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<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>7 December 2023</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/164/23</b>
<b>Contact Officer:</b>	<b>Iain Strachan</b>	<b>Contact No:</b>	<b>01475 712710</b>
<b>Subject:</b>	<b>Amendments to the Scheme of Delegation (Officers)</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

- 1.2 The purpose of this report is to request that the Council note amendments which have been made in implementation of recent Council decisions and consider a relatively small number of other proposed amendments to the Scheme of Delegation (Officers).
- 1.3 The Inverclyde Council meeting held on 18 May 2023, after consideration of a report by the Chief Executive, approved phase 2 of the management restructure, with authority being delegated to the Head of Legal, Democratic, Digital & Customer Services to update the Scheme of Delegation (Officers) to reflect the decision of the Council.
- 1.4 The Inverclyde Council meeting held on 8 June 2023, after consideration of a report by the Director of Environment & Regeneration on The Stopping Up of Road and Footpath, Inverclyde (Arther Street, Greenock) Order 2022, approved amendments to the Scheme of Delegation (Officers) to the effect that where there are no maintained objections to Stopping Up Orders the Head of Legal, Democratic, Digital & Customer Services will be authorised to make such Stopping Up Order on behalf of the Council.
- 1.5 Following a review of the Scheme of Delegation (Officers), in addition to updates which have been made further to the above-mentioned decisions, there are a relatively small number of additional changes, as noted in paragraphs 3.5 to 3.13 of this report, which are also proposed.

## 2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Council note the amendments that have been made to the Scheme of Delegation (Officers) by the Head of Legal, Democratic, Digital & Customer Services, under authority delegated from several recent Council decisions, as referred to at paragraphs 3.1 to 3.4 of this report, the amendments being as shown in tracked changes in Appendix 1 to this report.
- 2.2 It is recommended that the Council approve the other amendments that are proposed to the Scheme of Delegation (Officers), including as referred to at paragraphs 3.5 to 3.13 of this report, the amendments being as shown in tracked changes in Appendix 1 to this this report;

- 2.3 It is recommended that the Council grant delegated authority to the Head of Legal, Democratic, Digital & Customer Services to make the amendments to the Scheme of Delegation (Officers) that are approved at this meeting, including to take account of any other decisions taken by the Council at this meeting.

**Iain Strachan**  
**Head of Legal, Democratic, Digital & Customer Services**

## **3.0 BACKGROUND AND CONTEXT**

### **Phase 2 Management Restructure)**

- 3.1 The Inverclyde Council meeting held on 18 May 2023, after consideration of a report by the Chief Executive, approved phase 2 of the management restructure, with authority being delegated to the Head of Legal, Democratic, Digital & Customer Services to update the Scheme of Delegation (Officers) to reflect the decision of the Council. The restructure has meant a large number of changes to the Scheme of Delegation, however these largely relate to changes in job titles and the location of delegations to reflect the revised structure. The changes are shown in tracked changes in Appendix 1 to this report.
- 3.2 A link to the 18 May 2023 report can be found here:-  
<https://www.inverclyde.gov.uk/meetings/meeting/2562>

### **Stopping Up Orders**

- 3.3 The Inverclyde Council meeting held on 8 June 2023, after consideration of a report by the Director of Environment & Regeneration on The Stopping Up of Road and Footpath, Inverclyde (Arther Street, Greenock) Order 2022, approved amendments to the Scheme of Delegation (Officers) to the effect that where there are no maintained objections to Stopping Up Orders the Head of Legal, Democratic, Digital & Customer Services will be authorised to make such Stopping Up Order on behalf of the Council. A link to the report can be found here:-  
<https://www.inverclyde.gov.uk/meetings/meeting/2566>
- 3.4 An amendment to the Scheme of Delegation to make this change is shown in tracked changes on page 28 of Appendix 1 to this report.

### **Review of Scheme of Delegation (Officers)**

- 3.5 As previously reported to the Council, and further to the above mentioned amendments, the Head of Legal, Democratic, Digital & Customer Services has recently conducted a review of the Scheme of Delegation (Officers). Elected Members, the Council's Extended Corporate Management Team and other relevant officers have been consulted on proposed changes. Following this, there are only a relatively small number of additional amendments proposed, which can be summarised as follows.
- 3.6 Feedback received suggested it might be helpful to include an explanatory note at the start of the Scheme of Delegation, which has been done.
- 3.7 In the General Delegations (page 1), wording has been included to have consistency around the use of "Director", recognising the differing job titles, to be clear that approved budgets cannot be exceeded and to be clear that where a Head of Service has a particular authority delegated to them then their Director/the Chief Executive can exercise the same, unless it is personal to that officer, for instance powers available to the Chief Social Work Officer.
- 3.8 On page 4, the use of Emergency Powers for matters that require urgent attention is set out, at paragraphs 5.1 and 5.2. As Members are aware, on such matters the practice is to consult the relevant Convenor and Vice-Convenor, and also the Group Leader of the largest non-Administration group. It has been noticed that the identification of this third Member is not dealt with consistently throughout the Scheme, and there is also the possibility that such a Group Leader might not be a member of the relevant Committee, and they might wish to nominate an alternative. As such, revised wording has been proposed to clarify this process here and elsewhere in the Scheme (on page 26), and to also provide that the Group Leader of the largest

non-Administration group can nominate an alternative Member(s) from their Group to be the Member that is consulted.

