

# **Scheme of Delegation and Administration**

Updated: as at 31 January 2025



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## INTRODUCTION

(1) **COMPLIANCE WITH STANDING ORDERS, FINANCIAL REGULATIONS AND POLICY**

A CABINET/COMMITTEE OR OTHER GROUP/PANEL OR OFFICER REFERRED TO HEREIN, IN CARRYING OUT ITS/THEIR FUNCTIONS, POWERS AND DUTIES REFERRED TO OR DELEGATED TO IT/THEM, SHALL OBSERVE AND COMPLY WITH THE STANDING ORDERS AND FINANCIAL REGULATIONS OF THE COUNCIL UNLESS OTHERWISE PROVIDED FOR AND WHERE APPROPRIATE WITH ANY APPROVED POLICY, RESOLUTIONS, DIRECTIONS OR INSTRUCTIONS WITH REFERENCE TO ITS/THEIR BUSINESS GENERALLY OR TO THE AFORESAID DELEGATIONS.

(2) **NON EXERCISE OF DELEGATED AUTHORITY**

A CABINET/COMMITTEE OR OTHER GROUP OR PANEL REFERRED TO HEREIN, MAY IN ANY CASE NOT EXERCISE ITS DELEGATED AUTHORITY AND DIRECT THAT THE MATTER BE REPORTED TO THE COUNCIL/CABINET/COMMITTEE FOR DECISION OR THE CABINET/COMMITTEE MAY SUBMIT TO COUNCIL/CABINET A RECOMMENDATION ON THE MATTER. SIMILARLY A DEPUTE CHIEF EXECUTIVE, CHIEF GOVERNANCE OFFICER (OR WHERE APPROPRIATE A HEAD OF SERVICE) MAY IN ANY CASE NOT EXERCISE HIS OR HER DELEGATED AUTHORITY AND FOLLOWING CONSULTATION WITH THE RELEVANT SPOKESPERSON, REPORT THE MATTER TO THE APPROPRIATE CABINET/COMMITTEE OR PANEL FOR DECISION.

(3) **MAKING OF POLICY**

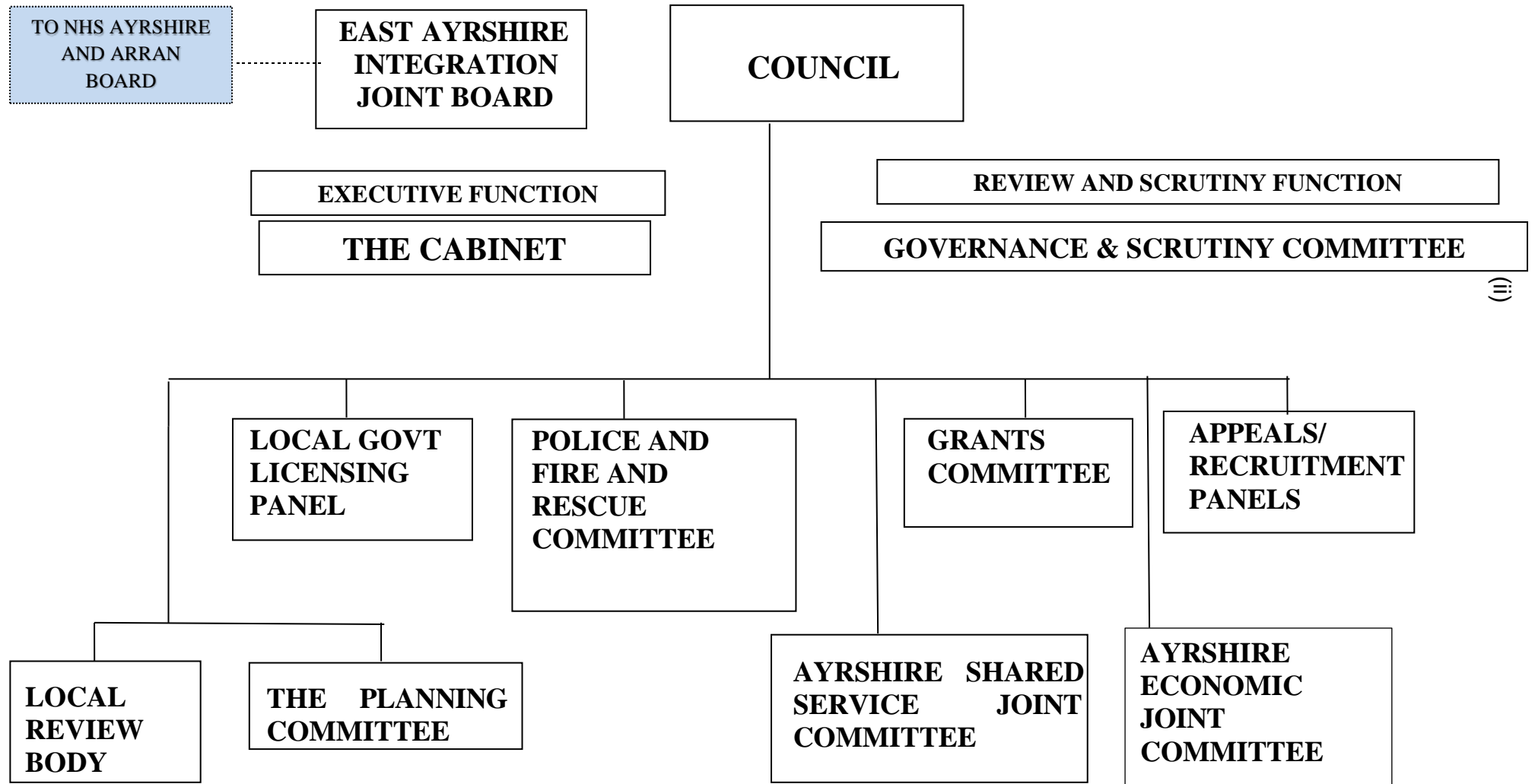
UNLESS OTHERWISE STATED, COMMITTEES OR OTHER GROUP OR PANEL REFERRED TO HEREIN, DO NOT HAVE SPECIFIC POLICY MAKING POWERS AND CAN ONLY MAKE RECOMMENDATIONS IN THIS RESPECT.

