
Report To:	The Inverclyde Council	Date:	7 June 2018
Report By:	Head of Legal & Property Services	Report No:	GM/LP/061/18
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Administrative Arrangements: Committee Remits and Delegations		

1.0 PURPOSE

1.1 The purpose of this report is to present a number of necessary changes to the Council's Scheme of Administration and Scheme of Delegation (Officers) following its decision on 22 February 2018 to approve changes to the Council's Committee and Senior Management Structures.

2.0 SUMMARY

2.1 All the changes have been incorporated within the updated Scheme of Administration and Scheme of Delegation (Officers) set out in Appendices 1 and 2 of the report respectively and are shown in italicised text (and red in the electronic version).

2.2 Arising from the decision of the Council in February 2018, it is also necessary to appoint 11 Members to the newly formed Local Police & Fire Scrutiny Committee, taking account of the political balance of the Council. Appendix 3 sets out the numerical entitlement in respect of the representation on this new 11 Member Committee. Appendix 4 shows the balance of political representation on all of the Council's Thematic Committees, Audit Committee and General Purposes and Planning Boards.

3.0 RECOMMENDATION

3.1 The Council is asked to approve the changes to the Standing Orders and Scheme of Administration as set out in Appendix 1 to the report.

3.2 The Council is asked to approve the changes to the Scheme of Delegation (Officers) set out in Appendix 2.

3.3 The Council is asked to appoint 11 Members to the Local Police & Fire Scrutiny Committee taking account of the current political balance.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Council on 22 February 2018 approved a number of changes to the Committee and Senior Management structures of the Council and approved variations to the Scheme of Administration relating specifically to the remits of the Education & Communities and Environment & Regeneration Committees.
- 4.2 The necessary changes have been made to the Standing Orders and Scheme of Administration to take account of the Council's decision in February 2018. The opportunity has also been taken to update the document since its approval in September 2016 to incorporate changes to (a) the membership and quorum of the Local Review Body and (b) the membership, quorum and remit of the Housing (Landlord Registration) Sub-Committee which was established in 2017.
- 4.3 The Council in February 2018 also approved a number of modifications to the Corporate and Extended Management Team structures and agreed to appoint an interim Head of Environmental & Public Protection Services within the Environment & Regeneration Directorate up until March 2020. The Scheme of Delegation (Officers) has been amended accordingly to take account of these changes and has been updated to incorporate other necessary changes in delegations required since September 2016.
- 4.4 The Council is also required to appoint 11 Members to the newly established Local Police & Fire Scrutiny Committee. This replaces the Sub-Committee which comprised the 11 Elected Members of the Education & Communities Committee.
- 4.5 For the Council to achieve numerical political balance in the absence of agreement between the SNP Group and the Lib Dem Member, it has been agreed that alternate Committees (the 4 Thematic Committees, Audit Committee, General Purposes Board and Planning Board) have respectively:
- (a) 3 SNP members and 1 Lib Dem member; and
 - (b) 4 SNP members and 0 Lib Dem members.

Appendix 3 sets out the representation on each of these Committees and Boards using the alternate representation arrangement. Four have 3/1 SNP/Lib Dem representation and three have 4/0 SNP/Lib Dem representation. The Police and Fire Scrutiny Committee should therefore have a 4/0 SNP/Lib Dem representation. (Appendix 4)

- 4.6 The remit of the Police & Fire Scrutiny Committee is set out in Section 7.12 of the Standing Orders and Scheme of Administration which is Appendix 1 to the report.

5.0 IMPLICATIONS

Finance

- 5.1 There are no financial implications.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Legal

5.2 The legal implications are set out in the report.

Human Resources

5.3 The HR implications are set out in the report.

Equalities

5.4 There are no equalities implications arising from this report.

Repopulation

5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 This report has been considered by the Corporate Management Team.

7.0 BACKGROUND PAPERS

7.1 None.

Standing Orders and Scheme of Administration



Inverclyde Council

**Standing Orders
and
Scheme of Administration**

Approved – 29 September 2016

INVERCLYDE COUNCIL

STANDING ORDERS AND SCHEME OF ADMINISTRATION

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STANDING ORDERS OF INVERCLYDE COUNCIL

Definitions

1. In these Standing Orders, unless the context otherwise requires, the following words and expressions shall have the following meanings:

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

the 1994 Act means the Local Government etc. (Scotland) Act 1994;

the 2004 Act means the Local Governance (Scotland) Act 2004;

the Council means The Inverclyde Council incorporated in terms of the 1994 Act;

Statutory Meeting means the meeting which, in terms of the relevant legislation, the Council is required to hold within 21 days of the date of the election in an ordinary election year;

Provost means the Convener of the Council elected under Section 4 of the 1994 Act;

Chair means the person at any time presiding at a meeting of the Council or a Committee;

Convener and **Vice Convener** of a Committee mean the Members appointed to those offices by the Council;

Member means a Councillor for the Council elected in accordance with the 2004 Act;

Proper Officer means the person designated as such and for the purpose specified by the Council in the Council's Scheme of Delegation;

clear days shall be interpreted to not include the day of receipt of any relevant notice and the day of the meeting;

written request and **in writing** mean a letter signed by the author(s) delivered to the Proper Officer or a scanned copy of that letter delivered to the Proper Officer by electronic means;

any reference to a **Committee** shall, unless the context otherwise requires, include reference to a Sub-Committee, Board, the Local Review Body and any Committees acting in a quasi-judicial capacity;

unless the context otherwise requires, words imparting the singular shall include the plural and vice versa.

Meetings of the Council

2. The Council shall meet at 4 p.m. on the following days:

- (a) A Statutory Meeting of the Council shall be held in the year of the elections to the Council under the relevant legislation within 21 days from the date of that election;
 - (b) Ordinary Meetings shall be held on the Thursday of the final week of each cycle of meetings set by the Council and, in any event, at intervals of no more than 16 weeks between each meeting, unless otherwise agreed in terms of **Standing Order 3**.
3. Special Meetings may be called at any time by the Proper Officer on being required to do so by (a) the Provost or (b) a written request for that purpose, signed by at least 7 Members, which meeting shall be held within 7 clear days. The request shall specify the business proposed to be transacted at the meeting.
 4. All meetings of the Council shall be held within the Municipal Buildings, Greenock, or such other place as the Council or the Proper Officer in consultation with the Provost may specify. Subject to prior agreement by the Provost, any Member who cannot reasonably attend a meeting in person may request that provision be made within alternative, suitable Council premises for video conferencing participation in the meeting, if practicable with regard to advance notice, technical feasibility and cost, provided that the Proper Officer is satisfied as to the necessary arrangements securing any required propriety and confidentiality of Council business.
 5. Subject to the terms of Sections 50A and 50E of the 1973 Act, all meetings of the Council shall be open to the public.
 6. No Member or member of the public may photograph, broadcast, transmit or record any Council meeting without prior written approval from the Council. The use of mobile electronic devices by Members during meetings is permitted only for their access to Council agendas, notes or diary entries and not for any external purpose.

Notice of Meetings

7. Notice of all Council meetings is published on the Council's website.
8. All meetings of the Council shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.
9. If a meeting is convened at shorter notice than 3 clear days by reason of urgency, the Notice and summons referred to above shall be published and posted as soon as the meeting is convened.
10. Want of service of a summons on any Member shall not affect the validity of a meeting of the Council, only if good reason is shown for failure to send such a summons as may be decided upon by the Provost.

Quorum

11. The quorum for the Council is 7. No business may be transacted at any meeting unless a quorum is present.
 - (a) If, 10 minutes after the time stated in the summons to attend a meeting, a quorum is not present, the meeting shall stand adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (b) If after a meeting has started, the number of Members present falls below the quorum and after a period of 5 minutes (during which time no business shall be considered or transacted), a quorum cannot be found, the meeting shall be adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (c) Any Member who has declared an interest in an item of business at the meeting and who leaves the meeting for that purpose may not be counted in the quorum for that item of business. If less than a quorum of the Council results from the Member leaving the meeting, then that item of business cannot be considered at the meeting.

Sederunt and Apologies

12. The names of the Members present at a meeting of the Council shall be recorded by the Proper Officer. Members who intimate to the Proper Officer apologies for non-attendance at a meeting of the Council shall have their apologies recorded in the Minute.

Failure to Attend Meetings

13. Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of 6 consecutive months to attend any meetings of the Council or a Committee, he or she shall, unless the failure was due to some reason approved by the Council, cease to be a Member.

Convener

14.
 - (a) The Convener of the Council, upon being elected, shall be known as the Provost and shall subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act, hold office until the next ordinary election or until ceasing to be a Councillor, whichever is the earlier. Notwithstanding the foregoing, the Council may specify a shorter period for the term of office of Convener at the time of that election;
 - (b) At a meeting of the Council, the Provost or, in his or her absence, the Depute Provost shall preside. If the Provost and the Depute Provost are both absent from a meeting, another Member of the Council chosen by the Members present will chair the meeting.
15. Subject to the provisions of **Standing Order 14** the Council may at any time agree to remove the Provost from office with immediate effect provided that:

- (a) a Notice of Motion in terms of **Standing Order 22** to that effect is given at one meeting of the Council and on the basis that the matter is to be considered at the next ordinary meeting of the Council; or
- (b) where no such prior Notice of Motion is given, not less than two thirds of Members present and entitled to vote at the meeting agree that the early removal from office of the Provost be considered at that meeting.

Role of Provost

16. The Provost shall:

- (a) preserve order and ensure fairness in debate;
- (b) ensure the agenda of business is properly dealt with and clear decisions are reached;
- (c) decide on all points of order and matters of competence and relevance;
- (d) with the assistance of the Proper Officer, ensure that Standing Orders are observed;
- (e) decide on all questions of procedure for which no express provision is made in Standing Orders; and
- (f) order the exclusion of any member of the public to prevent or remove disorderly conduct or any other behaviour which disrupts the business of the meeting.

17. The decision of the Provost on all matters within his or her responsibility shall be final and shall not be open to question or discussion.

When the Provost speaks the Member, if any, who is addressing the meeting, shall cease to speak. The Provost shall be entitled, in the event of disorder occurring, to adjourn the meeting to a time he or she may then or thereafter determine.

Restriction on Business

18. No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council as a matter of urgency. The Provost must rule that it is a matter of urgency and give the reasons for the ruling, to be noted in the Minute. The item must be made known at the start of the meeting when the order of business is decided. If the Provost rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council, unless dealt with earlier.

Order of Business

19. (a) At the first meeting of the Council after an ordinary election, the Council shall deal with the business in the following order:

note the election of Members;

take the sederunt, noting which Members have executed the declaration of acceptance of office;

elect the Provost;

elect the Depute Provost;

appoint Leader, Depute Leader and Leader of the Minority Group(s);

appoint Members to Committees;

appoint Conveners and Vice-Conveners of Committees;

appoint Members to the Licensing Board;

appoint representatives to outside bodies;

consider arrangements for a timetable of scheduled meetings and any administrative arrangements.

(b) At all other meetings of the Council, business shall be dealt with in the following order:

note apologies for absence;

note the appointment of substitutes by Members;

consider notice of any urgent business;

note declarations of interest;

approve minutes of meetings of the Council and Committees;

ask questions on the minutes;

consider Notices of Motions;

consider other motions on the agenda;

consider reports;

consider business in the appendix.

(c) The order of business may be altered by the Provost upon his or her discretion.

Minutes

20. Minutes of Council meetings shall be prepared by the Proper Officer. Subject to approval or correction as the case may be, the Minute shall be signed at the next suitable meeting of the Council by the person then presiding.

21. At the Council meeting, the Member presiding at a Committee meeting shall move acceptance of the Minute of that Committee meeting, as a correct record insofar as any such corrections of the Minute do not conflict with the proper exercise of powers delegated to the Committee. In the absence of the Member presiding at the Committee, another Member may move acceptance of the Minute of that meeting as a

correct record. Any correction proposed by the presiding Member requires a seconder.

Any item in the Minute subject to referral from a Committee will require to be moved and seconded and subject to debate thereafter.

Procedure for Notice of Motion

22. A Member may submit a Notice of Motion for consideration at any meeting of the Council. Such Notice of Motion shall be in writing and shall be countersigned by at least one other Member and delivered to the Proper Officer at least 7 clear days prior to the meeting of the Council at which the Motion is to be considered. The Notice of Motion shall be printed in the Agenda of the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.
23. A Notice of Motion submitted under **Standing Order 22** may be moved by the Member who submitted the Notice of Motion or by another Member present. If it is not so moved, it shall, unless postponed by decision of the Council, be considered as withdrawn.

Motions and Amendments

24. Any Member proposing a motion or amendment relating to any item of business at a meeting shall state precisely the terms of his or her motion or amendment to enable the Provost to rule as to its competency.
25. Before any vote takes place, a motion or amendment must be duly seconded.
26. Any motion or amendment which is not seconded shall fall and will not be recorded in the Minute.
27. Only a Member who has not abstained and has taken part in a vote or who has moved a motion or amendment but failed to find a seconder may, if he or she so requests, have his or her dissent to the relevant decision recorded in the Minute.
28. The Provost may require that any motion or amendment shall be put in writing by the Member so proposing or amending. When required by the Provost, the Proper Officer will read any motion or amendment prior to it being put to the meeting.
29. No Member shall move or second more than one motion or amendment on an item of business. A Member who has moved or seconded a motion or amendment shall be entitled to move or second a new motion or amendment if the original motion or amendment is withdrawn in terms of **Standing Order 30**.
30. A motion or amendment which has been moved and seconded shall not be altered or withdrawn without the consent of the mover and the seconder.
31. A motion or amendment contrary to a decision of the Council shall not be competent within 6 months of that decision unless, in the opinion of the Provost, material information is introduced which had not previously been available or some other material change of circumstances has taken place.

Speeches

32. Except with the permission of the Provost, the mover and seconder of a motion or an amendment shall not speak for more than 15 minutes. Others speaking in the debate shall not speak for more than 10 minutes. No Member other than the mover of a motion shall speak more than once in the same debate unless to call attention to a point of order or, with the permission of the Provost, to make an explanation. The mover of the motion shall have the right to speak for up to 5 minutes in reply to the points raised in the debate and will strictly confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, the question shall be put by the Provost.
33. Members shall address the Provost. Each Member shall confine his or her speech to the item being debated.
34. Except with the consent of the Provost, it shall not be competent for any Member to read a written or printed speech to the meeting but a Member shall be entitled to refer to notes.

Points of Order

35. Any Member may raise a point of order at any time during a meeting. Any Member who is addressing the meeting when a point of order is raised will resume his or her seat until the point of order has been decided upon by the Provost. No other Member may speak to the point of order unless with the permission of the Provost. The decision of the Provost will be final and cannot be debated.

Closure of Debate

36. At the conclusion of any speech, a Member who has not spoken on the item being debated may move "that the question be now put". If such a motion is moved and seconded and the Provost is of the opinion that the item has been sufficiently debated, there shall be no further debate and the vote shall be taken immediately "for" or "against" the motion "that the question be now put." If the motion "that the question be now put" is agreed, the mover of the substantive motion shall have the right to speak for not more than 5 minutes in reply to the points raised in the debate and will confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, a vote shall be taken immediately on the substantive motion.

