

# Powers Delegated To Officers

Approved by Council **24** March 20**20**~~19~~



## POWERS DELEGATED TO OFFICERS

### DEFINITIONS, PRINCIPLES AND INTERPRETATION

#### DEFINITIONS

**The Council** means Aberdeen City Council.

**ACC Procurement Regulations** means the Aberdeen City Council Procurement Regulations ~~2019~~.

**Commented [AS1]:** Date not required.

**ACC Financial Regulations** means Aberdeen City Council's Financial Regulations.

**Chief Officers means:-**

- (i) the Chief Executive and Directors of the Council;
- (ii) Council officers whose job titles include the term "Chief Officer";
- (iii) the Council's Head of Commercial and Procurement ~~Services~~;
- (iv) the Chief Officer of the Aberdeen City Health and Social Care Partnership; and
- (v) the Chief Finance Officer of the Aberdeen City Health and Social Care Partnership.

**Commented [AS2]:** Updated throughout to reflect the job title

**Scheme of Governance** means the Council's Scheme of Governance, comprising the Committee Terms of Reference; ~~the~~ Powers Delegated to Officers; Standing Orders for Council, Committee and Sub-Committee Meetings; ACC Financial Regulations; ACC Procurement Regulations; and ~~the~~ Member-Officer Relations Protocol.

#### PRINCIPLES

1. This Powers Delegated to Officers document applies from 6 March 2019 and sets out the powers delegated by the Council to officers, pursuant to the Local Government (Scotland) Act 1973. This Powers Delegated to Officers document is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
2. The powers delegated to officers in terms of this Powers Delegated to Officers document are subject to change by decision of the Council in accordance with the Scheme of Governance.
3. The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers and stating the titles of those officers. This Powers Delegated to Officers document is produced in compliance with that duty.
4. Any delegation made to an officer under this Powers Delegated to Officers document shall not prevent the Council or relevant Committee ~~or Sub Committee~~ from exercising the power so delegated provided that the matter in question has not already been determined.
5. This Powers Delegated to Officers document does not permit delegation to an officer of a power which is reserved to the Council or one of its Committees or Sub Committees.
6. The Council shall exercise all its powers and duties in accordance with the law and the Council's constitutional documents. In particular, the exercise of any power contained within this Powers Delegated to Officers document shall be in accordance with the provisions of the Scheme of Governance and shall be subject to there being sufficient funding available to cover the costs of exercising that power. In exercising such a power, the relevant officers shall have due regard to relevant Council policy.

**Commented [AS3]:** Added to cover sub-committees

In exercising such a power, the relevant officers should be mindful of the potential for political sensitivity or controversy and, where appropriate, should consider consulting with elected members or referring the matter to Council or one of its Committees or Sub Committees. Some of the powers contained herein expressly require consultation with elected members.

7. Except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate. Any such sub-delegations shall be made in writing or confirmed in writing as soon as reasonably practicable. Chief Officers will remain accountable for decisions taken by their sub-delegates. Section 50G of the Local Government (Scotland) Act 1973, regarding maintenance of a list of powers exercisable by officers, shall be complied with.
8. An interim Chief Officer, or an individual formally acting up as a Chief Officer, shall be treated as a Chief Officer for the purposes of this Powers Delegated to Officers document.
9. In the event that a Chief Officer is unavailable, his/her deputy, the Chief Executive (including his/her nominee) or the relevant Director of the Council will have delegated authority to take urgent decisions in the absence of the Chief Officer in question.

#### INTERPRETATION

1. References to any legislation, circulars, directions, plans, policies, procedures, regulations, ~~byelaws, rules, and guidance and similar things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time. References to any legislation include all subordinate legislation made under that legislation from time to time.
2. References to any committees, ~~sub-committees~~ departments, services, ~~and~~ officer titles, ~~organisations and other things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time.
3. All references to the doing of any-thing or the taking of any action, step or measure, except where the context otherwise requires, include reference to the instructing of or arranging for same.
4. All references to the signing, serving, giving or issuing of any notice or other document include reference to any and all of those actions (and instructing or arranging for such serving, giving or issuing).
5. References to “officers”, “staff” and “employees” mean those of the Council, except where the context otherwise requires.
6. References to “including” (and “include” and any variation thereof) mean including without limiting the generality of any description preceding such term.
7. In the event of any conflict or inconsistency between this Powers Delegated to Officers document and any legislation or rule of law, that legislation or rule of law shall prevail. In the event of any incorrect citation of, or reference to, legislation in this Powers Delegated to Officers document, the relevant provision(s) of this Powers Delegated to Officers document shall be read as referring to the correct legislation.

**Commented [AS4]:** Added to ensure all potential areas covered.

**Commented [AS5]:** Added to reflect sub-committees

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## 1. GENERAL DELEGATIONS TO CHIEF OFFICERS

The following General Delegations may be exercised by any Chief Officer - but **only in relation to a function or matter which falls within their remit or area of responsibility**. This is subject to any express restriction of the exercise of the power to certain Chief Officers only.

1. To exercise any powers conferred on Council officers by any Management Rules or Byelaws made under the Civic Government (Scotland) Act 1982 or Local Government (Scotland) Act 1973 respectively **and to undertake reviews of such Management Rules and Byelaws.**
2. To authorise officers within their function or service to exercise all or any of the statutory powers which have been allocated by the Council to their function or service, with any such authorisations being documented.
3. To sign, give, issue and serve:
  - a. statutory notices, statutory orders and other statutory documents, and
  - b. **other** notices, orders and documents of a legal **nature** (except ~~deeds and contracts and conveyancing deeds~~), and to exercise any powers pursuant to any such notices, orders and documents.
4. To offer services of staff to other local authorities or public or statutory bodies:
  - a. **in emergencies** where the **safety or** protection of the public is at risk or where such services are otherwise essential in the circumstances, or
  - b. subject to the ACC Procurement Regulations, where the Chief Officer identifies an opportunity for income generation for the Council.
5. To provide consultancy services to other persons or organisations and make charges for same, subject always to the provisions of the ACC Procurement Regulations and ACC Financial Regulations.
6. **To make visits and attend events, meetings, hearings, conferences, courses and seminars** (and to authorise members of staff to so visit and attend) within the United Kingdom, where s/he considers this to be in the interests of the Council and sufficient budgetary provision exists to cover the cost.
7. To authorise settlement or repudiation of any claim made against the Council (whether by litigation or otherwise), following consultation with the Chief Officer - Governance, and provided that sufficient budgetary provision exists to cover any payment to be made in settlement.
8. To instruct the raising by the Council of any court or tribunal proceedings, or the taking by the Council of any other legal action, and to instruct the enforcement of any orders or decrees obtained thereby.
9. To instruct the defence by the Council of any court or tribunal proceedings, or other legal action, raised or taken against the Council.
10. To approve expenditure under the Council's Relocation Policy provided that sufficient budgetary provision exists to cover such expenditure.
11. To accept gifts on behalf of the Council and to record such gifts in accordance with the Council's policy on gifts and hospitality.

**Commented [AS6]:** Updated to ensure good practice and therefore that reviews are undertaken of such Management Rules and Byelaws

**Commented [AS7]:** Clarification of wording to confirm the GD does not cover conveyancing deeds.

**Commented [AS8]:** Addition of "safety" to provide greater clarity in what circumstances this power would be invoked.

**Commented [AS9]:** Addition of "hearings" to ensure all reasons why a member of staff may require to travel within the UK are covered.

12. To incur expenditure (not exceeding £500 on any one occasion) on the provision of appropriate hospitality to members and officers of national government, local authorities or public authorities visiting the city, or to consultants or others assisting or co-operating with officers of the Council in carrying out any of the Council's functions provided that the expenditure can be met from existing budgets.

13. To exercise all powers delegated to him/her as a Chief Officer in terms of the ACC Procurement Regulations.

14. ~~To exercise all powers delegated to him/her as a Chief Officer in terms of the Inter-Authority Agreement 3 relating to the NESS Energy Project.~~

**Commented [AS10]:** Added to reflect the decision of Council of 4 March 2019

14.15. To approve changes in hours for existing ~~authorised~~ posts, provided that sufficient budgetary provision exists.

**Commented [AS11]:** Removal of unnecessary language

15.16. To approve termination of service ~~on medical or capability grounds~~ in accordance with Council policy where such a course of action is supported by a recommendation by the Council's occupational health provider; and to approve termination of service on grounds of trust or confidence or on any other lawful grounds.

**Commented [AS12]:** Updated to say in accordance with policy rather be prescriptive.

16.17. To take all decisions regarding employment, retirement, dismissal and training of staff in terms of the Council's Conditions of Service and the Council's employment policies.

18. ~~To make changes to job titles~~ where there are no changes to the post.

**Commented [AS13]:** Procedure re staffing Business Cases reviewed and this GD added to reflect new operational practice regarding approval of changing job titles. Reference to changing job titles subsequently proposed for deletion within GD17.

17.19. To submit ~~Staffing Business Cases requests~~ to the Chief Officer – People and Organisational Development ~~Establishment Control Board in line with agreed processes~~ in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts; changing grades, ~~temporary or one-off amendments to pay, and changing job titles~~, following consultation with the ~~Chief Officer – Organisational Development and the Chief Officer - Finance and~~ with the relevant trades unions, ~~in line with our FAIR agreement.~~

**Commented [AS14]:** Procedure re staffing requests reviewed and this GD amended to reflect new operational practice. Reference to changing job titles removed and proposed to be covered in a new standalone GD. Also, links to DP1 under the Director of Resources which is proposed for deletion as now redundant. 'agreed process' has been agreed with Tus where they are involved.

18.20. To make appointments to all posts below the level of Chief Officer ~~and to any~~ including Chief Officer posts which are below second tier level.

**Commented [AS15]:** Clearer wording

19.21. To agree to acquire second hand goods up to a value of £50,000 without a competitive quotation being obtained, provided that he/she obtains in writing (including e-mail) the prior agreement of the Head of Commercial and Procurement ~~Services~~ before effecting the purchase and that the ACC Procurement Regulations are otherwise complied with.

20.22. To create and amend procedures, ~~operational plans~~, protocols and guidance.

**Commented [AS16]:** Added to reflect the current position where plans are developed at an operational level on a regular basis, e.g. improvement plans, action plans, service plans, emergency plans, to give effect to Council decisions and Council approved strategies and policies.

21.23. To implement Council decisions and policies.

22.24. To authorise, following consultation with the Chief Officer - Governance, the entering into, variation, extension or termination of any:

- a. non-disclosure agreements in relation to commercial matters;
- b. confidentiality agreements in relation to commercial matters; or
- c. agreement, protocol, memorandum of understanding or other document relating wholly or mainly to the sharing or processing of information.

**23-25.** To approve applications for grant funding. Thereafter, following consultation with the Convener of the City Growth and Resources Committee, to authorise the acceptance of the grants funding provided that the terms and conditions of such funding have been approved by the Chief Officer - Finance and the Head of Commercial and Procurement Services. Expenditure of such grant funding may then be approved by the relevant Chief Officer subject to any such terms and conditions and in compliance with the ACC Procurement Regulations and Financial Regulations.

**26.** To approve the making of:

a. grants (each with a maximum value of £15,000) to organisations; and

b. grants, awards or prizes (each with a maximum value of £2,500) to individuals,

following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant, award or prize is made subject to terms and conditions approved by the Head of Commercial and Procurement Services. ~~To approve the making of grants of up to £15,000 for organisations and £2,500 for individuals, following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant is made subject to terms and conditions approved by the Head of Commercial and Procurement Services.~~

**27.** To approve the terms and conditions for grants approved as part of the budget process, following consultation with the Head of Commercial and Procurement

**24-28.** To approve purchase orders and authorise payments; and to approve officer signatory lists and officer authorisation levels in relation to the raising and approval of purchase orders and the authorisation of payments.

**25-29.** Following consultation with the Chief Officer - Governance or the Head of Commercial and Procurement Services as appropriate, to approve the entering into of any contractual, legal or other documentation which may be necessary or expedient in connection with the proper exercise of any power, or the proper taking of any decision, by the Chief Officer in question ~~which has been hereby delegated~~, and in compliance with the ACC Procurement Regulations.

**26-30.** To purchase equipment, goods and services ~~where the expenditure has been approved by the Council,~~ in compliance with the ACC Procurement Regulations and ACC Financial Regulations.

**27-31.** To approve responses to requests for information made under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 and to take any other action in connection with such requests; and to authorise other officers to approve such responses or take such action.

**28-32.** To approve responses to complaints made to the Council and to take any other reasonable and proportionate action in relation to such complaints and to authorise other officers to approve such responses or take such action, all in terms of the Complaints Handling Procedure.

**29-33.** To take action under the Council's Unacceptable Actions Policy and authorise other officers to take such action.

**30-34.** To appoint persons (i) as interim Chief Officers; or (ii) to act up as Chief Officers.

**31-35.** To produce, publish and issue reports required or requested of the Council by legislation, the UK or Scottish governments, regulatory bodies or other external bodies and notify the relevant Convener.

**Commented [AS17]:** Wording/layout updated to make power explicit. Approval of the making of awards or prizes also added.

**Commented [AS18]:** New DP added to reflect the processing of grants approved at the budget meeting.

**Commented [AS19]:** Deletion of unnecessary wording

**Commented [AS20]:** Updated to align with current Procurement Regulations where expenditure under the threshold does not require Council approval before undertaking the procurement. Regulations

**Commented [AS21]:** New DP added to cover responsibility under the Unacceptable Actions Policy.

**Commented [AS22]:** Additions to cover publishing such reports and to enable Chief Officer to respond to requests by legislation, the UK or Scottish governments, regulatory bodies or other external bodies

**32.36.** Following consultation with the Chief Officer - Governance, and notification or consultation with Trade Unions in accordance with the Trade Union Consultation protocol where appropriate, to make:

- amendments to Council policy in order to reflect the law, Council or committee decisions, government guidance, regulators' guidance and other Council policies; and
- minor or inconsequential amendments to Council policies including, but not limited to, the correction of obvious, technical or clerical errors and taking account of changes to any names or titles.

**Commented [AS23]:** Amended to reflect that TUs would be notified/consulted in accordance with TU consultation protocol as appropriate and to ensure a consistent approach across all policies.

**Commented [AS24]:** Updated to ensure that decisions by council or committee can be reflected

**33.37.** When acting as Duty Emergency Response Coordinator (DERC):

- to take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:
- an emergency (as "emergency" is defined in the Civil Contingencies Act 2004); or
- any incident that requires the implementation of special arrangements in order to:
  - maintain statutory services at an appropriate level;
  - support the emergency services and other organisations involved in the immediate response;
  - provide support services for the community and others affected by the incident;
  - enable the community to recover and return to normality as quickly as possible; and
  - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda; and

- to implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

**34.38.** Following consultation with the Business Manager and, where relevant, ward members, to determine Participation Requests under the Community Empowerment (Scotland) Act 2015 and the outcome improvement process to apply. To determine Participation Requests (requests by community participation bodies to participate in outcome improvement processes) under the Community Empowerment (Scotland) Act 2015; and to inform the Business Manager, and members of affected wards, of the receipt and determination of any such requests

**Commented [AS25]:** Legislation added to clarify meaning of "Participation Requests".

**35.39.** To order the cessation of any work which is in breach of health and safety legislation or which otherwise poses an unacceptable risk of harm or loss.

**36.40.** To operate the Scheme of Virement as set out within the ACC Financial Regulations.

**37.41.** **Directors, Chief Officer - Governance, Chief Officer - Strategic Place Planning and Chief Officer - City Growth only:** To provide a Council response to an external consultation and; thereafter to inform the relevant Convener and Vice Convener and all Group Leaders that the response has been submitted. A response to an external consultation on a strategic matter can only be submitted following consultation with the Leader of the Council.



**38.42. Chief Executive and relevant Directors only:** To transfer, alter or reallocate staff, activities, responsibilities and clusters functions within the Council's Functional Structure, whether on an interim or permanent basis. For the avoidance of any doubt, this delegated power does not cover such transfers to outside organisations.

