



East Ayrshire

COUNCIL

Scheme of Delegation and Administration

1 APRIL 2004

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1. POLICY AND RESOURCES COMMITTEE

(a) Composition

Number of Councillors 21 (7 a quorum). (15/5/1).

Present Membership: Councillors McIntyre (Chair), Reeves (Vice-Chair), McKay, O'Neill, Young, D Coffey, W Coffey, Reid, Cree, Weir, Wilson, Provost Darnbrough and Councillors Knapp, Finlayson, Jackson, Kelly, Farrell, Menzies, Ross, Dinwoodie and Carmichael.

(b) Terms of Reference

POLICY FUNCTION

1. To guide Council on the formulation of strategic policy objectives and priorities.
2. To oversee the Council's Community Planning process.
3. To review and report to Council as required on new service policy initiatives or proposed alterations to existing policy which impact on the Council's Community Plan, priorities and objectives and/or financial resources.
4. To review and report to Council on the implications of Central Government policy or legislative initiatives which impact on cross-cutting Departmental Council services, priorities and objectives.
5. To consider and make appropriate recommendations to Council on cross-cutting Departmental policy proposals.

RESOURCES FUNCTION

Finance

6. To consider the strategy and overall policy formulation in relation to the capital and revenue estimates of Committees and to report to the Council on the assessment of the Council's financial resources and make recommendations on the overall financial strategy, including capital programming and on the annual revenue estimates and the rate and council tax to be levied.
7. Overview of all financial advice to the Council on all matters of finance, including the allocation of the Council's financial resources.
8. To receive reports from the Budget Scrutiny Group in support of the Committee's function in respect of ensuring the effective management of all Council expenditure.
9. To regulate and control the finances of the Council in accordance with the Financial Regulations.
10. To consider service budgetary issues in respect of the Chief Executive's Office and Corporate Support Department referred from the Budget Scrutiny Group.

Property

11. Acquisition and disposal of buildings and property including consideration of property transactions.
12. To advise on allocation and management of the Council's property.

13. To advise on the Council's Energy Management Policy.
14. To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review the future use of unused and under utilised properties).

PUBLICITY AND PUBLICATIONS FUNCTION

15. To oversee and co-ordinate and the provision of information, publicity and public relations.

GENERAL

16. To provide advice to Council on the restructuring of the Council's Decision Making Process and Departmental Structures.
17. To oversee service delivery for the Chief Executive's Office and the Corporate Support Department, and to undertake and implement the conclusions from Best Value Service Reviews and improvement activities.
18. Strategic overview of the decentralisation of service provision and political processes of the Council.
19. To oversee Members' Support Services including arrangements for Member representation at Conferences.
20. Maintenance of links with Joint Boards.
21. All Civic Ceremonial matters including civic recognition and hospitality.
22. Maintenance and furtherance of international partnership links.
23. Resourcing of District Court.
24. Resourcing of the Licensing Board (in terms of Section 5(6) of the Licensing (Scotland) Act 1976).
25. Resourcing of the Children's Panel Advisory Committee and Children's Panel.
26. All arrangements for assisting the operation of Community Councils.
27. Applications for subscription and financial assistance.
28. Consideration of applications to utilise the Common Good Funds and make recommendations to Council thereon.
29. Matters relating to any Local Government reviews.
30. Resolution of any differences arising between Committees of the Council.
31. Tenders:-
 - (i) To receive reports on the outcome of tendering procedures in respect of contracts within the remit of the Policy and Resources Committee; and
 - (ii) To receive reports on the final financial outcome of such contracts.
32. To provide an appeal forum in respect of discretionary rental leases for non domestic Council properties and mandatory and discretionary non domestic rates relief.
33. Any matter not falling within the Terms of Reference of any other Committee.

(c) Delegated Powers

In respect of the Terms of Reference concerning (i) formulation and review of Council policy; (ii) capital programming and determining capital/revenue estimates and (iii) applications to utilise the Common Good Funds, the Committee shall have an advisory role.

In respect of all other Terms of Reference detailed above, full delegated power to deal with such matters subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

1.1 MEMBERS' SERVICES AND CIVIC CEREMONIAL SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

(a) Composition

Number of Councillors 10 (4 a quorum). (7/3/0).

Present Membership: Councillors McIntyre (Chair), O'Neill, Reeves, D Coffey, Reid, Wilson, Provost Darnbrough and Councillors Farrell, Ross and Carmichael.

(b) Terms of Reference

To oversee the provision of Members' Services and support arrangements.

To co-ordinate, consider and decide upon proposals for Member attendance at Conferences, submitted by Executive Directors in consultation with their Chair.

All ceremonial matters.

The provision of Civic Receptions and hospitality.

The maintenance and furtherance of international partnership links.

(c) Delegated Powers

Full delegated powers to deal with the above Terms of Reference subject to existing Council policies and in compliance with approved revenue estimates.

NB: Consideration of Member attendance at one day Conferences, remitted to the Chief Executive in consultation with the Chair.

1.2 AD-HOC DISCRETIONARY RENTAL LEASES/NON-DOMESTIC RATES RELIEF SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

(a) Composition

Five available Elected Members from the Policy and Resources Committee (four Administration and one Opposition). (3 a quorum).

The Chair of the Appeals Sub-Committee shall be the Chair or Vice-Chair of the Policy and Resources Committee.

(b) Terms of Reference

1. To consider appeals against the decision of the Executive Director of Development and Property Services 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 in respect of all mandatory and discretionary non-domestic rates relief.

The Chair and Members of an Ad-Hoc Appeals Sub-Committee will not involve the Local Member 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.

2. CORPORATE GOVERNANCE COMMITTEE

(a) Composition

Number of Councillors 21 (7 a quorum). (15/5/1).

Present Membership: Councillors Knapp (Chair), Crawford (Vice-Chair), McKay, O'Neill, Young, Reeves, D Coffey, Reid, Cree, Weir, McIntyre, Linton, Finlayson, McDill, Jackson, Smith, Farrell, Menzies, Ross, Dinwoodie and Carmichael.

(b) Terms of Reference

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.

PERSONNEL FUNCTION

6. To oversee all service personnel issues including remuneration, allowances and conditions of service of Council personnel (other than for Teachers, where the Education Committee will take the lead role).
7. To advise the Council on the overall planning of the most effective, economic and efficient use of the Council's personnel resource.
8. To be responsible for the appointment of Chief Officers.
9. To establish procedures and implement as necessary, arrangements for disciplinary appeals and grievance hearings.
10. Apart from issues specifically referred to other Committees, to consider all aspects relating to the provision of personnel services including in particular the following:-
 - (i) matters relating to the recruitment, training, salaries, wages and conditions of service of all employees (excluding teachers) of the Council's Departments;
 - (ii) departmental structures, establishments and gradings and any alterations which are at any time proposed;
 - (iii) matters relating to employment legislation, contracts of employment, severance payments and industrial relations;
 - (iv) matters relating to employee relations, training, career development, health, safety and welfare of employees;
 - (v) the introduction and continued monitoring of incentive and productivity schemes and other such related matters as and when considered appropriate;
 - (vi) negotiations with Trade Unions, as necessary on matters affecting employees; and
 - (vii) to deal with and make recommendations to the Council on any matters relating to any employees of the Council as deemed necessary from time to time.
11. To afford facilities for regular consultation and, where appropriate, negotiations between the Council and its recognised Trade Unions representing Chief Officers, Local Government Employees and Craft Operatives. To secure joint agreement and action between the Council and its recognised Trade Unions for the development and improvement of the work of the Council.

