

STIRLING COUNCIL

CHIEF EXECUTIVE'S

SCHEME OF SUB-DELEGATION

Effective from and including 24 May 2017

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THE SCHEME

Introduction

The Council has reserved very few powers to itself and has agreed extensive delegations to the Chief Executive who in turn is empowered to sub-delegate to other officers.

This Scheme of Sub-Delegation sets out the powers which the Chief Executive delegates to Directors, the conditions which they must observe when exercising those powers and the extent to which they can further delegate the powers to other officers.

Delegations to Directors are a combination of general delegations (that is to say, each of the Directors are similarly empowered) and specific delegations (delegations that are specific to individual Directors). When exercising any delegated authority, Directors must have regard to a variety of stipulations that the Council has decided should govern and influence the exercise of delegated powers.

Details of the rules that apply in exercising these delegated powers are contained in Appendix 1. Details of general delegations are contained in Appendix 2 and specific delegations to Directors are set out in Appendix 3 and Appendix 4.

Publication of Information

The Council requires Officers to publish information about the exercise of certain specified categories of delegated authority, as undernoted:-

Proposed exercise of delegated authority

- Building Standards Information
- Civic Licensing Schedule
- Community Grant and Community Pride Recommendations
- Permanent Traffic Regulation Orders
- Planning Schedule

Action already taken under delegated powers

- Mandatory Discretionary Rates
- Tender Acceptances

Officers may choose to publish information about the exercise of other categories of delegated authority.

The method of publicising this information is through the Council's Information Bulletin, which is published weekly.

Review of Scheme of Sub-Delegation

This Scheme of Sub-Delegation will be subject to constant review. Proposed amendments to the Scheme of Sub-Delegation should be raised by Directors at the Corporate Management Team.

RULES GOVERNING THE EXERCISE OF POWERS BY DIRECTORS

Further Sub-Delegated Authority

- a) Directors with delegated powers can further sub-delegate to other officers in their service area as they may consider appropriate, but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When Directors further delegate their powers, they have to record this in writing.
- b) Certain functions – Statutory Functions – must, by law, be carried out by certain Statutory officers. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 5. The authority delegated to Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.
- c) Legislation requires that certain functions be exercised by a “Proper Officer”. These are, in essence, those roles set out at Appendix 7 of the Scheme of Delegation. An officer who is designated as a Proper Officer by this Scheme may also designate in writing other officer(s) in his service area to exercise his functions as Proper Officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation.
- d) Appendix 7 contains a list of legislation concerning the Council’s duties and the functions relating to the provision of services, which are set out in this Scheme of delegated powers.
- e) Where a responsibility has been further delegated, there is nothing to prevent the person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

Qualifications of Delegations

- f) Before exercising any authority Directors must satisfy themselves that:
- (a) they have the necessary delegated powers as specified in this Scheme either generally or in relation to each Director; and
 - (b) that any power expressed in this Scheme has not been modified by a more recent decision by the Council.
6. Directors must use the authority delegated to them:
- (a) in the interests of Stirling Council and in accordance with the provisions of the Council's Scheme of Delegation, this Scheme of Sub-Delegation, Financial Regulations and Contract Standing Orders; and
 - (b) in accordance with the policies of the Council and its Committees and with any procedural guidelines which the Council and its Committees may make to regulate the exercise of delegated powers.
7. In exercising the authority delegated to them, Directors must consult:
- (a) the Chief Executive, Chief Officer - Governance and Chief Officer - Finance in respect of matters which are sensitive or complex, or where legal, administrative, financial or other advice or guidance is necessary;
 - (b) the relevant Convener/ Portfolio holder/Spokesperson and, where appropriate, the Leader, in respect of matters which are sensitive or controversial, or otherwise warrant such consultation, such as:
 - A significant effect on financial, reputational or operational risk; and/or
 - A significant impact on service delivery or performance
 - (c) local Members whenever a decision or action is likely to have a direct effect on the ward interests of one or more local Members (but this will not be necessary where the proposed decision or action will have general effect throughout the Council's area).
8. It is the responsibility of the Chief Executive or relevant Director to keep the Elected Members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

9. Where an applicant for a service provided by the Council (except one which is available to the general public for a set fee) is a Member of the Council or an employee, the Director within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with the Chief Executive who may require the Director to refer the application to the appropriate Committee or Panel, as appropriate, for determination.
10. Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the Director within whose delegated authority it is to make the appointment to the post in question will, before exercising that authority, consult with the Chief Officer (HR & OD) who may require the Director to refer the appointment to the Chief Executive for decision.
11. Directors must publish, at such frequency and in such form as may be prescribed from time to time by the Council, a Committee, a Panel or the Chief Executive, details of decisions taken and actions authorised by them (or by others authorised by them) in exercise of delegated powers.
12. Directors must record, notify the Chief Executive and Chief Officer - Governance and publish if required, details of arrangements made by them for the exercise on their behalf of delegated powers granted to them.
13. The Council or any Committee may require the Chief Executive or Directors to submit reports on the decisions taken and action authorised by them under delegated authority.

GENERAL DELEGATIONS TO DIRECTORS

The following is a list of the powers which have been delegated similarly to the undernoted Directors, with each Director having delegated authority to exercise those services and functions for which they are responsible, subject to the terms hereof:

- Director of Children, Communities & Enterprise
 - Economic Development & Regeneration
 - Communities & People
 - Schools, Learning & Education
 - Children & Families
 - HR & OD
 - Communications and Media Relations

- Director of Localities & Infrastructure
 - Environment & Place
 - Infrastructure
 - Finance
 - Governance

For the avoidance of doubt, it should be understood (unless it is otherwise stated, or unless the words make it clear that a wider application is intended) that the powers available to each Director are only in relation to the Service for which they are responsible.

It should also be understood that expressions such as "to serve", "to issue" etc. include the delegated power to sign, on behalf of the Council, the documents concerned and to take all other steps necessary to ensure that these documents are appropriately delivered.

Nothing in this section or any other part of the Scheme empowers Directors to alter national or local conditions of employment which, for the avoidance of doubt, includes bonus schemes.

The general delegations, which for ease of identification have the reference letter G are as follows:

CONTRACTS

Consultants and Consultancies

- G1** To appoint (in consultation with the appropriate Convener(s)/ Portfolio holder(s) and Spokesperson(s)) consultants to provide advice or services.
- G2** To approve the acceptance of payment of fees for Officers involved in lecturing to outside bodies.

Contracts

- G3** To enter into contracts with the lowest tenderer to the value of up to £1,499,999.99. If the lowest tender is not accepted this can be approved if the contract value is less than £60,000 or if the difference is less than 20% from the lowest contract value.
- G4** To terminate, vary, suspend or extend contracts subject to compliance with the Council's Contract Standing Orders.
- G5** To act as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation for the purpose of signing of deeds and other documents which may require to be sealed with the Common Seal of the Council or are binding on the Council.

Contract Standing Orders

- G6** To exercise any general delegations contained in the Council's Contract Standing Orders.

EMPLOYEES

Allowances and Payments

G7 Acting Up Allowances

To approve payment of "Acting Up" Allowances for staff taking on more senior duties on a temporary basis.

G8 Car Allowances

To determine the payment of car users' allowances, within the terms of Council policy.

G9 Excessive Wear and Tear

To determine applications for additional allowances under the car allowance scheme in respect of excessive wear and tear to vehicles.

G10 Overtime

To approve overtime within the terms of Council policy and subject to finance being available within approved budgets.

G11 Relocation Expenses and Allowances

To authorise payment of relocation/removal expenses and allowances within the Council's Conditions of Service.

G12 Telephone Allowances

To determine, within the terms of Council policy, the provision of telephone allowances to employees.

Appointments/Termination

G13 Appointments

To appoint employees within the approved establishment up to, but excluding Director level. (The Council may direct that other arrangements for making an appointment should apply).

G14 Disciplinary/Grievance Proceedings

To conduct disciplinary and grievance proceedings in respect of employees, up to but excluding Director level, within the terms of the Council's approved policies and procedures and to take decisions, in accordance with the

Council's Conditions of Service and any consultations with the Chief Officer (HR&OD), with regard to the dismissal of employees due to gross misconduct.

G15 Termination of Employment

To terminate the employment of any employee who has reached normal retirement age, to retire permanent employees on compassionate grounds and to terminate the employment of any employee not in the permanent employment of the Council.

G16 Early Retirement/Voluntary Severance

To determine applications for early retirement and voluntary severance for Officers (including teaching staff) below Director level, in consultation with the Chief Executive and within the approved regulations and policy direction of the Council.

G17 Payment of Preserved Benefits

To determine applications for premature payment of preserved benefits under the Local Government Superannuation Scheme.

G18 Payment in Lieu of Notice

To approve payments in lieu of notice, such payments to be made only where the Director is satisfied that it is not appropriate for an employee to continue in employment during the period of notice.

G19 Starting Salaries

To place employees on appointment on a salary point within the grade or grades applicable to posts.

G20 Temporary Posts

To establish temporary posts for not more than two years, providing that there is adequate funding within the approved budget for the Service concerned.

Employment Terms and Conditions

G21 Changes in Post Titles

To determine changes in titles of jobs, subject to the agreement of the Chief Executive in the case of posts at or above Senior Manager level.

G22 Merit Increments/Salary Progression

To make awards under the merit increment scheme, subject to any policy directions on assessment criteria and in consultation with the appropriate Convener(s)/ Portfolio holder(s) and Spokesperson(s) and to progress the salaries of employees following relevant exam success.

G23 National Pay Awards

To implement National Pay Awards for employees.

G24 Preserved Salaries

To approve the preservation of pay within the terms of Council policy, for any member of staff who has been transferred to another post at the instigation of management.

G25 Re-gradings

To agree the grading and re-grading of posts below Director level provided such determinations are based on an agreed job evaluation scheme or on gradings prescribed within National Conditions of Service.

G26 Secondment

To determine the secondment of employees to external agencies or for training purposes.

G27 Secondary employment

To approve applications for secondary employment.

Leave and Absences

Annual Leave/Sick Leave

G28 To determine requests for the transfer of annual leave across consecutive leave years in cases where an employee's entitlement is affected by occurrence of sick leave or in the best interests of the Service.

G29 To approve payments in lieu of annual leave, such payments to be made only in exceptional cases where the Director is satisfied with the reasons for an employee being unable to take annual leave and provided the budgetary allocation is not exceeded.

G30 To place an employee on special leave pending medical opinion, where it is considered inappropriate for the employee to remain at work.

G31 To extend the period for which sickness allowance is payable in consultation with the Chief Officer HR & OD.

G32 Maternity Pay

To recover maternity pay whenever an employee's entitlement is affected by termination of employment.

G33 Leave of Absence

To determine applications for leave of absence for special purposes and to absent himself, or to permit any member of their staff to absent himself occasionally and temporarily during business hours in order to attend to duties or services of a civic, honorary, charitable or social nature, provided that these are in accordance with any policy directions of the Council and do not interfere with the efficient discharge of their duties to the Council.

Special Payments

G34 Claims for Loss/Damage to Personal Property of Employees

To determine claims of up to £250 for damage to or loss of personal property of employees, in consultation with the Chief Officer - Finance.