**Commented [AS26]:** Updated to clarify responsibilities within this power.

**39.43.** To waive fees where the Chief Officer considers this to be appropriate.

**44.** To provide references or testimonials for current or former service providers, contractors or consultants of the Council.

**45.** To approve the making of payments from the funds of trusts in respect of which:

**Commented [MM27]:** Added to take account of full Council decision regarding trusts on 9 Dec 2019

(a) the Council is sole trustee or the only trustees are elected members of the Council, and  
(b) that Chief Officer is the lead Council officer, following consultation with the Chief Officer – Finance and provided always that such payments are in accordance with the relevant trust deeds.

## 2. CHIEF EXECUTIVE

1. To take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:

- an emergency (as “emergency” is defined in the Civil Contingencies Act 2004), or
- any incident that requires the implementation of special arrangements in order to:
  - maintain statutory services at an appropriate level;
  - support the emergency services and other organisations involved in the immediate response;
  - provide support services for the community and others affected by the incident;
  - enable the community to recover and return to normality as quickly as possible; and
  - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda.

2. To implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

3. Following consultation with the Chief Officer - Governance and the Chief Officer – People and Organisational Development, to authorise a settlement agreement with an employee below Chief Officer level, including in relation to his/her leaving the Council’s employment.

~~3.4. Following consultation with the Chief Officer – Governance, the Chief Officer – People and Organisational Development and the Leader of the Council, to authorise a settlement agreement with an employee of Chief Officer level, including in relation to his/her leaving the Council’s employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Officer – Organisational Development, the Chief Officer – Governance and the Leader of the Council.~~

**Commented [AS28]:** DP3 split into two DPs to make it clearer the different action for an officer below Chief Officer level and for a Chief Officer.

### 3. DIRECTOR OF CUSTOMER

#### CHIEF OFFICER - CUSTOMER EXPERIENCE

##### Revenues and Benefits

1. To administer, collect and enforce recovery of council tax and non-domestic rates in accordance with appropriate regulations, legislation and council policy.
2. To assess and determine housing benefit claims, council tax reduction applications and the scheme for discretionary housing payments, grant benefit and reductions in accordance with appropriate regulations and determine appeals on such applications and claims.
3. To administer the Scottish Welfare Fund in accordance with the terms of the Welfare Funds (Scotland) Act 2015 and associated delegated legislation.
4. To write off debt in accordance with the ACC Financial Regulations.
5. ~~To enforce recovery of Housing Benefit Overpayments and unpaid Penalty Charges Notices and Bus Lane Charges Enforcement Notices in accordance with appropriate regulations, legislation and Council policy.~~
6. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the Children and Young Persons (Scotland) Act 1937 and other legislation relating to the employment of children.~~
7. ~~To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the Children and Young Persons Act 1963 and associated regulations.~~
8. ~~To award Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government~~
9. ~~To administer and award School Clothing Grants (section 23 of the Education (Scotland) Act 2016) which amends the Education Scotland Act 1980~~
10. ~~To administer the Blue Badge Scheme in accordance with the Chronically Sick and Disabled Persons Act 1970 and associated regulations.~~

**Commented [AS29]:** New DP - Addition to reflect operational responsibilities.

**Commented [AS30]:** DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

**Commented [AS31]:** DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

**Commented [AS32]:** DP transferred from CO-IC&FS to align with operational responsibilities.

**Commented [AS33]:** New DP - Addition to reflect operational responsibilities.

**Commented [AS34]:** New DP - Addition to reflect operational responsibilities.

##### Payroll

- 4.11. To administer the Council's payroll system.

##### Finance

12. To collect and enforce recovery of all service income due to the Council, excluding housing rents, in accordance with appropriate regulations and legislation.

**Appeals - Parking, Bus Lanes and other Enforcement Activity**

13. To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

14. To undertake, arrange to be undertaken, authorise and instruct, and to authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

15. To undertake, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team (and/or other officers) to undertake, all activity relating to the processing and issue of parking permits in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation.

This delegated power includes (but is not limited to) issuing, and approving and rejecting applications for and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue approve or reject applications for:

- contractor parking permits;
- permits for NHS medical staff (e.g. i.e. Doctors/GPs);
- permits for contractor NHS care staff;
- monthly permits for off street car parks; and
- permits for Aberdeen City Council staff;

**Commented [AS35]:** Both DPs Transferred from Chief Officer – Early Intervention and Community Empowerment to align with operational responsibilities.

**Commented [AS36]:** New DP - Addition to reflect operational responsibilities.

and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue such permits and approve or reject applications for such permits.

## CHIEF OFFICER - EARLY INTERVENTION AND COMMUNITY EMPOWERMENT

### Libraries

- ~~1.~~ To exercise statutory powers to provide and manage public libraries; ~~and the to provide and manage the Council's library and information service.~~
- ~~1.2.~~ To prescribe loan periods for articles borrowed from the Council's libraries and collections; and to make charges for the borrowing of items, other than books or periodicals from the Council's collections or the provision of any service provided at libraries.
- ~~2.3.~~ To grant permission for the reproduction of photographs, documents or books and to impose appropriate charges.
- ~~3.4.~~ To grant applications for permission to use accommodation within the Central Library or any community library on the usual terms, conditions and charges applying thereto.

### Community Learning

- ~~5.~~ To attend to the general management of community centres and community learning centres within the Council's ownership ~~and, following determination of funding provision by Full Council, to issue funding letters to the relevant organisations.~~
- ~~4.6.~~ To manage the Creative Learning Programme.
- ~~7.~~ To provide programmes of adult education.
- ~~5.8.~~ To ~~create~~ and deliver the Community Learning and Development ~~strategy~~ Plan

### Housing Allocations

- ~~9.~~ To ~~maintain a common housing register and to~~ allocate Council homes in accordance with the Council's letting and allocation policies.

### Housing Tenancies

- ~~10.~~ To manage Council tenancies and housing estates in line with service policies, tenancy agreements and relevant legislation including, but not limited to, the various Housing (Scotland) Acts; and to sign, and authorise officers to sign, tenancy agreements relating to Council houses.
- ~~6.11.~~ To sign, and to authorise ~~Local Housing Managers~~ Locality Inclusion Managers to sign, Notices of Proceedings for Recovery of Possession of Council houses, in terms of the Housing (Scotland) Act 2001.
- ~~7.12.~~ To instruct, following consultation ~~with the Chief Officer – Customer Experience,~~ the raising on behalf of the Council of proceedings for recovery of possession of Council houses on any of the grounds specified in paragraphs 1 - 15 inclusive of Part 1 of schedule 2 to the Housing (Scotland) Act 2001 or otherwise in terms of that Act or on any other lawful grounds.
- ~~To authorise Locality Inclusion Managers Local Housing Managers to instruct the raising on behalf of the Council of proceedings for recovery of possession of Council houses on grounds of rent arrears, in terms of the Housing (Scotland) Act 2001.~~
- ~~8.13.~~ To deal with cases of unauthorised or irregular occupation of Council houses by persons other than the tenant and to instruct the raising on behalf of the Council of proceedings for recovery of possession of such Council houses.

**Commented [AS37]:** Added to reflect decision of ODC in January 2020

**Commented [AS38]:** New DP - Added to reflect operational responsibilities.

**Commented [AS39]:** updated to reflect Council policy

**Commented [AS40]:**  
Updated to reflect current designations – changed from Local Housing Managers to Locality Inclusion Managers.

**Commented [AS41]:**  
Updated to include in following consultation with the Chief Officer – Customer Experience, to align with operational responsibilities.

**Commented [AS42]:**  
Deleted as covered by DP10

**9-14.** To make decisions, and take or instruct all necessary action, in relation to succession to Council house tenancies and vacancy and abandonment of Council houses.

**10-15.** To authorise home loss and discretionary payments under the provisions of the Land Compensation (Scotland) Act 1973, schedule 2 of the Housing (Scotland) Act 2001 and related legislation, regulations and guidance.

#### Housing Revenue Account

16. To authorise payments from the Housing Revenue Account as required to maintain the wellbeing of tenants.

17. To maintain a current Housing Revenue Account Business Plan.

18. To ~~write off~~ following consultation ~~with the Chief Officer – Customer Experience~~, -Former Tenants' Arrears and associated housing debts in accordance with the ACC Financial Regulations, ~~reporting any such instances to City Growth and Resources Committee~~.

**Commented [AS43]:** Updated wording to align with organisational responsibilities and to include provision to report to CG&R Committee.

#### Property Factoring

19. To act as the Responsible Person for the purposes of section 3 of the Property Factors (Scotland) Act 2011.

#### Communities

**20-21.** To ~~administer~~ funding, develop and maintain appropriate ~~scrutiny and governance~~ arrangements for the Fairer Aberdeen Fund and the Common Good Fund.

**Commented [AS44]:** Added scrutiny to reflect role undertaken.

**21-22.** To deliver participatory budgeting, following consultation with the Convener of the City Growth and Resources Committee and the Chief Officer - Finance, provided that sufficient budgetary provision exists for the purpose for which the participatory budgeting process is being delivered.

**22-23.** To update and maintain Locality ~~Improvement~~ Plans.

**Commented [AS45]:**  
Updated terminology

24. Following consultation with the Chief Officer - Governance, to create, amend and implement procedures concerning the Community Empowerment (Scotland) Act 2015, including in relation to Participation Requests, all in accordance with Council policy.

**23-25.** To ~~create~~~~undertake~~ and report to ~~Committee~~ on the Council's Child Poverty Action Plan and ~~Child Poverty Action Report~~.

**Commented [AS46]:** New DP - Addition to reflect operational responsibilities.

#### Homelessness

**26.** To undertake the Council's statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing (Scotland) Acts.

**24-27.** To ~~create~~ and monitor the implementation of the Council's Rapid Rehousing Transition Plan.

**Commented [AS47]:**  
New DP - Addition to reflect operational responsibilities.

**25-28.** To provide out of hours emergency services for homeless persons, including the carrying out of urgent repairs.

**26-29.** To assess homeless applications and provide a range of temporary and permanent accommodation in accordance with the Housing (Scotland) Acts and Homelessness (Scotland) Act 2003.

**27-30.** To administer a homelessness prevention fund in order to prevent and reduce instances of homelessness.

~~28.31.~~ To increase the relative priority of homeless families and couples where the short-term supply and demand for housing is impacting on the Council's statutory duty to offer appropriate permanent housing.

~~29.32.~~ To write off debts, following consultation with the Chief Officer – Customer Experience, in relation to homelessness in accordance with the ACC Financial Regulations.

**Commented [AS48]:**  
Updated wording to align with organisational responsibilities.

#### Antisocial Behaviour

~~30.33.~~ To prepare and review a Local Antisocial Behaviour Strategy, in consultation with the Chief Constable of the Police Service of Scotland, as required by Part 1 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~34.~~ To authorise relevant officers to implement Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~35.~~ To authorise applications for Antisocial Behaviour Orders (ASBOs) and interim ASBOs, to revoke or extend ASBOs, and the taking of other legal actions or measures under the Crime and Disorder Act 1998 and the Antisocial Behaviour etc. (Scotland) Act 2004.

~~31.36.~~ To authorise action under Part 7 (Housing: Antisocial behaviour notices) of the Antisocial Behaviour etc. (Scotland) Act 2004.

#### Equalities

~~32.37.~~ To manage and support encampments of Gypsy and Travelling Community to ensure that the needs of both the Gypsy and Travelling Community and the settled community are being met and liaise with the Chief Officer - Governance in cases of unauthorised encampments in considering whether to seek legal action for eviction on Council owned land.

~~33.38.~~ To provide services to travelling persons including, but not limited to, the management and maintenance of a site for travelling persons.

~~34.39.~~ To ensure that the Council complies with the Equality Act 2010 and its public sector general equality duty and specific equalities duties.

~~35.40.~~ To engage with marginalised and seldom heard equality and communities of interest groups so that their issues and needs can be identified and addressed where appropriate in Council policy, plans and strategies.

~~36.41.~~ To develop, publish, support, monitor and review the Council's Gaelic Action Plan.

~~37.42.~~ To develop, publish, support, monitor and review the Council's BSL (British Sign Language) Action Plan.

#### Terrorism

~~40.~~ ~~To advise the Council on strategies and policies for the development and implementation of counter-terrorism programmes.~~

**Commented [AS49]:**  
Removed as not a decision making delegation.

#### Parking, Bus Lanes and other Enforcement Activity

~~38.43.~~ To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic



Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a appointing and authorising City Wardens and other officers to be parking attendants and to issue Penalty Charge Notices; and

~~b issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates;~~

~~c taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges); and~~

~~eb~~ taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to the immobilisation, removal, storage and disposal of vehicles.

**Commented [A550]:** Sections b and c in respect of appeals transferred to CO-CE to align with operational responsibilities.

~~39. To~~ undertake, arrange to be undertaken, authorise and instruct, and to authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to) :-

~~40.44. and~~ issuing, and authorising ~~officers in the Parking and Bus Lane Appeals Team~~ City Wardens and other officers to issue, ~~Charge Notices and Charge Certificates,~~ and

~~a taking, authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges);~~

**Commented [A551]:** Section b transferred to CO-CE to align with operational responsibilities.

~~41.45.~~ To instruct, and to authorise City Wardens and other officers to undertake, environmental enforcement activity in terms of the Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, Smoking, Health and Social Care (Scotland) Act 2005 and any other legislation relevant to public health.

~~42.46.~~ To authorise City Wardens and other officers to issue fixed penalty notices in terms of the Dog Fouling (Scotland) Act 2003.

#### Private Sector Housing

47. To:

a Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;

b Make third party applications to the Housing and Property Chamber First-Tier Tribunal for Scotland under Chapter 4, Housing (Scotland) Act 2006; and

c Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the

**Commented [A552]:** Transferred from CO-OPS DPs to align with operational responsibilities.

Integration Joint Board approved budget available for the purpose and in accordance with approved policies.

**48. To:-**

- a Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;
- b Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;
- c Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;
- d Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;
- e Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;
- f Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;
- g Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and
- h Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.

**49. To:-**

- a Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;
- b Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and
- c Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.

**50. To authorise the Private Sector Housing Strategy Officer to instruct the Chief Officer - Governance to prepare and sign "Notice of Potential Liability for Costs" as and when required.**

**Commented [MM53]:** Deleted the Housing Strategy and Performance Manager – incorrect title

### CHIEF OFFICER - DIGITAL AND TECHNOLOGY

1. To engage with potential suppliers and to pilot new information and communications technologies (ICT) systems, subject to the ACC Procurement Regulations.
2. ~~To implement hardware and software ICT solutions to meet business needs.~~ To determine and implement hardware and software ICT solutions, including the application or removal of restrictions and tools, to meet business needs and to protect the security of the Council's ICT systems.
3. To alter ICT service hours and availability of ICT support.

**Commented [MM54]:** To recognise that the CO requires flexibility to proactively take action to prepare for or respond to information security weaknesses/cyber attacks as well as adapt to newly developed technology.

#### 4. DIRECTOR OF COMMISSIONING

1. To exercise all powers delegated to him/her in terms of the ACC Procurement Regulations.
2. To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a Direction from the Integration Joint Board to the Council and/or a relevant business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works) or the turnover from the contract is estimated to be £4.5m or more (concessions), subject to the approval of the Chief Officer - Finance and the Head of Commercial and Procurement Services.

