works in respect of approved schemes subject to a maximum of £15,000 in accordance with agreed criteria.

Amendments to projects included within the Derelict Property Revolving Fund, subject to consultation with the relevant Spokesperson and the relevant Local Members.

Kilmarnock Conservation Area Regeneration Scheme (CARS)

- To approve CARS grant applications and disperse grant payments for priority buildings that are within 10% of the Indicative Total grant allocation contained in the CARS Approved Schedule.
- To approve CARS small grant applications and disperse grant payments up to £25,000.

EDUCATIONAL AND SOCIAL SERVICES

Delegated to the Executive Director and Executive Heads/Head of Service or appropriate Officers under sub-delegation process.

Trading Operation Contract Practices

When carrying out their functions in terms of legislation applicable to Trading Operations, the Executive Director may invite, accept and/or negotiate offers from proposed sub-contractors or suppliers for the supply of goods or materials or the execution of works or for the provision of service in accordance with the Financial Regulations and Standing Orders relating to contracts. In exercising this power the Executive Director must, unless satisfied that an exemption is justified by special circumstances, secure competition for contractors and regulate the matter in which tenders are invited by reference to any Procedural Notes for Guidance on Contracting Practice for Trading Operations, approved by Council.

Local Authorities (Goods and Services) Act 1970/Local Government in Scotland Act 2003

The Executive Director may enter into agreement in terms of Section 1 of the Local Authorities (Goods and Services) Act 1970 as amended by Section 8 of the Local

Government in Scotland Act 2003 in accordance with Council's Standing Orders in relation to contracts.

Education

1. Educational Provision

1.1 Quality Improvement

To initiate and implement such projects or programmes as are necessary in order to secure improvement in the quality of school education and the raising of standards consistent with the Authority's duty under Section 3(2) of the Standards in Scotland's Schools Etc Act, 2000.

To carry out such consultations as are necessary to prepare an annual statement of education improvement objectives in order to fulfil the Authority's duties under Section 5(1) of Standards in Scotland's Schools Etc Act, 2000. Such consultations to include:-

- bodies representative of teachers
- bodies representative of parents
- persons other than teachers employed in schools
- children and young people
- other persons with an interest in educational improvement

To consult with parents, teachers and persons with an interest in quality of education and measures and standards of performance of schools in accordance with Section 7(1) of Standards in Scotland's Schools Etc Act, 2000.

To review the standards of performance of individual schools in accordance with Section 7(2) of Standards in Scotland's Schools Etc Act, 2000.

To take such steps as are necessary to remedy cases where a school is not performing satisfactorily in furtherance of the Authority's duty under Section 7(2) of Standards in Scotland's Schools Etc Act, 2000.

1.2 Additional Support Needs

The Executive Director of Educational and Social Services is authorised to take decisions in relation to the assessment and provision for children with additional support needs or who potentially require a Co-ordinated Support Plan but who are not educated in a Local Authority establishment using the undernoted criteria:-

- the level and nature of the child's additional support needs;
- the learning environment chosen for the child by the parent; and
- the principles of best value and the requirement to avoid unreasonable public expenditure.

To carry out the functions of the Council as Education Authority in relation to the provision of education for children with additional support needs in terms of the Education (Additional Support for Learning)(Scotland) Act 2004 including placement in day and residential schools.

To exercise at the discretion of the Executive Director the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, with regard to the provision by the Council of Education for pupils belonging to the areas of other Education Authorities and incur outwith area fees to any other Education Authority which has provided education for pupils normally

resident in East Ayrshire but who are, for various reasons, placed in schools outwith East Ayrshire.

The Executive Director is authorised to annually set charges for placement of children with special educational needs in East Ayrshire schools under Section 23 of the Education (Scotland) Act, 1980, and in accordance with CoSLA guidelines and the terms of the report to the Education Committee of 22 April 1999.

The Executive Director is authorised to accept charges from other Authorities under Section 23 of the Education (Scotland), 1980, that have set within CoSLA guidelines and the terms of the report to the Education Committee of 22 April 1999.

1.3 Placing Requests

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 and, where appropriate, after consultation with the Local Attendance Council.

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 attention where supporting documentation satisfies him that the child concerned has serious emotional or psychological problems. *

In cases where the parent changes residence and in terms of the Education (Scotland) Act 1980 makes a placing request that his child remain in the school attended prior to that change, to accept that request provided that (1) continuity of educational provision is a priority; (2) the parent agrees to comply with the Council's policy on transport arrangements, bursary awards and costs, and (3) in all the circumstances the Executive Director considers it is appropriate to accept the request.

To review annually the number of reserved places in individual schools where the Cabinet has given initial approval to reserve places.

1.4 Parental Involvement

To implement such measures as are necessary to support schools in the organisation and execution of Parent council elections.

2. Children and Young People's Welfare

To carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the personal welfare of pupils at schools.

To agree programmes of education on sexual matters to be used in schools, having taken due regard of advice issued by Scottish Ministers in accordance with Section 56 of Standards in Scotland's Schools Etc Act, 2000.

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 authority.

To amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales.

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.

To make the necessary arrangements for the boarding out of pupils and for the allocation of hostel accommodation.

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.

To authorise the Executive Director or appropriate Executive Head/Head of Service 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).

