

ANGUS COUNCIL

SCHEME OF GOVERNANCE

**PART 3 – SCHEME OF DELEGATION TO
OFFICERS**

Table of Contents

A.	SCHEME OF DELEGATION TO OFFICERS	3
B.	CHIEF EXECUTIVE	7
C.	DEPUTE CHIEF EXECUTIVE	9
D.	DIRECTOR OF FINANCE	9
E.	DIRECTOR OF LEGAL, GOVERNANCE & CHANGE	11
F.	DIRECTOR OF CHILDREN, FAMILIES AND JUSTICE	16
G.	CHIEF SOCIAL WORK OFFICER.....	21
H.	CHIEF INTEGRATION OFFICER.....	25
I.	DIRECTOR OF EDUCATION AND LIFELONG LEARNING	32
J.	DIRECTOR OF INFRASTRUCTURE & ENVIRONMENT	35
K.	DIRECTOR OF VIBRANT COMMUNITIES AND SUSTAINABLE GROWTH	39
L.	SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH	46
M.	SERVICE LEADER – HOUSING.....	47
N.	DIRECTOR OF HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT, DIGITAL ENABLEMENT/IT AND BUSINESS SUPPORT	47
O.	SERVICE LEADER – DIGITAL ENABLEMENT & IT.....	48

A. SCHEME OF DELEGATION TO OFFICERS

This document lists the powers which have been delegated by the Council to officers with a view to enhancing the efficient operation of council services in terms of Section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation.

1. GENERAL PROVISIONS

- 1.1** The powers listed below are those specifically delegated by Council to officers to enhance the efficient operation of Council services.
- 1.2** The powers granted directly to officers under statute and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively in this document, when set out in the body of this document it is for information purposes only. When Proper Officer positions are set out in the body of this document the Chief Officers are not limited to these positions.
- 1.3** Officers specified in this Scheme of Delegation may make arrangements, which must be in writing, for other specified officers to exercise any of the powers delegated to them in terms of this Scheme, unless prohibited from doing so by law. Officers will remain accountable for decisions taken by their sub-delegates.
- 1.4** An officer may choose not to exercise a delegated power and instead make a recommendation to the appropriate committee for the matter to be determined.
- 1.5** Duly appointed interim Officers, or individuals formally acting up as an Officer, shall be treated as an Officer for the purposes of this Scheme of Delegation to Officers document.
- 1.6** Where reference is made to a specific statute or regulation, the power of delegation should apply to any subsequent statute or regulation bestowing similar or compatible powers.
- 1.7** In the event of any conflict or inconsistency between this Scheme of Delegation to Officers document and any legislation or rule of law, that legislation or rule of law shall prevail. In the event of any incorrect citation of, or reference to, legislation in this Scheme of Delegation to Officers document, the relevant provision(s) shall be read as referring to the correct legislation.

2. LIMITATIONS OF DELEGATIONS TO OFFICERS

- 2.1** When exercising the authority delegated to them, officers will act in the interests of the Council and in accordance with and subject to: -
 - a) The law,
 - b) The policies and procedures adopted by the Council,
 - c) The principles of best value,
 - d) The terms and conditions of the Council's Procurement Standing Orders and Financial Regulations,
 - e) Any appropriate service policy, practice, procedure or any managerial instruction given,
 - f) Matters specifically reserved to Council or delegated to a Committee or a Sub-Committee,
 - g) Any relevant provisions contained elsewhere in the Council's Scheme of Governance, and
 - h) The Public Sector Equality Duty.

2.2 Officers have the right to consult with any other appropriate officer including the Chief Executive on any matter, even though it has been specifically delegated to that officer, or to refer the matter to Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained elsewhere in the Council's Scheme of Governance.

2.3 Officers will consult the Chief Executive or any other appropriate officer, and where applicable, the Leader of the Council and the Leader of the main opposition party, where appropriate to do so on issues of a corporate nature or which may have a significant impact on the Council or other Services or on issues which are sensitive or complex in the professional judgement of the officer.

2.4 Officers will ensure that they make suitable arrangements to record decisions taken and actions authorised in relation to the discharge of any functions powers and duties delegated to them and will submit such reports as may be required from time to time.

3. STATUTORY OFFICERS OF THE COUNCIL

The following officers of the Council are appointed to the following statutory roles: -

3.1 The Chief Executive, as the Head of the Council's Paid Service in terms of Section 4 of the 1989 Act.

3.2 The Director of Legal, Governance & Change as the Monitoring Officer in terms of Section 5 of the 1989 Act.

3.3 The Director of Finance as the Proper Officer for the administration of the Council's financial affairs, in terms of Section 95 of the 1973 Act.

3.4 The Director of Children, Families and Justice as the Chief Social Work Officer in terms of S3 of the Social Work (Scotland) Act 1968. The designated Depute Chief Social Work Officer shall be the Service Leader – Justice.

3.5 The Service Leader – Legal & Procurement as the Data Protection Officer in terms of General Data Protection Regulation, as applied in the United Kingdom by the Data Protection Act 2018.

3.6 These officers shall be entitled to discharge all the powers and duties conferred upon them by these statutory provisions.

4. GENERAL DELEGATIONS

Subject to the General Provisions and Limitations as appropriate, the Chief Executive, Depute Chief Executive, all Directors, the Chief Integration Officer of the IJB and any interim appointees to these posts have the following powers: -

4.1 to manage the administrative and operational requirements of fulfilling the functions, duties and powers of the relevant service or services.

4.2 to appoint to their service all staff at and below the level of Service Leader, so long as such appointments are based on merit and have regard to the Council's recruitment and selection procedures and are within the approved establishment and approved revenue budget of the service.

- 4.3** to attend and to approve the attendance of staff at conferences, courses or other functions/events provided allowance is in the revenue budget of Organisational Development, and it is in accordance with approved Council policy.
- 4.4** to take any decision necessary regarding the retirement and dismissal of a member of staff within their service in accordance with the relevant Council policy or procedure and to exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract (excluding Directors) in accordance with any relevant policies of the Council.
- 4.5** to conduct disciplinary and grievance proceedings and make appropriate determinations all in accordance with the Council's approved disciplinary and grievance procedures.
- 4.6** to make changes to staffing structures, numbers and gradings in accordance with approved pay, grading and rewards arrangements subject to the powers of the Chief Executive for senior management structural and Service review changes all in accordance with approved budget.
- 4.7** to approve overtime payments to members of staff in their service in accordance with Council policy, provided such payments can be contained within the revenue budget of the service.
- 4.8** to enter into Settlement Agreements with a member of staff below the level of Director following consultation with the Director of HR, Digital Enablement, IT & Business Support, the Director of Finance and the Director of Legal, Governance & Change. Settlement Agreements with Directors can only be authorised by the Chief Executive following consultation with the Leader of the Council and relevant chief officers.
- 4.9** to approve the payment of removal/relocation expenses, in accordance with the relevant Council policy, provided appropriate allowance is made in the approved service revenue budget.
- 4.10** to incur expenditure not exceeding £400 (and in the case of the Chief Executive, not exceeding £1,000) on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Scottish Government, other local authorities or public bodies visiting Angus, or to consultants, official delegations, or prospective investors at the discretion of the Director, or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions, provided appropriate allowance is made in the approved revenue budget.
- 4.11** to transfer amounts between budget heads under the direct control of the relevant service in accordance with the provisions of Financial Regulations.
- 4.12** to approve grants to organisations up to £50,000 in value subject to annual reports being made to the Grants Sub-Committee and appropriate allowance being made in the approved revenue budget.
- 4.13** to determine whether or not to (a) submit applications for receipt of non-core external funding of less than £500,000; and/or (b) accept offers for receipt of non-core external funding of less than £50,000, in respect of funding received by the Council from external bodies, including when acting in an intermediary capacity.
- 4.14** to submit a Council response to an external consultation on an operational matter which in the view of the Director of the relevant service does not require Member input,

provided that the Director shall notify the Convener and Vice-Convener of the appropriate Committee and the Leader of the Non-Administration that the response has been submitted.

- 4.15** to submit a Council response to an external consultation on any policy matter where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee. Any response submitted under this delegated power shall be made following consultation with the Convener and Vice-Convener of the appropriate Committee and the Leader of the Non-Administration, where possible, and shall be reported to the next committee meeting.
- 4.16** subject to paragraph 4.17 below, to conduct a procurement process, and to award, extend and vary contracts in accordance with the Council's Procurement Standing Orders, up to the maximum values stated therein, the Financial Regulations and relevant procurement legislation.
- 4.17** to decide which contracts procured by their Directorate are to be exempted from any, or all, of the provisions of the Council's Procurement Standing Orders and Financial Regulations, by virtue of any of the exemption criteria for contracts of a value up to the Director Exemption Threshold as set out in same.
- 4.18** to spend in terms of the agreed revenue budget and to incur expenditure within the budget to deliver the Council's agreed priorities, subject to powers of the Policy and Resources Committee or the Council to place reservation on any items in the approved capital budget. Expenditure on any such reserved items may be incurred only to the extent that such reservation has been removed.
- 4.19** to purchase supplies and equipment and commit other expenditure, subject to provision having been made within the approved revenue budget in accordance with the Council's Financial Regulations.
- 4.20** where appropriate, to object to an application for, or to make a complaint regarding, any licence in terms of the Licensing (Scotland) Act 2005 (as amended), the Civic Government (Scotland) Act 1982 and any other Licences issued under miscellaneous legislation where the local authority is a competent objector.
- 4.21** to determine for their service the information to be disclosed, including the application of any exemptions, in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.
- 4.22** to declare surplus to their service's requirements any land and/or property no longer required for their directorate's operational purposes (excluding property held under the Housing Acts), such declaration to be by way of written notification to the Director of Infrastructure & Environment, and by submission of biannual reports to the relevant Service Committee summarising land and/or property declared as surplus under delegated authority.
- 4.23** to dispose of surplus other assets no longer required for their directorate's operational purposes in accordance with the Other Assets provisions of Financial Regulation 17, following consultation with the Director of Finance and where relevant the Service Leader (Digital Enablement & Information Technology).
- 4.24** to carry out the functions of the Council in relation to Health and Safety Regulations for those services delivered by their Directorate.