12. To receive Minutes from the Central Joint Consultative Committee.
13. To consider any references from the Council or its Trade Unions on matters affecting their mutual interest and to make recommendations to the appropriate Committee.
14. To supervise and monitor the Council's Skills Training Schemes.
15. To consider requests for temporary appointments beyond six months and to review as appropriate, the levels of temporary employment within Departments.

PERFORMANCE REVIEW AND BEST VALUE FUNCTION

16. Oversee the implementation corporately of the Council's approach to fulfilling its duty to make arrangements to secure best value.
17. Keep under review the Council's approach to and outcomes in relation to continuous improvement in the delivery of Council Services.
18. Keep under review the Council's approach to Public Performance Reporting.
19. To receive reports and recommendations from the Performance Review Group and where appropriate, ensure implementation of these recommendations or make recommendations to Council.
20. 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 FUNCTION

21. Approval and review of operational and strategic internal audit plans.
22. To ensure that the Internal Audit function is properly resourced and has appropriate standing within the Council.
23. To review the activities of the Internal Audit function.
24. To review the adequacy of the internal control systems.
25. To review external audit strategic and operational plans and to manage all aspects of the Council's relationships with its External Auditors.

SCRUTINY FUNCTION

26. To co-ordinate and manage scrutiny processes on behalf of the Council.
27. To establish Scrutiny Groups as required and to determine and review their remit as required.
28. To carry out scrutiny of Council policy decisions and service delivery.
29. To receive reports and recommendations from Scrutiny Groups and where appropriate, ensure implementation of these recommendations or make recommendations to Council.
30. To receive and consider requests from Elected Members for scrutiny reviews.

2.1 APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

(a) Composition

Five available Elected Members of the Corporate Governance Committee (4 Administration and 1 Opposition). (3 quorum).

In the first instance, Members should be drawn from the membership of the Corporate Governance Committee and where it is not appropriate for some of these Members to sit, or such Members availability presents an operational problem, then the pool should be extended to include the full membership of Council.

The Chair of an Appeals Sub-Committee shall be the Chair of the Corporate Governance Committee or one of two other Members - **Councillors Crawford or Farrell.**

The Chair and Members of an Appeals Sub-Committee will not include the Chair of the relevant Service Committee for the Department in which the appellant is employed or the Local Member 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.

2.2 RECRUITMENT SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

(a) Composition

Number of Councillors 7 (3 a quorum). (5/2/0). Chair - In respect of Chief Executive and Executive Directors posts, the Chair shall be the Leader of the Council. In respect of Executive Heads/Heads of Service posts the Chair shall be the respective Chair of the Service Committee.

Leader and Depute Leader of the Council; Chair and Vice-Chair of the responsible Service Committee for the vacant Chief Officers post or their nominees and *one other Member of the Administration and two Members of the Opposition.

In respect of Chief Officers posts within the Educational and Social Services Department: Leader and Depute Leader of the Council and the Chairs of the Education and Social Work Committees or their nominees and *one other Member of the Administration and two Members of the Opposition.

In respect of Chief Officers posts that are within the remit of the Policy and Resources Committee, Leader and Depute Leader of the Council and the Vice-Chair or their nominees and* two other Members of the Administration and two Members of the Opposition.

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.

3. COMMUNITY SERVICES COMMITTEE

(a) Composition

Number of Councillors - 21 (7 a quorum). (15/5/1).

Present Membership: Councillors Carmichael (Chair), Raymond (Vice-Chair), J McGhee, Young, D Coffey, Cree, Weir, McIntyre, Macrae, Wilson, Linton, Campbell, Murray, Knapp, Smith, Farrell, Menzies, N McGhee, Crawford, Dinwoodie and Stewart.

(b) Terms of Reference

SERVICE FUNCTION

To discharge the Council's functions and oversee service delivery in respect of leisure and recreation services, museums, arts and cultural of development activities, public libraries services, the letting of Council premises **excluding educational premises**, maintenance of parks, open spaces, amenity areas and other ground owned by the Council, environmental health, waste management, consumer and trading standards, public chemist and analyst responsibilities, burial grounds, registration services, emergency planning, civil defence and community safety.

To undertake and implement the conclusions from Best Value Reviews and improvement activities in respect of services within the Committee's remit

POLICY FUNCTION

To consider individual service policy proposals and make appropriate recommendations to Council. (Note: any post implementation review, carried out by Scrutiny Groups).

RESOURCE FUNCTION

To consider annual service estimates referred from the Policy and Resources Committee and service budgetary issues referred from the Budget Scrutiny Group.

To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review the future use of unused and underutilised properties).

DLO/DSO FUNCTIONS

<u>HOST SERVICE COMMITTEE/DEPARTMENT</u>	<u>DLO/DSO/FUNCTION/BUSINESS UNITS</u>
Community Services Committee Neighbourhood Services Department	Leisure Management. Street Cleaning. Refuse Collection. Grounds Maintenance.

Host Committees will:-

- review and act upon performance reports from client Officers; and
- receive general operational reports and be responsible for supervision and control of respective DLO/DSO Business Units.

In certain circumstances where other Departments have a major client interest in a particular aspect of a DSO Business Unit the relevant Departmental Executive Director will report to the host Committee.

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

3.1 LOCAL GOVERNMENT LICENSING PANEL

Composition

Number of Councillors - 11 (4 a quorum). (8/3/0).

Present Membership: Councillors Raymond (Chair), D Coffey, Cree, Weir, Macrae, Wilson, Smith, Menzies, N McGhee, Stewart and Carmichael.

(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.

4. DEVELOPMENT SERVICES AND PLANNING COMMITTEE

THE COMMITTEE SHALL SIT SEPARATELY AS A PLANNING COMMITTEE TO CONSIDER DEVELOPMENT CONTROL ISSUES.

(a) Composition

Number of Councillors - 21 (7 a quorum). (15/5/1).

Present Membership: Councillors Ross (Chair), Smith (Vice-Chair), McKay, O'Neill, J McGhee, Young, Reeves, D Coffey, Reid, McIntyre, Macrae, Linton, Campbell, Murray, Finlayson, McDill, Jackson, Kelly, Farrell, Dinwoodie and Carmichael.

(b) Terms of Reference

SERVICE FUNCTION

To discharge the Council's functions and oversee service delivery in respect of economic development, planning, the environment, roads and transportation and building control and tourism.

To undertake and implement the conclusions from Best Value Reviews and improvement activities in respect of services within the Committee's remit.

POLICY FUNCTION

To consider individual service policy proposals and make appropriate recommendations to Council. (Note: any post implementation review will be carried out by Scrutiny Groups).

RESOURCE FUNCTION

To consider annual service estimates referred from the Policy and Resources Committee and service budgetary issues referred from the Budget Scrutiny Group.

To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review the future use of unused and underutilised properties).

DLO/DSO FUNCTION

<u>HOST SERVICE COMMITTEE/DEPARTMENT</u>	<u>DLO/DSO/FUNCTION/BUSINESS UNITS</u>
Development Services Committee	Road Contracts Unit.
Development Services and Property Department	Vehicle Maintenance.

Host Committees will:-

- continue to review and act upon performance reports from client Officers;
- receive regular budgetary monitoring reports; and
- supervision and control of respective DLO/DSO Business Units.

In certain circumstances where other Departments have a major client interest in a particular aspect of a DSO Business Unit the relevant Departmental Executive Director will report to the host Committee.

(c) Delegated Powers

Details of the complete planning application delegation remits are provided on page 64.

The Development Services and Planning Committee has full delegated powers to deal with all matters detailed within the Terms of Reference which include sitting separately as a Planning Committee determining all planning applications which will include the following:-

Applications referred from Local Planning Committees when the relevant Local Planning Committee decides against the recommendation of Head of Planning and Building Control and recommends approval of an application which is a significant breach of Council policy.