**Commented [AS55]:** Updated to reflect concession contracts and to align with the change to the Procurement Regulations

## HEAD OF COMMERCIAL AND PROCUREMENT SERVICES

1. To have overall responsibility for creating and amending procurement procedures in terms of the ACC Procurement Regulations and in accordance with Council policy.
2. To ensure that the Procurement Manual relevant Procurement Guidance Notes are in place and that necessary revisions are made to these it on a regular basis to reflect changes in legislation, Council policy or good practice, in terms of the ACC Procurement Regulations.
3. To exercise all responsibilities and powers delegated to him/her under the ACC Procurement Regulations.
4. To sub-delegate his/her responsibilities and powers under the ACC Procurement Regulations to managers and team leaders within his/her Service.
5. To approve the entering into, variation, extension or termination of any contract or agreement in circumstances where, following after consultation with the relevant Chief Officer (or his/ her deputy or nominee), he/she is satisfied that it is competent and in the interests of the Council to do so.
- 5-6. To sign (and to authorise the Team Leader of the Commercial Legal Team to sign) contracts, agreements, notices and other documents to which the Council is a party.
- 6-7. To authorise the entering into of an agreement with any person (including another local authority) for:
  - a. the supply by the Council to that person of any goods or materials;
  - b. the provision by the Council for that person of any services;
  - c. the use by that person of any property belonging to or facilities under the control of the Council and, without prejudice to paragraph (b) above, the placing at the disposal of that person of the services of any person employed in connection with the property or facility in question;
  - d. the carrying out by the Council of works of maintenance in connection with land or buildings for the maintenance of which the person is responsible;subject to compliance with the Local Authorities (Goods and Services) Act 1970 and any other relevant legislation, and Aberdeen City Council keeping trading accounts for the relevant trading operation in accordance with proper accounting practices.
- 7-8. To arrange and effect, and to authorise the Insurance Officer to arrange and effect, all insurance cover on behalf of the Council.

**Commented [AS56]:** Replacement of "Procurement Guidance notes" with "Procurement Manual" to reflect current terminology.

**Commented [AS57]:** Updated to reflect Team Leader of Commercial Legal Team

**Commented [AS58]:** Reviewed wording to provide greater clarity.

**Commented [AS59]:** New DP for Head of Commercial and Procurement. The Chief Officer – Governance already has this DP and has, up until now, authorised officers in C&P to do this via a sub-delegation, however it would be preferable for the Head of C&P to have it as well to avoid sub-delegation as the person who is sub-delegating retains responsibility for the actions of the person they have given authority to and where they are C&P matters the Chief Officer – Governance is often not involved.

**8.9.** To settle or repudiate, and to authorise the Insurance Officer and other officers to settle or repudiate, all claims made against the Council which involve the Council's insurers. Such settlement or repudiation shall follow consultation with other officers where necessary.

**9.10.** To agree minor amendments to the Memorandum and Articles of Association of Arm's Length External Organisations (ALEOs) of the Council where those amendments do not alter the extent of the Council's control over that ALEO, and to execute written resolutions or vote at a general meeting of an ALEO on behalf of the Council in relation thereto.

**Commented [AS60]:** New DP - Additional delegation to deal with minor amendments to the Articles of Association of an ALEO that really has no material impact on the Council.

## CHIEF OFFICER - BUSINESS INTELLIGENCE AND PERFORMANCE MANAGEMENT

1. To put in place an appropriate framework and internal controls across all functions which provide assurance of effective and efficient organisational performance against the Council's outcomes.
2. To put in place an appropriate control environment and effective internal controls which provide assurance of adherence with the requirements of Statutory Performance Indicators for the statutory duty of Public Performance Reporting.
3. To authorise the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy, and procedures and guidance; and to approve, implement and amend procedures relating to data protection and the GDPR.

**Commented [AS61]:** Transferred from CO-Governance to align with operational responsibilities.

## 5. CHIEF OPERATING OFFICER

### CHIEF OFFICER - INTEGRATED CHILDREN'S AND FAMILY SERVICES

#### Education

1. ~~To take steps to~~ discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education), and in doing so:
  - a. having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standards in Scotland's Schools etc. Act 2000);
  - b. endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of that Act); and
  - c. raising standards in Scotland's schools (section 3D of that Act).
2. To prepare an accessibility strategy under the Education (Disability Strategies and Pupil's Educational Records) (Scotland) Act 2002.
3. To operate cross border arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980).
4. To make decisions as to limiting the capacity of schools, the management of roll capping and the reservation of school places in both primary and secondary school.
5. To set school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980).
6. To make decisions on requests for deferred entry to schools.
7. To admit children to pre-school education (Children and Young People (Scotland) Act 2014).
8. To administer the Council's scheme of Devolved School Management.
9. To consider applications for early entry to school.
10. ~~To manage and determine~~ make decisions on placing requests, including the publishing of information on arrangements in accordance with the provisions of sections 28A and 28B, and representing the Council at any placing appeal committee in accordance with sections ~~28E-28C~~ or ~~28F-28E~~, of the Education (Scotland) Act 1980.
11. ~~To manage and determine~~ make decisions on placing requests under schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 and represent the Council at any placing appeal committee or ~~Additional Support Needs Tribunal~~ First-tier Tribunal.
12. To agree or refuse requests for access to pupil educational records in accordance with the Pupils' Educational Records (Scotland) Regulations 2003.
13. To enforce attendance at school, including the serving of notices, making and issuing Attendance Orders and instructing proceedings against parents in respect of children's nonattendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980).

**Commented [AS62]:** Clearer wording of power.

**Commented [AS63]:** Changed "manage and determine" to "make decisions on" to make the power clearer and to try and use consistent language throughout. Also section numbers refined for accuracy

**Commented [AS64]:** Changed "manage and determine" to "make decisions on" to make the power clearer and to try and use consistent language throughout and ASNT no longer exists under that name.



14. To allow pupils to miss school (section 34 of the Education (Scotland) Act 1980).
15. To exclude pupils from school (regulation 4 of the Schools General (Scotland) Regulations 1975) and represent the Council at any exclusions appeal committee in accordance with section 28H of the Education (Scotland) Act 1980 or at the First-Tier Tribunal
16. To promote the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006).
17. To provide support and guidance to Parent Councils (Scottish Schools (Parental Involvement) Act 2006).
18. To consider applications and award bursaries (section 49 of the Education (Scotland) Act 1980).
19. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the~~
20. ~~To discharge the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937) and other legislation relating to the employment of children.~~
- 21-20. Following consultation with the Chief Officer - People and Organisational Development, to sign agreements reached by the Local Negotiating Committee for Teachers.
- 22-21. To provide or arrange in-service training for staff.
- 23-22. To provide the education authority's representatives on the Appointment Committees for all Statutory Appointments.
24. ~~To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.~~
- 25-23. To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).
- 26-24. To consult on, prepare and publish a two year plan for day care services to children in need in terms of section 19 of the Children (Scotland) Act 1995 and section 55 of the Children and Young People (Scotland) Act 2014.
- 27-25. To provide early learning and childcare under section 27 of the Children (Scotland) Act 1995.
28. ~~To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.~~
- 29-26. To submit a proposal which affects or relates to denominational schools to the Scottish Ministers for their consent in accordance with the Schools (Consultation) (Scotland) Act 2010.
- 30-27. To implement the duties and exercise the powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004.
- 31-28. To implement the duties and exercise the powers set out in the Education (Scotland) Act 2016.
- 32-29. To consent to the withdrawal of children from school in terms of the Education (Scotland) Act 1980.

**Commented [EF65]:** This was missing. Whilst Exclusion appeals have not yet transferred to the Tribunal, and may not – this future proofs this power.

**Commented [AS66]:** Transferred to CO – Customer Experience to align with operational responsibilities.

**Commented [AS67]:** Transferred to CO – Customer Experience to align with operational responsibilities

**Commented [AS68]:** Transferred to CO – City Growth to align with operational responsibilities.

**Commented [AS69]:** Transferred to CO – Corporate Landlord to align with operational responsibilities.

~~33-30.~~ To authorise the approval of early retirement requests from teachers and non-teaching staff within the function in accordance with agreed policy.

~~34-31.~~ To offer recruitment and retention incentive payments for hard to fill professional teaching posts.

~~35-32.~~ To sign and date co-ordinated support plans in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 and the Education (Co-ordinated Support Plan) (Scotland) Regulations 2005.

~~36-33.~~ To provide transport for pupils and students (section 51 of the Education (Scotland) Act 1980).

~~37-34.~~ To provide child guidance services (section 4 of the Education (Scotland) Act 1980).

~~38-35.~~ To make decisions about the provision of other food and drink to pupils who are eligible for free school meals e.g. breakfast and the provision of school food and drink for non-eligible children and whether or not to charge for such provision (section 53 of the Education (Scotland) Act 1980). ~~To provide school meals (section 53 of the Education (Scotland) Act 1980).~~

~~39-36.~~ To provide clothing (section 54 of the Education (Scotland) Act 1980).

~~40.~~ To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the (Children and Young Persons Act 1963) and associated regulations.

~~41-37.~~ To award Education Maintenance Allowances (section 72(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government. currently sits with financial inclusion service (dereks team I think)

**Commented [AS70]:** Updated to clarify responsibilities and to reflect that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS

**Commented [AS71]:**  
Transferred to CO – Customer Experience to align with operational responsibilities.

**Commented [AS72]:**  
Transferred to CO – Customer Experience to align with operational responsibilities.

#### Children's Social Work

~~42-38.~~ To delegate the Chief Social Work Officer role to Lead Service Managers when the Chief Officer - Integrated Children's and Family Services is absent or as otherwise required. Any such delegation shall be made in writing.

~~43-39.~~ To take necessary steps to discharge the Council's duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, the Adoption and Children (Scotland) Act 2007, the Looked After Children (Scotland) Regulations 2009, the Adoption Agencies (Scotland) Regulations 2009 and other legislation relating to children's social work matters.

~~44-40.~~ Where the carer of a person over 18 years of age is a child under 18 years of age, to assist Health and Social Care staff to assess the carer's needs and provide information about the assessment in terms of sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968 and the Carers (Scotland) Act 2016.

~~45-41.~~ To make direct payments to individuals to allow them to purchase community care services or, if they are disabled, to assist them to care for their children (aged up to 18 years) under the Social Care (Self-directed Support) (Scotland) Act 2013.

- 46.42.** To make direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013.
- 47.43.** To bury or cremate any child or young person who was in the care of, or receiving help from, the Council immediately before their death in terms of section 28 of the Social Work (Scotland) Act 1968.
- 48.44.** To decide whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals, in terms of section 20 of the Social Work (Scotland) Act 1968.
- 49.45.** To provide and maintain whatever residential and other establishments are needed for the Council’s functions under Part II of the Children (Scotland) Act 1995.
- 50.46.** To recover from other local authorities any costs for services provided to people ordinarily resident in the areas of those authorities under the Social Work (Scotland) Act 1968, in terms of section 86 of that Act.
- 51.47.** To authorise the following finance-related matters in accordance with ACC Financial Regulations and Council policies:
- a. reimbursing carers and substitute carers for loss or damage (ex gratia) of up to ~~£500~~£1000,
  - b. reimbursing staff for loss or damage (ex gratia) of up to ~~£500~~£1000;
  - c. making payments to staff for emergency expenses (ex gratia) of up to £50; and
  - d. reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (ex gratia), where it would be in the interests of the Council to maintain goodwill.
- 52.48.** To provide reports and information to the courts in private law proceedings in terms of section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995.
- 53.49.** To assess and recover contributions for “maintainable” children looked after by the Council in terms of sections 78 to 82 of the Social Work (Scotland) Act 1968.
- 54.50.** Where there is an assessed need, to pay allowances to people who have children and young people residing with them in terms of section 50 of the Children Act 1975.
- 55.51.** To provide an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007.
- 56.52.** To supervise and provide reports to the court in respect of non-agency adoptions in terms of sections 18 and 19 of the Adoption and Children (Scotland) Act 2007.
- 57.53.** To take necessary or facilitative steps to implement arrangements for the adoption of children.
- 58.54.** To provide adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007.
- 59.55.** To approve and pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007.

**Commented [AS73]:**

To amend DP 50 to increase the figure from £500 to £1000 to ensure that carers and staff are not left in a financially detrimental position as a result of loss or damage.

- 60-56.** To secure the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984).
- 61-57.** To publish information about services for children in terms of section 20 of the Children (Scotland) Act 1995.
- 62-58.** To safeguard and promote the welfare of children looked after by the Council and give them the opportunity to fulfil their potential in terms of section 17 of the Children (Scotland) Act 1995.
- 63-59.** To safeguard and promote the welfare of children in need, giving help “in kind or in cash” in terms of section 22 of the Children (Scotland) Act 1995.
- 64-60.** To minimise the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment in terms of sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the Social Care (Self-directed Support) (Scotland) Act 2013.
- 65-61.** To provide accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it, in terms of section 25 of the Children (Scotland) Act 1995.
- 66-62.** To provide accommodation in terms of section 25 of the Children (Scotland) Act 1995.
- 67-63.** To provide accommodation and maintenance for children looked after by the Council in terms of section 26 of the Children (Scotland) Act 1995.
- 68-64.** To provide after-care for children (under 26 years of age) who were previously looked after by a local authority in terms of section 29 of the Children (Scotland) Act 1995 and continuing care under section 26A of the Children (Scotland) Act 1995.
- 69-65.** To provide financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age in terms of section 30 of the Children (Scotland) Act 1995.
- 70-66.** To review cases of children looked after by the Council in terms of section 31 of the Children (Scotland) Act 1995.
- 71-67.** To remove children from residential establishments in terms of section 32 of the Children (Scotland) Act 1995.
- 72-68.** To accept responsibility for orders made in respect of children in other parts of the United Kingdom where the child is now ordinarily resident in Aberdeen in terms of section 33 of the Children (Scotland) Act 1995.
- 73-69.** To provide short-term refuges where a child may be at risk of harm in terms of section 38 of the Children (Scotland) Act 1995.
- 74-70.** To make enquiries and provide information to the Principal Reporter to the Children’s Panel where children may need compulsory measures of care in terms of section 60 of the Children’s Hearings (Scotland) Act 2011.

**75-71.** Where a child may be at risk of significant harm, to investigate the matter and if need be apply for the following orders:

- Child Assessment Order (under section 35 of the Children’s Hearings (Scotland) Act 2011);
- Child Protection Order (under sections 37 to 39 of the Children’s Hearings (Scotland) Act 2011);
- Emergency Child Protection Order to a Justice of the Peace (under section 55 of the Children’s Hearings (Scotland) Act 2011); and
- Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995).

**76-72.** To provide reports on children and their social background for a Children’s Hearing in terms of section 66 of the Children’s Hearings (Scotland) Act 2011.

**77-73.** To implement the measures contained in Orders made by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

**78-74.** To recommend that a Compulsory Supervision Order is reviewed by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

**79-75.** Where assessed as necessary, to apply to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007.

**80-76.** To apply for variation or revocation of a Permanence Order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007.

**81-77.** To provide information to the Courts and arrange accommodation for the detention of children being prosecuted for, or convicted of, criminal offences in terms of sections 42, 43, 44 and 51 of the Criminal Procedure (Scotland) Act 1995.

**82-78.** To make purchases, outside the central purchasing arrangements, of necessary food, clothing and other essential items for children in care of the Council and living within the Council’s residential establishments for young people.

**83-79.** To offer recruitment and retention incentive payments for hard to fill professional social work posts.

**84-80.** To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).

**85-81.** To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

**86-82.** To place a child in foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

**87-83.** To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.

**CHIEF EDUCATION OFFICER**

1. To approve, in consultation with the Early Learning and Childcare Programme Board, specific grants from the Partner Providers Grant Funding Scheme, to individual Early Learning and Childcare Providers, to support infrastructure projects and increase quality provision for the delivery of expanded hours of Early Learning and Childcare.

