

PROPOSED NEW WORDING & RENUMBERED (proposed changes explained in table below)

DIRECTOR OF INFRASTRUCTURE & ENVIRONMENT

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Director of Infrastructure & Environment has the following powers: -

1 GENERAL

- 1.1** to award contracts for supplies services and works, including appointing contractors and consultants, for matters pertaining to the Directorate including through collaborative arrangements, and to commission support from other local authorities, subject to provision having been made within the approved budget, where appropriate and in accordance with the Council's Procurement Standing Orders and Financial Regulations;
- 1.2** to make payment of the single advance annual payment for Corporate water services charges, in alignment with the Council's published list of standing exemptions as per the Council's Procurement Standing Orders and Financial Regulations subject to adequate funding provisions having been established;
- 1.3** to act as Engineer (or equivalent named role) in respect of works contracts awarded by the Council through the Service.

2 ROADS

- 2.1** to act as the proper officer to exercise the functions of the Council as local roads authority, including the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on behalf of the Council in terms of the Council's functions relating to transport, roads and parking under the relevant legislation including but not limited to: -
 - 2.1.1.** The Roads (Scotland) Act 1984
 - 2.1.2** The Road Traffic Regulation Act 1984
 - 2.1.3** The New Roads and Street Works Act 1991
 - 2.1.4** The Transport (Scotland) Act 2005
 - 2.1.5** The Goods Vehicles (Licensing of Operators) Act 1995
 - 2.1.6** The Transport (Scotland) Act 2019;
- 2.2** to discharge the functions and responsibilities of the Council in relation to: -
 - 2.2.1** The Transport Act 1985
 - 2.2.2** The Transport (Scotland) Act 2001
 - 2.2.3** The Road Traffic Act 1988;

2.3 to carry out the functions of the Council under the Roads (Scotland) Act 1984 in respect of-

- (i) maintaining the list of public roads under Section 1 (including additions or deletions);
- (ii) granting consents under Section 21 where there are no objections and any conditions have been agreed with the applicant, and under Part IV, V and VIII (except for permitting trading on A class roads under section 97);
- (iii) serving notices under Parts II, IV, V and VIII;
- (iv) taking action under section 15 and Parts IV, V, VII and XIII;
- (v) recovering costs under Parts IV, V, VIII and XIII;
- (vi) the consideration of comments received during the Promotion of Stopping Up and Side Roads Orders, Redetermination Orders and Stopping Up of Private Access Orders and arranging for the Order to be made and confirmed in the following circumstances:-
 - (a) where no objections are received; or
 - (b) where any objections received are subsequently withdrawn.
- (vii) in any other circumstances the proposed Order shall be remitted to the Scottish Ministers.

2.4 to carry out the functions of the Council under the Road Traffic Regulation Act 1984 in respect of: -

- (i) the consideration of comments received during the promotion of Traffic Regulation and Parking Places Orders, and arranging for the order to be made in the following circumstances: -
 - (a) where no objections are received; or
 - (b) where any objections received are subsequently withdrawn; and
 - (c) where the Director of Infrastructure & Environment, in consultation with the Director of Legal, Governance & Change, and the Area Commander, Police Scotland considers any change to the proposed terms of the order arising in consequence of observations raised to be non-controversial.

In any other circumstances the proposed order shall be referred back to the relevant Standing Committee of the Council.

2.5 following consultation with the Convener and local Members, to carry out the functions of the Council under Section 97 of the Civic Government (Scotland) Act 1982 to name any street or road, to alter an existing name and give each of the premises in it such distinguishing number as thought fit, subject to the proposed name not being contentious.

