



Scheme of Delegation

To be approved at Statutory Meeting of SLC in May 2007

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SECTION 1

Scheme of Delegation to Committees – General Provisions

1 General Delegations to Committee

- 1.1 If there is an urgent matter or an emergency, there shall be delegated to all Committees, all the functions, matters, services or undertakings contained in:-
- ◆ the respective terms of reference of Committees
 - ◆ any scheme made under the provisions of an Act of Parliament
 - ◆ any minute of the Council making a specific delegation to a Committee
- 1.2 Delegations are subject to the provisions of the Local Government (Scotland) Act 1973 and any scheme made under that Act or any subsequent amending legislation.

2 Limitations of Delegation

- 2.1 Each Committee and any officer will observe and comply with the Council's:-
- ◆ Standing Orders on Procedures
 - ◆ Standing Orders on Contracts
 - ◆ Financial Regulations
- and with any resolution, direction and instruction passed by the Council.

SECTION 2

Scheme of Delegation to Committees – Specific Provisions

1 Licensing Committee

The Licensing Committee is authorised to exercise all functions in relation to the licensing/regulation of the following activities on behalf of the Council or any other activities relating to licensing in the Civic Government (Scotland) Act 1982 and any new or subsequent amending legislation:-

(a) Civic Government (Scotland) Act 1982

- Indoor Sports Entertainments
- Itinerant Metal Dealers
- Late Hours Catering
- Market Operators
- Metal Dealers
- Metal Dealers Exemption Warrants
- Private Hire Car Drivers
- Private Hire Cars
- Public Entertainment
- Second Hand Car Dealers
- Second Hand Dealers
- Street Traders
- Tattooists and Skin Piercings
- Taxi Drivers
- Taxis
- Window Cleaners

(b) Miscellaneous Licensing and Regulatory Functions or Any Additional Areas of Licensing or Regulatory Responsibility

- Amusement with Prizes (Lotteries and Amusements Act 1976)
- Amusements with Prizes Machines (not in Public Houses or Hotels) (Gaming Act 1968)
- Cinemas (Cinemas Act 1985)
- Game Dealers (Game Act 1831 and Game Licensing Act 1860)
- Hypnotists (Hypnotism Act 1952)
- Performing Animals (Performing Animals (Regulations) Act 1925)
- Public Charitable Collections (Civic Government (Scotland) Act 1982)
- Societies Lotteries (Lotteries and Amusements Act 1976)
- Theatres (Theatres Act 1968)

SECTION 3

Scheme of Delegation to Officers – General Provisions

1 Delegated Authority of Officers

1.1 Officers with delegated authority

- 1.1.1 can take decisions and authorise actions from time to time as appear to them to be necessary in the interests of South Lanarkshire Council and its inhabitants.
- 1.1.2 will exercise the authority delegated to them in accordance with the policy of the Council and its Committees and Sub-Committees.
- 1.1.3 will exercise the authority delegated to them in accordance with the Council's:-
 - ◆ Standing Orders on Procedures
 - ◆ Standing Orders on Contracts
 - ◆ Financial Regulations
- 1.1.4 will consult local members where it appears to the officer that a proposed decision or action is likely to affect directly the ward interests of local members. This requirement will not apply to proposed decisions or actions which are of general effect throughout the Council area.
- 1.1.5 will consult the Chair and/or Depute Chair of the appropriate Committee on all matters which the officer considers to be sensitive or complex or where consultation appears to be appropriate.

2 General Delegations to Executive Directors and Heads of Service

- 2.1 Making appointments to posts below the level of Head of Service in accordance with the procedures agreed by Council.
- 2.2 Applying all terms and conditions of service as approved by Council.
- 2.3 Applying all personnel policy, practices and procedures as agreed by Council.
- 2.4 Dealing with authorisations for covert directed surveillance and the use of undercover officers and informers in line with the protocols approved to allow the Council to meet its obligations under the Regulation of Investigatory Powers (Scotland) Act 2000.
- 2.5 Dealing with approvals for the acquisition and disclosure of communications data in line with the protocol approved to allow the Council to meet its obligations under the Regulation of Investigatory Powers Act 2000.

3 Chief Executive and Executive Directors - Authorisation of Other Officers to Exercise Delegation

3.1 The Chief Executive and Executive Directors can authorise any other officer to exercise, on their behalf, any authority granted to them other than the function detailed in Clause 2.4 (Covert Directed Surveillance) or Clause 2.5 (Communications Data). To do this the Chief Executive or Executive Director must:-

3.1.1 write to the Head of Administration Services specifying the post or posts where authority has been granted to exercise the authority on behalf of the Chief Executive or Executive Director

3.1.2 write to the postholder or holders authorising them to exercise the authority on their behalf.

SECTION 4

Scheme of Delegation to Officers – Specific Provisions

The functions delegated to the Chief Executive and each Executive Director can also be exercised by officers as described in Section 3, Paragraph 3.

A Chief Executive

The Chief Executive is authorised:-

- 1 to give a direction in special circumstances that any officer will not exercise a delegated function.
- 2 to give a direction on where the scheme of delegated functions applies to an officer in any specific case.
- 3 to approve the provision of reasonable hospitality up to a value of £3,000 in consultation with the Provost of the Council.
- 4 to approve the provision of reasonable hospitality to representatives of other authorities, organisations, officers of the Council or others.
- 5 to approve visits or attendance by officers at conferences taking place in the UK or abroad.
- 6 to determine and control the standard of furniture, furnishings and equipment within the offices of the Council.
- 7 to accept the lowest tender where the value or estimated cost of any contract does not exceed £200,000 in accordance with Paragraph 19.1 of the Council's Standing Orders on Contracts.
- 8 to accept the lowest tender where the value or estimated cost of any contract exceeds £200,000 in agreement with and following consultation with the Chair or Depute Chair of the appropriate Committee together with the ex officio member of that Committee in accordance with Paragraph 19.2 of the Council's Standing Orders on Contracts.
- 9 to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973 and any amending legislation for the receipt of Notices of any legal proceedings served on the Council and for the receipt of any Notice, Order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer.
- 10 to act as Proper Officer in terms of Schedule 7A of the Local Government (Scotland) Act 1973 for the purpose of determining, prior to a meeting, whether documents should be made available to the public.
- 11 to approve any changes to the list of polling districts and designated polling places in terms of Section 142 of the Local Government etc (Scotland) Act 1994.