G35 Ex Gratia Payments

To determine, in exceptional circumstance, in accordance with any policy directions of the Council, and in consultation with the relevant Convener(s)/ Portfolio holder(s), the level of any ex gratia payments to be made to Officers.

Training

G36 Conferences, Seminars, etc

To determine applications for the attendance of employees at conferences, seminars or other business within the UK.

G37 Training

To authorise employees' attendance at training courses and other developmental activities within the approved training budget.

FINANCE/BUDGETS

G38 Capital Programme Virement

To exercise virement within the overall HRA and General Fund Capital Programmes, subject to any procedures agreed by the Council Management Team which may be prescribed and provided that:

- (a) the amount of the virement does not exceed £250,000 or 10% of the approved capital expenditure whichever is the lesser sum;
- (b) there has been consultation with the Chief Officer (Finance) and the appropriate Convener(s)/ Portfolio holder(s) and Spokesperson(s) and a report has been prepared for inclusion in the weekly Council Information Bulletin;
- (c) the Chief Officer (Finance) has been notified in writing; and
- (d) the virement of expenditure is to a project within the same approved Capital Expenditure Programme.

G39 Financial Instructions

To issue financial instructions relative to the functions of their Service, which the Chief Officer (Finance) has approved.

G40 Grants and Donations

To determine grants of financial assistance to a maximum limit of £5,000 in accordance with any policy directions given by the Council.

G41 Issue Sundry Debtor Accounts

To render accounts for all work done, goods supplied, services provided, and all other amounts due, such accounts to be rendered (unless otherwise agreed with the Chief Officer (Finance)) at such times and at such frequencies as may be determined by the Chief Officer (Finance) and in accordance with the Council's Financial Regulations.

G42 Revenue Budget Virement

To exercise virement within the overall Revenue Budget for the Service, provided that:-

- (a) the amount of any individual virement does not exceed £250,000;

- (b) where the virement is for more than £100,000 there has been consultation with the appropriate Converner(s)/ Portfolio holder(s) and Spokesperson(s) on the matter and that a report has been prepared for inclusion in the weekly Council Information Bulletin;
- (c) the Chief Officer (Finance) has been notified in writing; and
- (d) the virement does not create an additional financial commitment into the following financial year.

G43 Special Payments made from Imprest Accounts

To determine arrangements to enable items of minor expenditure which are considered reasonable and appropriate by the Chief Officer (Finance), to be paid from Imprest Accounts, in accordance with the Council's Imprest Guidelines. Receipted vouchers will support such payments wherever possible.

GENERAL

G44 Additional Powers during Recess Periods

To determine urgent matters, during periods when the Council is in recess, in accordance with the following:

- (a) in respect of urgent matters where a policy decision has already been taken by Council and where budget or other financial provision exists, Directors will consult the Chief Executive, Provost/Depute Convenor of Council, relevant Portfolio Holder or Convener of the appropriate Committee, a relevant Opposition Member, and, as appropriate, the Leader of the Council before a decision is taken. Where possible, a meeting comprising the appropriate persons will be arranged through Governance and a note of the meeting will be recorded; and details of decisions taken will be submitted for the information of Council/ Committees (as appropriate) following the recess;

(b) in respect of urgent matters where a decision is required which involves new policy or a change to existing policy, or incurring expenditure not already provided for, Directors will consult the Chief Executive and Clerk to the Council and, if required, the Provost/Depute Convenor of Council or Convenor of the appropriate Committee and a relevant Opposition Member will agree a special meeting of Council or the Committee concerned.

G45 Complaints

To authorise the payment of appropriate compensation (not exceeding £500 to any one person) to persons, who have a valid complaint, who have pursued this to the final stage of the Council's Complaints Procedure and who may be satisfied by the payment of appropriate compensation.

G46 Closure of Council Offices

To close down Council Offices early due to the festive timetable/emergency or exceptional situations.

G47 Consultations

To respond to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature.

G48 Delegations

To authorise other Officers to exercise any delegated powers which have been granted, unless prohibited from doing so by the law, or by the Council.

G49 Emergencies

To implement such measures as may be required in emergency situations, subject to a subsequent reporting of any items (for which Committee/Council approval would normally be necessary) to the appropriate Committee/Council as soon as possible after the measures have been taken.

G50 Health and Safety

To carry out the Occupational Health and Safety Policy arrangements and to take whatever measures are deemed reasonable and necessary in order that these are properly implemented.

G51 Hospitality

To provide, subject to appropriate provision within existing budgets, reasonable hospitality to representatives of other authorities and outside bodies.

G52 Management

To take such operational management decisions as are necessary for the routine planning, organisation, operation and provision of Council Services and facilities, with all Senior Managers and Chief Officers also having the authority to approve reports being submitted to Council/Committees.Panels (save as otherwise directed by the relevant Director)..

G53 Strategies, Policies and Procedures

To carry out investigations and research and enter into discussions with a view to proposing new or revised strategies, policies or procedures.

PROPERTY

G54 Acquisition of Land and Property

To approve any terms and conditions recommended by the Director of Localities & Infrastructure for the acquisition of land and property for a relevant service project contained within the approved capital programme, subject to a maximum value of £500,000 in any particular case.

G55 Disposal of Surplus Land and Property

To approve any terms and conditions recommended by the Director of Localities & Infrastructure for the disposal of land and property which is surplus to the requirements of any of the Council's functions subject to a maximum value of £500,000 in any particular case and subject to there being notification in writing with the appropriate Local Members and provided that there are no objections from the Local Members to the recommendations which will also require to be published in the weekly Council Information Bulletin.

INFORMATION MANAGEMENT

G56 Access to Information

To respond to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998.

G57 Records Management

To ensure proper arrangements for the preservation and management of the Council's records (including electronic records), all in accordance with the Council's Records Management Plan, in terms of the Public Records (Scotland) Act 2011.

G58 Regulation of Investigatory Powers

To perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, excluding the following which are reserved to the Chief Executive:

- a) appointing authorising officers (the current authorising officers being the Senior Manager Environment & Place, Senior Manager Infrastructure and Senior Manager Communities & People);
- b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information;
and
- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

SPECIFIC DELEGATIONS TO THE DIRECTOR OF CHILDREN, COMMUNITIES AND ENTERPRISE

CHILDREN AND FAMILIES

The Chief Social Work Officer has overall responsibility to discharge the Council's duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support)(Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014.

The Chief Social Work Officer shall, subject to the limitations imposed in terms of the Council's governance documents, have authority to carry out all duties which need to be performed to fulfil the requirements of the post including, without prejudice to the foregoing generality, the power to:

- CCE1** To enter into contracts with private and voluntary agencies for carrying out the Council's duties under the National Health Service and Community Care Act 1990.
- CCE2** To make decisions, in consultation with the Council's Section 95 officer, on applications for changing maintenance rates for private or voluntary homes not covered by the National Health Service and Community Care Act 1990.
- CCE3** To set fees for curators ad litem, safeguarders, foster parents and community carers.
- CCE4** To arrange for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948.
- CCE5** To co-operate with the local Community Justice Authority to promote best practice in providing Criminal Justice Services.
- CCE6** To get appropriate resources from the Criminal Justice Authorities in connection with providing Criminal Justice Services.

- CCE7** To work with the Community Justice Authority partners to pool resources and work together in the best interests of the respective Councils' Criminal Justice Services.
- CCE8** To maintain a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968.
- CCE9** Where the carer of a person over 18 years of age is a child under 18 years of age, assist in assessment of the carer's needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968.
- CCE10** To make direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under the Social Care (Self-directed Support) (Scotland) Act 2013.
- CCE11** To make direct payments to 16 and 17 year olds with an assisted support need and to parents of children under 18 with an assisted support need to allow them to pay for children's services under the Social Care (Self-directed Support)(Scotland) Act 2013.
- CCE12** To arrange burial or cremation of any person who was in the care of, or receiving help from the Council immediately before their death as in section 28 of the Social Work (Scotland) Act 1968.
- CCE13** To decide whether to pay the expenses of parents or relatives visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968.
- CCE14** To provide and maintain residential and other establishments that are needed for the Council's functions under Part II of the Children (Scotland) Act 1995.
- CCE15** To recover from other local authorities any costs for services provided to people normally resident there under the Social Work (Scotland) Act 1968 as in section 86 of that Act.

- CCE16** To provide reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995.
- CCE17** To assess and recover contributions for “maintainable” children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968.
- CCE18** To pay allowances, where there is an assessed need, to people who have children and young people residing with them as in section 50 of the Children Act 1975.
- CCE19** To provide an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007.
- CCE20** To supervise and provide reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007.
- CCE21** To take necessary or facilitative steps to implement arrangements for the adoption of children.
- CCE22** To provide adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007.
- CCE23** To approve and pay adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007.
- CCE24** To administer the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels.
- CCE25** To secure the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984).
- CCE26** To prepare and publish a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;

- CCE27** To prepare and publish a plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995.
- CCE28** To publish information about services for children in need as in section 20 of the Children (Scotland) Act 1995.
- CCE29** To safeguard and promote the welfare of children looked after by the Council giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995.
- CCE30** To safeguard and promote the welfare of children in need, giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995.
- CCE31** To minimise the effect of assisted support needs on children, assessing the needs of children with or affected by assisted support needs , assessing the ability of their carers to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013.
- CCE32** To provide accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995.
- CCE33** To provide accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
- CCE34** To provide accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995.
- CCE35** To provide day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995.
- CCE36** To provide after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995.

- CCE37** To provide financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995.
- CCE38** To review cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995.
- CCE39** To remove children from residential establishments as in section 32 of the Children (Scotland) Act 1995.
- CCE40** To accept responsibility for orders made in respect of children in other parts of the UK where the child is normally resident in Stirling as in section 33 of the Children (Scotland) Act 1995.
- CCE41** To provide short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995.
- CCE42** To make enquiries and provide information to the Principal Reporter to the Children's Panel where children may need compulsory measures of care as in section 60 of the Children's Hearings (Scotland) Act 2011;
- CCE43** Where a child may be at risk of significant harm, to investigate the matter and if need be apply for the following orders:
- Child Assessment Order (under section 35 of Children's Hearings (Scotland) Act 2011);
 - Child Protection Order (under sections 37 to 39 of Children's Hearings (Scotland) Act 2011);
 - Emergency Child Protection Order (under section 55 of Children's Hearings (Scotland) Act 2011); and
 - Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995).
- CCE44** To provide reports on children and their social background for a Children's Hearing as in section 66 of the Children's Hearings (Scotland) Act 2011.
- CCE45** To implement supervision requirements made by a Children's Hearing under the Children's Hearings (Scotland) Act 2011.