To exercise, at the discretion of the Executive Director, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.

Where a pupil is excluded or withdrawn from school to arrange for his/her admission to any other school, the Managers of which are willing to receive him in accordance with Section 14 of the Education (Scotland) Act 1980 as amended by Section 20 of Standards in Scotland's Schools Etc Act, 2000.

To exercise the functions of the education authority in relation to the irregular attendance of pupils in attendance at schools under their management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980 after consultation with the Attendance Sub-Group of the appropriate Local Attendance Council which comprise nominated members of appropriate Parent councils.

To make special arrangements for the education of pupils who are unable to attend school through ill health, or who it would be unreasonable to expect to attend school, or who are excluded or withdrawn from school in accordance with Section 14 of the Education (Scotland) Act 1980, as amended by Section 40 or Standards in Scotland's Schools Etc Act, 2000.

The Executive Director or nominated Executive Heads/Head of Service be authorised to approve or refuse permission to continue home education to parents, taking account of the conditions approved by the Council. and having regard to any guidance on this matter published by the Scottish Ministers under Section 14 of Standards in Scotland's Schools Etc Act, 2000.

The Executive Director and the Heads of Educational Establishments be authorised to agree 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; authorised to review decisions by the Executive Director or Heads of Educational Establishments to agree 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.

To implement such measures as are necessary to enable the Authority to discharge its responsibilities under the Disability Discrimination Act, 1995, and its extension to schools and further education provision with effect from August 2002.

To implement such measures as are necessary to enable the Authority to discharge its responsibilities under the Race Relations Amendment Act, 2000.

To issue licences in terms of the Children (Performances) Regulations 1968.

3. Trust Funds, Bursaries and Related Provision

To receive and determine applications for disbursements of funds in accordance with the provisions of the Trust Schemes vested in the Council and any endowments administered by these Trusts.

To accept and administer any new Trusts or small endowments which may be offered to the Council for schools in their area.

To carry out the administration, assessment and award of higher school and certain further education bursaries.

- Where it is within the discretion of the Council to determine the circumstances when the “elsewhere” rate of maintenance is payable.
- To exercise the power to disregard parental income in part or in total where the parents of the students are divorced or living apart.
- To decide from time to time which courses will be supported by the Council’s Bursary Scheme.
- 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.

To make grants to pupils from all schools within East Ayrshire or normally resident within East Ayrshire who are selected to join the National Youth Orchestra of Great Britain or National Youth Orchestra of Scotland, in respect of fees and attendance at courses related to their membership of the Orchestra.

To increase, in cases of hardship, and at the discretion of the Executive Director, the amount of grant awarded to school pupils attending part-time courses at the Royal Scottish Academy of Music and Drama and the Scottish Ballet School up to a maximum of the cost of fees and travelling expenses.

To administer the terms of the scheme for Educational Maintenance Allowances (EMA) or its successors in accordance with any guidance or regulations issued by the Scottish Executive.

Exercise the powers available to the Authority under the Education (Scotland) Act, 1980 to allocate surplus places on vehicles which have been contracted for the purpose of transporting children and young people entitled to free transport where the capacity of the vehicle is larger than the number of children entitled to use them, provided there is no additional cost to the Authority.

To determine the shortest safe walking route from a child’s home to school in consultation with the relevant departments of the Council and the Police.

4. Personnel

To appoint and supervise teaching staff within complements approved by the Council.

To make staffing appointments in Community Centres within the limits of the establishment approved by the Cabinet, for each Centre, having regard to the financial circumstances existing at the time.

To transfer teachers within the policy established by the Education Authority and, where appropriate, to pay transfer expenses.

Where a teacher is compulsorily transferred to authorise payment of the cost of removal expenses in terms of the Council Scheme applicable to APT&C Staff or, where appropriate, reasonable daily travel expenses subject to the relevant provisions of the Conditions of Service for Teachers in Day Schools.

To exercise the discretionary powers available in implementation of conditions of service in relation to teachers in the employment of the authority.

To arrange programmes of staff development for teachers.

To approve premature retirement under Section 46 of the Superannuation Regulations without enhancement of salary at no additional cost to the authority.

To authorise the employment in appropriate circumstances of teachers and lecturers in receipt of occupational pensions.

To grant leave of absence with salary to enable teachers to undertake part-time or full-time courses approved by the Executive Director, provided such leave of absence will not give rise to, nor increase the incidence of part-time education in schools and colleges.

To grant, in accordance with guidelines approved by Cabinet, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service in Third World countries.

To determine the dates of local school holidays after consultation with the appropriate Parent councils and appropriate trade unions.

To approve, without reference to the Chief Executive, attendance by Community Learning and Development *staff* on authorised Youth Exchange visits overseas where the employees, as part of their duties, are required to accompany the group undertaking the exchange.

To implement any agreements reached within the East Ayrshire Joint Negotiating Committee for Teachers.

To know and determine appeals from teachers in respect of oral or written warnings issued by head teachers, or equivalent, under Paragraph 6.1 of SNCT 18, "Revised Disciplinary Framework" issued on 27 November 2003.