- 12 to deal with any urgent matters arising during recess periods of the Council.
- 13 to designate appropriate officers as Investigation Managers to fulfil the Council's obligations under the Regulation of Investigatory Powers (Scotland) Act 2000 or the Regulation of Investigatory Powers Act 2000 or any amending legislation.
- 14 to deal with applications for the use of covert human intelligence sources (CHIS).

Scheme of Delegation to Officers – Specific Provisions

B Executive Director (Community Resources)

The Executive Director (Community Resources) is authorised:-

- 1 through the Environmental Health Service, to fulfil the Council's statutory duties in relation to public health, housing, contaminated land, air quality, anti-social behaviour, noise, waste (litter, fly tipping, etc), pest control, dogs, licensing and inspection of certain animal establishments, water, public health/nuisance, food safety, health and safety at work and the investigation of food and waterborne diseases in terms of current legislation and any new and/or subsequent amending legislation.
- 2 to amend the list of named personnel authorised to serve fixed penalty notices in terms of the Environmental Protection Act 1990 (as amended); the Dog Fouling (Scotland) Act 2003 and the Anti-social Behaviour etc (Scotland) Act 2004 and any new and/or subsequent amending legislation.
- 3 to amend the list of personnel authorised to act as designated medical officers of the Council in light of any amendments provided by the Health Boards.
- 4 to discharge the functions of Consumer and Trading Standards by the enforcement of Weights and Measures, Animal Health Acts and a wide range of other current legislation encompassing any new and/or subsequent amending legislation designed to protect consumers from the supply of sub-standard, falsely described or unsafe goods and services.
- 5 to appoint an officer to act as Chief Inspector of Weights for the purpose of the Weights and Measures Act 1985.
- 6 to fulfil the Council's duties in relation to Waste Management and Grounds Maintenance in terms of current legislation and any new and/or subsequent amending legislation.
- 7 to undertake the functions of the Council in terms of the various Transport Acts and any new and/or subsequent amending legislation including the following functions of the Council in terms of the Transport Act 1968:-
 - ◆ under Section 62, to apply for an Operator's Licence.
 - ◆ under Section 63, to raise an objection to an application for a Goods Vehicle Operator's licence.
 - ◆ under Section 68, to apply for variations to an Operator's Licence.
 - ◆ under Section 69E, to publish notice of the application for an Operator's Licence.
 - ◆ under Section 95, and corresponding subordinate legislation to ensure that the Council complies with requirements relating to Drivers' hours.
 - ◆ under Section 98 and corresponding subordinate legislation, to ensure that the Council complies with requirements relating to the keeping of written records pertaining to Drivers' hours.
- 8 to undertake the following requirements in terms of the Financial Regulations:-
 - ◆ to set an appropriate charge to user Services for the use of fleet vehicles
 - ◆ to set an appropriate charge to user Services for the use of drivers

- 9 to manage the Council's Bereavement Services in terms of current legislation and any new and/or subsequent amending legislation and the Council's approved scheme.
- 10 to provide adequate provision in relation to Cultural Services in terms of the Local Government (Scotland) Act 1982 and any new and/or subsequent amending legislation.
- 11 to appoint Trading Standards Officers as enforcement officers to undertake enforcement duties in relation to the sales of spray paints to under 16 year olds.
- 12 to appoint named officers of Glasgow City Council to undertake enforcement duties in respect of illegal money lending on behalf of South Lanarkshire Council in terms of the Consumer Credit Act 1974.
- 13 to authorise officers of Glasgow City Council and North Lanarkshire Council to undertake enforcement duties in terms of Part II and Part IV of the Environmental Protection Act 1990.
- 14 to carry out the functions of and exercise the powers of the Council in terms of the Land Reform (Scotland) Act 2003.

Scheme of Delegation to Officers – Specific Provisions

C Executive Director (Corporate Resources)

The Executive Director (Corporate Resources) is authorised:-

- 1 to engage private legal firms for Court and other legal work if and when it may be considered necessary to enable the legal work of the Council to be carried out.
- 2 to engage Counsel for Sheriff Court, Court of Session and other business as and when it may be considered necessary to enable the legal work of the Council to be carried out.
- 3 to appoint Parliamentary Agents.
- 4 to terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of contract where, after consultation with the appropriate Executive Director or Head of Service, he/she is satisfied that it is in the interests of the Council to do so.
- 5 to take such action as may be necessary on behalf of the Council in appropriate circumstances to protect the legal interests of the Council.
- 6 to approve requests in consultation with the Executive Director (Finance and Information Technology Resources) for the application of any of the provisions contained in the Local Government Pension Scheme Regulations (Scotland) 1998.
- 7 to formalise agreement with the Benefits Agency for access to surplus places in the holiday playclub.
- 8 to enter into discussion and conclude agreements with the trade unions on areas where special circumstance exemptions might apply or where the provisions of the Working Time Regulations 1998 could be modified by collective agreement.
- 9 to approve requests, in exceptional circumstances, in consultation with the Executive Director (Finance and Information Technology Resources), to re-employ former employees following early retirement, which could be justified as being in the interest of the Council.
- 10 to approve the movement of employees within the Council's competence grading scheme subject to any movement being met from existing resources.
- 11 to approve requests for the appointment of temporary workers.
- 12 to co-opt, in consultation with the Chair of the Corporate Resources Committee, on a case by case basis, the Chair and/or Depute Chair of the relevant Resource Committees on to the Appeals Panel and the Grievance and Disputes Panel.
- 13 to act as Proper Officer in terms of The Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003.