- CCE46** To in consultation with Chief Executive and with the Chief Officer - Governance, , respond to and represent the Council in respect of all referrals by the Children's Reporter to the Sheriff Principal under the Children's Hearings (Scotland) Act 2011.
- CCE47** To arrange the emergency move of a child subject to a supervision requirement with condition of residence under the Children's Hearings (Scotland) Act 2011.
- CCE48** To recommend that a supervision requirement is reviewed by a Children's Hearing under the Children's Hearings (Scotland) Act 2011.
- CCE49** Where assessed as necessary, to apply to a Court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007.
- CCE50** To apply for variation or revocation of Permanence Order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007.
- CCE51** To provide information to the Courts and arrange accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995.
- CCE52** To make purchases for necessary food, clothing and other essential items for children in care of the Council and living within the Council's residential establishments for young people.
- CCE53** To discharge the Council's duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations 2013.
- CCE54** To undertake all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
- applying for the making of an order or review of an order;
 - supervising parents who are subject to an order and reporting breaches to the relevant court; and

- providing services and programmes of work or training for parents and generally giving effect to parenting orders

COMMUNITIES AND PEOPLE

ANTISOCIAL BEHAVIOUR

Antisocial Behaviour etc (Scotland) Act 2004

- CCE55** To prepare Antisocial Behaviour Strategy and report on the Strategy. (Sections 1 & 2)
- CCE56** To apply for Antisocial Behaviour Orders and Interim Antisocial Behaviour Orders. (Sections 4 & 7)
- CCE57** To keep records of Antisocial Behaviour Orders. (Section 15)
- CCE58** To issue Antisocial Behaviour Notices to Landlords. (Section 68)
- CCE59** To apply for Parenting Orders. (Section 102)

COMMUNITY JUSTICE AUTHORITY

- CCE60** To work with the Community Justice Authority partners to pool resources and work together in the best interests of ensuring the implementation of the Community Justice Improvement Plan.

COMMUNITY PLANNING PARTNERSHIP

- CCE61** To work with Community Planning Partnership partners to pool resources and work together in the best interests of ensuring the implementation of the Local Outcomes Improvement Plan.

COMPLAINTS

- CCE62** To maintain a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968.

DISABLED PERSONS

- CCE63** To enable disabled persons to obtain employment or to undertake such work under special conditions and training of such persons for the work in question. (Section 15)
- CCE64** To make arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958.

EUROPEAN FUNDING - COMMUNITIES AND PEOPLE

- CCE65** To sign all claim submissions for the drawing down of European funding.

GRANTS

- CCE66** To approve applications for the renewal of grants from Hall Management and User Committees within authorised budgets up to a limit of £15,000.
- CCE67** To determine applications for grants under any Community Grant Scheme approved by the Council, up to a limit of £10,000.

HOUSING

- CCE68** To discharge the Council's duties under Housing (Scotland) Act 1987, Housing (Scotland) Act 2006 and Antisocial Behaviour (Scotland) Act 2004.
- CCE69** To register the Council as a property factor with the Scottish Government and take steps to comply with the code of conduct's standards of practice, in accordance with the Property Factors (Scotland) Act 2011.
- CCE70** To carry out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988.

Acquisition/Sales/Leases

- CCE71** To authorise the purchase of properties under the Scottish Government's Mortgage to Rent legislation.
- CCE72** To acquire land/premises for the purpose of housing provision.

CCE73 To dispose of surplus land or other HRA assets for the purpose of further housing provision or capital receipt to HRA.

CCE74 To authorise the sale of garden ground and land held on the housing account.

CCE75 To lease and manage HRA and non-HRA shops.

Allocations

CCE76 To maintain a common housing register and allocate houses and determine special cases in accordance with the Council's Allocations Policy.

CCE77 To allocate points to applicants in relation to particular sizes, types and locations of housing in accordance with the Scheme approved by the Council.

CCE78 To allocate housing accommodation to the applicant with the highest points for that size and type of accommodation in that area.

CCE79 To award "special case priority status" to applicants if the applicant's status is not fairly reflected by the points scheme or if a combination of factors occur creating a situation meriting special consideration.

CCE80 To nominate tenants for Housing Association accommodation in accordance with agreements drawn up with the Housing Association concerned and Communities Scotland under agreed nomination terms.

Anti-Social Behaviour

CCE81 To pursue applications for anti-social behaviour orders against the tenant or a member of his or her household under Part 9 of the Antisocial Behaviour etc. (Scotland) Act 2004.

CCE82 To undertake housing offender management (sex and serious violent offenders).

CCE83 To issue rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004.

Arrears

CCE84 To write off (in consultation with the Chief Officer - Finance) former tenant arrears, where it is uneconomic to pursue collection.

CCE85 To exercise powers of entry to inspect, survey or value property.

Homelessness

CCE86 To carry out assessments to determine homelessness or the threat of homelessness, and to discharge the Council's duties in respect of those assessed as either being homeless or under threat of homelessness.

CCE87 To provide permanent accommodation to people who are unintentionally homeless and in priority need.

CCE88 To ascertain if an applicant for housing who is homeless or threatened with homelessness is intentionally homeless and has a priority need.

CCE89 To make interim accommodation available, regardless of priority need.

CCE90 To ensure that a person who is threatened with unintentional homelessness and has a priority need continues to have accommodation.

CCE91 To provide advice and assistance to people threatened with homelessness in other circumstances.

CCE92 To refer a person with a priority need but no local connection to the area, to another local authority where the person does have a local connection in that authority's area.

CCE93 To accept an incoming referral from another authority where there is a local connection in this Council's area.

CCE94 To review decisions taken, at the applicant's request.

CCE95 To safeguard the property of a person who is homeless or threatened with homelessness.

- CCE96** To assist other local authorities in dealing with homelessness matters.
- CCE97** To assess homelessness in the Council's area and submit a homelessness strategy to the Scottish Ministers, when requested to do so by them.
- CCE98** To provide information in respect of homelessness matters.
- CCE99** To request a Registered Social Landlord to provide accommodation for a person who is unintentionally homeless and in priority need.
- CCE100** To carry out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation.
- CCE101** To enter into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation.
- CCE102** To arrange kennelling of pets for households staying in homeless, temporary or emergency accommodation.

Council Homes

- CCE103** To implement and enforce the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action.
- CCE104** To consult with tenants of Council Homes on increases to rent and service charges.
- CCE105** To prepare and implement a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001.
- CCE106** To approve offers and authorise payments of grants to Registered Social Landlords.
- CCE107** Where grants have been paid to Registered Social Landlords, to agree options of recycling or repayment of such grants in the case of property disposals.

- CCE108** To determine whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent.
- CCE109** To collect rent, service charges and court costs where applicable from current and former tenants of Council Homes.
- CCE110** To write off arrears balances of former tenants of Council Homes in accordance with Council policies.
- CCE111** To award an abatement of rent up to a maximum of £500.
- CCE112** To instruct repairs to common areas in accordance with the Tenements (Scotland) Act 2004.
- CCE113** To issue, serve, suspend and revoke work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006.
- CCE114** To carry out the Council's functions in relation to rights of entry under Part 9 of the Housing (Scotland) Act 2006.
- CCE115** To determine who receives housing support in line with Council Policies.
- CCE116** To award ex-gratia payments to Council tenants up to maximum of £500.

Landlords/HMOs

- CCE117** To prepare and maintain a register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004.
- CCE118** To enter relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person had made a valid houses of multiple occupancy application.
- CCE119** To carry out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006.
- CCE120** To enforce Landlord/Tenant obligations.
- CCE121** Where appropriate, to refund fees that have been paid by applicants to be placed on the register of landlords.

Overcrowding

CCE122 To control and abate overcrowding.

CCE123 To control the Conduct and Standard of tenancies.

Sub-Tenancies

CCE124 To manage and control sub-tenancies in houses belonging to the Council.

Termination and Conversion of Tenancies

CCE125 To pursue the termination of tenancies in respect of Rent Arrears and other breaches of tenancy conditions.

CCE126 To serve notices converting a tenant's secure tenancy into a short Scottish secure tenancy arising from an anti-social behaviour order under Section 19 of the Crime and Disorder Act 1998 against the tenant or a member of their household. (Section 35)

REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS – PEOPLE & COMMUNITIES

CCE127 To exercise the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office.

CCE128 To agree a place of registration outside a registration office.

CCE129 Subject to no objections from Members to the proposed decisions notified in the weekly Council Information Bulletin, to determine applications for the approval of venues for civil weddings outwith Registration Offices.

ECONOMIC DEVELOPMENT & REGENERATION

Local Government in Scotland Act 2003

CCE130 To help stimulate the economic development of the Council area including participation in and the encouragement of, and provision of financial and other assistance for:

- (a) the setting up or expansion of any commercial, industrial or public undertaking;
- (b) the creation or protection of opportunities for employment;
- (c) Supporting and influencing multi agency working towards common strategic objectives;
- (d) Manage the powers and finances allocated under the Stirling City Region Deal.

CCE131 To award grants, loans, give guarantees and indemnities, make investments or acquire shares and provide premises or services.

CCE132 To develop and advise on policies, strategies, programmes and projects in relation to economic development, external relations and inward investment, including partnership arrangements with external organisations that deliver economic development activities.

CCE133 To alter or waive charges of property managed by the Council where there are sound financial, operational or other justifiable reasons for doing so, subject to the agreement of and annual reporting to the Finance & Economy Committee.

CCE134 To monitor arms' length organisations which operate business, tourism or cultural facilities or services.

Immigration and Asylum Act 1999

CCE135 To provide support for asylum seekers and their dependants.

PUBLIC LIBRARIES, MUSEUMS AND ART GALLERIES – ECONOMIC DEVELOPMENT & REGENERATION

CCE136 To discharge the Council's duties under Public Libraries Consolidation (Scotland) Act 1887, Public Libraries (Scotland) Act 1955 and Local Government (Scotland) Act 1973 Section 163.

CCE137 To oversee management and regulation of museums and art galleries provided under the Acts.

CCE138 To secure the provision of adequate library facilities for all persons resident in the Council area under the relevant Acts.

CCE139 To make arrangements for charges/penalties for reserving and/or borrowing of articles from libraries as appropriate.

RECREATIONAL, SPORTING, CULTURAL AND SOCIAL ACTIVITIES

CCE140 To exercise the Council's powers in relation to the provision of facilities for recreational, sporting, cultural or social activities in terms of the Act.

CCE141 To devise and implement cultural, heritage and events programmes.

CCE142 To make, alter or waive charges for hire of properties managed by the Council where there are sound financial, operational or other justifiable reasons for doing so.

TOURISM – ECONOMIC DEVELOPMENT & REGENERATION

CCE143 To exercise the Council's powers in relation to tourism related activities as follows:

- (a) Provision of facilities for leisure, conferences, trade fairs and exhibitions.
- (b) Assist in the marketing of the assets and attractions within the whole Stirling area
- (c) Support the creation of new attractions in Stirling

YOUTH TRAINING

CCE144 To determine charges made to work placement providers for young people involved in Vocational Training Schemes in accordance with policy directions by the Finance & Economy Committee.

HR & OD

CCE145 To promote the development of a coherent corporate culture for the organisation.

SCHOOLS, LEARNING & EDUCATION

The Chief Education Officer has overall responsibility to discharge the duty of the Council as Education authority, to secure adequate and efficient provision of school education (including pre-school education) in accordance with the Education (Scotland) Act 1980 and Standard in Scotland's Schools etc. Act 2000.