Adjournment

37. At the conclusion of any speech, any Member may move that the meeting be adjourned. If such a motion is moved and seconded there will be no further debate and the vote shall be taken immediately to "adjourn" or "not adjourn". If the motion to adjourn is agreed then, unless the time is specified in the motion, the adjournment shall take effect immediately and the meeting shall be adjourned until such time as decided by the Provost. If the motion to adjourn is not agreed, it shall not be competent to repeat such a motion for a further 30 minutes, unless moved by the Provost.
38. A motion to adjourn shall take precedence over all other motions.

Voting

39. Except where otherwise provided by these Standing Orders, when a motion and amendment are considered by the Council, the proposal receiving the support of the majority of the Members present and voting will be declared to be the decision of the Council.
40. Voting shall be by a show of hands. For purposes of accountability, the names of all Members voting or abstaining relative to any motion or amendment shall be recorded in the Minute. If at least one quarter of the Members present require a roll call vote, the vote shall be taken by calling the roll.
41. In addition to a deliberative vote, in the case of an equality of votes, the Provost, should he or she so wish, shall have a casting vote except where the matter relates to the appointment of a Member to any particular office or Committee (but not to outside bodies), in which case the decision shall be by lot.
42. When a motion and 2 or more amendments have been moved and seconded, the vote shall be taken in the first instance between the amendment last proposed and the amendment second last proposed. The successful proposal from that vote shall be taken against the amendment third last proposed and so on until there remains only one amendment to be taken against the motion and whichever of those is carried shall be the decision of the Council.
43. When a vote has been taken and the accuracy of the count is immediately challenged, it shall be at the discretion of the Provost to call for a recount.

Disregarding the Authority of the Provost

44. If any Member disregards the authority of the Provost or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the rest or any part of the meeting. The motion shall be put without discussion. If it is carried, the Council Officer shall act on any orders given by the Provost to carry out such a decision.

Questions and Agenda Items

45. (a) Any Member may put a question to the Provost or to any Convener at any meeting of the Council concerning relevant and competent business on the Agenda. If the Provost decides that the question is relevant and competent, the Provost shall answer it or direct that it shall be answered;
- (b) If any Member wishes to give formal notice of a detailed question arising from the business on the Agenda, that Member can submit that question in writing to the Proper Officer by 10am on the day preceding the Council meeting. The Proper Officer shall liaise with the Provost on this at the earliest opportunity;
- (c) Any Member may submit in writing to the Proper Officer an item of business for consideration at any meeting of the Council not less than 7 clear days preceding the meeting. The Proper Officer shall place the item on the Agenda notwithstanding the Provost's entitlement to rule on its competency.

If the Member considers the item to be urgent, the reasons for this must be specified by the Member in the written submission. In such circumstances, the

Proper Officer may place the item on the Agenda even though less than 7 clear days' notice has been given, notwithstanding the Provost's discretion to decide on its urgency or otherwise and on its competency for the meeting. Failing this, the item shall not be included on the Agenda as it has not been raised within the proper timescale.

Interests of Members

46. Any Member who has an interest in any matter which, in terms of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, requires to be declared and is available to participate at a meeting at which such a matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where the interest arises. The declaration shall be sufficient to enable the meeting to understand the nature of the interest and shall be recorded in the Minute.

If, in terms of the Code, the nature of the interest means that the Member cannot participate in discussion and voting on the matter, the Member shall retire from the meeting and leave the meeting room until the business concerning that matter is concluded.

Suspension of Standing Orders

47. On a motion made at any time during a meeting, the Council shall be entitled to suspend one or more of these Standing Orders so far as regards any business, but only if two-thirds of the Members present and voting for that purpose shall so decide. There shall be no discussion on such a motion.

Variation and Revocation of Standing Orders

48. The Council may vary or revoke any of these Standing Orders. Any such decision will, if voted upon, be approved by a majority of Members present and voting.

Decisions of the Council

49. No decision made by the Council shall be subject to review by any Committee unless such review is specifically authorised by the Council.
50. Without prejudice to any decision taken by a Committee, in exercise of delegated powers, the Council may at any time deal with any matter included in a delegation to a Committee, notwithstanding that no report from such Committee is before it. The Council may deal with any item of business included in the delegation to a Committee even if there is no report from that Committee on the item.

Contracts and Delegation

51. The Council shall have Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations.

Committees

52. The Council shall establish such Committees, Sub-Committees and Boards as may be considered necessary from time to time and shall have a Scheme of Administration on

the terms of reference and delegations to Committees, Sub-Committees and Boards for the purpose of arranging for the discharge of the functions of the Council.

53. The Council shall appoint Conveners, Vice-Conveners and Members to such Committees, Sub-Committees and Boards as it establishes in terms of **Standing Order 52** at the statutory meeting of the Council and otherwise as it considers necessary from time to time.

COMMITTEES

Committee Business

54. In making appointments to Committees and outside bodies (but in the latter instance only where more than 2 representatives of the Council to an outside body are required), the Council shall ensure that such appointments reflect, as far as practicable, the balance of political representation on the Council.
55. Any business requiring consideration by the Council shall, unless considerations of time otherwise dictate, be placed before the appropriate Committee.
56. Committees shall meet as the Council may from time to time set. Special meetings may be convened as follows:-
 - (a) by the Committee at any ordinary meeting; or
 - (b) by a written request from the Convener submitted to the Proper Officer and specifying the business proposed to be transacted at the meeting; or
 - (c) by a written request signed by at least one quarter of the Members of the Committee submitted to the Proper Officer specifying the business proposed to be transacted at the meeting.

If the Proper Officer receives a request as set out in (b) or (c) above, such meeting shall be held within 14 clear days of receipt.

57. At any time prior to the issue of a notice calling a meeting of a Committee, the Proper Officer, after consultation with the Convener, may determine that such meeting be cancelled or postponed to such date and time as the Convener shall determine. In which event, the Proper Officer shall, forthwith, issue a notice intimating the cancellation or adjournment of the meeting.
58. All meetings of a Committee shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.

Application of Standing Orders to Committees

59. The following Standing Orders of the Council shall not apply to Committees:

Standing Order 2	-	Meetings of the Council
Standing Order 3	-	Special Meetings
Standing Order 8	-	Notice of Meetings
Standing Order 11	-	Quorum
Standing Order 20	-	Approval of Committee Minutes
Standing Order 25	-	Need for Secunder for Motions and Amendments
Standing Order 32	-	Speeches

For Committees the following Standing Orders shall be amended to the extent detailed below:

Standing Order 4

All meetings of Committees shall be held at the Municipal Buildings, Greenock or such other place as the Committee may determine.

Standing Order 14

- (a) At a meeting of a Committee, the Convener, if present, shall preside;
- (b) If the Convener is absent from a meeting, the Vice-Convener shall preside; and
- (c) If the Convener and the Vice-Convener are absent from a meeting, another Member of the Committee, chosen by the Members present, shall preside.

Standing Order 19(b)

There is no requirement to approve minutes or ask questions thereon.

Standing Order 36

When any item is the subject of debate at a Committee, at any point in that debate, if the Convener is of the opinion that the item has been sufficiently debated, the Convener shall be entitled to close the debate and to decide that the question be now put to the Committee for decision. There shall be no further debate on the item and the Committee shall proceed to decide, whether by vote or otherwise, on the item.

The following additional Standing Orders shall apply to Committees:

Participation of Members not on a Committee

- 60. (a) Any Member who is not a Member of a Committee and who wishes to have an item considered at that Committee shall give written intimation to the Proper Officer of that item. Such intimation shall be referred to the Convener of the relevant Committee and Corporate Director. That Corporate Director shall be responsible for responding to the Member. In the event that the Member is not satisfied with the response, the Member shall be entitled to have the item considered by the Committee by giving written intimation to the Proper Officer to that effect at least 14 clear days prior to the date of the next ordinary meeting. On receipt of such written intimation, the item shall be placed on the agenda for the Committee, without prejudice to the entitlement of the Convener to rule as to its competency, it being understood that if the subject matter is within the remit of the Committee and has been raised within the time limits, it shall be deemed competent;
- (b) Any Member who is not a Member of a Committee who submits an item in terms of (a) above, shall be entitled to attend the meeting of that Committee at which that item is being considered. That Member shall be entitled to participate in the debate on that item but shall not be entitled to vote;
- (c) A Member who is not a Member of a Committee shall be entitled to attend a meeting of that Committee while there is under consideration any item in which

the Member has a specific ward-based interest as a Member. Except where a Committee is considering items in its quasi-judicial capacity, the Member shall, with the consent of the Convener, be entitled to participate in the debate of the item but shall not be entitled to vote. Where the consideration of an item is of a quasi-judicial nature, a Member who is not a Member of the Committee shall not be entitled to participate in debate on the item and shall not be entitled to vote;

- (d) Any Member who is not a Member of a Committee who wishes to ask a specific question in relation to an item on the Agenda of that Committee, shall give at least 2 clear days' written notice to the Proper Officer, specifying the question. The Proper Officer shall liaise with the Convener on this at the earliest opportunity. If the Member so notifies the Proper Officer, that Member shall be entitled to attend the meeting of that Committee to ask that question on that item but shall not be entitled to ask any supplementary questions, participate in any debate or to vote thereon. This is without prejudice to the Convener's entitlement to rule on the competency of the question.

Scheme of Administration

- 61. (a) The arrangements for meetings of Committees and their functions shall be regulated in accordance with the Scheme of Administration;
- (b) Where a Committee makes a decision within its delegated powers, it shall be competent for at least 4 of the Members present and voting at a Committee and 2 of the Members present and voting at a Sub-Committee to require that the delegated power be not exercised and that the decision be referred for determination to the Council. This referral procedure cannot be used if the Committee is considering an item in its quasi-judicial capacity, in which case the decision taken shall be final;

Any referral must specify an alternative to the proposal so referred.

- (c) In addition to the detailed provisions of the Scheme of Administration:
 - (i) the Council may delegate on an ad hoc basis to a Committee the discharge of any function; and
 - (ii) a Committee may delegate on an ad hoc basis to a Sub-Committee the discharge of any function in respect of which that Committee has delegated powers.

Quorum of Committees, Sub-Committees, Boards and Local Review Body

- 62. (a) The quorum of all Committees (except the Petitions Committee), the General Purposes Board *and* the Planning Board shall be 6;
- (b) The quorum of the *Local Review Body and the* Petitions Committee shall be 4;
- (c) The quorum of all Sub-Committees *except the Housing (Landlord Registration) Sub-Committee* shall be 4, or the membership of the Sub-Committee, whichever is the lesser;
- (d) The quorum of the Human Resources Appeals Board *and the (Landlord Registration) Sub-Committee* shall be 3.

Committees Acting in Quasi-Judicial Capacity

63. Where a Committee is dealing with an item of business in a quasi-judicial capacity, a Member shall not be entitled to take part in debate, move a motion or amendment or vote on a motion or amendment unless that Member has been present throughout consideration of that item of business, any continuation of that item of business or any site visits.

Petitions Committee Protocol

64. The Petitions Committee shall from time to time consider and approve its protocol and procedures for submitting petitions and determining its actions, which shall include provisions for persons or deputations making representation to that Committee.

Remits Between Committees

65. Any decision by a Committee to remit consideration of a matter to another Committee shall, where practicable, be considered at the next meeting of the Committee.

INVERCLYDE COUNCIL

1. SCHEME OF ADMINISTRATION

1.1 This Scheme of Administration is within the Council's Standing Orders.

2. PURPOSE OF SCHEME

2.1 These terms of reference and delegated functions (Scheme of Administration) set out the powers delegated by the Council to its Committees, Sub-Committees and Boards in terms of the Local Government (Scotland) Act 1973 and shall regulate:

- (a) the allocation of the functions of the Council to the Committees, Sub-Committees and Boards of the Council; and
- (b) the delegation to Committees, Sub-Committees and Boards, where appropriate, of authority to exercise the functions of the Council.

2.2 The Scheme of Administration is to be read with the Council's Standing Orders, Standing Orders Relating to Contracts and Financial Regulations.

3. PROVISIONS APPLICABLE TO ALL COMMITTEES

3.1 Committees shall consider only matters within their terms of reference.

3.2 Where the Council has delegated any class of functions to a Committee, it shall retain the power to delegate any one of those functions to another Committee on a particular occasion when, by reason of the nature of the matter, in the opinion of the Council, it ought to be so referred.

3.3 All functions listed as delegated functions and any further additional such functions which may be delegated by the Council are also delegated to the respective Committee.

4. DELEGATED FUNCTIONS

4.1 The following functions shall be delegated to Committees:

- (a) The powers required to carry out their functions provided that the decisions made by any Committee shall comply with the terms of policy and budget approved by the Council.
- (b) All Boards and the Local Review Body, being quasi-judicial bodies, shall have full powers and no decisions taken shall be referred to the Council except in the case of the Planning Board relative to those applications for major and national developments which are statutorily subject to pre-determination hearings.

5. GENERAL PROVISIONS

5.1 The following general provisions shall apply:

- (a) A Committee may further delegate authority to an officer of the Council to undertake or discharge any function which is delegated to that Committee. The

Local Review Body may delegate authority to an officer of the Council to undertake or discharge any function delegated to it, where it is so enabled by the Town and Country Planning (Schemes of Delegation and Local Review Bodies) (Scotland) Regulations 2013;

- (b) Any decision proposed to be taken by a Committee under delegated powers which conflicts with or potentially conflicts with a decision of another Committee shall be referred to the Council.

5.2 There shall be the following Committees, Sub-Committees and Boards:

Committees

Policy and Resources Committee	(11 Members)
Audit Committee	(11 Members)
Environment and Regeneration Committee	(11 Members)
Education and Communities Committee	(11 Council Members)
Health and Social Care Committee	(11 Members)
<i>Local Police and Fire Scrutiny Committee</i>	<i>(11 Members)</i>
Petitions Committee	(6 Members)

Sub-Committees

Policy and Resources Executive Sub-Committee	(6 Members)
Grants Sub-Committee	(6 Members)
<i>Housing (Landlord Registration) Sub-Committee</i>	<i>(5 Members)</i>

Boards

General Purposes Board	(11 Members)
Human Resources Appeals Board	(5 Members)
Planning Board	(11 Members)

Local Review Body (7 Members)

Appointments Panels (Membership per Scheme)

5.3 With the exception of the Petitions Committee, all Committees as set out in paragraph 5.2 above shall have the power to establish a Sub-Committee but for a specific purpose only and shall appoint Members, Conveners and Vice-Conveners thereof. The establishing of any such Sub-Committee shall be subject to review by the Committee at least every 12 months.

5.4 The selection process for the Chief Executive and the selection and appointment processes for all other Chief Officers shall be dealt with by formal Committees set up as Appointment Panels according to Schemes approved by the Council.