- 14 to exercise the powers of an authorised person in terms of Section 11 of the Safety of Sports Grounds Act 1975 and Section 35 of the Fire Safety and Safety of Places of Sport Act 1987 (authorisation to enter and inspect sports grounds and make enquiries considered necessary).
- 15 to make any amendments to the list of statutory bodies receiving the Minute Volume free of charge.
- 16 to amend the Council's political management arrangements supporting documentation as required to take account of new or amended legislation, Council policies and procedures, etc.
- 17 to develop the programme of civic twinning visits and agree member representation in light of the particular focus of individual visits and also to make arrangements for incoming civic twinning delegations.
- 18 to act as one of the authorised officers for the Council in terms of Section 11 of the Civic Government (Scotland) Act 1982, together with the Head of Legal Services, the District Court, Licensing and Registration Manager, the Transport Workshop Controller and the Licensing Standards Officers.
- 19 to act as one of the proper officers, together with the Head of Legal Services and the Legal Services' Managers, authorised to execute deeds on behalf of the Council in terms of Section 194 of the Local Government (Scotland) Act 1973, as amended by the Requirements of Writing (Scotland) Act 1995.
- 20 to establish, in consultation with the relevant Executive Director, the details of each scheme for the recruitment and retention of professional officers.
- 21 to allocate awards to appropriate groups and organisations in terms of the Youth Grants Fund.
- 22 to approve payments, in consultation with the Chair of the Executive Committee, to organisations arranging galas and civic weeks on receipt of their satisfactory applications within the budgetary framework approved by the Executive Committee.
- 23 to make formal appointments to the membership lists of Local Attendance Council Members and of Appeal Committees in terms of Section 28D of the Education (Scotland) Act 1980 and any new or subsequent amending legislation.
- 24 to act in accordance with the recommendations of a Local Attendance Council in relation to prosecution of parents for non-attendance of pupils at school or attendance orders.
- 25 to appoint suitable persons to the Panel of Safeguarders in terms of the Children (Scotland) Act 1995 and any subsequent or amending legislation and to implement the Convention of Scottish Local Authorities' (COSLA) recommendations on increases in fees payable to Safeguarders.
- 26 to review and amend the list of standard conditions imposed on the holding of a march or parade.
- 27 to determine applications for a waiver to the legislative requirement to give 28 days notice in relation to the holding of a march or parade.
- 28 to determine, in consultation with the Chair or Depute Chair of the Licensing Committee, whether objections are relevant and, if necessary, impose conditions on the holding of a march or parade.

29 to exercise the following licensing functions, subject to the powers and restrictions noted:-

Function	Power	Restriction
Initial consideration of applications under Section 3(1) of the Civic Government (Scotland) Act 1982	Continue application	
All applications under the Civic Government (Scotland) Act 1982	Grant or refuse all applications where there:- <ul style="list-style-type: none"> ◆ are road traffic convictions ◆ are non road traffic related fines under £500, whether cumulative or single ◆ is a prison sentence of less than 2 years or where the conviction involved a crime of a serious nature attracting a significant penalty ◆ are convictions relating to fines over 5 years old ◆ are convictions relating to prison sentences of less than 30 months imprisonment which are over 7 years old” 	
All renewals in terms of the Civic Government (Scotland) Act 1982	Grant where no adverse reports or comments are received in line with powers for all applications listed above	
Applications for substitute vehicles for taxi/private hire car operators	Grant or refuse	
Approval of exterior advertising on taxis; advertisements on exterior front doors of taxis	Grant or refuse subject to criteria agreed by Committee	
Approval of vehicles for use as taxis – criteria as agreed by Committee	Grant or refuse subject to criteria agreed by Committee	
Display of name and telephone number on private hire cars	Grant or refuse subject to criteria agreed by Committee	
Approval of taxi signs	Grant or refuse	
Approval of shared hire taxi signs	Grant or refuse	
Applications for taxis in the Clydesdale zone	Grant where no objection received	
Suspension of taxi/private hire car licences under Section 11 of the Civic Government (Scotland) Act 1982	Suspend to the expiry date of the licence or for such shorter period deemed appropriate	Subject to Safety Net Procedure
Applications for substitute vehicles for Street Traders	Grant where no objection received and subject to prior inspection by Environmental Health	
Applications for Street Trader licences (non-static)	Grant where no relevant objection received and subject to prior inspection by Environmental Health	Subject to Safety Net Procedure

Function	Power	Restriction
Applications for Street Trader licences (static only) where applicant is an employee and where his/her employer has already been granted a licence for the areas requested by the employee	Grant where no relevant objection received	Subject to Safety Net Procedure
Applications for Public Entertainment licences	Grant where no adverse comments and no objections	
Applications for Temporary Public Entertainment licences	Grant or refuse in consultation with Chair of Licensing Committee and local Members	
Applications for Metal Dealer's Exemption Warrants	Grant or refuse	
Applications for Metal Dealer licences	Grant or refuse	Subject to Safety Net Procedure
Applications for Itinerant Metal Dealer licences	Grant or refuse	Subject to Safety Net Procedure
Applications for Second-Hand Car Dealer licences	Grant where no adverse comments and no objections	
Applications for Second-Hand Dealer licences	Grant where no adverse comments and no objections	
Applications for the reclassification of films under the Cinemas Act 1985	Grant or refuse in consultation with the Chair or Depute of Licensing Committee	
Applications for licences to deal with Game	Grant or refuse	
Applications for permission for Public Charitable Collections	Grant where no objections received and subject to statutory criteria being met	
Applications for the Registration of Societies/ Lotteries	Grant where no Police objection received	
Applications for Amusements with Prizes, Machine Permits and Renewals	Grant or refuse	Subject to Safety Net Procedure
Applications for Permits for Amusements with Prizes	Grant or refuse	
Applications for Late Hours Catering licences	Grant where no adverse comments and no objections received if within guidelines	Subject to Safety Net Procedure
Applications for Variations of existing licences	Fix dates for Hearings	
All renewals in respect of the Cinemas Act, Theatres Act and other miscellaneous licensing	Grant where no adverse reports or comments are received	
Applications for Civil Ceremony Venue approvals and temporary approvals	Grant where no adverse reports or comments are received	
Note: Safety Net Procedure The Safety Net Procedure involves a copy of the matter in question being sent to the Chair and Depute of the Licensing Committee and the relevant local members with a request that they contact the Service involved within 7 days if they have any objection to the matter being granted.		

Safety Net Procedure (Continued)

If no objection is received from any of those Members within that period, the application would be granted. If any comments are received from one of those Members within that period, the matter would be referred to the next available Committee. Where any item to which the Safety Net Procedure applies is contentious, this will automatically be referred to Committee for consideration.