**Commented [AS74]:** New section – power below added to reflect decision of CG&R Committee.

## **CHIEF OFFICER - OPERATIONS AND PROTECTIVE SERVICES**

### **Roads and Infrastructure Services**

1. To maintain a list of public roads including classification of roads network.
2. To manage and maintain all roads on a list of public roads including power to reconstruct, alter, widen, improve or renew any such road within approved budgets.
3. To exercise the control of road occupations, reporting to the next relevant committee if any member objects to the proposed decision.
4. To manage and implement the requirements of the New Roads and Street Works Act 1991.
5. To implement arrangements for both temporary and permanent traffic management and related street furniture.
6. To commence and complete the statutory procedure set out in the Local Authorities Traffic Order (Procedure) (Scotland) Regulations 1999 and undertake all necessary preparation prior to making orders under the Road Traffic Regulation Act 1984, sections 1, 2 and 4 (road traffic orders), only bringing the matter before the Operational Delivery Committee where, following consultation with such members as the Chief Officer deems appropriate, an objection is received or where there are unresolved outstanding objections arising from the statutory/ public consultation process.
7. To make and sign permanent traffic orders and implement them where the statutory/public consultation process yields no objections or, where objections have been received, the orders have gained the appropriate committee approval; and to authorise second tier and third tier roads officers to sign and implement such orders in these circumstances.
8. To make and sign, and to authorise second and third tier roads officers to sign, temporary traffic orders.
9. To commence and complete the statutory procedure set out in the Road Humps (Scotland) Regulations 1998 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to road humps, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
10. To commence and complete the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to stopping up and redetermination, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
11. To exercise operational management of “on-street” and “off-street” parking facilities.
12. To authorise the removal of private vehicles which have unpaid Penalty Charges Notices recorded against them in accordance with the Road Traffic Regulation Act 1984, Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation

Order 2003 and the Removal and Disposal of Vehicles Regulations 1986 and any other relevant legislation.

**13.** To represent the Council's interests with regard to coast protection and flood prevention matters including the development of the Flood Risk Management Plan.

**13-14.** To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications

**Commented [AS75]:** New DP - Reflects practice and mirrors the power available to Environmental Services.

#### Environmental Services

**14.** In accordance with the Burial and Cremation (Scotland) Act 2016 and associated Regulations:

- following consultation with the Chief Officer - Finance, to accept bequests requiring provision by the Council for the upkeep and maintenance in perpetuity of individual graves and tomb stones in cemeteries under the control of the Council in such cases where the amount of the bequest is sufficient to cover the cost of maintenance and upkeep of the grave and of any tombstone;
- to act as Registrar of Burials and Cremations and to act as the keyholder for crematorium buildings;
- to ensure the proper disposal of the ~~dead~~ deceased while taking into account requests of the bereaved;
- to operate the Council's crematorium and to maintain, renew and repair the crematorium buildings;
- to provide facilities for and make available memorials to the ~~deceased~~ deceased;
- to manage arrangements for appointments and statutory paperwork for disposal of the ~~dead~~ deceased, including implementing, monitoring and maintaining systems and records of any disposal of the ~~dead~~ deceased and issuing any extracts of such records;
- to maintain identification of the remains throughout the process of cremating the ~~deceased~~ deceased; and
- to arrange for the supervision of exhumations.

**Commented [AS76]:** Amended terminology to align with other sections of the PDOs.

**Commented [AS77]:** Amended terminology to align with other sections of the PDOs.

**15.** To carry out the Council's duties in regards to the Wildlife and Natural Environment (Scotland) Act 2011.

**16.** Following consultation with the Chief Officer - Governance, to negotiate, authorise and sign agreement(s) with NHS Grampian and their associated funeral service provider(s) to bury or cremate pregnancy loss provided by NHS Grampian, all in accordance with Scottish Government guidance and best practice.

**16-17.** To approve and execute allotment site regulations, make minor amendments to such regulations and administer and manage allotments, including granting, varying and terminating allotment leases and maintaining a list of individuals who request allotments, all in terms of the Community Empowerment (Scotland) Act 2015 and other relevant legislation.

**Commented [AS78]:** New PDO added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015 and other relevant legislation and to enable the CO to approve and sign off the Regulations currently out for consultation



## Waste Services

17. To set commercial waste charges.
18. To authorise officers to enforce the provisions of the Environmental Protection Act 1990.
19. To remove and dispose of abandoned vehicles in terms of the Refuse Disposal (Amenity) Act 1978.
20. To authorise officers to remove, store and return to any owner any bin blocking a street.
21. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to agree that, notwithstanding the terms of the Council's Waste Service Contract, the commencement and handover dates have been achieved, provided that the Altens East Plant operator shall continue to use its reasonable endeavours to ensure the Altens East Plant Contractor passes the Plant Function Tests and Mass Balance Tests (as those terms are defined in the Waste Service Contract).
22. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to approve expenditure on repairs and maintenance to sites owned by the Council, that are procured by the Altens East Plant operator on behalf of the Council, provided that the Altens East Plant operator conducts the procurement in accordance with the ACC Procurement Regulations and that the expenditure is capable of being met from existing budgets.
23. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree non material variations or supplemental agreements to the Waste Service Contract, including but not limited to, or as a consequence of:-
  - variations necessitated due to a change in taxation and/or any applicable legislation or subordinate legislative provision, EU regulation or directive having direct effect, provision of common law or other binding law, requirement of any authorisation, licence, permission, consent or permit or rule of any court of competent jurisdiction and any local, national or supranational agency, inspectorate, minister, ministry, official or public or statutory person (whether autonomous or not), or of the government of the United Kingdom or the European Union, which exists at any time during the life of the contract;
  - the approval of fixed term waste trials;
  - amendments to reporting requirements;
  - changes in the price index used for the indexation of elements of the contract prices; and
  - the approval of repairs and maintenance of sites owned by the Council that are serviced by the Altens East Plant operator under the Waste Management Services contract (for example Ness Farm, Hill of Tramaud).
24. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree variations to the Waste Management Services Contract following a decision of the Council to:-
  - a. change its waste collection operations;

- b. change the opening hours of Council sites serviced by the Altens East Plant operator under the Waste Services Contract;
  - c. close Council owned facilities currently serviced by the Altens East Plant operator under the Waste Services Contract; and
  - d. add new facilities to be serviced by the Altens East Plant operator under the Waste Services Contract.
25. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement ~~Services~~ and the Convener of the Operational Delivery Committee, to negotiate and conclude the variations necessary to the Waste Management Services Contract in relation to the acceptance of third party recycle and/or residual waste at Altens East Plant provided that the nature of those variations results in a net reduction of the Council's operational costs of the Altens East Plant.
26. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement ~~Services~~ and the Convener of the Operational Delivery Committee, to give Suez consent to bid for:-
- a. the inclusion of the Altens East Plant on framework agreements for waste and recycling services; and
  - b. individual contracts to provide waste and recycling services to third parties (i.e. other local authorities or commercial entities) using the Altens East Plant to process the waste and/or recycle, as and when such opportunities arise, contingent upon the variation to the Waste Services Contract in number 25 above having been concluded.

#### Protective Services

- ~~43-51.~~ To authorise officers as required in respect of the rights of entry and inspection contained in section 5 of Part I of the Civic Government (Scotland) Act 1982.
- ~~44-52.~~ To authorise the issue of Certificates under section 39(4) of the Civic Government (Scotland) Act 1982 regarding the compliance of vehicles, kiosks or moveable stalls with relevant regulations made under section 1(3) of the Food Safety Act 1990.
- ~~45-53.~~ To authorise the issue of Certificates under section 50 of the Licensing (Scotland) Act 2005 regarding the compliance of premises with regulations made under section 1(3) of the Food Safety Act 1990 relating to construction, layout, drainage, ventilation, lighting and water supply or concerned with the provision of sanitary and washing facilities.
- ~~46-54.~~ To take such action as is necessary with regard to the administrative arrangements under Part 1 of the Food and Environmental Protection Act 1985.
- ~~47-55.~~ To authorise persons, under section 5 of the Food Safety Act 1990, to act in matters arising under the said Act.
- ~~48-56.~~ To appoint, under Regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006, authorised officers for the purpose of enforcing the said Regulations.

**49-57.** To designate, under section 5 of the Public Health etc. (Scotland) Act 2008, an appropriate number of competent persons for exercising, on behalf of the Council, the functions relating to protection of public health contained in the Act.

**50-58.** To:

- i. enforce and ensure compliance with (and authorise officers to enforce and ensure compliance with) the Health and Safety at Work etc. Act 1974; and
- ii. appoint as inspectors under section 19 of that Act such persons as he/she considers necessary for carrying into effect the provisions of that Act and other relevant statutory provisions and, in each case, delegate to those persons the powers to be exercised by them.

**51-59.** To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.

**52-60.** To undertake Port Health duties under the Public Health (Scotland) Act 1945 and the Airports Authority Act 1965.

**53-61.** To enforce and ensure compliance with (and to authorise officers to enforce and ensure compliance with) the relevant environmental health and public health provisions of the following legislation:

- a Prevention of Damage by Pests Act 1949;
- b Public Health (Scotland) Act 2008;
- c Caravan Sites and Control of Development Act 1960;
- d Private Water Supplies (Scotland) Regulations 2006;
- e Water Supply (Water Quality) (Scotland) Regulations 2000;
- f Housing (Scotland) Act 1987;
- g Housing (Scotland) Act 2006;
- h Housing (Scotland) Act 2001;
- i Control of Pollution Act 1974;
- j Noise and Statutory Nuisance Act 1998;
- k The Clean Air Act 1993;
- l Civic Government (Scotland) Act 1982;
- m Dog Fouling (Scotland) Act 2003 (pursuing recovery of unpaid fixed penalties and notifying the Procurator Fiscal of requests for hearings);
- n Environmental Protection Act 1990;
- o Control of Dogs (Scotland) Act 2010;
- p any legislation relating to hazardous substances or radiation; and
- q any other legislation relating to environmental health or public health matters.

**54-62.** To grant, manage and revoke licences under the Caravan Sites and Control of Development Act 1990 (as amended).

**55-63.** To engage, as required, temporary staff in the event of an emergency mortuary being required for use, having regard to the scale of the emergency.

**56-64.** To authorise officers under section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 to exercise the powers contained in section 7 and also in schedule 1 to the Act.

**57-65.** To appoint and authorise Licensing Standards Officers to exercise powers in terms of section 13 of the Licensing (Scotland) Act 2005.

**58-66.** To authorise officers to enforce the appropriate provisions of the following legislation:-

- a Animal Boarding Establishments Act 1963;
- b Animal Health Act 1981;
- c Animal Health and Welfare (Scotland) Act 2006;
- d Breeding of Dogs Act 1973;
- e Breeding and Sale of Dogs (Welfare) Act 1999;
- f Dangerous Wild Animals Act 1976;
- g Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009;
- h Performing Animals (Regulation) Act 1925;
- i Pet Animals Act 1951;
- j Riding Establishments Act 1964 and Riding Establishments Act 1970;
- k Zoo Licensing Act 1981;
- l Animal By-Products (Scotland) Regulations 2003; and
- m Animal By-Products (Scotland) (Enforcement) Regulations 2013.

**59-67.** To authorise any official veterinary surgeon, acting for the Council, for any of the statutory purposes for which an official veterinary surgeon is required.

**60-68.** To appoint a chief inspector of weights and measures and authorise appropriately qualified officers to exercise the statutory functions of the Council as a local weights and measures authority.

**61-69.** To authorise the chief inspector of weights and measures to exercise the powers conferred on the Council, in its capacity as the local weights and measures authority, by consumer protection and trading standards legislation.

**62-70.** To exercise the Council's power to grant and refuse, renew, vary or revoke a petroleum storage certificate or a petroleum storage licence in terms of the Petroleum (Consolidation) Regulation 2014.

**63-71.** To authorise officers of the Trading Standards Service to issue, vary and revoke product safety notices under section 14 of the Consumer Protection Act 1987 and regulations 11 to 15 of the General Product Safety Regulations 2005.

**64-72.** To authorise officers of the Trading Standards Service to exercise the powers contained in the Tobacco and Primary Medical Services (Scotland) Act 2010.

**65-73.** To authorise officers of the Environmental Health and Trading Standards Services to enforce the Single Use Carrier Bags (Scotland) Regulations 2014.

**66-74.** To authorise officers of ~~the~~ Trading Standards Scotland ~~Investigations Team~~ to carry out specific trading standards and consumer protection enforcement work within Aberdeen City Council's jurisdiction.

**Commented [AS79]:** Updated title

**67-75.** To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications.

**68-76.** To appoint a public analyst and Food Examiner to perform the duties detailed in the relevant sections of the Food Safety Act ~~1990~~1960.

**Commented [AS80]:** Correct date

**69-77.** To appoint an Agriculture Analyst under section 67 of the Agriculture Act 1970.

**70-78.** To exercise the Council's power to grant, renew or amend an Explosives Licence in terms of the Explosives Regulations 2014.

**71-79.** To exercise the Council's power to refuse to issue or to revoke an Explosives Licence in terms of the Explosives Regulations 2014.

**72-80.** To exercise the Council's power to issue or refuse assent for an Explosives Licence, where the application is made to another relevant licensing authority in terms of the Explosives Regulations 2014.

**73-81.** To exercise the Council's power to issue or to refuse to issue or to revoke a licence to supply fireworks outwith the restricted dates in terms of the Fireworks Regulations 2004.

**82.** To establish, hold, manage, regulate and administer markets in accordance with section 27 of the Local Government and Planning (Scotland) Act 1982, to otherwise exercise all powers under section 27 in relation to those markets (except the power to make byelaws) and to take all decisions relating to the day-to-day administration of those markets.

**82.** [To deliver free school meals to eligible school pupils \(section 53 of the Education \(Scotland\) Act 1980\).](#)

**Commented [MM81]:** Added to reflect responsibilities that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS.

#### **Private Sector Housing**

**74.** To:

**a** ~~Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;~~

**b** ~~Make third party applications to the Housing and Property Chamber First Tier Tribunal for Scotland, under Chapter 4, Housing (Scotland) Act 2006; and~~

**Commented [AS82]:** Complete PSH sectioned transferred to CO-EI&CE to align with organisational responsibilities

~~c—Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the Integration Joint Board approved budget available for the purpose and in accordance with approved policies.~~

~~75.—To:—~~

- ~~a—Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;~~
- ~~b—Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;~~
- ~~c—Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;~~
- ~~d—Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;~~
- ~~e—Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;~~
- ~~f—Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;~~
- ~~g—Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and~~
- ~~h—Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.~~

~~76.—To:—~~

- ~~a—Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;~~
- ~~b—Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and~~
- ~~c—Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.~~

~~77.—To authorise the Housing Strategy and Performance Manager and the Private Sector Housing Strategy Officer to instruct the Chief Officer—Governance to prepare and sign “Notice of Potential Liability for Costs” as and when required.~~

## 6. DIRECTOR OF RESOURCES

1. ~~To determine all matters (including Business Cases) submitted or referred to the Establishment Control Board.~~
2. To approve (or to nominate a person as having authority to approve) any procurement, contract and/or business case for the inclusion of a project onto the Council's Capital Programme, as a result of a decision of the Aberdeen City Region Deal Joint Committee and/or a relevant business case, where the estimate value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or the turnover from the contract is estimated to be £4.5m or more (concessions), following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services.
2. To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a decision of the Pensions Committee and/or a relevant procurement business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or turnover from the contract is £4.5m or more (concessions) following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~.
3. To approve outline, full and procurement business cases for all capital projects approved as part of the budget process for the purposes of capital processes and Procurement Regulations, following consultation with the Chief Officer – Capital, Head of Commercial and Procurement -and Conveners of the Capital Programme Committee and the City Growth and Resources Committee and undertake all necessary procurement exercises for each of these capital projects within budget allocated, following consultation with the Head of Commercial and Procurement Services, and thereafter enter into to authorise the entering into any necessary contracts.

**Commented [AS83]:** Procedure re staffing Business Cases reviewed and this DP is no longer required in light of the updated GD regarding staffing Business Cases which will be determined by the Chief Officer – People and Organisational Development.