- 3.9 On page 6, the existing role of the Head of Legal, Democratic, Digital & Customer Services as the Senior Responsible Officer for RIPSAs matters is included, to reflect the Council's RIPSAs Policy.
- 3.10 On page 15, the authority of the Head of OD, Policy Communications, to establish and to set and amend the grades of post up to Grade 11 is changed to Grade 12, to reflect changes in grading, Chief Officers now being Grade 13 and above.
- 3.11 On pages 17, 18 and 19, and following feedback from other authorities, the financial limits on certain specified powers of the Chief Social Work Officer have been removed, to enable them to have suitable flexibility, with any such spend being in accordance with Council policy and other controls, such as the Financial Regulations. For the same reason, it is proposed to remove the need for the Chief Social Work Officer to consult Members before authorising an additional allowance to foster carers, where considered necessary in relation to the construction of additional accommodation which is required to provide for the foster child/ren in question, this being on page 20 of the Scheme.
- 3.12 There have been a number of updates to various pieces of legislation, including to make reference to the Planning (Scotland) Act 2019 (on page 39), the Transport (Scotland) Act (on pages 36 and 42) and the Countryside (Scotland) Act 1967 (in respect of public paths, on page 36).
- 3.13 The Council's licensing powers in respect of houses in multiple occupation (HMOs), the licensing of short-term lets, sexual entertainment venues and mobile homes, all in accordance with Council policy, are included, delegated to the Head of Legal, Democratic, Digital & Customer Services (all on page 29). In the usual way, any such applications which are objected to would be determined by the General Purposes Board.

#### 4.0 PROPOSAL

- 4.1 It is proposed that the Council approve and note (as the case may be) the amendments to the Scheme of Delegation (Officers) which are set out in this report.
- 4.2 Subject to the decision of the Council, an updated version of the Scheme of Delegation (Officers) will be cascaded to officers and placed on the Council's website. A guidance note on this key governance document will also be prepared for officers, and placed on the Council's intranet site.

#### 5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (LOIP/Corporate Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

## **5.2 Finance**

There are no financial implications directly associated with this report.

## **5.3 Legal/Risk**

The updating of the Scheme of Delegation (Officers) as proposed in this report will implement a number of recent Council decisions, and help ensure the Council's governance framework is kept updated to support delivery of the Council's services and implementation of its legal duties.

## **5.4 Human Resources**

There are no Human Resources implications directly associated with this proposal.

## **5.5 Strategic**

There are no strategic implications associated with this proposal.

## **6.0 CONSULTATION**

The Corporate Management Team and all Elected Members have been consulted on this report.