- 2.6** to impose any temporary restriction on traffic on roads by means of traffic regulation or speed limit order in terms of the Road Traffic Regulation Act 1984.
- 2.7** to respond to consultations from the Planning Authority on behalf of the Roads Authority.
- 2.8** to respond, on behalf of the Council, to Neighbour Notifications received by the Council under the Planning legislation.
- 2.9** to instruct immediate repairs to road-related infrastructure which has become damaged in order to mitigate any loss, damage or injury to property or persons;
- 2.10** to carry out all the functions of Angus Council (including those of the Angus Council Representative) under the A92 (Dundee to Arbroath) Upgrading: Design, Build, Finance and Operate Contract in consultation with the Director of Finance and the Director of Legal, Governance & Change as appropriate.

3 ASSETS

- 3.1** to approve the acquisition or leasing in of land and property by tender, negotiation, appropriation or excambion subject to there being appropriate provision in the approved budget, including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with the Council's Financial Regulations, provided that where this relates to Common Good buildings or land, the local Members for that area have been consulted and their views taken into consideration by the Director;
- 3.2** to approve the leasing out of land and property by tender, negotiation or excambion, the granting of wayleaves, servitude rights of access, undertaking rent reviews, lease renewals and the management of dilapidations schedules including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations; provided that where this relates to Common Good buildings or land, the local Members for that area have been consulted and their views taken into consideration by the Director;
- 3.3** to approve the disposal of land and property, including vehicles, plant and machinery, declared surplus to the requirements of the Council, by tender, or termination of leasing, appropriation, negotiation, auction (when deemed appropriate) or excambion including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations, provided that where this relates to Common Good buildings or land, the local Members for that area have been consulted and their views taken into consideration by the Director;
- 3.4** to carry out a formal public consultation for the change of use and/or disposal of Common Good land or properties, where required under section 104 of Community Empowerment (Scotland) Act 2015, and thereafter to proceed to exercise delegations under either 3.2 or 3.3 above, or following a Council or Committee decision, where responses to the said public consultation are positive or have been resolved;
- 3.5** to carry out the functions of the Council in relation to the management of asbestos containing materials in non-housing Council properties in accordance

with the Control of Asbestos Regulations 2006, and subsequent legislation and regulations.

- 3.6** to carry out the Primary Contact functions and exercise all responsibilities of the Council in accordance with the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010, and to appoint Secondary Contact and Account Representatives as appropriate, and to make payment of the annual charge for Carbon Allowances and associated supplementary charges without limit, subject to adequate funding provisions having been established.
- 3.7** to carry out the maintenance and associated operating issues in respect of Open Space CCTV.

4. INFRASTRUCTURE

- 4.1** to carry out the construction and infrastructure related functions of the Council in relation to Health and Safety Regulations, including the Construction (Design and Management) Regulations 2015, for Infrastructure contracts, health and safety legislation, i.e. the Health and Safety at Work etc Act 1974, and best practice guidance to other services, including, sustainability, energy management and water management standards;
- 4.2** to undertake the functions of the council in relation to Arbroath Harbour under Section 154 of the Local Government (Scotland) Act 1973 and any local enactments;
- 4.3** to carry out the functions and exercise all the powers of the Council under the Coast Protection Act 1949;
- 4.4** to make objections to the issue of operators' licences on behalf of the Council as local authority in terms of Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995.
- 4.5** to operate Travel Concession Schemes approved by the Council, including assessing eligibility of clients to participate in the schemes and serving participation notices on bus operators.
- 4.6** to provide public transport services information, publicity and minor infrastructure, including: -
 - (i) provision of bus stops, shelters, real time information and information panels;
 - (ii) entering into service agreements with Further Education establishments to organise and administer transport for authorised students.
- 4.7** Following consultation with the relevant Director, to conduct a rent review of a lease, sub-lease, occupancy agreement or licence and to serve all requisite notices for review and to engage in negotiation, arbitration or adjudication, as appropriate;
- 4.7** Following consultation with the Director of Education and Lifelong Learning, to maintain the equipment, material resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed policies and procedures;