5.5(a) Where a Member of any Committee is unable to attend a meeting, that Member may make arrangements with another Member who is not a Member of that Committee to attend that meeting as his or her substitute with powers to act in his or her stead and shall ensure that the substitute has or will receive the appropriate meeting papers;

- 5.5(b) The Member who is unable to attend and who is appointing a substitute must inform the Proper Officer as soon as possible of the appointment of the substitute. When a substitute attends, the substitution applies throughout the duration of the meeting including any adjournment to a time later the same day and the appointing Member shall not be entitled to revoke the substitution or vote at the meeting or its same day adjournment. Only the substitute intimated by the appointing Member to the Proper Officer prior to the commencement of the meeting is entitled to attend and vote. The appointment of a substitute can be revoked by the appointing Member only prior to the commencement of the meeting.

6. FUNCTIONS RETAINED BY THE COUNCIL

- 6.1 The Council has overall responsibility for the Council Budget, the Chief Officer Management Structure and oversight of all political decision-making processes.

- 6.2 The following are reserved to the Council:

- (a) All functions reserved by law to the Council;
- (b) The determination of the strategic objectives of the Council;
- (c) The annual review of the revenue budget and the fixing of Council Tax;
- (d) The annual review of the Capital Programme and the approval of annual budgets of capital and revenue expenditure;
- (e) Approval of the Annual Treasury Strategy and Annual Report;
- (f) The consideration of the Annual Report to Members by the Council's External Auditors;
- (g) The making of Standing Orders and a Scheme of Administration, Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations;
- (h) The making of an order for the compulsory acquisition of any land or interest in land;
- (i) The making of any formal resolution to co-operate or combine with other local authorities in the provision of services;
- (j) The appointment of the Provost and Depute Provost of the Council;
- (k) The establishment of Committees of the Council and their terms of reference and the delegations of function thereto;
- (l) The appointment of Members to Committees and the appointment of Conveners and Vice-Conveners;
- (m) The appointment of Members of the Council to Joint Committees, Joint Boards and outside bodies;
- (n) The approval of Schemes for the establishment of Community Councils;
- (o) The approval of Polling Schemes for elections and referendums;

- (p) The promoting or the opposing of the making of private legislation;
- (q) The promotion of byelaws, management rules and any necessary orders;
- (r) The appointment of the Chief Executive and all matters relating to disciplinary procedures for the Chief Executive;
- (s) The making of resolutions for Housing Renewal Areas;
- (t) The consideration of Members' remuneration;
- (u) The formal adoption of the Local Plan;
- (v) The determination of an application for planning permission for a development of a class specified in Section 38A(1) of the Town & Country Planning (Scotland) Act 1997.

7. FUNCTIONS DELEGATED TO COMMITTEES

7.1 POLICY AND RESOURCES COMMITTEE

7.1.1 Power is delegated to the Policy and Resources Committee:

- (a) To advise the Council on outcomes, strategic objectives and key priorities;
- (b) To develop and approve Council policies, including community planning and partnership working;
- (c) To adopt and implement the management framework for planning, implementing, reporting and reviewing corporate service delivery;
- (d) To ensure the Council meets its statutory responsibilities in terms of best value;
- (e) To monitor implementation of the Council's Corporate Statement;
- (f) To facilitate and encourage any public consultation, engagement and participation with the community, partners and key stakeholders;
- (g) To instruct such performance information as the Committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance;
- (h) To determine any reviews of community asset transfer requests;
- (i) To take all decisions which are not reserved to the Council or delegated to another Committee of the Council;
- (j) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:
 - Chief Executive's Office
 - Finance
 - Organisational Development, Human Resources and Corporate Communications
 - Legal and Property Services
 - Performance Management

- (k) To guide the Council in the formulation of its policy objectives and priorities, to consider the broad social and economic needs of the Council and matters of importance to its area, to advise the Council generally as to its financial and economic policies, to monitor and control the Council's Revenue Budgets and Capital Programme;
- (l) To consider new policies or changes in policy formulated by Committees where those policies or changes in policy may have significant impact upon the existing policies or the resources of the Council and to consider new policies not falling within the terms of reference of any other Committee;
- (m) To consider all aspects of the Council's Public Reporting Framework;
- (n) To ensure that the organisational and management processes of the Council are designed to make the most effective contribution to the achievement of the Council's objectives;
- (o) To keep organisation and management processes under review and make recommendations as necessary for any change in the structure of Committees or Services or the allocation of functions and responsibilities;
- (p) To appoint the Returning Officer;
- (q) To be responsible for formulation and delivery of the Council's Procurement Strategy;
- (r) To have overall responsibility for information governance and to arrange for compliance with the provisions of the Data Protection and Freedom of Information legislation.

7.1.2 The Committee has service responsibilities as follows:

Finance

- (a) To regulate and manage the proper administration of the Council's financial affairs;
- (b) To deal with the administration of the levy, collection, payment and recovery of all income to the Council;
- (c) To arrange for all borrowing, lending and investing of money by the Council;
- (d) To oversee superannuation and pensions;
- (e) To keep accounts and proper records of all transactions of the Council;
- (f) To oversee banking arrangements;
- (g) To oversee insurances;
- (h) To be responsible for the administration of all matters relating to Housing Benefits;
- (i) To be responsible for the formulation and delivery of the Council's Customer Services Strategy;

- (j) To ensure effective provision of all information technology and communication services, ICT and digital access strategy;
- (k) To exercise the powers and duties of the Council relative to registration of births, marriages and deaths.

Organisational Development, *Policy & Communications*

- (a) To advise on the overall planning required to ensure the most effective, efficient and economic use of the Council's human resources;
- (b) To oversee all matters relating to:
 - (i) Council policies and practices in relation to Council employees including the recruitment, training, salaries, wages and conditions of service of all employees of the Council;
 - (ii) service structures, establishments and job evaluation gradings;
 - (iii) the training and development, health, safety and welfare of all Council employees;
 - (iv) the ongoing maintenance of job evaluation, organisational development, strategy, planning and other such related matters;
 - (v) negotiations with the Trades Unions on matters affecting employees;
 - (vi) securing the development and effective implementation of the Council's Equal Opportunities in Employment policies;
 - (vii) co-ordinating the performance of the Council's responsibilities as an employer under the appropriate equalities legislation;
 - (viii) the promotion of good employment relations between the Council and its employees;
 - (ix) the formulation and delivery of the Council's Corporate Communications Strategy;
 - (x) to be responsible for the effective delivery of performance management, procurement and customer consultation.

Legal and Property Services

- (a) To ensure effective provision of legal services;
- (b) To ensure effective administrative support for Members and Committees;
- (c) To ensure effective provision and support for elections and referendums;
- (d) To ensure effective provision of internal audit services.

To exercise all of the functions delegated to the Policy and Resources Committee or other Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the relevant Committee, where appropriate.

7.1.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Inverclyde Alliance
- Scotland Excel
- Renfrewshire Valuation Joint Board

7.2 POLICY AND RESOURCES EXECUTIVE SUB-COMMITTEE

7.2.1 Power is delegated to the Policy and Resources Executive Sub-Committee:

7.3 AUDIT COMMITTEE

7.3.1 Power is delegated to the Audit Committee:

- (a) To consider reports on the Council's audit plan and on arrangements for implementing best value;
- (b) To consider reports relating to Annual Accounts, subject to the Council's approval thereof, and Financial Accounting issues;
- (c) To monitor the financial performance of the Council, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements;
- (d) To review the adequacy of internal control systems and policies;
- (e) To review all reports from the Council's External Auditors;
- (f) To monitor the Annual Audit Plan and review all Council audit and inspection work against that Plan;
- (g) To oversee the performance of the Council's Internal Audit function;
- (h) To approve changes in Accounting Policies;
- (i) To review the Council's Risk Management Policy;
- (j) To monitor and review action taken on recommendations arising from internal and external audits;
- (k) To oversee the performance of the Council with respect to the Corporate Governance Framework;
- (l) To scrutinise and comment on the Council's key governance documents.

7.3.2 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Audit Scotland
- The Accounts Commission
- The Council's External Auditors

7.4 HEALTH AND SOCIAL CARE COMMITTEE

7.4.1 Power is delegated to the Health and Social Care Committee:

- (a) To oversee the Council's relationship with the Inverclyde Integration Joint Board;
- (b) To oversee the effective deployment of Council resources to support the strategic priorities of the Inverclyde Integration Joint Board;
- (c) To consider recommendations arising from the findings of the Social Work Complaints Review Committee.

7.5 ENVIRONMENT AND REGENERATION COMMITTEE

7.5.1 Power is delegated to the Environment and Regeneration Committee:

To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Regeneration and Planning
- Asset Management and Property Estates
- Environmental and *Public Protection* Services
- *Strategic Housing*
- *Emergency Planning*
- *Private Sector Housing*
- *Environmental Health and Trading Standards*

7.5.2 The Committee has service responsibilities as follows:

Regeneration and Planning

- (a) To promote the economic development and urban regeneration of Inverclyde;
- (b) To promote competitiveness, employment growth, the physical environment and planning and quality of life;
- (c) To promote marketing and inward investment, business development and support schemes, training initiatives, labour market activities, the marketing, management and development of industrial and commercial property and to participate and engage in effective partnership activities to support all of the above;
- (d) To encourage and stimulate economic development by the exercise of the Council's powers through providing assistance to third parties by way of services, suitable premises or financial assistance (including grants, loans and purchase of share and loan capital);

- (e) To carry out the strategic planning functions of the Council;
- (f) To develop and review procedures in respect of development control and building standards, *conservation and landscaping*;
- (g) To develop and review effective policies in connection with strategic planning and land use issues.

Organisational Development, Policy & Communications

- (a) *To promote tourism and related activities*

Asset Management and Property Estates

- (a) To ensure effective provision of all estate and property management services and architectural and technical services;
- (b) To acquire, dispose and market property;
- (c) To manage the repair and maintenance, improvement and preservation of all property assets within the Council's ownership or management.

Environmental and *Public Protection* Services

- (a) To develop and review strategies in respect of:
 - burial grounds
 - street cleansing
 - refuse collection, recycling and disposal
 - sanitation services
 - protection of the environment
 - public conveniences
- (b) To discharge all powers and duties of the Council for the maintenance of the following:
 - open spaces
 - parks
 - horticultural nurseries
 - golf courses
 - playgrounds
 - playing fields
 - allotments
 - war memorials
- (c) To be the Roads Authority and deal with all roads and lighting in the Council's control;
- (d) To develop and review effective policies for all matters relating to the relevant legislation for public transport;
- (e) To consider and determine Traffic Management Orders and Traffic Regulation Orders promoted by the Council;

- (f) To deal with all matters arising from the Council's membership of Strathclyde Partnership for Transport with the exception of the Concessionary Travel Fares Scheme;
- (g) To carry out the functions of the Waste Disposal Authority.

Strategic Housing

To be responsible for the overall strategy for the provision of housing within Inverclyde whether within the public or the private sectors, including the assessment of housing need but excluding the discharge of the Council's statutory responsibility in dealing with homeless persons.

Private Sector Housing

- (a) *To be responsible for assessing and maintaining the condition and supply of housing within the private sector;*
- (b) *To be responsible for*
 - (i) *the administration of grant and loan assistance to owners of housing within the private sector; and*
 - (ii) *the promotion and development of improvements in the overall condition of the private sector housing stock with the use of the Council's powers as housing authority, where such use is considered appropriate.*

Environmental Health and Trading Standards

- (a) *To exercise the powers and duties of the Council relative to food safety, food standards and labelling, health and safety at work, public health, pollution and environmental protection legislation;*
- (b) *To undertake and discharge the requirements of all legislation which imposes administrative duties and which confers enforcement powers upon the Council and its officers for Consumer Protection and Trading Standards;*
- (c) *To undertake and discharge the requirements of all legislation, whether of a civil law nature or of a criminal nature, which affects the work of the Consumer Protection and Trading Standards Service; and*
- (d) *To consider and approve the Annual Report submitted by the Chief Inspector of Weights and Measures in terms of the relevant legislation.*

Public Protection and Emergency Planning

- (a) *To carry out the emergency planning function of the Council; and*
- (b) *To deal with all aspects of anti-social behaviour including CCTV, anti-social behaviour noise investigations and community wardens.*

7.5.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Scottish Enterprise Renfrewshire
- Riverside Inverclyde
- Strathclyde Partnership for Transport
- Glasgow City Deal
- *River Clyde Homes*
- *Clyde Muirshiel Park Authority Joint Committee*

7.6 EDUCATION AND COMMUNITIES COMMITTEE

7.6.1 Power is delegated to the Education and Communities Committee:

(a) To have the corporate responsibility for:

- Equalities
- Schools Estate Strategy
- Community Safety and Anti-Social Behaviour
- *Facilities Management*

(b) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Schools
- Early Learning and Childcare and Specialist Education Services
- Lifelong Learning
- Education Support and Development
- Safer Communities

7.6.2 The Committee has service responsibilities as follows:

General Functions

- (a) To undertake and discharge all the functions of the Council as an Education Authority in terms of the relevant legislation;
- (b) To undertake and discharge all of the functions of the Council relative to Early Learning and Childcare Services and provision therefor in terms of the relevant legislation.

Management of Education Services

- (a) To consider and approve catchment areas for schools and make provision for schools sufficient to meet the needs of pupils;
- (b) To oversee curriculum development and continued professional learning;
- (c) To oversee the quality of educational provision provided by schools;
- (d) To oversee the Council's input to supporting sustained and positive destinations for pupils;

- (e) To oversee the Council's policy on Further Education Education Maintenance Allowances;
- (f) To discharge the power to determine appeals relating to Further Education Education Maintenance Allowances, grants and similar support;
- (g) To manage arrangements for the programme of school asset management planning;
- (h) To ensure the provision of adequate health and welfare services in all educational establishments;
- (i) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of a school meals service;
- (j) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of school transport services for pupils;
- (k) To formulate policy in respect of attendance of pupils at schools.

Early Learning and Childcare and Specialist Education Services

- (a) To guide the Council in the formulation of its policy objectives and priorities in all appropriate matters relating to pre-school children and their parents;
- (b) To advise and make recommendations to any Committee of the Council on statutory functions relating to pre-school children and their parents;
- (c) To consider recommendations and make decisions relative to the management and development of services which provide activities of a kind suitable for pre-school children;
- (d) To consider recommendations and make decisions relative to training matters (including the arrangements for training staff) relating to establishments which provide activities of a kind suitable for pre-school children;
- (e) To consider recommendations and make decisions relative to the allocation and control of financial resources relating to services to pre-5 children and their parents and, where necessary, to advise and make recommendations in respect thereof to any relevant Committee;
- (f) To promote on the Council's behalf the interests of pre-5 children and their parents with all appropriate agencies on matters affecting these interests;
- (g) To oversee the Council's policy and practice with regard to the provision of out of school care and, in particular, the use of the grants budget;
- (h) To oversee the provision of a psychological service and arrangements to meet additional support needs;

Community Safety

- (a) To deal with *all aspects of Community Safety including road safety and violence against women.*

Community and Lifelong Learning

To be responsible for the management and delivery of community and lifelong learning services.

Libraries, Museums and Arts Facilities

To assess, monitor and review the need for libraries, museums and arts facilities and cultural services and to provide and manage these facilities and services.