(4) **APPOINTMENT OF COUNCILLORS TO COMMITTEES ETC**

OTHER THAN AS PROVIDED FOR WITHIN THIS SCHEME, THE APPOINTMENT OF COUNCILLORS TO CABINET/COMMITTEES/PANELS/ AND TO OUTSIDE ORGANISATIONS SHALL BE THE RESPONSIBILITY OF THE COUNCIL. CABINET AND COMMITTEES, MAY MAKE RECOMMENDATIONS ON APPOINTMENTS FOR RATIFICATION BY COUNCIL.

(5) **DECISION MAKING/SERVICE GROUPINGS/CHIEF OFFICER STRUCTURES**

DETAILS OF THE COUNCIL'S DECISION MAKING, SERVICE GROUPINGS AND CHIEF OFFICERS STRUCTURES TO WHICH THE SCHEME OF DELEGATION RELATES ARE PROVIDED WITHIN THIS INTRODUCTION SECTION.

**EAST AYRSHIRE COUNCIL: DECISION MAKING STRUCTURE**

## Strategic Service Groupings – East Ayrshire Council

### Chief Executive

#### Director of Health and Social Care

**From East Ayrshire Council perspective** - Social Work Services for Adults and Older People; Services and Support for Adults with Physical Disabilities, Learning Disabilities; Mental Health Services; Drug and Alcohol Services; Adult Protection and Domestic Abuse; Carers Support Services; Community Care Assessment Teams; Support Services; Care Home Services; Adult Placement Services; Health Improvement Services; Aids and Adaptations and Gardening Services; Day Services; Local Area Co-Ordination; Respite Provision; Occupational Therapy Services; Re-ablement Services, Equipment and Telecare; Criminal Justice Social Work Services; Children and Families Social Work Services.

#### Depute Chief Executive (Communities & Economy)

**Ayrshire Roads Alliance** - Road Functions for East and South Ayrshire Councils, including Roads Maintenance, Design and Infrastructure; Traffic and Transportation and Road Safety Issues and Flood Risk Management/Mitigation.

**Housing and Communities** - Housing and Community Safety; Housing Asset Service; Refuse Collection and Recycling; Outdoor Amenities/Burial Grounds/Street Cleaning; Risk Management Centre and Vibrant Communities Service comprising comprehensive early intervention and prevention functions and sustaining and empowering communities.

**Facilities and Property Management** - Food and Catering including School Meals, Corporate & Civic Catering; Facilities and Asset Support including Building Maintenance; Janitorial; Cleaning; School Crossing Patrols; School Estate; Public Private Partnership Contract Support; Architecture and Asset Planning including Professional Services and the Capital Investment Building Programme; Estate Management Services of all Non Housing Property.