## **7.0 BACKGROUND PAPERS**

7.1 None, other than as set out in Section 3 of this report.

# Scheme of Delegation Officers

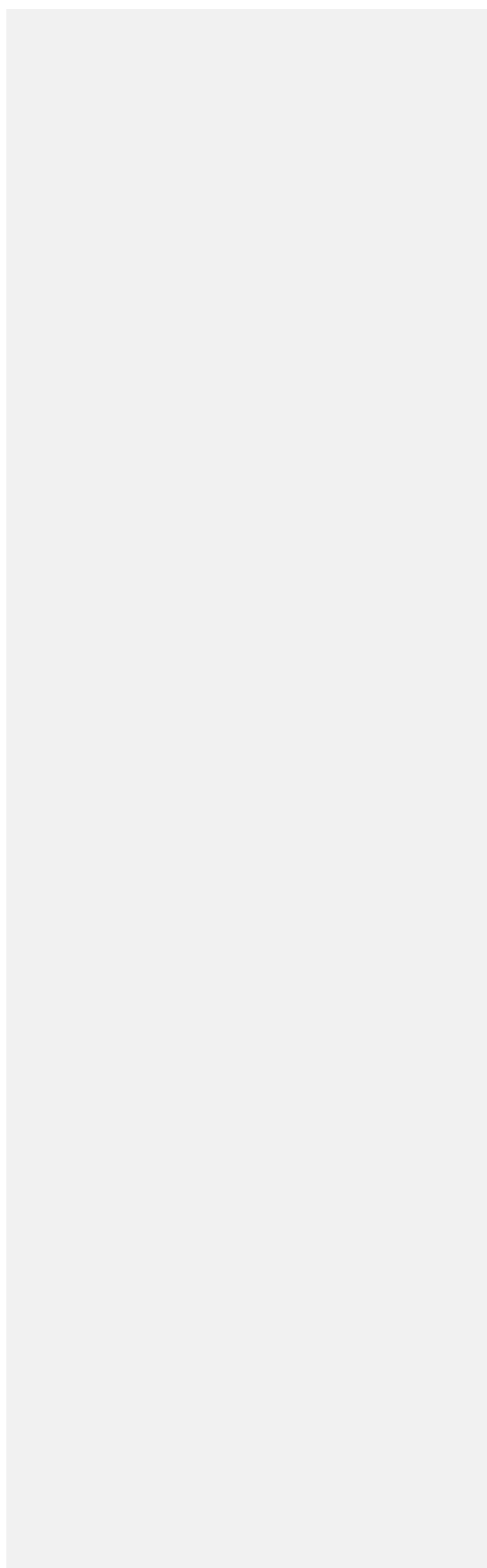




Inverclyde Council

Scheme of Delegation  
Officers

Approved by  
Inverclyde Council  
[TBC]~~20 April~~ 2023







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### Explanatory Note

This document, being Inverclyde Council's Scheme of Delegation (Officers), is the principal document that regulates the manner in which Council employees take decisions about the delivery of Council services.

It would be impractical and inefficient for Inverclyde Council, i.e. a formal meeting of all 22 Elected Members, to meet every time a decision was required from the Council. As such, the Council, like all local authorities, has an established decision-making system, under which the vast majority of operational decisions that need to be taken are considered by Council employees.

These decision-making arrangements are generally only concerned with routine operational matters. If a matter was particularly notable or significant, or concerned with matters of policy or strategy, then it would generally be considered by one of the Council's thematic Committees, or else one of its Boards that considers quasi-judicial matters, such as planning or licensing.

The Council's Scheme of Administration sets out the terms of reference and delegated functions for each of the Council's Committees, Sub-Committees, Boards and Scrutiny Panels.

As regards the Council's Social Care Services, in terms of the Public Bodies (Joint Working) (Scotland) Act 2014, the Council has entered into a statutory strategic partnership with NHS Greater Glasgow & Clyde Health Board, being the Inverclyde Health & Social Care Partnership. Under the Partnership's Integration Scheme any non-operational decisions required in respect of those Council functions and services within the remit of the Partnership are delegated to the Inverclyde Integration Joint Board.

This Scheme of Delegation is subject to the overarching legal and regulatory framework that the Council operates within, both statutory and also common law.

Further information about the Council, its governance and decision-making arrangements can be found on the Council's website. The website also contains details on decisions taken by the Council at its formal meetings, including those of its Committees, Sub-Committees, Boards and Scrutiny Panels.

Commented [IS2]: Feedback was provided that some sort of explanatory note might be helpful.

## SCHEME OF DELEGATION (OFFICERS)

### A. GENERAL PROVISIONS

1 ~~4~~ 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 ~~the Chief Executive~~, a Corporate Director, ~~a Director~~, ~~the Chief Officer (Inverclyde Integration Joint Board)~~ or a Head of Service to deal with routine and operational matters within the scope of their respective service responsibilities;

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2 In this Scheme the ~~term "Director"~~ shall be taken to include the relevant Corporate Director, Director or the Chief Officer (Inverclyde Integration Joint Board) as the case may be, regardless of their official job title;

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3 For ~~the avoidance of doubt, where in this Scheme or otherwise, including by way of a decision of the Council or one of its Committees, a power is delegated to a Head of Service, then the relevant Director and/or the Chief Executive shall also have the authority to exercise the said power, subject to the terms of that delegation and this Scheme, and subject to this not applying where by way of the context of the same, or legal requirements, the exercise of the said power is specific to the Head of Service in question.~~

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32 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 ~~p~~Policies;
- (b) have regard to approved budgets, ~~and do not exceed their approved budgets in exercising such powers;~~
- (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, that is, the Officer responsible for managing the financial affairs of the Council as designated by the Council in terms of Section 95 of the Local Government (Scotland) Act 1973 and/or Head of Legal, Democratic, Digital & Customer Services (Monitoring Officer) 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/het~~their 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;

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43 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/het~~their Service for the exercise and/or further sub-delegation of the delegated powers as ~~he/shet~~they shall deem appropriate. Details of such arrangements shall be recorded in writing;

54 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 ~~6~~For the avoidance of doubt, it is declared that:-

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- (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;

~~7~~ 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, Democratic, Digital & Customer Services.

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

The following powers are (save as aftermentioned and subject to the terms hereof) delegated to the Chief Executive, Directors and Heads of Service.

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**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 ~~A Corporate Directors, Directors and Heads of Service 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, Democratic, Digital & Customer 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 any relevant Procurement Framework or Law.

**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 for posts of up to (Grade 9), 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~~their 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 Chief Financial Officer and 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 Only the Chief Executive in consultation with relevant officers is authorised to approve the payment of overtime in exceptional circumstances to officers who are paid at Grade 12 and above.

3 **Property**

- 3.1 In consultation with the ~~Interim~~ Head of ~~Physical Assets~~~~property Services~~, authorised to approve terms and conditions for projects relating to ~~his/her/their~~ 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 ~~and the like etc.~~, providing ~~the~~ 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 consultation with the Chief Financial Officer, in appropriate circumstances and where not contrary to law or Council ~~p~~Policy, to charge fees to third parties with respect to services rendered to said third parties;
- 4.2 Authorised to waive fees up to £500, subject to budget availability, in appropriate circumstances in accordance with Council policy ~~and/or procedures~~. If in excess of £500 then there is a requirement to consult with the Chief Financial Officer.