**Commented [AS84]:** Updated to reference concession contracts and to align with Procurement Regulations.

**Commented [AS85]:** Updated to reference concession contracts and to align with Procurement Regulations.

**Commented [AS86]:** Added to reflect the delegation of power approved at the previous Budget Meeting.

## CHIEF OFFICER - FINANCE

### General Powers delegated to the Chief Officer - Finance as Proper Officer

1. To act as Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 and to administer the financial affairs of the Council and take any necessary actions or decisions in accordance with the ACC Financial Regulations.
2. To delegate the role of Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 to Service Managers when the Chief Officer - Finance is absent or as otherwise required. Any such delegation shall be made in writing.
3. To sub-delegate his/her responsibilities and powers under the ACC Financial Regulations to managers within his/her Service.
- 2.4. To provide the financial administration of the Common Good Fund, Registered Charities, Trusts, Companies and any other funds managed by the Council.
5. To ensure the proper and safe custody of all funds administered by the Council.
- 3.6. To approve new permitted investment instruments under the Council's Investment Strategy, reporting the approval to the City Growth and Resources Committee as soon as practicably possible thereafter.
- 4.7. To enquire into the financial standing of any organisation wanting to provide services with or to the Council in relation to any tender or contract.
- 5.8. To authorise the signature of cheques and other appropriate documentation on behalf of the Council.
- 6.9. To sign bank indemnities.
- 7.10. To approve monthly PPP unitary charge invoices to a value of £2million.
- 8.11. In respect of the Council's Arms-Length External Organisations, to make banking arrangements and provide letters of comfort, where appropriate.
- 9.12. To approve the purchase of second hand goods up to a value of £50,000.
- 10.13. To write off debt in accordance with the ACC Financial Regulations
- 11.14. Following consultation with the Convener of the City Growth and Resources Committee, to approve press releases to the London Stock Exchange through a Regulatory Information Service.
- 12.15. To make arrangements to collect sums due to the Council under the Council's "Contributing to your Care" charging policy for non-residential care services.
- 13.16. To make arrangements to collect sums due to the Council under the national "Charging for Residential Care" scheme.
- 14.17. To administer payments in cash or in kind in accordance with section 12 of the Social Work (Scotland) Act 1968.

**Commented [AS87]:**

New DP - Added to mirror the same power the Head of Commercial and Procurement has in respect of Procurement Regulations.

**Commented [JB88]:** New DP added to reflect the Treasury and Investment Strategy documents being considered by FC on 2/3/20



**15-18.** To make payments due to social care providers, foster carers, kinship carers and adopters.

**16-19.** Following consultation with the relevant Chief Officer and the Convener of the City Growth and Resources Committee, to set fees and charges outside of the budget meeting.

**17-20.** To allocate funding, following consultation with the Convener of the City Growth and Resources Committee, from the Transformation Fund on a savings/cost reduction return for investment basis and subject to the ACC Procurement Regulations.

#### **Accounting**

**19.** To put in place an appropriate control environment and effective internal controls which provide assurance of effective and efficient operations, financial stewardship, probity and compliance with Council policy, legislation and codes of practice in accordance with the Council's Financial Regulations.

**20.** To produce and continuously review the Council's Financial Regulations and any related financial procedures, policies or codes of practice.

**20-21.** To provide financial services to other bodies, organisations etc. subject to a charge being made where appropriate.

**21-22.** To manage the Council's treasury management, including all borrowing and investment activities and banking arrangements.

**22-23.** To secure arrangements for the administration and accounting of VAT, payment of salaries and wages, receipt of monies, purchase cards, credit cards, match funding and imprest accounts.

**23-24.** To develop the budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved savings targets, for both the revenue budget and capital plan, including annual budgets, medium term financial plan and longer term financial planning.

**24-25.** To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the monitoring statements.

**25-26.** To prepare the Council's Annual Accounts in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) for each financial year ending 31 March.

**26-27.** To select suitable accounting policies for the Council and ensure that they are consistently applied to the Council's accounts relating to each financial year.

**27-28.** To take appropriate action as part of the annual final accounts process to maximise the financial benefit to the Council within appropriate legislation, policies and regulations.

**28-29.** To be the primary point of contact for the Council's external auditors.

**29-30.** To submit all financial returns on behalf of the Council.

**30-31.** To authorise disposal or write off of obsolete or excess stock, scrap materials, stores differences and equipment that is obsolete or beyond economic repair, where the value does not exceed £10,000, all in accordance with the ACC Financial Regulations.

**31-32.** To administer the residual housing advances scheme, to implement amendments to interest rates for such loans and to take appropriate action to recover any arrears.

**32-33.** To approve leasing arrangements, and arrange finance and operational leases, in relation to equipment and capital assets.

**33-34.** To authorise arrangements for electronic funds transfers.

**34-35.** Following consultation with the Chief Executive, Directors and the Head of Commercial and Procurement ~~Services~~, to put in place a scheme of delegated financial limits.

**35-36.** To arrange for suitable independent audit of European Union funding claims to be carried out.

**36-37.** To determine the retention period for all books, forms and records related to financial matters.

#### **Pensions Administration**

38. To administer the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations.

39. To implement investment arrangements for the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations, including sourcing and appointment of investment fund managers within the approved strategy.

40. To appoint member representatives to serve on the Pension Board of the North East Scotland Pension Fund.

41. Following consultation with the Chief Officer - Governance, to agree participation by the North East Scotland Pension Fund in securities litigation.

42. To write off debt related to the North East Scotland Pension Fund, in accordance with the ACC Financial Regulations.

42-43. To approve (or nominate officers to approve) the Council's entering into of any agreement or other document concerning the administration of the North East Scotland Pension Fund as described in the power relating to "Pensions" delegated herein to the Chief Officer – Governance.

**Commented [AS89]:** New DP - Added to reflect responsibilities in relation to the Pensions Fund.

### CHIEF OFFICER - CAPITAL

1. To deliver the Council's Capital Programme ("the Capital Programme"), including the Council's ~~Non Housing Capital Plan (NHCP) General Fund Capital Programme (GFCP)~~ and the Council's Housing Capital ~~Plan Programme~~ (HCP).
2. To maintain and oversee a governance structure for the delivery of the Capital Programme.
3. To ensure a governance framework is in place through which all projects in the Capital Programme will be evaluated and prioritised for development and delivery, subject to any appropriate Council or committee approval.
4. To ensure appropriate resources are in place to deliver the Capital Programme and, where necessary, to commit resources as required for such delivery.
5. Following consultation with the Chief Officer - Finance, the Leader of the Council and the Convener of the City Growth and Resources Committee, to allocate funds from the Construction Inflation budget for project management and other costs relating to the Capital Programme.
6. To make any necessary financial, legal and technical decisions in relation to construction projects, following the receipt of professional advice where appropriate and provided that sufficient budgetary provision exists to cover any cost involved, ~~following consultation with the Chief Officer - Corporate Landlord.~~
7. To audit, assess and review the progress, quality and management of projects within the Capital Programme.
8. To report progress on the Capital Programme to the Corporate Management Team (CMT), elected members and the relevant committee, as appropriate.
9. Following consultation with the Director of Resources and Chief Officer - Finance, to approve or reject Strategic Outline Business Cases and where approved, to authorise the development of Outline Business Cases for potential capital projects.
10. Following consultation with the Director of Resources and Chief Officer - Finance, to approve the Outline/Full Business Cases in principle for capital projects ~~recommended for addition to the capital programme outwith the budget meeting,~~ for onward submission to the relevant committee.
11. Following consultation with the Director of Resources, to consider and approve project change requests and authorise consequent amendments to key project criteria provided that sufficient budgetary provision exists to cover any cost involved.
12. To approve the allocation of external funding to individual projects.

**Commented [AS90]:** Updated terminology

**Commented [AS91]:** Wording added to ensure alignment with PDO 11 under the CO-CL

**Commented [AS92]:** Added to reflect that Full Council will approve the capital programme as part of the budget process and proposed additions outwith that considered by CG&R.

## CHIEF OFFICER – PEOPLE AND ORGANISATIONAL DEVELOPMENT

1. ~~To take action to ensure the Council is compliant with relevant employment law.~~
- 1.2. To approve and arrange for the application of all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council, or in the opinion of the Chief Officer – People and Organisational Development are minor variations acceptable to management, the employee and trade unions as appropriate.
2. ~~Following consultation with the relevant Chief Officer, to create fixed term jobs within the Council where the duration of the contract is linked to available funding, including all costs.~~
3. To ~~approve through normal agreed processes, following consultation with the Chief Officer – Finance and the relevant trades unions, in line with our FAIR agreement, changes staffing Business Cases in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts, evaluation review, temporary or one-off amendments to pay, changes to jobs and the creation and recruitment to fixed term and permanent posts, within existing clusters.~~
4. -To put in place arrangements for the appointment of Head Teachers and Depute Head Teachers in accordance with Council policy and the Parental Involvement in Head Teacher and Depute Head Teacher Appointments (Scotland) Regulations 2007.
5. To authorise requests for the extension of either full or half sickness allowance, including teachers, in exceptional circumstances following consultation with the relevant Chief Officer, ~~and where the costs of this extension can be met from within existing service budgets.~~
6. Following consultation with the Chief Executive, to approve applications for Voluntary Severance and Early Retirement for officers below Chief Officer. Applications from Chief Officers should only be approved following consultation with the Chief Executive and the Leader of the Council.
7. To implement pay awards.
8. To take any required action to give effect to the Council's employee benefits scheme.
9. To approve, following consultation with the Convener of the City Growth and Resources Committee, minor changes to the equal pay and modernisation scheme or the buy-out of existing protective terms and conditions on the basis that any such change would be within budget.
10. ~~Following consultation with the Business Manager, to make non-material amendments to human resources policies where such amendments have been consulted on with recognised trade unions~~
11. Following consultation with the Chief Executive and Chief Officer - Governance, to authorise a settlement agreement with an employee below Chief Officer, including in relation to his/ her leaving the Council's employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Executive, Chief Officer - Governance and the Leader of the Council.
12. To act as the representative of the Council when in negotiation with, and in statutory consultation with, trade unions.

**Commented [AS93]:** New DP - Reflects operational responsibilities of the CO.

**Commented [AS94]:** Deleted as now covered in a new DP

**Commented [AS95]:** New DP - Procedure re staffing and this DP added to align with updated GD regarding staffing changes and reflect that these will be determined by the Chief Officer – People and Organisational Development, 'agreed process' agreed with Tus where they are involved.

**Commented [AS96]:** Deleted unnecessary text as budget should always be in place as existing post.

**Commented [AS97]:** Deleted as covered under refreshed GD37 – ensures a consistent approach across all policies

## CHIEF OFFICER - CORPORATE LANDLORD

### Assistance to Local Industry

1. To discuss and negotiate, on a without prejudice basis, proposals and developments in terms of land transactions, premises and finance (following consultation with the Chief Officer - Finance) by way of assistance to local industry.

### Proposals for Council-owned Property

2. To discuss and negotiate, on a without prejudice basis, proposals and developments for Council-owned property.
3. Following consultation with the Chief Officer - Governance, to make arrangements for the referral of compensation disputes to arbitration or the Lands Tribunal.
4. To declare property surplus to the requirements of the Council following consultation with service users.
5. Following consultation with the Convener of the City Growth and Resources Committee, to decline offers to purchase Council land or property and offers to sell land or property to the Council.
6. Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to acquire or sell or take any other interest in heritable property or land where the consideration is less than £250,000 provided that such sale or acquisition represents the land or property's market value.
7. To authorise the granting of standard securities and charges in favour of the Council and the discharge of such standard securities and charges.
8. To instruct the Chief Officer – Governance to grant wayleaves and servitudes over any Council-owned property, or enter into any such agreements over land to protect the Council's wider interests.
9. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
10. To provide, maintain and equip schools and other buildings (section 17 of the Education (Scotland) Act 1980).
11. To make the necessary financial, legal and technical decisions based on professional advice in relation to capital and revenue based building and refurbishment projects and provided that sufficient budgetary provision exists to cover any cost involved, following consultation with the Chief Officer – Corporate Landlord.
12. To oversee budgets associated with the Council's scheme of Devolved School Management.
13. To name Council-owned property and facilities following consultation with the Convener of the City Growth and Resources Committee.
14. To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.

**Commented [AS98]:** Wording added to ensure alignment with PDO 6 under the CO-Capital

**Commented [AS99]:** Transferred from CO-IC&FS to align with operational responsibilities.

### Lease/Building Occupation Management (General Services Account and Common Good Properties)

~~13~~**15.** To grant or decline applications for landlord's consent on terms and conditions reflecting market practice and the Council's interest including the charging of fees for the granting of landlord's consent.

~~14~~**16.** To instruct the Chief Officer - Governance to pursue the irritancy of leases provided that the Chief Officer - Governance is satisfied that there are grounds for doing so.

~~15~~**17.** To approve assignations or sub-leases either in whole or in part incorporating terms as necessary to protect the Council's interest.

~~16~~**18.** To approve the grant of new leases and extensions and variations of existing leases, to agree rent reviews and terminations in respect of such leases (where these are agreed at Market Rental Value) and otherwise to attend to the general management of land and property in the Council's ownership, including the advertising of property for sale or lease.

~~17~~**19.** To make arrangements for referral of a disputed revised rent or other dispute to arbitration in accordance with the terms of the lease in question.

~~18~~**20.** To approve new leases to the Council from third parties and extensions and variations of existing leases from third parties, to agree rent reviews and terminations in respect of such leases, and to otherwise attend to the general management of land and property leased to the Council.

~~19~~**21.** To grant or refuse any application for a let of Education or other Council property including the use of educational premises for licenced functions.

~~20~~**22.** Following consultation with the Chief Officer - Governance, to alter/waive (in whole or in part) commercial rents in response to economic downturn subject to the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and ~~annual reporting to the relevant Committee to report any use of this power by way of service update.~~

**Commented [AS100]:** Updated to ensure that any use of the power is reported timeously.

### Adoption of Amenity Areas

~~21~~**23.** Following consultation with the Chief Officer - Operations and Protective Services, to refuse to adopt or adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.

### Rateable Values

~~22~~**24.** To make representations on, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.

### Planning Representations

~~23~~**25.** To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

**24-26.** To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer - Capital.

**Properties held on the Housing Revenue Account (HRA) - Asset Management and Repairs**

**25-27.** To approve or decline applications from tenants of Council houses for:

- a erection of lock-up garages;
- b installation of car runways;
- c erection of boundary enclosures including walls, fences, gates, etc.;
- d erection of outbuildings including, but not limited to, garden sheds, greenhouses and pigeon lofts;
- e external alterations and additions to houses including, but not limited to, enclosures of verandas, erection of satellite dishes, replacement of external doors and replacement windows;
- f internal alterations and additions to houses including, but not limited to, replacement of sink units, kitchen fitments and bathroom suites, installation of bathroom showers, central heating, removal of internal coal cellars, removal of coal fires and installation of alternative forms of heating, and electrical rewiring and upgrading; and
- g retrospective Landlord's consent in relation to work carried out by a tenant in connection with section 28 of the Housing (Scotland) Act 2001, but on condition that all other statutory consents and approvals are retrospectively obtained.

**26-28.** To arrange for payments to be made in terms of section 29 of the Housing (Scotland) Act 2001 to Council tenants at the termination of a Scottish secure tenancy in respect of improvements carried out by them, including the construction of garages, during the currency of the tenancy, with the consent of the Council, in terms of Council policy.

**27-29.** To determine, following consultation with the Chief Officer - Finance, such annual increase, if any, as may be required in licence fees, registration fees, and the other charges as may be determined by the appropriate committee.

**28-30.** To arrange for payments to be made in terms of section 234 of the Housing (Scotland) Act 1987 where a tenant is required to remove from their house in order to facilitate the carrying out of repairs or where the Chief Officer - Corporate Landlord in the exercise of his/ her delegated powers arranged for the provision of temporary or permanent re-housing to tenants in houses which are affected by a modernisation scheme.

**29-31.** Following consultation with the Chief Officer - Early Intervention and Community Empowerment, to authorise Area Housing Managers to either terminate or continue within the various categories of tenancy and to grant or decline future applications from organisations to lease Council-owned HRA properties.

**30-32.** To instruct the carrying out at the Council's expense of works necessary to comply with notices and orders served by the Council in terms of the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 2006 and to take appropriate action to recover the costs from the parties concerned.

**31-33.** To serve Closing Orders on vacant Below Tolerable Standard dwellings (as defined by the Housing Scotland Act (2006)) as may be instructed by the Director of Resources.

**Commented [AS101]:** Transferred to CO-EI&CI to reflect operational responsibilities

**32-34.** To serve on the owners concerned, on the instruction of the Director of Resources, Demolition Orders, Revocation of Demolition Orders or Closing Orders in circumstances where properties have not been restored to the tolerable standard.