Applications requiring notification to Scottish Ministers (excluding Listed Building Consents and Conservation Area Consents).

Applications referred from the Local Planning Committee where the relevant Local Planning Committee decides to refuse an application which has been recommended for approval by the Head of Planning and the principle of the application is in accordance with the East Ayrshire Local Plan.

Applications for Notices of Intention to Develop where referral to Scottish Ministers is required.

Applications involving a significant departure from the development plan OR raising a significant new planning issue.

Industry

A new industrial site on land not currently zoned for industrial use.

Industrial development of more than 5 hectares on land outwith current marketed land supply.

Use of strategic sites for other purposes, including general industry.

Retail/Commercial

Retail and Warehouse Development over 2000 square metres.

Tourism/Leisure

Tourism/leisure development costing £1 million plus.

Renewable Energy

All commercial renewable energy proposals and waste transfer sites.

Minerals Related Development

The following developments where the proposal constitutes a significant departure from the opencast coal subject plan and where the recommendation is for approval, including referrals on this basis from Local Planning Committees.

- (a) All new Minerals extraction.
- (b) Alterations to the method of working of and extension to the depth or area of working in existing minerals extraction sites.
- (c) Applications for minerals railheads and minerals railway lines.

Other

Determining planning hearings at meetings of the Committee and to approve Traffic Regulation Orders.

Sections 38, 42, 43 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:-

Listed Building Enforcement Powers, ie. execution of works required by Listed Building Enforcement Notice, compulsory purchase of listed buildings in need of repair, repairs notices.

All delegated powers subject to existing Council policies and compliance with approved Capital and Revenue Expenditure.

5. EDUCATION COMMITTEE

(a) Composition

Number of Councillors - 21 (15/5/1) and 3 Church, 1 parent and 1 teacher representatives (total 25). (7 a quorum).

Present Membership: Councillors Farrell (Chair), Stewart (Vice-Chair), McKay, O'Neill, Young, Reeves, D Coffey, W Coffey, McIntyre, Linton, Campbell, Provost Darnbrough and Councillors Knapp, McDill, Jackson, Smith, Kelly, N McGhee, Ross, Dinwoodie and Carmichael.

(b) Terms of Reference

SERVICE FUNCTION

To publish an annual statement of education improvement objectives fulfilling the Authority's duty under Section 5(2) of Standards in Scotland's Schools Etc Act, 2000.

To publish annually, through the annual statement of evaluation in improvement objectives how Gaelic Medium Education will be provided and developed within the terms of 5(2)(C) of Standards in Scotland's Schools Etc Act, 2000.

To define measures and standards of performance for schools in accordance with 7(1) of Standards in Scotland's Schools Etc Act, 2000.

To approve an Access Strategy in relation to education within the terms of the Education (Disability Strategies and Pupils Educational Records) (Scotland) Act 2002.

To determine the dates of school holidays, after consultation with schools, appropriate Trade Unions, School Boards and other groups with a legitimate interest in the matter.

To direct the discharge of the functions of the Council as an education authority in terms of the relevant legislation including community learning and development; to oversee service delivery and secure continuous improvement.

To direct and supervise the discharge of the functions of the Council with regard to early years services and the applicable provisions of Part III of the Children Act 1989 (as amended) and the Regulation of Care Act 2001.

To appoint any body to manage and supervise a community centre.

To undertake and implement the conclusions from Best Value Reviews and improvement activities in respect of the services within the Committee's remit.

POLICY FUNCTION

To consider individual service policy proposals and make appropriate recommendations to Council. (Note: Any post implementation review will be carried out by Scrutiny Groups).

RESOURCE FUNCTION

To consider annual service estimates referred from the Policy and Resources Committee and service budgetary issues referred from the Budget Scrutiny Group. (Note: Routine service budget statements will be considered by the Budget Scrutiny Group).

To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review the future use of unused and underutilised properties).

PERSONNEL FUNCTION

To be responsible for all service personnel issues in relation to Teachers.

The power to determine appeals made in terms of the disciplinary procedure involving the dismissal of employees subject to teachers' conditions of service. The power to uphold or reject such appeals and to order the varying of disciplinary action.

DLO/DSO FUNCTION

<u>HOST SERVICE COMMITTEE/DEPARTMENT</u>	<u>DLO/DSO/FUNCTION/BUSINESS UNITS</u>
Education Committee Educational and Social Services Department	Onsite Services: Involving Catering, Building Cleaning, Janitorial and Caretaking Services and School Crossing Patrols.

Host Committees will:-

- continue to review and act upon performance reports from client Officers;
- receive regular budgetary monitoring reports; and
- receive general operational reports and be responsible for supervision and control of respective DLO/DSO Business Units.

In certain circumstances where other Departments have a major client interest in a particular aspect of a DSO Business Unit the relevant Departmental Executive Director will report to the host Committee.

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

5.1 EDUCATION (APPEALS) SUB-COMMITTEE OF THE EDUCATION COMMITTEE

(a) Composition

Number of Councillors - 5 (3 a quorum) from the Education Committee. (4/1/0).

Present Membership: Councillors Knapp (Chair), McKay, Linton, Smith and Dinwoodie.

(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 Education Committee).

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 Sub-Committee is authorised to consider and dispose of cases related to children with special educational needs within the terms of the Education (Scotland) Act, 1980 and in accordance with any subsequent guidance issued by the Scottish Ministers and as described in the report to Education Committee on 14 December 1999.

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.

(c) Delegated Powers

Full delegated powers to determine the above appeals heard by the Sub-Committee.

5.2 EDUCATION (JOINT APPEALS AND BURSARIES) SUB-COMMITTEE OF THE EDUCATION COMMITTEE

(a) Composition

Number of Councillors - 5 (3 a quorum) (4/1/0) from the Education Committee

Present Membership: Councillors Stewart (Chair), Reeves, Linton, Kelly and Ross.

(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 Education Committee 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.

6. HOUSING COMMITTEE

(a) Composition

Number of Councillors - 21 (7 a quorum). (15/5/1).

Present Membership: Councillors Kelly (Chair), Cree (Vice-Chair), McKay, Young, D Coffey, W Coffey, Reid, Weir, McIntyre, Macrae, Campbell, Knapp, Raymond, Finlayson, Jackson, Smith, Farrell, Menzies, N McGhee, Ross and Stewart.

(b) Terms of Reference

SERVICE FUNCTION

To discharge the housing functions of the Council in terms of the relevant legislation and in respect of all housing issues both public and private, including rent collection (but excluding the setting of rent levels).

To oversee service delivery for the Housing and Building and Works Services and to undertake and implement the conclusions from Best Value Service Reviews and improvement activities.

POLICY FUNCTION

To consider individual service policy proposals and make appropriate recommendations to Council. (Note: Any post implementation review will be carried out by Scrutiny Groups).

RESOURCE FUNCTION

To consider annual service estimates referred from the Policy and Resources Committee and service budgetary issues referred from the Budget Scrutiny Group.

To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council’s policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review non-operational surplus properties).

DLO/DSO FUNCTION

<u>HOST SERVICE COMMITTEE/DEPARTMENT</u>	<u>DLO/DSO/FUNCTION/BUSINESS UNITS</u>
Housing Committee Neighbourhood Services Department	Building and Works.

Host Committees will:-

- continue to review and act upon performance reports from client Officers;
- receive regular budgetary monitoring reports; and
- receive general operational reports and be responsible for supervision and control of respective DLO/DSO Business Units.