To issue formal written warnings or apply punitive sanctions, including dismissal to teachers within the terms of paragraph 5.2(d)(i) and 5.2(d)(ii) of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

5. Buildings and Property

In consultation with the local Members concerned, to permit parent/teacher associations or such other organisations or persons as the Executive Director considers appropriate to execute works of construction or improvement within the curtilage of an educational establishment subject to:

- the Executive Director being satisfied that the works are relevant to the function of and will not prejudice the operation of the educational establishment;
- the Executive Head of Finance and Asset Management being satisfied that, for his interest, the works are acceptable
- The execution of the works being supervised by the Executive Head of Finance and Asset Management; and
- the Chief Executive and the Executive Head of Finance and Asset Management being satisfied with the contractual and financial arrangements relating to the execution of the works.

*To approve the recommendation of the appropriate Management Committee of any Community Centre with regard to the naming of that Centre provided that the said recommendation is acceptable to the local Councillors in whose constituency the Centre is situated.

To take what action is considered necessary to oppose planning applications or applications for liquor licences whenever the environment of schools might be

adversely affected. If either the Chair and Vice-Chair of the Cabinet is a member of the Licensing Board or of the Principal Planning Committee/Local Planning Committee the Executive Director shall liaise with the Chief Executive to determine Member consultation.

6. Other/Miscellaneous

To arrange in-service courses for Chaplains to schools as and when considered desirable.

To approve or refuse applications received from schools for arrangements to be made for visits within the United Kingdom during school terms in accordance with approved policy.

To provide courses in educational training as requested by outside agencies and to negotiate appropriate charges for these services.

To apply to the Ministry of Agriculture, Fisheries and Food for and to accept any allocation made to the Council from the EU national quota of levy-free frozen beef and veal administered by that Ministry under the General Agreement on Tariffs and Trade.

Head Teachers

To prepare an annual school development plan and summary of the development plan in accordance with Section 6(1)(a) and (b) of Standards in Scotland's Schools Etc Act, 2000, taking account of the Authority's annual statement of improvement objective.

To consult pupils in attendance at school on the content of the school development plan.

To ensure that functions delegated to them under the Scheme of Delegation are exercised in a way that secures improvement and the raising of standards consist with Sections 8(3) and 3(2) of Standards in Scotland's Schools Etc Act, 2000.

To discharge the functions of a Returning Officer for Parent council elections at establishment level.

To discharge the task of excluding pupils from school in accordance with the Council's policy and national guidance, and having considered all available alternatives when satisfied that this measure is being used as a sanction of last resort.

To re-admit pupils following exclusion from school in accordance with Council policies and procedures.

To issue oral warnings or written warnings to teachers under paragraph 5.2 of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

The Management of Resources within the terms of agreed policies and Financial Regulations of the Council.

Social Work

Delegated to the Executive Head of Social Work /Chief Social Work Officer, Senior Managers or appropriate Officers under the sub-delegation process as detailed below, subject to the following:-

1. Where Officers are designated A/B this shall mean that the delegation is to both A and B.

2. Where Officers are designated A, whom failing B (e.g. Senior Managers, whom failing, Service Manager) this shall mean that B can only exercise the power in question where it is not reasonably practicable for A to do so.
3. Any reference to an Officer is deemed to include a reference to any Officer of higher authority or seniority, e.g. a reference to Senior Managers includes reference to the Executive Head of Social Work and Senior Managers, who shall be entitled to exercise the power in question.

NOTE: (1) The following provisions within this Scheme of Delegation are intended to allocate specific delegated authority for certain key tasks which generally have direct or indirect financial implications for the Council. Whilst these key tasks fall within the general statutory framework for the Council's functions, this Scheme is not exhaustive of the powers exercisable by Officers of the Council as various other powers have been directly conferred either by statute or by the Council itself through its Committee structure.

- (2) All expenditure permitted by the provisions of this Scheme shall be within the available budget.

General - Section 12 Provision

The Executive Head of Social Work/Senior Managers shall be empowered to authorise that assistance, in cash or in kind, up to a limit of £3,000 in any one month be given to any one individual or family under Section 12 of the Social Work (Scotland) Act 1968, subject to an annual report being made to The Cabinet on the amount given in assistance in each month.

The Senior Managers, whom failing the Service Managers, of Social Work shall be empowered to authorise that assistance, in cash or in kind, up to a limit of £1,500 in any one month be given to any one individual or family under Section 12 of the Social Work (Scotland) Act 1968, subject to an annual report being made to The Cabinet on the amount given in assistance in each month.

Child Care and Family Matters

The Executive Head of Social Work/Senior Managers shall be empowered to authorise that assistance, in cash or in kind, up to a limit of £3,000 in any one month be given to any one child or member of his/her family under Section 22 of the Children (Scotland) Act 1995, subject to an annual report being made to The Cabinet on the amount given in assistance in each month.

The Senior Managers, whom failing the Service Managers, shall be empowered to authorise that assistance, in cash or in kind, up to a limit of £1,500 in any one month be given to any one child or member of his/her family under Section 22 of the Children (Scotland) Act 1995, subject to an annual report being made to The Cabinet on the amount given in assistance in each month.

The Senior Managers, whom failing the Service Managers, shall be empowered to authorise that assistance in cash by way of Link Carer payments be given for the maintenance of children under Section 50 of the Children Act 1975, or under Section 22 of the Children (Scotland) Act 1995, in accordance with the Link Carer Scheme currently approved by the Council.