4.25 to negotiate settlements of claims arising from their service's contractual workloads following consultation with the Director of Legal, Governance & Change.

4.26 to act as or designate a suitably qualified officer to act as a Proper Officer for the purpose of signing documents and execution of deeds in terms of Section 193 and 194 of the Local Government (Scotland) Act 1973, and Paragraph 4 of Schedule 2 of the Requirements of Writing (Scotland) Act 1995 in relation to the functions of their service or services (including signing of contracts) but only up to the values permitted in the Financial Regulations.

4.27 to make all public notices and advertisements, whether by press advertisement or otherwise which is required to be given by or on behalf of the Council or any Committee or Directorate, subject to the provisions of any enactment. This includes signing, issuing, and serving appropriate statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their Directorate.

4.28 to restrict an individual's contact with Angus Council in terms of the council's Unacceptable Actions Policy and, where any such decision is appealed by the individual, a different Chief Officer will have the power to consider and determine the appeal provided they were not involved in the original decision.

5. REPORTS TO MEMBERS

The following officers have the power to submit reports to the Council, Committees and Sub-Committees: -

- a) The Chief Executive,
- b) the Depute Chief Executive,
- c) the appropriate Director,
- d) the Chief Integration Officer,
- e) the Monitoring Officer,
- f) the Chief Social Work Officer,
- g) the Director of Finance in exercising their duties as the Proper Officer,
- h) the Service Leader – (Internal Audit),
- i) the Chief Executive of Angus Alive,
- j) any other Chief Officer when, in the professional opinion of the Chief Executive or relevant Director a report is required to enable the Council to comply with any enactment or other rule of law, or when the exigencies of the service under his/her control so require.

B. CHIEF EXECUTIVE

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Executive has the following powers: -

1. GENERAL

1.1. to act as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;

1.2. to act as Returning Officer for Parliamentary and Local Government elections and as Counting Officer in respect of Referenda and to discharge the functions of and act as

“appropriate officer” in terms of the Representation of the People Act 1983 (as amended) and all other relevant legislation;

1.3. to act as the Proper Officer of the Council for the following functions: -

1.3.1. Section 33(A) of the 1973 Act - declaration of acceptance of office as a councillor

1.3.2. Section 34 of the 1973 Act - receipt of resignations of councillors; and

1.3.3. Standing Order 7(3) - where the Convener and Vice-Convener are both absent from a meeting, to preside and call for nominations from the Members present for a chair of the meeting;

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

2. EMERGENCY POWERS

2.1. in an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary;

2.2. Subject to existing officer delegations already in place, and only where the Chief Executive determines that there is urgency and a decision cannot wait until the next meeting of the Council or the relevant Committee or Sub-Committee, to take or arrange to be taken such action as is required in accordance with the Council’s statutory powers, in terms of any emergency, whether weather related or otherwise, including the incurring of expenditure: -

2.2.1. to maintain, reduce or increase statutory services;

2.2.2. to support the emergency services and other organisations involved in the immediate response;

2.2.3. to provide support services for the community and others affected by the emergency;

2.2.4. to enable the community to recover and return to normality as quickly as possible;

2.2.5. to provide aid to other local authorities; and/or

2.2.6. to take such other action, which in the reasonable opinion of the Chief Executive is required.

This delegation is granted subject in all instances to a report being made to Council or the appropriate Committee or Sub-Committee at the first opportunity on any item for which Council or Committee or Sub-Committee approval would normally be necessary.

3. REGULATORY POWERS

3.1. following consultation with appropriate local members, as Parliamentary Returning Officer, to make minor changes to the polling scheme in the run up to any statutory election in order to ensure the smooth conduct of the poll;

3.2. to discharge the functions to comply with the Health & Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999;

3.3. to authorise officers of the Council to act as authorising officers and other named functions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000.

4. INFORMATION GOVERNANCE

- 4.1. Following consultation with the Director of Legal Governance & Change, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, and take decisions for that purpose;

5. COMMUNITY PLANNING

- 5.1. following consultation with appropriate elected members, to agree for the interest of the Council all matters arising at the Community Planning Partnership or any of its constituent groups which are not the subject of a specific decision of the Council.

C. DEPUTE CHIEF EXECUTIVE

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Depute Chief Executive has the following powers: -

1. GENERAL

- 1.1. to ensure alignment and efficient delivery of services to achieve best value and the outcomes identified by the Council and the Community Planning Partnership, in terms of all aspects of operations.
- 1.2. to ensure services operate in compliance with relevant legislation, statutory duties and Council policies (eg: Procurement, Best Value, Health & Safety; Risk).
- 1.3. to create a positive, performance led, innovative climate and culture in services to secure a step change in broadening options for delivery.
- 1.4. to engage colleagues and partners across boundaries to grow collective capability towards enhanced transparency, insight and decision making.
- 1.5. in the absence of the Chief Executive, to have all the delegated authority of the Chief Executive.

D. DIRECTOR OF FINANCE

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Director of Finance has the following powers: -

1. GENERAL

- 1.1. to act as the Proper Officer of the Council for the purposes of: -
 - 1.1.1. Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities)
 - 1.1.2. Section 95 of the Local Government (Scotland) Act 1973 (financial administration)
- 1.2. to act as the Proper Officer of the Council for the functions specified by Financial Regulations and to manage the day-to-day functions of the financial administration of the Council;

- 1.3. to act as the Council's Single Point of Contact (SPOC) with partner agencies on Serious Organised Crime;
- 1.4. to be the Council's nominated Proceeds of Crime Reporting Officer in accordance with the requirements of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;
- 1.5. following consultation with the Director of Legal, Governance & Change, to determine ex gratia payments in respect of claims against the Council of up to £5,000, provided the costs can be met from existing approved budgets;
- 1.6. to accept grant offers, ensure that the grant is spent in line with the terms and conditions of the grant and to make grant claims on behalf of the Council;
- 1.7. to write off all debts owed to the Council providing all avenues to make recovery have been exhausted and that sufficient provision exists within the Council's accounts to meet such bad debt and on the basis that any very large debts to be written off are brought to the attention of Members;
- 1.8. to make appropriate technical amendments to the Scheme of Members' Allowances following consultation with the Director of HR/Digital Engagement/IT and Business Support.

2. FINANCE

- 2.1. to discharge the obligations outlined in the Council's Financial Regulations including the powers delegated to him/her in terms of the Regulations and to approve and implement relevant amendments to the Regulations;
- 2.2. to undertake all treasury management activities in accordance with the Council's agreed treasury strategy and treasury management practices (TMPs);
- 2.3. to instigate all collection recovery procedures with regard to the collection of local taxes, rent arrears and sundry debts owing to the Council.

3. FINANCIAL SUPPORT AND RELIEF SCHEMES

- 3.1. to administer the Council Tax Reduction and Housing Benefit Schemes and the Scottish Welfare Fund and Discretionary Housing Payments Scheme;
- 3.2. to grant remission of non-domestic rates in accordance with approved Council policy;
- 3.3. to undertake the assessment of applications for free school meals and clothing grants in accordance with the Council's policies;
- 3.4. to carry out the administration, assessment and award of Educational Maintenance Allowances, subject to appropriate provision having been made in the Council's approved budget.

4. SOCIAL FINANCE

4.1. To provide a welfare rights and debt advice service;

4.2. To undertake financial assessments in support of charging arrangements for social care services.

E. DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

Subject to the General provisions and Limitations and in addition to the General Delegations, the Director of Legal Governance and Change has the following powers: -

1. PROPER OFFICER & GENERAL DELEGATIONS

1.1 to act as the Proper Officer of the council for the purposes of the declaration of acceptance of office as a councillor and the receipt of resignations of councillors in accordance with Section 33 and Section 34 of the Local Government (Scotland) Act 1973 respectively;

1.2 to act as the Proper Officer of the Council for the purposes of: -

- a. council notice and summons to attend meetings under Section 43, Schedule 7, paragraph 2 of the Local Government (Scotland) Act 1973;
- b. access to information under Section 50B, 50C and 50F of the Local Government (Scotland) Act 1973;
- c. Section 189(2) of the Local Government (Scotland) Act 1973, to institute, defend or appear in summary jurisdiction proceedings;
- d. the service of legal proceedings, notices etc, in terms of Section 190 of the Local Government (Scotland) Act 1973, claims in sequestrations and liquidations (excluding those for outstanding local taxes etc) under Section 191 of the Local Government (Scotland) Act 1973, the authentication of documents under Section 193 of the Local Government (Scotland) Act 1973 and the inspection and deposits of documents under Section 197 of the Local Government (Scotland) Act 1973;
- e. Procedure etc for and register of byelaws under Section 202 and 202B of the Local Government (Scotland) Act 1973, and evidence of byelaws under Section 204 of the Local Government (Scotland) Act 1973;
- f. application to Sheriff in cases of difficulty, under Section 231 of the Local Government (Scotland) Act 1973;
- g. property held on trust (unless the Council have otherwise specified the appointment of another officer for any of such purposes), under Section 16 under the Local Government etc. (Scotland) Act 1994;
- h. meeting rooms and declaration as to election expenses in accordance with Schedule 5, Section 95 and 82 (2) of the Representation of the People Act 1983;

- i. evidence of management rules under Section 113 of Civic Government (Scotland) Act 1982;
 - j. the Scottish Local Government Elections Order 2011;
 - k. Schedule 2 of the Requirements of Writing (Scotland) Act 1995;
 - l. procedure in preparation of reorganisation of schemes under Section 112 of the Education (Scotland) Act 1980; and
 - m. evidence management rules, under Section 113 of the Civic Government (Scotland) Act 1982.
- 1.3** to act as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989;
 - 1.4** to act as the Returning Officer for Community Council elections and the Depute Returning Officer for Parliamentary and Local Government elections and as Depute Counting Officer in respect of Referenda;
 - 1.5** to act as the Chief Information Governance Officer to ensure that the council complies with the Public Records (Scotland) Act 2011;
 - 1.6** following consultation with the Director of Finance, to determine ex gratia payments in respect of claims against the council of up to £5,000, provided appropriate allowance is made in the approved revenue budget;
 - 1.7** to approve and implement minor revisions to Standing Orders, Schemes of Delegation, Order of Reference of Committees and related documents;
 - 1.8** to implement the setting of local traders' holidays;
 - 1.9** to commit any funding from the approved Change Fund revenue budget allocation, in accordance with the approved Terms of Reference for the Change Fund.