C1 The Head of Legal Services is authorised:-

- 1 to act as one of the authorised officers for the Council in terms of Section 11 of the Civic Government (Scotland) Act 1982, together with the Executive Director (Corporate Resources), the District Court, Licensing and Registration Manager, the Transport Workshop Controller and the Licensing Standards Officers.
- 2 to act as one of the proper officers, together with Executive Director (Corporate Resources) and the Legal Services' Managers, authorised to execute deeds on behalf of the Council in terms of Section 194 of the Local Government (Scotland) Act 1973, as amended by the Requirements of Writing (Scotland) Act 1995.
- 3 to arrange for the common seal of the Council to be fixed to all deeds executed in accordance with Section 194(1) of the Local Government (Scotland) Act 1973 as amended by Schedule 2, paragraph 4 of the Requirements of Writing (Scotland) Act 1995.
- 4 to arrange, as necessary, for the common seal of the Council to be fixed to stock certificates, bonds and mortgages.
- 5 to sign missives and other similar documents binding the Council.
- 6 to discharge the functions of the Council in relation to any type of judicial or quasi judicial proceedings. To initiate, institute, enter, defend and withdraw from those proceedings and to mark and defend appeals except in the case of appeals to the House of Lords.
- 7 to act as Clerk of the Peace/Clerk of the Court to the District Courts within the South Lanarkshire Commission Area and to:-
 - ◆ nominate Solicitors within Legal Services to act as Assistant Clerks to the District Court and Assistant Clerks of the Peace
 - ◆ assign any duties to those officers necessary for the efficient administration of the District Court and the Justices Committee for the South Lanarkshire Commission Area
- 8 to act as Clerk to the Licensing Board within the South Lanarkshire area and to:-
 - ◆ authorise Solicitors in Legal Services to act as Assistant Clerks to the Divisional Licensing Boards
 - ◆ assign any duties to those officers necessary for the efficient administration of the Licensing Boards
- 9 to act, in addition to the Executive Director (Finance and Information Technology Resources), as a Proper Officer for the purpose of signing returns in relation to Stamp Duty Land Tax.
- 10 to act as the Council's Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.

Scheme of Delegation to Officers – Specific Provisions

D Executive Director (Education Resources)

The Executive Director (Education Resources) is authorised:-

- 1 to carry out the functions of the Council as Education Authority in relation to the provision of education for recorded children in terms of Section 1 and 60 of the Education (Scotland) Act 1980 and any new or subsequent amending legislation including placement in appropriate schools in or outwith South Lanarkshire.
- 2 to approve Records of Needs or Co-ordinated Support Plans in respect of individual young people.
- 3 to grant applications for the appointment of escorts and supervising attendants to accompany young people to schools.
- 4 to pay fees and transport costs for pupils with additional support needs attending independent schools and schools in other local authorities.
- 5 to ensure that requisite provision is made for any pupil entitled in terms of Section 53(3) of the Education (Scotland) Act 1980 and any new or subsequent amending legislation to receive refreshment in the middle of the day.
- 6 to carry out the administration, assessment and award of Education Maintenance Allowances. Appeals against award decisions will be dealt with by the Head of Education (Resources) in accordance with the Council's policy on Education Maintenance Allowances.
- 7 to approve the participation of young people and supervising employees in cultural, learning and recreational activities in and outwith the UK and make grants available to individuals and organisations up to a limit of £450 per person or £3,000 per group.
- 8 to consider and deal with placing requests in accordance with the Education (Scotland) Act 1980 and any new or subsequent amending legislation subject to the relevant statutory rights of appeal.
- 9 to approve placing requests in terms of the Education (Scotland) Act 1980 and any new or subsequent amending legislation in respect of individual pupils for whom supporting evidence is provided showing that the child concerned has serious emotional or psychological problems and to make transport arrangements if deemed appropriate.
- 10 to provide services as requested by other local authorities or external agencies and to negotiate appropriate charges for these services.
- 11 to exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.
- 12 to determine the dates of local school holidays after consultation with the Executive Director (Corporate Resources) and appropriate trades unions.
- 13 to carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 and any new or subsequent amending legislation relating to the cleanliness of pupils at schools.

- 14 to make payment to external examination bodies in respect of candidates presented for examination.
- 15 to determine the rates of pay to examination invigilators.
- 16 to authorise expenditure on the appointment of Auxiliaries/Classroom Assistants to support pupils with additional support needs.
- 17 to determine the date by which a child must have reached the age of five years in order to start school.
- 18 to make arrangements for the implementation of a scheme of appraisal for teachers in accordance with the terms of the Self-Governing Schools (Scotland) Act 1989 (as amended).
- 19 to make joint arrangements with another education authority for the provision of school education and transport in cases where a pupil from South Lanarkshire attends a school under the management of another education authority and meets the distance entitlement as a result of:-
 - ◆ living within the delineated area for a school outwith South Lanarkshire and meeting the distance entitlement requirement, or
 - ◆ having additional support needs.

This delegation does not extend to the provision of services to a pupil who attends a school outwith South Lanarkshire as a result of a placing request.
- 20 to make joint arrangements with another education authority for the provision of secondary school education where a pupil from another education authority attends a primary school associated with a secondary school in South Lanarkshire.
- 21 to enter into arrangements with any partners for school education for children who are under school age or, as the case may be, for pre-schoolchildren in terms of Section 35 of the Standards in Scotland's Schools etc (Scotland) Act 2000.
- 22 to approve placements of children for an additional year of preschool education where:-
 - ◆ the child has a September to December birthday;
 - ◆ the parents have sought to defer entry to primary school; and
 - ◆ the Admissions Panel has recommended the placement in terms of the Section 34 Guidance on Preschool Education, Standards in Scotland's Schools etc (Scotland) Act 2000
- 23 to take all necessary management and operational actions to ensure implementation of the School Modernisation Programme.
- 24 to approve constitutions submitted by Parent Forums/Councils in terms of the Scottish Schools (Parental Involvement) Act 2006 and any new or subsequent amending legislation.

Scheme of Delegation to Officers – Specific Provisions

E Executive Director (Enterprise Resources)

The Executive Director (Enterprise Resources) is authorised:-

Roads and Transportation

- 1 in terms of the Construction (Design and Management) Regulations 1994 as follows:-
 - ♦ to appoint a client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor.
 - ♦ in the case of contracts in which the Council acts as agent of the Secretary of State for Scotland in terms of Section 4 of the Roads (Scotland) Act 1984, to consent to the Council being appointed as client's Agent.
 - ♦ in the case of contracts where the Council is appointed as Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor, to carry out the duties appropriate to each appointment.
- 2 to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984:-
 - ♦ under Section 12 in relation to the stopping-up or diversion of roads crossing or entering routes of proposed new roads.
 - ♦ under Section 13 in relation to the imposition of frontagers of the requirements to make up and maintain private roads including the service of appropriate notices.
 - ♦ under Section 15 in relation to the completion of necessary works on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91).
 - ♦ under Section 16(1)(b) in relation to the consideration and determination of applications for the adoption of private roads.
 - ♦ under Section 18 in relation to the adoption of footpaths associated with development.
 - ♦ under Section 21 in relation to applications for construction consent.
 - ♦ under Section 23 in relation to stopping up or temporarily closing any new road constructed without consent or in contravention of, or in non-compliance with, a condition imposed by a construction consent.
 - ♦ under Section 30 in relation to the service of notices, subject to Section 31(3), in connection with carrying out works for protecting roads against hazards of nature.
 - ♦ under Section 31(3) in relation to the service of notices in connection with the drainage of public roads.
 - ♦ under Section 35(1) and (4) and after giving notice in terms of Section 35(5) in relation to the provision of road lighting and related structures.
 - ♦ after consultation with the Chief Constable and after informing the Chair, the Depute Chair and the local Members under Sections 36 and 37 in relation to the construction of road humps.
 - ♦ under Section 48 in relation to contributions towards expenditure on constructing or improving roads.