In certain circumstances where other Departments have a major client interest in a particular aspect of a DSO Business Unit the relevant Departmental Executive Director will report to the host Committee.

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference subject to existing Council policies and compliance with approved Capital and Revenue Estimates.

Power to make any Statutory Orders or Notices under the Housing Acts or other legislation in respect of the Council’s housing function.

6.1 APPEALS SUB-COMMITTEE OF THE HOUSING COMMITTEE

(a) Composition

Number of Councillors - 5 (3 a quorum). (4/1/0).

Present Membership: Councillors Cree (Chair), McKay W Coffey, Jackson and Menzies.

(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 Sub-Committee shall have full delegated powers to uphold or reject appeals.

7. SOCIAL WORK COMMITTEE

(a) Composition

Number of Councillors - 21 (7 a quorum). (15/5/1).

Present Membership: Councillors Jackson (Chair), Murray (Vice-Chair), O'Neill, Young, Reid, Cree, Weir, McIntyre, Macrae, Wilson, Linton, Knapp, Raymond, Finlayson, McDill, Kelly, Farrell, Menzies, N McGhee, Crawford and Stewart.

(b) Terms of Reference

SERVICE FUNCTION

To direct the discharge of the Council's Social Work responsibilities and oversee service delivery in terms of the appropriate legislation and associated functions.

To undertake and implement the conclusions from Best Value Reviews and improvement activities in respect of services within the Committee's remit.

POLICY FUNCTION

To consider individual service policy proposals and make appropriate recommendations to Council. (Note: Any post implementation review will be carried out by Scrutiny Groups).

RESOURCE FUNCTION

To consider annual service estimates referred from the Policy and Resources Committee and service budgetary issues referred from the Budget Scrutiny Group.

To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: The Property Monitoring Group will review the future use of unused and underutilised properties).

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

7.1 SOCIAL WORK COMPLAINTS REVIEW SUB-COMMITTEE

(a) Composition

Number of Members - Three "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 (Administration & Legal).

(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 Social Work Committee.

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

- (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 Social Work Chair or Vice-Chair);
- (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 Social Work Chair or Vice-Chair).

(c) Delegated Powers

Nil.

8. EMERGENCY POWERS COMMITTEE

(a) Composition

Number of Councillors - 7 (3 a quorum). (5/2/0). Drawn from the Policy and Resources Committee.

Present Membership: Councillors McIntyre (Chair), Reeves (Vice-Chair), D Coffey, Reid, Knapp, Kelly and Dinwoodie.

Local Members and relevant Chair(s) of Service Committees shall also be invited to attend when the matters under discussion involve either a particular locality or a particular subject matter which would normally be dealt with by the relevant Service Committee. Such Members shall be entitled to participate in the discussion on the relevant matters but shall not be entitled to vote.

(b) Terms of Reference

Any matter which falls within the undernoted delegated powers.

(c) Delegated Powers

If it is necessary or would be in the interests of the Council to reach a decision by a particular date and, in the opinion of the Chief Executive it would not be reasonably practicable to otherwise reach that decision prior to that date, the Emergency Powers Committee shall have full delegated powers to make that decision or to delegate that decision to any Committee or Sub-Committee of the Council or an Officer of the Council.

**9. CHAIRS SUB-COMMITTEE
For each Committee of the Council**

(a) Composition

Chairs Sub-Committees (excluding Policy & Resources and Corporate Governance):

Chair and Vice-Chair of the relevant parent Committee with in addition the Leader and Depute Leader of the Council **so far as necessary to make up the quorum.** (2 a quorum).

Policy & Resources Chair Sub-Committee:

Chair and Vice-Chair and Depute Leader of Council **so far as necessary to make up the quorum.** (2 a quorum).

Corporate Governance Chair Sub-Committee:

Chair and Vice-Chair and Leader of Council **so far as necessary to make up the quorum.** (2 a quorum).

(b) Terms of Reference

Any matter which falls within the undernoted delegated powers.

(c) Delegated Powers

To deal with any matters of an urgent nature which come within the delegated remit of the parent Committee and which are not delegated to an Officer subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

The Corporate Governance Chair Sub-Committee shall consider and determine applications (excluding applications from Teachers, which shall be the responsibility of the Education Chair Sub-Committee) for voluntary severance or premature retirement due to redundancy or the efficiency of the service or Rule of 85 under the appropriate Regulations.

10. LOCAL COMMITTEES

The Council has agreed to set up seven Local Committees which cover specific geographical areas in East Ayrshire. These Committees will consist of local Councillors who will take decisions on most of the important local matters.

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 local committees which will invite 10 non-voting community representatives to become members of the Committee. Standing representatives will be invited from Community Councils and Elderly, Disability and Youth Forums (or equivalent organisations).

POLICY ISSUES

LOCAL COMMITTEES 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 COMMITTEES WILL REPORT TO THE POLICY AND RESOURCES COMMITTEE.

SERVICE ISSUES

IN RESPECT OF SPECIFIC SERVICE ISSUES, PROPOSALS SHALL BE REPORTED TO THE RELEVANT SERVICE COMMITTEE OR SUB-COMMITTEE FOR CONSIDERATION.

NO DECISION

WHERE LOCAL COMMITTEES ARE UNABLE TO REACH A DECISION, THE ISSUE UNDER DISCUSSION WILL BE SUBMITTED TO THE APPROPRIATE COMMITTEE FOR CONSIDERATION AS REQUIRED.

QUORUM POOL

POOL OF MEMBERS ESTABLISHED CONSISTING OF THE CHAIR AND VICE-CHAIR OF THE POLICY AND RESOURCES COMMITTEE AND THE CHAIRS OF THE LOCAL COMMITTEES TO PROVIDE FOR THE APPOINTMENT OF ONE MEMBER FROM THIS POOL TO ACT AS A MEMBER OF A LOCAL COMMITTEE FOR THE PURPOSES OF ENSURING THAT MEETINGS TAKE PLACE IN RELATION TO A QUORUM BEING AVAILABLE.

MINUTES

MINUTES OF LOCAL COMMITTEES SHALL BE SUBMITTED TO COUNCIL.

(a) Membership

Irvine Valley

Wards 12, 13, 19, 20 and 21, Hurlford, Crookedholm, Galston, Newmilns, Darvel and Moscow.

Number of Councillors - 5 (2 Councillors a quorum). Councillors Macrae (Chair), Finlayson (Vice-Chair), Wilson, Raymond and McDill and up to 10 non-voting community representatives.

Doon Valley

Wards 25, 30 and 31, Drongan, Patna, Dalmellington, Rankinston, Dalrymple and Waterside.

Number of Councillors - 3 (2 Councillors a quorum). Councillors Stewart (Chair), Dinwoodie (Vice-Chair) and Farrell and up to 10 non-voting community representatives.

Cumnock Area

Wards 22, 23, 24, 26, 27, 28, 29 and 32, Cumnock, Auchinleck, New Cumnock, Catrine, Sorn, Mauchline, Muirkirk, Logan, Lugar and Ochiltree.

Number of Councillors - 8 (2 Councillors a quorum). Councillors Menzies (Chair), Crawford (Vice-Chair), Jackson, Smith, Kelly, N McGhee, Ross and Carmichael and up to 10 non-voting community representatives.

The Northern Area

Wards 1, 2, 3 and 4, Stewarton, Stewarton Landward, Kilmaurs, Fenwick, Lugton, Dunlop, Waterside, Wardneuk, Forest Grove and Southcraigs.

Number of Councillors - 4 (2 Councillors a quorum). Councillors J McGhee (Chair), O'Neill (Vice-Chair), Young and McKay and up to 10 non-voting community representatives.