2. LEGAL - LITIGATION

- 2.1** to sign on behalf of the council any claim in any sequestration, liquidation or other such proceedings (excluding those for outstanding local taxes etc) in which it is entitled to make a claim, and to act its behalf in connection with that claim in all respects in accordance with Section 191 of the Local Government (Scotland) Act 1973;
- 2.2** to raise, settle, defend, conduct, enter into, withdraw or abandon all forms of legal proceedings on behalf of the Council;
- 2.3** to institute, contribute to, defend or appear in, any inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority);
- 2.4** to engage, instruct, or appoint external legal advisers (including, but not limited to, private firms, counsel and solicitor advocates) and expert witnesses in accordance with approved revenue budget;

- 2.5 to execute (including, when required, the application of the Seal of the council), publish or serve on any person or body any notice, direction, order, licence, summons, writ or other document which the council is required or authorised to execute, publish or serve under the Local Government (Scotland) Act 1973 or any other Act or any regulation or order made thereunder, other than where the execution, publication or service of any document has been delegated by the council to the Chief Executive, Depute Chief Executive, another Director or any other Officer of the council;
- 2.6 to act as Prosecutor in terms of Section 43(2) of the Education (Scotland) Act 1980;
- 2.7 following consultation with the Director of Children, Families and Justice, to establish and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required;
- 2.8 to make minor amendments to the Council's "Policy and Guidelines on the Use of Covert Surveillance and Covert Human Intelligence Sources" and the Council's "Surveillance through Social Media" in light of future legislative changes, best practice, Scottish Government Codes of Practice and Guidance from the Investigatory Powers Commissioner's Office.

3. LEGAL LICENSING

- 3.1 to approve non-controversial processions and to make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982 and to act in accordance with Section 63 of that Act following consultation with the Director of Infrastructure & Environment, the Chief Constable of Police Scotland and, if applicable, the National Park Authority;
- 3.2 in connection with activities which require to be licensed in terms of the Civic Government (Scotland) Act 1982:-
 - (i) to grant, vary or renew licences required subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn),
 - (ii) to refuse to grant, vary or renew any applications made where the applicant has not provided required documentation (including satisfactory medical evidence as to their fitness to undertake the activity which requires the licence),
 - (iii) to determine whether good cause had been shown to deem an application for renewal of a licence under the Civic Government (Scotland) Act 1982 made up to 28 days after the expiry of the licence to be an application made before the expiry,
 - (iv) to order the immediate suspension of a licence in terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982,
 - (v) to determine whether it is necessary in terms of section 13(4) of the Civic Government (Scotland) Act 1982, to require an applicant for, or a

holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by the Director of Legal, Governance & Change,

- (vi) to reject any application when the statutory consultation period cannot be complied with.

3.3 to act as or to designate a suitably qualified officer to act as Clerk to the Angus Licensing Board in terms of the Licensing (Scotland) Act 2005;

3.4 to grant, vary and renew licences for activities which require to be licensed, registered or for which the council's consent is required, subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn) arising from: -

- (i) the Cinemas Act 1985
- (ii) the Performing Animals Regulation Act 1925
- (iii) the Pet Animals Act 1951
- (iv) the Animal Boarding Establishments Act 1963
- (v) the Riding Establishments Act 1964
- (vi) the Breeding of Dogs Act 1973
- (vii) the Dangerous Wild Animals Act 1976
- (viii) the Zoo Licensing Act 1981
- (ix) the Breeding of Dogs Act 1991
- (x) the Licensing of Animal Dealers Regulations 2009
- (xi) the Deer (Scotland) Act 1996
- (xii) the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

3.5 to permit public charitable collections in terms of Section 119 of the Civic Government (Scotland) Act 1982 subject to standard, mandatory or agreed conditions and subject to no objections or representations being received (and not withdrawn);

3.6 to grant, vary and renew licences for Houses in Multiple Occupation in terms of Part 5 of the Housing (Scotland) Act 2006 subject to no representations whatsoever;

3.7 to issue permits under Section 19 of the Transport Act 1985.

4. LEGAL – PROPERTY

4.1 to sign or to authorise the signing by an officer of the Council of binding missives and any other documents in accordance the Requirements of Writing (Scotland) Act 1995 on behalf of the council, which has been authorised by the Council;

4.2 to act as the custodian for safe custody of the title deeds of all land and property in the ownership of the council, the Minutes and other records of the proceedings of the council, its committees and sub-committees and all other records belonging or relating to the council which are not more appropriately retained by another Chief Officer;

- 4.3 following consultation with the relevant Director, to grant or enter into burdens and discharge burdens and securities, minutes of waiver, servitudes and wayleaves in relation to Council owned heritable property;
- 4.4 following consultation with the relevant Director, to assign, sub-let, vary or terminate any lease, sub-lease, occupancy agreement or licence which has been granted or entered into and to serve all requisite notices for assignation, sub-letting, variation or termination;
- 4.5 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;
- 4.6 to grant consent in the case of applications for the assignation or sub-lease of subjects, on such terms and conditions, including conditions as to payment or reimbursement of the Council's expenses, as may be appropriate;
- 4.7 to appoint lay representatives in proceedings relating to heritable property in terms of the Lay Representation in Proceedings relating to Residential Property (Scotland) Order 2010.

5. LEGAL – INFORMATION GOVERNANCE

- 5.1 to appoint a Data Protection Officer and Freedom of Information Officer for the purpose of ensuring that the council's obligations in terms of the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002 respectively are complied with; and for the purposes of access to information under Sections 50B, 50C and 50F of the Local Government (Scotland) Act 1973;
- 5.2 following consultation with the Chief Executive, to comply with requests for a review of the Council's actions and decisions in relation to requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, and take decisions for that purpose.

6. DEMOCRATIC

- 6.1 to set up, maintain and make available for public inspection the register of interests in accordance with Section 7(1) of the Ethical Standards in Public Life (Scotland) Act 2000.

7. REGISTRATION

- 7.1 to register all births, marriages, deaths, still births and civil partnerships and to perform all other functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, the Marriage (Scotland) Act 1977, the Civil Partnership Act 2004, the Marriage and Civil Partnership (Scotland) Act 2014 and the Civil Partnership (Scotland) Act 2020.

8. PROCUREMENT

- 8.1 to monitor the Council's spend on an annual basis in terms of whether the council's procurement strategy is having a positive or adverse effect on its local and SME (Small Medium Enterprise) supply base;

- 8.2** to exercise all functions on behalf of the Council relating to the operation of the Tayside Procurement Consortium (TPC), including the award of contracts, provided the same is within approved budget expenditure and is in accordance with the Procurement Strategy and any other TPC policy approved for that purpose by the Council.

9. PUBLIC NOTICES

- 9.1** subject to the provisions of any enhancement, to make all public notices, advertisements and invitations to tender, whether by press advertisement or otherwise, required to be given by or on behalf of the Council or any Committee or department thereof.

10. ANGUS ALIVE

- 10.1** following consultation with the Director of Finance, to agree minor amendments to the Memorandum, Articles of Association and any other constitutional document of Angus Alive where those amendments do not alter the extent of the Council's control over Angus Alive, and to execute written resolutions or vote at a general meeting of Angus Alive on behalf of the Council in relation thereto;
- 10.2** to act on behalf of the Council on any other matters arising in respect of Angus Alive, including considering changes to opening hours, provided always that such actions do not alter the extent of the Council's control over Angus Alive;
- 10.3** to approve quarterly Angus Alive management fee invoices in accordance with approved revenue Budget;
- 10.4** to monitor the performance of Angus Alive.
- 10.5** following consultation with the Director of Finance, to agree any requests for procurement authority from Angus Alive for spend decided by the Angus Alive Board.