**Economic Growth: Planning and Economic Development** - Development Planning and Regeneration; Business Development and Tourism and External Funding, and Employability

**Transport Services Unit** - All Internal Transport Services including School Transport

**Health and Safety Function**

#### Chief Governance Officer

All Legal Services; Licensing; Corporate Procurement; Committee Services; Member Services; Elections, Information Governance; Records Management; Registration Services; Council Officer and Reprographic Services; Grants/Renewable Energy Fund; Development Management; Building Standards; Trading Standards and Environmental Health

**Solicitor to the Council / Monitoring Officer**

#### Chief Financial Officer

**Finance and ICT** - Council Tax and Non Domestic Rates; Tax Benefits; Cash Collection; Rent Accounting; Creditor Payments; Debtors Management; Departmental Financial Management; Corporate Accounting; Treasury Management; Risk Management and Insurance; Local Offices; Welfare Reform; ICT Systems and Performance; and Infrastructure Support.

#### Chief Education Officer

Schools, Opportunities for All, Early Education and Childcare, Support for Children with Additional Support Needs including East Ayrshire Support Team (EAST), Special Schools and Supported Learning Centres outwith placements and commissioned services, Educational Psychological Services, Specialist Educational Services, including Instrumental Music Services, Creative Minds Team, Outdoor Education and direct support for the curriculum. Teaching Staff, Technician Services, Classroom Assistants.

#### Head of People and Culture

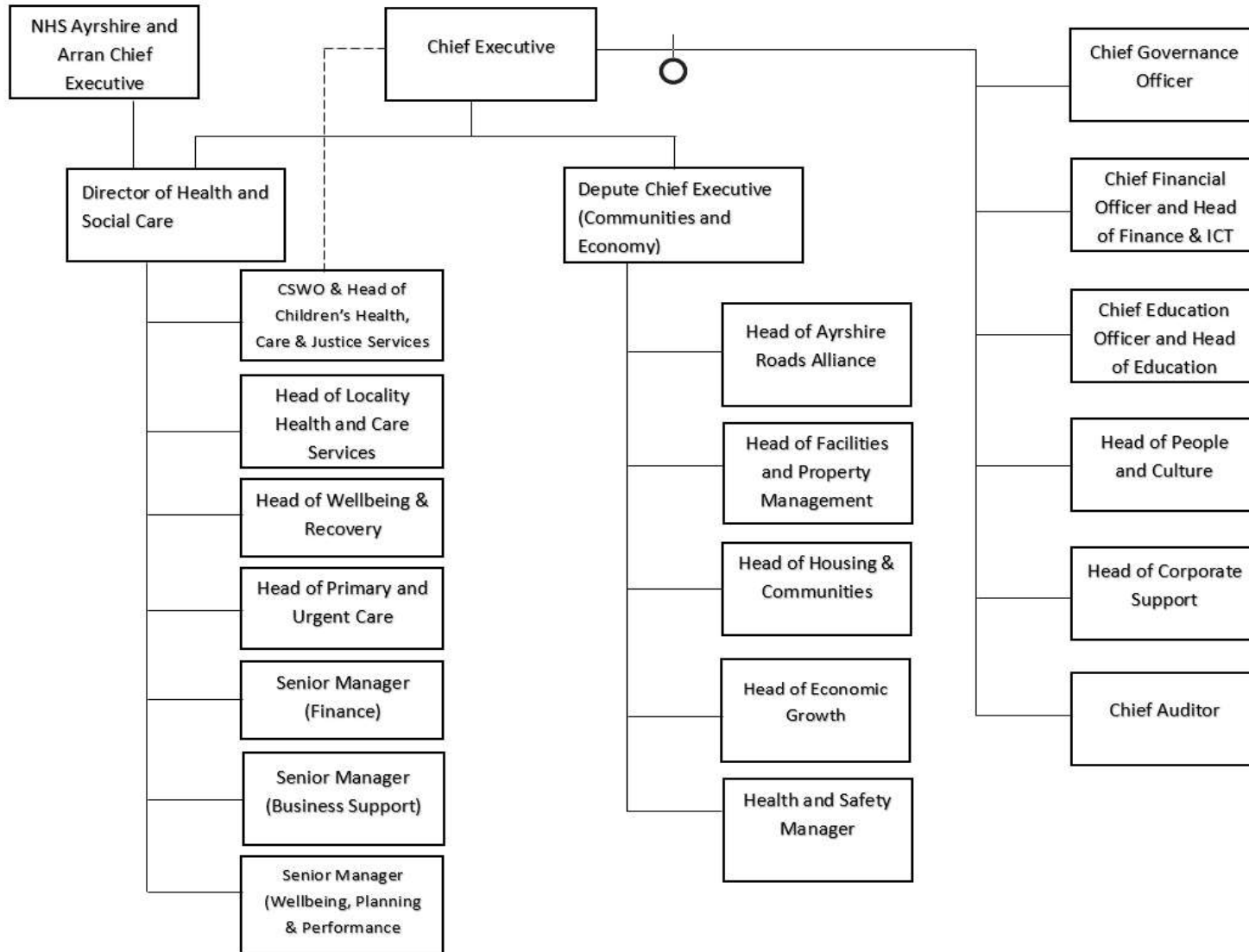
Employee Relations; Payroll, Workforce Planning, Organisational Development and Corporate Communications.

