



ABERDEEN

CITY COUNCIL

DELEGATED POWERS

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INDEX

	<u>Page</u>
General Delegations	3
Chief Executive	5
Head of Service, Office of Chief Executive	5
Head of Communications and Promotion	5
Director of Corporate Governance	6
Head of IT, Customer Service and Performance	6
Head of Finance	6
Head of Legal and Democratic Services	12
Head of Human Resources and Organisational Development	14
Head of Commercial and Procurement Services	15
Director of Communities, Housing and Infrastructure	17
Head of Communities and Housing	17
Head of Land and Property Assets	28
Head of Public Infrastructure and Environment	31
Head of Planning and Sustainable Development	33
Head of Economic Development	43
Director of Education and Children's Services	44
Head of Children's Social Work	44
Head of Education Services	50
Head of Inclusion	51
Head of Policy, Performance and Resources	51
Chief Officer, Adult Health and Social Care	52
Head of Adult Social Care Services	52

GENERAL DELEGATIONS TO CHIEF OFFICERS

- 1) To exercise the powers delegated in terms of the Council's Management Rules and Regulations.
- 2) To authorise officers in the Service to carry out all or any of the statutory powers which have been allocated by the Council to particular Services.
- 3) To serve, in consultation as necessary with the Head of Legal and Democratic Services, statutory notices or orders and to exercise any additional powers to follow up such notices.
- 4) To offer services of staff to other local authorities or statutory bodies in serious emergencies where the protection of the public health is at risk or where such services are essential.
- 5) To accept and make charges for consultancy work subject always to the provision of the relevant legislation and Standing Order.
- 6) To visit, or to appoint a member of staff to visit, such institutions as may be considered necessary where the expenditure involved can be met from the relevant budget.
- 7) In respect of claims settled without recourse to litigation, if so advised, to authorise settlement or repudiation as the case may be, of any claim made against the Council, subject in the case of payment to there being sufficient budgetary provision in the relevant estimates.
- 8) To arrange for the attendance of members of staff in the Service at seminars, courses, academic establishments, meetings in the UK and abroad, where the expenditure involved is within the budgeted estimate and subject to any statutory requirements or Government guidance governing foreign travel by officers.
- 9) To approve staff attendance at College, Seminars etc. or other modes of study for vocational education and training, within the terms of the Council's agreed policies and practices.
- 10) To instruct the raising of any court proceedings, or the taking of any other legal action, in connection with the Service's function and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 11) To instruct the defence on any court proceedings raised against the Council in connection with the Service's function.
- 12) Approval of expenditure under the Council's Relocation Scheme.
- 13) To accept gifts on behalf of the Council and to record such gifts in the relevant register where appropriate.
- 14) To appoint external consultants as and when necessary in connection with projects in consultation with the Head of Finance, Head of Land and Property Assets and Head of IT, Customer Service and Performance included in either the Non Housing

Capital Plan or the Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.

- 15) To authorise all Heads of Service and third tier officers (where appropriate) to grant applications for covert surveillance under the regulation of Investigatory Powers (Scotland) Act 2000 and access to communications data under the same Act. This delegation is subject to the Heads of Service and third tier officers attending RIPSA training prior to granting any authorisation.
- 16) To permit Directors, in consultation with the relevant Conveners of Committees, to authorise spend up to £60,000 without the need to report to Council or Committee for approval, subject to the requirements of Standing Orders in relation to competitive quotes for supplies/services contracts below £60,000.
- 17) To approve the acceleration of increments within existing salary scales for members of staff, with sign-off by Director or Head of Service.
- 18) To approve a change in hours for existing authorised posts, within budget provision, with sign-off by Director or Head of Human Resources and Organisational Development to be notified for recording purposes.
- 19) To approve the termination of service on medical grounds where such recommendation has been made by the Council's staff Medical Officer.
- 20) To authorise the appointment of (a) temporary staff for periods up to 51 weeks; and (b) students seeking vocational employment where this can be funded within the approved estimates of the Service concerned and where the Head of Service is satisfied of the need for such temporary assistance.
- 21) To authorise, in conjunction with the appropriate Head of Service, leave of absence to officers, where there is no opportunity to seek Committee consideration of the matter.
- 22) To recruit to Chief Officer posts below Head of Service level; as part of the officer recruitment process the Director will invite the Convener of the Service Committee to participate in the interview process.
- 23) To permit Directors to undertake restructuring including establishing new posts, converting posts, changing grades and changing job titles, all in consultation with the Head of Human Resources and Organisational Development, provided that such changes are within the approved service budget and that the required consultation with trades unions has been undertaken.

CHIEF EXECUTIVE

HEAD OF SERVICE, OFFICE OF CHIEF EXECUTIVE

- 1) To purchase equipment and services for which the expenditure involved has been approved by the Council.
- 2) To authorise civic hospitality requests in consultation with the Lord Provost and the Convener of the Finance, Policy and Resources Committee.

HEAD OF COMMUNICATIONS AND PROMOTION

- 1) To grant permission to reproduce Council-owned photographs in approved publications and to impose the appropriate charges.
- 2) To arrange for design, printing, advertising and exhibitions for the Council and Council Services and the promotion of the city where provision is made in the Council's revenue estimates for such activities.

DIRECTOR OF CORPORATE GOVERNANCE

HEAD OF IT, CUSTOMER SERVICE AND PERFORMANCE

- 1) To determine the specification of the type and nature of computer equipment and software and telephony systems to be utilised by the Council.
- 2) To ensure that the Annual Internal Audit Plan is delivered within the agreed overall Directorate budget.
- 3) To carry out a risk based approach to the internal audit of all Council services and functions on a continuous basis.
- 4) To take whatever steps are necessary within agreed limits to ensure customers are satisfied with the services received from the Council.

HEAD OF FINANCE

- 1. General Powers delegated to the Head of Finance as Finance Officer**
 - 1.1 To act as Proper Officer for the purposes of Section 95 of the Local Government (Scotland) Act 1973 (proper administration of financial affairs).
 - 1.2 Authorised to act as the proper officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Abolition of Domestic Rates etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including 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; and to deal with individual applications for discretionary Rating Relief within general policies adopted by the relevant Committee.
 - 1.3 Authorised to act as the proper officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges.
 - 1.4 Authorised to act as the proper officer in terms of The Social Security Contributions and Benefits Act 1992, The Social Security Administration Act 1992, The Child Support, Pensions and Social Security Act 2000, The Welfare Reform Act 2007 and associated Regulations and Orders relating to the administration of Housing and

Council Tax Benefit, and the Discretionary Financial Assistance Regulations 2001.

- 1.5 To enquire into the financial standing of any organisation wanting to provide services with or for the Council in relation to any tender or contract.

Accountancy

- 2.1 To provide advice to the Council on the formulation of policies and strategies in respect of financial matters including the setting aside of surplus funds from reserves.
- 2.2 To develop the annual budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved saving targets.
- 2.3 To prepare and maintain a scheme of administration on Financial Regulations and discharge powers delegated to him/her in terms of the Regulations.
- 2.4 To prepare an Annual Unaudited Statement of Accounts for submission to Council, thereafter audited Accounts with an audit certificate and arrange for the publication of the annual accounts and the statutory audit.
- 2.5 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.
- 2.6 To liaise with the Council's External Auditors.
- 2.7 To submit all financial returns on behalf of the Council.
- 2.8 To prepare the Council's annual and longer term Capital and Revenue budgets.
- 2.9 To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the monitoring statements.
- 2.10 To determine the systems of accounting control and the form of accounts and supporting records, the Council's accounting policies and procedures. Where such are maintained within a Service other than the Office of the Head of Finance, the Head of Finance shall, before making any determination, consult with the Chief Officer/Head of Service concerned.
- 2.11 To authorise Services to write off stores differences.
- 2.12 To deal with individual applications for discretionary rating relief within general policies adopted by the Finance, Policy and Resources Committee.
- 2.13 To grant applications for relief under the Disabled Persons Rating Act in accordance with a general policy determined by the Finance, Policy and Resources Committee.

- 2.14 To determine applications for car loans under the Council's approved scheme and to execute agreements for car loans.
- 2.15 To determine applications for loan advances for purchase and improvement of dwellinghouses in accordance with Council policy.
- 2.16 To implement changes in house loan rates.
- 2.17 To decide on call-up loans, in consultation with the Head of Legal and Democratic Services, where borrowers have fallen into arrears with their house purchase loans.
- 2.18 To write off irrecoverable accounts of small value.
- 2.19 To control BACS and CHAPS transactions including directions for their authorisation.
- 2.20 To arrange lease financing arrangements.
- 2.21 To provide advice on any liability falling on the Council that is not otherwise covered by the Financial Regulations.

Expenditure

- 3.1 To pay all sums due to creditors subject to certification and authorisation by appropriate Service officers.
- 3.2 To approve the amount and payment of subsistence and travel expenses to officials undertaking business on behalf of the Council outwith the City of Aberdeen in accordance with the National Scheme of Conditions of Service.
- 3.3 To implement the Scheme of Members' Payment as approved by the Scottish Government.
- 3.4 To approve the amount and payment of subsistence and travel expenses to Members undertaking business on behalf of the Council outwith the City of Aberdeen in accordance with regulations issued from time to time by the Scottish Government.
- 3.5 To instruct the raising of any court proceedings, or the taking of any other legal action, in order to recover any sums owed to the Council and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 3.6 To determine the charges to be made for the provision of accommodation for Public Local Inquiries held in the Town House or other venue in the ownership of the Council.
- 3.7 To determine ex-gratia payments up to a value of £5,000 in respect of claims against the Council in consultation with the appropriate Head of Service and the Head of Legal and Democratic Services provided appropriate allowance is made in the approved estimates of the Council.
- 3.8 To ensure in conjunction with the Chief Executive, Directors and the Head of Commercial and Procurement Services that there is a scheme of delegated financial limits in place.