F. DIRECTOR OF CHILDREN, FAMILIES AND JUSTICE

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Director of Children, Families and Justice has the following powers: -

1. GENERAL

- 1.1.** to promote social welfare including giving help in kind or in cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968;
- 1.2.** to pay expenses of parents, relatives or other connected persons in respect of visiting a person in care or attending the funeral of a person or child in terms of Section 29 of the Social Work (Scotland) Act 1968;
- 1.3.** to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;

- 1.4.** to prepare and publish information about relevant social work services for children in the Council's area in terms of Section 20 of the Children (Scotland) Act 1995;
- 1.5.** to provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22 of the Children (Scotland) Act 1995;
- 1.6.** to respond to requests from the education authority for assessment of young person's needs;
- 1.7.** to provide appropriate care for school children in need within the Council's area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995;
- 1.8.** to provide day care for children in need within the Council's area who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995;
- 1.9.** to provide advice, guidance and assistance for children under 19 years of age but over school age who were previously in the care of a Council or voluntary organisation in terms of Section 29 of the Children (Scotland) Act 1995;
- 1.10.** to provide financial help towards maintaining, educating or training people over school age in terms of Section 30 of the Children (Scotland) Act 1995;
- 1.11.** to make enquires and provide information to the Scottish Children's Reporter Administration (SCRA) where children may require compulsory measures of supervision in terms of Section 60 of the Children's Hearing (Scotland) Act 2011;
- 1.12.** to apply to a Sheriff for a child assessment order in terms of Section 35 of the Children's Hearings (Scotland) Act 2011;
- 1.13.** to provide reports on children and their social background for a Children's Hearing in terms of section 66 of the Children's Hearings (Scotland) Act 2011;
- 1.14.** to apply for a child protection order in terms of Sections 37 to 39 of the Children's Hearings (Scotland) Act 2011;
- 1.15.** to apply to a Justice of the Peace for an emergency child protection authorisation in terms of section 55 of the Children's Hearings (Scotland) Act 2011;
- 1.16.** to put into effect a supervision requirement made by a Children's Hearing and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of the Children's Hearings (Scotland) Act 2011;
- 1.17.** to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- 1.18.** to arrange for the burial or cremation of any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968.

2. CHILDREN – GENERAL

- 2.1. to discharge the functions of the Council in relation to Section 11 of the Matrimonial Proceedings (Children) Act 1958;
- 2.2. following consultation with the Chief Social Work Officer; to cause an inquiry to be held into the Council's functions under the Children (Scotland) Act 1995 in so far as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968;
- 2.3. to pay allowances in respect of the maintenance of children in terms of Section 50 of the Children Act 1975;
- 2.4. to consult on, prepare and publish a two-year plan for day care services to children in need in terms of Section 55 of the Children and Young People (Scotland) Act 2014;
- 2.5. to request help in the exercise of any functions that the Council has under Part II of the Children (Scotland) Act 1995 from a specified person in terms of Section 21 of the Children (Scotland) Act 1995;
- 2.6. in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interests of other children in terms of Section 72(1) of the Children (Scotland) Act 1995;
- 2.7. to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995;
- 2.8. to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995;
- 2.9. to undertake the duties and responsibilities of the council under Part 4 of the Social Work (Scotland) Act 1968.

3. CHILDREN – LOOKED AFTER

- 3.1. to recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968;
- 3.2. to safeguard and promote the welfare of children looked after by the Council in terms of Section 17 of the Children (Scotland) Act 1995;
- 3.3. to provide accommodation for children in terms of Section 25 of the Children (Scotland) Act 1995;
- 3.4. to provide accommodation for children looked after by the Council in terms of Section 26 of the Children (Scotland) Act 1995;
- 3.5. upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2);

- 3.6. to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995;
- 3.7. to review cases of children looked after by the Council in terms of Section 31 of the Children (Scotland) Act 1995;
- 3.8. to remove children from residential establishments in terms of Section 32 of the Children (Scotland) Act 1995;
- 3.9. to provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments;
- 3.10. to assess and approve kinship carers and foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009;
- 3.11. to ensure that there is an assessment of need in relation to any person to whom they have a duty under Section 29 of the Children (Scotland) Act 1995 (aftercare for persons who have been looked after by local authorities) and as amended by Section 73 of the Regulation of Care (Scotland) Act 2001;
- 3.12. to operate a procedure as approved by the Council for considering representations made by any relevant person seeking assistance, guidance or advice from the Council under Section 29 of the Children (Scotland) Act 1995.

4. CHILDREN – WITH OR AFFECTED BY A DISABILITY

- 4.1. to ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995;
- 4.2. to carry out an assessment (if asked to do so by the child's parent or guardian) of the child with or affected by disability or any other person in his/her family in order to ascertain the child's needs in so far as they are attributable to his/her disability or that of another person in terms of Section 23(3) of the Children (Scotland) Act 1995;
- 4.3. to assess a carer's ability to provide, or to continue to provide, care for a disabled child when asked to do so by the carer in terms of the Carers (Scotland) Act 2016.

5. CHILDREN - ADOPTION

- 5.1. to provide an adoption service to children who may be adopted, persons who have been adopted and others affected by adoption as defined in Section 1 of the Adoption and Children (Scotland) Act 2007;
- 5.2. in coming to a decision relating to the adoption of a child, to regard the need to safeguard and promote the welfare of the child throughout the child's life as the

paramount consideration in terms of the Adoption and Children (Scotland) Act 2007;

- 5.3. to consider whether adoption is likely best to meet the needs of the child or whether there is some better, practicable alternative for the child in terms of Section 14(6) of the Adoption and Children (Scotland) Act 2007;
- 5.4. to investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought in terms of Section 17 of the Adoption and Children (Scotland) Act 2007;
- 5.5. to pay adoption allowances in terms of Section 71 of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
- 5.6. to make an assessment of the needs of a person for adoption support services and decide on the provision of such services in terms of Section 9 of the Adoption and Children (Scotland) Act 2007;
- 5.7. to approve prospective adopters under the Adoption Agencies (Scotland) Regulations 2009.

6. JUSTICE

- 6.1. to undertake the duties and responsibilities of the Council in relation to the Criminal Procedure (Scotland) Act 1995;
- 6.2. to undertake the duties and responsibilities of the Council in relation to Section 27 and 27ZA of the Social Work (Scotland) Act 1968 including the provision of advice, guidance and assistance for persons who are in prison or subject to any other form of detention and to provide the necessary social background reports and other reports to the court as required;
- 6.3. to provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995;
- 6.4. to ensure that persons who have been convicted of sexual offences are assessed and supervised under the terms and guidance of the Sexual Offences Act 2003;
- 6.5. to assist in the diversion of persons suffering from mental disorder who may be at risk to themselves from a custodial remand, either to hospital or to appropriate bail accommodation in accordance with the Criminal Procedure (Scotland) Act 1995;
- 6.6. to operate a bail information and supervision scheme in accordance with the Criminal Procedure (Scotland) Act 1995;
- 6.7. to supervise, as required, offenders made subject to an Order for Lifelong Restriction (OLR) in accordance with the Criminal Justice (Scotland) Act 2003;
- 6.8. to undertake the duties and functions of the Council in managing offenders pre, during and post sentence in relation to the Prisoners and Criminal Proceedings (Scotland) Act 1993;

- 6.9. to work with the Community Justice Partners to provide appropriate planned and co-ordinated delivery of community offender services in accordance with the Community Justice (Scotland) Act 2016;
- 6.10. to undertake the duties and functions of the Council in working with partner agencies to make arrangements for assessing, managing and reviewing the risk from sex and violent offenders in accordance with Section 10 and 11 of the Management of Offenders etc (Scotland) Act 2005.

7. PROCUREMENT

- 7.1. In accordance with Procurement Standing Order 16.5.1, to enter into a contract with one provider where the requirement falls within the Health and Social Services classification designated within Schedule 3 of the Public Contracts (Scotland) Regulations 2015 and the Contract Value does not exceed the Light Touch Regime threshold.

G. CHIEF SOCIAL WORK OFFICER

Where delegations are in *italics*, this denotes that they are statutory functions in line with legislation or statutory guidance.

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Social Work Officer who is appointed in accordance with the Social Work (Scotland) Act 1968 section 3, as a Statutory Officer, has the following powers: -

1. VALUES AND STANDARDS

- 1.1. to monitor the discharge of the Council's statutory social work duties;
- 1.2. to promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council (SSSC) for social service employers;
- 1.3. to work with relevant Directors and responsible Managers to ensure that all social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body;
- 1.4. to establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, the Practice Governance Framework: Responsibility and Accountability in Social Work Practice (Scottish Government 2011);
- 1.5. to ensure that the values and standards of professional practice are communicated on a regular basis and adhered to; and that local guidance is reviewed and updated periodically.

2. ADVICE

- 2.1. *to provide professional advice and contribute to decision-making in the local authority and health and social care partnership arrangements, raising issues of concern with*

the local authority Elected Members or the Chief Executive, or the Chief Officer of the Integration Joint Board as appropriate, regarding: -

- 2.1.1. effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards;*
- 2.1.2. appropriate systems required to: -*
 - (i) promote continuous improvement; and*
 - (ii) identify and address weak and poor practice;*
- 2.1.3. the development and monitoring of implementation of appropriate care governance arrangements;*
- 2.1.4. approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;*
- 2.1.5. requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;*
- 2.1.6. workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;*
- 2.1.7. continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;*
- 2.1.8. the provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers*

3. SOCIAL WORK FUNCTIONS

- 3.1. to take final decisions binding on the Council in relation to a range of social work services where provided by statute;*
- 3.2. to serve any notice and take any action on behalf of the Council, in relation to the Council's functions in regard to: -*
 - 3.2.1. the Social Work (Scotland) Act 1968;*
 - 3.2.2. the Social Work (Scotland) Act 1968 as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986;*
 - 3.2.3. Section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 45 and 48 of the National Assistance Act 1948;*
 - 3.2.4. the Disabled Persons (Employment) Act 1958;*

- 3.2.5. Section 11 of the Matrimonial Proceedings (Children) Act 1958;
- 3.2.6. Section 51 of the Criminal Procedure (Scotland) Act 1995, as amended by Criminal Justice (Scotland) Act 2003;
- 3.2.7. the Children Act 1975;
- 3.2.8. the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
- 3.2.9. Sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
- 3.2.10. the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 3.2.11. the Foster Children (Scotland) Act 1984;
- 3.2.12. Section 38(b) of the Housing (Scotland) Act 1987;
- 3.2.13. Part II of the Children (Scotland) Act 1995;
- 3.2.14. the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1);
- 3.2.15. Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children's Hearings (Scotland) Act 2011;
- 3.2.16. Part 6 (in so far as it applies to looked after children) of the Children and Young People (Scotland) Act 2014;
- 3.2.17. The Data Protection Act 2018;
- 3.2.18. The UK General Data Protection Regulation (GDPR).