5 **Matters Requiring Urgent Action –Emergency Powers**

- 5.1 Where, in the opinion of ~~of a Director or 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~~ ~~Director or~~ that Head of Service shall be entitled to refer the matter for deliberation by (i) the Convener and Vice-Convener of the Committee, (ii) ~~the Leader of the Minority Group or their nominate (in this Scheme of Delegation "the Minority Group" shall mean that group of Members which does not form the ruling Administration of the Council, or the largest Minority Group should there be more than one) a Member not having the same political affiliation as the Convener and Vice-Convener~~ and (iii) the Chief Executive. In any instance where the Chief Executive is not available, the person duly authorised on ~~his or her/their~~ behalf shall be entitled to act in ~~his or her/their~~ stead and where the Convener or Vice-Convener of the Committee is not available for consultation with ~~that Director or that~~ the Head of Service, the Convener of the Policy & Resources Committee shall be entitled to act in ~~his or her/their~~ stead. If the Convener, Vice-Convener, the ~~Leader of the Minority Group (or their nominate)~~ 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 ~~Director or~~ 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 ~~Director or~~ 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;

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- 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 (i) the Convener and Vice-Convener of the Policy and Resources Committee and (ii) the Leader of the Minority Group ~~(as defined at paragraph 5.1 above) or their nominate (being that group of Members which does not form the ruling Administration of the Council, or the largest Minority Group should there be more than one)~~. 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 of Education, Communities & Organisational Development

Head of Legal, Democratic, Digital & Customer Services

Chief Financial Officer;

Director Environment & Regeneration

Chief Officer Integration Joint Board (Health & Social Care Partnership)

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

The Head of Legal, Democratic, Digital & Customer Services shall be the Council's Senior Responsible Officer for matters related to the Regulation of Investigatory Powers (Scotland) Act 2000.

8 **Consultation Documents**

Authorised to submit responses to consultation documents which concern operational and/or technical and professional issues, subject to consultation with the Convener and Vice Convener of the relevant committee, where necessary and practicable.

## 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/their absence, Vice-Convener of the appropriate Committee. In the absence of the Chief Executive, the person duly authorised to act on his/her/their 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, Democratic, Digital & Customer Services shall be consulted before any action is taken;
- 2 In cases of civil emergencies, the Chief Executive, or in his/her/their absence, the person duly authorised to act on his/her/their stead, is authorised to take any and all actions necessary, within the powers of the Council;
- 3 Authorised to direct, in circumstances he/she/they 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 Human Resources 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 Human Resources 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/they~~ deems it appropriate, and following consultation with the Chief Financial Officer and the Head of Legal, Democratic, Digital & Customer 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 Chief Financial Officer and 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, The Local Government (Discretionary Payments and Injury Benefits ) (Scotland) Regulations 1998, the LGPS (Scotland) Regulations 2018, the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014 and the LGPS (Scotland) Regulations 2014 in line with the Councils agreed Pension and Retirement Policy.
- 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;
- 18 Authorised to submit the Council's Prevent Annual Assurance Return in respect of the Prevent Duty, in terms of the Counter-Terrorism and Security Act 2015.

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**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 £2,000 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 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;
- 6 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/their attention, where supporting documentation satisfies him/her that the child concerned has serious emotional or psychological problems;
- 7 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;
- 8 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;
- 9 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);
- 10 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;
- 11 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;
- 12 Authorised to transfer teachers within the Council's policy and where appropriate to pay transfer expenses;
- 13 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;
- 14 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;

15. Authorised to exercise at ~~his/her~~their 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;
16. Authorised to exercise, at ~~his/her~~their discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
17. 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;
18. 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;
19. Authorised to exercise the duties and responsibilities of the Council as Education Authority under the Children and Young People (Scotland) Act 2014;
20. 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;
21. 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.

**Directorate**    **Education, Communities & Organisational Development**

**Officer:**        **Head of Culture, Communities & Educational Resources**

**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 exercise the power to disregard parental income, in part or in total, where the parents of the students are divorced or living apart;
- 3        Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 4        Authorised to issue licences in terms of the Children (Performances and Activities) (Scotland) Regulations 2014;
- 5        Authorised to increase, in cases of hardship and at his/her/their discretion, the amount of grant awarded to school pupils attending any part-time approved arts activities courses, all in accordance with current Council pPolicy;
- 6        Authorised to satisfy himself/herself that dance, music, drama, and other arts 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 pPolicy;
- 7        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.
- 8        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;
- 9        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;
- 10       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;
- 11       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;
- 12       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;
- 13       Authorised to make emergency grants to Voluntary Organisations, up to a limit of £10,000 subject to budget availability;

- 14 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 Education, Communities and Organisational Development;
- 15 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;
- 16 Authorised to make temporary loans of archival material for submission and research and to accept private archives which may be offered to the Council.
- 17 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.