Leisure and Community Support Services

- (a) To discharge all powers and duties of the Council for the provision and management of sporting, leisure, recreational and allied activities, public entertainment, public halls, community centres and swimming pools;
- (b) To discharge all powers and duties of the Council for sports development, community health and fitness, play, conservation, landscaping, the local Sports Council and play forums;
- (c) To determine policy for the giving of grants to voluntary organisations.

7.6.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Further Education Bodies, in particular West College Scotland
- Inverclyde Leisure

7.7 GENERAL PURPOSES BOARD

7.7.1 Power is delegated to the General Purposes Board to undertake and discharge all of the licensing functions of the Council which are not otherwise reserved to the Council or its officers or which are delegated to any other Committee and more specifically as follows:

- (a) To exercise the functions of the Council as licensing authority in terms of the Civic Government (Scotland) Act 1982, provided such civic licensing has not been specifically remitted to any other Committee;
- (b) To determine individual applications for registration and licences under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not delegated to officers, in accordance with approved policies;
- (c) To exercise the functions of the Council in respect of the Explosives Acts 1875-1976;

- (d) To exercise the functions of the Council in respect of the Pharmacy and Poisons Act 1933 and Poisons Act 1972;
- (e) To exercise the functions of the Council in respect of permits in terms of Section 19 of the Transport Act 1985 (minibus permits);
- (f) To exercise the functions of the Council in respect of the Radioactive Substances Act 1993;
- (g) To exercise the functions of the Council in respect of the legislation relating to the control of diseases of animals;
- (h) To exercise the functions of the Council in respect of the safety of sports grounds;
- (i) To approve charges as required by statute and determine licence fees;
- (j) To exercise the Council's functions regarding notification of parades and processions insofar as not delegated to officers.

7.8 HUMAN RESOURCES APPEALS BOARD

7.8.1 Power is delegated to the Human Resources Appeal Board to be the internal Council appeal body for the purposes of the Council's role as an employer, in relation to workforce matters;

- (a) To hear and decide disciplinary appeals and grievances by employees on their conditions of employment and working arrangements;
- (b) To hear and decide appeals from teaching staff in regard to the application and interpretation of Schemes and Conditions of Service for Education staff.

7.9 PLANNING BOARD

7.9.1 Power is delegated to the Planning Board:

To undertake and discharge the development control and building standards functions of the Council as Planning Authority, Buildings Authority and as Verifier and Enforcer in terms of the relevant legislation.

7.10 LOCAL REVIEW BODY

7.10.1 Power is delegated to the Local Review Body:

- (a) To review applications for planning permission or for consent, agreement or approval which have been refused, granted subject to conditions or which have not been determined within the prescribed period by the appointed officer under the Scheme of Delegation prepared in terms of the relevant legislation;
- (b) To carry out all other functions as a Local Review Body, as described in the relevant legislation.

7.11 GRANTS SUB-COMMITTEE

7.11.1 Power is delegated to the Grants Sub-Committee:

To consider applications for funding received from voluntary organisations and to award grants to such organisations from the Grants to Voluntary Organisations Budget.

7.12 LOCAL POLICE AND FIRE SCRUTINY COMMITTEE

7.12.1 Power is delegated to the Local Police and Fire Scrutiny Committee:

- (a) To consider and recommend improvements in local Police and Fire and Rescue services;
- (b) To recommend priorities and objectives for the policing of the local area;
- (c) To recommend priorities and objectives for Fire and Rescue services in the local area;
- (d) To agree the Police and Fire and Rescue local plans;
- (e) To scrutinise and review the outcomes, priorities and objectives set out in the Police and Fire and Rescue local plans;
- (f) To provide comments in response to consultations on Police and Fire and Rescue services;
- (g) To promote engagement with all interested parties including community planning partners and neighbourhood partnerships;
- (h) To make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns;
- (i) *To consider Council reports on matters which affect local Police and Fire and Rescue Services in Inverclyde providing that, where necessary, these will be remitted to the appropriate Service Committee for decision.*

7.13 PETITIONS COMMITTEE

7.13.1 Power is delegated to the Petitions Committee:

To consider petitions addressed to Inverclyde Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.

7.13.2 The Petitions Committee is unable to consider petitions that relate to:

- (a) Any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process;
- (b) Matters already being considered or scheduled to be considered by the Council or one of its Committees;
- (c) Decisions of the Council or one of its Committees during the previous 6 month period;
- (d) Matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way;
- (e) Matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons;

- (f) The same or similar petitions considered within the past 24 months; and
- (g) Matters not within the Council's power and remit or functional areas of responsibility.

The Council will not accept a petition that contains:

- (a) Any false or potentially defamatory statement as may be considered by the Council;
- (b) Any details that might damage a person's reputation or which may discriminate against them in any way;
- (c) Offensive or inappropriate language;
- (d) Information protected by a court order or relating to an ongoing court or tribunal or quasi-judicial tribunal process or which would otherwise be considered sub-judice.

HOUSING (LANDLORD REGISTRATION) SUB-COMMITTEE

Power is delegated to the Housing (Landlord Registration) Sub-Committee:

To consider and decide on the refusal or removal of the registration of a private landlord or agent in prescribed circumstances

Scheme of Delegation Officers



Inverclyde Council

Scheme of Delegation Officers

Approved – 29 September 2016

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SCHEME OF DELEGATION (OFFICERS)

A. GENERAL PROVISIONS

- 1 There will stand delegated to officers of the Council the matters specified in this Scheme relative to each officer. Such delegations are additional to the powers of a Corporate Director or Head of Service to deal with routine and operational matters within the scope of their respective service responsibilities.
- 2 Officers to whom powers are delegated will ensure that in exercising such powers they:-
 - (a) act in accordance with the Council's Standing Orders and Scheme of Administration, Standing Orders Relating to Contracts, Corporate Procurement Manual, Financial Regulations, all relevant statutory provisions, and relevant Council Policies;
 - (b) have regard to approved budgets;
 - (c) consult the relevant Elected Members where it appears that a proposed decision or action is likely to affect directly and particularly the ward interests of an Elected Member;
 - (d) consult the Chief Executive, Chief Financial Officer and/or Head of Legal & Property Services as appropriate, in respect of all matters where the officer considers that legal or financial guidance is necessary, or otherwise where the officer considers it appropriate to consult; and
 - (e) consult the Convener, or in his/her absence, Vice-Convener, of the appropriate Committee in respect of all matters which the officer considers to be sensitive or complex, or otherwise where consultation appears to the officer to be appropriate;
- 3 Except where prohibited by law or otherwise prohibited by the Council, any officer to whom delegated powers have been granted may make such arrangements within his/her Service for the exercise of the delegated powers as he/she shall deem appropriate. Details of such arrangements shall be recorded in writing.
- 4 The Council agrees to indemnify the respective Chief Officers against any damages and expenses incurred as a result of any action brought against them in the discharge or purported discharge of the functions delegated to them, provided such Chief Officers believe both that the acts complained of were carried out in the reasonable discharge of their functions and that their duty entitled them so to do.
- 5 For the avoidance of doubt, it is declared that:-
 - (a) where a statutory provision reserves the exercise of a function to the Council alone, an officer or Committee is prohibited from exercising any delegated power in that regard;
 - (b) the title of every officer referred to in this Scheme shall be read to include any alternative title which the Council may from time to time ascribe to that officer. Further, in the event that functions ascribed hereby to a particular officer are reallocated to another officer, the relevant powers delegated herein shall stand delegated to that other officer;
- 6 Any reference to an Act of Parliament or other statutory provision shall include any amendment, replacement or re-enactment thereof for the time being in force;

- 7 This Scheme of Delegation will be subject to a formal review every four years but between approval and the following four yearly review, it may be varied or revoked by the Council if requested so to do by the Chief Executive or the Head of Legal & Property Services.

B GENERAL DELEGATION TO CHIEF EXECUTIVE, CORPORATE DIRECTORS AND HEADS OF SERVICE

1 Contracts

- 1.1 Authorised to award contracts to the lowest or most economically advantageous tenderer in accordance with the Council's Standing Orders Relating to Contracts, Financial Regulations and the Corporate Procurement Manual (and any delegation flowing therefrom);
- 1.2 Corporate Directors are authorised, in situations where it is necessary to ensure the continued delivery of essential services and with the explicit agreement of the Head of Legal & Property Services and the Chief Financial Officer, to renew a contract with an existing contractor or to negotiate a contract for a period of up to 6 months, subject to the following provisos:-
- (a) this power may only be exercised in situations where a contract is coming to an end and where, for reasons beyond the control of the Council, an existing contract is due to expire without a replacement contract having been concluded;
 - (b) the prices to be paid represent value for money; and
 - (c) the arrangement does not breach the European Procurement Framework.

2 Human Resources Matters

- 2.1 Authorised to appoint employees within the approved establishment up to, but excluding, Chief Officer level;
- 2.2 Authorised to amend and adjust approved establishment up to and including posts of Managers (Grade M) but excluding Chief Officer level, subject to the approval of the Chief Executive, Chief Financial Officer and Head of Organisational Development, Policy & Communications. Salary grades shall be set in accordance with the Council's approved Job Evaluation Scheme and any amendments thereto shall be made by means of an appropriate re-evaluation carried out by the Head of Organisational Development, Policy & Communications;
- 2.3 Authorised to conduct disciplinary procedures in respect of employees within the terms of the Council's approved disciplinary procedure;
- 2.4 Authorised to approve attendance at further education subject to the agreement of the Head of Organisational Development, Policy & Communications;
- 2.5 Authorised:-
- (a) to pay valid claims for damage to, or loss of, personal property of employees in his or her Service occurring during the course of their employment, up to a limit of £500 per claim in respect of any one incident, and
 - (b) to pay claims in excess of £500 in respect of any of the aforesaid occurrences after consultation with the Head of Organisational Development, Policy & Communications.

In all cases, the Council's Insurance Section shall be advised of any payment made in pursuance of this paragraph;

- 2.6 The Chief Executive and Corporate Directors are authorised to sanction the payment of overtime in exceptional circumstances to officers who are paid above Grade J.

3 **Property**

- 3.1 In consultation with the Head of Legal & Property Services, authorised to approve terms and conditions for projects relating to his/her service contained within the approved Capital Programme;
- 3.2 Authorised to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions etc., providing same complies with the Council's policies and is within the scope of any relevant approved scheme;

4 **Charging of Fees**

- 4.1 Authorised in appropriate circumstances and where not contrary to law or Council Policy, to charge fees to third parties with respect to services rendered to said third parties.
- 4.2 Authorised to waive fees in appropriate circumstances in accordance with Council policy and/or procedures.

5 **Matters Requiring Urgent Action**

- 5.1 Where, in the opinion of a Head of Service, a matter which would normally require prior approval by a Committee requires to be dealt with as a matter of urgency, that Head of Service shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Committee, a Member not having the same political affiliation as the Convener and Vice-Convener and the Chief Executive. In any instance where the Chief Executive is not available, the person duly authorised on his or her behalf shall be entitled to act in his or her stead and where the Convener or Vice-Convener of the Committee is not available for consultation with the Head of Service, the Convener of the Policy & Resources Committee shall be entitled to act in his or her stead. If the Convener, Vice-Convener, the said Member and the Chief Executive concur on the appropriate course of action to be followed, the Chief Executive shall have the power to authorise the said Head of Service to deal with the matter in such a manner as may have been agreed with the three members. Following the use of any authority provided under this procedure, the said Head of Service shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Committee. Where the use of emergency powers requires a financial commitment by the Council, the requirements of the Financial Regulations relating to emergency authority must be observed.
- 5.2 Where, in the opinion of the Chief Executive following consultation with the Chief Financial Officer, a matter which would result in a material financial benefit or saving of expenditure for the Council and would normally require the suspension of Standing Orders by the Council to allow it to proceed, requires to be dealt with as a matter of urgency, the Chief Executive shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Policy and Resources Committee and the Leader of the Minority Group(s). Where they concur on the appropriate course of action to be followed, the Chief Executive shall have the power to approve the required suspension of Standing Orders to deal with the matter to allow the decision to be implemented. Following the use of any authority provided under this procedure the Chief Executive shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Council.

6 **Health & Safety**

- 6.1 Authorised in terms of the Health & Safety at Work Act 1974 to carry out all duties set out in the Statements of the Council's Health & Safety Policies.

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

There stands delegated to the following Officers:-

Chief Executive;
Corporate Director *Environment, Regeneration & Resources*;
Head of Legal & Property Services and Monitoring Officer; and
Head of *Environmental & Public Protection*

the power to grant authorisations for directed (covert) surveillance permitted under Sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000.

8 **Consultation Documents**

Authorised to submit responses to consultation documents which concern operational issues.

C SPECIFIC DELEGATION TO OFFICERS

Officer: Chief Executive

Delegation:

- 1 Authorised in an emergency or in cases of urgency to instruct executive action on a report from the appropriate Officer on any matter delegated or referred to a Committee, after consultation with the Convener or, in his/her absence, Vice-Convener of the appropriate Committee. In the absence of the Chief Executive, the person duly authorised to act on his/her behalf may exercise this power. Where the action has financial implications, the Chief Financial Officer shall be consulted before any action is taken, and where there are legal or governance issues, the Head of Legal & Property Services shall be consulted before any action is taken;
- 2 In cases of civil emergencies, the Chief Executive, or in his/her absence, the person duly authorised to act on his/her stead, is authorised to take any and all actions necessary, within the powers of the Council;
- 3 Authorised to direct, in circumstances he/she deems appropriate, that an Officer shall not exercise a delegated function;
- 4 Authorised, in appropriate circumstances, to approve applications by employees charged in the course of their employment with offences under the Health and Safety at Work Act 1974, the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963, or similar legislation, for assistance with legal expenses in connection with their defence, subject to the right of an employee aggrieved by any decision of the Chief Executive to appeal to the HR Appeals Board;
- 5 Authorised, in appropriate circumstances, to approve applications by employees convicted and fined under the aforesaid legislation, for offences committed whilst acting in the course of their employment, for payment of the fine imposed, subject to the right of an employee aggrieved by a decision of the Chief Executive to appeal to the HR Appeals Board;
- 6 Authorised to act as the Proper Officer in terms of Section 194 (1) of the Local Government (Scotland) Act 1973 and to sign all deeds and other documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages;
- 7 Authorised to sign contracts, missives and similar documents binding the Council except where otherwise provided for in this Scheme;
- 8 Authorised to issue and/or review licences in respect of all licensing matters not specifically delegated to other Officers or Council Services;
- 9 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, 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 and to the Proper Officer thereof;
- 10 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining prior to a meeting whether documents should be made available to the public;
- 11 Authorised to make suitable arrangements for the recruitment and appointment of Chief Officers within the approved establishment;

- 12 Authorised to approve, in appropriate circumstances, applications from employees for reimbursement of reasonable legal expenses incurred in defending Court Actions raised personally against them, providing such Court Actions relate to acts carried out (a) within the course of their employment; (b) in accordance with Service procedures; and, (c) in good faith;
- 13 Authorised in exceptional circumstances where he/she deems it appropriate, and following consultation with the Chief Financial Officer and the Head of Legal & Property Services, to make ex gratia payments up to a limit of £500 to those in receipt of services from the Council and/or who reside in the area;
- 14 Authorised to approve, in consultation with the Chief Financial Officer and the Head of Organisational Development, Policy & Communications, the release of employees under the Council's Voluntary Severance Scheme where a value for money test has been satisfied and the release relates to an approved Committee/Council decision;
- 15 In consultation with the Head of Organisational Development, Policy & Communications to exercise all discretions available to the Council in terms of The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008, The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 and The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998;
- 16 Appointed to act as the Returning Officer for all elections in terms of Sections 25 and 41 of the Representation of the People Act 1983 (as amended);
- 17 Authorised to take all steps necessary in relation to the administration of national and local elections, referendums and all other electoral processes.