The Senior Managers, whom failing the Service Managers, shall be empowered to authorise the making of applications to the Sheriff for Child Protection Orders, Child Assessment Orders and Exclusion Orders under Sections 57, 55 and 76 respectively of the Children (Scotland) Act 1995.

The Senior Managers, whom failing the Service Managers, shall be empowered to make arrangements for the provision of short-term refuge for children at risk of harm under Section 38 of the Children (Scotland) Act 1995.

The Senior Managers, whom failing the Service Managers, shall be empowered to make arrangements for the fulfilment of the Council's duty under Section 53 of the Children (Scotland) Act 1995.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to make appropriate arrangements as necessary to fulfil the general duty imposed on the Council towards children looked after by it, under Section 17 of the Children (Scotland) Act 1995.

The Senior Managers, whom failing the Service Managers, shall be empowered to make arrangements for the provision of accommodation for and to look after children in certain circumstances under Section 25 of the Children (Scotland) Act 1995.

The Senior Managers shall be authorised to make arrangements for the provision by external providers of residential care for children, up to a value of £5,000 per week for any one child.

The Senior Managers/Service Managers shall be empowered to make and oversee arrangements for such day care and other facilities as is to be provided by the Social Work Department under Section 27 of the Children (Scotland) Act 1995.

The Senior Managers/Service Managers shall be empowered to make arrangements for the provision of after-care in respect of any person below 21 years of age who was previously looked after by the Council, under Section 29 of the Children (Scotland) Act 1995.

The Senior Managers/Service Managers shall be empowered to grant reasonable financial assistance to persons below 21 years of age who were previously looked after by the Council, to enable them to meet expenses in connection with their education, training or maintenance, under Section 30 of the Children (Scotland) Act 1995.

The Senior Managers/Service Managers shall be responsible for ensuring compliance with the duty of the Council under Section 31 of the Children (Scotland) Act 1995 to review the case of a child looked after by the Council as required by the Secretary of State and the Council's procedures.

The Senior Managers, whom failing the Service Managers, shall be empowered to remove a child from a residential establishment under Section 32 of the Children (Scotland) Act 1995.

The Executive Head of Social Work/Senior Managers shall be empowered to agree a recommendation to place or keep a child in secure accommodation under Section 70 of the Children (Scotland) Act 1995.

The Senior Managers/Service Managers shall be empowered to make arrangements for giving effect, as required by Section 71 of the Children (Scotland) Act 1995, to a supervision requirement made by a Children's Hearing for the Council's area.

The Senior Managers, whom failing the Service Managers, shall be empowered to transfer from residential accommodation a child who is subject to a supervision requirement, as provided for in Section 72 of the Children (Scotland) Act 1995.

The Senior Managers/Service Managers shall be empowered to seek a review by a Children's Hearing of a supervision requirement in certain circumstances, under Section 73 of the Children (Scotland) Act 1995.

The Senior Managers, whom failing the Service Managers, shall be empowered to authorise payments of up to £500 in any one year towards the cost of arranging or assisting in arranging holidays or other temporary absences of any child looked after by the Council.

The Executive Head of Social Work/Senior Managers shall be empowered to authorise payments of between £500 and £1,500 in any one year towards the cost of arranging or assisting in arranging holidays or other temporary absences of any child looked after by the Council where the holiday and sums are exceptional.

The Senior Managers, whom failing the Service Managers, shall be empowered to authorise and make discretionary payments to foster/childrens' carers of up to £1,000 within a period of one year.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to authorise and make discretionary payments to foster/childrens' carers in exceptional circumstances where the payment will be in excess of £1,000 for any one child within a period of one year.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to authorise and make payments to foster/childrens' carers to avoid hardship to a family financing the construction of additional accommodation required to provide for the child(ren) concerned, subject to the Executive Head of Social Work reporting to The Cabinet as soon as possible thereafter regarding the amount of payment agreed.

The Senior Managers shall be empowered to carry out the remaining functions of the Council as care authority under the Fostering of Children (Scotland) Regulations 1996.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to consider and determine recommendations made by the Adoption and Fostering Review Panel in reviewing original decisions made in connection with fostering and adoption matters.

The Senior Managers shall be empowered to consider and determine recommendations by the Adoption Panel, including recommendations relating to assistance with legal fees (up to an amount considered reasonable by the Solicitor to the Council and medical expenses).

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to make arrangements to carry out the functions of the Council in relation to the adoption of children in terms of the Adoption (Scotland) Act 1978 as amended and the Adoption Agencies (Scotland) Regulations 1996.

The Senior Managers shall be empowered to advise the Executive Director of Corporate Support in the exercise of the powers conferred on the Council by the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 1984 and subsequent legislation with regard to the appointment of persons to panels of curators ad litem and reporting officers for the purposes of Sections 58 of the Adoption (Scotland) Act 1978 and Section 87(4) of the Children (Scotland) Act 1995, as provided for by Section 101 of the Children (Scotland) Act 1995.

The Executive Director of Corporate Support or Head of Legal, Procurement and Regulatory Services shall be empowered to exercise the powers conferred on the Council by the Social Work (Panel of Persons to Safeguard the Interests of Children) (Scotland) Regulations 2001 and subsequent legislation with regard to the appointment of persons to safeguard the interests of children in certain proceedings before a Children's Hearing or before the Sheriff, as provided for by Section 101 of the Children (Scotland) Act 1995.