Income

- 4.1 To make arrangements for the collection, payment and, where appropriate, recovery of all income due to or to be collected by the Council including council tax and business rates.
- 4.2 To oversee the administration of the Council's debtor write off procedures in line with Financial Regulations.
- 4.3 To make provision for doubtful debt as considered appropriate and may write off debt considered uncollectable up to individual value of £25,000 for business rates and £10,000 for all other debts without reference to Committee.

Treasury Management and Banking

- 5.1 To manage the Council's loan debt, including short and long term borrowing and all related activities ensuring funds are available for approved capital expenditure and day to day revenue expenditure.
- 5.2 To make the necessary arrangements for the Council's banking requirements including opening, closing and operating bank accounts, including authorised signatures, on behalf of the Council.
- 5.3 To operate the Council's bank accounts in accordance with the banking agreement approved by Committee and the bankers.
- 5.4 To take decisions on borrowing and investment in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Local Authorities.
- 5.5 To prepare and implement the Council's Treasury Policy Statement including revisions to the list and limit of approved counterparties for investment/lending transactions (Revision of Counterparty list) as agreed by the Finance, Policy and Resources Committee.
- 5.6 To make urgent changes necessary to the approved counterparties listing in consultation with the Director of Corporate Governance and thereafter report to Committee.
- 5.7 To report, to Committee, on an annual basis the future years treasury management strategy and the annual activity following the end of each year.
- 5.8 To engage specialist treasury management advisers and cash fund managers to support execution of the Council's approved treasury management policies, strategies and practices.
- 5.9 To invest surplus funds of the Common Good and other specific funds subject to any policy adopted by the Finance, Policy and Resources Committee.
- 5.10 To approve the rate of interest the Council is required to charge to borrowers with variable interest rates.

- 5.11 Authorised to act as Registrar of Stock Bonds and Mortgages, except for Negotiable Bonds and to appoint if required, any United Kingdom or foreign bank as a Register of Stocks, Bonds and Mortgages raised either within or outwith the United Kingdom and whether in sterling or a foreign currency.

6. Pensions Administration

Powers delegated to the Head of Finance and Director of Corporate Governance in relation to the functions of the Pensions Committee

- 6.1 To administer the Pension Fund as detailed in the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008, the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008, the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 and the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998 (as amended).
- 6.2 To provide the Pensions Committee and Joint Investment Advisory Committee (JIAC) with all relevant information as is required to enable the committees to discharge their responsibilities in relation to the benefit administration and investment of the Pension Fund.
- 6.3 To prepare the budget and service plan.
- 6.4 To maintain the system of internal controls.
- 6.5 To prepare the Pension Fund annual review and the Aberdeen City Council financial statement of accounts.
- 6.6 To manage the triennial and interim actuarial valuations.
- 6.7 To manage the provision of FRS17 information on behalf of employers within the Pension Fund.
- 6.8 To manage the preparation of the Statements for the Funding Strategy, Governance Policy and the Communication Policy.
- 6.9 To ensure that the Pensions Service adheres to best practice.
- 6.10 In relation to the benefit administration of the Pension Fund:-
- Monitor developments which affect the administration of benefits
 - Promote membership of the fund
 - Manage the admission policy
 - Collect and reconcile the employers and employee contributions
 - Pay pensions benefits

- Maintain records in relation to the entire membership
- Devise and implement training, consultation and communication strategies with employers and scheme members
- Manage the AVC arrangements
- Approve early payment of retirement benefits on compassionate grounds in conjunction with the Pensions Manager and in consultation with the Convener of the Pensions Committee

6.11 In relation to the investment management of the Pension Fund:-

- Ensure awareness of the investment management environment and its possible impact on the Pension Fund
- With the assistance of external advisors prepare and monitor a strategic investment review of the Pensions Fund at least once every 5 years
- Implement investment reviews and strategic decisions
- Manage and prepare the Statement of Investment Principles
- Monitor the investment management structure and arrangements with regard to the Statement of Investment Principles
- Provide advice to members of the Pensions Committee and Joint Investment Advisory Committee in their role of appointing, retaining and terminating fund manager appointments
- Maintain records to monitor the investment performance of investment management of the Pension Fund
- Maintain a record of the Fund's Assets

6.12 Monitor the security and efficiency of the custodian in order to verify:-

- The assets security
- The custodian's records of the Fund's assets agree with in-house and fund manager records
- The custodian's actions are in accordance with the agreement

6.13 Make recommendations to the Pensions Committee/Joint Investment Advisory Committee as to investment opportunities.

6.14 Manage the in-house private equity fund and cash flow.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 1) To have the duty to initiate, defend or otherwise attend to the interests of the Council and/or the Licensing Board, including the authority to compromise, any action or other proceedings involving the Council and/or the Licensing Board, and to accept service of any document in connection therewith, if in his/her judgement it is appropriate in the Council's and/or the Licensing Board's interest to do so.
- 2) To arrange for the waiver of conditions in titles to properties in Footdee reserving to the Council a right of repurchase, on the basis that no compensation will be payable to the Council, but that the Council's whole expenses in connection with the matter will be borne by the applicant.
- 3) Relative to the sale of Council houses under the Housing (Scotland) Act 1987 -
 - (i) To permit the taking of title in the joint names of the applicants and their spouses where the relevant statutory criteria are met.
 - (ii) To permit the inclusion as a joint purchaser of a person who does not satisfy the statutory criteria, and to permit the exclusion from the title one or more joint applicants, provided in both cases that the granting of such approval is not in any way detrimental to the Council's interest.
 - (iii) To approve applications for consent to the letting of a dwellinghouse, following sale by the Council, when the letting is on a temporary basis.
 - (iv) To include in the Disposition a right of pre-emption in favour of the Council in cases involving houses specifically designed or adapted for occupation by disabled persons.
 - (v) To approve applications for the consent of the Council as security holders to minor exchanges of land as between two owners of former Council houses, where the Council's security is not adversely affected.
 - (vi) 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.
 - (vii) To authorise and issue the service of Notices of Refusal in terms of Sections 68 and 69 of the Housing (Scotland) Act 1987 following an application by the tenant to purchase a house specifically designed for occupation by a person of pensionable age whose special needs require accommodation of the kind provided by the house.
- 4) To instruct at the request of the Director of Communities, Housing and Infrastructure, the carrying out at the Council's expense in the first instance, of the works necessary to comply with Notices on behalf of the Council in terms of the Housing (Scotland) Act 1987 and work

notices and maintenance orders under the Housing (Scotland) Act 2006 and to take appropriate action to recover the costs from the parties concerned all subject to the maximum sum owing to the Council in respect of such works not exceeding such sum as may from time to time be determined by the Council.

- 5) In consultation with the Director of Communities, Housing and Infrastructure to grant or decline applications for retrospective Landlords consent on condition that recognition is given to all other, including planning, consents and approvals have been obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
- 6) To serve on the owners concerned, at the request of the Director of Communities, Housing and Infrastructure, Revocation of Demolition or Closing Orders in circumstances where properties have been restored to the tolerable standard.
- 7) To serve Closing Orders on appropriate vacant Below Tolerable Standard dwellings as may be requested by the Director of Communities, Housing and Infrastructure.
- 8) To determine all applications for the grant, variation and renewal of licences, approvals, permits and registrations under (a) the Civic Government (Scotland) Act 1982 and its associated regulations but not in respect of applications for the grant of Street Trader (Hot Food) Licence, (b) the Theatres Act 1968, (c) the Cinema Act 1985, (d) the Gambling Act 2005, Licensing (Scotland) Act 2005, (e) the Game Act 1860, except where (1) an objection to the application is lodged or adverse observations on the application are submitted by an official of a local or central government Department or Agency, or (2) the application involves special circumstances or unusual features.
- 9) To authorise the use of the Council's Crest in consultation with the Head of Service, Office of Chief Executive.
- 10) To instruct the raising of any court proceedings, or the taking of any other legal action, in order to recover any sums owed to the Council and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 11) To authorise the immediate temporary suspension of licences under the Civic Government (Scotland) Act 1982 without a hearing whereby requested by the Divisional Police Commander.
- 12) To approve vehicles which comply with the specification for licensing as wheelchair accessible taxis.
- 13) To grant non-continuous applications for licences for knife and sword dealers under the mandatory licence scheme.
- 14) To act as Clerk to the Licensing Board.
- 15) To advertise and sign approved road traffic orders and those orders at the stage of statutory consultation.

- 16) To promote temporary traffic orders.
- 17) To authorise the attendance of Councillors at conferences in Aberdeen where the conference fee is under £50.
- 18) To clerk the School Placings and Exclusion Appeals Committee.
- 19) To make changes to the named elected member representatives (where a political composition has not been agreed) on the outside bodies list (this not being relevant where an appointment is required to be made at Council or Committee level).
- 20) To authorise officers as required in respect of the rights of entry and inspection contained within Section 5 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Land, Property and Assets).
- 21) To authorise officers as required in respect of inspection and testing of vehicles and taxi meters as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Land, Property and Assets).
- 22) To determine the validity of petitions submitted in respect of the Petitions Committee.

HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

- 1) 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 Head of Service are acceptable minor variations thereto acceptable to management, the employee and trade unions as appropriate.
- 2) To arrange for the application of national agreements and legislative requirements, and where appropriate the amendment of local conditions of service and contracts of employment of employees, subject to report to Committee prior to application of such changes where Management, employees or trade unions disagree with such changes or where such changes to local conditions of service could involve matters of principle or policy.
- 3) In conjunction with the Service Director, the creation of fixed term jobs within the Council where the duration of the contract is linked to available funding, including all costs. These positions will be filled in accordance with Council recruitment procedures.
- 4) To make provision for the corporate, generic, training and education needs of Council staff, as appropriate, from the central training budget. Services should make local provision for service or job related training.
- 5) To authorise requests for the extension of either full or half sickness allowance including teachers in exceptional circumstances in

conjunction with the appropriate Heads of Service and where the costs of this extension can be met from within existing service budgets.

- 6) To authorise employee secondments of up to three months duration in connection with participation in disaster relief operations (subject to the exigencies of service and in consultation with the relevant Head of Service). This delegated power includes provision for the Head of Service to allow Services the option of either seeking reimbursement of the employee's salary costs from the relief agency or to donate the employee's service as a contribution to the particular disaster relief project, subject to any additional costs being accommodated within Service budgets.
- 7) To administer, in consultation with the Convener of the Finance, Policy and Resources Committee and the Chief Executive, the approval of applications for Voluntary Severance (Early Retirement).
- 8) To administer the Council's payroll system and implement pay awards.
- 9) To make payment of salaries, wages, compensation and other emoluments to all employees, retirement allowances to former employees, tax and national insurance contributions to the HMRC.
- 10) To approve, in consultation with the Convener of the Finance, Policy and Resources Committee, minor changes to the equal pay and modernisation package or the buy out of existing protective terms and conditions on the basis that any such change would be within budget.
- 11) To make minor amendments to Human Resources policies that have been consulted and agreed with recognised trade unions in consultation with the Convener of the Finance, Policy and Resources Committee.

HEAD OF COMMERCIAL AND PROCUREMENT SERVICES

- 1) To negotiate, on behalf of the Council, the sale of in-house developed computer systems to other authorities.
- 2) To dispose of surplus/redundant computer equipment to individuals/groups, as appropriate.
- 3) To contract on behalf of the Council, and in consultation with the Head of Legal and Democratic Services, information technology software and services.
- 4) To administer and manage Insurance matters within the Council.
- 5) To make arrangement with insurance companies concerning settlement of claims.
- 6) To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 7, and to enter into negotiations on quotations or tenders in respect of contract material or sub-contract services where

they form part of a tender on the basis that suitable records be maintained.

- 7) To price tenders having regard to the workload and financial viability requirements.
- 8) To award contracts with a cumulative value (per contract) of up to £5million in conjunction with both the relevant Director and Head of Finance.

DRAFT

DIRECTOR OF COMMUNITIES, HOUSING AND INFRASTRUCTURE

HEAD OF COMMUNITIES AND HOUSING

- 1) To transfer the tenancy of a house to one partner and to re-house the other partner, all in terms of paragraph 16 of Schedule 3 to the Housing (Scotland) Act 1987, in circumstances where the remedies available in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 to facilitate the transfer of the tenancy are no longer available to the applicant and the Head of Communities and Housing is satisfied that such action should be taken for the applicant's well-being or where joint residential custody of children has been awarded.
- 2) To create a joint tenancy in the following circumstances - (a) where two separate families are transferring from two Council-owned dwellings into one house as joint tenants and the Head of Communities and Housing is satisfied that such a move would be of benefit to both families concerned and to the Council and (b) where, subject to certain conditions, an application is submitted by an existing tenant to give up their present tenancy and obtain a joint tenancy with a relative, such joint tenancy to be formalised only after a period of 12 months residence with the relative concerned, on the basis that the said 12 month period may be waived where, for example, it is proved to the satisfaction of the Head of Communities and Housing that the applicant requires to reside with a relative to proved essential support.
- 3) To provide temporary flatted accommodation on a non-secure basis to a person who is pursuing a court action for the transfer of the tenancy of a matrimonial home.
- 4) Where an applicant has left the family unit, to transfer the benefit of any priority relative to a current application for housing to a remaining member of the family.
- 5) To accept, in circumstances which he considers appropriate, supported applications for sheltered housing accommodation notwithstanding that the applicant is not of pensionable age.
- 6) To accept, in circumstances which he considers appropriate, supported applications for amenity housing from applicants who would not normally be considered.
- 7) To accept an application for transfer to amenity or sheltered housing from two related persons of the same sex who agree to share the same bedroom and who give an undertaking that it is not their intention to make an application for separate or larger accommodation unless there is a change of circumstances approved by the Head of Communities and Housing.
- 8) To approve, in circumstances which he considers appropriate, applications for a break in a joint tenancy from partners living within

the matrimonial home and wishing to be re-housed separately from other partners in accordance with the "A" group of the allocation scheme having been pointed on the basis of the applicant occupying half the accommodation available, unless otherwise decided by the Head of Communities and Housing.

- 9) Where a transfer request is received from an applicant occupying a sheltered house or a house which has been designed or adapted for occupation by a person with special needs and there is no longer a person with such needs occupying the dwellinghouse, to offer a transfer to the most appropriate suitable alternative accommodation of appropriate size as determined by the Head of Communities and Housing.
- 10) Where a transfer request is received from an applicant occupying a ground floor flat which is found to be suitable for an applicant with the medical priority Group "E", to offer the ground floor tenant a transfer to the most appropriate suitable alternative accommodation of appropriate size as determined by the Head of Communities and Housing.
- 11) Where an applicant, normally elderly, is in need of support from family who live in another part of the city, to move the applicant nearer to the supportive family and in certain circumstances to move the supportive family nearer to the applicant. Where the supportive family are to be moved nearer the applicant, they will only be considered for the same size and similar type of accommodation to that which they currently occupy.
- 12) In relation to succession to tenancies - (a) to accede, in circumstances which he considers appropriate, to requests by a grown-up member or members of a tenant's family arising from, for example, the tenant's intention to leave the house to re-marry, notwithstanding that the accommodation is in excess of the applicant's requirements; and in the event of the declination of such a request, to offer, in circumstances which he considers appropriate, suitable alternative accommodation, (b) to accede, in circumstances which he considers appropriate, to requests by sole tenants to transfer the tenancy to a partner, (c) to accede, in circumstances which he considers appropriate, to requests by persons, within the definition of qualified persons, who are not entitled to succeed on the death of the tenant because the tenancy has already been succeeded to, (d) on the death of the tenant either to grant, in circumstances he considers appropriate, a tenancy to a person who is not a qualified person but who has occupied the house concerned for a period of not less than ten years or to grant such a person a tenancy of suitable alternative accommodation; and (e) to grant an applicant who qualifies to succeed to the tenancy of a particular house in terms of statute the tenancy of suitable alternative suitable accommodation should he or she so wish and it is in the Council's best interests to do so.

- 13) To transfer sheltered housing tenants within the same sheltered housing development where the tenants circumstances have changed since originally allocated sheltered housing and where the current accommodation is now considered to be no longer suitable.
- 14) Where a vacancy arises within a tenement block (with the exception of any ground floor flat which is required for letting on medical grounds), to grant a request for transfer to accommodation of the same size from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block and who expresses an interest in the particular vacancy. In the event of more than one tenant expressing such an interest, to offer the vacancy to the tenant with the longest period of residence within the particular block.
- 15) Where a vacancy arises within a multi-storey block comprising 3 apartment and 2 apartment flats or flats of the same size, to grant a request for transfer from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block and who expresses an interest in the particular vacancy, regardless of the size of the accommodation. In the event of more than one tenant expressing such an interest, to offer the vacancy to the tenant with the longest period of residence within the particular block.
- 16) To define individual houses as hard to let and subsequently to allocate such houses outwith priority in the interests of good housing management.
- 17) To accede, in appropriate circumstances, to requests for housing/re-housing from applicants who are in rent arrears or have any other outstanding debt to the Council on the basis that a satisfactory arrangement has been made in relation to the outstanding debt. Thereafter the application would be considered on normal turn of points priority.
- 18) To re-house a tenant to accommodation of a similar size and type or smaller than currently occupied in cases of fear of victimisation by neighbours or the family of neighbours.
- 19) Where only one or two tenants remain in occupation of an otherwise vacant tenement dwelling within a housing scheme designated as a housing initiative area, to allow transfers to similar housing initiative accommodation.
- 20) Where a tenant has been admitted to hospital or a residential care establishment on a long-term basis to accept the voluntary termination of the tenancy on the understanding that accommodation of the same size and type in the same letting area is readily available, otherwise in an area of similar letting demand will be offered on discharge provided the tenancy has been considered to have been conducted satisfactorily and that a satisfactory arrangement has been made at the termination of the tenancy to pay any outstanding debt.