Kilmarnock North

Wards 6, 7, 10 and 11, Woodlands Grove, New Farm Loch, Dean, Beansburn, Onthank, Knockinlaw, Altonhill and Longpark.

Number of Councillors - 4 (2 Councillors a quorum). Councillors McIntyre (Chair), Vice-Chair (vacant), D Coffey, W Coffey and Weir and up to 10 non-voting community representatives.

Kilmarnock Central

Wards 5, 8, 9, 14 and 15, Bonnyton, Town Centre, Piersland, Grange, Bentinck, Howard, Gargieston, Crosshouse, Knockentiber and Gatehead.

Number of Councillors - 5 (2 Councillors a quorum). Councillors Reeves (Chair), Cree (Vice-Chair), Reid, Linton and Campbell and up to 10 non-voting community representatives.

Kilmarnock South

Wards 16, 17 and 18, Bellfield, Shortlees, Riccarton and Kirkstyle.

Number of Councillors - 3 (2 Councillors a quorum). Councillors Murray (Chair), Knapp (Vice-Chair) and Darnbrough 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 Committee'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 the appropriate Service Committee 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 Service Committee.

11. LOCAL PLANNING COMMITTEES

(a) Composition

Northern Area

Wards 1, 2, 3, 4, 12, 13, 19, 20 and 21, Stewarton, Stewarton Landward, Kilmaurs, Fenwick, Lugton, Dunlop and Waterside, Hurlford, Crookedholm, Galston, Newmilns, Darvel, Moscow, Wardneuk, Forest Grove and Southcraigs.

Number of Councillors 9 (4 a quorum).

Present Membership - Councillors McKay(Chair), Finlayson (Vice-Chair), O'Neill, J McGhee, Young, Macrae, Wilson, Raymond and McDill.

Central Area

Wards 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17 and 18, Woodlands Grove, New Farm Loch, Dean, Beansburn, Onthank, Knockinlaw, Altonhill, Longpark, Bonnyton, Town Centre, Piersland, Grange, Bentinck, Howard, Gargieston, Crosshouse, Knockentiber, Gatehead, Bellfield, Shortlees, Riccarton and Kirkstyle.

Number of Councillors 12 (quorum - 4).

Present Membership - Councillor Cree (Chair), Knapp (Vice-Chair), Reeves, D Coffey, W Coffey, Reid, Weir, McIntyre, Linton, Campbell, Murray and Provost Darnbrough.

Southern Area

Wards 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, Cumnock, Auchinleck, New Cumnock, Catrine, Sorn, Mauchline, Muirkirk, Logan, Lugar, Drongan, Patna, Dalmellington, Rankinston, Dalrymple, Ochiltree and Waterside.

Number of Councillors 11 (4 a quorum).

Present Membership - Councillor N McGhee (Chair), Kelly (Vice-Chair), Jackson, Smith, Farrell, Menzies, Crawford, Ross, Dinwoodie, Stewart and Carmichael.

(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 64.

LOCAL PLANNING COMMITTEES WILL CONSIDER THOSE PLANNING APPLICATIONS THAT ARE WITHIN THE DELEGATED REMIT OF OFFICERS AS DETAILED ON PAGES 39 AND 40 WHICH ARE:-

- (1) subject to an objection **unless** within a specific exempted category as detailed within the Officer delegation section (pages 38 and 39);
- (2) recommended for refusal **but not** including applications for adverts, shop fronts or telecommunication masts as provided for within the Officer delegation section (pages 38 and 39); or
- (3) agreed by the Executive Director of Development and Property Services or Head of Planning and Building Control in consultation with the Chair to be determined by the Local Planning Committee.

AND WILL ALSO CONSIDER

The processing and implementation of Legal Agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 where the nature of the associated planning or other application dictates determination by the Local Planning Committee.

Larger applications which accord with the East Ayrshire Local Plan and are of area significance;

Conservation Area Consents involving complete demolition;

Listed Building Consents involving complete demolition of category "A" or "B";

Making of full Tree Preservation Orders;

Applications for Hazardous Substances Consent; (but not claims for deemed consent).

All development requiring Environmental Impact Assessment (unless separately required to be considered by the Development Services Committee - Sitting as a Planning Committee).

Applications involving a minor departure from the East Ayrshire Local Plan or raising a new, but minor, planning issue.

Minerals Related Development

The following developments where the proposal is substantially in accordance with the Opencast Coal Subject Plan.

- a) All new minerals extraction.
- b) Alterations to the method of working of and extension to the depth or area of working in existing minerals extraction sites.
- c) Applications for minerals railheads and minerals railway lines.

MINUTES OF THE LOCAL PLANNING COMMITTEES SHALL BE SUBMITTED TO COUNCIL.

PERFORMANCE AND SCRUTINY REVIEW GROUPS

Responsibility for performance review of Best Value arrangements and scrutiny issues rest with the Corporate Governance Committee operating through a series of Review Groups reporting to the Committee. The Budget Scrutiny Group and the Property Monitoring Group in recognition of the Policy and Resources remit for managing the Council's financial and property resources shall report to the Policy and Resources Committee.

General Terms of Remit

- To scrutinise service delivery;
- To scrutinise policy outcomes;
- To scrutinise and review policies and practices;
- To consider as appropriate the outcome of best value service reviews;
- To require Chairs and Council Officers to attend their meetings to respond to issues raised;
- To request whatever information they require in order that they may carry out their role;
- To submit reports/recommendations to the Corporate Governance Committee; and
- To carry out any other specific remit determined by the Corporate Governance Committee under its powers.

Delegated Authority - Nil (The Review and Scrutiny Groups will report direct to the Corporate Governance Committee or in the case of the Budget Scrutiny and Property Monitoring Groups to the Policy and Resources Committee).

Membership

Membership of the Review Groups (excluding Budget Scrutiny and Property) will be determined by the Corporate Governance Committee.

Standing Performance, Monitoring And Scrutiny Bodies

1. The Budget Scrutiny Group

(a) Composition

No of Councillors - 7 and Chief Executive and Executive Head of Finance.

Present Councillor Membership - Councillors McIntyre (Chair), W Coffey, Reid, Knapp, Finlayson, N McGhee and Dinwoodie.

(b) Remit

To review and to monitor on a continuous basis spending levels in relation to Department and DLO and DSO budgets and to report and make recommendations on their findings to the appropriate Service Committees and the Policy and Resources Committee.

2. **Property Monitoring Group**

(a) **Composition**

Four Councillors and the Depute Chief Executive and the Executive Director of Development and Property Services.

Present Councillor Membership - Councillors Knapp (Chair), O'Neill, D Coffey and Finlayson.

(b) **Remit**

- To secure the speedy release of unused properties for which there is no longer a foreseeable use by the property holder;
- To secure a more productive and cost effective use of under utilised property assets;
- To ensure that all property held is in effective operational use, not just Departmentally, but taking account of the potential for inter-Departmental and inter-agency use; and
- To review current policies and procedures relating to the disposal of surplus properties.

3. **Chairs' Monitoring Group**

(a) **Composition**

Leader of the Council and the employers side, Chair of the two Joint Consultative Committees.

Present Councillor Membership - Councillors McIntyre (Chair), Farrell and Knapp.

(b) **Remit**

- To undertake the monitoring of the implementation of the Council's Conditions of Service and other employment matters including levels of absenteeism and overtime working, the single status issues and staffing levels.

4. **Performance Review Group**

(a) **Composition**

To be determined.

(b) **Remit**

- To validate the Council's Best Value Review arrangements, on a systematic basis to ensure consistency, efficiency, continuing relevance and delivery of improvements.