4. ADULT SERVICES

- 4.1. to be appointed as welfare guardian for any adult within the local authority area and to ensure the discharge of the functions of welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000;
- 4.2. to ensure quality and to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000.

5. CHILDREN'S SERVICES

- 5.1. to fulfil the transferred responsibilities and rights in respect of a child for whom a permanence order has been made while that order remains in force in terms of Section 80 of the Adoption and Children (Scotland) Act 2007;
- 5.2. to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*

- 5.3. to decide whether to implement a secure accommodation authorisation in relation to a child and review such placements and removing a child from secure accommodation if appropriate, and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*
- 5.4. to decide where to transfer a child subject to a Supervision Order in cases of urgent necessity and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council.*

6. CRIMINAL JUSTICE

- 6.1. to take decisions associated with the management of drug treatment and testing orders and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*
- 6.2. to carry out the functions of the local authority in relation to a breach of a supervised release order, or to appoint someone to carry out these functions and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council.*

7. PROFESSIONAL LEADERSHIP

- 7.1. *to support and contribute to evidence-informed decision-making and practice, at professional and corporate level, by providing appropriate professional advice;*
- 7.2. *to seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;*
- 7.3. *to support the delivery of social work's contribution to achieving local and national outcomes;*
- 7.4. *to promote partnership working across professions and all agencies to support the delivery of integrated services;*
- 7.5. *to promote social work values across corporate agendas and partner agencies.*

8. PARTNERSHIPS AND INTEGRATION

- 8.1. *to act as a non-voting member of the Integration Joint Board;*
- 8.2. to provide consultancy and authority to the Chief Integration Officer to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

9. REPORTING

- 9.1. *To report to the Chief Executive, elected members and to the Integrated Joint Board on issues which may identify risk to the safety of vulnerable people or impact on the social work service and also on the findings of relevant service quality and performance reports, setting out: -*
 - 9.1.1. *implications for the local authority, for the Integrated Joint Board, for services, for people who use services and support, and carers; and for individual teams, members of staff and partners;*

9.1.2. *implications for delivery of national and local outcomes;*

9.1.3. *proposals for remedial action;*

9.1.4. *means for sharing good practice and learning;*

9.1.5. *monitoring and reporting arrangements for identified improvement activity.*

9.2. *to produce and publish a summary annual report for local authorities and Integrated Joint Boards on the functions of the Chief Social Work Officer role and delivery of the local authority's social work services functions.*

10. ACCESS, ACCOUNTABILITY AND REPORTING ARRANGEMENTS

10.1. To discharge their role effectively, the Chief Social Work Officer is authorised:-

10.1.1. *to have direct access to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners and also in partner services, including in Health and Social Care Partnership;*

10.1.2. *to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;*

10.1.3. *to be visible and available to any social services worker and to ensure the availability of robust professional advice and practice guidance;*

10.1.4. *to provide professional advice as required to senior managers across the authority and its partners in support of strategic and corporate agendas;*

10.2. The Chief Social Work Officer is enabled to -

10.2.1. *inform and influence corporate issues, such as managing risk, setting budget priorities and public service reform;*

10.2.2. *manage the relationships, responsibilities and respective accountabilities of service managers and the CSWO;*

10.2.3. *establish clear and formal deputising arrangements (with similar skills and experience available) to cover any period of absence by the CSWO and appropriate delegation arrangements where scale of business requires this.*

H. CHIEF INTEGRATION OFFICER

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Integration Officer has the following powers: -

1. GENERAL

1.1. to take overall responsibility for the functions that the Council has been directed to perform by the Angus Integration Joint Board in terms of the Public Bodies (Joint Working) Act 2014; and to oversee all staff and to act in all matters relating thereto;

- 1.2. to exercise responsibilities on behalf of Angus Council for the functions specified in The Public Bodies (Joint Working) (Scotland) Act 2014;
- 1.3. to promote and develop the integration of health and social care services;
- 1.4. to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Angus Integration Joint Board;
- 1.5. to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;
- 1.6. to approve revised standard rates and additional service charges for care homes under the National Care Home Contract (NCHC) recommended for annual uplift (or decrease) on a Scottish national basis by negotiation between COSLA and Scottish Care (or relevant successor bodies);
- 1.7. to provide information on Social Work and Health services for disabled people and any relevant services of other authorities or organisations in terms of Section 1(2)(b) of the Chronically Sick and Disabled Persons Act 1970;
- 1.8. to undertake the functions and duties of the council in terms of Section 2(1) of the Chronically Sick and Disabled Persons Act 1970;
- 1.9. to assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of Section 13 of the Disabled Persons (Services, Consultation and Representation) Act 1986.

2. SOCIAL WORK

- 2.1. to promote social welfare including giving help in kind or in cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968;
- 2.2. to assess need and make direct payments in terms of Section 12A of the Social Work (Scotland) Act 1968;
- 2.3. to take into consideration the views of the person and the carer on the provision of services in terms of Section 12A(1)(b) of the Social Work Scotland Act 1968;
- 2.4. to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- 2.5. to arrange for the burial or cremation of any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968;
- 2.6. to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.

3. PEOPLE IN CARE SETTINGS

- 3.1.** to make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Sections 13A and 13B of the Social Work (Scotland) Act 1968;
- 3.2.** in terms of Section 1 of the Community Care and Health (Scotland) Act 2002, not to charge for social care provided or secured by the service if that social care is personal care as defined in Section 2(28) of the Regulation of Care (Scotland) Act 2001.

4. CARERS

- 4.1.** to undertake the duties and responsibilities of the Council under the Carers (Scotland) Act 2016, pursuant to the service;
- 4.2.** to undertake the duties and responsibilities of the Council under Part 4 of the Social Work (Scotland) Act 196, pursuant to the service;
- 4.3.** to make payments towards expenditure by NHS bodies on delegated functions in terms of Section 14 of the Community Care and Health (Scotland) Act 2002;
- 4.4.** to assess the ability of a disabled person's carer to provide care in terms of Section 8(1) of the Disabled Persons (Services, Consultation and Representation) Act 1986.

5. MENTAL HEALTH

- 5.1.** to provide services for persons who are not in hospital and who have or have had mental disorder, provide care and support or secure the provision of such care and support in terms of Section 25(1)(a)(i) and 25(1)(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003 including residential accommodation in terms of Section 25(3)(a)(i) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and personal care and support in terms of Section 25(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.2.** to provide, or arrange for the provision of, services to promote well-being and social development for any persons, who are or have been suffering from mental disorder, in terms of Section 26(1)(a) and 26(1)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to provide assistance or such facilities as are necessary for the provision of transport to enable persons to access services provided in terms of Section 25 and Section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 for any persons who are or have been suffering from mental disorder in terms of Section 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.3.** following consultation with and under authority from the Chief Social Work Officer, to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003;

- 5.4.** to provide or secure the provision of suitable training and occupation for persons with a learning disability who are over school age (within the meaning of the Education (Scotland) Act 1980) in terms of Section 11 of the Mental Health (Scotland) Act 1984;
- 5.5.** to arrange a social circumstance report in the prescribed form from the person who is to be the patient's designated Mental Health Officer following the occurrence of a relevant event in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.6.** to ensure a Mental Health Officer is designated as the mental health officer having responsibility for the patient's case as soon as is reasonably practicable after a relevant event (in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003) occurs where the patient was resident in the Angus area prior to admission or was not resident in Scotland prior to admission, but has been admitted to a psychiatric unit within the Angus area in terms of Section 229 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.7.** to authorise appropriately qualified staff to undertake inquiries in relation to persons who appear to have mental disorder and who may be at risk in terms of Section 33 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.8.** to authorise Mental Health Officers to provide information for the purpose of the issue of a warrant to enter premises and seek medical assessment of persons who appear to have mental disorder and be at risk in terms of Sections 33 to 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to remove persons to a place of safety in terms of Section 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.9.** to arrange, in collaboration with the Health Board, for the provision of independent advocacy for every person with a mental disorder and to take appropriate steps to ensure that those persons have the opportunity to make use of those services in terms of Section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.10.** to consent, or otherwise, to the detention in hospital in terms of Section 36 or Section 44 of the Mental Health Care and Treatment (Scotland) Act 2003 in relation to a person with mental disorder who meets the grounds as set out in these parts of the Act;
- 5.11.** to make an application for a Compulsory Treatment Order (Section 63) in terms of Section 57(2)-(5) of the Mental Health Care and Treatment (Scotland) Act 2003 within 14 days as required by Section 57(7) and prepare report and care plan as prescribed by Section 61 and Section 62;
- 5.12.** to identify named persons in terms of Section 59 of the Mental Health Care and Treatment (Scotland) Act 2003;
- 5.13.** to interview patients, named persons and relevant others in relation to Section 86 renewal, Section 91 extension and variation and Section 95 application to vary and provide evidence to RMO and tribunal as appropriate, all under the Mental Health Care and Treatment (Scotland) Act 2003;

- 5.14. to consent, or otherwise, to the detention in hospital of a person already subject to a community-based Care and Treatment Order in terms of Section 114 of the Mental Health Care and Treatment (Scotland) Act 2003;
- 5.15. to be involved in decisions around suspension of detention in terms of Section 41, Section 53 and Sections 127/128 of the Mental Health Care and Treatment (Scotland) Act 2003.