**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 Delegated Management of Resources Scheme and (b) the Pupil Equity Funding Scheme, as approved by the 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 21<sup>st</sup> 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.
- 4        — 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 or sports organisations, in respect of fees for attendance at course related to their membership of the organisation.

**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,~~ 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,~~ 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,~~ 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, Democratic, Digital & Customer 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 124, 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, Democratic, Digital & Customer Services, to compromise Employment Appeal settlements where the interests of the Council and the requirements of Best Value can be demonstrated (in terms of the Local Government in Scotland Act 2003);
- 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.

**Commented [IS6]:** Change so that establishment of Service Manager posts are within scope of delegated authority, and not needing committee approval. They are covered by SJC and aren't Chief Officers.

| **Directorate** Inverclyde Health & Social Care Partnership

| **Officer:** Chief Officer (Inverclyde 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** Inverclyde 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 £1,000 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;

**Commented [IS7]:** Removed to give CSWO suitable flexibility, and consultation with other LAs indicates only 1 other has such a monetary restriction

**Commented [IS8]:** Deleted, as above.

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/they are~~ 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 £1,000 in any one month in respect of any one family;~~
  - (ii) give any other appropriate assistance;

Commented [IS9]: As above

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/their~~ family, and also imposes a duty on the Council to carry out an assessment of the child to identify ~~his/her/their~~ 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~~ they 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 ~~they/he/she~~ they 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, Democratic, Digital & Customer 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 Head of Legal, Democratic, Digital & Customer Services) and medical expenses;
- 15 Authorised; ~~after consultation with the Chair and Vice Chair of the Social Work & Social Care Scrutiny Panel and a member of the Minority Group (being that group of Members which does not form the ruling Administration of the Council, or the largest Minority Group should there be more than one,~~ 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.
22. Authorised to carry out the relevant functions of the Council in terms of the Children (Scotland) Act 2020.
23. Authorised to carry out the functions of the Council in relation to the Looked After Children (Scotland) Amendment regulations 2021.



**Directorate**     **Chief Executive**

**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, Democratic, Digital & Customer Services;

**Directorate Chief Executive**

**Officer: Head of Legal, Democratic, Digital & Customer Services (Monitoring Officer)**

**Delegation:**

- 1 Authorised to act as the Monitoring Officer in terms of Section 5 and 5A of the Local Government and Housing Act 1989 and as Proper Officer in terms of Section 2 of the said Act;
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 act as Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50A (2), 50(C) (2), 50 (F) (2) and 231 of the Local Government (Scotland) Act 1973, and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council or its Committees, Boards or sub-Committees;
4. Authorised to act as Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office), Section 7 of the Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Members Interests) and the relevant provisions of the Local Government ( Scotland ) Act 2004;
- 5 Authorised to sign missives, contracts and similar documents, binding the Council;
- 6 Authorised to engage private legal firms to carry out legal work on behalf of the Council, in appropriate instances;
- 7 Authorised to appoint Counsel to act for the Council in appropriate instances and to seek Counsel's Opinion;
- 8 Authorised to appoint Parliamentary Agents;
- 9 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;
- 10 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;
- 11 Authorised to make applications to the Sheriff under Section 35 of the Children's Hearing (Scotland) Act 2011 seeking Child Assessment Orders;
- 12 Authorised to make applications to the Sheriff under Section 37 of the Children's Hearing (Scotland) Act 2011 seeking a Child Protection Order;
- 13 Authorised to make applications to the Sheriff under Section 76 of the Children (Scotland) Act 1995 seeking Exclusion Orders;
- 14 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;
- 15 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;

- 16 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;
- 17 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;
- 18 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;
- 19 Authorised to represent the Council at any ~~j~~udicial or ~~q~~uasi-~~j~~udicial ~~h~~earing under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 20 Authorised, after consultation with the ~~Corporate~~-Director Environment and Regeneration 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;
- 21 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;
- 22 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;
- 23 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;
- 24 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;
- 25 Authorised to exercise the following powers relative to the Civic Government (Scotland) Act 1982:-
- (a) To determine all applications 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/they~~ 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/they 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/the Leader of the Minority Group (as defined at paragraph 5.1 above on page [TBC]) or their nominate (being that group of Members which does not form the ruling Administration of the Council) 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;

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26 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 the Leader of the Minority Group (as defined at paragraph 5.1 above on page [TBC]) or their nominate a Member of the Minority Group (as above) 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;

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- 27 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;
- 28 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;
- 29 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, where no objections have been lodged and there are no unusual features about the application;
- 30 Authorised to determine applications in respect of minibus permits under the Transport Act 1985;
- 31 In terms of the Safety of Sports Grounds Act 1975, in consultation with the Chief Constable, the Chief Officer, Scottish Fire & Rescue, the Director of Environment and Regeneration and the Head of Regeneration, Planning & 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;
- 32 Authorised to determine applications in respect of Cinema Licences in terms of the Cinemas Act 1985, and grant certificates of exemption in respect of the same, where no objections have been lodged and there are no unusual features about the application;
- 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 property previously in the ownership of the Council 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 and Interim Head of Property Services
- 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 consultation with the Interim Head of Property Services, 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;
- 39 Authorised, in consultation with the Interim Head of Property Services, where land and/or property have been or are declared surplus to the Council's requirements, to agree terms and conditions, conclude missives and execute deeds for and on behalf of the Council in relation to the disposal of such land and property up to the value of £50,000, subject to the condition that he/she/they maintains a Register of all transactions so dealt with, which Register shall be available for inspection by Members;