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 Executive Head of Administrative and Legal 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 Community 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.

“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 Executive Head of Administrative and Legal Services.

Section 92 - Officer in relation to transfer of securities.

Executive Head of Finance.

Section 95 - Officer responsible for administration of financial affairs.

Executive Head of Finance.

Section 145 - Recipient of applications from Ordnance Survey.

Executive Director of Development and Property Services.

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 Executive Head of Administrative and Legal Services.

Schedule 7 Para 2 - Calling of Meetings.

Chief Executive, Executive Director of Corporate Support and Executive Head of Administrative and Legal 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 Neighbourhood Services and Head of Protective 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 (Trading Standards) designated as Depute Chief Inspector of Weights and Measures.

“PROPER OFFICER” IN TERMS OF THE RESERVOIRS ACT 1975

The Executive Director of Neighbourhood Services and Head of Protective 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 Neighbourhood Services and Head of Protective 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

The Executive Head of Administrative and Legal 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: Team Leader Contracts/District Court.

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

Solicitor to the Council.

Depute Clerk of the Peace: Team Leader Contracts/District Court.

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 Neighbourhood Services and Head of Protective 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

Team Leader Contracts/District Court.

Local Government (Access to Information) Act 1985

Chief Executive, Executive Director of Corporate Support and Executive Head of Administrative and Legal Services.

Local Government and Housing Act 1989

Monitoring Officer -Solicitor to the Council.

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 Executive Head of Administrative and Legal 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 -Administration Manager.

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

Solicitor to the Council.

Town and Country Planning (Scotland) Act 1972 as amended - Signing of planning and listed building consent and refusal notices

Executive Director of Development and Property Services and Head of Planning and Building Control.

Freedom of Information (Scotland) Act 2002

Freedom of Information Officer - Executive Head of Administrative and Legal Services.

OFFICER DELEGATION

CONSULTATION WITH CHAIR

IMPLEMENTATION OF THE SCHEME OF DELEGATION INVOLVES CONSULTATION WITH THE CHAIR OF THE RELATED COMMITTEE OR SUB-COMMITTEE IN RESPECT OF THE UNDERNOTED DUTIES MARKED * IN THE RIGHT HAND MARGIN.

WHERE A CHAIR IS NOT AVAILABLE FOR CONSULTATION, THE APPROPRIATE VICE-CHAIR SHOULD BE CONSULTED IN RELATION TO ANY OFFICER DELEGATION WHERE THERE IS AN OBLIGATION TO CONSULT A CHAIR.

IN THE EVENT OF ISSUES WITHIN A SUB-COMMITTEE'S REMIT AND THE CHAIR IS NOT AVAILABLE, WHERE THERE IS NO VICE-CHAIR, CONSULTATION SHOULD TAKE PLACE WITH THE CHAIR OR VICE-CHAIR OF THE PARENT COMMITTEE.

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 ARE EMPOWERED TO EXPEND APPROVED DEPARTMENT/SERVICE BUDGETS AND TO ISSUE APPOINTMENTS TO STAFF, MANUAL WORKERS AND CRAFTS PERSONS 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 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 Executive 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 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 considers it necessary to do so and after taking appropriate legal and financial advice take whatever necessary action he considers appropriate to resolve the situation. The Chief Executive shall report on the matter to the next appropriate meeting of the relevant Committee or Sub-Committee and notify the appropriate Chair and Leader of the Council.

PROCEDURES FOR CONSIDERATION OF REPRESENTATION AT SEMINARS/CONFERENCES

Consideration of Members attendance at one day Conferences remitted to Chief Executive in consultation with Chair of Members' Services and Civic Ceremonial Sub-Committee. *

CORPORATE SUPPORT

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

The Executive Director of Corporate Support as East Ayrshire Council's representative on the Social Inclusion Partnership Group(s) will have authority to act in that capacity on behalf of the Council at Group Meetings to ensure the decisions of the Social Inclusion Boards are implemented and to take any urgent decisions as required to progress East Ayrshire Council's Social Inclusion Initiative. The Executive Director will report to the appropriate bodies on any action taken under this delegated authority.

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 relating to contracts.

EXECUTIVE HEAD OF ADMINISTRATIVE AND LEGAL SERVICES AND SOLICITOR TO THE COUNCIL

AS EXECUTIVE HEAD OF ADMINISTRATIVE AND LEGAL SERVICES

All Grants

The Executive Head of Administrative and Legal 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 Executive Head of Administrative and Legal Services will determine the appropriate route for Committee consideration of applications. The Executive Head of Administrative and Legal 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 Committees, the Executive Director of Corporate Support or Executive Head of Administrative and Legal 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 Committee, to award a community grant up to £500. *

The Executive Director of Corporate Support, Executive Head of Administrative and Legal Services or Administration Manager shall report the awarding of such grants to the next appropriate meeting of the relevant Local Committee.

Scottish Public Services Ombudsman - Cases

Executive Head of Administrative and Legal Services and Administration Manager.

Contracts - Opening and Acceptance

The Executive Head of Administrative and Legal Services or Administration Manager shall be responsible for the opening and the acceptance of contracts for capital/revenue projects unless otherwise stated, in accordance with Council's Standing Orders relating to contracts.

AS SOLICITOR TO THE COUNCIL

The Solicitor to the Council is authorised:-

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 after consultation with the Executive Director of the appropriate client Department 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 Head of Economic Development/Technical Services or District Valuer are protracted for any reason, up to a value of 90% of the valuation by the Head of Economic Development/Technical Services 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.

HEAD OF CORPORATE DEVELOPMENT AND COMMUNICATION

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. *

EXECUTIVE HEAD OF FINANCE

To make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975 as amended, 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 as amended, and the regulations made thereunder.

To ensure a placing with the Bank of England to Negotiable Bonds.

To authorise the signature of cheques on behalf of the Council.

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

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

In respect of insurance -

- to take out the necessary insurances to protect the interests of the Council;
- to make arrangements with insurance brokers and companies concerning the settlement of claims;

in respect of

- (1) claims not settled by the Council's Claims Handling Agents/Department and
- (2) those claims within the following categories subject to approved excess levels
 - (i) Property -
 - (a) Education property;
 - (b) General property;
 - (ii) Public liability claims;
 - (iii) Employer's liability claims;
 - (iv) Motor - own fleet claims; and
 - (v) Motor - leased fleet claims
 - (vi) Motor - hired plant claims

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

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

Administration of Housing and Council Tax Benefits and Rent Allowances.

Issuing of Rent Increase Notices.

Administration of Rent Collection and other charges relative to HRA and non-HRA.

LOCAL GOVERNMENT FINANCE ACT 1992 PARAGRAPH 2 SCHEDULE 8

To make applications for Warrant for Recovery of Non Domestic Rates and Council Tax Arrears.

RECOVERY OF OUTSTANDING DEBTS AGAINST ADJUDGED DEBTORS OF THE COUNCIL

To proceed case by case with appropriate action following consultation with Sheriff Officers, Local Member and the Chair of Policy and Resources Committee.

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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 - Executive Director of Corporate Support to write such debts off.

Death of Debtor

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

Debts Considered Uneconomic to Pursue

Where Solicitor to the Council or a Sheriff Officer acting on behalf of the Council advises that the success of legal action to recover debt is doubtful, making debt uneconomic to pursue, Executive Director of Corporate Support to write debt off - (Applies only to debts of less than £1,000).

EXECUTIVE 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 Business Unit.

To give approval of temporary employment up to six months and to review as appropriate the levels of temporary employment within Departments. Any requests for longer term temporary employment or extensions beyond any initial six months period are a matter for the Corporate Governance Committee.