Directorate **Education, Communities & Organisational Development**

Officer: **Head of Education**

Delegation:

- 1 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 2 Authorised to make grants up to £2000 to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad;
- 3 Authorised to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- 4 Authorised to provide courses in education training as requested by outside agencies and to negotiate appropriate charges for these services;
- 5 Authorised to ensure that requisite provision is made for any pupil entitled in terms of Section 53 (3) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day;
- 6 Authorised to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 in accordance with the guidelines formulated by the Council, taking into account the requirement imposed on the Council by Section 2 (2) of the Standards in Schools etc. Act 2000;
- 7 Authorised to accept placing requests in terms of the Education (Scotland) Act 1980 and to make whatever transport arrangements are deemed to be appropriate in individual cases brought to his/her attention, where supporting documentation satisfies him/her that the child concerned has serious emotional or psychological problems;
- 8 Authorised to grant, in consultation with the Head of Organisational Development, Policy & Communications, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service;
- 9 Authorised to determine the dates of local school holidays after appropriate consultation;
- 10 Authorised to accept and administer all existing Trusts and endowments as well as any new Trusts or small endowments which may be offered to the Council for schools or for educational purposes in their area;
- 11 Authorised to exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980 (provision of travelling facilities and accommodation in exceptional circumstances);
- 12 Authorised to make payment of reasonable daily travel expenses subject to the relevant provisions of the conditions of service for teachers in schools who have been compulsorily transferred;
- 13 Authorised to appoint and supervise staff contracted in accordance with the service conditions set by the Scottish Negotiating Committee for Teachers (SNCT) and in terms of any local agreement entered into with the Council's Local Negotiating Committee (LNCT) within the complements approved by the Council;
- 14 Authorised to transfer teachers within the Council's policy and where appropriate to pay transfer expenses;
- 15 Authorised to review staffing levels to ensure compliance with national and local priorities for education, establish posts for staff employed in terms of the conditions of service for Local Government employees subject to available budgets;

- 16 Authorised to exercise discretionary power available in implementation of conditions of service in relation to teachers in the Council's employment, following consultation with the Head of Organisational Development, Policy & Communications;
- 17 Authorised, in consultation with the Head of Organisational Development, Policy & Communications, to grant paid leave of absence to enable teachers to undertake part-time or full-time courses approved by him/her, provided such leave of absence does not give rise to or increase the incidence of part-time education in schools;
- 18 *Authorised to exercise the duties and responsibilities of the Council as Education Authority under the Children and Young People (Scotland) Act 2014;*
19. *Authorised in an emergency or in cases of urgency to instruct the temporary closure of any or all Council educational establishment(s) provided every reasonable step has been undertaken to consult with the Corporate Director Education, Communities & Organisational Development and the Chief Executive.*

Directorate **Education, Communities & Organisational Development**

Officer: **Head of Inclusive Education, Culture & *Communities***

Delegation:

- 1 Authorised to determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980 outwith the guidelines approved by the Council.
- 2 *Authorised to carry out the functions of the Council as Education Authority in relation to adequate and efficient education for children with additional support needs in terms of Section 1 of the Education (Scotland) Act 1980 and the Education (Additional Support for Learning) (Scotland) Act 2004, including placement in day and residential schools and other appropriate establishments;*
- 3 Authorised to exercise the power to disregard parental income, in part or in total, where the parents of the students are divorced or living apart;
- 4 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 5 *Authorised to issue licences in terms of the Children (Performances and Activities) (Scotland) Regulations 2014;*
- 6 Authorised to make grants to pupils from schools within the Council area or who are normally resident within the Council area, who are elected to join worthy musical organisations, in respect of fees for attendance at courses related to their membership of the organisation;
- 7 Authorised to increase, in cases of hardship and at his/her discretion, the amount of grant awarded to school pupils attending any part-time approved arts activities courses, all in accordance with current Council Policy;
- 8 Authorised to satisfy himself/herself that dance and drama courses are at an establishment accredited by the approved material body and that support for them is reasonable. Grants to be awarded to pupils attending such courses shall be in accordance with current Council Policy;
- 9 Authorised to exercise at his/her discretion the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980 and to pay the agreed fees for the placement of pupils normally resident in the area of the Council into schools operated by other education authorities;
- 10 Authorised to incur costs and pay fees for the transport of pupils placed by the Council:-
 - (a) in schools outwith the area;
 - (b) for pupils attending all special schools, units and establishments in the Council's area; and
 - (c) for pupils where there is a medical or special educational need who attend any school operated by the Council.
- 11 Authorised to exercise, at his/her discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
- 12 Authorised to exercise discretionary powers in terms of Section 37 of the Standards in Schools etc. Act 2000 to provide transport for children receiving pre-school education;

- 13 Authorised to exercise the functions of the Council in terms of Section 51 (1) of the Education (Scotland) Act 1980 to make such arrangements as considered necessary to fulfil the statutory obligation for the provision of free school transport;
- 14 *Authorised to grant or refuse requests for access to and amendment of records in terms of the Pupils Educational Records (Scotland) Regulations 2003, subject to the requirement of the Data Protection Act 2018;*
- 15 Authorised to exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools under the Authority's management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980, after appropriate consultation;
- 16 Authorised to make payments for the education provision of children attending residential establishments who are looked after in terms of the Children (Scotland) Act 1995;
- 17 Authorised to pay appropriate fees for the education provision of children normally resident in the Council's area placed in residential establishments under a supervision order made by a children's hearing;
- 18 *Authorised to make grants to Voluntary Organisations, up to a limit of £10,000;*
19. *Authorised to implement, apply and enforce Management Rules relating to Sports Centres, Leisure Complexes, Swimming Pools, Athletic Stadiums, Tennis Courts, Golf Courses, Bowling Greens, Community Centres, Tenants' Halls and all other facilities within the remit of the Corporate Director.*

Directorate **Education, Communities & Organisational Development**

Officer: **Head Teachers**

Delegation:

- 1 Authorised to carry out the specific functions and responsibilities delegated to them in terms of *(a)* the DMR Scheme *and (b) the Pupil Equity Funding Scheme, as* approved by Inverclyde Council and the Scottish Ministers;
- 2 Authorised to carry out the function delegated to them by the Scottish Ministers in accordance with duties outlined in the document “A Teaching Profession for the 21st Century” and conditions of service;
- 3 Authorised to exclude pupils in terms of the Council’s policy and in accordance with the relevant statutory provisions.

Directorate **Environment, Regeneration & Resources**

Officer: **Head of Environmental & Public Protection**

Delegation:

- 1 Authorized under Section 27 of the Food Safety Act 1990, to appoint and authorise a suitably qualified public analyst/s and food examiner/s to act for the Council for the purposes of the said Act;
- 2 Appointed as an authorised officer under Regulations 4 and 5 of the Public Health (Ships) (Scotland) Regulations 1971 (as amended) and authorised to carry out the duties required to ensure enforcement of the said Regulations;
- 3 Authorized to appoint and authorise suitably qualified inspectors for securing the proper exercise of those functions required of the Council in terms of the Public Health (Ships) (Scotland) Regulations 1971 (as amended), including the issue of Ships' Sanitation Certificates;
- 4 Authorized to act and appoint suitably qualified officers as Local Authority Competent Persons under the Public Health etc. (Scotland) Act 2008;
- 5 Authorized to appoint a suitably qualified and experienced Officer to act as Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
- 6 Authorized to issue and/or renew licences under the Petroleum Acts and to issue and/or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be delegated to him/her by the Council, in accordance with approved codes of practice and the statutory provisions relating thereto;
- 7 Authorized to appoint an Inspector and authorised Officers to exercise the powers and duties (including the powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) under such legislation as may from time to time be referred to him/her by the relevant Committee of the Council;
- 8 Authorized to appoint as Inspectors and authorised Officers for the purposes of the administration and enforcement of legislation referred to him/her by the relevant Committee of the Council such as he/she may deem necessary and appropriate;
- 9 Authorized to discharge the Council's functions under Section 19 of the Health & Safety at Work Act 1974 for the purposes of the enforcement of the Explosives Acts 1875 and 1923 (as amended) with respect to the licensing, registration and regulation of stores or registered premises where mixed explosives, including fireworks, are stored for sale;
- 10 Authorized to sign Suspension Notices under Section 14 of the Consumer Protection Act 1987;
- 11 Authorized to sign Notices under Section 94 of the Civic Government (Scotland) Act 1982;
- 12 Authorized to determine applications in respect of fireworks and mixed explosives licences under the Explosives Acts 1875 and 1923, where no objections have been lodged and there are no unusual features about the application;
- 13 *Authorized to carry out the Council's powers, duties and obligations in relation to Decriminalised Parking Enforcement, including all functions of the Council in terms of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 both as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014; including the promotion, review and variation of Traffic*

Regulation Orders, signage, statutory and other consultation and overall parking policy review

- 14 *Authorised to carry out the functions of the Council in terms of the following sections of the Environmental Protection Act 1990:*
- (a) Section 45 – under which (i) the Council is required to collect “controlled waste” and (ii) set reasonable charges for the collection of certain categories of waste;*
 - (b) Section 46 – under which the Council has the power to specify the kind, number, size, construction, maintenance and placing of receptacles for the storage of household waste and the charging therefor;*
 - (c) Section 47 – under which the Council has the power to specify the kind, number and construction and placing of receptacles for the storage of commercial waste and the charging therefor;*
 - (d) Section 48 – relating to the deposit of controlled waste collected by the Council;*
 - (e) Section 52 – under which the Council is required to pay recycling credits and/or waste disposal charges;*
 - (f) Section 53 – relating to the functions of the Council in respect of (i) the disposal of waste collected by it, and (ii) the provision of civic amenity sites for the disposal of waste;*
 - (g) Section 56 – under which the Council can (i) enable waste belonging to the Council to be recycled, or (ii) enable waste belonging to the Council to be used for the production of heat or electricity or both, or (iii) acquire waste for the purpose of its being recycled, or (iv) reuse, sell or dispose of waste belonging to the Council;*
 - (h) Section 87 – under which a local authority, with a view to promoting litter abatement, may publicise the offence of littering and the associated level of fine liable on conviction;*
 - (i) Section 88 – under which the litter authority may appoint authorised officers to issue fixed penalty notices for littering;*
 - (j) Section 90 – under which a litter authority can designate land as a litter control area;*
 - (k) Section 92 – under which a litter authority can serve a litter abatement notice; and*
 - (l) Section 99 – relating to abandoned trolleys and the exercise of powers to seize, remove, retain and dispose of, or set charges for the return of trolleys in terms of Schedule 4.*
- 15 *Authorised to carry out the functions of the Council in terms of the Waste Minimisation Act 1998;*
- 16 *Authorised to carry out the functions of the Council in terms of the following sections of the Refuse Disposal (Amenity) Act 1978:*
- (a) Section 3 – under which the Council has powers to remove abandoned vehicles;*
 - (b) Section 4 – under which the Council has powers to dispose of any abandoned vehicles;*

- (c) *Section 5 – under which the Council can recover reasonable charges in respect of the collection, storage and disposal of abandoned vehicles;*
 - (d) *Section 6 – under which the Council has powers to remove and dispose of “other refuse”;*
 - (e) *Section 8 – under which a duly authorised Officer of the Council has powers to enter land in relation to Sections 3 and 6 of the Act.*
- 17 *Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984:*
- (a) *Under Section 1(4), in relation to Notices of Intention to add a private road to the List of Public Roads or delete a public road from the List of Public Roads;*
 - (b) *Under Section 12, in relation to the stopping up or diversion of roads crossing or entering public roads or proposed roads;*
 - (c) *Under Section 13, in relation to the imposition on frontagers of the requirements to make up and maintain private roads including the service of appropriate notices;*
 - (d) *Under Section 15, in relation to the completion of necessary work on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91);*
 - (e) *Under Section 16 (1) (b), in relation to the consideration and determination of applications for the adoption of private roads as public;*
 - (f) *Under Section 18, in relation to the adoption of footpaths associated with development;*
 - (g) *Under Section 21, in relation to applications for construction consent for new roads built by a person other than the roads authority;*
 - (h) *Under Section 23, in relation to stopping up or temporarily closing any new road constructed by a person other than the roads authority, without consent or in contravention of or in non-compliance with, a condition imposed by a construction consent;*
 - (i) *Under Section 30, in relation to the serving of notices subject to Section 31(3) in connection with carrying out works for protecting roads against hazards of nature;*
 - (j) *Under Section 31 (3), in relation to the service of notices in connection with the drainage of public roads or proposed public roads, on the owner and occupier of the land affected;*
 - (k) *Under Section 35 (1) and (4), and after giving notice in terms of Section 35 (5) in relation to the provision of road lighting and related structures;*
 - (l) *Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;*
 - (m) *Under Section 56, in relation to the authorisation of works and excavation in or under a public road;*
 - (n) *Under Section 57, in relation to the prevention or termination of dangerous works or excavations in or under a public road;*

- (o) *Under Section 58, in relation to the granting of permission for the deposit of building materials on roads;*
- (p) *Under Section 59, in relation to the control of obstructions in roads;*
- (q) *Under Section 60, in relation to the issuing of consent for marking, lighting and fencing of obstructions or roadworks and for shoring buildings requiring protection in similar circumstances;*
- (r) *Under Section 61, in relation to granting permission to place and thereafter maintain apparatus in or under a public road;*
- (s) *Under Section 62, after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Environment & Regeneration Committee and the local Members, in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;*
- (t) *Under Section 63, in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;*
- (u) *Under Section 64 (2), in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks maintainable by the roads authority in connection with their apparatus in terms of Section 64 (1) (b);*
- (v) *Under Section 66, in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;*
- (w) *Under Section 67, in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users;*
- (x) *Under Section 78 (2), in relation to the service of notices prior to the diversion of waters where necessary in connection with the construction, improvement or protection of a public road;*
- (y) *Under Section 79, and after consultation with the Chief Financial Officer, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations;*
- (z) *Under Section 83, in relation to the prevention of obstruction of the view of road users at or near corners, bends and junctions;*
- (aa) *Under Section 85, in relation to granting permission for the location of builders' skips on roads;*
- (bb) *Under Section 86, in relation to the removal or repositioning of any builders' skip which is causing or is likely to cause a danger or obstruction;*
- (cc) *Under Section 87, in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;*
- (dd) *Under Section 88, in relation to the removal of projections interfering with safe or convenient passage along a road;*
- (ee) *Under Section 89, in relation to the removal of accidental obstructions from roads;*
- (ff) *Under Section 90, in relation to the granting of consent for fixing or placing over, along or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus;*