#### Head of Corporate Support

**Policy, Planning and Performance** - Community Planning, Best Value, Corporate Business, Equalities, Performance Management, Project Management Office and Transformation

#### Audit

# East Ayrshire Council Senior Management Structure





## 2. OUTLINE AND REMIT OF CABINET MEMBERS

### CABINET MEMBERS

Each Administration Cabinet Member will have a specific area of responsibility for Council business. This ensures that there is political accountability for the decisions taken by the Cabinet.

These Cabinet Members are politically accountable for service standards and service performance both in terms of direct service delivery and in terms of the contribution of individual services to the strategic priorities of the Community Plan, the Council's corporate plan. Cabinet Members are not responsible for service management.

The Cabinet Members also have a specific role as advocates for their service groups. In this capacity Cabinet Members will seek to ensure that relevant service needs and service views are taken into account in Cabinet decisions particularly where these relate to Community Plan priorities and strategies.

Cabinet Members will:-

- meet on a regular basis with senior management, with a view to discussing service issues including service performance;
- seek to resolve concerns regarding service delivery with service management;
- lead on service issues at Cabinet and Council meetings;
- lead on service reports at Governance and Scrutiny Committee; and
- attend Governance and Scrutiny Committees in respect of related called-in decisions to respond to questions and explain Cabinet proposals.

### CABINET MEMBER REMITS

To ensure continued alignment to the Council's strategic planning and the priorities and themes of the Community Plan 2015 to 2030, the following Cabinet Portfolios have been agreed.

- Leader of the Council and Chair of Cabinet with responsibility for Strategic Planning
- Depute Leader and Cabinet Member with responsibility for Housing, Transport and Communities
- Cabinet Member with responsibility for Health and Social Care
- Cabinet Member with responsibility for Human Resources, Equalities and Inclusion
- Cabinet Member with responsibility for Resources and Economy
- Cabinet Member with responsibility for Planning, Property and Environment
- Cabinet Member with responsibility for Education and Children and Young People
- Cabinet Member with responsibility for Localities and Community Wealth Building

For each three year period, Members of East Ayrshire Council and Community Planning Partnership Board identify shared strategic priorities, representing key, strategically important areas of activity for the partnership to progress, with the aim of having a demonstrable positive impact on local outcomes for communities. Strategic Priorities have been identified for 2021 - 2024 as follows and all Cabinet Members have a role to play in taking these forward.

## **COMMUNITY PLAN STRATEGIC PRIORITIES**

- Ayrshire Growth Deal
- The Caring for Ayrshire Transformational Change Programme

## **CROSS CUTTING COMMUNITY PLAN THEMES**

- Ayrshire Growth Deal and Community Wealth Building
- Children and Young People
- Inclusive Economic Growth
- Community Wealth Building
- Covid-19 Pandemic Recovery
- Sustainability and the Environment
- Renewal and Transformation
- Poverty and Inequality

## **STRATEGIC PLAN THEMES**

- Building a Fairer Economy
- Tackling Poverty and Inequality
- Improving Wellbeing
- Supporting Children and Young People
- Delivering a Clean, Green East Ayrshire
- Ensuring Financial Sustainability and Resilience

Alignment to the priorities and themes of the Community Plan 2015 - 2030, key priorities and Council Services are as follows:

### **Leader of the Council and Chair of Cabinet with responsibility for Strategic Planning**

#### **Community Plan Themes**

- Strategic Resources and People
- Economy and Skills

#### **Strategic Planning:**

- Strategic and political leadership of the Council in relation to the Community Plan, its three Delivery Plans and the Local Outcome Improvement Plan;
- Provision of strategic leadership, clear political direction and guidance in relation to the Council's Strategic Plan, policy formulation; implementation and monitoring of the Council's policies; budget strategies; and service delivery;
- Liaise with other Cabinet Portfolio holders to ensure the development of effective Council policies and the budgetary framework for the Council and the delivery of high quality services;
- Cross-cutting policy overview;
- Performance management; and
- Overseeing all corporate non-themed service functions.

### **Council Services**

The portfolio covers the following core council services:-

- Chief Executive
- Corporate Support

### **Depute Leader and Cabinet Member with responsibility for Housing, Transport and Communities**

#### **Community Plan Themes**

- Safer Communities

#### **Housing, Transport and Communities**

- Ensuring East Ayrshire Residents are safe and supported in their homes and communities;
- Promoting Community Safety and ensuring East Ayrshire Residents are safe and protected from crime and antisocial behaviour in their communities;
- Ensuring waste generated in East Ayrshire is managed responsibly and that recycling and reuse of any waste is maximised;
- Promote our vibrant communities by encouraging active and responsible citizenship; and
- Delivering roads services including roads maintenance, winter maintenance, design and infrastructure, traffic and transportation and road safety.

#### **Services**

The portfolio covers the following core council services:-

- Chief Executive
- Housing and Communities
- Ayrshire Roads Alliance

### **Cabinet Member with responsibility for Health and Social Care**

#### **Community Plan Themes**

- Wellbeing

#### **Health and Social Care**

- Ensuring older people and adults who require support and their carers are included and empowered to live the healthiest life possible;
- Ensuring all residents are given the opportunity to improve their wellbeing to lead an active, healthy life and to make positive lifestyle choices; and
- Ensuring vulnerable people are safe and protected from harm.

#### **Services**

The portfolio covers the following core services within the Health and Social Care Partnership:

- Locality Health and Care Services
- Children's Health Care and Justice Services
- Wellbeing and Recovery
- Primary and Urgent Care

## **Cabinet Member with responsibility for Human Resources, Equalities and Inclusion**

### **Community Plan Themes**

- Strategic Resources and People
- Economy and Skills

### **Human Resources, Equalities and Inclusion**

- Management of the Council's resources and assets, people and property and communications;
- Developing a highly skilled, qualified and resilient workforce to meet the needs of current and emerging demands and opportunities; and
- Ensuring communities are supported to address the impact that inequalities has on the health and wellbeing of our residents.

### **Services**

The portfolio covers the following core council services:-

- People and Culture
- Corporate Support

## **Cabinet Member with responsibility for Resources and Economy**

### **Community Plan Themes**

- Strategic Resources and People
- Economy and Skills

### **Resources and Economy**

- Management of the Council's resources and assets, finance systems, digital and information technology; and
- Supporting the resilience and recovery of our business base and stimulating the development of existing and new businesses across the economy.

### **Services**

The portfolio covers the following core council services:

- Finance
- Economic Growth

## **Cabinet Member with responsibility for Planning, Property and Environment**

### **Community Plan Themes**

- Economy and Skills

### **Planning, Property and Environment**

- Delivering quality infrastructure projects and leveraging further investment to accelerate economic recovery, support inclusive growth and transition to a low carbon economy;
- Leading on the climate change strategy and supporting ambitious action towards net zero; and
- Supporting the built environment and enforcement of various regulations, including local planning policy, development management, building standards, environmental health and trading standards.

## **Services**

The portfolio covers the following core council services:

- Governance Services
- Facilities and Property Management
- Economic Growth

## **Cabinet Member with responsibility for Education and Children and Young People**

### **Community Plan Themes**

- Economy and Skills
- Wellbeing

### **Education and Children and Young People**

- Championing Children and Young People; and
- Ensuring children and young people, including those in early years and their carers are supported to be active, healthy and reach their potential at all life stages.