- 4.8** to instruct immediate repairs to property which has become damaged, in order to mitigate any loss, damage or injury to property or persons;
- 4.9** to make arrangements for tenders and to award contracts for supported bus services under the Transport Acts 1985 and 2001, including: -
- (i) renewal, variation or termination of existing local bus service contracts subject to provision having been made within the approved estimates of expenditure of the Council;
 - (ii) provision of replacement contracts, in response to the deregistration of commercial bus services, on an interim basis and subject to a Council decision on longer term action;
 - (iii) provision of contracted emergency transport through the operation of additional vehicles in order to maintain public transport services for the public during road closures, except those closures undertaken by statutory undertakers in which case operators should seek costs directly from the statutory undertaker.

5. ENVIRONMENT

- 5.1** to discharge the functions and responsibilities of the Council in relation to obtaining and maintaining vehicle operator licences under the Goods Vehicles (Licensing of Operators) Act 1995 and to appoint nominated Transport Managers in line with statutory requirements;
- 5.2** to discharge the functions and responsibilities of the Council as the waste collection and disposal authority as prescribed by the Environmental Protection Act 1990 and other relevant legislation;
- 5.3** to carry out the functions of the Council under the Flood Risk Management (Scotland) Act 2009 and such preceding Acts;
- 5.4** to carry out the functions of the Council under the Reservoirs Act 1975 in respect of-
- (i) the keeping of the register of reservoirs
 - (ii) commissioning inspections and reports from Reservoir Panel Engineers;
 - (iii) ensuring the carrying out of repairs by reservoir undertakers;
- and to carry out the function of Reservoir Manager under the Reservoir (Scotland) Act 2011 in respect of controlled reservoirs: -
- Denfind,
 - Monikie South (Island) Pond,
 - Monikie North Pond; and
 - Crombie.
- 5.5** to make agreements with the Scottish Water Authority under Section 7 of the Sewerage (Scotland) Act 1968, as amended, regarding the provision, management, maintenance or use of surface water drains;

- 5.6** to manage parking, abandoned vehicles, litter, dog fouling and fly tipping and to take enforcement action in compliance with relevant legislation;
- 5.7** to undertake the duties and responsibilities on behalf of the Council in respect of the Burial and Cremation (Scotland) Act 2016;
- 5.8** to approve the sale of lairs and to approve the issue of free lairs where circumstances dictate;
- 5.9** to exercise the local authority's powers under Section (3) of the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970 where the open space area has been provided to the standards required by the Council and adoption of its maintenance causes no detriment to the Council's budgets.
- 5.10** to manage, maintain and enforce management rules that apply to country parks, play areas, recreational areas and open spaces owned or managed by the council.
- 5.11** to discharge the functions of the Council in relation to stray dogs under the Environmental Protection Act 1990; including appointing and designating individual officers to be authorised to carry out the statutory and other functions in respect of legislation relating to Dog Control including Stray Dogs and Dog Fouling.
- 5.12** to make an Exclusion Order in terms of Section 117 of the Civic Government (Scotland) Act 1982 in respect of breach of Management Rules in respect of land or premises under the control of the Directorate.

TABLE 1(j): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES

DIRECTOR OF INFRASTRUCTURE & ENVIRONMENT				
TABLE OF CHANGES TO THE SCHEME OF DELEGATION				
NEW No.	OLD No.	WHAT IT USED TO SAY	WHAT IT NOW SAYS	REASON FOR CHANGE
GENERAL				
1.1	(2) (3) (4) (5) (8) (9) (22) (23) (25)	New delegation added to replace the following delegations: - (2) to instruct minor works of a repair, maintenance, construction or alteration nature subject to provision having been made within the approved estimates of expenditure and in accordance with Financial Regulations;	to award contracts for supplies services and works, including appointing contractors and consultants, for matters pertaining to the Directorate including through collaborative arrangements, and to commission support from other local authorities,	Mainly to avoid repetition and to consolidate into fewer delegations. Also, to delete delegations that are no longer competent from a Procurement perspective e.g. in relation to "inclusion in tender lists", use of Constructionline