The Chief Education Officer shall, subject to the limitations imposed in terms of the Council's Governance Documents, have authority to carry out all duties which need to be performed to fulfil the requirements of the post including, without prejudice to the foregoing generality, power to -

- CCE146** To maintain and equip schools and other buildings (section 17 of the Education (Scotland) Act 1980).
- CCE147** To improve access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980).
- CCE148** To manage operating arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980).
- CCE149** To set school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980).
- CCE150** To manage placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any parental appeals panel in accordance with section 28F, both of the Education (Scotland) Act 1980.
- CCE151** To enforce attendance at school, including bringing proceedings against parents in respect of children's non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980).
- CCE152** To allow pupils to miss school (section 34 of the Education (Scotland) Act 1980).
- CCE153** To exclude pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975).

- CCE154** To promote the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006).
- CCE155** To take responsibility for the provision of Children and Families and Early Years services.
- CCE156** To provide transport for pupils and students (section 51 of the Education (Scotland) Act 1980).
- CCE157** To ensure copies of education records are available including the ability to set charges (section 4 of the Education (Assisted Support Needs Strategies and Pupils' Educational Records) (Scotland) Act 2002).
- CCE158** To award Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980).
- CCE159** To provide school meals (section 53 of the Education (Scotland) Act 1980).
- CCE160** To provide clothing (section 54 of the Education (Scotland) Act 1980).
- CCE161** To discharge the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937).
- CCE162** To make arrangements for licensing stage or theatrical performances by children (Children and Young Persons Act 1963).
- CCE163** To provide child guidance services (section 4 of the Education (Scotland) Act 1980).
- CCE164** To provide programmes of adult education.
- CCE165** To provide or arrange in-service training for staff.
- CCE166** To provide the education authority's representatives on the Appointment Committees for all Head Teachers.
- CCE167** To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980).

- CCE168** To operate health and safety checks on work-experience placements.
- CCE169** To specify the level of service and other relevant details for getting tenders for the School and Welfare Catering Services.
- CCE170** To liaise with the Scottish Government Education & Training Department.
- CCE171** To carry out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010.
- CCE172** In consultation with the Chief Executive and with the Chief Officer - Governance, to represent the Council and respond to referrals by the Children's Reporter to the Scottish Ministers under the Children's Hearings (Scotland) Act 2011.
- CCE173** To implement the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004.
- CCE174** To provide guidelines and existing/current policies in response to Scottish Government and other consultations on the curriculum, develop the curriculum, and carry out associated work.
- CCE175** To administer appropriate charges as set by the Council for music lessons and similar services.
- CCE176** To make arrangements for placing children with extra support needs in schools (including, where appropriate, residential schools) not managed by the Council.
- CCE177** To provide an educational psychology service.
- CCE178** To make arrangements for entering pupils for public examinations.
- CCE179** To pay fees and other costs (as necessary) in connection with public examinations.
- CCE180** To carry out the Council's legal duties relating to pre-school children with extra support needs.

- CCE181** To offer places, in line with criteria agreed by the Council, in nurseries and family centres managed by the Council.
- CCE182** To provide for, in accordance with resources available to the Council, out of school care and similar services.
- CCE183** To set appropriate charges for pre-school services in the Council area.
- CCE184** To decide how educational trusts run by the Council will distribute their funds in line with the relevant trust schemes.
- CCE185** To carry out the Council's duties relating to managing, assessing and awarding higher school bursaries.
- CCE186** To make arrangements for school catchment areas to be agreed and pupils to be transferred from primary school to secondary school.
- CCE187** To approve the involvement of teaching staff in recognised programmes outwith the UK.
- CCE188** To approve applications (from headteachers or suitably qualified youth workers employed by the Council) for permission for staff to accompany groups of school pupils or other young people on recognised exchanges or excursions outwith the UK.
- CCE189** The Chief Education Officer shall be responsible for carrying out any other duties imposed by statute pertaining to areas of responsibility under the following legislation:-
- Children (Performances) Regulations 1968
 - Education (Additional Support for Learning) (Scotland) Acts 2004
 - Education (Assisted Support Needs Strategies and Pupils' Educational Records) (Scotland) Act 2002
 - Education (Scotland) Act 1980
 - Pupils' Educational Records (Scotland) Regulations 2003
 - School Pupil Records (Scotland) Regulations 1990
 - Schools (Consultation) (Scotland) Act 2010

- Schools General (Scotland) Regulations 1975
- Scottish Schools (Parental Involvement) Act 2006
- Standards in Scotland's Schools etc Act 2000

SPECIFIC DELEGATIONS TO THE DIRECTOR OF LOCALITIES & INFRASTRUCTURE

ENVIRONMENT AND PLACE

ACQUISITIONS AND DISPOSALS OF LAND AND PROPERTY

- LI1** To recommend terms and conditions for the acquisition and disposal of land and property in accordance with this Scheme and where the value of any land or property is less than £500,000, to approve terms and conditions for acquisition (whether by purchase or lease) and disposal of land and property.

ANTISOCIAL BEHAVIOUR

Antisocial Behaviour etc (Scotland) Act 2004

- LI2**
- (a) To preparing resolution on application of noise control provisions. (Sections 41 & 42)
 - (b) To investigate excessive noise from certain places. (Section 43)
 - (c) To issue Noise Warning Notices and Fixed Penalty Notices. (Sections 44 & 46)
 - (d) To exercise powers of entry and seizure of equipment used to make noise unlawfully. (Section 47)
 - (e) To issuing Graffiti Notices and modifying the meaning of "Relevant Surface"

BURIAL GROUNDS, CREMATORIA, CHURCHYARDS

- LI3** To provide, manage, regulate and control burial grounds under the Burial Grounds (Scotland) Act 1885.
- LI4** To maintain and regulate the use of churchyards transferred to the local authority under the Church of Scotland (Property and Endowments) Acts 1925 and 1933.

- LI5** To bury or arrange cremation of the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recover from the estate of the deceased person the expenses incurred in doing so (section 50 of the National Assistance Act 1948).

CIVIL PROTECTION AND EMERGENCY PLANNING

- LI6** To exercise the functions of the Council in terms of the Acts and Regulations as follows:
- a) Making, keeping under review and revising civil protection plans and carrying out exercises;
 - b) Arranging training for the purposes of carrying out the civil protection plan;
 - c) To take action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, business continuity and resilience legislation are discharged.
- LI7** To assess risk of emergency, maintaining plans and providing advice and assistance to the public. (Civil Contingencies Act 2004, Sections 2 – 4)
- LI8** To bring proceedings in the High Court or the Court of Session in respect of a failure by a listed person or body to comply with sections 2(1), 3(3), 4(1) or (8), 5(3), 6(6), 9(4) or 15(7) of the Civil Contingencies Act 2004.

COUNTRYSIDE, PARKS & PUBLIC SPACES

- LI9** To implement the provisions of wildlife, nature, access and parks legislation, including:
- Countryside (Scotland) Act 1967;
 - Wildlife and Countryside (Scotland) Act 1981;
 - National Parks and Access to the Countryside Act 1949;
 - Nature Conservation (Scotland) Act 2004;
 - Wildlife and Natural Environment (Scotland) Act 2011; and

– Land Reform (Scotland) Act 2003

- LI10** To enter into access agreements.
- LI11** To make access orders.
- LI12** To enforce access in the event of non-compliance.
- LI13** To delimit the land subject to access agreements or orders; to vary access agreements or orders; and to take such steps and carry out such works as necessary for protecting the public from danger.
- LI14** To erect and maintain notices or other means of indicating boundaries of land comprised in an access agreement or order and of any excepted land.
- LI15** To enter into public path creation agreements.
- LI16** To make public path creation orders.
- LI17** To carry out works in relation to public path creation orders and agreements and public path diversion orders.
- LI18** To make public path extinguishment orders.
- LI19** To make public path diversion orders.
- LI20** To authorise erection of stiles, gates or other works in relation to rights of way.
- LI21** To assert, protect and keep open public rights of way and maintain and repair public rights of way.
- LI22** To manage and maintain country parks.
- LI23** To provide camping sites.
- LI24** To secure the provision in the countryside of accommodation, meals and refreshments.
- LI25** To provide parking spaces for the enjoyment of the countryside.

LI26 To appoint countryside rangers.

LI27 To implement the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations

DUTCH ELM DISEASE

Dutch Elm Disease (Local Authorities) Order 1977

LI28 To perform the role of Appointed Officer for the purposes of the Order, exercising all of the powers, including the serving of Notices and the taking of enforcement action, as set out in the Order.

FLOOD PREVENTION

LI29 To report every 2 years in relation to measures required to prevent or mitigate flooding of land in the Council area, the measures that have been taken since the previous report and all occurrences of flooding since the previous report.

LI30 To prepare, review, update and make available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009).

LI31 To assess relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk Management (Scotland) Act 2009).

LI32 To prepare maps and respond to the Scottish Environmental Protection Agency ("SEPA") in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009.

LI33 To respond to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009.

- LI34** To respond to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009.
- LI35** To prepare local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009.
- LI36** To publish a “draft supplementary part” of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council, Committee or Panel.
- LI37** To respond to consultation by a lead local authority on the “draft supplementary part” of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009.
- LI38** To publish the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management (Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee.
- LI39** To respond to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009.
- LI40** To review the local flood risk management plan and, subject to Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009.
- LI41** To publish final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval.
- LI42** To take steps to co-operate with other local authorities where a local plan district covers more than one local authority’s area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009.

- LI43** To take steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009.
- LI44** To provide SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009.
- LI45** To take steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009.
- LI46** To take steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009.
- LI47** To carry out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009.
- LI48** To respond to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management (Scotland) Act 2009.
- LI49** To give notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009.

- LI50** To confirm or reject proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009.
- LI51** To keep registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009.
- LI52** To recover expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009.
- LI53** To respond to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009.
- LI54** To enter into land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009.
- LI55** To serve notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009.
- LI56** To pay compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009.
- LI57** To assist SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009.
- LI58** To report incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009.
- LI59** To discharge the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.

- LI60** To offer relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.
- LI61** To request the Scottish Ministers to direct planning permission for any development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.
- LI62** To serve notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009.
- LI63** To exercise the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975.
- LI64** To exercise the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011.

HEALTH & SAFETY

- LI65** To grant licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936.
- LI66** To make registrations under the Health and Safety and Work etc. Act 1974 and the Poisons Act 1972.
- LI67** To appoint and exercise the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974.
- LI68** To serve improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974.

- LI69** To deal with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974.
- LI70** To provide information upon request under section 27 of the Health and Safety at Work etc. Act 1974.
- LI71** To perform the Council's public health duties, including registering premises for acupuncturists, ear piercers and electrolysis.

HOUSING

Alterations

- LI72** To determine applications from tenants for permission to alter their Council homes.

Building Repairs and Improvement Orders

- LI73** To carry out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies.
- LI74** To authorise and carry out repairs and maintenance to homes owned by the Council for the purposes of affordable rent ("Council homes") in accordance with the Council's repairs policy.
- LI75** To consent to repairs and improvements of Council Homes.
- LI76** To carry out regular maintenance of land held on the Housing Revenue Account.
- LI77** To carry out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006.