- 40 Authorised, in consultation with the Interim Head of Property Services, to approve the terms and conditions of, and to conclude missives for and to enter into ( i ) leases or licences to occupy by or to the Council for periods not exceeding one year ( ii ) the renewal of such leases or licences to occupy in circumstances considered necessary and appropriate; and ( iii ) the variation, renunciation or otherwise termination of such leases or licences to occupy.
- 41 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;
- 42 Authorised, in consultation with the interim Head of Property to conduct consultations required in terms of the Town and Country Planning (Scotland) Act 1959 and the Community Empowerment (Scotland) Act 2015 in respect of any proposals involving disposal, appropriation and/or change of use of relevant land.
- 43 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;
- 44 Authorised, where there are no maintained objections to any proposed Traffic Regulation Order, to make such Order.
- 45 Authorised, where there are no maintained objections to any proposed Redetermination Order, to make such Order, in terms of The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;
- 46 Authorised, where there are no maintained objections to any proposed Speed Limit Order, to make such Order, in terms of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999;
- 47 Authorised, where there are no maintained objections to any proposed Stopping Up Order, to make such Order, in terms of Part IX "Roads, Footpaths and Rights of Way" and Schedule 16 of the Town and Country Planning (Scotland) Act 1997;
- 47 Authorised to act as Clerk to the Inverclyde Licensing Board in terms of the Licensing (Scotland) Act 2005;
- 48 Authorised to support the Council's Data Protection Officer through ICT provision and review;
- 49 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;
- 50 Authorised to determine, in consultation with the Chair of the General Purposes Board, the manner in which a hearing is held in respect of civic licensing matters, in terms of the Coronavirus (Recovery and Reform) (Scotland) Act 2022;
- 51 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.
- 52 Authorised to grant licences, and take or instruct other action, in respect of houses in multiple occupation, in terms of the Housing (Scotland) Act 2006, but only to grant such licences where there are no objections to the same, and in accordance with relevant Council policy;

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53 Authorised to grant licences, and take or instruct other action, in respect of short-term lets, in terms of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, but only to grant such licences where there are no objections to the same and in accordance with relevant Council policy;

54 Authorised to grant licences, and take or instruct other action, in respect of sexual entertainment venues, in terms of the Air Weapons and Licensing (Scotland) Act 2015, but only to grant such licences where there are no objections to the same and in accordance with relevant Council policy;

55 Authorised to grant licences, and take or instruct other action, in respect of mobile home sites with permanent residents, in terms of the Caravan Sites and Control of Development Act 1960, but only to grant such licences where there are no objections to the same and in accordance with relevant Council policy;

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**Directorate Environment & Regeneration**

**Officer: Interim Head of Physical Assets Services**

**Delegation:**

**Assets**

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1 Authorised, in conjunction (where appropriate) with the Director, Environment & Regeneration, 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)~~ (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;

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2 Authorised to carry out the functions of the Council under the Reservoirs Act 1975;

3 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, Principal Designer, Principal Contractor and/or Contractor, to carry out the duties appropriate to each such appointment;

4 Authorised, in consultation with the Director, Environment & Regeneration to allocate and apportion office accommodation between the Council's Services and to arrange for any required alterations or adaptations;

5. 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;

6. 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;

7. Authorised to make arrangements for the implementation and monitoring and review of the Council's Corporate Asset Management Strategy in accordance with Council policy;

8. Authorised to establish, publish and maintain the register of land under section 94 of the Community Empowerment (Scotland) Act 2015;

9. Authorised to proceed with repairs to all operational and Learning Estate Management Plan properties;

10 Authorised in terms of the Community Empowerment (Scotland) Act 2015 to make arrangements for regulating the Council's responsibilities for promoting and maintaining allotments;

- 11 With reference to all properties and land in the ownership of or leased by the Council, other than those in the Commercial and Industrial Portfolio, to:
- 11.1 approve the terms and conditions of and to sign missives of lease or licences to occupy in respect of such properties for a period 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;
  - 11.2 agree the terms of and conclude missives in respect of assignments, variations or renunciations of leases or licences for such properties;
  - 11.3 agree the terms of and conclude any consents under leases or licences for such properties;
  - 11.4 terminate leases or licences of such properties at ish;
  - 11.5 in relation to such properties, where arrears of rent have arisen or any other term of a lease or licence has been breached, to enter into and terminate the lease or licence 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; and
  - 11.6 agree and document rental levels at review periods for leases of such properties.
12. Authorised, after appropriate consultation with such other services of the Council as ~~he/she/they~~ may decide as appropriate, to determine applications for consent for the temporary use of Clyde Square, Greenock and other civic spaces.
13. Authorised to appoint external professional advisers in connection with dilapidation assessments, rateable valuations and other issues where appropriate and necessary.