- 21) Where a single tenant sentenced to a term of imprisonment which will lead to his or her absence from home for a period exceeding 26 weeks has terminated the tenancy (on the basis that the tenant shall be responsible for the removal and storage of any furniture and personal effects), to offer accommodation of a suitable size and similar type within the same letting area if readily available otherwise in an area of similar letting demand on release from prison provided the tenancy has been considered to have been conducted satisfactorily and that a satisfactory arrangement has been made at the termination of the tenancy to pay any outstanding debt.
- 22) In relation to requests for transfers of tenancies to accede, in appropriate circumstances, to requests by a member or members of a tenant's family, over 16 years of age, arising from the tenant's intention to leave the house (for example to marry), even if the accommodation is in excess of the applicant's requirements; and in the event of the declinature of such a request, to offer, in appropriate circumstances, suitable alternative flatted accommodation.
- 23) In relation to requests for transfers of tenancies to accede, in appropriate circumstances, to requests by sole tenants to transfer the tenancy to a partner.
- 24) In relation to requests for a first or second succession to a tenancy from a qualified person, to grant the succession and thereafter offer a transfer should the person so wish and it is in the interests of the Service. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.
- 25) In relation to requests for a succession to a tenancy from a non-qualified person, where the non-qualified person has been in the property for up to 10 years, consideration should be given to grant the succession or alternatively flatted accommodation of appropriate size and within such area as may be determined by the Head of Communities and Housing having regard to the size, type and letting demand of the property.
- 26) In relation to requests for a succession to a tenancy from a qualified or non-qualified person, where they have been in the property for more than 10 years, the applicant should be granted the succession and thereafter offered a transfer should they wish. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.
- 27) In relation to a request for a third succession to a tenancy from a qualified or non-qualified person, where the qualified or non-qualified person has been in the property for up to 10 years, consideration should be given to the size, type and letting demand of the property. Thereafter, if deemed appropriate, the applicant should be granted the succession or alternatively offered suitable alternative accommodation. This should be of flatted accommodation of appropriate size and may be in any area, as determined by the Head of Communities and Housing.

- 28) Where an offer of accommodation has been accepted but one partner dies or goes into a residential home or institution prior to the lease being signed to permit the remaining partner to occupy the accommodation provided that the accommodation is of a size suitable to his or her needs.
- 29) Where a tenant is unwilling to maintain their garden in a tidy condition and the tenant is willing to move of their own accord, to arrange to re-house the tenant in flatted accommodation without a garden.
- 30) Where, as a result of fire, flood, etc. which cannot be proved to have been intentional, neighbours make representations that a tenant be re-housed, to offer the tenant concerned accommodation of a similar size and type or smaller than currently occupied.
- 31) To re-house tenants involved in circumstances where no more than two tenants remain in occupation of a Council owned non-state aided block which is below tolerable standard.
- 32) To transfer tenants, on a temporary basis, to same size and similar type accommodation within the same letting area, if readily available, otherwise in an area of similar letting demand, where transfer is considered by the Head of Communities and Housing to be necessary to enable essential repairs or improvements to be carried out.
- 33) To transfer tenants, on a permanent basis to same size and similar type accommodation within the same letting area, if readily available, otherwise in an area of similar letting demand where transfer is considered by the Head of Communities and Housing to be necessary to enable essential repairs or improvements to be carried out.
- 34) To arrange, where considered appropriate, for the provision of temporary flatted accommodation of a suitable size within the same letting area, if readily available otherwise suitable alternative letting areas for owner occupiers on grounds of social or medical needs where improvement work is being carried out with the aid of an improvement grant but outwith the Housing Action area.
- 35) To arrange for the provision of temporary flatted accommodation of a suitable size within the same letting area, if readily available, otherwise suitable alternative letting areas to tenants of a private sector accommodation which is the subject of a Repairs Notice under Section 108 of the Housing (Scotland) Act 1987 in cases where a landlord is unable to secure alternative accommodation.
- 36) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of violence, intimidation, fear of victimisation or other harassment by neighbours or any party where no other suitable remedy exists.

- 37) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of bereavement where death was due to violent or traumatic circumstances.
- 38) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a former partner or close relatives of a former partner have moved into or are living in accommodation situated in close proximity to the tenant.
- 39) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner or relative of ex-partner following a decision by the Court regarding the tenancy of the matrimonial home.
- 40) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner or relative of ex-partner and where the Head of Housing and Community Safety is satisfied that an attempt to continue living in the current accommodation would likely be met with violence or threats of violence.
- 41) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the natural parent/s of an adopted or fostered child move into accommodation situated in close proximity to the tenant.
- 42) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where there have been repeated break-in incidents directed at the tenant, subject to corroboration by the police.
- 43) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a tenancy has recently been created (normally within 12 months), is proving unsatisfactory and the tenant concerned is prepared to move.
- 44) Where there has been an irreconcilable dispute between two non-compatible neighbours, to offer accommodation of a similar size (or smaller) than currently occupied and similar type to either or both parties.
- 45) To re-house a tenant to accommodation of a similar size (or smaller) and type in an area of similar letting demand in cases where the tenant or their family are considered, to the satisfaction of the Head of Head of Communities and Housing, to be the victim of racial harassment or live in fear of such harassment.
- 46) To allocate the equivalent number of one bedroomed flatted properties to recipients of housing support from Mental Health service providers, where identified to require housing and support via the Community Mental Health Team or an existing service provider where an organisation is returning a property used for grouped living purposes to mainstream housing.

- 47) To transfer sheltered housing tenants to similar type accommodation based on their original points award.
- 48) To make available to incoming employees of the Council suitable flatted accommodation for a period not exceeding 6 months.
- 49) To accept applications for the creation of a joint tenancy from two co-habitee persons of the same sex.
- 50) To decline applications for mutual exchanges in circumstances where one of the parties dies prior to the appropriate legal formalities being finalised.
- 51) To determine in consultation with the Head of Finance each application under the Rent to Mortgage Scheme in the manner considered most favourable to the Council.
- 52) To determine in connection with the Right-to-Buy legislation, whether or not to accept late acceptances of offers to sell timeously served having regard to the likelihood of a significantly altered valuation being adopted if the late acceptance were rejected and a fresh application submitted.
- 53) To approve the permanent decanting of tenants whose homes have been identified for upgrading to already upgraded void properties.
- 54) To allocate properties which have been adapted for a person with a disability where possible to the most appropriate applicant on the Council's waiting or transfer list.
- 55) To accept applications for lease of municipal houses by organisations the principles of which are beneficial to the community as a whole, where these would have no detrimental effect on the waiting or transfer lists for such properties.
- 56) To offer accommodation on a like for like basis to a person requiring care and support, or their carer (irrespective of client group), on the satisfaction that the qualifying criteria outlined in the Criteria for Care Transfer Scheme have been fulfilled.
- 57) To offer accommodation of a similar size and type in an area of a similar letting demand to a non-Council tenant (Housing Association or co-operative) where the tenant is occupying an adapted property or a property built specifically for a person with a physical disability and the tenant no longer has the need for the accommodation and the demand exists for the property.
- 58) To permit the retention, on the loss of an expected child, of the points award made in respect of an applicant's pregnancy, on the understanding that no similar points award will be made in relation to the applicant's first subsequent pregnancy.
- 59) To instruct the raising of any court proceedings, or the taking of any other legal action, in respect of houses in the Council's ownership or any other housing function and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.

- 60) To permit a tenant of Aberdeen City Council to be re-housed to accommodation of a similar size, type and letting area where a Scottish Secure tenancy proves to be unsatisfactory, and the tenant is prepared to be re-housed and to accept a Short Scottish Secure tenancy, together with appropriate housing support.
- 61) To approve or decline applications from tenants of Council houses for:
- (i) Erection of lock-up garages
 - (ii) Installation of car runways
 - (iii) Erection of boundary enclosures including walls, fences, gates, etc
 - (iv) Erection of outbuildings including garden sheds, greenhouses and pigeon lofts
 - (v) External alterations and additions to houses including enclosures of verandas, erection of satellite dishes, replacement of external doors and replacement windows
 - (vi) Internal alterations and additions to houses including 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.
- 62) To approve, decline or defer routine applications in respect of housing improvement or repair grants or grants for the provision of fire escapes in houses in multiple occupation on the understanding that:
- (i) where appropriate the expenditure involved has been approved by the Head of Finance as falling within approved Council limits;
 - (ii) a report containing a list of the various applications together with the decisions and sums approved be placed in the Members' Library and given to Group Leaders prior to each meeting of the Committee for information purposes;
 - (iii) all applications of an unusual or novel nature are reported to Committee for determination.
- 63) To appoint external consultants as and when necessary in connection with projects included in the Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.
- 64) To approve requests for the division of mutual drying greens subject to the agreement, where appropriate, of affected neighbouring tenants.

- 65) To approve applications based on medical need, to replace warm air heating systems with conventional heating systems on the understanding that a report containing a list of the various applications will be placed in the Members' Library and given to Group Leaders prior to the meeting of each Committee for information purposes with a summary report being presented to each Committee meeting.
- 66) To arrange for payments to be made in terms of Section 58 of the Housing (Scotland) Act 1987 to Council tenants at the termination of a 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.
- 67) To adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying to the Council a capitalised maintenance charge.
- 68) To grant requests for funding to be paid from Section 75 and the income from the discount for Council Tax on second homes and long term empty properties up to a value of £30,000 for small scale works.
- 69) To assess and approve as necessary, on a case by case basis, applications from Council tenants occupying 3+ bedroom family homes, who wished to downsize to smaller accommodation.
- 70) To approve requests for permission to sub-let houses and to take in lodgers.
- 71) To deal with requests to operate businesses from Council houses, subject to a right of appeal by the tenant to the Committee.
- 72) To grant tenancies of municipal houses.
- 73) To grant tenancies of municipal lock-ups and garage sites.
- 74) To sign and to authorise Senior Housing Assistants and Senior Arrears Officers to sign Notices of Proceedings for Recovery of Possession of Council properties for rent arrears and estate management reasons.
- 75) To grant applications by tenants for permission to keep pets.
- 76) To take all necessary action in circumstances where a secure tenancy passes by operation of law to a qualified person.
- 77) To approve requests for leave of absence of a municipal house.
- 78) To take all necessary action in relation to the unauthorised occupation of municipal houses.
- 79) To authorise, in consultation with the Head of Legal and Democratic Services for the raising by the Head of Legal and Democratic Services on behalf of the Council of proceedings in appropriate cases for the recovery of possession of municipal houses on any of the grounds specified in paragraphs 1 – 15 inclusive of Part 1 of Schedule 3 to the Housing (Scotland) Act 2001 provided that the Head of Legal and Democratic Services is satisfied that the grounds

for terminating the tenancy are sufficient in law and can be substantiated.