- ◆ under Section 51 in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants within a public road.
- ◆ under Section 56 in relation to the authorisation of works and excavations in or under a public road.
- ◆ under Section 57 in relation to the prevention or termination of dangerous works or excavations in or under a public road.
- ◆ under Section 58 in relation to the granting of permission for the deposit of building materials on roads.
- ◆ under Section 59 in relation to the control of obstructions in roads.
- ◆ under Section 60 in relation to the issuing of consent for marking, lighting and fencing obstructions on roadworks and for shoring buildings requiring protection in similar circumstances.
- ◆ under Section 61 in relation to granting permission to place and thereafter maintain apparatus in or under a public road.
- ◆ after consultation with the Chief Constable and after informing the Chair and the Depute Chair and the local Members under Section 62 in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience.
- ◆ under Section 63 in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate.
- ◆ under Section 64(2) in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus in terms of Section 64(1)(b).
- ◆ under Section 66 in relation to enforcing maintenance of vaults, cellars and related structures within the vicinity of a road.
- ◆ under Section 67 in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users.
- ◆ under Section 78(2) in relation to the service of notice prior to the diversion of waters, where necessary, in connection with the construction, improvement, and protection of a public road.
- ◆ under Section 79, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations.
- ◆ under Section 83 in relation to the prevention of sight obstructions in the view of road users.
- ◆ under Section 85 in relation to granting permission for the location of builders' skips on roads.
- ◆ under Section 86 in relation to the removal or repositioning of any builder's skip which is causing, or is likely to cause a danger of obstruction.
- ◆ under Section 87 in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site.
- ◆ under Section 88 in relation to the removal of projections interfering with safe or convenient passage along a road.
- ◆ under Section 89 in relation to the removal of accidental obstructions from roads.
- ◆ under Section 90 in relation to the granting of consent for fixing or placing over or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus.

- ◆ under Section 91 in relation to the prevention of danger by the removal of roadside vegetation.
 - ◆ under Section 92 in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway.
 - ◆ under Section 93 in relation to the protection of road users from dangers near a road.
 - ◆ under Section 94 in relation to the infill of dangerous ditches adjacent to or lying near a road.
 - ◆ under Section 96(1) in relation to the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc.
 - ◆ under Section 97 in relation to the issue of consent for trading.
 - ◆ under Section 99(2) in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99(1).
 - ◆ under Section 99(3) in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99(1).
 - ◆ under Section 140 in relation to the authorisation of persons taking entry to land for the purposes specified therein.
 - ◆ under Section 152(2) in relation to re-determining the means of exercise of a public right of passage over a road.
- 3 to carry out the following functions of the Council in terms of the Road Traffic Regulations Act 1984:-
- ◆ under Section 14 in relation to the temporary prohibition or restriction of traffic on roads.
 - ◆ under Section 23 in relation to pedestrian crossings.
 - ◆ under Section 65 in relation to the placing of traffic signs.
 - ◆ under Section 68 in relation to the placing of traffic signs in connection with the exercise of other powers of the authority as defined in sub-section (1).
 - ◆ under Section 69 in relation to the removal of unauthorised signs.
 - ◆ under Section 71(1) in relation to the power to enter land in connection with the placing of traffic signs.
- 4 after consultation with the Chief Constable and after informing the Chair and Depute Chair and the local Members of the Council, to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under:-
- ◆ the Road Traffic Regulations Act, 1984; and,
 - ◆ Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984.
- 5 to carry out the functions of the Joint Road Safety Officer in conjunction with the Chief Constable.
- 6 to deal with all requests for information in connection with grant applications made under Section 8 of the Railways Act 1974.
- 7 to agree terms for Bridge Agreements with Network Rail or other similar body and terms of discharge of the Council's liability for annual maintenance and renewal charges.

- 8 after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures.
- 9 to make arrangements for the management of car parks, etc including, granting the use of part of the car park to other persons or bodies and, following consultation with the Executive Director (Finance and Information Technology Resources), the imposition or waiving of charges.
- 10 to grant wayleaves in respect of public utilities.
- 11 to carry out the functions of the Council under the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible.
- 12 under Section 19(5) of the Civic Government (Scotland) Act 1982, after consultation with the local Members, approval of roads issues attached to proposals for taxi stances.
- 13 in terms of the Health and Safety at Work Act 1974, to carry out all duties set out in the Statements of Responsibilities for “Health, Safety and Welfare in Places of Work” and the “General Statement of Policy on Health and Safety at Work” issued in 1996 as amended.
- 14 after consultation with the local Members, to make grants to householders for the purpose of making good fabric and decoration (excluding curtains) in houses affected by the Council under the Noise Insulation (Scotland) Regulations 1975 at the rates and on the conditions which may be prescribed from time to time by the Council.
- 15 to carry out, under Part (ii), Roads, Section 4, of the Strathclyde Regional Council Order Confirmation Act 1991 or any amending or subsequent legislation, the erection and keeping in position barriers on roads for the purpose of securing public order or public safety.
- 16 to act as “Engineer” or to appoint an “Engineer” in accordance with the terms and conditions appropriate to Council roads and transportation contracts.
- 17 to approve Traffic Orders in circumstances where no objections were received.
- 18 to approve the provision of new or removal of existing school crossing patrols on the basis that provision was assessed against the approved criteria and took account of comments made by the local Members and the Roads Safety Forum.
- 19 to carry out the following functions of the Council in terms of the Flood Prevention (Scotland) Act 1961 as amended:-
 - ◆ under Section 8 in relation to the authorisation of persons taking entry to land for the purposes specified therein
 - ◆ under Section 12 in relation to contributions towards expenditure in carrying out flood prevention operations
- 20 to issue Charge Certificates in terms of Schedule 6(6) of the Road Traffic Act 1991.