Disrepair & Improvements

- LI78** To declare Improvement Orders in respect of individual houses below the tolerable standard outside Housing Action Areas.
- LI79** To declare and enforce Serious Disrepair Notices.

LI80 To approve home loans for properties under Serious Disrepair or Improvement Orders.

Entry Powers

LI81 To exercise powers of entry to assess and carry out works required by any notice served and recover expenses under the Civic Government (Scotland) Act 1982.

LI82 To exercise powers of entry to inspect, survey or value property under the Housing (Scotland) Act 1987.

Grants/Payments

LI83 To authorise payment of grants to voluntary organisations up to a maximum of £25,000.

LI84 To authorise payments in respect of the Right to Repair Legislation. (Part XIII)

LI85 To authorise the allocation of resources to specific capital projects and to prioritise these projects within the objectives already set.

LI86 To decide applications for Housing Improvement and Repairs Grant in the following categories, within limits set from time to time by the Council (Part XIII):

(a) Mandatory Grants for Housing Action Areas; Standard Amenities; Improvement Orders; Section 24 Serious Disrepair Notices and other relevant Notices under Public Health, Housing and Civic Government Legislation;

(b) Discretionary Repairs and Improvement Grants to owner-occupiers.

LI87 Subject to the obligation to grant approvals for all Mandatory and Discretionary Housing Grants within the limit of statute and established policy and Scottish Government advice and guidelines.

LI88 To process applications for improvement grants and domestic soundproofing grants including authority to make payments.

LI89 To approve payments for Home Loss and Disturbance - Land Compensation Acts.

Housing Action Areas

LI90 To declare Housing Action Areas for improvement under the Housing (Scotland) Act 1987, Section 90.

LITTER

LI91 To arranging for removal of litter from relevant land; provision of bins.

LI92 To maintain public register of orders and notices.

LI93 To promote the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990.

LI94 To issue fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990.

LI95 To designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990.

LI96 To serve litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990.

LI97 To issue street litter control notices in accordance with section 93 of the Environmental Protection Act 1990.

LI98 To carry out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990.

LI99 To participate in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990.

ORDNANCE SURVEY

- LI100** To appoint a person (or persons) to assist Ordnance Survey in examining, ascertaining and marking out reputed boundaries or Council areas, cities and other places.

SAFETY OF SPORTS GROUNDS

- LI101** To administer and issue Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988 and to fix a scale of fees in respect of such applications.

- LI102** To issue, after appropriate consultation, Prohibition Notices.

WAR MEMORIALS

- LI103** To maintain, repair and protect war memorials in the Council area in respect of the War Memorials (Local Authorities' Powers) Act 1923.

- LI104** To deal with statues and monuments under the Civic Government (Scotland) Act 1982.

WASTE COLLECTION AND DISPOSAL

- LI105** To issue fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990.

- LI106** To complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990.

- LI107** To issue notices and require the removal of waste unlawfully deposited in accordance with section 59 of the Environmental Protection Act 1990.

- LI108** To arrange for the collection of household and industrial waste and for the emptying of privies and cesspools.

- LI109** To specify the level of services and other relevant details for providing waste management, street cleansing and refuse collection services.
- LI110** To negotiate variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council.
- LI111** To set the prices of trade waste services provided by the Council.
- LI112** To exercise statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management.
- LI113** To carry out the Council's waste management functions in accordance with its approved waste management plan, and provide the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990).
- LI114** To collect household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990.
- LI115** To arrange for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990.
- LI116** To serve notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990.
- LI117** To supply receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990.

- LI118** To arrange for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990.
- LI119** To ensure that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990.
- LI120** To enable waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using, selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990.
- LI121** To carry out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990.
- LI122** To consent to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990.
- LI123** To carry out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990.
- LI124** To minimise the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990.
- LI125** To exercise the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990.
- LI126** To participate in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990.

- LI127** To carry out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990.
- LI128** To participate in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990.
- LI129** To give notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act.

INFRASTRUCTURE

ANIMAL HEALTH

Animal Health Act 1981

- LI130** To appoint inspectors and other necessary officers. (Section 52)
- LI131** To appoint public facilities for sheep dipping. (Section 56)

Animal Health & Welfare (Scotland) Act 2006

- LI132** To appoint inspectors (Section 49).
- LI133** To consider and make arrangements for the welfare of animals following the closure of a zoo/wildlife park under sections 16E and 16G of the Zoo Licensing Act 1981.

BUILDING STANDARDS

Building (Scotland) Act 2003

- LI134** To administer and issue Safety Certificates and Special Safety Certificates, and carry out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988.
- LI135** To administer and issue permits, and carry out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.
- LI136** To approve, or refuse, all Building Warrants and amendments to Building Warrants and extensions to the periods of validity of Building Warrants.
- LI137** To refer applications to the Scottish Ministers in appropriate circumstances.
- LI138** To decide on, issue, accept or reject completion certificates.
- LI139** To decide on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted.
- LI140** To discharge continuing requirements imposed on building warrants.
- LI141** To maintain and administer a building standards register.
- LI142** To serve building regulations compliance notices and to withdraw such notices or waive or relax any requirements under such a notice.
- LI143** To serve continuing requirement enforcement notices and to withdraw such notices or waive or relax any requirements under such a notice.
- LI144** To serve building warrant enforcement notices and carry out enforcement procedures.

- LI145** To serve defective building notices and carry out enforcement action.
- LI146** To carry out work in relation to dangerous buildings.
- LI147** To serve dangerous buildings notices and carry out enforcement action.
- LI148** To provide Scottish Ministers with reports and information.
- LI149** To consult as required when proposing action in relation to scheduled monuments, listed buildings etc.
- LI150** To exercise powers of entry to property for the purposes of the Act.
- LI151** To require the carrying out of materials tests.
- LI152** To require the removal of occupants from dangerous buildings.
- LI153** To serve defective building notices and carry out enforcement action.
- LI154** To sell any material resulting from the demolition of buildings by the Council under the Act.
- LI155** To submit comments on relaxation applications determined by the Scottish Ministers.
- LI156** To sign certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003.
- LI157** To undertake building standards assessments under section 6 of the Building (Scotland) Act 2003.
- LI158** To sign certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003.
- LI159** To process section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005.

CONSUMER PROTECTION

- LI160** To issue suspension notices for goods suspected of contravening safety provisions under the Consumer Protection Act 1987, Section 14.
- LI161** To purchase goods to determine compliance with the provisions of the Consumer Protection Act 1987.

CONTAMINATED LAND

- LI162** To inspect land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990.
- LI163** To serve notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990.
- LI164** To maintain a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990.
- LI165** To exercise the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990.

ENFORCEMENT

- LI166** To act as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate officers to prepare, sign and serve such notices on his behalf.
- LI167** To initiate, progress and conclude enforcement action, interdict action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:
- Planning Contravention Notices;
 - Enforcement Notices, including those relating to listed building and advertisements;
 - advertisement discontinuation procedures;
 - reporting to the procurator fiscal;
 - Breach of Condition Notices;

- Amenity Notices;
- Stop Notices;
- Temporary Stop Notices;
- Fixed Penalty Notices;
- Hazardous Substances Contravention Notices;
- Tree Replacement Notices;
- prosecution in respect of the above as necessary and the giving of evidence in court; and
- powers of entry

LI168 To carry out the following functions provided that any significant cases, or cases where it is in the public interest to do so:

- a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);
- b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);
- c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);
- d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);
- e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning (Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);
- f) serving section 270 Notices and Planning Contravention Notices;
- g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and

Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;

- j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission.

ENVIRONMENT

- LI169** To carry out reviews of air quality in accordance with section 82 of the Environment Act 1995.
- LI170** To carry out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995.
- LI171** To comply with any regulations made under section 87 of the Environment Act 1995.
- LI172** To enforce pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995.

FOOD SAFETY

- LI173** To exercise the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling.
- LI174** To provide training courses in food hygiene.
- LI175** To appoint a public analyst for compositional analysis.
- LI176** To appoint a food examiner for microbiological examination.
- LI177** When appointed by the Scottish Ministers, act on any Emergency Order made under Part I of the Food and Environment Protection Act 1985.

FOOT AND MOUTH DISEASE

- LI178** To exercise the Council's functions under The Foot and Mouth Disease (Amendment) (Scotland) Order 2001 and The Foot and Mouth Disease Declaratory (Controlled Area) (Scotland) (No 2) Order 2001.

LAND REFORM

- LI179** To discharge the Council's duties under the Land Reform (Scotland) Act 2003.
- LI180** Subject to no objection from Members to the proposed recommendations notified in the weekly Council Information Bulletin, to issue notices and orders and take any necessary enforcement action.
- LI181** To determine applications for exclusions from the right of access to land for five days or less.
- LI182** Subject to no public objection and no objection from Members to the proposed recommendations notified in the weekly Council Information Bulletin, to make recommendations to the Scottish Ministers in respect of applications for exclusions from the right of access to land of more than five days and less than two years.
- LI183** To appoint Rangers for the purposes of and with the powers contained in the Act.

PET SHOPS

- LI184** To determine applications for licences for pet shops under the Pet Animals Act 1951.
- LI185** To authorise vets to inspect pet shops.

PLANNING – GENERAL

Appointed officers have overall responsibility to discharge the functions of the Planning Authority in accordance with the Planning etc (Scotland) Act 2006, the Town and Country Planning (Scotland) Act 1997, Town and Country Planning (Listed Buildings & Conservation Areas)(Scotland) Act 1997, the High Hedge (Scotland) Act 2013 and other legislation as listed below, including:

- LI186** To determine the necessity for planning permission and other planning related consents.
- LI187** To determine the classification of a Planning Application as either a National, Major or Local Development.
- LI188** Subject to such other procedures as the Planning Authority may from time to time approve, and in consultation with the Chair and Vice Chair of the Planning & Regulation Panel, determine, implement and administer the procedures with which any Pre-determination Hearing is arranged and conducted.
- LI189** To nominate the Appointed Officer or Officers for the purposes of Section 43A of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- LI190** To determine the need for an Environmental Impact Assessment in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999.
- LI191** To approve or otherwise minor alterations to approved developments or applications not considered to be significant in terms of altering the nature, character or appearance of the items in question - this may include the size of windows, minor alterations to housing layout and changes in colours and materials.
- LI192** To advertise applications for planning consent when considered necessary or desirable.

- LI193** To signing and issue planning decision notices (once the necessary authority has been obtained).
- LI194** To agree minor adjustments to planning consents approved by a Committee, Panel or through a Planning Schedule.
- LI195** To agree satisfactory compliance with conditions of a planning consent approved by a Committee, Panel or through a Planning Schedule.
- LI196** To exercise the rights of entry in respect of any land in accordance with the “Act”.
- LI197** To exercise the rights of entry in respect of any land in accordance with Sections 76, 77 and 78 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- LI198** To act as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the “Act” and appoint appropriate officers to prepare, sign and serve such notices on his/her behalf.
- LI199** To initiate, progress and conclude enforcement action, interdict action or direct action in connection with the following, provided that any significant case shall be reported to the Planning Panel for consideration:
- (a) Planning Contravention Notices;
 - (b) Enforcement Notices, including those relating to listed building and advertisements;
 - (c) advertisement discontinuation procedures;
 - (d) reporting to the procurator fiscal;
 - (e) Breach of Condition Notices;
 - (f) Amenity Notices;
 - (g) Stop Notices;
 - (h) Temporary Stop Notices;
 - (i) Fixed Penalty Notices;

- (j) Hazardous Substances Contravention Notices;
- (k) Tree Replacement Notices;
- (l) prosecution in respect of the above as necessary and the giving of evidence in court; and
- (m) powers of entry.