- 80) To deal, in consultation with the Head of Legal and Democratic Services, with cases of unauthorised or irregular occupation of municipal houses by persons other than the tenant.
- 81) To identify areas within the City that may be excluded from applications to purchase Council garages, garage sites and lock-ups.
- 82) To grant any of the licences or registrations as may be determined by the appropriate Committee.
- 83) To determine, in consultation with the Head of 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.
- 84) 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 Head of Communities and Housing in the exercise of his delegated powers arranged for the provision of temporary or permanent re-housing to tenants in houses which are affected by a modernisation scheme.
- 85) To implement the Council's Tenant's Grants Scheme and approve or decline applications in terms thereof in respect of kitchen replacement, bathroom replacement, window replacement and the provision of central heating within the criteria approved by the Council.
- 86) 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.
- 87) To delegate to Area Housing Managers, in consultation with the relevant Head of Service, to either terminate or continue within the categories in future and to grant or decline future applications from organisations to lease Council properties.
- 88) To authorise the Senior Private Sector Housing Officer (Scheme of Assistance), the Private Sector Housing Manager, and other officers as appropriate, to sign Work Notices and Maintenance Orders under the provisions of the Housing (Scotland) Act 2006.
- 89) To authorise the Senior Private Sector Housing Officer (Rented Sector), the Private Sector Housing Manager, and other officers as appropriate, to sign Rent Penalty Notices under the provisions of the Antisocial Behaviour etc. (Scotland) Act 2004.
- 90) To authorise the Director of Communities, Housing and Infrastructure, the Private Sector Housing Manager and the Senior Private Sector Housing Officer (Rented Sector) to:-
 - grant HMO licence variation applications

- grant temporary exemption orders and extensions to same
- make orders under Section 144 (suspension of rent etc)
- make requirements under Section 145 (power to require rectification of breach of HMO Licence)
- 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 Part 5 of the Housing (Scotland) Act 2006.

- 91) To dispose of individual properties following a value for money appraisal where this option is the most appropriate for the Housing Revenue Account ensuring that (a) the price is at full market value; and (b) the local members for the area have been consulted on the proposals and that the monies received from such disposals be ring fenced for the Affordable Housing Budget.
- 92) To assess individual kinship carer applications on a case by case basis and grant increased priority where the need for alternative accommodation is of an urgent nature, applicants who are currently Council tenants or tenants of a Registered Social Landlord within the city may be offered properties of a similar type in areas of similar letting demand. Applicants from the private sector or tenants of a Registered Social Landlord outside the city will be offered flatted accommodation only.
- 93) To authorise spend on Equipment and Adaptation cases in consultation with the Head of Finance.
- 94) To ensure the appropriate governance arrangements are in place for the Fairer Aberdeen Fund Board and the allocation of funds or the management of Council funds allocated to the Community Planning Partnership.
- 95) To authorise Noise Control Officers, Environmental Health Officers and Authorised Officers within the Environmental Protection Section and Housing Assistants (helpline) to implement Part 5 of the Anti-Social Behaviour, etc. (Scotland) Act 2004.
- 96) To provide tenants whose homes are required for the Haudagain Improvement Scheme an appropriate level of priority within the housing lists and flexibility in terms of areas of choice, house sizes and number of offers.

HEAD OF LAND AND PROPERTY ASSETS

1. To discuss or negotiate on a without prejudice basis proposals and developments in respect of assistance to local industry in terms of land transactions, premises and finance (in consultation with the Head of Finance), and to bring the matter to the attention of the Communities, Housing and Infrastructure Committee when considered appropriate so to do.
2. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the city for the purpose of visiting potential or actual manufacturers, suppliers, sub-contractors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
3. To appoint on fixed term contracts, staff associated with contract works with costs to be funded entirely from within the current revenue of the relevant services and the duration of individual fixed term contracts to be at the discretion of the Head of Service.
4. To grant or decline the Council's consent as Landlords and/or Superiors in respect of all developments proposed to be carried out and variations to existing consents on condition that all other planning and/or other consents and approvals are obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
5. In consultation with the Head of Legal and Democratic Services to grant or decline applications for retrospective Landlord's and/or Superior's consent on condition that recognition is given to all other, including planning, consents and approvals have been obtained and subject, where an applications is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
6. To charge for the granting of Landlord's/Superior's consents subject to the Council approving a schedule for charges which should be the subject of review at regular intervals.
7. To approve or otherwise, in consultation with other officials as appropriate, the granting of Minutes of Waiver.
8. To discuss and/or negotiate, on a without prejudice basis, proposals and developments for Council owned property and to bring the matter to the attention of the appropriate Committee when considered appropriate to do so.
9. In consultation with the Head of Legal and Democratic Services to make arrangements for reference of disputed compensation to be determined by arbitration or by the Lands Tribunal.
10. To instruct the Head of Legal and Democratic Services to pursue the irritancy of leases for periods less than 21 years provided that the

Head of Legal and Democratic Services is satisfied that the grounds for irritating the lease are sufficient in law and can be substantiated.

11. To approve assignments or sub-leases either in whole or in part where no change of use is involved or where any change of use continues to fall within the scope of Use Classes 1, 2, 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
12. To grant new leases, extensions and variations of existing leases and to agree rent reviews and terminations, 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, on condition that terms and conditions for new leases of 21 years and over are submitted to Committee for approval.
13. In consultation with the Head of Legal and Democratic Services to make arrangements in terms of a lease for reference of a revised rent or dispute to arbitration.
14. In consultation with appropriate officials to decline offers to purchase Council land or property and offers to sell land or property to the Council, subject to the application having the right to request that the matter be referred to Committee for consideration.
15. In consultation with appropriate officials to acquire or sell land or property where the purchase or disposal price does not exceed such sums as the Council may from time to time determine, with the current maximum sum of £250,000.
16. In consultation with the relevant officials to sell or lease sites to statutory undertakers, allowing early entry to such sites in cases of urgency.
17. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
18. In consultation with appropriate officials to 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.
19. In consultation with appropriate officials to make representations, 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.
20. In consultation with appropriate officials to grant wayleaves over all Council owned properties.
21. To negotiate appropriate terms and conditions for the amendment of ground leases in cases where tenants are seeking landlords consent for a partial sub-lease to permit the erection of a telecommunications mast, provided (i) the site in question is situated within an industrial estate and not in proximity to housing, and (ii) the prior approval of the local ward member has been obtained.

22. In consultation with the local members and the Convener of the Property Sub Committee, to decline any application or plan submitted for the consent of the Council as Superiors and involving encroachment onto a footpath which is mutual to the applicant and the council, or encroachment into a drying green which is mutual to the applicant and the Council in the event of any tenant, or neighbouring occupiers, with tenancy rights in any land which is affected thereby, stating in writing that they object to the proposed encroachment, reporting to the Property Sub Committee if any Member objects to the proposed decision.
23. In consultation with the local members and the Convener of the Property Sub Committee, to approve on appropriate conditions applications for the Council's consent as Superiors to the erection of extensions at the rear of existing dwellinghouses which involve the repositioning of mutual access paths in circumstances where there are no objections from neighbouring occupiers, reporting to the Property Sub Committee if any Member objects to the proposed decision.
24. To appoint external consultants as and when necessary in connection with projects included in the Non Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.
25. To make representation on the Council's behalf to the Head of Planning and Sustainable Development, 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.
26. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
27. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.
28. To accept in consultation with the Conveners of the Communities, Housing and Infrastructure Committee and the Finance, Policy and Resources Committee, any tenders returned for endorsed Nestrans Capital Programme Projects with a value exceeding £150,000 but not exceeding 10% over the estimated value of the contract, and therefore in accordance with Standing Order 76 would be subject to

further approval by the Head of Legal and Democratic Services, on the authority of the appropriate Committee.

29. In consultation with appropriate officials to decline offers to purchase Council land or property and offers to sell land or property to the Council, subject to the applicant having the right to request that the matter be referred to Committee for consideration.
30. In consultation with appropriate officials to acquire or sell land or property where the purchase or disposal price does not exceed such sums as the Council may from time to time determine, with the current maximum sum of £100,000.
31. In consultation with the relevant officials to sell or lease sites to statutory undertakers, allowing early entry to such sites in cases of urgency.
32. In consultation with appropriate officials to 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.
33. In consultation with appropriate officials to make representations, 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.
34. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
35. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.

HEAD OF PUBLIC INFRASTRUCTURE AND ENVIRONMENT

1. To arrange for the provision of street lighting where the expenditure involved can be met from the relevant budget.
2. To acquire pre-owned vehicles and plant items where there is an economic advantage to the Council.
3. To maintain a list of public roads including classification of roads network.
4. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, 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, reporting to the Communities, Housing and Infrastructure Committee if any Member objects to the proposed decision.