Regeneration

Note: In exercising the delegated functions detailed in paragraphs 21 to 27 the following procedures will apply:-

- ◆ *a report on the applications to be circulated to all members for their consideration;*
 - ◆ *members requiring an application to be determined by the Committee are entitled within 7 days of the dispatch of the report to ask for the applications to be referred to the next meeting of the Committee for consideration;*
 - ◆ *all applications to which there are no objections will be processed accordingly at the end of the 7 day period.*
- 21 to approve loans under the Council's Business Loans Fund Scheme up to and including £50,000.
- 22 to approve applications for grants up to and including £35,000 per business per year under the Council's Lanarkshire Skills Training Programme agreed scheme.
- 23 to approve applications for grants up to £5,000 under the Council's Business Support Programme agreed scheme.
- 24 to approve applications for grants up to £800 under the Council's Training Assistance Grant agreed scheme.
- 25 to approve applications for grants up to £1,000 under the Council's International Trade Development agreed scheme.
- 26 to approve applications for grants up to £10,000 under the Council's M74 Business Support agreed scheme.
- 27 to approve applications for grants and/or loans up to £30,000 under the Council's Lanarkshire Business Venture Fund agreed scheme.
- 28 to act on behalf of the Council, in consultation with the Chair of the Executive Committee, in relation to:-
- ◆ applications for grant support
 - ◆ acceptance of grants
 - ◆ confirmation of match funding
 - ◆ verification of claims and progress reports

Planning and Building Standards

- 29 to discharge the Council's Building Standards function in terms of the Building (Scotland) Act 2003, the Building Fees Regulations 2004, Building (Procedures) (Scotland) Regulations 2004 and the Building (Scotland) Regulations 2004, other than the following:-

- ◆ to refuse Building Warrant Applications where representations have been made against the refusal.

the discharge of duties include:-

The issue of Statutory Notices including:-

- ◆ Section 25 Notice – Building Regulations Compliance
- ◆ Section 26 Notice – Continuing Requirement Enforcement Notice
- ◆ Section 27 Notice – Building Warrant Enforcement Notice
- ◆ Section 28 Notice – Defective Building Notice
- ◆ Section 29 Notice – Dangerous Buildings Notice
- ◆ Section 42 Notice – Require the removal of occupiers of a defective or dangerous building

other duties are:-

- ◆ to issue Building Warrants
 - ◆ to extend the period of life of a Building Warrant
 - ◆ to accept or reject a Certificate of Completion
 - ◆ to carry out Building Standards Assessments
 - ◆ to impose continuing requirements on the building owners
 - ◆ to maintain a publicly accessible Building Standards Register
- 30 to reply on behalf of the Council to relevant consultations from other Authorities and from the Scottish Executive on building standards matters which do not have major policy issues.
- 31 to issue permissions and licences for the erection of raised platforms for seating or standing accommodation and for charging fees in respect of expenses incurred, in terms of Section 89 of the Civic Government (Scotland) Act 1982.
- 32 to grant planning applications in the classes listed below subject to first notifying all Members of the Council of receipt of the application through the issue of a Weekly List and allowing a period of at least 10 working days to elapse within which any Member may request that the application may not be dealt with by the Executive Director but be placed on the agenda of the appropriate Committee:-
- ◆ householder applications attracting no more than 5 objections including house extensions and alterations, dormer windows, garages, accesses, walls, fences and other means of enclosure and applications made under Article 4 Directions in Conservation Areas;
 - ◆ residential applications involving up to 10 units not attracting more than 5 objections and entirely consistent with Local Plan policy;
 - ◆ small scale industrial (including waste transfer stations) and commercial applications not attracting more than 5 objections and involving up to a 50% increase in floorspace subject to a maximum of 2,000 square metres or 5,000 square metres in designated industrial estates or business parks;

- ◆ amendments to housing, industrial and commercial developments not attracting more than 5 objections and involving changes to previously approved plans relating to minor changes to layouts, building details, house types, materials, accesses and boundary treatments;
- ◆ reserved matters applications or detailed planning applications not attracting more than 5 objections, following the grant of outline planning consent, provided the proposal is consistent with the terms and conditions of that previous outline consent;
- ◆ alterations to shop fronts not attracting more than 5 objections;
- ◆ sub-division of an existing house or conversion of existing buildings to form dwellings in existing residential areas and not attracting more than 5 objections;
- ◆ listed building applications not attracting more than 5 objections and where there are no policy implications;
- ◆ advertisement applications;
- ◆ all renewals of planning permission or listed building consent;
- ◆ overhead electricity lines and electricity sub-stations and gas governor stations;
- ◆ fulfilment of conditions attached to planning permissions;
- ◆ cutting down, topping, lopping or destruction of trees covered by a confirmed Tree Preservation Order or within a Conservation Area;
- ◆ minor developments by the Council (Notification of Intention to Develop – NID) not attracting objections;
- ◆ small scale changes of use not attracting more than 5 objections;
- ◆ sub-division of industrial, commercial or other non-residential properties not attracting more than 5 objections and entirely consistent with Local Plan policy;
- ◆ all planning applications within areas covered by confirmed Tree Preservation Orders;
- ◆ householder development or small scale housing proposals (of up to 3 units) and change of use proposals which are contrary to Development Plan policy where there are no objections;
- ◆ minor engineering operations not attracting more than 5 objections;
- ◆ alterations to or the deletion of conditions (including existing mineral consents and the review of old mineral permissions);
- ◆ minor amendments to mineral working schemes not attracting more than 5 objections.