**33-35.** Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to dispose of or purchase individual properties following a value for money appraisal where this option is considered by the Chief Officer - Corporate Landlord to be the most appropriate for the Housing Revenue Account, subject to (a) market value being achieved or paid; and (b) consultation with ward members on the proposals, with referral to the City Growth and Resources Committee if any ward member does not agree.

**34-36.** Relative to the sale of Council houses under the Housing (Scotland) Act 1987, to decide whether to pursue recovery of any proportion of discount remaining repayable, following the sale of the house by a creditor following upon the default of the borrower.

#### Community Empowerment (Scotland) Act 2015

**35-37.** To administer the Council's Common Good Register as required under the Community Empowerment (Scotland) Act 2015.

**36-38.** To process ~~and determine~~ applications under the Community Empowerment (Scotland) Act 2015 to purchase or lease land owned by the Council, subject always to the duty to carry out a review of a case under section 86(2) being discharged by the relevant committee.

**Commented [AS102]:** Updated to reflect that applications are determined by the City Growth and Resources Committee.



## 7. PLACE

### CHIEF OFFICER - STRATEGIC PLACE PLANNING

The powers delegated below take account of the fact that all planning applications which come within the category of “Local Development”, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, are dealt with under a separate Scheme of Delegation prepared in accordance with the provisions of section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - this is contained at Appendix 2.

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (and where appropriate, that Chief Officer and any such appropriate person hereinafter referred to as the “Appointed Officer”) has the following delegated powers:

#### Major and National Applications

1. To determine:

- applications for the requisite approval of matters specified by condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended); and
- planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended),

all in respect of applications falling within the categories of National and Major Development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 **except** where that application:

- i. has been made by or on behalf of;
  - a. an elected member of the Council or a member of staff employed within the Strategic Place Planning function of the planning authority or
  - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
- all as determined from the contents of the application form;
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. has been the subject of formal timeous objection<sup>1</sup> by the local Community Council within whose area the application site falls;
- v. has been the subject of six or more timeous letters of representation<sup>2</sup> (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council’s Environmental Health service;

**Commented [AS103]:** All powers, and appendix 2 have been reviewed and updated to reflect the Planning (Scotland) Act 2019

- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy.
- 2. To determine applications for the approval of consent, agreement or approval required by a condition(s) imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 3. Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:
  - a. negotiate and conclude legal agreements related to planning and other applications;
  - b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning application; and
  - c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

- 4. To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

~~5. To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.~~

~~6.5.~~ To determine requests for non-material variation of major and national planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Commented [MM104]:** Moved from Major and National Applications to General Delegations

#### General Delegations

~~7.6.~~ To determine following consultation with the Chief Officer - Governance, the Convener of the Planning Development Management Committee and the Business Manager, whether to appeal a decision of the Scottish Ministers which overturned or modified a decision of the Council and thereafter, if applicable, to instruct the making of such an appeal.

~~7.7~~ To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

8. To determine Hazardous Substance Consent applications under the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
9. To determine whether planning or other applications that have been lodged or preapplication proposals require planning or other consent
10. To issue decisions on all types of consent where Full Council or any relevant committee of the Council are minded to grant a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene, or the period for so indicating has expired.
11. To deal with Proposal of Application Notices in terms of section 35B of the Town and Country Planning (Scotland) Act 1997 (as amended) and Pre-Application Screening Notices in terms of section 35A(3) of that Act.

12. To determine applications for advertisement consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

13. To appoint Officers to participate in mediation in terms of Section 268A of the Town and Country Planning (Scotland) Act 1997 (as amended).

14. To prepare and publish an Open Space Strategy.

15. To prepare and publish an annual obligations report detailing the following:

- a - the number of planning obligations: entered into that year; entered into in a previous year and not yet expired; and, entered into in a previous year and not yet complied with.
- b - the development to which each planning obligation relates
- c - the name of the person who has entered into the agreement

16. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion) and to determine the scope of any such Statement (Scoping Opinion) and whether the information submitted with any EIA report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information all in accordance with Section 40 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 40 A of the Planning (Scotland) Act 2019 when it comes into force.

17. To provide the following information to assist with the preparation of the National Planning Framework if required to do so by the Scottish Ministers and to work with any other Planning Authority to provide the information if required to do so by the Scottish Ministers:

- a - Physical, cultural, economic, social, built heritage and environmental characteristics
- b - Principle purposes for which land in the area is used
- c - Size, composition and distribution of population
- d - Housing needs
- e - Capacity of education services
- f - Capacity of health services
- g - Health needs
- h - Housing needs of older and disabled people
- i - Whether land should be allocated for resettlement

**Commented [EC105]:** Addition to reflect s40 of Planning (Scotland) Act 2019. This section is not yet in force having been introduced by the new Act. Expected Q1 2021.

**Commented [EC106]:** Addition to reflect Section 3G of 1997 Planning Act which has been inserted by 2019 Act though necessary Regulations are not yet in force.

**Commented [EC107]:** Addition to reflect new s36 of Planning Act 2019

**Commented [AS108]:** Updated to reflect new Planning Act 2019

**Commented [EC109]:** Rationale is section 2 of new Planning Act

j - Infrastructure (communications, transport, drainage, water supply, energy (including land / facilities for renewables))

k - Any change expecting in anything listed above

l - Any other matter as prescribed

18. To instruct the registration and/or discharge of Charging Orders in terms of section 158 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to reclaim the costs of carrying out enforcement action.

14-19. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion).

13-20. To determine whether the information submitted with any Environmental Impact Assessment report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information.

14-21. To determine applications related to Prior Notification or Prior Approval made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1 for the following:

- ii. Part 1A - Class 6G: Free standing wind turbine within the residential curtilage;
- iii. Part 1B - Class 6K and 6L: Biomass facilities on agricultural or forestry land;
- iv. Part 6 - Class 18: Agricultural buildings; iv. Part 7 - Class 22: Forestry buildings and operations;
- v. Part 13 - Class 39 and 40: Public gas transporters and electricity undertakings;
- vi. Part 20 - Class 67: Development by electronic communications code operators;
- vii. Part 23 - Class 70: Demolition of buildings;
- viii. Part 24 - Class 71: Toll road facilities;
- ix. Any other types of prior notification or prior approval that might come forward in future amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1.

15-22. To determine Certificates of Lawfulness under the Town and Country Planning (Scotland) Act 1997 (as amended) where, in the opinion of the Appointed Officer, there is no reasonable doubt that the use or development is or would be:-

- lawful without further planning approval; or
- unlawful

16-23. To give, serve, issue and sign the following notices, all under the Town and Country Planning (Scotland) Act 1997 (as amended), following consultation with the Chief Officer – Governance

**Commented [EC110]:** Rationale is new sections 158 B-E of 1997 Act inserted by 2019 Planning Act but awaiting Regulations.

**Commented [AS111]:** Updated to reflect professional practice

**Commented [AS112]:** Addition to ensure a satisfactory assessment is available prior to Committee considering a planning application.

with an annual report to the Planning Development Management Committee detailing all action authorised under the below:

- Enforcement Notices under Section 123
- Notices under section 33A requiring an Application for Planning Permission for a Development already carried out;
- Planning Contravention Notices under section 125;
- Stop Notices under section 140;
- Temporary Stop Notices under section 144A;
- Breach of Condition Notices under section 145;
- Fixed Penalty Notices under section 136A;
- Completion Notices under section 61 and as amended by Section 33 of the Planning (Scotland) Act 2019;
- Notices in terms of Land Adversely Affecting the Amenity of Neighbourhood under section 179

**17-24.** To instruct applications for interdict in terms of section 146 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to restrain breaches of planning control.

**18-25.** To develop and maintain a Development Management Charter and Enforcement Charter under section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended).

**19-26.** To take, following consultation with the Chief Officer - Governance, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.

**20-27.** To make an order to revoke or modify planning permission where all owners, lessees or occupiers of land affected, or such other person who in the opinion of the Appointed Person will be affected by the order, have notified the planning authority in writing that they do not object to the order under sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**21-28.** To determine all applications for Certificates of Appropriate Alternative Development under section 25 of the Land Compensation (Scotland) Act 1963.

**22-29.** To decline to determine an application under section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**23-30.** To grant or refuse applications ~~to fell for proposed works to trees top or top trees~~ protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.

**31.** To approve the making, signing, serving, ~~and~~ confirmation and revocation of provisional Tree Preservation Orders.

**32.** To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Sections 159 to 163 and 167 to 170 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

**Commented [AS113]:** Added to cover all enforcement notices – this covers enforcement of decisions on planning matters that have already been determined and an annual report will be submitted to PDMC to report on this activity.

**Commented [AS114]:** updated wording to ensure covers all proposed works to protected trees

**Commented [AS115]:** Added revoke to align with DP re high hedges. This is an additional / extension of the power regarding TPOs. It essentially allows us to revise or revoke in addition to making them. This will be of use in our statutory review of TPOs.

**Commented [AS116]:** New DP - Added to cover power of entry with regards to TPOs and Trees in Conservation Areas

and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (SSI 2010/434).

**24.33.** To determine applications for the serving of High Hedge notices, to vary or revoke such notices and to take enforcement action to ensure compliance with such notices.

**25.34.** To make observations on behalf of the planning authority on routine proposals by statutory undertakers.

**26.35.** To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.

**27.36.** To make observations on behalf of the planning authority on consultation requests from Marine Scotland in respect of development applications.

**37.** To prepare Habitat Regulation Appraisals (HRAs) as required under the EU Habitats Directives.

**38.** To prepare, maintain and publish a list of persons who have registered interest with the the intention of acquiring land for the purpose of self build housing under Section 16E of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

**39.** To invite local communities to prepare Local Place Plans, to prepare and maintain a register of Local Place Plans and to report to the Scottish Ministers when required to under Section 15A of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

**40.** To make minor amendments to the Regional Spatial Strategy where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the Strategy.

**41.** To take all decisions and steps necessary or expedient to discharge the Council's operational duties or exercise its powers under the Planning (Scotland) Act 2019 (the "2019 Act"). For the avoidance of doubt, strategic decisions required by the 2019 Act shall be reserved to the appropriate Committee or Full Council.

**28.42.** To make any necessary changes to the wording of the development plan, prior to adoption, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy or proposal in the plan.

**29.43.** To make any necessary changes to the wording of supplementary and/or non statutory planning guidance, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the guidance.

#### Transportation

**30.44.** To prepare a Local Transport Strategy (LTS) and related Costed Action and Delivery Plan in accordance with Scottish Government Guidance, and to monitor, review and update this at appropriate intervals, subject to the relevant approvals.

**Commented [AS117]:** New DP added to reflect responsibilities under Town and Country Planning (Scotland) Act 1997 (as amended) and the Planning (Scotland) Act 2019.

**Commented [EC118R117]:** S8 of 2019 Act

**Commented [EC119]:** New DP added to reflect responsibility inserted by s14 of 2019 Planning (Scotland) Act.

**Commented [EC120]:** Addition to reflect the addition of s 4ZC to the 1997 Act by the 2019 Act but this depends on whether Members agree to recommendations in report re development of Regional Spatial Strategy.

**Commented [AS121]:** To enable the Chief Officer to exercise the relevant operational duties or powers under the Planning (Scotland) Act 2019.

**Commented [AS122]:** Updated terminology to reflect new Planning (Scotland) Act.

- 31-45.** To make any necessary changes to the wording of the LTS, prior to approval, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy, action or proposal in the strategy.
- 32-46.** To prepare supplementary transport action plans, policies and programmes as may be required to support the delivery and monitoring of the LTS.
- 33-47.** To make any necessary changes to the wording of supplementary transport action plans, policies and programmes, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the information.
- 34-48.** To implement the LTS following consultation with the Chief Operating Officer and the Director of Resources and external partners.
- 35-49.** To implement arrangements for both temporary and permanent traffic management or related street furniture.
- 36-50.** To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Strategic Development Plan, [Regional Spatial Strategy \(as applicable\)](#) and Local Development Plan and associated budget.
- 37-51.** To approve the allocation of external and internal funding and earmarked reserves to individual projects
- 38-52.** To, so far as possible, perform transport functions which relate to or which affect or are affected by transport consistently with the transport strategy of the Regional Transport Partnership Nestrans
- 39-53.** To pay the net expenses of the Regional Transport Partnership Nestrans for each financial year.

#### **Building Standards**

- 40-54.** To act as verifier for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under that Act:
- ii. Building Warrant Applications
  - iii. Accept/Reject Completion Submissions
  - iv. To grant extensions to life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable
- 41-55.** To act as local authority for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under the Act:
- ii. Dangerous Building Notices
  - iii. Defective Building Notices
  - iv. Enforcement Notices
- 42-56.** To determine Raised Structures applications under section 89 of the Civic Government (Scotland) Act 1982.
- 43-57.** To determine Planning & Building Standards Certificates under section 50 of the Licensing (Scotland) Act 2005.

**44-58.** To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act 2005.

**Roads, ~~Outdoor Access Core Paths~~ and Street Names**

**45-59.** ~~To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Section 26(1) of the Land Reform (Scotland) Act 2003~~

**Commented [AS123]:** Added to clarify officer powers under LR(S)A2003, as is found in other areas of PDO, e.g. Protective Services.

**46-60.** To initiate Temporary and Permanent Stopping Up Orders and Right of Way Diversion Order procedures under the Town and Country Planning (Scotland) Act 1997 ~~and the Countryside (Scotland) Act 1967.~~

**Commented [AS124]:** Additional relevant Act added

**47-61.** To approve the making, signing and serving of any notices and orders in relation to public rights of outdoor access in terms of the Land Reform (Scotland) Act 2003 and other relevant legislation.

**48-62.** To maintain a list of ~~adopted~~ core paths ~~and aspirational core paths~~ and review that list when appropriate, as the Appointed Officer sees fit.

**Commented [AS125]:** Updated to use correct terminology and to stop distinguishing between types of designation (adopted / aspirational) as they are all core paths.

**49-63.** To construct, ~~alter~~, widen, improve, ~~or~~ renew ~~or maintain adopted~~ core paths ~~and aspirational core paths~~ within approved budgets, ~~including power to maintain.~~

**Commented [AS126]:** wording updated to align with DP above

**50-64.** To grant construction consent for new private roads, to determine the value of security to be lodged and arrange for their adoption in terms of the appropriate legislation; and, in the event that construction proceeds in the absence of such security, to instruct enforcement action.

**51-65.** To allocate funds to projects funded by developer contributions, following consultation with the Chief Officer - Finance.

**52-66.** Following consultation with the Convener of the Operational Delivery Committee and relevant ward members, to carry out the functions of the Council under section 97 of the Civic Government (Scotland) Act 1982, including naming any street or road, altering an existing name and giving each of the premises in it such distinguishing number as thought fit, subject to the Chief Officer - Strategic Place Planning being satisfied that any proposed name is not contentious.

**53-67.** To agree with the Scottish Government replacement projects from the approved Strategic Housing Investment Plan (SHIP) to the Strategic Local Programme Agreements.

**Note**

In accordance with Principle 4, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.



## Definitions

1. A ***“timeous objection”*** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or, if applicable, ~~the time period allowed for advertisement of the application (whichever is the later) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period(s).~~ advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.
2. A ***“timeous letter of representation”*** means any written representation no later than the expiry of the time period specified by the Planning Authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. ***“Letter of representation”*** is to be construed in light of the following:
  - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
  - a single letter with a number of signatures from one postal address counts as only one representation
  - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
  - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)

## CHIEF OFFICER - CITY GROWTH

### Culture

1. To purchase any works of art or museum exhibits within any such financial limits as may be set by the Council.
- ~~1.2.~~ Following consultation with the Chief Officer - Customer, to authorise international travel of officers to accompany works of art to and from overseas venues - where such works of art are being loaned to such venues and where all costs are covered by the borrower.
- ~~2.3.~~ To make bookings for exhibitions, recitals and other cultural events within the city within any such financial limits as may be set by the Council.
- ~~3.4.~~ To grant permission to reproduce works of art in approved publications and to impose an appropriate charge.
- ~~4.5.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to grant loans of items from the collections held by the Council to outside bodies.
- ~~5.6.~~ To apply for any and all necessary licenses to ensure the delivery of catering and hospitality services (alcohol, public entertainment) under the relevant licensing legislation.
7. Following consultation with the Chief Officer - Finance, to set charges for museums and galleries.
- ~~8.~~ To refuse applications, following consultation with Convener of the City Growth and Resources, for commemorative plaques if they do not meet the Council's criteria.