	<p>(3) to select contractors for inclusion in tender lists for contracts for construction and related works from Constructionline or from those responding to a public advertisement in accordance with the Council's Financial Regulations;</p> <p>(4) to approve the purchase and disposal of property related supplies, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Financial Regulations;</p> <p>(5) to award the placing of property related servicing contracts in accordance with the Council's Financial Regulations;</p> <p>(8) to appoint construction and property consultants and through collaborative arrangements, commission support from neighbouring local authorities, subject to provision having been made within the approved estimates of expenditure, where appropriate with the agreement of customers and in accordance with the Council's Financial Regulations;</p> <p>(9) to select consultants for inclusion in tender lists for construction and property services from Constructionline or from those responding to a</p>	<p>subject to provision having been made within the approved budget, where appropriate and in accordance with the Council's Procurement Standing Orders and Financial Regulations.</p>	<p>etc. Also, added reference to proposed new Procurement Standing Orders.</p>
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		<p>public advertisement in accordance with the Council's Financial Regulations;</p> <p>(22) to instruct minor engineering and related works in accordance with the Council's Financial Regulations;</p> <p>(23) to instruct works of repair and maintenance, subject to provision having been made therefore within the approved estimates of expenditure of the Council, in accordance with the Council's Financial Regulations;</p> <p>(25) to select contractors for inclusion in tender lists for contracts for engineering and related works from approved lists or from those responding to a public advertisement in accordance with the Council's Financial Regulations;</p>		
1.2	(18)	to make payment of the single advance annual payment for Corporate water services charges, without limit, subject to adequate funding provisions having been established;	to make payment of the single advance annual payment for Corporate water services charges, in alignment with the Council's published list of standing exemptions as per the Council's Procurement Standing Orders and Financial Regulations subject to adequate funding provisions having been established;	Slight change in wording to refer to the Council's published list of standing exemptions as per the Procurement SOs and Fin Regs in order to ensure that Procurement rules are followed.
1.3	(24)	to act as Engineer (or equivalent named role) in	No change	N/A

		respect of works contracts awarded by the Council through the Service;		
ROADS				
2.1	Old Standing Order 46(8) (32)	<p>Old Standing Order 46(8): - "the Director of Infrastructure for the purposes of Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984"</p> <p>(32) to carry out the functions of the Council under sections 112, 115, 117, 118, 120, 122, 123, 124, 131 and 134 of the New Roads and Streetworks Act 1991;</p>	<p>to act as the proper officer to exercise the functions of the Council as local roads authority, including the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on behalf of the Council in terms of the Council's functions relating to transport, roads and parking under the relevant legislation including but not limited to: -</p> <p>2.1.1. The Roads (Scotland) Act 1984</p> <p>2.1.2 The Road Traffic Regulation Act 1984</p> <p>2.1.3 The New Roads and Street Works Act 1991</p> <p>2.1.4 The Transport (Scotland) Act 2005</p> <p>2.1.5 The Goods Vehicles (Licensing of Operators) Act 1995</p> <p>2.1.6 The Transport (Scotland) Act 2019</p>	Adds delegation as a Proper Officer from old Standing Order 46(8) and also updates list of relevant legislation.