LI200 To carry out the following functions:

- (a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the “Act”);
- (b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the “Act”);
- (c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the “Act”);
- (d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the “Act”);
- (e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning (Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);
- (f) serving section 270 Notices and Planning Contravention Notices;
- (g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- (h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and

- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission.

High Hedges

- LI201** To consider and determine all applications in respect of high hedge notices, taking any subsequent enforcement or other action and exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Planning Panel for consideration.
- LI202** To make Tree Preservation Orders in terms of Section 160 of the “Act”, authorising the felling, pruning, topping, lopping of trees subject to such Orders and authorising emergency action in respect of trees subject to such Orders (including the imposition of replanting conditions as appropriate).
- LI203** To serve, progress, and conclude actions in respect of tree replacement notices, including any necessary follow up direct action.
- LI204** To investigate unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate.
- LI205** To sign and issue Notices under Section 2(2)(b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (notification of addition, amendment or exclusion of property from the list of buildings of special architectural or historic interest).
- LI206** To make necessary arrangements to progress Planning Appeals and Public Inquiries as appropriate.

Listed Building Consent etc

- LI207** To determine applications which also requires any or all of the following: (i) Listed Buildings Consent, (ii) Conservation Areas Consent; (iii) Hazardous Substances Consent; and (iv) Control of Advertisements Consent.

Local Review Body

– Section 43A of the Town and Country Planning (Scotland) Act 1997

LI208 Subject to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and to the directions of the Local Review Body in accordance with those Regulations and such procedures as the Council may from time to time approve, to determine, implement and administer the procedures in accordance with which any Hearing before the Local Review Body is arranged and conducted.

PLANNING – WEEKLY SCHEDULE

LI209 Subject to reporting the proposed determination, decision, approval, action or exercise of the functions of the Planning Authority and no written objection thereto being received from an Elected Member by the appointed officer within seven days of the report appearing in the Weekly Planning Schedule, appointed officers may:

- (a) determine applications for planning consent in terms of the Planning etc (Scotland) Act 2006, the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Town and Country Planning (Control of Advertisements) Regulations 1984 where the applications are not National or Major Developments that are to be determined under the Section 43A Scheme of Delegation below;
- (b) make comments on Woodland Grant Scheme applications, Forest Enterprise Design Plans and felling licences referred to the Council by the Forestry Commission;
- (c) make observations or representations on local development plans and planning applications outwith the Stirling Council area;
- (d) authorise appropriate action in respect of breaches of planning control (which shall include breaches in respect of listed buildings, buildings in conservation areas, trees covered by Tree Preservation Orders and unauthorised advertisements) including the issuing of relevant Notices and Orders;
- (e) authorise amenity notices to be served under Section 179 of the “Act”;

- (f) deciding on street naming and house numbering in terms of Section 97 of the Civic Government (Scotland) Act 1982;
- (g) publish Planning Briefs, Development Advice Notes and other Supplementary Planning Guidance for consultation and subsequently approving same;
- (h) progress Planning Appeals and Public Inquiries, where there are issues material to the Council's position in respect of the appeal;
- (i) determining applications for Certificates of Appropriate Alternative Development;
- (j) determine applications for Certificates of Lawful Development under Sections 150 and 151 of the "Act";
- (k) respond to consultations on planning issues from central government agencies and other bodies (including other Planning Authorities);
- (l) respond to consultations on the National Planning Framework or any reviews of the same under Section 3A of the "Act";
- (m) respond to consultations on a Strategic Development Plan under Sections 9, 12 and 12A of the "Act";
- (n) authorise appropriate action under Section 187 of the "Act" (Power to remove or obliterate placards and posters);
- (o) make and confirm Orders stopping up roads under Section 207 of the "Act";
- (p) To discharge planning conditions;
- (q) make modifications to or discharges of a Planning Agreement made under Section 75 of the "Act" or otherwise; and
- (r) make all other proposed determinations, decisions, approvals, actions or exercises of the functions of the Planning Authority not otherwise provided for under the Scheme of Delegation (including the Section 43A Scheme of Delegation).

LI210 In the event of an objection (for a relevant planning reason) being received from an Elected Member within seven days of the report appearing in the Weekly Planning Schedule, the appointed officer shall report the matter to the Planning Panel for determination.

PLANNING – SECTION 43A SCHEME OF DELEGATION

This part of the Scheme of Delegation is operated under Section 43A of the Town and Country Planning (Scotland) Act 1997 and Part 2 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and has received Scottish Ministers' approval under Regulation 4 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

LI211 The Appointed Officer, being the Officer appointed under Section 43A(1) of the Town and Country Planning (Scotland) Act 1997, is authorised to determine any application for planning permission (and any application for consent, agreement or approval required by condition imposed on a grant of planning permission) and being applications which fall within the definition of a local development as specified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 with the following exceptions:-

(a) Planning Authority Applications

Any application that

- (a) is made by the planning authority or a member of the planning authority, or by members of staff directly involved in the planning process; or
- (b) relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest and significant local objection has been received.

(b) Section 43A(6) Remit to Planning Panel

Prior to either (a) the determination of the application by the Appointed Officer or (b) the request by the Applicant for a review on the grounds of non-determination under section 43A(8)(c) of the Town and Country Planning (Scotland) Act 1997, the Planning Panel or the appointed officer or any officer authorised by them decide that the application should be remitted to the Planning Panel for determination under section 43A(6) of the Town and Country Planning (Scotland) Act 1997.

(c) Member Remit to Planning Panel

Prior to either (a) the determination of the application by the Appointed Officer or (b) the request by the Applicant for a review on the grounds of non-determination under section 43A(8)(c) of the Town and Country Planning (Scotland) Act 1997, the appointed officer receives from a Member a written request setting out relevant planning reasons for referral of the application to the Planning Panel for determination and the Chief Planning Officer, in consultation with the Chair and Vice Chair of the Planning Panel, agrees to the request.

(d) Significant Local Objection

Prior to either (a) the determination of the application by the Appointed Officer, or (b) the request by the Applicant for a review on the grounds of non-determination under Section 43A(8)(c) of the Town and Country Planning (Scotland) Act 1997, the appointed officer receives significant local objections and is satisfied that the objections disclose relevant planning reasons.

(e) Contrary to local development plan

The application is a significant departure from the local development plan.

(f) Scottish Ministers

The application requires to be notified to the Scottish Ministers.

The Planning Panel shall determine any application that falls within exceptions (a) to (c).

Any application that falls within exceptions (d) to (f) shall be determined by the appointed officer after publication in the Weekly Planning Schedule.

With reference to exception (d), a written objection from a Community Council is deemed to be one objection.

ROADS

Notices and Orders

LI212 To sign notices and orders about road traffic matters

Roads (Scotland) Act 1984

LI213 To add roads to or take them off the roads authority's list of public roads (Section 1(4)).

LI214 To carry out the Council's functions regarding the general management and maintenance of roads (Section 1).

LI215 To advise frontagers of the Council's intention to add to or delete from the list of public roads (Section 1(5)).

LI216 To alter or improve existing or proposed roads that cross public roads (Section 12).

LI217 To serve notice on frontagers of a private road to make up and maintain that road (section 13(1)).

LI218 To determine whether or not to contribute to, or carry out work on private roads (section 14(1)).

LI219 To carry out emergency work on private roads (section 15).

LI220 To determine applications for private roads to become public roads when Road Construction Consents are sought (section 16).

LI221 To enter into agreements to take over footpaths (section 1).

LI222 To construct new roads other than special roads which are considered requisite (section 20(1)).

LI223 To enter new roads constructed by the local roads authority into the list of public roads (section 20(2)).

LI224 To grant all road construction applications (section 21) except:

- a) where there are unresolved objections;

- b) when the application is recommended for refusal; and
- c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended.

- LI225** To serve notices to conform to conditions imposed in a Road Construction Consent (section 21(5)).
- LI226** To stop up or temporarily close a new road where there is no construction consent or it is not conformed with (section 23).
- LI227** To make arrangements in relation to security for private road works relating to housing.
- LI228** To raise, lower or alter the level of a public road (section 24).
- LI229** To provide footways for the safety or convenience of pedestrians (section 25).
- LI230** To the constructing, lighting and maintaining of pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26).
- LI231** To carry out constructing and maintaining works in the carriageway of a public road (section 27).
- LI232** To provide and maintain raised paving, pillars, walls, rails, fences or barriers at certain places (section 28).
- LI233** To put up and maintain fences or posts to prevent access or to set the boundary for a road or proposed road (section 29).
- LI234** To carry out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30).
- LI235** To use the road authority's powers for draining roads (section 31).
- LI236** To contribute to the costs of drainage work (e.g. for flood prevention) (section 32).

- LI237** To provide and maintain snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33.
- LI238** To take reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34).
- LI239** To provide and maintain lighting on roads or proposed roads (section 35).
- LI240** To construct road humps (section 36).
- LI241** To consult on providing road humps (section 37).
- LI242** To construct traffic calming works (section 39A).
- LI243** To provide, maintain and remove cattle-grids (sections 41, 42 and 43).
- LI244** To enter into agreements with other neighbouring authorities in respect of cattle grids (section 44).
- LI245** To provide cattle grids to supersede gates (section 45).
- LI246** To make agreements for cattle grids with landowners (section 46).
- LI247** To contribute towards the cost of cattle grids (section 47).
- LI248** To enter into agreements with any persons willing to contribute to the construction or improvement of a road (section 48).
- LI249** To maintain structures and equipment for the detection of traffic offences (section 49A).
- LI250** To planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50).
- LI251** To allow trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51).

- LI252** To carry out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52).
- LI253** To make agreements to use land for landscaping to mitigate the effects of road construction (section 53).
- LI254** To provide and maintain rubbish bins or storage bins on roads (section 54).
- LI255** To authorise in writing work in or excavation under a public road (section 56).
- LI256** To take action to eliminate danger caused by works in or under a road (section 57).
- LI257** To grant permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58).
- LI258** To give written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59).
- LI259** To enforce rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise protect a building in accordance with section 60.
- LI260** To allow equipment to be placed under a road (section 61).
- LI261** To temporarily prohibit or restrict the use of roads which are dangerous (section 62).
- LI262** To serve notice that a satisfactory vehicle crossing must be made (section 63).
- LI263** To give statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2)).