- (gg) *Under Section 91, in relation to the prevention of danger to road users and the prevention of obstructions caused by roadside vegetation, fences or walls;*
 - (hh) *Under Section 92, in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway;*
 - (ii) *Under Section 93, in relation to the protection of road users from dangers near a road;*
 - (jj) *Under Section 94, in relation to the infill of dangerous ditches adjacent to or lying near a public road;*
 - (kk) *Under Section 96(1), in relation to the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc.;*
 - (ll) *Under Section 96 (1), to act as the Proper Officer to issue a certificate as provided in the said Section;*
 - (mm) *Under Section 97, in relation to the issue of consent for trading;*
 - (nn) *Under Section 99 (2), in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99 (1) (prevention of the flow of water, filth, dirt or other offensive matter onto the road);*
 - (oo) *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);*
 - (pp) *Under Section 140, in relation to authorising persons to enter land to take any action or execute any work authorised or required to be taken or executed by the roads authority under the Act;*
 - (qq) *To exercise the functions of the Council under Section 152 (2) to redetermine the means of exercise of a public right of passage over a road;*
- 18 *Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-*
- (a) *Under Section 14, in relation to the temporary prohibition or restriction of traffic on roads;*
 - (b) *Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs;*
- 19 *Authorised after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board, and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;*
- 20 *Authorised to carry out the functions of the Council under the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible, including but not limited to the issuing of fixed penalty notices in relation to Part IV of the Act;*

- 21 *Authorised after consultation with the Chief Financial Officer to agree terms for Bridge Agreements with the relevant Railway Body and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection;*
- 22 *Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;*
- 23 *Authorised to make arrangements for the management of piers, harbours, car parks, etc., including, subject to consultation with the Head of Legal and Property Services, granting use of part thereof to other persons or bodies, and following consultation with the Chief Financial Officer, the imposition or waiving of charges for such use;*
- 24 *Authorised, in conjunction (where appropriate) with the Head of Legal & Property Services, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:*
- (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;*
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;*
 - (c) Under Section 8, to arrange for the publishing of notices relating to a works scheme and the serving of like notices on affected harbour and other relevant authorities;*
 - (d) Under Section 12, to serve notice on owners of land where protection works are necessary;*
 - (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;*
- 25 *Authorised to carry out the functions of the Council under the following Acts:-*
- (a) Reservoirs (Scotland) Act 2011;*
 - (b) Flood Prevention & Land Drainage (Scotland) Act 1997;*
 - (c) Flood Risk Management (Scotland) Act 2009;*
 - (d) The Road Humps and Traffic Calming (Scotland) Amendment Regulations 2002;*
 - (e) Transport (Scotland) Act 2005.*
- 26 *Authorised, in terms of existing contracts and subject to consultation with the Head of Legal & Property Services, to negotiate Service Level Agreements with Scottish Power;*
- 27 *In terms of the Construction (Design & Management) Regulations 2015 (CDM 2015) for roads projects:*
- (a) To act as Client's Agent and appoint Designer, Planning Supervisor, Principal Contractor and/or Contractor;*
 - (b) In the case of contracts in which the Council acts as agent of the Scottish Ministers in terms of Section 4 of the Roads (Scotland) Act 1984, to consent to the Council being appointed as Client's Agent;*
 - (c) In the case of contracts where the Council is appointed as Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor to carry out the duties appropriate to each such appointment;*

- 28 *Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984:-*
- (a) *Under Sections 36 and 37, after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board and the local Members in relation to the construction of road humps;*
 - (b) *Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;*
- 29 *Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-*
- (a) *Under Section 23, in relation to pedestrian crossings on roads other than trunk roads;*
 - (b) *Under Section 65, in relation to the placing of traffic signs;*
 - (c) *Under Section 68, in relation to the placing of traffic signs in connection with the exercise of other powers of the Authority as defined in sub-section (1) thereof;*
 - (d) *Under Section 69, in relation to the removal of signs;*
 - (e) *Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs;*
- 30 *Authorised after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board, and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under :-*
- (a) *The Road Traffic Regulation Act 1984; and*
 - (b) *Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;*
- 31 *Authorised to carry out the functions of the Joint Road Safety Officer in conjunction with the Chief Constable;*
- 32 *Authorised, subject to consultation with the Chief Constable and the authorised representative of Strathclyde Partnership for Transport, to make requests to the Traffic Commissioner to determine and attach to operators' licences, traffic regulation conditions restricting the operations of local services, all in terms of Section 7 of the Transport Act 1985;*
- 33 *Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;*
- 34 *Authorised where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operators' Licences, under Section 12 of the Goods, Vehicles (Licensing of Operators) Act 1995;*
35. *Authorised to implement, apply and enforce Management Rules relating to Parks and Open Spaces, in accordance with the Civic Government (Scotland) Act 1982 (as amended);*
36. *Authorised to grant authorisations for directed (covert) surveillance permitted under Sections B6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000;*

37. *Authorised to make, serve and revoke Closing Orders under the Housing (Scotland) Act 1987 in respect of Below Tolerable Standard properties.*

38 Authorised to carry out the Council's powers, duties and obligations, including the powers of entry, inspection, sampling, service of notices, seizure and/or purchase of goods, gathering of information, taking of samples etc. in terms of the following Acts and regulations made thereunder and to appoint and authorise suitably qualified officers and inspectors to carry into effect the relevant statutory provisions contained within the said Acts and Regulations

Animal Boarding Establishments Act 1963;

Animal Health Act 1981;

Animal Health and Welfare (Scotland) Act 2006;

Animal Health and Welfare Act 1984;

Antisocial Behaviour etc. (Scotland) Act 2004;

Breeding of Dogs Act 1973;

Breeding of Dogs Act 1991;

Building (Scotland) Act 2003;

Cancer Act 1939;

Caravan Sites and Control of Development Act 1960;

Children and Young Persons (Protection from Tobacco) Act 1991;

Chronically Sick and Disabled Persons Act 1970;

Civic Government (Scotland) Act 1982;

Clean Air Act 1993;

Climate Change (Scotland) Act 2009;

Companies Act 2006;

Consumer Credit Act 1974 (as amended);

Consumer Credit Act 2006;

Consumer Protection Act 1987;

Consumer Rights Act 2015;

Consumers, Estate Agents and Redress Act 2007;

Control of Dogs (Scotland) Act 2010

Control of Pollution Act 1974;

Copyright, Designs and Patents Act 1988;

Customs and Excise Management Act 1979

Dangerous Dogs Act 1991;

Dangerous Wild Animals Act 1976;

Development of Tourism Act 1969;

Dog Fouling (Scotland) Act 2003;

Dogs Act 1871;

Education Reform Act 1988;

Enterprise Act 2002;

Environmental Protection Act 1990;

Estate Agents Act 1979;

European Communities Act 1972;

Explosives Acts 1875 and 1923;

Factories Act 1961;

Fair Trading Act 1973;
Fireworks Act 2003;
Food and Environment Protection Act 1985;
Food Safety Act 1990;
Forgery and Counterfeiting Act 1981;
Guard Dogs Act 1975;
Hallmarking Act 1973;
Health and Safety at Work etc. Act 1974;
Housing (Scotland) Acts 1987, 2006 and 2010;
Knives Act 1997;
Licensing (Scotland) Act 2005;
Medicines Act 1968;
Motor Cycle Noise Act 1987;
Motor Vehicles (Safety Equipment for Children) Act 1991;
National Lottery etc. Act 1993;
Olympic Symbol etc. (Protection) Act 1995;
Performing Animals (Reg.) Act 1925;
Pet Animals Act 1951;
Petroleum (Consolidation) Act 1928;
Petroleum (Transfer of Licences) Act 1936;
Poisons Act 1972;
Prevention of Damage by Pests Act 1949;
Prices Acts 1974 and 1975;
Property Misdescriptions Act 1991;
Public Health etc. (Scotland) Act 2008;
Refuse Disposal (Amenity) Act 1978;
Registered Designs Act 1949
Sewerage (Scotland) Act 1968;
Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016
Smoking, Health & Social Care (Scotland) Act 2005;
Telecommunications Act 1984;
Tobacco Advertising and Promotion Act 2002;
Tobacco and Primary Medical Services (Scotland) Act 2010;
Tobacco Products Duty Act 1979;
Trade Descriptions Act 1968;
Trade Marks Act 1994;
Unsolicited Goods and Services Acts 1971 and 1975;
Video Recordings Acts 1984, 1993 and 2010;
Water (Scotland) Act 1980;
Water Services etc. (Scotland) Act 2005;
Weights and Measures Act 1985;
Weights and Measures Etc. Act 1976;
Zoo Licensing Act 1981.

Directorate Education, Communities & Organisational Development

Officer: **Head of Organisational Development, Policy & Communications**

Delegation:

- 1 Authorised to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
- 2 Authorised, subject to the approval of the Chief Executive, to approve appointments of temporary staff where considered necessary, subject to six monthly review;
- 3 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to approve requests by the Chief Executive, Corporate Directors or Heads of Service for the establishment of temporary posts, up to Chief Officer level and to establish Chief Officer posts after consultation with the appropriate convener;
- 4 Authorised, subject to the approval of the Chief Executive, to approve requests by the Chief Executive, Corporate Directors or Heads of Service for the secondment of employees to external agencies where the 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;
- 5 Authorised 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;
- 6 Authorised to approve, in conjunction with the appropriate Head of Service, special leave with or without pay where the period of leave is in excess of the provisions of the Council's Conditions of Service;
- 7 Authorised to approve, in conjunction with the appropriate Head of Service, unpaid leave of absence for employees to undertake courses of further education and to approve where necessary, temporary replacements for the duration of the absences;
- 8 Authorised to grant, in accordance with the guidelines approved by the Policy & Resources Committee, unpaid leave of absence, up to a maximum of two years, to enable employees to undertake voluntary service with a voluntary organisation and to approve where necessary, temporary replacements for the duration of the absence;
- 9 Authorised in exceptional cases where the five years' service rule is not met, to approve, at the request of a Corporate Director or Head of Service, an extension to a holiday period but without pay;
- 10 Authorised to approve changes in post designations, with the exception of Chief Officer posts, where there is no change in salary grade, in consultation with the appropriate Head of Service;
- 11 Authorised in consultation with the appropriate Chief Officer:-
 - (a) to approve initial placing within approved salary grades; and
 - (b) to review salary placing in appropriate circumstances, within approved salary grades in conformity with accepted practice;
- 12 Authorised to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council;

- 13 Authorised, after consulting with the Chief Financial Officer and the Head of Legal & Property Services, to approve ex gratia payments or advance of salary to employees where the circumstances are not covered by the Council's Scheme of Conditions of Service;
- 14 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to establish posts and to set and amend the grades of jobs, up to and including Grade M, that are covered by the single status agreement in terms of the Scottish Joint Council (SJC) National Job Evaluation Scheme and with the procedures agreed by the Council up to but not including Chief Officer level;
- 15 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer and the Head of Legal & Property Services, to compromise Employment Appeal settlements where the interests of the Council and the requirements of best value can be demonstrated;
- 16 Authorised to approve and apply all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council;
- 17 Authorised to apply national agreements and legislative requirements and where appropriate the amendment of local conditions of service and contracts of employment of employees unless there exists opposition to such changes from management, employees or trades unions or where such changes involve matters of principle or policy;
- 18 Authorised to pay salary and wages and to make associated arrangements for payment of Council paid employees;
- 19 In consultation with the Chief Executive and the Chief Financial Officer, to determine requests to introduce a Spend to Save scheme to 'buy out' inherited conditions and personal preservations.

Directorate **Health & Social Care Partnership**

Officer: **Chief Officer (Integration Joint Board)**

Delegation:

- 1 *Authorised to take any action in connection with any function delegated or specified under the Integration Scheme between Inverclyde Council and NHS Greater Glasgow and Clyde, or otherwise conferred upon the Inverclyde Integration Joint Board or its constituent authorities by virtue of the Public Bodies (Joint Working) (Scotland) Act 2014, including but not limited to any function directed to any of them by the Scottish Ministers.*

Directorate **Health & Social Care Partnership**

Officer: **Chief Social Work Officer**

Delegation:

- 1 Authorised to act as the proper officer in terms of Section 3 of the Social Work (Scotland) Act 1968;
- 2 *Authorised to carry out the functions of the Council under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (as amended) and subsequent legislation*
- 3 Authorised to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
 - (a) Section 12, under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area, including authority to (i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family, and (ii) give any other appropriate assistance, including provision for the storage of furniture in cases of emergency;

 In calculating the amount given or loaned for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Council. Further, with respect to such grants, the Chief Social Work Officer is empowered to abate or waive loan repayments to avoid hardship according to personal and financial circumstances of the client in accordance with guidelines agreed with the Chief Financial Officer;
 - (b) Section 13, under which the Council may assist in the disposal of the produce of work undertaken by persons in need;
 - (c) Section 14, under which the Council is required to provide home help and laundry facilities for persons in need, etc. Any charge for the provision of such facilities shall be recovered by the Chief Social Work Officer on the appropriate scale as may be determined by the Council;
 - (d) Section 28, which empowers the Council to make arrangements for the burial or cremation of any person who was in the care of or was a child being looked after by, or was receiving assistance from, the Council at their date of death and to recover where appropriate any expenses so incurred which are not recoverable under the National Insurance Act 1965;
 - (e) Section 29, which empowers the Council to pay the expenses incurred by a parent, relative or other person visiting a person in the care of the Council, or incurred in attending the funeral of a person who was in the care of, or was receiving assistance from the Council, if it appears that the parent or relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment;
 - (f) Section 80, with respect to contribution orders relating to any maintainable child looked after by the Council;
- 4 Authorised to arrange or assist in arranging holidays, including holidays abroad or other temporary absences from the area, of any child being looked after by the Council, except in those cases where the cost to the Council is in excess of £1,000;
- 5 Authorised to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 in relation to the temporary storage of furniture in certain circumstances on behalf of certain persons;

- 6 Authorised (i) to appoint a sufficient number of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and (ii) to carry out the functions of the Council under the said Act;
- 7 Authorised to carry out the functions of the Council in relation to the following sections of the Children (Scotland) Act 1995:-
- (a) Section 31, which places a duty on the Council to review the cases of looked after children within the recommended statutory intervals;
 - (b) Section 38 which empowers the Council to provide refuge for a relevant period in a residential establishment or a designated household for a child or young person who appears to be at risk of harm and who has made such a request;
 - (c) Section 36 which places a duty on the Council to consider the welfare of children in hospitals and nursing homes where the child has had no parental contact for 3 months or more;
 - (d) Section 17, which places a duty on the Council, where a child is looked after by the Council:-
 - (i) to safeguard and promote the child's welfare (which in the exercise of this duty shall be the Council's paramount concern);
 - (ii) to make such use of services available for children cared for by their own parents as appear to the Council to be reasonable;
 - (iii) to take steps to promote contact on a regular basis between the child and any person having parental responsibilities for the child;
 - (iv) to provide advice and assistance to a looked after child to prepare the child for when he/she is no longer looked after by the Council;
 - (v) in making any decision in relation to a child, to ascertain and have regard to the views of the child, the child's parents, any person having parental responsibilities and any other person whose views the Council considers relevant; and
 - (vi) to have regard to the child's religious persuasion, racial origin and cultural and linguistic background;
 - (e) Section 22, which imposes a duty on the Council to safeguard and promote the welfare of children in their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to the child's needs, including authority to:-
 - (i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family;
 - (ii) give any other appropriate assistance;