The Senior Managers shall be empowered to authorise the Solicitor to the Council to make application to the Sheriff in terms of Section 86 of the Children (Scotland) Act 1995 for a Parental Responsibilities Order in respect of any child, or for an order under Section 86 varying or discharging a Parental Responsibilities Order obtained by the Council, or for an order under Section 88 regarding contact with a child in respect of whom a Parental Responsibilities Order has been made.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered, in conjunction with the Solicitor to the Council to take appropriate action with regard to recovery of contributions, variation of a trust in favour of a child and charges for services/accommodation, in terms of Sections 78A, 83 and 87 respectively of the Social Work (Scotland) Act 1968.

The Senior Managers/Service Managers shall be empowered to approve arrangements with authorised and approved contractors to provide social work services to individuals in line with their care plan, up to the value of £50,000 in any one year, with the Executive Head of Social Work being empowered to approve such arrangements where the expenditure will exceed £50,000.

Criminal Justice Matters

The Senior Managers/Service Managers shall be empowered to provide financial support for persons visiting penal establishments and for other criminal justice related activities under Section 27 of the Social (Scotland) Act 1968.

The Senior Managers/Service Managers shall be empowered to approve arrangements with authorised and approved contractors to provide social work services to individuals in line with their care plan, up to the value of £50,000 in any one year, with the Executive Head of Social Work being empowered to approve such arrangements where the expenditure will exceed £50,000.

Community Care Matters

The Senior Managers shall be responsible for making arrangements to ensure compliance with the Council's duty under Section 12A of the Social Work (Scotland) Act 1968.

The Senior Managers/Service Managers shall be empowered to authorise aids and adaptations up to the value of £10,000 for any one individual in any one year, with the Executive Head of Social Work being empowered to authorise such provision in cases where the expenditure will exceed £10,000.

The Senior Managers/Service Managers shall be empowered to approve arrangements with authorised and approved contractors to provide social work services to individuals in line with their care plan, up to the value of £50,000 in any one year, with the Executive Head of Social Work being empowered to approve such arrangements where the expenditure will exceed £50,000.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to appoint Mental Health Officers in terms of Section 9 of the Mental Health (Scotland) Act 1984.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to make arrangements to carry out the functions of the Council under the Mental Health (Scotland) Act 1984. The functions of the Chief Social Work Officer in terms of the Adults with Incapacity (Scotland) Act 2000 shall be exercised by the Senior Managers, Community Care.

The Senior Managers/Service Managers shall be empowered to make arrangements to carry out the functions of the Council under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation.

The Senior Managers/Service Managers shall be empowered to accept or reject applications for the installation of telephones for people with a disability, based on approved criteria.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to authorise the Executive Director of Corporate Support or Head of Legal, Procurement and Regulatory Services to make application to the Court for an order to remove a person in need of care and attention, under Section 47 of the National Assistance Act 1948.

The Senior Managers/Service Managers shall be empowered to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 relating to the temporary storage of furniture in certain circumstances on behalf of certain persons.

The Senior Managers/Service Managers shall be empowered to make arrangements for the provision of community care services for persons in need. Any charge for this service shall be recovered by Social Work Services on the appropriate scale as determined by the Council; subject to the Senior Managers/Service Managers being empowered to abate or waive community care charges to avoid hardship according to the personal and financial circumstances of the individual in accordance with guidelines agreed with the Executive Head of Finance and Asset Management provided that they notify the Executive Head of Social Work/Chief Social Work Officer, when and in what circumstances charges have been waived or abated to allow the completion of a half yearly report on the exercise of this power to be submitted for information to the Cabinet.

Miscellaneous Matters

The Executive Head of Social Work/Senior Managers shall be empowered to accept or refuse any gifts of mini-buses or similar vehicles for use by the Department subject to the policy and criteria set down by the Council in relation to acceptance of such gifts.

The Senior Managers/Service Managers shall be empowered to reimburse reasonable expenses of up to £500 incurred by employees in repairing damage to vehicles incurred when (a) the employee is working at a location which is not the employee's normal place of work and (b) the employee requires the use of the vehicle to perform their duties.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered to consider claims in respect of damage to, or loss of, employees' personal property where the amount claimed is below £500.

The Senior Managers/Service Managers shall be empowered to assist in the disposal of produce of work undertaken by persons in need, under Section 13 of the Social Work (Scotland) Act 1968.

The Senior Managers, whom failing the Service Managers, shall be empowered to make arrangements for the burial or cremation of any person who was in the care of, was receiving assistance from, or was a child being looked after by the Council at the time of death and to recover, where appropriate, any expenses so incurred which are not recoverable under the National Insurance Act 1965, as provided for in Section 28 of the Social Work (Scotland) Act 1968.

The Senior Managers/Service Managers shall be empowered to pay the expenses incurred by a parent, relative or other person in visiting a person in the care of the Council or a child who is looked after by the Council, or incurred in attending the funeral of a person who was in the care of the Council or a child who was looked after by the Council, if it appears that the parent, relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment, as provided for in Section 29 of the Social Work (Scotland) Act 1968.