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 Corporate Governance Committee 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 Industrial Tribunals.

To act as adviser to the Council's Appeals Sub-Committee.

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 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.

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 Members 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 retiral/redundancy of employees.

DEVELOPMENT AND PROPERTY SERVICES

Delegation restricted to the Executive Director:-

- 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, following a marketed disposal exercise, or as approved by Committee in respect of a negotiated disposal, where these are consistent with previously or amended approved property valuations and acquisition and disposal objectives previously established.
- To determine applications received for the grant of concessionary rental for non-domestic Council properties.

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

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.

DSO Contract Practices

When carrying out their functions in terms of legislation applicable to Direct Service Organisations, 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 services 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 DLOs/DSOs, approved by Council.

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

HEAD OF PLANNING AND BUILDING CONTROL:

PLANNING APPLICATIONS

Details of the complete planning application delegation remits are provided on page 64.

Officer delegation covers the following:-

- All householder applications where recommendation (approve or refuse) is consistent with Development Plan & East Ayrshire Council Design Guidance AND subject to no more than 2 objections.
- Full and outline applications, including change of use, for small scale non-householder developments or minor works (e.g. residential developments under 10 units) which NOT subject to objection and accord with the Development Plan.
- Full applications to revise 10 or more houses; where a detailed residential consent is already in place and where there is no change to the overall number of units or to the character of the original consent; and which NOT subject to objection.
- Applications for approval of reserved matters unless previously agreed that such reserved matters should be determined by a Committee.
- Applications where ONLY objections are from Amenity Bodies and our recommendation (approve or refuse) is consistent with Development Plan and East Ayrshire Council Design Guidance.
- Approval or Refusal of Mobile Phone Masts (and related telecommunications development) NOT subject to objection AND where recommendation consistent with Policy.
- Applications for Listed Building Consent, except complete demolition of category "A" & "B", and Conservation Area Consent, where recommendation is approval.
- Shopfronts including Refusals.
- Advertisement Applications including Refusals.
- Single Caravans.
- Single dwellings in the countryside.
- Rowallan Business Park industrial development that accords with the East Ayrshire Local Plan or an Outline Consent.
- Certificates of Existing, or 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.
- All applications to top, lop or fell trees covered by Tree Preservation Order if proposal follows Leisure advice (irrespective of objections or recommend).
- Making Provisional Tree Preservation Order.
- Section 75 Agreements, where application is delegated.
- Enforcement Actions, provided any costs are within Development and Property Services Revenue budgets.
- Consultations with the neighbouring planning authorities regarding planning applications.

- “A decision on whether or not an Environmental Impact Assessment 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.

HEAD OF PLANNING AND BUILDING CONTROL:

BUILDING CONTROL

All applications/Notices.

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Building (Scotland) Acts 1959 and 1972

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.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Section 89 - Safety of Platforms etc.

Section 91 - Installation of Lights in Private Property.

Section 95 - Private open spaces.

Section 96 - Statues and Monuments.

HEAD OF ECONOMIC DEVELOPMENT AND TECHNICAL SERVICES

Business Support Financial Assistance.

- To determine together with the Executive Director of Development and Property Services 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 £30,000.
- 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 Development and Property Services 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.

Property Issues

- To make arrangements for the treatment of any property identified by Committee as surplus to the requirements of the Council in accordance with the Council's policy for surplus properties.

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- To make arrangements to market for disposal any property identified for sale on the open market 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 the terms and conditions of lease in respect of property with rentals of up to £30,000 per annum in accordance with the financial regulations.
- To approve 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 £30,000 or the equivalent on a rental basis per annum again in accordance with the financial regulations.
- 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, maintain and review approved lists of contractors/consultees for Capital/Revenue projects **(excluding Roads Contracts)**.
- 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.
- 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

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.

Contracts - Opening and Acceptance

The Executive Director of Corporate Support, the Executive Head of Administrative and Legal Services or Administration Manager shall be responsible for the opening and acceptance of contracts for capital/revenue projects, unless otherwise stated in accordance with Council's Standing Orders Relating to Contracts.

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.

Contracts - Opening and Acceptance

The Executive Director of Corporate Support, the Executive Head of Administrative and Legal Services or the Administration Manager shall be responsible for the opening and acceptance of Contracts for the Roads and Transportation Division in accordance with the Council's Standing Orders Relating to Contracts.

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, 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 Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor under the Construction (Design and Management) Regulations 1994.

To accept commissions to carry out work on behalf of the Trunk Roads Authority, and to carry out work relating to public roads and other structures on behalf of other bodies.

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 (Strathclyde Regional Council Order Confirmation Act 1990, Part II, Section 4).

Public Transport

Operational decisions relating to the provision of bus infrastructure.

Liaison with Strathclyde Passenger 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 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 Economic Development and Technical Services).**

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 Executive Head of Administrative and Legal Services and after informing the Chair and Vice-Chair of the Development Services Committee and the Local Member.

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 Executive Head of Administrative and Legal 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 Executive Head of Administrative and Legal Services and after informing the Chair, the Vice-Chair of the Development Services Committee and the local Member 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.

EDUCATIONAL AND SOCIAL SERVICES

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

DSO Contract Practices

When carrying out their functions in terms of legislation applicable to Direct Service Organisations, 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 DLOs/DSOs; approved by Council.

The Executive Director may amend the staffing structure of the Onsite Services Units 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.

Education

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 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 arrange programmes of staff development for teachers.

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

To carry out the functions of the Council as Education Authority in relation to the provision of education for recorded children in terms of Section 1 and 60 of the Education (Scotland) Act 1980 including placement in day and residential schools.

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

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

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

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

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

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

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

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

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

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 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.

In consultation with the local Member 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 Director of Development and Property Services being satisfied that, for his interest, the works are acceptable

The execution of the works being supervised by the Executive Director of Development and Property Services; and

the Chief Executive and the Executive Head of Finance being satisfied with the contractual and financial arrangements relating to the execution of the works.

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 and to pay the approved COSLA rate 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.

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 Councillor in whose constituency the Centre is situated.

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

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.

In consultation with the Chair of the Education Committee to accept placing requests in terms of the Education (Scotland) Act 1980 and to make whatever transport arrangements are deemed to be appropriate, in individual cases brought to his 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 authorise the employment in appropriate circumstances of teachers and lecturers in receipt of occupational pensions.

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.

To grant, in accordance with guidelines approved by Committee, 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 School Boards and appropriate trade unions.

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 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 authorise the Executive Director or appropriate Executive Head/Head of Service in consultation with the Chair, 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).

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.

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 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 School Boards.

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 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 Education Committee is a member of the Licensing Board or of the Development Services Committee/ Local Planning Committee the Executive Director shall liaise with the Chief Executive to determine Member consultation.

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

Executive Director/Executive Heads/Heads of Service

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.

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.

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

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.

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 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 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.

To exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.

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 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.

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 School Board 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 and Principal Officers or appropriate Officers under sub-delegation process as detailed below.

Delegated to the Executive Head of Social Work, Principal Officers 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. Principal Officers, whom failing, Service Unit 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 Principal Officers includes reference to the Executive Head of Social Work and Principal Officers, 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/Principal Officers 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 Social Work Committee on the amount given in assistance in each month.

The Principal Officers, whom failing the Service Unit 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 Social Work Committee on the amount given in assistance in each month.

Child Care and Family Matters

The Executive Head of Social Work/Principal Officers 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 Social Work Committee on the amount given in assistance in each month.

The Principal Officers, whom failing the Service Unit 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 Social Work Committee on the amount given in assistance in each month.