2.2	(31)	(31) to carry out the functions of the Council under the Road Traffic Act 1988;	2.2 to discharge the functions and responsibilities of the Council in relation to: - 2.2.1 The Transport Act 1985 2.2.2 The Transport (Scotland) Act 2001 2.2.3 The Road Traffic Act 1988	Updates list of relevant legislation.
2.3	(28)	to carry out the functions of the Council under the Roads (Scotland) Act 1984 in respect of- (i) maintaining the list of public roads under Section 1 (including additions or deletions); (ii) granting consents under Section 21 where there are no objections and any conditions have been agreed with the applicant, and under Part IV, V and VIII (except for permitting trading on A class roads under section 97); (iii) serving notices under Parts II, IV, V and VIII; (iv) taking action under section 15 and Parts IV, V, VII and XIII; (v) recovering costs under Parts IV, V, VIII and XIII; (vi) the consideration of comments received during the Promotion of Stopping Up and Side Roads Orders, Redetermination Orders and Stopping Up of Private Access Orders and arranging for the Order to	No change	N/A

		<p>be made and confirmed in the following circumstances:-</p> <p>(a) where no objections are received; or</p> <p>(b) where any objections received are subsequently withdrawn.</p> <p>(vii) in any other circumstances the proposed Order shall be remitted to the Scottish Ministers.</p>		
2.4	(29)	<p>to carry out the functions of the Council under the Road Traffic Regulation Act 1984 in respect of:-</p> <p>(i) the consideration of comments received during the promotion of Traffic Regulation and Parking Places Orders, and arranging for the order to be made in the following circumstances.</p> <p>(a) where no objections are received; or</p> <p>(b) where any objections received are subsequently withdrawn; and</p> <p>(c) where the Director of Infrastructure in consultation with the Director of Legal and Democratic Services and the Area Commander, Police Scotland considers any change to the proposed terms of the order arising in consequence of observations raised to be non-controversial.</p>	Now refers to "Director of Legal, Governance & Change"	To reflect change in job title.

		In any other circumstances the proposed order shall be referred back to the relevant Standing Committee of the Council.		
2.5	(34)	in consultation with the Convener and local elected member(s), to carry out the functions of the Council under Section 97 of the Civic Government (Scotland) Act 1982 to name any street or road, to alter an existing name and give each of the premises in it such distinguishing number as thought fit, subject to the proposed name not being contentious.	No change	N/A
2.6	(30)	(30) to impose any temporary restriction on traffic on roads by means of temporary traffic order in terms of the Road Traffic Regulation Act 1984 and/or the Roads (Scotland) Act 1984;	To impose any temporary restriction on traffic on roads by means of traffic regulation or speed limit order in terms of the Road Traffic Regulation Act 1984.	Under the Roads (Scotland) Act 1984 local authorities are the roads authority for local roads. Local Authorities have powers under the Road Traffic Regulation Act 1984 to impose a TRO
2.7	(39)	to respond to consultation from the Planning Authority on behalf of the Roads Authority.	No change	N/A
2.8	(13)	To respond, on behalf of the Council, to Neighbour Notifications received by the Council under the Planning Acts;	To respond, on behalf of the Council, to Neighbour Notifications received by the Council under the Planning legislation.	Minor amendment to wording from "Planning Acts" to "Planning legislation".
2.9	(21)	to instruct immediate repairs to road related	No change	N/A

		infrastructure which has become damaged in order to mitigate any loss, damage or injury to property or persons;		
2.10	(36)	to carry out all the functions of Angus Council (including those of the Angus Council Representative) under the A92 (Dundee to Arbroath) Upgrading: Design, Build, Finance and Operate Contract in consultation with the Director of Finance and the Director of Legal and Democratic Services as appropriate;	to carry out all the functions of Angus Council (including those of the Angus Council Representative) under the A92 (Dundee to Arbroath) Upgrading: Design, Build, Finance and Operate Contract in consultation with the Director of Finance and the Director of Legal, Governance & Change as appropriate;	Minor change only to title of Director of Legal, Governance & Change as opposed to Legal & Democratic Services.
ASSETS				
3.1	(6)	to approve the acquisition or leasing in of land and property by tender, negotiation, appropriation or excambion subject to there being appropriate provision in the approved estimates of expenditure , including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with the Council's Financial Regulations;	to approve the acquisition or leasing in of land and property by tender, negotiation, appropriation or excambion subject to there being appropriate provision in the approved budget , including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with the Council's Financial Regulations provided that where this relates to Common Good	Minor amendment to wording from "approved estimates of expenditure" to "approved budget".