33 to refuse applications for:-

- ◆ advertisement and shopfronts
- ◆ all categories of delegated applications where this is consistent with policy

34 to issue minor approvals and statutory notices including:-

- ◆ Certificates of Lawful Use
- ◆ Breach of Conditions Notices
- ◆ Enforcement Notices or Stop Notices relating to any of the delegated categories of development set out above
- ◆ Applications for minor variations of planning consents
- ◆ Prior Notifications for agricultural developments
- ◆ Discontinuance Notices
- ◆ Determinations as to whether planning permission is necessary

- 35 to reply on behalf of the Council to planning consultations from adjacent authorities and the Scottish Executive on matters which do not have major policy implications.
- 36 to add rights of way to the Register for South Lanarkshire Council and, in that connection, to apply, in consultation with the Head of Legal Services, for a Declarator in the appropriate Sheriff Court where any person with an interest in the land objected.
- 37 in cases of immediate threat, to promote Tree Preservation Orders following consultation with the Chair and/or Depute Chair of the Planning Committee and the local Members.
- 38 to conclude Section 75 planning agreements and other minor legal agreements in relation to delegated planning applications (including alteration or amendment of existing Section 75 planning agreements or other minor legal agreements).
- 39 in consultation with the Chair and/or Depute Chair of the Planning Committee, to deal with written submissions, Hearings and Public Inquiries in connection with:-
- ◆ appeals to the Scottish Executive against refusal of consent for advertisement, planning, listed building, mineral or other related statutory applications
 - ◆ deemed refusal appeals to the Scottish Executive pending consideration by the relevant Committee
 - ◆ applications subject to a call-in by the Scottish Executive
- 40 to determine telecommunications applications not attracting more than 5 objections.
- 41 to determine the requirements for an Environmental Assessment and Strategic Environmental Assessment and matters to be contained in a scoping report.
- 42 to determine the requirement for a Retail Impact Assessment and matters to be contained in a scoping report.
- 43 to discharge the Council's Planning Enforcement function, including declining to take enforcement action where appropriate.

Note:

Planning applications from Members or officers (or a close family relative) require to be referred to the appropriate Committee for determination where objections are received.

Estates

- 44 to negotiate and approve terms and conditions of leases and licences by and to the Council at open market value for periods not exceeding 20 years and with property rentals of up to £50,000 per annum.
- 45 to renew, extend or vary existing leases with existing tenants provided these are minor variations or carried out in accordance with the existing terms of the lease.
- 46 to terminate leases and take the appropriate action to regain or surrender possession of the property and recover rent arrears. To allow the surrender of leases where a business intends to expand into larger Council premises or when a business runs into trading difficulties.
- 47 to carry out rent reviews in accordance with the Royal Institute of Chartered Surveyors Appraisal and Valuation Manual, up to an increased rental level of no more than £20,000 of the existing annual rental.
- 48 to approve sub-leases and assignments provided that there are no material variations to the terms of the lease.
- 49 to approve the necessary alterations or adaptations, excluding maintenance, up to a value of £50,000 on any one project, only in respect of the rental portfolio.
- 50 to initiate action for the recovery of any outstanding debt owed to the Council (including rent and equivalent to loss of rent in cases where no lease or missive has been concluded) and to proceed, with further legal action, if appropriate, up to and including recovery of possession of property in relation to the Council's estates (other than housing estates).
- 51 to initiate and pursue all legal actions necessary as part of the good management of the Council's estates (other than housing estates).
- 52 to dispose of surplus property in accordance with the Surplus Assets Procedure.
- 53 to negotiate and agree terms for the disposal of interests in land and property up to a value of £200,000.
- 54 to reject offers of £200,000 or less which do not reflect open market value to enable immediate remarketing.
- 55 to prepare a register of all transactions carried out under delegated powers. This register will be made available for inspection by members and submitted to Committee at quarterly intervals.
- 56 to agree and enter into wayleaves, servitudes, etc to statutory bodies who require rights over Council land for particular purposes.
- 57 to approve wayleaves and servitudes, etc up to and including a value of £50,000.
- 58 to approve exchanges where the value of the Council land to be exchanged together with any additional monies do not exceed £50,000.
- 59 to negotiate and agree terms for the acquisition of land and property up to a value of £50,000.

- 60 to negotiate and settle compensation claims in connection with the use of the Council's powers to enter upon and take land/property in the discharge of their statutory powers, up to a maximum of £50,000.
- 61 to negotiate and agree abnormal costs in respect of disposals of interest in land and property up to a value of 10% of the disposal price subject to approval by the appropriate specialists.

Scheme of Delegation to Officers – Specific Provisions

F Executive Director (Finance and Information Technology Resources)

The Executive Director (Finance and Information Technology Resources) is authorised:-

- 1 to act as the proper officer for the Council in terms of Section 95 of the Local Government (Scotland) Act 1973 for the administration of the financial affairs of the Council and the legislation from time to time in force to regulate the way the Council operates its financial affairs.
- 2 to take all executive decisions on borrowing and investment in accordance with the Chartered Institute of Public Finance Accountants' (CIPFA) Code of Practice for Treasury Management in Local Authorities.
- 3 to revise the list of approved organisations to whom the Council lends surplus funds over short periods and the individual sums to be lent (Revision of Counterparty List).
- 4 to approve requests, in consultation with the Executive Director (Corporate Resources), for the application of any of the provisions contained in the Local Government Pension Scheme Regulations (Scotland) 1998.
- 5 to approve, in consultation with the Executive Director (Corporate Resources), all applications for early release from service with each case being considered on its individual merits.
- 6 to approve requests, in exceptional circumstances, in consultation with the Executive Director (Corporate Resources), for the re-employment of former employees following early retirement, which could be justified as being in the interest of the Council.
- 7 to approve and implement the uprating of financial loss, special responsibility, travel and subsistence allowances.
- 8 to set aside surplus funds in reserves in consultation with the Chief Executive and the Leader of the Council.
- 9 to approve, in consultation with the Executive Director (Housing and Technical Resources), the granting of rates relief for Credit Unions on an annual basis at an appropriate rate, dependent on the progress made by individual Credit Unions towards financial viability.
- 10 to update and refine the Procurement Strategy to reflect the changing/evolving agenda for procurement on an annual basis.

Scheme of Delegation to Officers – Specific Provisions

G Executive Director (Housing and Technical Resources)