5. To promote the construction of new roads and infrastructure schemes where the scheme is included in the local transport strategy and associated budget.
6. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, to exercise the control of road occupations, reporting to the Communities, Housing and Infrastructure Committee if any Member objects to the proposed decision.
7. To control street openings including the application of the New Roads and Street Works Act.
8. To implement arrangements for traffic management and related street furniture.
9. To undertake road safety audits.
10. To represent the Council's interest with regard to coast protection and flood prevention matters including the development of the Flood Risk Management Plan.
11. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Communities, Housing and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at the early stage.
12. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.
13. To authorise officers as required in respect of inspection and testing of vehicles and taxi meters as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Legal and Democratic Services)
14. To acquire pre-owned vehicles and plant items where there is an economic advantage to the Council.
15. To remove and dispose of abandoned vehicles in terms of the Refuse Disposal (Amenity) Act 1978.
16. In consultation with the Head of 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 tomb stone.

17. To act as Registrar of Burials and Cremations and act as the keyholder for crematorium buildings.
18. To ensure the proper disposal of the dead in accordance with the Council's statutory duties while taking into account requests of the bereaved.
19. To operate the Council's crematorium in accordance with the Council's statutory duties and to maintain, renew and repair the crematorium buildings.
20. To provide facilities for and make available memorials to the dead.
21. To manage arrangements for appointments and statutory paperwork for disposal of the dead. Including implementing, monitoring and maintaining systems and records of any disposal of the dead and issuing any extracts of such records.
22. To maintain identification of the remains throughout the process of cremating the dead.
23. To supervise exhumations.
24. As Market Officer to take decisions on all matters involved in the day-to-day administration of the Castlegate and Green markets including all disciplinary matters and grievances, subject to a right of appeal to Members and also to a right on the part of the Market Officer to refer particular issues, with or without recommendations, to the consideration of the Communities, Housing and Infrastructure Committee.

HEAD OF PLANNING AND SUSTAINABLE DEVELOPMENT

Note: The powers delegated hereunder 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 (the hierarchy regulations), 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.

The Head of Planning and Sustainable Development (a member of its professional planning staff), or an appropriate person or persons nominated by the Head of Planning and Sustainable Development or subsequent title for this role (hereafter referred to

as the Appointed Officer) is given delegated powers in the following circumstances:

1. To grant planning permission (including planning permission in principle and the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission in principle) in respect of applications falling within the category of “major development” as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 **except** where that application
 - (a) has been made by or on behalf of
 - an elected member of Aberdeen City Council, or
 - a member of staff employed within the Planning and Sustainable Development Service of the planning authority, or
 - the Chief Executive or any other member of the Senior Management Team (i.e. Director level), of the planning authority, on the basis of the details on the application form
 - (b) is being recommended for approval and 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 Appeals) (Scotland) Direction 2009 (or other Scottish Government Direction)
 - (i) has been subject to a formal decision by the planning authority, or Scottish Ministers have decided, that an Environmental Impact Assessment should be undertaken
 - (ii) is being recommended for approval and has been the subject of formal objection by the local Community Council within whose area the application site falls, or by the Council’s roads or environmental health service
 - (iii) 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 - representing a significant level of opposition to any major development proposal
 - (iv) is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy

The powers delegated to the Appointed Officer under paragraphs 1(i) to (iv) above are further qualified to the extent that the planning authority 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. Applications shall be identified for such potential treatment by the Head of Planning and Sustainable Development who, in consultation with the Convener of the Planning Development Management Committee, shall bring such cases to the notice of elected members in the form of a report to that Committee.

Notes

"Timeous letter of representation includes any written representation received by the Council no later than 3 full days following the expiry of the time period specified for representations to be made following the date of notification, or if applicable, advertisement of the application (whichever is the later). An extended period for making representations will only be applied over the Christmas period and details will be posted in advance on the Council's website.

The definition of a letter of representation was agreed by the Development Management Sub Committee on 17 June 2010:

- if more than one representation is submitted from a single individual or single email address this only counts as one representation
- a single letter with a number of signatures from one address counts as only one representation
- a petition is counted as one representation
- a representation will only be counted if it is from a specified email address or street address

2. Under the terms of Sections 75 and 75A of the Town and Country Planning (Scotland) Act 1997, in relation to planning applications for major developments (as defined in 1. above) and in consultation with the Head of Legal and Democratic Services to:-

- negotiate legal agreements relating to planning obligations and conclude in accordance with the decision taken by Committee or the Appointed Officer as applicable
- determine applications for Modifications or Discharge of Planning Obligations under Section 75A in relation to applications that have been determined by the Appointed Officer

3. To determine applications for Listed Building Consent and Conservation Area consent subject to the same exceptions contained in 1. above, and provided that the Scottish Ministers, if notified, have either made no observations or observations of a kind which can competently be made the subject of appropriate planning conditions.

4. To determine any consent, agreement or approval required by a condition imposed on a grant of approval of any type of

application with the exception of applications for approval of consent, agreement or approval required by a condition imposed on a grant of planning permission in principle for a development falling within the category of “major development” to which the criteria specified in 1. above apply.

5. To determine whether amendments are non-material and determine requests for non-material variation (in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997, as amended) for all planning consents no matter how they were determined.
6. To issue planning consents where the Planning Development Management Committee (or Full Council), has expressed a willingness to approve a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene or the period for so indicating has expired.
7. 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 the Town and Country Planning (Scotland) Act 1997 as amended.
8. To determine applications for advertisement consent.
9. To determine, under the applicable Environmental Impact Assessment Regulations, whether or not a particular planning application requires to be supported by an Environmental Statement (Screening opinion) and the scope of any such Statement (Scoping opinion).
10. To determine applications related to Prior Notification for agriculture/forestry or demolition of buildings (currently made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) schedule 1, Parts 6 & 7, and Part 23 Permitted Development Classes 18 & 21, and 70).
11. To grant Certificates of Lawfulness where in the opinion of the Head of Planning and Sustainable Development, there is no reasonable doubt that the use or development is or would be lawful without further planning approval.
12. In consultation with the Head of Legal and Democratic Services to serve:-
 - Notices requiring an application for planning permission for development already carried out
 - Planning Contravention Notices
 - Stop Notices
 - Temporary Stop Notices
 - Breach of Condition Notices

- Fixed Penalty Notices
- Notices in terms of land adversely affecting the amenity of neighbourhood

In terms of 33A, Section 125, Section 140, Section 144A to D, Section 145, Section 136A and Section 179 respectively of the Town and Country Planning (Scotland) Act 1997 as amended.

13. To take, in consultation with the Head of Legal and Democratic Services, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.
14. To grant or refuse applications to fell, lop or top trees protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.
15. To approve the serving of Emergency Tree Preservation Orders subject to the appropriate Committee being informed.
16. To make observations on behalf of the planning authority on routine proposals by statutory undertakers.
17. To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.
18. To make any necessary changes to the wording of the development plan, prior to adoption, where those changes are drafting, or other matters of a minor nature which do not materially affect any policy or proposal in the plan.
19. To make any necessary changes to the wording of supplementary planning guidance, where those changes are drafting or technical matters or a minor nature which do not materially affect the substance or effect of the guidance.
20. To price tenders having regard to the workload and financial viability requirements.
21. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
22. To determine, following consultation with the relevant officials, the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.

23. To appoint external consultants as and when necessary in connection with projects included in the Non-Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any other Committee of the Council.
24. To implement arrangements for traffic management or related street furniture.
25. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Communities, Housing and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at an early stage.
26. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.
27. To promote the construction of new roads and infrastructure schemes where the scheme is included in the local transport strategy and associated budget costs. (Also delegated to the Head of Public Infrastructure and Environment)
28. To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Structure Plan/Strategic Development Plan and Local Plan/Local Development Plan and associated budget.
29. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the City for the purpose of visiting potential or actual manufacturers, suppliers, sub contactors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
30. To take appropriate steps to publicise the achievements of the Service, particularly in relation to planning policies, development and design briefs, and its role in preserving the City's architectural heritage in so far as listed buildings and Conservation Areas are concerned.
31. To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 7, and to enter into negotiations on quotations or tenders in respect of contract

material or sub-contract services where they form part of a tender on the basis that suitable records be maintained.

32. To act as “proper officer” for the purposes of the Building (Scotland) Act 2003 and to exercise the functions of the Council under the Building (Scotland) Act. In relation to dangerous buildings, take action as necessary to secure public safety. In relation to defective buildings, unauthorised works and requiring existing buildings to comply with Building Standards Regulations up to the point of making formal Orders with a value not exceeding £15,000.
33. To determine applications for building warrants subject to a right of appeal to the Committee.
34. To grant extensions to the life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable.
35. To verify or refuse Completion submissions in terms of the Building (Scotland) Act, subject to a right of appeal to the Committee.
36. To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act.
37. To accept, in consultation with the Conveners of the Communities, Housing and Infrastructure and Finance, Policy and Resources Committees, any tenders returned for endorsed Nestrans Capital Programme Projects with a value exceeding £150,000 but not exceeding 10% over the estimated value of the contract, and therefore according to Standing Order 76 would be subject to further approval from the Head of Legal and Democratic Services, on the authority of the appropriate Committee.
38. To initiate Right of Way Diversion Order procedures where necessary and where no formal objections are anticipated following informal local Member and community consultations.
39. To maintain a list of adopted core paths and review when appropriate.
40. To construct, alter, widen, improve or renew adopted core paths within approved budgets, including power to maintain.
41. To accept the most economically advantageous tenders for various advanced works and services required for the Aberdeen Western Peripheral Route/Balmedie-Tipperty with the Director of Corporate Governance and in consultation with the Conveners of the Communities, Housing and Infrastructure and Finance, Policy and Resources Committees subject to the receipt of approvals from other funding partners.