The Senior Managers, whom failing the Service Managers, shall be empowered to make payments to user-based voluntary organisations under Section 10 of the Social Work (Scotland) Act 1968 up to a maximum of £1,000 in any one case.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered, in accordance with guidelines approved by Committee, to grant unpaid leave of absence up to a maximum of two years to enable Social Work staff to undertake voluntary service in third world countries.

The Executive Head of Social Work/Chief Social Work Officer, shall be empowered, without reference to the Chief Executive, to approve attendance by Social Work staff on authorised client exchange visits overseas where the employees, as part of their duties, are required to accompany the group undertaking the exchange.

NEIGHBOURHOOD SERVICES

Delegated to the Executive Director and Executive Heads/Heads of Service or appropriate Officers under sub-delegation process.

EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

Staffing

To make changes to staffing structures, numbers and gradings in accordance with the approved pay grading arrangements and subject to the agreement of the Head of Personnel and the Executive Head of Finance and Asset Management. Major departmental restructuring or staffing reviews would continue to be submitted to Cabinet for approval.

Trading Operation Contract Practices

When carrying out their functions in terms of legislation applicable to Trading Operations, the Executive Director may invite, accept and/or negotiate offers from proposed sub-contractors or suppliers for the supply of goods or materials or the execution of works or for the provision of service in accordance with the Financial Regulations and Standing Orders in relation to contracts. In exercising this power the Executive Director must, unless satisfied that an exemption is justified by special circumstances, secure competition for contractors and regulate the matter in which tenders are invited by reference to any Procedural Notes for Guidance on Contracting Practice for Trading Operations, approved by Council.

The Executive Director may amend the staffing structure of the Roads Contracts and Vehicle Maintenance Trading Operations, subject to consultation with the Executive Director of Corporate Support (Executive Head of Personnel).

Local Authorities (Goods and Services) Act 1970/Local Government in Scotland Act 2003

The Executive Director may enter into agreement in terms of Section 1 of the Local Authorities (Goods and Services) Act 1970 as amended by Section 8 of the Local Government in Scotland Act 2003 in accordance with Council's Standing Orders in relation to Contracts.

Marriage (Scotland) Act 1977 and the Marriage (Approval of Places) (Scotland) regulations 2002

Section 18A - Power to issue period approvals and temporary approvals for places for the solemnisation of civil marriages outwith Registration Offices,

In respect of the Building and Works Service:-

Delegated authority restricted to the Executive Director of Neighbourhood Services.

- To amend the staffing structure of the Building and Works Trading Operation, subject to consultation with the Executive Director of Corporate Support (Head of Personnel)
- To invite, accept and/or negotiate offers from proposed sub-contractors or suppliers for the supply of goods or materials or the execution of works or for the provision of service in accordance with the Council's Standing Orders relating to Contracts.
- To enter into agreement in terms of section 1 of the Local Authorities (Goods and Services) Act 1970 as amended by section 8 of the Local Government in Scotland Act 2003 in accordance with the Council's Standing Orders relating to Contracts.

HEAD OF HOUSING

- To undertake the general management regulation and control of HRA housing in accordance with the provisions of the Housing (Scotland) Acts 1987 and 2001 and associated housing legislation.
- To oversee the delivery of the Council's homelessness function in terms of Part 11 of the Housing (Scotland) Act 1987 as amended by Part 1 of the Housing (Scotland) Act 2001 and the Homelessness Etc (Scotland) Act 2003.
- To prepare and update the Council's local housing strategy in terms of Section 89 of the Housing (Scotland) Act 2001.
- To implement the Council's policies and strategies in respect of the delivery of housing services.
- To lead the implementation of the Supporting People's Initiative in terms of Section 91 of the Housing (Scotland) Act 2001 and regulations made thereunder.
- To lead the implementation of the Council's Antisocial Behaviour Strategy in terms of part 1 of the Antisocial Behaviour etc.(Scotland) Act 2004 and to take any action in support thereof.
- To prepare and maintain the Council's Register of Private Sector Landlords in terms of part 8 of the Antisocial Behaviour etc.(Scotland) Act 2004.
- To exercise all discretions available to the landlord in respect of determination of eligibility to purchase HRA houses in terms of Section 61 of the Housing

(Scotland) Act 1987 as amended by Section 46 of the Housing (Scotland) Act 2001.

- To determine tenants' applications for compensation for repairs and improvements in terms of Section 27-31 of the Housing (Scotland) Act 2001 and regulations made thereunder.
- To determine discretionary/mandatory applications for improvement and repair grants in terms of Part XIII of the Housing (Scotland) Act 1987 as amended by Part 6 of the Housing (Scotland) Act 2001.
- To determine tenants and if appropriate owner occupiers' applications for payment of home loss and disturbance in terms of Sections 27-29 of the Land Compensation (Scotland) Act 1973 as amended by Sections 71-72 of the Planning & Compensation Act 1991.
- To determine applications for ex gratia payments to new tenants and payments of tenant related expenses arising from capital works.
- To instruct maintenance works in accordance with the Council's Financial Regulations in terms of the authority's term contracts for Council housing.
- To appoint consultants on housing and related issues in accordance with the Council's Standing Orders Relating to Contracts.
- To prepare, implement and update the Council's Housing Investment Programme as appropriate.