			buildings or land, the local Members for that area have been consulted and their views taken into consideration by the Director;	
3.2	(7)	to approve the disposal of land and property declared surplus to the requirements of the Council, by tender, or termination of leasing, appropriation, negotiation, auction (when deemed appropriate and generally for the disposal of properties of a relatively low value (<£10,000) which have been exposed to the market for a reasonable period of time without selling) or excambion including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations;	to approve the disposal of land and property, including vehicles, plant and machinery, declared surplus to the requirements of the Council, by tender, or termination of leasing, appropriation, negotiation, auction (when deemed appropriate) or excambion including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations provided that where this relates to Common Good buildings or land, the local Members for that area have been consulted and their views taken into consideration by the Director.	Amendment to wording for clarity to add examples – “including vehicles, plant and machinery” as highlighted in green. Deletes the wording highlighted in yellow as it conflicts with the Financial Regs. Correct place for this to be detailed is the Fin Regs so deleting from here avoids confusion or ambiguity. Further wording added re consultation of local members re Common Good, as per previous motion to Special Council.
3.3	(12)	to approve the leasing out of land and property by tender, negotiation or excambion, the granting of wayleaves, servitude rights of access,	Added: - “provided that where this relates to Common Good buildings or land, the local Members for that	As per previous motion to Special Council.

		undertaking rent reviews, lease renewals and the management of dilapidations schedules including all transactions relating to Common Good properties as delegated in Appendix 1 of, and in accordance with, the Council's Financial Regulations;	area have been consulted and their views taken into consideration by the Director.”	
3.4	New delegation added	New delegation added	to carry out a formal public consultation for the change of use and/or disposal of Common Good properties, where required under section 104 of Community Empowerment (Scotland) Act 2015 and thereafter to proceed to exercise delegations under either 3.2, 3.3 above, or a committee decision where responses to the said public consultation are positive or have been resolved.	New delegation added as raised by Legal.
3.5	(11)	to carry out the functions of the Council in relation to the management of asbestos containing materials in non-housing Council properties in accordance with the Control of Asbestos Regulations 2006 and subsequent legislation and regulations	No change.	N/A
3.6	(15) (16) (17)	(15) to carry out the Primary Contact functions of the Council in accordance with the Carbon Reduction	to carry out the Primary Contact functions and exercise all responsibilities of	Minor amendment with addition of wording in green - “exercise all

		<p>Commitment Energy Efficiency Scheme Order 2010 and to appoint Secondary Contact and Account Representatives as appropriate;</p> <p>(16) to manage Angus Council's response to the new duties specified in the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010;</p> <p>(17) to make payment of the annual charge for Carbon Allowances under the CRC Energy Efficiency Scheme Order 2010 scheme, and associated supplementary charges without limit, subject to adequate funding provisions having been established;</p>	<p>the Council in accordance with the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010, and to appoint Secondary Contact and Account Representatives as appropriate, and to make payment of the annual charge for Carbon Allowances and associated supplementary charges without limit, subject to adequate funding provisions having been established.</p>	<p>responsibilities of the Council".</p> <p>Consolidates 15, 16 and 17 into one delegation.</p>
3.7	(14)	to carry out the maintenance and associated operating issues in respect of Open Space CCTV;	No change.	N/A
INFRASTRUCTURE				
4.1	(10) (44)	<p>(10) to carry out the construction and property related functions of the Council in relation to Health and Safety Regulations including the issue of property related health and safety legislation and best practice guidance to other services, including sustainability, energy management and water management standards;</p> <p>(44) to carry out the functions of the Council in relation to the</p>	to carry out the construction and infrastructure related functions of the Council in relation to Health and Safety Regulations, including the Construction (Design and Management) Regulations 2015, for Infrastructure contracts, health and safety legislation, i.e. the	Consolidates 10 and 44 to avoid repetition and ensures up-to-date legislation is referred to.