42. To grant construction consent for new private roads and determine the value of security to be lodged in conjunction therewith (and in the event that construction proceeds in the absence of such security instruct enforcement action) and arrange for their adoption in terms of the appropriate legislation.
43. To respond to notified changes in local bus services subject to the appropriate Committee being informed.
44. 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. (Also delegated to the Head of Legal and Democratic Services)
45. To authorise the issue of Certificates as required 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.
46. To authorise the issue of Certificates as required by 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.
47. To take such action as is necessary with regard to the administrative arrangements under Part 1 of the Food and Environmental Protection Act 1985.
48. To authorise such persons, under section 5 of the Food Safety Act 1990, to act in matter arising under the said Act.
49. To appoint, under Regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006, as authorised officers, such persons as considered necessary for the purpose of enforcing the said Regulations.
50. 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 Authority, the functions relating to protection of public health contained in the Act.
51. To appoint as inspectors under Section 19 of the Health and Safety at Work etc. Act 1974, such persons as considered necessary for carrying into effect the Act and other relevant statutory provisions and in each case confer as required the powers to be exercised.
52. To undertake Port Health duties under the Public Health (Scotland) Act 1945 and the Airports Authority Act 1965.
53. To authorise officers to enforce the provisions of the following legislation:
Prevention of Damage by Pests Act 1949

Public Health (Scotland) Act 2008
 Caravan Sites and Control of Development Act 1960
 Private Water Supplies (Scotland) Regulations 2006
 The Water Supply (Water Quality) (Scotland) Regulations 2000
 The Housing (Scotland) Act 1987
 The Housing (Scotland) Act 2006
 The Housing (Scotland) Act 2001
 Control of Pollution Act 1974
 The Noise and Statutory Nuisance Act 1998
 The Clean Air Act
 Civic Government (Scotland) Act 1982
 Dog Fouling (Scotland) Act 2003
 Environmental Protection Act 1990 as amended by the Public Health Scotland (Act) 2008
 The Control of Dogs (Scotland) Act 2010
 Any other powers conferred on the Council by Environmental Health and Public Health legislation

54. To engage, as required, temporary staff in the event of an emergency mortuary being required for use, having regard to the size of the emergency.

55. 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 of the Act.

56. To appoint and thereafter authorise Licensing Standards Officers to exercise their powers in terms of Section 13 of the Licensing (Scotland) Act 2005.

57. To authorise officers to enforce the appropriate provisions of the following:-

Animal Boarding Establishments Act 1963
 Animal Health Act 1981
 Animal Health and Welfare (Scotland) Act 2006
 Breeding of Dogs Act 1973
 Breeding and Sale of Dogs (Welfare) Act 1999
 Dangerous Wild Animals Act 1976
 Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009
 Performing Animals (Regulation) Act 1925
 Pet Animals Act 1951

Riding Establishments Act 1964 and 1970

Zoo Licensing Act 1981

Animal By-Products (Scotland) Regulations 2003

Animal By-Products (Scotland) (Enforcement) Regulations 2013.

58. To authorise any official veterinary surgeon, acting for the Council, for any of the statutory purposes for which an official veterinary surgeon is required.
59. 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. (Also delegated to the Head of Legal and Democratic Services)
60. 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. To authorise officers to exercise the powers conferred on the Council by Consumer Protection/Trading Standards legislation.
62. To exercise the Council's power to grant licences in terms of the Petroleum (Consolidation) Act 1928.
63. To revoke or suspend licenses in terms of the Petroleum (Consolidation) Act 1928.
64. To authorise, sign, issue and where necessary, revoke the necessary authorisations, for Aberdeenshire Council Trading Standards staff in relation to Animal Feeding Stuffs legislation enforcement, specifically the Agriculture Act 1970 (Part IV Fertilisers and Feeding Stuffs), the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, Official Feed and Food Controls (Scotland) Regulations 2005, Genetically Modified Animal Feed Regulations 2005 and the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010.
65. 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.
66. To appoint, under the Poisons Act 1972, such persons as considered necessary for the purpose of enforcing and exercising the powers conferred on them by the Act as it pertains to poisons in Part II of the Poisons List contained in the Act.
67. To authorise officers of the Trading Standards Service to exercise the powers contained in the Tobacco and Primary Medical Services Act 2010.
68. 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.

HEAD OF ECONOMIC DEVELOPMENT

1. To dispose of all applications for assistance under the Aberdeen Business Enterprise Scheme up to a total of £20,000 on any one occasion, subject to reports summarising any action so taken being submitted regularly to the Communities, Housing and Infrastructure Committee, for information.
2. To dispose of applications for assistance through Community Business Small Grants up to a maximum of £5,000 in any one occasion.

DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

HEAD OF CHILDREN'S SOCIAL WORK

The undernoted powers, duties and responsibilities are delegated to the Director of Education and Children's Services and the Head of Children's Social Work. They may also be delegated where appropriate to suitably qualified and registered staff in order to provide the day to day functions of a Social Work Service on behalf of Aberdeen City Council.

- 1) To promote social welfare including giving help in kind or cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968 as amended.
- 2) To assess needs in terms of Section 12A of the Social Work (Scotland) Act 1968 as inserted by Section 55 of the National Health Service and Community Care Act 1990.
- 3) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
- 4) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
- 5) To provide and maintain in terms of Section 59 of the Social Work (Scotland) Act 1968 such residential and other establishments as are required for the Council's functions under that Act or under Part II of the Children (Scotland) Act 1995.
- 6) To remove persons from establishments in terms of the Social Work (Scotland) Act 1968.
- 7) To inspect establishments registerable under the Social Work (Scotland) Act 1968.
- 8) To ensure that persons in establishments in the Council's area are visited from time to time in terms of the Social Work (Scotland) Act 1968.
- 9) To ensure that children looked after by the Council and people provided with assistance by the Council who are accommodated in establishments outwith the Council's area are visited in accordance with the requirements of the Social Work (Scotland) Act 1968.

- 10) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 and Section 78A of the Social Work (Scotland) Act 1968.
- 11) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.
- 12) To provide services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.
- 13) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 14) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.
- 15) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- 16) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- 17) To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22(1) of the Children (Scotland) Act 1995, including giving assistance in kind or, in exceptional circumstances, in cash.
- 18) To provide accommodation for any child in the local authority area to promote or safeguard his/her welfare in terms of Section 25(1) and (2) of the Children (Scotland) Act 1995.
- 19) In conjunction with the Housing Service, to have the power to provide accommodation to persons who are over the age of 18, but not yet 21, when such provision would promote the young person's welfare in terms of Section 25(3) of the Children (Scotland) Act 1995.
- 20) To pay adoption allowances in terms of The Adoption Support Services and Allowances (Scotland) Regulations 2009.
- 21) To safeguard and promote the welfare of a child where the child is looked after by the local authority in terms of Section 17(1) of the Children (Scotland) Act 1995.
- 22) To provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority in terms of Section 17(2) of the Children (Scotland) Act 1995.

- 23) To review cases of children looked after by the local authority in terms of Section 31 of the Children (Scotland) Act 1995.
- 24) To provide accommodation and maintenance for children who are looked after by the local authority in terms of Section 26 of the Children (Scotland) Act 1995.
- 25) To remove a child from a residential establishment in terms of Section 32 of the Children (Scotland) Act 1995.
- 26) To provide advice and assistance for young persons under 19, but over school age and formerly looked after by a local authority in terms of Section 29 of the Children (Scotland) Act 1995.
- 27) To have the power to provide financial assistance towards expenses of education or training of a young person, under the age of 21, formerly looked after by the local authority, including contributions to accommodation and maintenance in terms of Section 30 of the Children (Scotland) Act 1995.
- 28) To pay allowances in terms of Section 50 of the Children Act 1975.
- 29) To cause inquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child in terms of Sections 53 and 56(1) of the Children (Scotland) Act 1995.
- 30) To provide reports on children and their social background for a Children's Hearing in terms of Sections 56(2) and/or (7) of the Children (Scotland) Act 1995.
- 31) To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995.
- 32) To recommend a review of a supervision requirement made by a Children's Hearing by referral of the case to the Principal Reporter in terms of Section 73(4) of the Children (Scotland) Act 1995.
- 33) To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.
- 34) To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.
- 35) On behalf of the Chief Executive of the Council to prepare and publish a plan for the provision of relevant services for, or in respect of, children in the local authority area in terms of Section 19 of the Children (Scotland) Act 1995.
- 36) To prepare and publish information about relevant services for children in the local authority area in terms of Section 20 of the Children (Scotland) Act 1995.

- 37) To request help in the exercise of any functions that the local authority has under Part II of the Children (Scotland) Act 1995 from any of the specified persons in terms of Section 21 of the Children (Scotland) Act 1995.
- 38) To provide day care for children in need within the local authority who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- 39) To provide appropriate care for school children in need within the local authority area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.
- 40) To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 41) To provide a report to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child in terms of Section 11(1) of the Matrimonial Proceedings (Children) Act 1958.
- 42) To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.
- 43) To carry out an assessment (if asked to do so by the child's parent or guardian) of the child or any other person in his/her family in order to ascertain the child's needs as insofar as they are attributable to his/her disability or that of the other person in terms of Section 23(3) of the Children (Scotland) Act 1995.
- 44) To assess a carer's ability to provide, or to continue to provide, care for the child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.
- 45) Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).
- 46) To provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.
- 47) To designate residential establishments and households as short-term refuges for children for the purposes of Section 38 of the Children (Scotland) Act 1995.