- LI264** To serve notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66).
- LI265** To issue notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67).
- LI266** To start the consultation process to stop up public and private access to land (sections 70 and 72).
- LI267** To stop up public and private access to land where no objections have been received following notice to the public (sections 70 and 72).
- LI268** To make land temporarily available for alternative routes during road improvement works (section 74).
- LI269** To divert waters (to construct, improve, protect roads) (section 78).
- LI270** To enter into agreements to maintain or contribute to the cost of maintaining bridges (section 79).
- LI271** To serving notices relating to the obstruction of views at corners, bends and junctions (section 83).
- LI272** To give written permission for skips to be left on a road (section 85).
- LI273** To remove skips which are causing danger or obstruction (section 86).
- LI274** To require persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87.
- LI275** To remove or alter projections of any buildings that interfere with safe or convenient passage along a road (section 88).

- LI276** To intimate to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89).
- LI277** To take all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89.
- LI278** To recover from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89.
- LI279** To agree to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90).
- LI280** To serve notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91.
- LI281** To give consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92).
- LI282** To take steps to protect road users from dangerous things on land beside or near a road (section 93).
- LI283** To serve notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93).
- LI284** To fill in a pipe or ditch next to or near a public road which is a danger to road users (section 94).
- LI285** To recover the cost of clearing mud, clay and so on, on a road (section 95).
- LI286** To recover extraordinary costs for maintaining a road that has excessively heavy traffic (section 96).

- LI287** To give consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97).
- LI288** To take action related to stray and other animals on roads (section 98).
- LI289** To serve notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99.
- LI290** To acquire land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107).
- LI291** To acquire land to improve amenity of new or improved road for schemes approved by the Council (section 105).
- LI292** To obtain materials for road repairs (section 121).
- LI293** To give people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984).
- LI294** To recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);
- LI295** To carry out work that someone has failed to do (section 141).
- LI296** To carry out the roads authority's enforcement functions under the Roads (Scotland) Act 1984.
- LI297** To regulate vehicular crossings over verges and footways.
- LI298** To prevent danger to or obstruction of road users arising from vegetation, fences or retaining walls.
- LI299** To protect road users from dangers near a road.
- LI300** To take action related to stray and other animals on roads.

LI301 To carry out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991.

LI302 To carry out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, and the Transport (Scotland) Act 2001.

TRAFFIC

LI303 To grant permission for excess weight on a trailer.

LI304 To commence and complete the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and do all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:

- a) sections 1, 2, and 4 (road traffic orders);
- b) section 9 (experimental traffic orders);
- c) section 19 (regulation of highways by public service vehicles);
- d) sections 32, 35, 45, 46 and 49 (parking places);
- e) section 37 (extension of powers for purposes of general scheme (traffic control));
- f) section 53 (designation orders);
- g) sections 82 and 83 (restricted roads); and
- h) section 84 (speed limit orders).

LI305 To make orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described above) of the Road Traffic Regulation Act 1984 where there have been no objections received by the public.

LI306 In relation to orders made under paragraph 85 of the Scheme, make decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect.

LI307 To commence and complete the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:

- a) making orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and
- b) making orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984.

- LI308** To make orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984).
- LI309** To make orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984).
- LI310** To recover the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984).
- LI311** To recover the costs of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984).
- LI312** To recover the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984.
- LI313** To remit proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.
- LI314** To modify in order to make less onerous (where the modification will remove an objection), or suspend, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984).
- LI315** To temporarily restrict or ban the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984).

- LI316** To put up, maintain and alter pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984).
- LI317** To make arrangements for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984).
- LI318** To manage off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984).
- LI319** To provide access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984).
- LI320** To acquire land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984).
- LI321** To buy or hire parking meters (section 49 of the Road Traffic Regulation Act 1984).
- LI322** To provide stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984).
- LI323** To cause or allow traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984).
- LI324** To consult on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984).
- LI325** To serve notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984).
- LI326** To enter any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984).
- LI327** To put up and maintain signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984).

- LI328** To place bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984).
- LI329** To place bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984).
- LI330** To take action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984).
- LI331** To carry out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988).
- LI332** To consult about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998).
- LI333** To effect duties as to the general procedure to be followed before a temporary order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992).
- LI334** To effect duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008).
- LI335** To effect duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming)(Scotland) Regulations 1994).
- LI336** To effect duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming)(Scotland) Regulations 1994 as amended).
- LI337** To carry out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.
- LI338** To carry out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991.

- LI339** To comment as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008).
- LI340** To agree to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982).
- LI341** To advise other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984).
- LI342** To provide and maintain lighting on roads that are not maintained by the Council.
- LI343** To make arrangements for tenders and contracts for supported bus services under the Transport Act 1985.
- LI344** To arrange for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985.
- LI345** To erect, move and remove bus stops, shelters and information panels provided that no objections are made following notice to the public.
- LI346** To install, move and remove bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002.
- LI347** To carry out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011.
- LI348** To assess whether people are eligible for forms of concessionary travel.
- LI349** To issue and refuse to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.
- LI350** To ask the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985).

- LI351** To deal with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985).
- LI352** To deal with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985).
- LI353** To secure public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision.
- LI354** To approve or refuse applications for school crossing patrols in accordance with the Council Policies.
- LI355** Where there are no unresolved public objections, to make recommendations in the weekly Council Information Bulletin for the making/confirmation of:
- Orders in relation to street playgrounds. (Section 29, Road Traffic Regulation Act 1984);
 - Orders regarding the use of a parking place as a bus or coach station. (Section 39, Road Traffic Regulation Act 1984).

SMOKING BAN

- LI356** To enter and inspect premises, issue fixed penalties and commence legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005.

TRADING STANDARDS

- LI357** To carry out enforcement duties with regard to the relevant sections of all Trading Standards, Weights and Measures and Consumer Protection Legislation.

TRANSPORT SERVICES

- LI358** To discharge the Council's duties under the Transport Act 1968 and Transport (Scotland) Act 2001, which include:
- a) securing the provision of public passenger transport services such as local bus services, post-bus services and accessible transport;
 - b) establishing concessionary travel schemes;
 - c) Providing bus stations, bus stops and shelters.
- LI359** To issue Fixed Penalty Notices in respect of road works offences under the Transport Scotland Act 2005 (Part 2).

WEIGHTS AND MEASURES

- LI360** To maintain weights and measures standards under the Weights and Measures Act 1985.
- LI361** To provide and maintain public weighing and measuring equipment.
- LI362** To purchase goods to determine compliance with the provisions of the Weights and Measures Act 1985.
- LI363** To prepare annual report to the Scottish Ministers regarding operation giving effect to the Weights and Measures Act 1985.
- LI364** To appoint a Chief Weights and Measures Inspector and such other inspectors as considered necessary.

FINANCE

- LI365** To determine all accounting and financial records and procedures of the Council.
- LI366** To perform any function on behalf of the Common Good Fund and any other Council funds which would reasonably be deemed to be investment business and report any actions to the appropriate Panel or Committee.
- LI367** To open, close and operate bank accounts on behalf of the Council.

- LI368** To approve and make payments due to Her Majesty's Revenue and Customs.
- LI369** To review and amend, as appropriate, the financial limits given in the Financial Regulations every year, in line with the relevant inflation indexes.
- LI370** The pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance.
- LI371** To undertake all borrowing and lending in accordance with the Treasury Management Strategy.
- LI372** To assess business cases for the taking out of new leases to ensure they are consistent with the securing of best value.
- LI373** To effect insurance cover and negotiate with the Council's insurers for all claims in consultation with other officers where necessary.
- LI374** To review annually all insurances in consultation with the other chief officers as appropriate.
- LI375** To approve the rate of interest the Council is required to charge to borrowers with variable interest rate loans.
- LI376** To be responsible for all purchasing arrangements as detailed in the Contracts Standing Orders.
- LI377** To collect and where necessary recover debt, and where appropriate authorise the write-off of debt, in accordance with Council Policies.
- LI378** To exercise any other specific delegations contained in the Council's Financial Regulations and Contract Standing Orders.

FINANCIAL CODES

LI379 To make necessary changes in the Council's approved Financial Codes to reflect changes in processes, best practice and changes to legislation, excepting those matters which require Council approval and subject to the reporting of any changes as set out in the Council's approved Financial Regulations.

PRUDENTIAL BORROWING

LI380 To approve the use of Prudential Borrowing for projects up to £500,000.

RATING ASSESSMENTS

LI381 To determine rating assessments negotiated in respect of Council property.

RELIEF OF RATES

LI382 To determine applications for mandatory or discretionary relief of rates in accordance with the Council policy.

WRITE-OFF OF DEBT

LI383 To approve the write-off of outstanding debts due to the Council of less than £10,000 for each debtor, where there are good and sufficient reasons for so doing, in accordance with the Council's Financial Regulations.

LI384 To write off or dispose of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:

- a) The stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and
- b) The decision is made in consultation with the Chief Executive.

GOVERNANCE

CHILDREN'S PERFORMANCE LICENCES

- LI385** To issue licences in terms of the Children (Performances) Regulations 1968.

CIVIC AND OTHER EVENTS WITHIN THE UK

- LI386** To authorise the attendance of Members and/or Officers on Civic and Town Twinning visits, conferences, seminars etc. or other business within the UK.
- LI387** To approve expenditure on matters of a civic nature up to a limit of £5,000.

DELEGATIONS TO COMMITTEES

- LI388** To determine, in situations of uncertainty, which Committee is empowered to exercise a particular authority that the Council has delegated to a Committee.

ELECTIONS

- LI389** To conduct local government, The Loch Lomond and the Trossachs National Park, Scottish Parliament, Westminster Parliament elections and by-elections and Business Improvement District elections and referenda (all subject to the exclusion of those powers which are reserved to the Chief Executive/Returning Officer/Counting Officer as the case may be).

HOSPITALITY

- LI390** To approve expenditure on Civic hospitality up to a value of £5,000.

INTERPRETATION OF COUNCIL DOCUMENTATION

- LI391** To interpret, in consultation with any other Chief Officer, if considered necessary, the intended meaning of any provision contained in a Standing Order, Scheme, or other document approved by the Council itself.

LEGAL

Action on Behalf of The Council

- LI392** To initiate, enter into, defend or withdraw from legal proceedings on behalf of the Council.
- LI393** To sign court documents.
- LI394** To sign missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders.
- LI395** To engage private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate.

Appointment of Safeguarders etc

- LI396** To discharge the Council's duties under the Adoption (Scotland) Act 1995 and Adults with Incapacity (Scotland) Act 2000.
- LI397** To establish and maintain a Panel of persons appointed to carry out the functions of curators and reporting officers (Section 87) and safeguarders (Section 41) of the 1995 Act and under the 2000 Act and the appointment of legal representatives where appropriate under the Children's Hearings (Legal Representation) (Scotland) Rules 2002.

CIVIC LICENSING

- LI398** To determine applications for the registration of non-commercial societies under the Gambling Act 2005.
- LI399** To grant, attach conditions to, refuse and issue any applications for licences and the like under the Civic Government (Scotland) Act 1982, and other legislation (including Theatres Act 1968, Deer (Scotland) Act 1996 and Cinemas Act 1985) (including taxi and private hire car licence applications where an adverse medical report has been received), subject to consultation and there being no objection or unresolved representation from a member of the public or the Chief Constable to the application, and

providing no objection from Members to the proposed decisions notified in the weekly Council Information Bulletin.