In calculating the amount given for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 22, otherwise authorised by the Council;

- (f) Section 23, which places a duty on the Council to ensure that services provided by the Council minimise the effects of disability on any disabled child who is within the Council's area and similarly with any child who is adversely affected by the disability of any other person in his/her family, and also imposes a duty on the Council to carry out an assessment of the child to identify his/her needs;
- (g) Section 25, which imposes a duty on the Council to look after and accommodate, in certain circumstances, any child in need within their area;
- (h) Section 26, which imposes a duty on the Council to provide accommodation and maintenance for a child who is looked after by boarding him/her out or maintaining him/her in a residential establishment, or making such other arrangements which appear to be appropriate;
- (i) Section 29(1), which imposes a duty of after care in respect of any child over school leaving age but not yet 19 years of age who was in the care or looked after at the time when he/she ceased to be of school age or any subsequent time but is no longer looked after. This function is only exercisable in accordance with Notes of Guidance approved by the Council;
- (j) Section 30, which empowers the Council to grant financial assistance to persons over school age but under 21 who are now, or at any time since ceasing to be of school age have been, in the care of or looked after by the Council, to enable them to meet expenses in connection with their education or training. This function is exercisable only in accordance with Notes of Guidance approved by the Council;
- (k) Section 32, which empowers the Council to remove any child from a residential establishment;
- (l) Section 76(1), which allows the Council to make application to exclude any named person from the child's household where it is believed that the child has suffered or is suffering or is likely to suffer significant harm;;

8 Authorised to carry out all of the relevant functions of the Council in terms of the Children's Hearings (Scotland) Act 2011, and without prejudice to the foregoing generality:-

- (a) In terms of Section 60, to make all necessary enquiries and provide the Principal Reporter with information where he/she believes that compulsory measures of supervision may be necessary;
- (b) In terms of Section 83, to give effect to a Compulsory Supervision Order and any of the measures specified therein, made by a Children's Hearing for the Council's area;
- (c) In terms of Section 86, to give effect to an interim Compulsory Supervision Order;
- (d) In terms of Section 114, to give effect to a Compulsory Supervision Order and any of the measures contained therein, made by a Children's Hearing for the Council's area;
- (e) In terms of Section 131, to seek a review by a Children's Hearing of the Compulsory Supervision Order in certain circumstances;
- (f) In terms of Section 143, to arrange for the transfer of a child where necessary;
- (g) In terms of Section 35, to instruct the Head of Legal & Property Services to apply to the court for a Child Assessment Order where necessary;

- (h) In terms of Section 37, to make an application to court for a Child Protection Order where necessary.
- 9 Authorised to carry out the relevant functions of the Council in relation to the adoption of children and Permanence Orders in terms of the Adoption and Children (Scotland) Act 2007;
- 10 Authorised to carry out the functions of the Council in relation to the fostering of children in terms of any regulations promoted under Section 5(2) to 5(4) of the Social Work (Scotland) Act 1968, Sections 17(2) and (3), 31 and 103(2) and (3) of the Children (Scotland) Act 1995 and Sections 110 and 117 of the Adoption and Children (Scotland) Act 2007;
- 11 Authorised, following the appointment to the Council of a Foster Panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009 to carry out the remaining functions of the Council as the local authority under the Regulations;
- 12 Authorised, following the appointment of an Adoption Panel in terms of Regulation 3 of the Adoption Agencies (Scotland) Regulations 2009, to carry out the remaining functions of the Council as the local authority under the Regulations;
- 13 Authorised to consider and determine recommendations by the Adoption and Foster Review Panels in reviewing original decisions made in connection with fostering and adoption matters;
- 14 Authorised to consider and determine recommendations by the Adoption Panel for assistance with legal fees (up to an amount considered reasonable by the Head of Legal and Property Services) and medical expenses;
- 15 Authorised, after consultation with the Convener and Vice Convener of the Health & Social Care Committee and a member of the Minority Groups, to make payment to foster carers, in terms of Section 26 of the Children (Scotland) Act 1995, of special fostering allowances up to a maximum of double the ordinary allowance, considered necessary to avoid hardship to a family in financing the construction of additional accommodation required to provide for the foster child/ren concerned;
- 16 Authorised to exercise the powers conferred on the Council by the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 with regard to the appointment of persons to Panels of Curators ad Litem and Reporting Officers in connection with proceedings under the Adoption and Children (Scotland) Act 2007;
- 17 Authorised to carry out the relevant functions of the Council in relation to the Adults with Incapacity (Scotland) Act 2000;
- 18 *Authorised to carry out the relevant functions of the Adult Support and Protection (Scotland) Act 2007;*
- 19 *Authorised to carry out the functions of the Council in terms of the Social Care (Self-directed Support) (Scotland) Act 2013 with regard to a person who is to choose (or has chosen) one of the options for self-directed support;*
- 20 *Authorised to carry out the relevant functions of the Council in terms of the Children and Young People (Scotland) Act 2014 as they relate to Corporate Parenting, After Care, Continuing Care, Kinship Care and Looked After Services;*
- 21 *Authorised to carry out the relevant functions of the Council in terms of the Carers (Scotland) Act 2016.*

Directorate Environment, Regeneration & Resources

Officer: Chief Financial Officer (Section 95 Officer)

Delegation:

- 1 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Act 1973, responsible for the administration of the financial affairs of the Council;
- 2 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Abolition of Domestic Rates etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of non-domestic rates notices, collection of non-domestic rates, receiving and settling claims for exemption from non-domestic rates, handling objections to non-domestic rates levels and the abatement, remission or repayment of non-domestic rates under the relevant rating provisions;
- 3 Authorised to act as the Proper Officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges;
- 4 Authorised to act as the Proper Officer for the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
- 5 Authorised to make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any and all statutory limitations;
- 6 Authorised to apply for the necessary consents for the issue of Stock and Foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and any and all regulations made thereunder;
- 7 Authorised to ensure a placing with the Bank of England relative to Negotiable Bonds;
- 8 Authorised to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if required, any United Kingdom or foreign bank as Registrar of Stocks, Bonds and Mortgages raised either within or without the United Kingdom and whether in sterling or a foreign currency;
- 9 Authorised to authorise the signature of cheques on behalf of the Council;
- 10 Authorised to carry out temporary investment of surplus funds by making deposits with organisations approved by the Council;
- 11 Authorised to enquire into the financial standing of any tenderer, prospective tenderer or provider of services to the Council;
- 12 Authorised to take out and maintain at an appropriate and adequate level any and all insurances necessary to protect the interests of the Council;
- 13 Authorised to make arrangements with insurance companies concerning the settlement of claims;
- 14 Authorised to exercise the Council's option to tax, under and in accordance with the Value Added Tax (VAT) law in relation to supplies of land and property;
- 15 Authorised to lodge objections on behalf of the Council with respect to applications for licences in terms of the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982;

- 16 Authorised to approve car loans, in line with the Council's approved scheme, up to a maximum limit of £10,000;
- 17 Authorised to make appropriate changes to Treasury Management Practices to reflect changes in organisational structures, bankers, treasury consultants, technology or credit worthiness selection methodology;
- 18 Authorised to execute letters of grant from outside bodies and agencies on behalf of the Council, in consultation, where appropriate, with the Head of Legal & Property Services;
- 19 Authorised to support the Council's Data Protection Officer through ICT provision and review;
- 20 Authorised, subject to the Council's Standing Orders Relating to Contracts and the Council's Financial Regulations, to support the Council's ICT provision and where necessary to enter into agreements with the appropriate bodies for the provision of facilities from external organisations;
- 21 Authorised to carry out the Council's functions in relation to the Marriage (Scotland) Act 2002 with respect to the approval of places in which civil marriages may be solemnised.

Directorate Environment, Regeneration & Resources

Officer: Head of Legal & Property Services (Monitoring Officer)

Delegation:

- 1 Authorised to act as the Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989;
- 2 Authorised to act as the Proper Officer in terms of Section 235(3) of the Local Government (Scotland) Act 1973 and to sign all deeds, and other documents which require to be sealed with the Common Seal of the Council in terms of Section 235(3) of the Local Government (Scotland) Act 1973, other than Stock Certificates, Bonds and Mortgages;
- 3 Authorised to sign missives, contracts and similar documents, binding the Council;
- 4 Authorised to engage private legal firms to carry out legal work on behalf of the Council, in appropriate instances;
- 5 Authorised to appoint Counsel to act for the Council in appropriate instances and to seek Counsel's Opinion;
- 6 Authorised to appoint Parliamentary Agents;
- 7 Authorised to discharge the Council's functions in relation to any type of judicial and quasi-judicial proceedings and in that regard, to initiate, enter, defend, settle and withdraw from such proceedings;
- 8 Authorised, after consultation with the Chief Social Work Officer, to seek leave to enter and oppose applications to the Sheriff under Section 11 of the Children (Scotland) Act 1995, seeking Parental Rights and Responsibilities, Residence, Contact and other Orders competent under the said section;
- 9 Authorised to make applications to the Sheriff under Section 35 of the Children's Hearing (Scotland) Act 2011 seeking Child Assessment Orders;
- 10 Authorised to make applications to the Sheriff under Section 37 of the Children's Hearing (Scotland) Act 2011 seeking a Child Protection Order;
- 11 Authorised to make applications to the Sheriff under Section 76 of the Children (Scotland) Act 1995 seeking Exclusion Orders;
- 12 Authorised to carry out the Council's functions in terms of Sections 80 & 81 of the Social Work (Scotland) Act 1968, as amended, relating to the raising and enforcing of actions for aliment with respect to any maintainable child looked after by the Council for whom an affiliation order has been made;
- 13 Authorised to carry out the Council's functions in terms of Section 82 of the Social Work (Scotland) Act 1968, as amended, regarding the recovery of arrears of contributions due in terms of Sections 80 and 81 of the said Act;
- 14 Authorised to make applications to the Sheriff under Sections 53, 57 and 60 of the Adults with Incapacity (Scotland) Act 2000 seeking Intervention and Guardianship Orders and orders for renewal of same. Also to make application under Section 20 of the Act where appropriate in relation to Attorneys;
- 15 Authorised to make applications to the Sheriff under Section 80 of the Adoption and Children (Scotland) Act 2007, seeking Permanence Orders and Permanence Orders with Authority to Adopt and applications under Sections 92, 93, 98 and 99 seeking to vary, amend and revoke the said orders;

- 16 Authorised to make applications to the Sheriff under Sections 11, 14 and 19 of the Adult Support and Protection (Scotland) Act 2007 for Assessment, Removal and Banning Orders respectively. Also the right to vary or recall said Removal and Banning Orders in terms of Sections 17 and 24 of the said Act;
- 17 Authorised to represent the Council at any Judicial or Quasi-Judicial Hearing under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 18 Authorised, after consultation with the Head of Regeneration & Planning and the Chief Constable, to make and execute on behalf of the Council, orders under Section 63 of the Civic Government (Scotland) Act 1982, together with the relevant provisions adopted under the Public Order Act 1986 and the Police, Public Order and Criminal Justice (Scotland) Act 2006;
- 19 Authorised to settle claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss and Disturbance Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, providing that the statutory requirements have been met;
20. Authorised to *appoint* the Council's Data Protection Officer *and to be the line manager thereof so that advice on all relevant Data Protection legislation, including the provision of advice on all issues which involve the protection of personal data, is available to the Council*;
- 21 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, 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 to the Proper Officer thereof;
- 22 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining, prior to a meeting, whether documents should be made available to the public;
- 23 Authorised to exercise the following powers relative to the Civic Government (Scotland) Act 1982:-
 - (a) To determine all applications (except Temporary Public Entertainment Licences) for licences where no objections have been lodged, there are no unusual features about the application and, in the case of applications for Taxi/Private Hire Car Drivers' Licences, no adverse medical report has been received;
 - (b) With the exception of Taxi Operators' Licences, to accept and deal with all applications for renewal which are lodged late, providing he/she is satisfied that such failure is the result of inadvertence on the part of the applicant;
 - (c) To determine applications for surrender of a Taxi Licence and grant of a new licence to a named third party where (i) no objections have been lodged, (ii) the present licence-holder has consented and (iii) there are no unusual features about the application;
 - (d) To exercise the following discretions:
 - (i) discretion in terms of Paragraph 3(2) of Schedule 1 to the Act;
 - (ii) discretion in terms of Paragraph 8(3) of Schedule 1 to the Act (with respect only to Taxi/Private Hire Car Operators' Licences and licences involving premises);

- (iii) admission of spent convictions as matters to be considered by the Council in determining applications;
 - (e) To determine applications for Temporary Public Entertainment Licences for customary sites (including those to which objections have been lodged) and to impose such conditions as he/she deems appropriate;
 - (f) To appoint authorised officers to inspect and test vehicles intended to be operated or being operated as taxis or private hire cars;
 - (g) To carry out preliminary consultations as necessary with respect to reviewing taxi fare scales and other charges;
 - (h) With respect to licences involving premises, to process requests to vary the identity of the licence-holder of the premises;
 - (i) With respect to Street Traders' Licences, to determine applications for variations relating to the vehicle or range of goods pertaining to the licence;
 - (j) With respect to Boat Hirers' Licences, to determine, in consultation with the Chief Financial Officer, the level of fees for inspection of the vessel or vessels to which the licence pertains;
 - (k) To suspend a licence on a temporary basis following consultation with the Convener and the Vice-Convener of the General Purposes Board and a Member of the Minority Group or the largest Minority Group should there be more than one;
 - (l) To decide, whether on the basis of a formal complaint or not, that a licence-holder be called before the General Purposes Board for consideration, as to whether a licence should be suspended in terms of Paragraph 11 of Schedule 1 to the Act.
- 24 Authorised, with respect to Public Charitable Collections:-
- (a) To grant applications where (i) the Chief Constable has no objection; (ii) the applicant has no convictions; (iii) the dates do not clash with dates already allocated to other organisations; and (iv) there are no unusual features about the application;
 - (b) Where the Chief Constable has lodged an objection or there is some other unusual feature about the application, authorised to determine the application in consultation with the Convener and Vice-Convener of the appropriate Committee and a Member of the Minority Group or the largest Minority Group should there be more than one;
 - (c) Where the date requested by an applicant clashes with dates already allocated, authorised to determine the application;
- 25 Authorised to determine applications for Registration of a Society in terms of the Gambling Act 2005 where no objections have been lodged and there are no unusual features about the application;
- 26 Authorised, except where power is delegated hereunder to another Officer, to execute on behalf of the Council all orders made under the Civic Government (Scotland) Act 1982;
- 27 Authorised to make temporary loans of archival material for submission and research and to accept private archives which may be offered to the Council;