		Construction (Design and Management) Regulations with regard to Communities contracts as appropriate;	Health and Safety at Work etc Act 1974, and best practice guidance to other services, including, sustainability, energy management and water management standards	
4.2	(33)	to manage the day to day operations, and developments of Arbroath Harbour under Section 154 of the Local Government (Scotland) Act 1973 and any local enactments;	to undertake the functions of the council in relation to Arbroath Harbour under Section 154 of the Local Government (Scotland) Act 1973 and any local enactments;	Amendment made to wording to reflect duty of “undertaking functions” of the council as highlighted in green.
4.3	(38)	to carry out the functions of the Council under the Coast Protection Act 1949 in respect of:- (i) dealing with the administration arrangements for coast protection works by private individuals and other bodies under Sections 16 and 17; (ii) entering into land for inspection purposes under Section 25; and (iii) establishing land ownership under Section 26;	to carry out the functions and exercise all the powers of the Council under the Coast Protection Act 1949.	Deletion of wording that is no longer relevant.
4.4	(37)	to make objections to the issue of operators’ licences on behalf of the Council as local authority in terms of Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995	No change	N/A

4.5	(42)	to operate Travel Concession Schemes approved by the Council, including:- (i) assessing eligibility of clients to participate in the schemes; (ii) serving participation notices on bus operators.	No change	N/A
4.6	(43)	to provide public transport services information, publicity and minor infrastructure, including;- (i) provision of bus stops, shelters, real time information and information panels; (ii) entering into service agreements with Further Education establishments to organise and administer transport for authorised students.	No change.	N/A
4.6	New delegation added	New delegation added	Following consultation with the relevant Director, to conduct a rent review of a lease, sub-lease, occupancy agreement or licence and to serve all requisite notices for review and to engage in negotiation, arbitration or adjudication, as appropriate.	New delegation added as raised by Legal.
4.7	New delegation added	New delegation added	Following consultation with the Director of Education and Lifelong Learning, to maintain the equipment, material	Delegation added to align with Director of Education and Lifelong Learning delegation.

			resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed policies and procedures	
4.8	(1)	to instruct immediate repairs to property which has become damaged, in order to mitigate any loss, damage or injury to property or persons;	No Change	N/A
4.9	(40)	<p>to make arrangements for tenders and to award contracts for supported bus services under the Transport Acts 1985 and 2001, including:-</p> <p>(i) renewal, variation or termination of existing local bus service contracts subject to provision having been made within the approved estimates of expenditure of the Council;</p> <p>(ii) provision of replacement contracts, in response to the deregistration of commercial bus services, on an interim basis and subject to a Council decision on longer term action;</p> <p>(iii) provision of contracted emergency transport through the operation of additional vehicles in order to maintain public transport services for the public during road closures, except those closures undertaken by statutory undertakers in which case</p>	No change	N/A

		operators should seek costs directly from the statutory undertaker.		
ENVIRONMENT				
5.1	New delegation added	New Delegation added	to discharge the functions and responsibilities of the Council in relation to obtaining and maintaining vehicle operator licences under the Goods Vehicles (Licensing of Operators) Act 1995 and to appoint nominated Transport Managers in line with statutory requirements.	New delegation added to comply with legislation / statutory requirements.
5.2	New delegation added	New delegation added	to discharge the functions and responsibilities of the Council as the waste collection and disposal authority as prescribed by the Environmental Protection Act 1990 and other relevant legislation.	Moved from Director of Communities Delegations (to reflect current remit) which said: - “(34) to carry out the Council’s functions in waste management including:- (i) all responsibilities for waste collection and disposal including recycling and the disposal of recycle; (ii) all policy, strategy delivery and enforcement related to street cleaning and fly tipping under the Environmental Protection Act 1990; and