### Roads

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;

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- (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;
- (ij) 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 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 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 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) Transport (Scotland) Act 2005;
- 26 Authorised, in terms of existing contracts 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 Section 51 of the Roads (Scotland) Act 1984 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;

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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 local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under the Road Traffic Regulation 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 carry out the Council's powers, duties and obligations in relation to Decriminalised Parking except for enforcement (which latter responsibility is the delegated role of the Head of Regeneration, Planning & Public Protection) but 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, such as under the Transport (Scotland) Act 2019;

36. Authorised to carry out the Council's powers, duties and obligations in respect of public paths under the Countryside (Scotland) Act 1967 and the Countryside (Scotland) Regulations 1982;

37. Authorised to carry out the Council's powers, duties and obligations in respect of road humps and traffic calming measures under the Roads (Scotland) Act 1984, the Road Humps (Scotland) Regulations 1998, the Road Humps and Traffic Calming (Scotland) Amendment Regulations 1999 and the Road Humps and Traffic Calming (Scotland) Amendment Regulations 2002, subject to consultation with the Chief Constable as appropriate.

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**Directorate Environment, Regeneration & Resources**

**Officer:** Head of Regeneration, Planning & Public Protection ~~Director Environment and Regeneration~~

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**Delegation:**

**Regeneration**

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- 1 Authorised to award business development grants, within the Council's Policies, up to a limit of £10,000 subject to availability of budget;
- 2 Authorised to award training grants to appropriate organisations and agencies within the Council's Policies, up to a limit of £10,000 subject to availability of budget;
- ~~4~~ 3 Authorised to award rent abatement assistance to local companies, within the Council's Policies and following consultation with the Chief Financial Officer;
- ~~3~~ With reference to all properties in the Commercial and Industrial Portfolio, authorised to:
  - ~~3.1~~ approve the terms and conditions of and to sign missives of lease or licences to occupy in respect of such properties in the ownership of the Council for a period 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;
  - ~~3.2~~ to grant leases in respect of such 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;
  - ~~3.3~~ agree the terms of and conclude missives in respect of assignments, variations or renunciations of leases or licences for such properties
  - ~~3.4~~ agree the terms of and conclude any consents under leases or licences for such properties;
  - ~~3.5~~ terminate leases or licences of such properties at ish;
  - ~~3.6~~ in relation to such properties, where arrears of rent have arisen or any other term of a lease or licence has been breached, to enter into and terminate the lease or licence 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; and
  - ~~3.7~~ to agree rental levels at review periods for leases of such properties;
  - ~~3.8~~ to proceed with repairs to such properties.

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**Planning & Building Standards**

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- 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, 1970 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, Democratic, Digital & Customer 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/they~~ 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 & Public Protection, the Chief Constable and the Chief Officer, Scottish Fire and Rescue Service

~~22 22~~ Authorised to fix the annual date for the inspection of any certified sports ground;

~~23 Authorised to exercise the Council's powers, rights and duties under the Planning (Scotland) Act 2019;~~

~~23 — With reference to all properties in the Commercial and Industrial Portfolio, authorised to:~~

~~23.1 — approve the terms and conditions of and to sign missives of lease or licences to occupy in respect of such properties in the ownership of the Council for a period 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;~~

~~23.2 — to grant leases in respect of such 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~~

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~~£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;~~

~~23.3 agree the terms of and conclude missives in respect of assignments, variations or renunciations of leases or licences for such properties~~

~~23.4 agree the terms of and conclude any consents under leases or licences for such properties;~~

~~23.5 terminate leases or licences of such properties at ish; and~~

~~23.6 in relation to such properties, where arrears of rent have arisen or any other term of a lease or licence has been breached, to enter into and terminate the lease or licence 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;~~

~~23.7 to agree rental levels at review periods for leases of such properties;~~

~~23.8 to proceed with repairs to such properties.~~

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#### 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 and Regeneration**

**Officer: Head of Regeneration, Planning & Public Protection**

**Commented [IS12]:** Following Council meeting will all be joined in single section. Retained as separate for now to ease review, with there being less tracked changes.

**Delegation:**

**Public Protection**

- 1 Authorised 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 Authorised 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 Authorised to act and appoint suitably qualified officers as Local Authority Competent Persons under the Public Health etc. (Scotland) Act 2008;
- 5 Authorised 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 Authorised 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 Authorised 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 Authorised 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/shethey may deem necessary and appropriate;
- 9 Authorised 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 Authorised to sign Suspension Notices under Section 14 of the Consumer Protection Act 1987;
- 11 Authorised to sign Notices under Section 94 of the Civic Government (Scotland) Act 1982;
- 12 Authorised 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 Authorised to carry out the Council's enforcement powers, duties and obligations in relation to Decriminalised Parking Enforcement, including all enforcement provisions and 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;