**Commented [AS127]:** New DP - approved by the CG&R Committee on 31 July 2019.

**Commented [AS128]:** New DP - added to ensure the timely processing of applications

### Economic Development

- ~~6.9.~~ To negotiate on behalf of the Council with existing and prospective investors in relation to all forms of economic activity in the city.
- ~~7.10.~~ To investigate and secure sources of external funding and negotiate appropriate partnerships where required.
- ~~8.11.~~ To identify and develop partnerships with other bodies and companies who can contribute to the city's economic development.
- ~~9.12.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to make a financial contribution to the activities described in powers 7 to 9 immediately above by way of loans or grants, in accordance with any criteria approved by the relevant committee.
- ~~10.13.~~ To negotiate on behalf of the Council with prospective events, conference organisers and third party funders in relation to attracting events/conferences to the city that contribute to the Council's economic priorities.
- ~~11.14.~~ Following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~, to ~~award~~ approve an application for assistance from the subvention funding for an amount equal to the balance of the subvention fund up to a maximum of £200,000 per annum to support the venue operator appointed by Aberdeen City Council to attract new business to P&J Live events to the Aberdeen Exhibition & Conference Centre and the new Aberdeen arena, as per the contractual agreements in place.

**Commented [AS129]:** Reworded to reflect P&J Live and amended wording to provide clarity on use of the Fund

12.15. Following consultation with the City Region Deal Programme Board, to agree any change requests requested or required in relation to City Region Deal Projects.

13.16. To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

**Commented [AS130]:** Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

14.17. To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer -- Capital

**Commented [AS131]:** Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

18. To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.

**Commented [AS132]:** Transferred from CO-IC&FS to align with operational responsibilities.

## 8. GOVERNANCE

### CHIEF OFFICER - GOVERNANCE

#### General Legal/Governance

1. Following consultation with the Business Manager, to amend the Council's Scheme of Governance documentation to:

- correct obvious, technical or clerical errors and take account of any changes to names or titles and to make any other minor or inconsequential amendments;
- reflect the law ~~(including changes to the law)~~, government guidance, regulators' guidance, and Council policies and decisions; and
- ~~take account of any changes to names or titles and to make any other minor or inconsequential amendments;~~

**Commented [AS133]:** to reflect any redesigns carried out under delegated authority

**Commented [AS134]:** Updated to ensure that decisions by committee or under PDOs can be reflected in the PDOs.

2. To maintain and update Appendix 1, Proper Officers and Statutory Appointees, as required.
3. To designate any Manager, Team Leader or Solicitor within the Governance function to perform appropriate functions of the Chief Officer - Governance.
4. To act as Monitoring Officer and nominate a Deputy Monitoring Officer, in terms of section 5 of the Local Government and Housing Act 1989.
5. To engage, instruct or appoint external legal advisers (including, but not limited to, private firms, counsel and solicitor advocates) and expert witnesses.

6. To raise, defend, conduct, enter into, appear in, withdraw or abandon any court, tribunal or other legal proceedings ~~(whether such proceedings have commenced or are in contemplation)~~ on behalf of the Council, ~~and/or~~ the Licensing Board and ~~for~~ such other bodies as the Council may from time to time determine ~~and/or~~ otherwise attend to the interests of the Council, the Licensing Board or the body in question in relation to any such proceedings (whether such proceedings are underway or in contemplation), with the authority to:

**Commented [AS135]:** Slight tweak of wording and addition to clarify position in respect of Pensions Fund.

- settle or compromise any such proceedings;
- instruct the enforcement of any orders or decrees obtained in any such proceedings;
- accept service of any document in connection with any such proceedings; and
- take any other action in relation to any such proceedings as s/he considers appropriate.

For the avoidance of any doubt, such proceedings include (but are not restricted to) those relating to any pension fund for which the Council is administering authority or to which the Council is otherwise connected.

7. To finalise the membership of committees and sub committees, where compositions have been agreed by Council or committee, upon notification of names from members or external bodies; this shall include making changes to the membership of committees and sub committees upon notification from members or external bodies providing the agreed composition does not change.

**Commented [AS136]:** Updated to reflect external members and to align with practice for Councillors.

8. To finalise appointments to outside bodies, where compositions have been agreed by Council or committee, upon notification of names from members, and notify outside bodies accordingly; this shall include making changes to appointments to outside bodies upon notification from members providing the agreed composition does not change. This shall not apply where named appointments are required to be made by Council.
9. To arrange meetings of the Appointment Panel in accordance with the Protocol for Appointment of Chief Officers (Appendix 3 to Standing Orders).
10. To maintain the Council's Register of Outside Bodies.
11. To make minor amendments to the Constitution for Community Councils and amend the population figures for Community Council areas on an annual basis.
- ~~12. To act as the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy and procedures; and to approve, implement and amend procedures relating to data protection and the GDPR.~~
- ~~13.12. To oversee compliance with any Council policy or procedure on fraud, bribery, or corruption or whistleblowing.~~
- 14.13. To exercise all powers assigned to the Monitoring Officer under any Council policy or procedure.
- 15.14. To be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the Minutes and other records of the proceedings of the Council, its committees and sub committees and all other records belonging or relating to the Council which are not more appropriately retained by another Chief Officer. This responsibility may be exercised by arrangement with any other local authority or authorities.
- 16.15. To refer matters to external bodies, including (but not limited to) Police Scotland and the Crown Office and Procurator Fiscal Service, where he/she considers it appropriate to do so.
- 17.16. To appoint authorising officers in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA"), subject always to the terms of the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 and any such appointee having already undertaken RIPSA training.
- 18.17. To appoint designated persons in terms of Part I, Chapter II (Acquisition and Disclosure of Communications Data) of the Regulation of Investigatory Powers Act 2000, subject to any such appointee having already undertaken appropriate training.
- 19.18. To appoint ~~non Council employees~~ as officers of the Council persons who are not Council employees.
- 20.19. To maintain and amend the Council's lists of proper officers and statutory appointees.
20. To authorise in writing persons to exercise the powers in section 21(4BA) and (4D) of the Chronically Sick and Disabled Persons Act 1970 and so to act as enforcement officers under that section.
21. To approve any arrangements concerning elected member family leave, acting-up and allowances in accordance with legislation (including the Local Governance (Scotland) Act 2004 (Remuneration Regulations 2007) and Cosla guidance.

**Commented [AS137]:** transferred to Chief Officer – Business Intelligence and Performance Management to reflect operational responsibilities

**Commented [AS138]:** Updated to cover whistleblowing also.

**Commented [AS139]:** Reviewed wording to provide clarity

**Commented [AS140]:** Added to reflect Council decision re family leave

## Pensions

**22.** To enter into sign (and to authorise officers to sign), on behalf of the Council, ~~any~~ agreement or ~~and~~ other documents concerning the administration of the North East Scotland Pension Fund, including but not limited to:

- [investment management agreements;](#)
- [limited partnership agreements;](#)
- [admission agreements;](#)
- [bond documentation;](#)
- [tender documentation;](#)
- [side letters;](#)
  
- [powers of attorney;](#)
- [forms of adherence;](#)
- [forms of due diligence; and](#)
  
- [tax documentation](#)

[where the entering into of such an agreement or document has been approved by the Chief Officer - Finance or an officer nominated by the Chief Officer - Finance for this purpose.](#)

**Commented [AS141]:** Updated to reflect the role of the Chief Officer – Finance.

**22-23.** [Following consultation with the Chief Officer - Finance, to make amendments to the Authorised Signatory List as required by changes in personnel subject to the positions as listed remaining the same.](#)

**Commented [AS142]:** New DP Approved by Pensions Committee on 13 September 2019.

## Licences, Civic Government (Scotland) Act 1982 etc.

**23-24.** To act as, or appoint, a Clerk to the Licensing Board; and to appoint a Depute Clerk to the Licensing Board to exercise the powers of the Clerk to the Licensing Board.

**24-25.** To authorise officers to exercise the powers (including, but not limited to, entry and inspection) contained within section 5 of the Civic Government (Scotland) Act 1982 and paragraph 20 of Schedule 2 to the Civic Government (Scotland) Act 1982.

**25-26.** In relation to applications for the grant, variation or renewal of licences, orders, permits and registrations under the Civic Government (Scotland) Act 1982 and its associated regulations, the Theatres Act 1968, the Cinemas Act 1985 and the Deer (Scotland) Act 1996, to:

- i. determine such applications;
- ii. refuse to accept incompetent applications; and
- iii. impose conditions which are non-contentious and agreed by all parties,

except where valid objections or representations in respect of the application have been received and have not, in the opinion of the Chief Officer - Governance, been withdrawn or satisfactorily addressed or resolved.

**26-27.** To deem an application for the renewal of a licence under Part II of the Civic Government (Scotland) Act 1982 made up to 28 days after the expiry of the licence to be an application made before the date of expiry.

**27-28.** To authorise officers to inspect and test vehicles and taximeters in terms of section 11 of the Civic Government (Scotland) Act 1982.

**28-29.** To authorise officers to carry out inspection and enforcement functions in relation to knife dealers' licences in terms of sections 27E, 27F and 27G of the Civic Government (Scotland) Act 1982.

**29-30.** To authorise the immediate temporary suspension of licences under the Civic Government (Scotland) Act 1982 without a hearing where there is or is likely to be a serious threat to public order or public safety.

**30-31.** To approve vehicles which comply with the specification for licensing as wheelchair accessible taxis.

**31-32.** To authorise officers to exercise powers of entry to, and inspection of, sports grounds as defined by section 11 of the Safety of Sports Grounds Act 1975.

**32-33.** To determine requests for film classification under the Cinemas Act 1985 where a U or PG certificate is sought.

#### Stock Exchange Bonds

**33-34.** To develop and maintain Insider Lists in connection with any stock exchange bonds issued by the Council.

**34-35.** To take or instruct any other actions which may be required in order to ensure the Council's compliance with any law, regulations, guidance, codes or stock exchange requirements relating to any stock exchange bonds issued by the Council.

#### Schools/Education

**35-36.** To make arrangements for the clerking of the School Placings and Exclusions Appeals Committee.

**36-37.** To reject school placing appeals and exclusion appeals which s/he considers are not competent.

**37-38.** To appoint external members to the pool of members for the School Placings and Exclusions Appeals Committee who fall into the following categories, subject to their attendance at a relevant training session and a clear PVG check being returned:

1. parents of children of school age;
2. people who, in the opinion of the Chief Officer - Governance, have experience in education; or
3. people who, in the opinion of the Chief Officer - Governance, are acquainted with the educational conditions in the area of the Council.

**38-39.** To institute proceedings on behalf of the Council as Education Authority in terms of section 43 of the Education (Scotland) Act 1980.

**Commented [AS143]:** Added relevant to cover 121 sessions.

### Legal Documentation

~~39-40.~~ To sign (and to authorise officers to sign) deeds, contracts, agreements, notices, orders and other documents to which the Council is a party, ~~such signing to be in accordance with any relevant legislation.~~

**Commented [AS144]:** Removal of unnecessary wording.

~~40-41.~~ To ~~approve the entering~~ into, ~~variation~~, ~~extension~~ or ~~termination of~~ any contract, agreement, protocol, memorandum of understanding or other legal document (or to arrange for any of these things to be done) in circumstances where, following consultation with the relevant Chief Officer ~~(or his/her deputy or nominee)~~, ~~s/he/she~~ is satisfied that it is in the interests of the Council to do so.

**Commented [AS145]:** Minor tweaks to wording

### Civic Administration

~~42.~~ To authorise the Lord Provost ~~(or, as appropriate, when failing the Depute Provost)~~ to incur expenditure to meet the expenses of his/her office ~~in relation to~~ the provision of reasonable hospitality, whether within or outwith the city, to representatives of other authorities ~~or~~ organisations, members of the Council or others.

**Commented [AS146]:** Minor tweak of wording



## HEALTH AND SOCIAL CARE PARTNERSHIP

### **9. CHIEF OFFICER OF THE ABERDEEN CITY INTEGRATION JOINT BOARD**

**(also referred to and known as the Chief Officer of the Aberdeen Health and Social Care Partnership)**

1. To facilitate and implement Directions issued to Aberdeen City Council from the Integration Joint Board, on the instruction of the Chief Executive of Aberdeen City Council and in accordance with the requirements of the ACC Procurement Regulations.
2. To take necessary steps to discharge the Council's duties under the following legislation: Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, The Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Carers (Scotland) Act 2016, the Community Care and Health (Scotland) Act 2002 and the Adults with Incapacity (Scotland) Act 2000.
3. To comply with the 'Duty of local authority to assess needs'. Legislative Reference: section 12(A) Social Work (Scotland) Act 1968, and amended under the National Health Service and Community Care Act 1990.
4. To arrange for the protection of property of people who have gone into hospital or care. Legislative reference: section 48 of National Assistance Act 1948.
5. To provide domiciliary services where assessed as required. Legislative Reference: section 14 of the Social Work (Scotland) Act 1968 [NB term domiciliary services replaced 'home help' within NHS & Community Care Act 1990].
6. To bury or cremate any person over the age of 18 who was in the care of or receiving help from the Council immediately before their death. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
7. To recover expenses from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before their death expenses incurred. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
8. To make expenses payments to parents, relatives or other connected persons in respect of visiting a person, in the care of the authority or receiving assistance from the authority, and in the same financial circumstances to assist persons to attend the funeral of a person in the care of the authority. Legislative Reference: section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
9. To recover or impose any charges for services provided. Legislative Reference: section 87 and section 78A of the Social Work (Scotland) Act 1968, or under and by virtue of section 16, section 18 of the Social Care (Self-directed Support) (Scotland) Act 2013, or under and by virtue of section 28 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
10. To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation.

Legislative Reference: section 13A of the Social Work (Scotland) Act 1968 as inserted by section 56 of the National Health Service and Community Care Act 1990.

11. To provide information on Adult Social Care services and any relevant services of other authorities or organisations. Legislative Reference: section 1 of the Chronically Sick and Disabled Persons Act 1970.
12. To provide services to chronically sick and disabled persons. Legislative Reference: section 2 of the Chronically Sick and Disabled Persons Act 1970.
13. To assess the ability of carers to provide care. Legislative Reference: section 12A of the Social Work (Scotland) Act 1968.
14. To have the power to enact the 'Options for Self-Directed Support', including make Direct Payments. Legislative Reference: Social Care (Self-directed Support) (Scotland) Act 2013.
15. To oversee the general functions under the Adults with Incapacity (Scotland) Act 2000:
  - a. to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions;
  - b. to consult the Public Guardian and the Mental Welfare Commission on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
  - c. to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of an adult made -
    - i. in relation to welfare attorneys;
    - ii. in relation to guardians or persons authorised under intervention orders;
  - d. to investigate any circumstances made known to them in which the personal welfare of an adult seems to them to be at risk;
  - e. to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
16. To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation. Legislative Reference: section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
17. To make arrangements for the exercise by the Council of its functions in respect of persons subject to guardianship. Legislative Reference: Adults with Incapacity (Scotland) Act 2000.
18. To make arrangements for the provision of any ancillary or supplementary services. Legislative Reference: Mental Health (Care and Treatment) (Scotland) Act 2003.
19. To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship. Legislative Reference: Mental Health (Scotland) Act 1984.