				<p>(iii) all responsibilities relating to public toilets;</p> <p>(iv) the discharge of the functions of the Council as litter authority under the Environmental Protection Act 1990.”</p>
5.3	(26)	<p>to carry out the functions of the Council under the Flood Risk Management (Scotland) Act 2009 and such preceding Acts until fully repealed including the preparation of maps of bodies of water, the assessment of relevant bodies of water and clearance and repair works to manage flood risk and to propose flood protection schemes in accordance with the requirements of Section 60 and Schedule 2 of the Flood Risk Management (Scotland) Act 2009.</p>	<p>to carry out the functions of the Council under the Flood Risk Management (Scotland) Act 2009 and such preceding Acts.</p>	<p>Amendment suggested by the Service.</p>
5.4	(27) (45)	<p>(27) to carry out the functions of the Council under the Reservoirs Act 1975 in respect of-</p> <p>(i) the keeping of the register of reservoirs</p> <p>(ii) commissioning inspections and reports from Reservoir Panel Engineers;</p> <p>(iii) ensuring the carrying out of repairs by reservoir undertakers;</p> <p>(45) as “Undertaker” to carry out statutory inspections and maintenance procedures</p>	<p>to carry out the functions of the Council under the Reservoirs Act 1975 in respect of-</p> <p>(i) the keeping of the register of reservoirs</p> <p>(ii) commissioning inspections and reports from Reservoir Panel Engineers;</p> <p>(iii) ensuring the carrying out of repairs by reservoir undertakers;</p>	<p>Amendment to consolidate and to align with updated legislation.</p>

		at Monikie Island, North Denfind and Crombie Reservoirs as determined under the Reservoirs Act 1975;	and to carry out the function of Reservoir Manager under the Reservoir (Scotland) Act 2011 in respect of controlled reservoirs: - <ul style="list-style-type: none"> • Denfind, • Monikie South (Island) Pond, • Monikie North Pond; and • Crombie. 	
5.5	(35)	to make agreements with the Scottish Water Authority under Section 7 of the Sewerage (Scotland) Act 1968, as amended, regarding the provision, management, maintenance or use of surface water drains	No change.	N/A
5.6	New delegation added	New delegation added	to manage parking, abandoned vehicles, litter, dog fouling and fly tipping and to take enforcement action in compliance with relevant legislation.	New delegation added as raised by Legal.
5.7	New delegation added	New delegation added	to undertake the duties and responsibilities on behalf of the Council in respect of the Burial and Cremation (Scotland) Act 2016	Delegation added from Director of Communities SoD and updated to refer to recent legislation.
5.8	New delegation added	New delegation added	to approve the sale of lairs and to approve the issue of free lairs where	Moved from the Director of Communities SoD, now sits with Director of I&E.

			circumstances dictate	
5.9	New delegation added	New delegation added	to exercise the local authority's powers under Section (3) of the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970 where the open space area has been provided to the standards required by the Council and adoption of its maintenance causes no detriment to the Council's budgets.	Moved from the Director of Communities SoD, now sits with Director of I&E.
5.10	New delegation added	New delegation added	to manage, maintain and enforce management rules that apply to country parks, play areas, recreational areas and open spaces owned or managed by the council	Moved from the Director of Communities SoD with amendment to wording.
5.11	New delegation added	New delegation added	to discharge the functions of the Council in relation to stray dogs under the Environmental Protection Act 1990; including appointing and designating individual officers to be authorised to carry out the statutory and other functions in respect of legislation relating to Dog Control including	Moved from Director of Communities SoD with amendment to wording.

			Stray Dogs and Dog Fouling.	
5.12	New added	New delegation added	to make an Exclusion Order in terms of Section 117 of the Civic Government (Scotland) Act 1982 in respect of breach of Management Rules in respect of land or premises under the control of the Directorate.	Power added to Director of I&E.