Environmental Protection Act 1990

Section 52(3) - Payment of Recycling Credits for Third Parties

Section 56 - Provide recycling facilities

Section 88 - Power to authorise Officers to issue Fixed Penalty Notices to individuals believed to have committed an offence under Section 87 of the Act.

Refuse Disposal (Amenity) Act 1978

To implement all the provisions of this Act.

HEAD OF LEISURE

Environmental Protection Act 1990

Section 88 - Power to authorise Officers to issue Fixed Penalty Notices to individuals believed to have committed an offence under Section 87 of the Act.

Refuse Disposal (Amenity) Act 1978

To implement all the provisions of this Act.

Land Reform (Scotland) Act 2003

To exercise operational functions under the Land Reform (Scotland) Act 2003 relating to:-

- upholding of access rights to assert and protect access rights and keep them open and free from obstruction or encroachment (Section 13);
- under Section 14, implementation of measures to remedy prohibition signs, obstruction, dangerous impediments etc which may prevent or deter the exercise of access rights;

- under Section 15, implementation of measures for safety, protection, guidance and assistance intended to warn and protect the public against danger and/or give direction;
- preparation of core paths plan (Section 17);
- service of public notices re consultation and adoption of core paths plan (Section 18);
- maintenance of core path (Section 19);
- review and amendment of core paths plan (Section 20);
- under Section 23 powers to reinstate core paths or rights of way following failure of land owner to carry out reinstatement works;
- appointment of rangers (Section 24); and
- establishment of local access forums (Section 25).

HEAD OF ROADS AND TRANSPORTATION

ROADS AND TRANSPORTATION

Contracts - Preparation

- (a) to prepare maintain and review tender lists for all projects, goods and services for the Roads and Transportation Division;
- (b) preparation, processing (excluding opening and acceptance) of all contracts for the Roads and Transportation Division in accordance with the Council's Financial Regulations; and
- (c) to appoint consultants to assist with projects for Roads and Transportation Division.

Flood Prevention

To take measures to mitigate flooding of non-agricultural land (Sections 2, 8 and 9 of the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997).

Miscellaneous

To carry out the functions of Joint Road Safety Officer in conjunction with the Chief Constable.

To approve locations for advertisements on road safety barriers and similar structures (after consultation with the Chief Constable).

To make arrangements for the management of car parks, and on-street parking including the imposition or waiving of charges for specific users.

To make grants to householders under the Noise Insulation Regulations 1975.

To assess need for patroller training.

To appoint a CDM Co-ordinator, Designer, Planning Supervisor, Principal Contractor and/or Contractor under the Construction (Design and Management) Regulations 2007.

To accept commissions to carry out work on behalf of Transport Scotland, and to carry out work relating to public roads and other structures on behalf of other bodies, or companies.

To authorise routes to be taken by abnormal loads.

To agree terms for Bridge Agreements with British Railways Board and its successors relating to the maintenance of railway bridges.

To approve proposals for taxi stances, after consultation with the Chief Constable.

To raise an objection to an application for a Goods Vehicle Operator's licence (Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995).

To erect and keep in position barriers on roads for the purpose of securing public order and public safety.

Public Transport

Operational decisions relating to the provision of bus infrastructure.

Liaison with Strathclyde Partnership for Transport on adjustments to subsidised bus services.

Public Utilities

To carry out the functions of the Council under the New Roads and Street Works Act 1991 and Transport (Scotland) Act 2007 in relation to the roads for which the Council is responsible, including the granting of wayleaves across public highways and public footpaths. **(Such wayleaves to be recorded within a Register of Wayleaves maintained by the Head of Finance and Asset Management).**

Roads Management

To exercise operational functions under the Roads (Scotland) Act 1984 relating to:

- stopping-up or diversion of roads intersecting with new roads (Section 12).
- adoption and maintenance of private roads and footpaths private roads (Sections 13, 15, 16 and 18).
- applications for construction consent, and related enforcement (Sections 21 and 23), including reporting offences to the Procurator Fiscal.
- provision of road lighting (Section 35).
- authorisations and issue of notices relating to operational efficiency and safety of roads as follows:

Under Section 30 (and subject to Section 31) service of notices in connection with the carrying out of works for protecting roads against hazards of nature.

Under Section 31(3) the service of notices in connection with the drainage of public roads.

Under Section 51 the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass and other plants within a public road.

Under Section 56 the authorisation of works and excavations in or under a public road.

Under Section 57 the prevention or termination of dangerous works or excavations in or under a public road.

Under Section 58 the granting of permission for the deposit of building materials on roads.

Under Section 59 the control of obstructions in roads.

Under Section 61 granting permission to place and thereafter maintain apparatus in or under a public road.

Under Section 62 the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience after consultation with the Chief Constable

and the Head of Legal, Procurement and Regulatory Services and after informing the relevant Spokespersons and the Local Members.

Under Section 63 the imposition of the requirement to construct new accesses across road verges or footways where appropriate.

Under Section 64(2) the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus in terms of Section 64(1)(b).

Under Section 66 enforcing maintenance of vaults, cellars and related structures within the vicinity of a road.

Under Section 67 enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users.