6. ADULTS WITH INCAPACITY

- 6.1. to carry out the duties and responsibilities of the Council in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000; including to take such steps upon any investigation as seem necessary to safeguard the property, financial affairs or personal welfare of the adult and to co-operate with the public guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000;
- 6.2. to ensure that a suitably qualified professional officer of the Council shall supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000;
- 6.3. to appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary;
- 6.4. to apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000;
- 6.5. to keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000;
- 6.6. to notify the public guardian of any change of address in terms of Section 55 of the Adults with Incapacity (Scotland) Act 2000;
- 6.7. to carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000;
- 6.8. to apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000;
- 6.9. to apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising therefrom all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000;
- 6.10. upon being nominated by the Chief Social Work Officer, to be appointed as welfare guardian for any adult within the local authority area and to discharge the functions as welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000 and to nominate a person to be exercised on your behalf;

- 6.11. to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity (Scotland) Act 2000;
- 6.12. to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000 as necessary;
- 6.13. to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non-compliance of third parties with orders granted on behalf of the local authority;
- 6.14. to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000;
- 6.15. to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000;
- 6.16. to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the Angus Health and Social Care Partnership as per Section 56 of the Local Government (Scotland) Act 1973 as amended.

7. ADULT PROTECTION

- 7.1. to make inquiries into the circumstances of adults who may be at risk of harm in terms of section 4 of the Adult Support and Protection (Scotland) Act 2007;
- 7.2. to request co-operation in the exercise of any functions that the Council has under Part 1 of the Adult Support and Protection (Scotland) Act 2007 from a specified public body or officer of a public body in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- 7.3. to co-operate with specified public bodies to assist other councils exercising functions under Part 1 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- 7.4. to delegate any of the powers and duties granted under Part 1 of the Adult Support and Protection (Scotland) Act 2007 to an appropriately qualified and experienced council officer appointed by Social Work and Health as per Section 64 of the Local Government (Scotland) Act 1973 as amended;
- 7.5. to have the power to enter a place to assist in conducting inquiries into the necessity of protecting an adult at risk of harm in terms of Section 7 of the Adult Support and Protection (Scotland) Act 2007;
- 7.6. to have the power to require any person holding health, financial or other records pertaining to an adult who is believed to be at risk of harm to produce the records for examination or give copies of the records to a council officer undertaking a function under Part 1 of the Adult Support and Protection and Protection (Scotland) Act 2007;

- 7.7. to apply to a Sheriff for a warrant for entry in order to fulfil functions under Sections 7 and 16 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 37 of the Adult Support and Protection (Scotland) Act 2007;
- 7.8. to apply to a Sheriff for an assessment order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007;
- 7.9. to apply to a Sheriff for a removal order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007;
- 7.10. to apply to a Sheriff for a banning order in terms of Section 19 or temporary banning order in terms of Section 21 of the Adult Support and Protection (Scotland) Act 2007;
- 7.11. to apply for the attachment of a power of arrest at any time while a banning order or temporary banning order has effect in terms of Section 25 of the Adult Support and Protection (Scotland) Act 2007;
- 7.12. in urgent cases, to apply to a Justice of the Peace for a warrant for entry or removal order in terms of Section 40 of the Adult Support and Protection (Scotland) Act 2007;
- 7.13. to take such steps upon any removal under Section 14 of the Adult Support and Protection (Scotland) Act 2007 as seem necessary to safeguard the property of the adult at risk in terms of Section 18 of the Adult Support and Protection (Scotland) Act 2007;
- 7.14. to provide services to persons lacking capacity and make the necessary arrangements for them to take advantage of such services in accordance with the Adult Support and Protection (Scotland) Act 2007;
- 7.15. to recover any charges for services provided in terms of the Social Work (Scotland) Act 1968, Part II of the Children (Scotland) Act 1995 and the Mental Health (Scotland) Act 1984, the Adults with Incapacity (Scotland) Act 2000 all in terms of Section 87 of the Social Work (Scotland) Act 1968;
- 7.16. to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;
- 7.17. to appoint a convenor who is not an officer of the Council to the Adult Protection Committee and any other representative or member with the necessary skills and knowledge in terms of Section 43 of the Adult Support and Protection (Scotland) Act.

8. PROCUREMENT

- 8.1. In accordance with Procurement Standing Order 16.5.1, to enter into a contract with one provider where the requirement falls within the Health and Social Services classification designated within Schedule 3 of the Public Contracts (Scotland) Regulations 2015 and the Contract Value does not exceed the Light Touch Regime threshold.

I. DIRECTOR OF EDUCATION AND LIFELONG LEARNING

Subject to the General provisions and Limitations and in addition to the General Delegations, the Director of Education and Lifelong Learning has the following powers: -

1. GENERAL

1.1. To undertake the duties and responsibilities of the Council with regard to Education legislation including but not limited to: -

- 1.1.1.** The Education (Scotland) Act 1980;
- 1.1.2.** The Standards in Schools etc Act 2000;
- 1.1.3.** The Children and Young People (Scotland) Act 2014;
- 1.1.4.** The Education (Additional Support for Learning) (Scotland) Act 2004.

2. EDUCATION

- 2.1.** to ensure that the education provided in schools managed by Angus Council is directed to the development to their fullest potential of the personality, talents and mental and physical abilities of each child or young person enrolled in these schools, and to have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions which significantly affect that child or young person, taking account of the child or young person's age and maturity;
- 2.2.** to administer the Council's scheme of Devolved School Management;
- 2.3.** to take an overview of the work of all schools managed by the Council with a view to securing improvement in the quality of school education and to raising standards of education;
- 2.4.** to provide an Educational Psychology Service, in accordance with the Education Act 1980;
- 2.5.** to carry out the functions of the Council in relation to section 23 of the Education (Scotland) Act 1980 with regard to the provision of education for pupils belonging to areas of other education authorities;
- 2.6.** to respond on behalf of the Council, to any formal and informal consultation exercises organised by the Scottish Government or any other national body;
- 2.7.** to seek exemption from Scottish Government from the requirement to provide 190 days of schooling in each academic session;
- 2.8.** following consultation with the Convenor of Family, Education and Justice, and the Director of Finance, to review and amend the sustainable rate setting methodology and to approve all future hourly rate changes (increase or decrease) up to a value of 10% within the lifetime of the Council's Open Framework for Funded Early Learning and Childcare (ELC), provided that these increases are within budget.
- 2.9.** to arrange the temporary closure of schools due to adverse weather conditions or any unforeseen circumstances that occur;

- 2.10. to approve or refuse applications received from schools for visits and excursions;
- 2.11. to make arrangements to monitor the attendance of pupils at school, and to implement measures to address truancy and other unauthorised absence;
- 2.12. to manage the exclusion of pupils from schools in accordance with the Preventing and Managing School Exclusions in Angus policy;
- 2.13. to approve amendments to Attendance Orders in accordance with Section (39) of the Education (Scotland) Act 1980 where the parents have made no objections against this;
- 2.14. to implement and oversee the arrangements made by head teachers for the allocation of classes, for the delivery of an effective curriculum, and for all matters relating to the safety and well-being of pupils;
- 2.15. to determine primary and secondary school capacities and reserved places on an annual basis prior to 31 March each year in respect of the following school session;
- 2.16. To approve or refuse the granting of bursaries, allowances and other financial aid to assist persons to take advantage of education facilities.

3. EDUCATION ENROLMENT

- 3.1. to make arrangements for pupils to be enrolled in the school within whose delineated area within the GIS system, they normally reside;
- 3.2. to determine applications in respect of the early admission of children to primary school education;
- 3.3. to make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school, and in accordance with Section 28A of the Education (Scotland) Act 1980, determine all placing requests and inform parents/carers of the right of appeal, should a placing request be refused;
- 3.4. to make arrangements for 3- and 4-year-olds and eligible two-year-olds to attend early learning and childcare provision and to make available information to parents to enable them to enrol their children in early learning and childcare provision.

4. EDUCATION SUPPORT SERVICES

- 4.1. to authorise school transport arrangements for all children who are entitled to such transport statutorily, or as a result of Council policy and to award contracts for such transport in accordance with Procurement Standing Orders and Financial Regulations;
- 4.2. to review and make decisions regarding appeals made in relation to school transport arrangements, in line with the Council's school transport policy;
- 4.3. to authorise minor amendments to the Home-to-School Transport Policy;
- 4.4. to implement and oversee the arrangements for school catering, including children entitled to free school meals and for facilities management in schools.

5. EDUCATION STAFFING

- 5.1. to grant leave of absence with or without salary to teaching staff in accordance with the AJNCT Agreement;
- 5.2. to grant leave of absence with or without salary to staff on the LG pay scale in accordance with council policies;
- 5.3. to implement and monitor the Council's scheme of Professional Review and Development for teaching staff;
- 5.4. to implement and monitor the Council's scheme of annual appraisal for Local Government staff working within schools and the wider Education and Lifelong Learning Directorate;
- 5.5. to transfer teachers within the policy established by the Council;
- 5.6. following consultation with the Director of Finance of to authorise the early or flexible retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council;
- 5.7. to authorise all teaching establishment changes;
- 5.8. to undertake the duties and functions of the council in line with Angus Council's Child Protection Policies.

6. EDUCATION ESTATE

- 6.1. following consultation with the Director of Infrastructure & Environment, 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;
- 6.2. to oversee and implement arrangements for changes to the learning estate and, where required, carry out the functions of the Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

7. CHILDREN

- 7.1. to issue licences in terms of the Children (Performance) Regulations 1968;
- 7.2. to control the employment of children in terms of the Council's byelaws;
- 7.3. To undertake the duties and responsibilities of the Council under the Carers (Scotland) Act 2016, pursuant to the service;
- 7.4. To undertake the duties and responsibilities of the Council under Part 4 of the Social Work (Scotland) Act 196, pursuant to the service.