- LI400** To grant, renew, vary and issue any licence where the Chief Constable has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that they agree to the conditions and subject to no objection from Members to the proposed decision notified in the weekly Council Information Bulletin.
- LI401** To renew and issue licences and the like under the Civic Government (Scotland) Act 1982 and other legislation (including Theatres Act 1968, Deer (Scotland) Act 1996 and Cinemas Act 1985), if satisfied (after considering reports by appropriate officials) as to their non-contentious nature and subject to no objection from Members to the proposed decision notified in the weekly Council Information Bulletin.
- LI402** Subject to consultation with the Chair and Vice Chair of the Planning & Regulation Panel granting, attaching conditions to, refusing and issuing applications for any temporary licences and the like under the Civic Government (Scotland) Act 1982 and other legislation (including Theatres Act 1968, Deer (Scotland) Act 1996 and Cinemas Act 1985) where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Planning & Regulation Panel prior to the date the licence, if granted, is due to commence.
- LI403** Subject to no objection from Members to the proposed decisions notified in the weekly Council Information Bulletin, to determine applications for permission to hold public charitable collections.
- LI404** Subject to no objection from Members to the proposed decisions notified in the weekly Council Information Bulletin, to determine applications for dispensations from the prohibition on the use of fireworks at night. (Section 6 of the Fireworks (Scotland) Regulations 2004)

- LI405** Subject to no objection from Members to the proposed decisions notified in the weekly Council Information Bulletin, to determine applications for fireworks suppliers' licences. (Section 7 of the Fireworks (Scotland) Regulations 2004).
- LI406** To approve the installation of Wi-Fi, CCTV or other camera equipment in any relevant licensed vehicle.
- LI407** To determine and issue wheelchair exemptions on a temporary basis in respect of Stirling Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire car Drivers.
- LI408** Determining whether good cause has been shown to deem an application for renewal of a relevant licence made up to 28 days after the expiry of the existing licence is to be treated as if the licence had been made prior to its expiry.
- LI409** Determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal.
- LI410** Subject to consultation with Chair or Vice-Chair of the Planning & Regulation Panel, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences and the like under the Civic Government (Scotland) Act 1982 and other legislation (including Theatres Act 1968, Deer (Scotland) Act 1996 and Cinemas Act 1985), and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences and the like for a period of not more than 6 weeks or until the suspension is considered by the Planning & Regulation Panel, whichever is sooner.
- LI411** To authorise the Chief Officer – Governance to appoint Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005.

- LI412** To authorise the Chief Officer – Governance to appoint Civic Licensing Standards Officers in accordance with section 45G of the Civic Government (Scotland) Act 1982.

PUBLIC PROCESSIONS

Civic Government (Scotland) Act 1982

- LI413** To determine applications for public processions where no objections are received from Police Scotland to the granting of any application, otherwise to submit the application for the consideration of the Planning & Regulation Panel.

REGULATION OF INVESTIGATORY POWERS (RIPSA)

- LI414** To compile and maintain a register of current and past authorisations in relation to the carrying out of directed surveillance and the use of informants and for the Chief Officer – Governance to be the Council's RIPSA Co-ordinating Officer, responsible for this and also responsible for day to day oversight of the Council's RIPSA activities.
- LI415** The Chief Officer – Governance to perform the role of the Council's Senior Responsible Officer for oversight of the competence of authorising officers, and the RIPSA practices within the Council.

STANDING ORDERS AND REGULATIONS

- LI416** To exercise any specific delegations contained in the Council's Standing Orders for the regulation of proceedings and business, Financial Regulations and Contract Standing Orders.

TECHNOLOGY AND INFORMATION

CORPORATE IT CAPITAL BUDGET

- LI417** To approve, in consultation with the Chief Executive, bids for capital expenditure from the Corporate IT Capital Budget.

DATA PROTECTION

Data Protection Act 1998

- LI418** To discharge duty to comply with any Court Order regarding information held.
- LI419** To discharge duty to notify the Information Commissioner by providing registerable particulars.
- LI420** To discharge duty to notify the Information Commissioner of changes to particulars.
- LI421** To discharge duty to comply with Enforcement Notices served by the Information Commissioner or Data Protection Tribunal.
- LI422** To discharge duty to comply with Information Notices and Special Information Notices served by the Information Commissioner.
- LI423** To discharge duty to comply with any warrant obtained by the Information Commissioner to search, examine, operate or test data processing equipment.

FREEDOM OF INFORMATION

- LI424** To discharge the duty to produce, maintain and obtain the approval of the Information Commissioner for the Council's publication scheme, setting out what information is routinely made available and detailing any charges that might apply to obtain that information.
- LI425** To respond to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998.
- LI426** To monitor the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998.

RECORDS MANAGEMENT

- LI427** To discharge duty to make proper arrangements for the preservation and management of the Council's records in line with the Local Government etc (Scotland) Act 1994.
- LI428** To ensure appropriate records are kept of any sub-delegations of powers made under the Scheme.
- LI429** To monitor the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011.
- LI430** The Service Manager – Technology & Information to act as the staff member responsible for the management of the authority's public records and for ensuring compliance with the Council's Records Management Plan in terms of the Public Records (Scotland) Act 2011.

STATUTORY FUNCTIONS AND OFFICERS

Statutory Function	Legislation	Officer
Chief Inspector of Weights and Measures	section 72 of the Weights and Measures Act 1985	Service Manager - Regulatory
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures as required
Dog Catcher	section 149 of the Environmental Protection Act 1990	Animal Health & Welfare Team Leader
Food Examiner	Section 30 of the Food Safety Act 1990	Team Leader – Food Safety
Mental Health Officers	section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003	Certain social workers as appointed by the Chief Social Work Officer as required
Registrar of Births, Deaths and Marriages	Section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	District Registrar

LIST OF LEGISLATION

Adoption and Children (Scotland) Act 2007
Adoption (Scotland) Act 1995
Adults with Incapacity (Scotland) Act 2000
Allotments (Scotland) Acts
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare (Scotland) Act 2006
Antisocial Behaviour etc (Scotland) Act 2004
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973 and 1991
Building (Scotland) Act 2003
Burial Grounds (Scotland) Act 1855
Children Act 1975
Children Act 1989
Children (Scotland) Act 1995
Children and Young People (Scotland) Act 2014
Children and Young Persons Act 1963
Children and Young Persons (Scotland) Act 1937
Children and Young Persons (Protection from Tobacco) Act 1991
Children's Hearings (Scotland) Act 2011
Children (Performances) Regulations 1968
Church of Scotland (Property and Endowment) Acts 1925 and 1933
Cinemas Act 1985
Civic Government (Scotland) Act 1982
Civil Contingencies Act 2004
Civil Partnership Act 2004
Clean Air Act 1993
Control of Dogs (Scotland) Act 2010
Consumer Protection Act 1987
Countryside (Scotland) Act 1967
Crime and Disorder Act 1998

Criminal Procedure (Scotland) Act 1995
Curators ad litem and Reporting Officers (Panels)(Scotland) Regulations 2001
Dangerous Wild Animals Act 1976
Data Protection Act 1998
Dog Fouling (Scotland) Act 2003
Dutch Elm Disease (Local Authorities) Order 1977
Education (Additional Support for Learning)(Scotland) Act 2004
Education (Assisted Support Needs Strategies and Pupils' Educational Records)
(Scotland) Act 2002
Education Reform Act 1988
Education (Scotland) Act 1980
Energy Conservation Act 1981
Environment Act 1995
Environment and Safety Information Act 1988
Environmental Impact Assessment (Scotland) Regulations 1999
Environmental Information (Scotland) Regulations 2004
Environmental Protection Act 1990
Explosives Act 1875 (sections 74 and 78)
Fair Trading Act 1973
Fire Safety and Safety of Places of Sports Act 1987
Fireworks (Scotland) Regulations 2004
Flood Risk Management (Scotland) Act 2009
Food and Environment Protection Act 1985
Foot and Mouth Disease Scotland Orders
Foster Children (Scotland) Act 1984
Freedom of Information (Scotland) Act 2002
Health and Safety at Work etc. Act 1974
High Hedge (Scotland) Act 2013
Home Loss and Disturbance – Land Compensation Acts
Housing (Scotland) Act 1987
Housing (Scotland) Act 1988
Housing (Scotland) Act 2001
Housing (Scotland) Act 2006
Immigration and Asylum Act 1999
INSPIRE (Scotland) Regulations 2009

Land Reform (Scotland) Act 2003
Licensing (Scotland) Acts 1976 and 2005
Local Authorities' Traffic Orders (procedure)(Scotland) Regulations 1999
Local Government in Scotland Act 2003
Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958
Lotteries and Amusements Act 1976
Marriage (Approval of Places) (Scotland) Regulations 2002
Marriage (Scotland) Act 1977
Matrimonial Proceedings (Children) Act 1958
Medicines Act 1968
National Assistance Act 1948
National Health Service and Community Care Act 1990
New Roads and Street Works Act 1991
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Petroleum Acts 1928 and 1936
Planning etc (Scotland) Act 2006
Poisons Act 1972
Prevention of Damage by Pests Act 1949
Prices Act 1974 and 1975
Private Rented Housing (Scotland) Act 2011
Property Factors (Scotland) Act 2011
Public Libraries Consolidation (Scotland) Act 1887
Public Libraries (Scotland) Act 1955
Public Records (Scotland) Act 2011
Pupils' Educational Records (Scotland) Regulations 2003
Registration of Births, Deaths and Marriages (Scotland) Act 1965
Regulation of Investigatory Powers Act 2000
Regulation of Investigatory Powers (Scotland) Act 2000
Rent (Scotland) Act 1984
Requirements of Writing (Scotland) Act 1995
Reservoirs Act 1975
Riding Establishments Acts 1964 and 1970
Road Traffic Act 1991
Road Traffic Regulation Act 1984

Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003)
Roads (Scotland) Act 1984
Safety of Sports Grounds Act 1975
School Pupil Records (Scotland) Regulations 1990
Schools (Consultation)(Scotland) Act 2010
Schools (General) Scotland Regulations 1975
Scottish Schools (Parental Involvement) Act 2006
Secure Accommodation (Scotland) Regulations 2013
Social Care (Self-directed Support)(Scotland) Act 2013
Social Work (Scotland) Act 1968
Sewerage (Scotland) Act 1968
Single Use Carrier Bags Charge (Scotland) Regulations 2014
Smoking, Health and social Care (Scotland) Act 2005
Standard in Scotland's Schools etc. Act 2000
Telecommunications Act 1984
Tenements (Scotland) Act 2004
Theatres Act 1968
Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland)
Act 1997
Town and Country Planning (Scotland) Act 1997
Trade Descriptions Act 1968
Trade Marks Act 1994
Transport Acts 1968 and 1985
Transport (Scotland) Acts 2001 and 2005
Video Recordings Acts 1984 and 1993
War Memorials (Local Authorities' Powers) Act 1923
Water (Scotland) Act 1980
Water Services etc. (Scotland) Act 2005
Weights and Measures Act 1985
Wildlife and Natural Environment (Scotland) Act 2011
Zoo Licensing Act 1981