- 48) To have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995.
- 49) To have the power to apply to a Sheriff for a child protection order in terms of Section 38 of the Children's Hearings (Scotland) Act 2011.
- 50) To have the power to apply to a Justice of the Peace for emergency child protection measures in terms of Section 61 of the Children (Scotland) Act 1995.
- 51) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in a secure accommodation in terms of Section 70(9)(a), 9A and (b) and 70(10) of the Children (Scotland) Act 1995.
- 52) To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.
- 53) To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.
- 54) To allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of the Children (Scotland) Act 1995.
- 55) To promote the welfare of a child throughout his/her life as the paramount consideration and have regard to his/her views and his/her religious persuasion, racial origin and cultural and linguistic background, so far as practicable in reaching any decision in relation to the adoption of a child in terms of Section 14 of the Adoption and Children (Scotland) Act 2007.
- 56) To consider whether adoption is in the best interests of the child or whether there is a better, practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007 and Section 96 of the Children (Scotland) Act 1995.
- 57) To investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought by a person or persons in terms of Section 19 of the Adoption and Children (Scotland) Act 2007.
- 58) To have the power to cause an inquiry to be held into the local authority's functions under the Children (Scotland) Act 1995 insofar as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968 and Section 100 of the Children (Scotland) Act 1995.
- 59) To provide post adoption support services for children, adopters and any one else affected by adoption, related to adoption and services for adopted adults in terms of the Adoption and Children (Scotland) Act 2007 and The Adoption Support Services and Allowances (Scotland) Regulations 2009.

- 60) To accept or not accept any person for assessment as a prospective adopter in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 61) To assess prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 62) To establish an adoption panel in terms of Regulation 3 of the Adoption Agencies (Scotland) Regulations 2009.
- 63) To approve prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 64) To place or secure the placing of a child for adoption with prospective adopters in accordance with the provision of the Adoption Agencies (Scotland) Regulations 2009.
- 65) To submit to the Court a report on the suitability of applicants for an adoption order where a child has been placed for adoption by the Council and to assist the Court in any manner the Court may direct all in terms of Section 17 of the Adoption and Children (Scotland) Act 2007.
- 66) To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- 67) To place a child in a foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- 68) To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.
- 69) To arrange for visits to be made to a child or young person in relation to when parental rights and responsibilities have been transferred to the local authority in terms of Section 10 of the Mental Health (Scotland) Act 1984.
- 70) To review childminding, day care and education services for children under eight in terms of Section 19 of the Children Act 1989.
- 71) To ensure that the corporate parenting responsibilities of the Council are addressed through the Children's Services planning process, including the development of an action plan and the publication of baseline data on children in need.

HEAD OF EDUCATION SERVICES

- 1) To grant applications for permission to use accommodation within the Art Gallery, Provost Skene's House and the Maritime Museum on the usual terms, conditions and charges applying thereto, on the understanding that the Director will refer to the Education and Children's Services Committee for decision, any application which s/he is not prepared to grant or where s/he wishes to modify the usual terms, conditions and charges applying.
- 2) To purchase any works of art or museum exhibits within such financial limit as may be fixed from time to time by the Council, subject to the purchase price being within approved expenditure, to the prior approval of the Convener of the Finance, Policy and Resources Committee being obtained and in consultation with the Convener of the Education and Children's Services Committee.
- 3) To make bookings for exhibitions, recitals and other cultural events.
- 4) To grant permission to reproduce works of art in approved publications and to impose the appropriate charges.
- 5) To visit, or to appoint a member of staff to visit, such institutions, exhibitions and galleries as s/he may consider necessary subject to the prior approval of the Convener of the appropriate Committee being obtained unless otherwise instructed by the Committee.
- 6) To grant loans of items from the collections held by the Council to outside bodies.
- 7) To purchase equipment and services for which the expenditure involved has been approved by the Council.
- 8) Relating to persons employed as teachers in educational establishments (including instrumental music instructors in schools, advisers and educational psychologists) in application of Conditions of Service (in conjunction with the Head of Human Resources and Organisational Development) to make minor changes to gradings and in certain circumstances create temporary posts.
- 9) To limit the capacity of a particular school in the event of over subscription (with due regard to relevant legislation).
- 10) To make the arrangements to implement the increases in pre-school education entitlement in local authority and partner provider nurseries and playgroups as agreed from August 2010.
- 11) To grant consent to parents to home educate and to serve notices under Section 37(1) of the Education (Scotland) Act 1980.
- 12) To authorise the approval of early retirement requests from teachers in accordance with agreed policy, subject to retrospective reports being submitted to the Education and Children's Services Committee.

- 13) To offer recruitment and retention incentive payments for hard to fill teaching posts.
- 14) To make decisions as to the management of roll capping and the reservation of school places in both primary and secondary school, within existing Council policy, subject to all uses of this delegation being reported to Committee by way of the information bulletin.

HEAD OF INCLUSION

- 1) The approval of the appointment of pupil support assistants for children with special needs in schools.
- 2) To grant consent to parents to home educate and to serve notices under Section 37(1) of the Education (Scotland) Act 1980.
- 3) To sign and date Co-ordinated Support Plans in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 - Education (Co-ordinated Support Plan) Scotland Regulations 2005.

HEAD OF POLICY, PERFORMANCE AND RESOURCES

- 1) To set fees and charges to agencies and other bodies using Learning Services.
- 2) To refuse any application for a let if in the opinion of the relevant Head of Service there are grounds for doing so.
- 3) In relation to the catering service, to approve further internal delivery adjustments in conjunction with the Director of Corporate Governance and in consultation with the Head of Finance, the Head of Legal and Democratic Services and the Convener of the Finance, Policy and Resources Committee.
- 4) To make the necessary financial, legal and technical decisions, based on professional advice in relation to capital and revenue based school building and refurbishment projects within Education and Children's Services.

CHIEF OFFICER, ADULT HEALTH AND SOCIAL CARE

HEAD OF ADULT SOCIAL CARE SERVICES

- 1) To provide home help facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.
- 2) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
- 3) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
- 4) To remove persons from establishments in terms of the Social Work (Scotland) Act 1968.
- 5) To inspect establishments registerable under the Social Work (Scotland) Act 1968.
- 6) To ensure that persons in establishments in the Council's area are visited from time to time in terms of the Social Work (Scotland) Act 1968.
- 7) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 and Section 78A of the Social Work (Scotland) Act 1968.
- 8) To prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968 as inserted by Section 52 of the National Health Service and Community Care Act 1990.
- 9) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.
- 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 in terms of 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 services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.

- 1) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 2) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.
- 3) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- 4) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- 12) 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 in terms of the Mental Health (Scotland) Act 1984.
- 13) To make arrangements for the exercise by the Council of its functions in respect of persons under guardianship in terms of the Mental Health (Scotland) Act 1984.
- 14) To make arrangements for the provision of any ancillary or supplementary services in terms of Section 7(1)(c) of the Mental Health (Scotland) Act 1984.
- 15) 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 in terms of the Mental Health (Scotland) Act 1984.
- 16) To provide after care services for any persons who are or have been suffering from mental disorder in terms of the Mental Health (Scotland) Act 1984.
- 17) To appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984.
- 18) To receive patients who have attained the age of 16 years into guardianship in terms of the Mental Health (Scotland) Act 1984.
- 19) To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age within the meaning of the Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
- 20) To petition for the appointment of a curator bonis and to carry out duties in respect of protection of property of patients in terms of the Mental Health (Scotland) Act 1984.
- 21) 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 in terms of Section 117 of the Mental Health (Scotland) Act 1984.

- 22) 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 appoint Mental Health Officers
 - d) 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
 - e) To make arrangements for provision of any ancillary or supplementary services.
- 23) To apply for orders under Section 47 of the National Assistance Act 1948 removing people in need of care and attention to suitable premises.
- 24) To provide temporary protection under Section 48 of the National Assistance Act 1948 for the moveable property of people admitted to hospital, residential establishments and other places.
- 25) To supervise and care for persons put on probation, released from prison or subject to a Community Service Order and to provide the necessary social background reports and other reports to the Court as required in terms of Section 27 of the Social Work (Scotland) Act 1968.
- 26) To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995.
- 27) To supervise people placed on a Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.
- 28) To supervise people placed on a Drug Treatment and Testing Order in terms of Sections 89-95 of the Crime and Disorder Act 1998.
- 29) To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posted by certain high risk offenders as defined by Section 10 of the Management of Offenders etc (Scotland) Act 2005.
- 30) To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release as specified by Section 71 of the Criminal Justice (Scotland) Act 2003.

- 31) Jointly with Scottish Ministers to establish arrangements for the assessment of management of the risks posed by custody and community prisoners in accordance with Section 7 of the Custodial Sentences and Weapons Act 2007.
- 32) To make provision for the safeguarding of vulnerable adults in terms of the Adult Support and Protection (Scotland) Act 2007.
- 33) To make provision for and enable access to self directed support across care groups in terms of the Social Care (self-directed Support) (Scotland) Act 2013.
- 34) To agree funding for care packages subject to the agreed financial guidance.
- 35) To consider each application for Home Care on its merits and to vary the charge at their discretion.

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