20. To appoint Mental Health Officers. Legislative Reference: section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
21. To receive patients who have attained the age of 16 years into guardianship. Legislative Reference: section 57 of the Adults with Incapacity (Scotland) Act 2000.
22. To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age. Legislative Reference: Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
23. To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and remove patients. Legislative Reference: sections 33 and 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
24. To make arrangements for the exercise by the Council of its functions in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000 including:
  - a. to make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided;
  - b. to apply for and implement welfare and financial guardianships or intervention orders and any other ancillary or supplementary services or orders under the Adults with Incapacity (Scotland) Act 2000;
  - c. to make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based; and
  - d. to make arrangements for provision of any ancillary or supplementary services.
25. To apply for orders for the purpose of removing people in need of care and attention to suitable premises. Legislative Reference: section 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 14 of the Adult Support and Protection (Scotland) Act 2007.
26. To make provision for the safeguarding of vulnerable adults. Legislative Reference: Adult Support and Protection (Scotland) Act 2007.
27. To supervise persons subject to a Community Payback Order, Unpaid Work Order, or release from prison related Order and to provide the necessary social background reports and other reports to the Court. Legislative Reference: The Management of Offenders etc. (Scotland) Act 2005.
28. To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine. Legislative Reference: section 217 of the Criminal Procedure (Scotland) Act 1995.
29. To supervise people placed on a Supervised Attendance Order for default of a fine. Legislative Reference: section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.
30. To supervise people placed on a Drug Treatment and Testing Order. Legislative Reference: sections 89-95 of the Crime and Disorder Act 1998.
31. To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posted by certain high risk offenders. Legislative Reference: section 10 of the Management of Offenders etc. (Scotland) Act 2005.

32. To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release. Legislative Reference: section 71 of the Criminal Justice (Scotland) Act 2003.
33. To jointly, with Scottish Ministers, establish arrangements for the assessment of management of the risks posed by custody and community prisoners. Legislative Reference: section 9 of the Custodial Sentences and Weapons (Scotland) Act 2007.
34. Following consultation with the Director of Commissioning, to monitor the performance of any contract for the provision of Health and Social Care facilities services, or both, on the Council's behalf.
35. To authorise the provision of aids and adaptations for the homes of people with disabilities within the approved budget available for the purpose and in accordance with approved policies.
36. To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.
37. [To provide Appropriate Adult support services to vulnerable persons under section 42 of the Criminal Justice \(Scotland\) Act 2016.](#)

**Commented [JA147]:** The new duty under s42 of the CJ(S)A2016 relates to the council having to provide an appropriate adult service if a request for support is intimated to ACC by a police constable. Support is required when a person is in custody and applies to over 16's.  
January 31, 2020, 4:09 PM

## APPENDIX 1

### PROPER OFFICERS AND STATUTORY APPOINTEES

**PROPER OFFICERS** - The undernoted officers are Proper Officers for the following purposes:

Legislation	Function	Officer
Any other legislation (not included in the below list) which requires certain functions to be exercised by a Proper Officer		<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>
<b>Local Government (Scotland) Act 1973</b> Section 33A	Councillors' declaration of acceptance of office	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 34	Receipt of Councillors' resignations	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 43 and Schedule 7 paragraph 1(4)	Receipt of requisition for special Council meeting	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 43 and Schedule 7 paragraph 2(1)	Signing summons to attend Council meeting	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 43 and Schedule 7 paragraph 2(2)	Receipt of notice by Councillor of alternative address:	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 50B	Excluding reports containing exempt information from public, and providing documents to the press	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 50C	Providing a written summary of the proceedings where minutes are excluded from public, without disclosing the exempt information.	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 50D	Compiling a list of background papers to a report to be open to inspection by members of the public	<ul style="list-style-type: none"> <li>• Democracy Manager</li> </ul>

Section 50F	Determining documents which are not open to inspection and would disclose exempt information.	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 92	Dealing with the transfer of securities	<ul style="list-style-type: none"> <li>• Director of Resources <del>Chief</del></li> <li>• <u>Chief</u> Officer - Finance</li> </ul>
Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> <li>• Chief Officer - Finance</li> </ul>
Section 128	Educational Endowments	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> </ul>
Section 145	Ordnance Survey applications sent to the proper officer of the local authority.	<ul style="list-style-type: none"> <li>• Chief Officer - Early Intervention and Community Empowerment</li> </ul>
Section 189	Instituting, defending or appearing in legal proceedings	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 190	Service of legal proceedings, notices, etc., will be duly served on the authority if served on the proper officer of the authority	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 191	Signing any claim on behalf of the Council in any sequestration, liquidation or other such proceedings in which the Council is entitled to make a claim and may act on behalf of the Council in connection with that claim in all respects.	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 193	Signing notices, orders, authenticating documents etc.	<ul style="list-style-type: none"> <li>• <del>Chief</del> Officer with responsibility for the relevant function to which the notice, order etc. relates                             <ul style="list-style-type: none"> <li>• <a href="#">Other officers as authorised in terms of the Powers Delegated to Officers</a></li> </ul> </li> </ul>

Commented [AS148]: Providing greater clarity

Section 197	Inspection and deposit of documents	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 202	Authenticating byelaws	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 202B	Certifying a true copy of an entry in register of byelaws	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 204	Evidence of byelaws - copy of a byelaw purporting to be made by the Council upon which is endorsed a certificate purporting to be signed by the proper officer.	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 206	The admission of honorary freemen and keeping a roll containing the names of persons admitted to be freemen.	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 231	Application to sheriff in cases of difficulty - making application to the sheriff on questions arising from the Local Government (Scotland) Act 1973	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Civic Government (Scotland) Act 1982</b> Section 112	Execution of management rules	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 113	Evidence of management rules	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Local Government and Housing Act 1989</b> Section 2	Lists of politically restricted posts – proper officer to maintain a list of politically restricted posts	<ul style="list-style-type: none"> <li>Director of Resources</li> <li>Chief Officer – <a href="#">People and Organisational Development</a></li> </ul>

<p><b>Local Government (Scotland) Acts 1973 and 1975, Local Government Finance Act 1992</b> and associated delegated legislation</p>	<p>All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions</p>	<ul style="list-style-type: none"> <li>• Director of Resources <del>Chief</del></li> <li>• <del>Chief</del> Officer - Finance</li> </ul>
<p><b>Local Government Finance Act 1992</b> and associated delegated legislation</p>	<p>All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges</p>	<ul style="list-style-type: none"> <li>• <del>Director of Resources Chief</del></li> <li>• <del>Chief Officer – Finance</del> <del>Chief Officer – Customer Experience</del></li> </ul>
<p><b>Local Government etc. (Scotland) Act 1994</b> Section 16</p>	<p>Property held in trust</p>	<ul style="list-style-type: none"> <li>• Director of Resources</li> <li>• Chief Officer - Governance</li> <li>• Chief Officer - Finance</li> </ul>
<p><b>Requirements of Writing (Scotland) Act 1995</b> Schedule 2, paragraph 4(1)</p>	<p>Signing of documents</p>	<ul style="list-style-type: none"> <li>• <del>Officers as authorised in terms of the Powers Delegated to Officers Such officers as may be (or have already been) appointed by the Council in this respect</del></li> </ul>
<p><b>Local Authorities (Contracts) (Scotland) Regulations 1997</b> Regulation 4</p>	<p>Signing of Certificates</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Chief Officer - Finance</li> <li>• Legal Services Manager</li> <li>• Head of Commercial and Procurement <del>Services</del></li> <li>• Relevant Delegated Procurers</li> </ul>

**Commented [AS149]:** Updated to reflect CO – CE responsibilities.

**Commented [AS150]:** Reviewed wording



<p><b>Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003</b> Regulations 3-7</p>	<p>To set up, maintain and make available for public inspection the register of interests. This record will consist of the date of receipt of that notice, the name of the responsible person who gave that notice and a statement of the information contained in, or a copy of, that notice. The proper officer shall maintain that record in respect of any person until five years after the date that person ceases to be a responsible person.</p>	<ul style="list-style-type: none"> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> <li>• Chief Officer - Governance</li> </ul>
<p><b>Scottish Local Government Elections Order 2011</b></p>	<p>Retention of documents following an election</p>	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
<p><b>Community Empowerment (Scotland) Act 2015</b> Part 9 Section 116 <del>*not yet in force – date to be appointed*</del></p>	<p>This section provides for the execution of allotment site regulation by proper officers. These regulations cover allotment allocation, rent, cultivation of allotments, maintenance of allotments, buildings or structures, keeping of livestock, access, sale of surplus produce etc.</p>	<ul style="list-style-type: none"> <li>• <del>Such officers as may be (or have already been) appointed by the Council in this respect</del> Chief Officer – <u>Operations and Protective Services</u></li> </ul>
<p><b>Housing (Scotland) Act 2006</b> Section 140</p>	<p>A licence holder who requests the local authority to provide a certified copy of the HMO (Houses In Multiple Occupation) licence is, if the request is reasonable, entitled to be given such a certified copy. Section 140(4) provides that any such copy HMO licence which purports to be certified by a proper officer of the local authority is sufficient evidence of the terms of the HMO licence</p>	<ul style="list-style-type: none"> <li>• Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<p>Section 160</p>	<p>Certifying a HMO licence for entry in the HMO register</p>	<ul style="list-style-type: none"> <li>• Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>

**Commented [AS151]:** Added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015

<p><b>Environmental Protection Act 1990</b> Section 33A (11)(a)</p>	<p>Signing a certificate for proceedings in relation to fixed penalty notices for contraventions of section 33(1)(a) and (c) (this is to be done by a proper officer with the responsibility mentioned in Section 95 of the Local Government (Scotland) Act 1973)</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Finance</li> </ul>
<p><b>Local Electoral Administration and Registration Services (Scotland) Act 2006</b> Sections 5,6 &amp; 7</p>	<p>Section 5 imposes requirements on the proper officer to make relevant election documents available for inspection by members of the public. The proper officer must, on the request of any registered party or a person who was a candidate at the election, supply them with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election.</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> </ul>
<p><b>Discretionary Housing Payments (Grants) Order 2001</b> Part 3(3)</p>	<p>Signature of Claims (by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973.)</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Finance</li> </ul>

### STATUTORY APPOINTEES

The undernoted officers are statutory appointees in terms of the undernoted legislation:

Legislation	Function	Officer
<p><b>Social Work (Scotland) Act 1968</b> Section 3</p>	<p>Chief Social Work Officer</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Integrated Children's and Family Services</li> </ul>
<p><b>Representation of the People Act 1983</b> Sections 25, 41</p>	<p>Returning Officer</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> </ul>

<b>Representation of the People Act 1983</b> Section 5, s6b	The proper officer is to prepare a list of rooms in schools and meeting rooms which candidates in the constituency are entitled to use	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Weights and Measures Act 1985</b> Section 72(1)(a)	Chief Inspector of Weights and Measures	<ul style="list-style-type: none"> <li>Trading Standards Manager</li> </ul>
<b>Local Government and Housing Act 1989</b> Section 4	Head of Paid Service	<ul style="list-style-type: none"> <li>Chief Executive</li> </ul>
Section 5	Monitoring Officer	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Environmental Protection Act 1990</b> Section 149(1)	Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area	<ul style="list-style-type: none"> <li>Environmental Health Manager</li> </ul>
<b>Regulation of Investigatory Powers (Scotland) Act 2000</b> (i) Sections 6 and 7	Authorising Officers	<ul style="list-style-type: none"> <li>Chief Executive (where required by statute)</li> <li>Protective Services Manager</li> <li>Revenues and Benefits Manager</li> <li>Housing Manager</li> <li>Other officers as appointed by Chief Officer - Governance</li> </ul>
<b>Regulation of Investigatory Powers Act 2000</b>	Designated Persons	<ul style="list-style-type: none"> <li>Protective Services Manager</li> <li>Other officers as appointed by Chief Officer - Governance</li> </ul>
<b>Licensing (Scotland) Act 2005 (i)</b> Schedule 1, Paragraph 8	Clerk of the Licensing Board	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Valuation Joint Boards (Scotland) Order 1995</b> Schedule 2, Section 4	To act as the Treasurer of Grampian Valuation Board	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>

<b>Education (Scotland) Act 2016</b> Section 25	All education authorities must appoint a Chief Education Officer to advise the authority on carrying out the authority's legislative functions under this Act and other education Acts. The Chief Education Officer must be appropriately experienced, as determined by the authority.	<ul style="list-style-type: none"> <li>To be appointed. Section 25 is not yet in force.</li> </ul>
<b>Registration of Births, Deaths and Marriages (Scotland) Act 1965</b> Section 7	District registrars/senior registrars.	<ul style="list-style-type: none"> <li>Registrars</li> </ul>
<b>Local Government (Scotland) Act 1973</b> Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>
<b>Local Government etc. (Scotland) Act 1994</b> Section 27	Assessor	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Mental Health (Care and Treatment) (Scotland) Act 2003</b> Section 32	Mental Health Officers	<ul style="list-style-type: none"> <li>Mental Health Officers</li> </ul>
<b>Food Safety Act 1990</b> Section 27	Analysts	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Agriculture Act 1970</b> Section 67(3)	Agricultural Analyst/Depute Agricultural Analyst	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Data Protection Bill Act 2018</b> <b>Section 7 &amp; GDPR</b> <b>Section 67 &amp; Article 37(1) of GDPR</b>	Data Protection <del>Officer</del>	<ul style="list-style-type: none"> <li><del>Data Protection Officer</del> <del>Chief Officer - Governance</del></li> </ul>

**Commented [AS152]:** Updated to reflect legislation and responsibilities.

<p><b>Town and Country Planning (Scotland) Act 1997 Section 43A</b></p>	<p>To determine any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Strategic Place Planning and any appropriate person nominated by him/her for the purpose</li> </ul>
<p><u>Town and Country Planning (Scotland) Act 1997 Section 1A when it comes into force</u></p>	<p><u>Each Planning Authority must have a chief planning officer (CPO). The role of CPO is to advise the Planning Authority on the carrying out of functions conferred on them by virtue of the planning Acts and, and functions conferred on them by any other relevant enactment.</u></p>	<ul style="list-style-type: none"> <li>• <u>Chief Planning Officer – to be appointed – guidance from Scottish Ministers on the role awaited.</u></li> </ul>

## APPENDIX 2

### Scheme of Delegation for dealing with planning applications for Local Developments

#### [Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended)]

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (that Chief Officer or any such appropriate person hereinafter referred to as the "Appointed Officer") has the following delegated powers:

1. To determine applications for:
  - the requisite approval of matters specified in condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended);
  - planning permission (including planning permission in principle);
  - applications for the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission or planning permission in principle; and
  - planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended).

all in respect of applications falling within the category of "local development" as defined within the [Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#) [and as required by Section 28 of the Planning \(Scotland\) Act 2019, in respect of planning permission for a development within the category of local developments, \(when it comes into force\)](#) **except** where that application:-

- i. has been made by or on behalf of;
  - a. an elected member of the Council or a member of staff employed within the Place Planning function of the planning authority; or
  - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
- all as determined from the contents of the application form.
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. is being recommended for approval and has been the subject of formal timeous objection by the local Community Council within whose area the application site falls;

**Commented [AS153]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

- v. is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service;
- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy;
- viii. has been subject to a Public Hearing under section 38A(4) of The Town and Country Planning (Scotland) Act 1997.

**2.** To determine applications for the approval of consent, agreement or approval required by a condition(s), imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS154]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**3.** To determine applications for any approval of the planning authority required under a development order as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS155]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**4.** To determine applications for certificates of lawfulness of existing use or development under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS156]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**2.5.** To determine applications for certificates of lawfulness of proposed use or development under Section 151 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS157]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**3.** To determine applications for advertisement consent required by virtue of regulations made under Section 182 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS158]:** Changes to reflect forthcoming new Planning Act

**Commented [AS159]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**4.6.** Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:

- a. negotiate and conclude legal agreements related to planning and other related applications;
- b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning applications;
- c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

**5.7.** To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

**6.8.** To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or, where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

**7.9.** To determine requests for non-material variation of planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### Note

The powers delegated to the appointed officer hereof are further qualified to the extent outlined in the provisions of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.

#### Definitions

1. A **"timeous objection"** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or if applicable, [the time period allowed for advertisement of the application \(whichever is the later\) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period\(s\).](#) ~~advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.~~
2. A **"timeous letter of representation"** means any written representation received no later than the time period specified by the planning authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. **"Letter of representation"** is to be construed in light of the following:
  - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
  - a single letter with a number of signatures from one postal address counts as only one representation
  - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
  - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)



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