- 28 Authorised, following consultation with the Chief Constable, to determine applications for Public Processions made under the Civic Government (Scotland) Act 1982, and subsequent legislation adopted thereby;
- 29 Authorised to determine applications in respect of minibus permits under the Transport Act 1985;
- 30 In terms of the Safety of Sports Grounds Act 1975, in consultation with the Chief Constable, the Chief Officer, *Scottish* Fire & Rescue, the Head of Regeneration & Planning and the Head of *Environmental and Public Protection*:-
- (a) Authorised, after appropriate consultation, to issue prohibition orders under Section 10(1); and
 - (b) Authorised to exercise the powers of an authorised person under Section 11.
- 31 Authorised to determine applications in respect of Cinema Licences in terms of the Cinemas Act 1985, where no objections have been lodged and there are no unusual features about the application;
- 32 Authorised, after appropriate consultation, to determine applications for consent for the use of Clyde Square, Greenock and other civic spaces;
- 33 Authorised to determine applications for registration in terms of the Performing Animals (Regulation) Act 1925, where no objections have been lodged and there are no unusual features about the application;
- 34 Authorised to conduct reviews in respect of decisions on requests in terms of the Freedom of Information (Scotland) Act 2002;
- 35 Authorised, with respect to houses previously in the ownership of the Council through the former Housing Revenue Account to complete any necessary corrective or remedial conveyancing and, in connection with neighbouring landholdings, to conclude missives in respect of sales of small areas of ground for extensions to gardens or for the construction of garages or similar miscellaneous estates for environmental purposes;
- 36 Authorised to conclude missives in respect of the acquisition of land and/or buildings required for any project in terms approved by the Council, in consultation with the Chief Financial Officer;
- 37 Authorised to make payment of Home Loss and Disturbance Payments in terms of the Land Compensation (Scotland) Act 1973 (as amended);
- 38 Authorised, in conjunction (where appropriate) with the Head of *Environmental & Public Protection*, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;
 - (c) Under Section 8, to arrange for the publishing of notices relating to works schemes and the serving of like notices on affected harbour authorities;
 - (d) Under Section 12, to serve notice on owners of land where protection works are required;

- (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;
- 39 Authorised to carry out the functions of the Council under the Reservoirs Act 1975;
- 40 Authorised for *operational and other property projects* in terms of the Construction (Design & Management) Regulations 2015, in cases where the Council is appointed as client's Agent, Designer, CDM Co-ordinator, Principal Contractor and/or Contractor, to carry out the duties appropriate to each such appointment;
- 41 Authorised, in consultation with the Corporate Director, to allocate and apportion office accommodation between the Council's Services and to arrange for any required alterations or adaptations;
- 42 Authorised (except in the case of office accommodation being, or to be, used for Council purposes) in consultation with the Chief Financial Officer to arrange for any required alterations or adaptations (or scheduled maintenance) for the purpose of realising the service or commercial potential of property owned or leased by the Council;
- 43 Authorised to enter into wayleaves, servitudes and leases to statutory bodies and other providers of utility services who require rights over land for particular purposes;
- 44 Authorised to settle all claims arising from the exercise of the Council's power to enter upon and take land in the discharge of its statutory powers including power to negotiate and settle claims arising in terms of the Land Compensation (Scotland) Acts 1963 and 1973 and to settle any discretionary payments arising;
- 45 Authorised, where land and/or property have been or are declared surplus to the Council's requirements, to agree terms for the disposal of such land and property up to the value of £50,000, subject to the condition that he/she maintains a Register of all transactions so dealt with, which Register shall be available for inspection by Members;
- 46 *Authorised to approve the terms and conditions of, and to sign missives for, leases or licences to occupy by or to the Council for periods not exceeding one year and to approve the renewal of leases or licences to occupy by the Council in circumstances considered necessary and appropriate;*
- 47 Authorised to make arrangements for the implementation and monitoring and review of the Council's Corporate Asset Management Plan in accordance with Council policy;
- 48 Authorised to approve the terms and conditions of and to sign missives of lease in respect of *operational and other* properties in the ownership of the Council for not exceeding one year, subject to all such transactions being recorded in a Register kept for that purpose by him/her which shall be available for inspection by *Elected Members of the Council;*
- 49 Authorised to grant leases in respect of *operational and other* properties in the ownership of the Council at market value for periods up to 5 years in respect of property with rentals of up to £25,000 per annum, subject to the condition that he/she maintains a Register of transactions so dealt with, which Register shall be available for inspection by *Elected Members of the Council;*
- 50 Authorised, where arrears of rent have arisen or any other term of the lease has been breached, to enter into and terminate the leases and to take any action necessary to secure possession of property and to recover rent arrears, subject to maintaining a Register of transactions so dealt with, which Register shall be available for inspection by *Elected Members of the Council;*
- 51 Authorised to terminate leases at ish in respect of all *operational and other* properties and to agree commercial and industrial rental levels at review periods;

- 52 Authorised to conclude missives in respect of assignments of leases for *operational and other* premises;
- 53 Authorised to proceed with repairs to commercial and industrial premises;
- 54 Authorised under Section 19 (5), of the Civic Government (Scotland) Act 1982, after consultation with the local Elected Members, to approve proposals for taxi stances;
55. *Authorised to determine Asset Transfer Requests made in terms of Part 5 of the Community Empowerment (Scotland) Act 2015 and to make all necessary arrangements to comply with the statutory procedures for dealing with such requests;*
56. *Authorised to take such measures as are necessary to protect the Council's interests should a community body register an interest in any Council property in the register held by the Scottish Government under the land Reform (Scotland) Act 2003;*
57. *Authorised to establish, publish and maintain the register of land under section 94 of the Community Empowerment (Scotland) Act 2015;*
58. *Authorised to make arrangements for the publishing of the Council's annual asset transfer report in terms of section 95 of the Community Empowerment (Scotland) Act 2015;*
59. *Authorised in terms of the Community Empowerment (Scotland) Act 2015 to make arrangements for regulating the Council's responsibilities for promoting and maintaining allotments.*

Directorate Environment, Regeneration & Resources

Officer: **Head of Regeneration & Planning**

Delegation:

- 1 Authorised to award business development grants, within the Council's Policies, up to a limit of £10,000;
- 2 Authorised to award training grants to appropriate organisations and agencies within the Council's Policies, up to a limit of £10,000;
- 3 Authorised to award rent abatement assistance to local companies, within the Council's Policies and following consultation with the Chief Financial Officer;
- 4 Authorised to determine all planning and related decisions within the scope of the Town and Country Planning (Scotland) Act 1997 as amended in relation to:-
 - (a) Part III Control over Development, in particular, but not restricted to, the determination of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission;
 - (b) Part VI Enforcement;
 - (c) Part VII Special Controls – Trees, Amenity Notices, Advertisements;
 - (d) Part IX Roads, Footpaths & Rights of Way;
 - (e) Part X Statutory Undertakers;
 - (f) Part XIV Miscellaneous & General Provisions;
- 5 Authorised to determine all planning and related decisions within the scope of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in relation to:-
 - (a) Part I Listed Buildings
 Chapter 1 Sections 3 & 4 Building Preservation Notices;
 Chapter II Authorisation of Works affecting Listed Buildings;
 Chapter IV Enforcement;
 Chapter V Prevention of Deterioration and Damage;
 Sections 49 and 50 – Urgent Preservation;
 Sections 51 and 52 – Grants for Repair and Maintenance;
 Chapter VI - Sections 59 and 60 – Special considerations affecting
 Planning Functions;
 - (b) Part II Conservation Areas
 Section 66 Conservation Area Consent;
 Section 72 Grants for Repairing of Buildings in Town Schemes;
 - (c) Part III General
 Sections 76 – 78 Miscellaneous Provisions;
- 6 Authorised to determine all planning and related decisions within the scope of the Planning (Hazardous Substances) (Scotland) Act 1997;
- 7 To determine applications for heritage fund and town scheme grants within the terms of the relevant Council policies;
- 8 Authorised to determine the street numbering of new properties;

- 9 *Authorised to make all decisions and take all action required in connection with and consequent upon applications made for High Hedge Notices in terms of the High Hedges (Scotland) Act 2013 including the signing and service of Notices.*
10. Authorised to determine applications for a planning certificate in terms of Section 50 of the Licensing (Scotland) Act 2005;
- 11 *Authorised to respond to operational consultations from the Scottish Government, other local authorities, key agencies such as Historic Environment Scotland, the Forestry Commission, SEPA and other parties that concern matters relating to land use planning and/or the use of land which are considered to impact on the Council area.*
- 12 Authorised to determine all Building Standards matters and related decisions within the scope of the Building (Scotland) Acts 1959 and 2003 in relation to:
- (a) Part 2 - all matters necessary in the assessment and approval of applications for Building Warrant Approval to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development;
 - (b) Part 2 - all matters necessary in the acceptance and rejection of completion certificate submissions including the requirement for statutory inspections in relation to reasonable enquiry for the above purpose;
 - (c) Part 3 - Compliance and Enforcement;
 - (d) Part 4 - Defective and Dangerous Buildings;
 - (e) Part 5 - General in respect of procedural regulations, reports and information under Section 34 to the Building Standards Division of the Directorate of the Built Environment of the Scottish Government;
 - (f) Part 6 - Supplementary and Miscellaneous Provisions;
- 13 Authorised to issue consents for and carry out inspections on the erection of raised structures in terms of Section 89 of the Civic Government (Scotland) Act 1982;
- 14 Authorised to act as an authorised person under Section 11 of the Safety of Sports Grounds Act 1975 (power to enter and inspect a sports ground);
- 15 Authorised to enter and inspect certified sports grounds for the purposes of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 and all related and subordinate legislation;
- 16 Authorised to approve, in consultation with the Head of Legal & Property Services, the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 17 Authorised to issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975 where he/she is of the opinion that the admission to a certified sports ground or any part will involve a risk so serious that, until steps are taken to reduce capacity to a reasonable level, admission of spectators ought to be prohibited;
- 18 Authorised to approve the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 19 Authorised to approve the transfer of the certificate to another qualified person responsible for the management of a certified sports ground in terms of Section 4 of the Safety of Sports Grounds Act 1975;

- 20 Authorised to approve and record any deviation from the standards set out in the Guide to Safety at Sports Grounds setting out the justification for the deviation;
- 21 Authorised to maintain all records in relation to the annual and other inspections of certified sports grounds carried out by the Head of Regeneration & Planning, the Chief Constable and the Chief Officer, Strathclyde Fire and Rescue;
- 22 Authorised to fix the annual date for the inspection of any certified sports ground;
- 23 *Authorised to act as Lead Officer for the Council in all aspects of the Joint Management of Clyde Muirshiel Regional Park;*
- 24 *Authorised to approve the terms and conditions of and to sign missives of lease in respect of commercial and industrial properties in the ownership of the Council for not exceeding one year, subject to all such transactions being recorded in a Register kept for that purpose by him/her which shall be available for inspection by Elected Members of the Council;*
- 25 *Authorised to grant leases in respect of commercial and industrial properties in the ownership of the Council at market value for periods up to 5 years in respect of property with rentals of up to £25,000 per annum, subject to the condition that he/she maintains a Register of transactions so dealt with, which Register shall be available for inspection by Elected Members of the Council;*
- 26 *Authorised, where arrears of rent have arisen or any other term of the lease has been breached, to enter into and terminate the leases and to take any action necessary to secure possession of property and to recover rent arrears, subject to maintaining a Register of transactions so dealt with, which Register shall be available for inspection;*
- 27 *Authorised to terminate leases at ish in respect of all commercial and industrial properties and to agree commercial and industrial rental levels at review periods;*
- 28 *Authorised to conclude missives in respect of assignments of leases for commercial and industrial premises;*
- 29 *Authorised to proceed with repairs to commercial and industrial premises.*

Exceptions:

The above delegations are subject to the exception of the following categories of application, which are for decision by Elected Members, as follows:

To be determined by the Council:

- (a) national developments as specified in the National Planning Framework;
- (b) major developments which are significantly contrary to the local development plan;

To be determined by a Committee or Board of the Council:

- (a) which the Planning Authority decides to determine which would otherwise fall to be determined by a person appointed to do so under this scheme;
- (b) major developments as set out in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- (c) listed building consent for demolition of listed buildings and conservation area consent for demolition of a building in a conservation area where officers recommend approval contrary to Council policy;

- (d) advertisement consent where officers recommend approval contrary to Council policy;
- (e) the naming of new streets;
- (f) planning applications for planning permission within the category of local development and (b) applications for consent, agreement or approval required by condition imposed by a grant of planning permission for a development within that category under Section 43A of the Town and Country Planning (Scotland) Act 1997 when:-
 - (i) The approval of an application would be contrary to the approved Development Plan;
 - (ii) The approval of an application is the subject of letters of *objection* from 6 or more individuals and/or 2 community groups, including formally constituted groups comprising at least 10 members and community councils;
 - (iii) Applications are made by a Member of the planning authority;
 - (iv) Applications are made by employees of the Council's Regeneration and Planning Service.

Directorate **Environment, Regeneration & Resources**

Officer: **Head of Shared Services Roads (Strategic Lead Wider Shared Services)**

Delegation:

1. *Authorised to have responsibility for the delivery of the integration of services and the strategic outcomes for the Partner Councils.*
2. *Authorised to have lead responsibility to each Council for the strategic planning and delivery of roads and transportation services and the development of further integrated services.*
3. *Authorised to make recommendations on strategic policy, recommend targets encompassing efficiencies and savings and to present service performance information to Partner Councils and the Shared Services Joint Committee.*
4. *Authorised to have responsibility under the Council's Scheme of Delegation for service standards and performance relative to the Roads and Transportation functions to each Council.*

**ALTERNATE REPRESENTATION TO ACHIEVE NUMERICAL POLITICAL BALANCE
STANDING COMMITTEES, GENERAL PURPOSES BOARD AND PLANNING BOARD**

PARTY	POLICY & RESOURCES COMMITTEE	ENVIRONMENT & REGENERATION COMMITTEE	EDUCATION & COMMUNITIES COMMITTEE	HEALTH & SOCIAL CARE COMMITTEE	AUDIT COMMITTEE	GENERAL PURPOSES BOARD	PLANNING BOARD
Labour	4	4	4	4	4	4	4
Independent	2	2	2	2	2	2	2
Conservative	1	1	1	1	1	1	1
Liberal Democrat	1	0	0	1	1	0	1
SNP	3	4	4	3	3	4	3
SNP/Lib Dem Balance	3/1	4/0	4/0	3/1	3/1	4/0	3/1

POLITICAL BALANCE – POLICE AND FIRE SCRUTINY COMMITTEE

PARTY	NUMERICAL ENTITLEMENT: REPRESENTATION	SOLUTION TO ACHIEVE POLITICAL BALANCE GIVEN THE NUMERICAL REPRESENTATION
Labour	4	4
Internal Independent Coalition	2	2
Conservative	1	1
Liberal Democrat	0.5	0
SNP	3.5	4
TOTAL	11	11