8. PROCUREMENT

- 8.1. Where a procurement is fully funded by Pupil Equity Funding, to approve the addition of new procurements with a Contract Value of £50,000 or more to the Procurement Plan, in accordance with Procurement Standing Order 2.2.2.

J. 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: -
 - (i) The Roads (Scotland) Act 1984
 - (ii) The Road Traffic Regulation Act 1984
 - (iii) The New Roads and Street Works Act 1991
 - (iv) The Transport (Scotland) Act 2005
 - (v) The Goods Vehicles (Licensing of Operators) Act 1995
 - (vi) The Transport (Scotland) Act 2019;
- 2.2.** to discharge the functions and responsibilities of the Council in relation to: -
 - (i) The Transport Act 1985
 - (ii) The Transport (Scotland) Act 2001
 - (iii) 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;
- 4.8.** 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;
- 4.9.** to instruct immediate repairs to property which has become damaged, in order to mitigate any loss, damage or injury to property or persons;
- 4.10.** 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. 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;
- 5.5.** to manage parking, abandoned vehicles, litter, dog fouling and fly tipping and to take enforcement action in compliance with relevant legislation;
- 5.6.** to undertake the duties and responsibilities on behalf of the Council in respect of the Burial and Cremation (Scotland) Act 2016;
- 5.7.** to approve the sale of lairs and to approve the issue of free lairs where circumstances dictate;
- 5.8.** 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.
- 5.9.** 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.
- 5.10.** 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.
- 5.11.** 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.

K. DIRECTOR OF VIBRANT COMMUNITIES AND SUSTAINABLE GROWTH

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Director of Vibrant Communities has the following powers: -

1. GENERAL

- 1.1** following consultation with the Director of Finance and the Director of Legal, Governance & Change, to award ex-gratia payments, as compensation in

particular circumstances, up to an approved level of expenditure and in accordance with the Council's Financial Regulations;

1.2 to take and exercise overall responsibility for the functions of the services within the Directorate and to oversee all staff and to act in all service matters, with the exception of those functions reserved and delegated to the Chief Planning Officer;

1.3 to carry out the functions of the Council in relation to engaging with Education Scotland with regard to inspection processes for Community Learning;

1.4 to carry out the functions of the Council in relation to assessing qualifications in partnership with the Scottish Qualifications Authority;

2. HOUSING

2.1 to allocate council houses, lock-up garages and garage sites in accordance with current legislation and council policy;

2.2 to carry out assessment of housing need and to enable accommodation/housing to be provided to meet that need;

2.3 to instruct immediate repairs to all housing assets which have become damaged in order to mitigate any loss, damage or injury to property or persons and instruct minor works of repair, construction or alteration nature, of property assets of Housing, subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Procurement Standing Orders and Financial Regulations;

2.4 to accept housing applications, manage the waiting lists and allocate housing according to council policy;

2.5 to issue, claim and apply for grants pertaining to affordable housing;

2.6 to devise, develop and monitor Capital programmes to ensure the Council's HRA stock is kept in a satisfactory condition including meeting and maintaining the Scottish Housing Quality Standard;

2.7 to devise, develop and monitor the council's housing adaptation programme;

2.8 to lead the delivery and management of the council's responsibility in relation to the Antisocial Behaviour Strategy;

2.9 to carry out the functions of the Council in relation to Parts 1, 2 and 7 to 10 of the Antisocial Behaviour (Scotland) Act 2004 regarding Antisocial Behaviour Orders and the registration of private landlords, including the determination as to whether or not to apply for an Anti-Social Behaviour Order;

2.10 to carry out routine maintenance of Housing Revenue Account properties, instructing work on dwelling-houses, garages and other relevant Housing Revenue Account assets in accordance with Procurement Standing Orders and Financial Regulations and the approved estimates of expenditure;

2.11 to undertake the functions of the Council in relation to the Home Energy Conservation Act 1995;

- 2.12** to collect rents and other monies due to the Council;
- 2.13** to carry out the functions of the Council in relation to Homeless Persons legislation via agreed policy and current guidance;
- 2.14** to take appropriate and proportionate action, including all necessary legal actions including serving notices of proceedings for recovery of possession of houses under Section 14 of the Housing (Scotland) Act 2001 and to take further appropriate actions as agreed by Council Policy following due legal process and to report actions to Council informing of progress and compliance with Council Policy;
- 2.15** to exercise the housing authority's powers to authorise entry in accordance with Section 37 of the Housing (Scotland) Act 1987, along with Schedule 4, paragraph 4 to the Housing (Scotland) Act 2001;
- 2.16** to develop and deliver strategies for Tenant and wider Community engagement within the Community Planning Framework ensuring customers are consulted on relevant policy development and securing customer views to improve housing and related services;
- 2.17** to prepare the Local Housing Strategy in accordance with the Housing (Scotland) Act 2001, and associated guidance, including the preparation and implementation of the Council's Strategic Housing Investment Plan;
- 2.18** to carry out the functions of the Council in relation to the Housing (Scotland) Act 2006 (with the exception of Parts 2, 5 and 6 thereof);
- 2.19** to carry out the functions of the Council in relation to the Construction (Design and Management) Regulations with regard to Housing contracts as appropriate;
- 2.20** in relation to the Open Market Acquisition Scheme and the Disposal and Buy Back Scheme to approve the purchase of properties which meet the Council's criteria and can be accommodated within existing resources;
- 2.21** In respect of affordable housing provision provided for through Section 75 Obligation Agreements, to negotiate and agree delivery package agreements with developers and arrange for these to be signed on behalf of Angus Council.

3. PLANNING & SUSTAINABLE GROWTH

- 3.1** to exercise all functions and powers of the council under the Building (Scotland) Act 2003;
- 3.2** To discharge the functions of the council in accordance with the Sports Grounds Safety Act 1975 including but not limited to: -
 - 3.2.1** to confirm, amend or replace 'general safety certificates' for designated sports grounds in accordance with the Sports Grounds Act 1975 in the case of no conflict of interest and/or objections.
 - 3.2.2** to issue 'special safety certificates' in respect of the use of designated Sports Grounds for an activity or number of activities specified in the

certificate on an occasion or a number of occasions in the case of no conflict of interest and/or objections.

- 3.2.3** to chair the 'Safety Advisory Group' for designated Sports Grounds within the Angus Council Local Authority area in accordance with the 'Safety Advisory Group for Sports Grounds – Terms of Reference'.
- 3.2.4** to serve and/or amend a 'Prohibition Notice' on any designated Sports Ground (or part of grounds) where deemed necessary.
- 3.3** to exercise all responsibilities on behalf of Angus Council in relation to the Climate Change (Scotland) Act 2009;
- 3.4** to exercise all responsibilities on behalf of Angus Council in relation to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- 3.5** to exercise all responsibilities on behalf of Angus Council in relation to the Nature Conservation (Scotland) Act 2004;
- 3.6** to carry out the functions of the council in relation to reporting on duties under the Wildlife and Natural Environment (Scotland) Act 2011;
- 3.7** to determine questions of access rights and rights of way and take such steps as are appropriate to preserve and maintain them including the exercise of all the powers available to the Council under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967, including the power to exempt particular land from access rights, in consultation with the Director of Legal, Governance and Change;
- 3.8** to exercise all functions and powers under the High Hedges (Scotland) Act 2013;
- 3.9** to approve employability contracts up to agreed level of spend (£50,000);
- 3.10** to carry out the functions of the council in relation to engaging with Skills Development Scotland and the Scottish Qualifications Authority with regard to inspection processes for Modern Apprenticeships;
- 3.11** following consultation with the Director of Infrastructure and Environment, to enter into and to terminate a lease, sub-lease, occupancy agreement or licence as appropriate;
- 3.12** following consultation with the Director of Infrastructure and Environment, 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. ENVIRONMENTAL HEALTH FUNCTIONS

- 4.1** to act as the Appropriate Officer in terms of the Bathing Waters (Scotland) Regulations 2008;
- 4.2** to act on any Emergency Order made under Part 1 of the Food and Environmental Protection Act 1985;

- 4.3** to ascertain and deal with 'statutory nuisance' under the Environmental Protection Act 1990 and as necessary to serve and enforce notice of abatement in terms of the Act;
- 4.4** to carry out the functions of the council in relation to Part 6 of the Housing (Scotland) Act 1987 in relation to closing and demolition orders;
- 4.5** to issue approvals for Food Premises requiring approval under EU Directive 853/2004 as amended by the Specific Food Hygiene (Regulation (EC) No. 853/2004) (Amendment) (EU Exit) Regulations 2019 (SI 2019, No. 1247);
- 4.6** to serve notice under the Water (Scotland) Act 1980, to secure necessary improvements to unsatisfactory drinking water supply;
- 4.7** to carry out the functions of the council in relation to The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;
- 4.8** to facilitate and administer grant scheme in relation to the Private Water Supplies (Grants) (Scotland) Regulations 2006;
- 4.9** to serve notice requiring occupiers to comply with requirements to clean common property (stairs etc) and to paint or decorate common stairs or passageways under the Civic Government (Scotland) Act 1982, Section 92(4) and (6);
- 4.10** to serve notice to require treatment for rats and mice under Section 4 of the Prevention of Damage by Pests Act 1949;
- 4.11** under Section 40 of the Food Safety Act 1990, to be the responsible person for the requirements of the Act in terms of the Food Law Code of Practice, Scotland and be authorised to approve the annual Feed, Food and Safety Service Plan;
- 4.12** under the Health and Safety at Work etc Act 1974, to be the responsible person for ensuring the Council's observance of the requirements as an enforcement authority;
- 4.13** under Sections 19 and 53 of the Animal Welfare Act 2006, powers of entry to ascertain if offences are being committed related to welfare of domesticated animals.
- 4.14** to appoint and designate individual officers to be authorised to carry out the statutory and other functions in respect of legislation relating to:-
- 4.14.1** Agriculture Produce & Materials
 - 4.14.2** Animal Health & Welfare;
 - 4.14.3** Animal Feeding stuffs
 - 4.14.4** Antisocial Behaviour
 - 4.14.5** Consumer Fraud
 - 4.14.6** Consumer Protection & Safety
 - 4.14.7** Contaminated Land
 - 4.14.8** Public Health
 - 4.14.9** Fair Trading
 - 4.14.10** Food Safety and Food Standards