The Executive Director (Housing and Technical Resources) is authorised:-

- 1 to fulfil and discharge the Council's statutory duties, functions and policies in relation to the provision and management of social sector housing, and, where appropriate, competent and relevant, private sector housing in terms of current legislation and any new and/or subsequent or amending legislation.
- 2 to fulfil and discharge the Council's statutory duties, functions and policies in relation to statutory homelessness in terms of current legislation and any new and/or subsequent or amending legislation.
- 3 to fulfil and discharge the Council's statutory duties, functions and policies in respect of the Housing Benefit Scheme and the Council Tax Benefit Scheme and to administer and operate the Housing Benefit Scheme and Council Tax Benefit Scheme under the appropriate statutory framework and to exercise functions in connection with discretionary powers given to the Council under associated and/or new, subsequent or amending legislation.
- 4 to participate in the National Fraud Initiative and to investigate fraud and potential fraud and to take all necessary and appropriate action as required by the current statutory framework and any current, new and/or subsequent or amending legislation.
- 5 to fulfil and discharge the Council's statutory duties, functions and policies in relation to rent collection, council tax collection, non-domestic rates collection and collection of all debts, payments and accounts due or to become due to the Council in terms of the common law, current legislation and any new and/or subsequent or amending legislation.
- 6 to collect service charges levied by the Council where required.
- 7 to implement the Council's policies regarding Property Construction and Maintenance to ensure that proper regard is given to the application of the recommendations set out in the Construction (Design and Management) Regulations 1994, within all contracts relating to the Construction or Maintenance of Property and, in terms of the Construction (Design and Management) Regulations 1994, to appoint a client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor and, in the case of contracts where the Council is appointed as Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor, to carry out the duties appropriate to each appointment.
- 8 to allocate all of the Council's houses and to provide nominations for allocation as required from Housing Associations and/or Social Registered Landlords or such other bodies as are deemed appropriate.
- 9 to implement all procedures as set out within the current legislation and any new and/or subsequent or amending legislation and to issue the statutory lease to tenants and to sign the leases and other documentation arising from this legislation on behalf of the Council.

- 10 to take action for the recovery of any outstanding debt owed to the Council and to proceed with further legal action, if appropriate, up to and including recovery of possession of property and/or sequestration or liquidation of the debtor.
- 11 to manage the Council's housing estates and housing estate properties in accordance with the policies of the Council in respect of:-
 - ◆ Conditions of Tenancy
 - ◆ Neighbour Disputes
 - ◆ authority to initiate and pursue legal action as required in consequence of the above
- 12 to fulfil and discharge the Council's statutory duties, functions and policies in relation to anti-social and nuisance behaviour, including authority to initiate and pursue such legal action as is required, in terms of current legislation and any new and/or subsequent or amending legislation.
- 13 to allocate ancillary letting subjects such as lock-ups and garage sites in accordance with the Council's policies.
- 14 to action immediately the decisions of the Medical Officer in respect of his adjudication on requests for priority housing on medical grounds and to notify applicants without recourse to the Committee.
- 15 to approve street naming and numbering in consultation with the local Members.
- 16 to administer and operate the Repairs and Improvement Grants Schemes under the current statutory framework and any new and/or subsequent or amending legislation.
- 17 to write off debts due to the Council, in consultation with the Executive Director (Finance and Information Technology Resources), where recovery has not proved possible, subject to a limit of £100, and to take action for recovery if this should prove possible at some future date.
- 18 to settle, without reference to Committee, claims arising in terms of the Land Compensation (Scotland) Act 1973 and any new and/or subsequent or amending legislation in respect of home loss or similar payments following compulsory acquisitions or Housing Action Areas and also to settle any discretionary payments as a result of acquisitions by voluntary agreement, provided that the statutory requirements have been met.
- 19 to authorise payments to account to sellers of property to the Council in cases where negotiations through the District Valuer or the Executive Director (Enterprise Resources) are protracted for any reason, up to a value of 90% of the valuation by the District Valuer or the Executive Director (Enterprise Resources).
- 20 to authorise payments to account to sellers of property to the Council in cases where conveyancing procedures are protracted for any reason, subject to the exhibition of a good title and the grant of the appropriate undertaking.
- 21 to fulfil and discharge the Council's statutory duties, functions and policies in relation to Tenant's Right to Buy legislation and any new and/or subsequent or amending legislation and to agree terms for disposal of housing to a secure tenant under the provisions of the Housing (Scotland) Act 1987 and any amending legislation and to exercise discretion where appropriate and to have discretion to allow a secure tenant to resile from Missives for the purchase of the house tenanted by him/her, subject to payment of legal and administrative costs, without reference to Committee.

- 22 to have power to act within any relevant statutory framework in relation to house loans and Council house sales.
- 23 to enter into, renew, vary and terminate annual short-term leases in respect of residential property with rentals up to £10,000 per annum for the purposes of provision of residential accommodation.
- 24 to fulfil and discharge the Council's functions and policies in relation to the repair, improvement and maintenance of the Council's property, and, where appropriate, competent and relevant, private sector property and to have discretion to provide a paid factoring service.
- 25 to fulfil and discharge the Council's statutory duties, functions and policies in relation to the registration of private sector landlords, and to maintain a public register in respect of same, including authority and discretion to register and review applications as required in terms of current legislation and any new and/or subsequent or amending legislation.

G1 The Head of Support Services (Housing and Technical Resources) is authorised:-

- 1 to object to the granting and/or renewal of licences to traders in arrears.
- 2 to lodge complaints and/or request the suspension of existing licences of traders in arrears.

Scheme of Delegation to Officers – Specific Provisions

H Executive Director (Social Work Resources)

The Executive Director (Social Work Resources) is authorised:-

- 1 to exercise the functions of the Council in relation to the National Health Service and Community Care Act 1990 and any associated relevant Regulations, for the purposes of implementing the Council's policy in relation to financial assessment systems for chargeable services.
- 2 to exercise the duties of the Chief Social Work Officer under the Social Work (Scotland) Act 1968 and related legislation as amended.
- 3 to determine applications for structural adaptations to dwelling houses within the Council's approved policy.
- 4 to determine the termination of access rights in respect of children under supervision.
- 5 to make representations to the appropriate courts on issues associated with the Children (Scotland) Act 1995 and any associated and subsequent amending regulations.
- 6 to implement annual inflationary increases in respect of Foster Care Allowances, Shared Care Allowances, Supported Care Allowances and Kinship Care Allowances.
- 7 to implement the Convention of Scottish Local Authorities' (Cosla) recommendations on annual inflationary increases.
- 8 to exercise the functions of the Council as specified by the Adults With Incapacity (Scotland) Act 2000 and any associated and subsequent amending regulations.
- 9 to exercise the functions of the Council in relation to the Mental Health (Scotland) Act 1984 as amended and any subsequent or similar legislation replacing or expanding that legislation.
- 10 to exercise the functions of the Council as specified by the Adoption and Children (Scotland) Act 2007 and any associated and subsequent amending regulations.
- 11 to exercise the functions of the Council as specified by the Management of Offenders (Scotland) Act 2005 and any associated and subsequent amending regulations.
- 12 to exercise the functions of the Council as specified by the Custodial Sentences and Offensive Weapons Act 2007 and any associated and subsequent amending regulations.

Scheme of Delegation**Approved by South Lanarkshire Council <insert date> May 2007****Schedule of Revisions**

	Date	Committee	Revision
1			