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- 14 Authorised to appoint officers of the Council to act as Parking Attendants and Enforcement Officers in terms of all legislative and all local provisions and functions of the immediately preceding paragraph for the purposes of the following and without prejudice to the generality thereof: 1. The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) Order 2013; 2. The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013; 3. The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013; 4. The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013; 5. The Inverclyde Council (Off-Street Parking Places) Order 2013 and for any extension, modification, replacement or additions to the Council's approved parking strategy or traffic regulation orders or similar whatsoever and from time to time as may be in force and effect, which may include in terms of the Transport (Scotland) Act 2019;
- 15 Authorised to carry out the functions of the Council in terms of the following sections of the Environmental Protection Act 1990:
- (i) Section 88 – under which the litter authority may appoint authorised officers to issue fixed penalty notices for littering;
- 16 Authorised to grant authorisations for directed (covert) surveillance permitted under Sections B6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000;
- 17 Authorised to make, serve and revoke Closing Orders and Demolition Orders under the Housing (Scotland) Act 1987 in respect of Below Tolerable Standard properties;

**Waste Services**

1. 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;

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- 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 90 – under which a litter authority can designate land as a litter control area;
- (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;

#### Grounds

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).

#### Other

- 18 Authorised to carry out the Council's powers, duties and obligations in respect of the Prevent Duty and the requirements relating to the Prevent Multi Agency Panel (PMAP), in terms of the Counter-Terrorism and Security Act 2015, with the Council's Single Point of Contact (SPOC) in respect of the said Prevent Duty being the Head of Regeneration Planning & Public Protection, subject to the submission of the Council's Prevent Annual Assurance Return being delegated to the Chief Executive in terms of Section C of this Scheme of Delegation;
- 19 Authorised to carry out the Council's powers, duties and obligations, including the powers of entry, inspection closure, sampling, service of notices, seizure and/or purchase of goods, gathering of information, taking of samples etc. in terms of the following Acts and all and any 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 following Acts and all and any Regulations made thereunder:

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;

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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 Union (Withdrawal) Act 2018;  
Explosives Acts 1875 and 1923;  
Factories Act 1961;  
Fair Trading Act 1973;  
Fireworks Act 2003;  
Fireworks and Pyrotechnic Articles (Scotland) Act 2022  
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;  
Transport (Scotland) Act 2019:  
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;  
Coronavirus (Scotland) Act 2020.

**Directorate — Environment & Regeneration**

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

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**Delegation:**

1. — Authorised to have responsibility for the delivery of the integration of services and the strategic outcomes for the Partner Council;
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 the Partner Council 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;
5. — Authorised to carry out the Council's powers, duties and obligations in relation to Decriminalised Parking except for enforcement (which latter responsibility is the delegated role of the Head of Regeneration, Planning & Public Protection but 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;
6. — 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;

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- 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;~~
- j) ~~Section 90 — under which a litter authority can designate land as a litter control area;~~
- ~~(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;~~

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- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm
- ~~(o) Under Section 58, in relation to the granting of permission for the deposit of building materials on roads;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(r) Under Section 61, in relation to granting permission to place and thereafter maintain apparatus in or under a public road;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(t) Under Section 63, in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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);~~ Formatted: Indent: Left: 0 cm
- ~~(v) Under Section 66, in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(z) Under Section 83, in relation to the prevention of obstruction of the view of road users at or near corners, bends and junctions;~~ Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(aa) Under Section 85, in relation to granting permission for the location of builders' skips on roads;~~ Formatted: Indent: Left: 0 cm

- ~~(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;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(cc) Under Section 87, in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(dd) Under Section 88, in relation to the removal of projections interfering with safe or convenient passage along a road;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ **Formatted:** Indent: Left: 0 cm
- ~~(ii) Under Section 93, in relation to the protection of road users from dangers near a road;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(jj) Under Section 94, in relation to the infill of dangerous ditches adjacent to or lying near a public road;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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.;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(ll) Under Section 96 (1), to act as the Proper Officer to issue a certificate as provided in the said Section;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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);~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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);~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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;~~ **Formatted:** Indent: Left: 0 cm
- ~~(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;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- 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;~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm
- ~~(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.~~ **Formatted:** Indent: Left: 0 cm, Hanging: 1.27 cm

~~19 — Authorised after consultation with the Chief Constable 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 Interim Head of 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 Interim Head of 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;~~

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~~— (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;~~

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~~— (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;~~

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~~(d) — Under Section 12, to serve notice on owners of land where protection works are necessary;~~

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~~(e) — Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;~~

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~~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;~~

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~~26 — Authorised, in terms of existing contracts and subject to consultation with the Interim Head of 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:~~

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~~(a) — To act as Client's Agent and appoint Designer, Planning Supervisor, Principal Contractor and/or Contractor;~~

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~~(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;~~

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~~(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 local Members in relation to the construction of road humps;~~

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~~(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;~~

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~~(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;~~

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~~(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;~~

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~~30 Authorised after consultation with the Chief Constable and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under the Road Traffic Regulation Act 1984~~

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~~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).~~

Commented [IS19]: Moved to HoRPPP