4.14.11	Health & Safety at Work etc
4.14.12	Housing Standards
4.14.13	Licensing/Registration
4.14.14	Pest Control
4.14.15	Petroleum and Explosives
4.14.16	Pollution Control
4.14.17	Waste Collection, Disposal and Recycling
4.14.18	Water Supplies
4.14.19	Weights & Measures
4.14.20	Working Time
4.14.21	Caravan Sites and Migrant Worker Accommodation
4.14.22	Intellectual Property
4.14.23	Tobacco Control

4.15 to undertake the transfer of enforcement responsibilities between enforcement authorities at a local level in terms of the Health and Safety (Enforcing Authority) Regulations 1998;

4.16 to carry out the functions of the Council in relation to Parts 3, 7 and 8 of the Public Health (Scotland) Act 2008, powers of entry and other investigatory powers with regard to public health investigations, inspections of ships and regulation of sunbeds;

4.17 to carry out the functions of the Council in relation to the Environmental Protection Act 1990, as amended, to deal with remediation of contaminated land;

4.18 to carry out the functions of the Council in relation to the Environment Act 1995 with regard to Local Air Quality Management;

4.19 to serve notices under in relation to the Clean Air Act 1993;

4.20 to appoint a suitably qualified officer to act as the lead officer for Food Hygiene, Safety and Standards as required by the Food Law Code of Practice (Scotland);

4.21 to grant applications for temporary caravan site licenses where the duration of the licence is twenty eight days or less, appropriate planning consents are in place and that, in determining what if any conditions to attach to a site licence, to have regard to the relevant Model Standards for Caravan Sites produced by the Scottish Government;

4.22 to carry out the functions of the Council in relation to the Burial and Cremation (Scotland) Act 2016, including making burial arrangements, including arranging for the burial or cremation of deceased persons where no one is available to make such arrangements;

4.23 to approve the sale of lairs and to approve the issue of free lairs where circumstances dictate.

5. TRADING STANDARDS

5.1 to appoint a suitably qualified officer as the Council's Chief Inspector of Weights & Measures, to carry out the functions of the Council as the local Weights and

Measures authority and to carry out such other functions delegated to the Communities Committee, as are appropriate;

- 5.2** to take action to protect the collective interests of consumers including issuing notices and taking actions in court;
- 5.3** to issue licences in terms of the Explosives Regulations 2014;
- 5.4** to issue petrol storage permissions under the Petroleum (Consolidation) Regulations 2014;
- 5.5** to issue suspension and other official notices under Section 14 of the Consumer Protection Act 1987, and under the General Product Safety Regulations 2005 for goods which are suspected to be unsafe;
- 5.6** to ensure redundant petrol tanks are made safe under Section 94(2) of the Civic Government (Scotland) Act 1982; with additional powers to authorise work to be carried out on behalf of the Council, with cost recovery from occupier or owner of property;
- 5.7** to issue licences to firework suppliers in terms of the Fireworks Act 2003 and Explosives Regulations 2014;
- 5.8** to carry out the functions of the Council in relation to The Energy Performance of Buildings (Scotland) Regulations 2008, including the issuing of penalty notices.

6. VIBRANT COMMUNITIES

- 6.1** to develop, manage and co-ordinate community planning and applicable budget;
- 6.2** to determine, in line with the Participatory Budgeting Charter, a framework to deliver Angus Council's approach to Participatory Budget ensuring the obligations from Scottish Government are met;
- 6.3** to carry out the functions of the Council in delivering Community Learning and Development in accordance with the Requirements for Community Learning and Development (Scotland) Regulations 2013;
- 6.4** to ensure all Community Asset Transfers are conducted in relation to the Community Empowerment (Scotland) Act 2015;
- 6.5** to approve trips including residential trips and health and safety assessments through Evolve system;
- 6.6** to carry out the functions of the council in relation to disposal and use of Common Good Property in relation to Part 8 of the Community Empowerment (Scotland) Act 2015;
- 6.7** to carry out the functions of the council in relation to Part 3 of the Community Empowerment (Scotland) Act 2015;

6.8 to carry out the functions of the council in relation to the UK Resettlement Scheme guidance and Scottish Government New Scots Integration Strategy 2023 and the Immigration and Asylum Act 1999;

6.9 to carry out the functions of the council in relation to the Period Products (Free Provision) (Scotland) Act 2021.

L. SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Service Leader - Planning & Sustainable Growth has the following powers: -

1. GENERAL

1.1. to act as the Chief Planning Officer of the Council in respect of the Council's functions under the Planning Acts as defined by section 277 of the Town and Country Planning (Scotland) Act 1997 as amended, and to discharge all duties under the Planning Acts, with the exception of the items laid out in 2.2.

2. CHIEF PLANNING OFFICER

2.1. as Chief Planning Officer, to formulate and submit statements on behalf of the Council in its capacity as planning authority in relation to any appeal or other proceedings under the Planning Acts;

2.2. as Chief Planning Officer to discharge all duties under the Planning Acts, with the exception of: -

2.2.1. determining applications for planning permission defined as being National or Major;

2.2.2. determining applications for planning permission which attract five or more material planning objections which are recommended for approval (more than one objection from the same individual, household or organisation will count as one objection for the purposes of the Scheme of Delegation);

2.2.3. determining applications for planning permission which are significant departures from the Development Plan which are recommended for approval;

2.2.4. determining applications which attract objections from statutory consultees, including Community Councils which are recommended for approval;

2.2.5. determining applications recommended for approval which are submitted by any Angus Council service, or where Angus Council owns the land, subject to application or where Angus Council has a financial interest in the land and the application has attracted objection;

2.2.6. determining applications which are submitted by elected members of Angus Council, or by senior members of staff employed in the Planning Service;

2.2.7. adoption of a development plan scheme including participation statement;

- 2.2.8. approval of proposed evidence report and revised evidence report, proposed local development plan and proposed delivery programme;
- 2.2.9. adoption of local development plan (or adoption of any subsequent amendment to a local development plan) and delivery programme (including updates);
- 2.2.10. designation or amendment of a conservation area.

M. SERVICE LEADER – HOUSING

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Service Leader – Housing has the following powers: -

1. GENERAL

to act as the Proper Officer of the Council for the purposes of signing Notices of Proceedings for Recovery of Possession of Houses under Section 14 of the Housing (Scotland) Act 2001.

N. DIRECTOR OF HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT, DIGITAL ENABLEMENT/IT AND BUSINESS SUPPORT

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Director of Human Resources, Organisational Development, Digital Enablement/IT and Business Support has the following powers: -

1. EMPLOYMENT – GENERAL

- 1.1. following consultation with the Director of Legal Governance & Change, to represent the Council in respect of specific dismissal, disputes, grading and grievance matters at external bodies/tribunals and, with the approval of the Chief Executive, to settle claims against the Council in respect of employment tribunal proceedings;
- 1.2. to process and, following consultation with the Director of Finance and Depute Chief Executive, approve applications for early retirements and voluntary redundancies for individual members of staff, in line with approved Council policy;
- 1.3. following consultation with the Director of Finance, to approve the payment of honoraria to individual members of staff, on the recommendation of the appropriate Director and in accordance with the relevant Council policy;
- 1.4. to determine regrading applications provided there are no additional financial implications to the service revenue budget;
- 1.5. to apply and implement the terms of national and local agreements on salaries and conditions of service in respect of any post or posts and take such other decisions in relation to such posts and the employees who occupy them as they consider necessary in the interests of the effective operation of the Council's Services, all in accordance with the approved budget;
- 1.6. to ensure that employment practices and procedures within the Council comply with the Data Protection Act 2018.

2. RECRUITMENT

- 2.1. to maintain the list of politically restricted posts under Section 2 of the Local Government and Housing Act 1989;
- 2.2. following consultation with the Director of Finance, to establish a new post, or regrade an existing post, for an SJC grade in excess of LG13;
- 2.3. to make all establishment changes other than those referred to in 2.2 above, those in regard to teaching posts, and the establishment, deletion and grading of posts on Joint National Council (JNC) conditions of service;
- 2.4. to approve the recruitment of candidates who are related to a senior officer or an elected member and thereafter, if deemed appropriate, to approve the appointment of said candidates.

3. SCHOOL PREMISES LEASING

- 3.1. to administer the Council's scheme for the letting of school premises.

4. FINANCE

- 4.1. to prepare and issue an annual return showing for the previous financial year the salaries, allowances, expenses (including travelling expenses) paid to each Member of the Council, in accordance with the legislation governing Members' remuneration, allowances and expenses.

O. SERVICE LEADER – DIGITAL ENABLEMENT & IT

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Service Leader – Digital Enablement & IT has the following powers: -

1. GENERAL

1. to act as the Proper Officer of the Council for the purposes of Section 145 of the Local Government (Scotland) Act 1973 and the Ordnance Survey Act 1841;