The Principal Officers, whom failing the Service Unit 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 Principal Officers, whom failing the Service Unit 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 Principal Officers, whom failing the Service Unit 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 Principal Officers, whom failing the Service Unit 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 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 Principal Officers, whom failing the Service Unit 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 Principal Officers 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 Principal Officers, whom failing the Service Unit 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/Principal Officers 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 Principal Officers/Service Unit 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 Principal Officers, whom failing the Service Unit 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 Principal Officers/Service Unit 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 Principal Officers, whom failing the Service Unit 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/Principal Officers 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 Principal Officers, whom failing the Service Unit 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 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 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 Committee as soon as possible thereafter regarding the amount of payment agreed.

The Principal Officer 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 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 Principal Officer 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 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 Principal Officer shall be empowered to advise the Executive Director of Support Services 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 Executive Head of Administrative and Legal 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 Principal Officer 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 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 Executive Head of Social Work 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 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.

Criminal Justice Matters

The Principal Officers/Service Unit 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.

Community Care Matters

The Principal Officer 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 £35,000 in any one year, with the Executive Head of Social Work being empowered to approve such arrangements where the expenditure will exceed £35,000.

The Executive Head of Social Work 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 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 Principal Officer, Community Care.

The Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 shall be empowered to authorise the Executive Director of Support Services or Head of Legal 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 Principal Officers/Service Unit 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 provided that they notify the Executive Head of Social Work 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 Social Work Committee.

Miscellaneous Matters

The Executive Head of Social Work/Principal Officers 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 Principal Officers/Service Unit 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 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 Principal Officers/Service Unit 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 Principal Officers, whom failing the Service Unit 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 Principal Officers/Service Unit 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 Principal Officers, whom failing the Service Unit 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.

NEIGHBOURHOOD SERVICES

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

DSO Contract Practices

When carrying out their functions in terms of legislation applicable to Direct Labour Organisations, 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 DLOs/DSOs; approved by Council.

The Executive Director may amend the staffing structure of the Leisure Management, Street Cleaning, Refuse Collection and Grounds Maintenance Units, 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.

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 Section, subject to consultation with the Executive Director of Corporate Support (Executive 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.

Executive 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 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 capital programme as appropriate.

Head of Protective Services

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.

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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. *

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. *

To grant applications, sign and issue all licences subject to conditions adopted by the Council, adopted by the 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. *

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 relevance of the representation to the activity applied for.

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

Section 87 - Repairs Notices

Power to serve and to instruct works of repair where a Section 87 Notice has not been complied with.

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

Section 52(3) - Payment of recycling credits for third parties.

Section 56 - Provide recycling facilities.

Sections 79-81 - Summary Proceedings.

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.

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 with 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 the Chair and Vice-Chair of the Community Services Committee 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.

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,

National Assistance 1948

To arrange burials in terms of Section 50.

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.

Refuse Disposal (Amenity) Act 1978

To implement all the provisions of this Act.

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

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

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

Consumer Credit Act 1974

Consumer Protection Act 1987

Control of Pollution Act 1974

Courts and Legal Services Act 1990

Crossbows Act 1987

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
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
Factories Act 1961
Fair Trading Act 1973
Fireworks Acts 1951 and 1964
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
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
National Assistance Act 1948
Noise and Statutory Nuisances Act 1993
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Etc (Protection) Act 1995
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
Property Misdescriptions Act 1991
Protection of Animals (Scotland) Acts 1912 - 1988
Public Health (Scotland) Acts 1897/1945
Refuse Disposal (Amenity) Act 1978
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
Trade Marks Act 1994
Trade Descriptions Act 1968
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 NEIGHBOURHOOD SERVICES AND HEAD OF PROTECTIVE 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 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 NEIGHBOURHOOD SERVICES OR THE HEAD OF PROTECTIVE 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 Executive Director of Neighbourhood Services 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.

PLANNING APPLICATION DELEGATION REMITS

PLANNING APPLICATION
SUBMITTED

OFFICER DELEGATED

LOCAL PLANNING COMMITTEES

DEVELOPMENT SERVICES COMMITTEE

• Head of Planning & Building Control determines if decision is:

(a) Dev. Services Committee

(b) Local Planning Committee

(c) Officer Delegated

• Weekly List prepared and sent to Members on this basis

• Members respond to Head of Planning within 14 days if alterations are suggested

- All householder applications where recommendation (approve or refuse) is consistent with Development Plan & EAC Design Guidance AND subject to no more than 2 objections.
- Full and outline applications, including change of use, for small scale non-householder developments or minor works (e.g. residential developments under 10 units) which NOT subject to objection and accord with the Development Plan.
- Full applications to revise 10 or more houses; where a detailed residential consent is already in place and where there is no change to the overall number of units or to the character of the original consent; and which NOT subject to objection.
- Applications for approval of reserved matters unless previously agreed that such reserved matters should be determined by a Committee.
- Applications where ONLY objections are from Amenity Body(s) and our recommendation (approve or refuse) is consistent with Development Plan and EAC Design Guidance.
- Approval or Refusal of Mobile Phone Masts (and related telecommunications development) NOT subject to objection AND where recommendation consistent with Policy.
- Applications for Listed Building Consent, except complete demolition of category "A" & "B", and Conservation Area Consent, where recommendation is approval.
- Shopfronts including Refusals
- Advertisement Applications including Refusals.
- Single Caravans
- Single dwellings in the countryside
- Rowallan Business Park industrial development that accords with the EALP or an Outline Consent.
- Certificates of Existing, or 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
- All applications to top, lop or fell trees covered by TPO if proposal follows Leisure advice (irrespective of objections or recommend)
- Making Provisional TPO
- Section 75 Agreements, where application is delegated.
- Enforcement Actions, provided any costs are within Development Services 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

'Delegated' applications which are:

1. Subject to an objection, unless specific exempted category under "delegated column"
 2. Recommended for refusal; but not adverts, shopfronts or telecom masts (see Delegated list)
 3. Agreed by Executive Director of Development Services or Head of Planning in consultation with the Chair to be determined by Local Planning Committee
- Larger applications which accord with the EALP and are of area significance
 - Conservation Area consents involving complete demolition
 - Listed Building consents involving complete demolition of category "A" or "B".
 - Hazardous Substance Consents (not deemed consent claims)
 - Applications involving a minor departure from the EALP or raising a new but minor planning issue
 - Section 75 Agreements, where application is a LPC item
 - EIA Development, unless required to go to Dev. Services
 - Making of full TPO
 - New minerals extraction and all revisions or extensions to minerals extraction and applications for minerals railways and railheads, IF substantially in accordance with the OCC Subject Plan.

- Applications referred from Local Committee as the relevant Local Committee decides against recommendation of Head of Planning and agrees approval of an application which is a significant breach of Council Policy OR refusal of an application whose principle is in accordance with the EALP.
- Applications involving a significant departure from the EALP or raising a significant new planning issue to the Council
- New Industrial Site on land not zoned for industry
- 5 hectares or more industrial develop outwith marketable land supply
- Listed Building Enforcement Actions, specifically execution of works required by Listed Building enforcement notice, compulsory purchase of listed buildings in need of repair, repairs notices
- Applications requiring notification to Scottish Ministers (excluding LB Consents and Conservation Area Consents)
- Applications for Notices of Intention to Develop where referral to Scottish Ministers is required
- Use of strategic sites for other purposes including general indust Retail & Warehousing >2000m²
- Tourism/Leisure of >£1 million
- Commercial Renewable Energy & waste transfer sites
- New minerals extraction and all revisions or extensions to minerals extraction and applications for minerals railways and railheads, where a significant departure from OCC Subject Plan.