Under Section 78(2) the service of notice prior to the diversion of waters, where necessary, in connection with the construction, improvement or protection of a public road.

Under Section 79 and after consultation with the Head of Legal, Procurement and Regulatory Services, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations

Under Section 83 service of notice to prevent danger arising from obstructions to road users.

Under Section 85 granting permission for the location of builders' skips on roads.

Under Section 86 the removal or repositioning of any builder's skip which is causing, or is likely to cause a danger or obstruction.

Under Section 87 the removal from roads of unauthorised structures and the consequent reinstatement of the site.

Under Section 88 the removal of projections interfering with safe or convenient passage along a road.

Under Section 89 the removal of accidental obstructions from roads.

Under Section 90 the granting of consent for fixing or placing over or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus.

Under Section 91 serve notice requiring the removal of roadside vegetation to prevent danger to road users or pedestrians.

Under Section 92 granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway.

Under Section 93 serve notice to protect road users from dangers near a road.

Under Section 94 infill dangerous ditches adjacent to or lying near a road.

Under Section 95 removal from roads, of deposits of mud etc from vehicles.

Under Section 96(1) the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc and collection of contributions under Section 96(3).

Under Section 97 the issue of consent for trading.

Under Section 99(2) the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99(1) (prevention of flow of water onto roads).

Under Section 99(3) in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99(1). (Prevention of flow of water onto roads).

Under Section 140 the authorisation of persons taking entry to land for the purpose of survey etc.

Under Section 152(2) re-determination of the means of exercise of a public right of passage over a road.

Traffic Management

To exercise functions under the Road Traffic Regulations Act 1984 relating to

- temporary traffic orders (Section 14).
- pedestrian crossings (Section 23).
- provision of traffic signs and removal of unauthorised signs (Sections 65, 68, 69 and 71)
- to exercise functions under the Roads (Scotland) Act 1984
- advertisement of traffic orders (Sections 68, 69, 70 and 71).
- After consultation with the Chief Constable and the Head of Legal, Procurement and Regulatory Services and after informing the relevant Spokespersons and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes in respect of the above.

Goods Vehicles (Licensing of Operators) Act 1995

Under Section 8 to apply for an Operator's Licence.

Under Section 17 to apply for variations to an Operator's Licence.

Transport Act 1968

Under Section 95 and corresponding subordinate legislation to ensure that requirements relating to driver's hours are complied with.

Under Section 98 and corresponding subordinate legislation to ensure that requirements relating to the keeping of written records for drivers' hours are complied with.

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APPENDIX 1

DELEGATED**OFFICER DELEGATION**

All applications, (be they recommended for approval or Refusal), UNLESS:-

- They fall into the “major development” category as defined within the national planning framework (see adjacent)
- Objections from > 10 separate persons/ organisations/third parties
- Approval recommendation where significant departure from Development Plan (or emerging Development Plan where that can be viewed as a material consideration)
- Unresolved objections from statutory consultee such that approval would amount to a significant departure from existing or emerging Development Plan
- Where Head of Planning and Economic Development considers new or significant issues are raised meriting determination at Committee

PLUS

- Certificates of Existing/Proposed, Lawful Use or Development
- Prior Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, demolition of buildings, Toll road facilities
- Claims for Hazardous Substance Deemed Consent
- Making Provisional TPO and Confirming TPO
- Section 75 Agreements, where application is delegated
- Enforcement Actions, provided any costs are within Corporate Support Revenue budgets
- Consultations with the neighbouring Planning Authorities regarding planning applications
- A decision on whether or not an EIA is required and the adoption and notification of a screening and/or a scoping opinion under Environmental Impact Assessment (Scotland) Regulations 1999 in respect of the need for and content of an Environmental Impact Assessment
- Initiate and confirm road stopping up procedures where a planning consent is in place
- Refusals on basis of insufficient information (objections or not)
- Unopposed Revocations of planning permission

LOCAL PLANNING COMMITTEES**LOCAL PLANNING COMMITTEE DELEGATION**

- Major Development ie
Retail/warehousing over 2000 square metres
Industrial Developments over 2000 square metres
Flood Alleviation Schemes
Wind Farm applications > 5 turbines > 100 dwellings
Waste transfer sites
Subject to EIA, TIA or RIA
Tourism/Leisure > £1 million
New mineral extractions and or extensions/revisions
Mineral railhead/railways

Applications where:-

- Objections from > 10 separate persons/ organisations/third parties
- Approval recommendation where significant departure from Development Plan (or emerging Development Plan where that can be viewed as a material consideration)
- Unresolved objections from statutory consultee such that approval would amount to a significant departure from existing or emerging Development Plan
- Where Head of Planning and Economic Development considers new or significant issues are raised meriting determination at Committee
- Opposed Revocation of planning permission
- Revisions to an application previously approved by Committee; that significantly alter a legal agreement or potentially remove the requirement for the agreement.

PRINCIPAL PLANNING COMMITTEE**PRINCIPAL PLANNING COMMITTEE DELEGATION**

- Applications referred from Local Planning Committee as the relevant Local Planning Committee decides against recommendation of Head of Planning and Economic Development and agrees approval of an application which is a significant breach of Council Policy,

OR
- Refusal of an application on the basis of the principle of that development and where the principle is in accordance with the East Ayrshire Local Plan.