## **Services**

The portfolio covers the following core council services:

- Education
- Children's Health Care and Criminal Justice Service
- Housing and Communities

## **Cabinet Member with responsibility for Localities and Community Wealth Building**

### **Community Plan Themes**

- Strategic Resources and People
- Safer Communities
- Economy and Skills

### **Localities and Community Wealth Building**

- Leadership in relation to Locality Planning arrangements;
- Encouraging peers and local communities to actively engage with arrangements;
- Liaise with other Cabinet Portfolio holders to ensure place-based integration across responsibilities;
- Supporting wider community power by working with communities and other stakeholders to optimise how resources are best allocated;
- Ensure community voice and participatory democracy is guiding factor to all Council engagement and decision making; and
- Supporting wider community-led regeneration by working with our communities and businesses to optimise how resources are used for their benefit.

## **Services**

The portfolio covers the following core council services:

- Depute Chief Executive
- Housing and Communities
- Economic Growth
- Corporate Support

### 3. DECISION MAKING STRUCTURES AND ARRANGEMENTS

#### 3.1 COUNCIL

##### (a) Composition

All East Ayrshire Council Elected Members.

##### (b) Terms of Reference

- To set the Council's revenue and capital budgets.
- To set the Council Tax.
- To elect Provost and Depute Provost.
- To approve the Council's decision-making process and Departmental structures.
- To appoint Elected Members to serve on the Cabinet, the Governance and Scrutiny Committee, other Committees, Sub-Committees and Panels.
- To appoint Elected Members to outside Agencies.
- To determine and keep under review a Scheme of Members' Allowances.
- To prepare and keep under review a Scheme of Delegation and Administration, Standing Orders for the Regulation of Proceedings and Business, Financial Standing Orders for Contracts and Financial Regulations.
- Hold Cabinet to account with reports from Governance & Scrutiny Committee and through Members' questions at Council meetings.
- Consider motions for debate on general issues.
- Matters which cannot by law be delegated.
- Determination of planning applications for
  - National Developments designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended.
  - Major Developments defined within the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 that are significantly contrary to the Local Development Plan.
  - an application recommended for refusal by the Planning Committee where refusal is on the basis of the principle of the development and where the principle is in accordance with the Local Development Plan, or the emerging Local Development Plan where that emerging Local Development Plan can be viewed as a material consideration.
- To receive in respect of East Ayrshire Council and NHS Ayrshire and Arran Integration Services
  - Delivery/Business Plans
  - Annual update report
- To receive in respect of East Ayrshire Leisure Trust
  - Delivery/Business Plan
  - Annual Performance Report

- To receive in respect of East Ayrshire Community Planning
  - Annual Performance Report
- To receive in respect of Ayrshire Shared Service arrangements
  - Ayrshire Roads Alliance
  - Delivery/Business Plan
  - Annual Performance Report
  - Tourism
  - Delivery/Business Plans
  - Annual Performance Report

## **POLICE AND FIRE RESCUE SERVICE MATTERS**

### **Strategic Plans**

- To receive from Police Scotland and the Scottish Fire and Rescue Services copies of their respective draft strategic plans or any subsequent replacement strategic plans following review.
- To make any comments on the respective draft Strategic Plans within the specified timescales.

### **Local Police and Local Fire and Rescue Plans and Priorities and Objectives**

- To engage respectively with the Local Commander (police) and the Local Senior Officer (fire and rescue) in setting priorities and objectives for (i) the policing of East Ayrshire; and (ii) the Scottish Fire and Rescue Service in connection with the carrying out of the Scottish Fire and rescue services' functions in East Ayrshire.
- To consider and approve Local Police and Local Fire and Rescue Plans (including reviews and modifications).

### **Local Plans over a three year period will:**

- set out main priorities and objectives for the services within East Ayrshire;
- explain the reasons for selecting each of those priorities and objectives;
- identify how proposed arrangements for services will deliver priorities and objectives;
- where reasonably practicable, identify outcomes by reference to which the achievement of those priorities and objectives may be measured;
- describe how these priorities, objectives and arrangements are expected to contribute to the delivery of any other relevant local outcomes which are identified by Community Planning; and
- include any such information connected with the provision of services within East Ayrshire which respectively the Local Commander (police) and Local Senior Officer (fire and rescue) consider relevant.

In terms of the Local Police Plan:

- The Council may specify policing measures that it wishes the Local Commander to include.

The Local Police and Fire and Rescue Plans and Local Scrutiny and Engagement Structure is provided at page 23.

## **3.2 CABINET**

### **(a) Composition**

Number of Councillors - 11 (4 a quorum). (7/2/1/1).

Present Membership:

Councillor Douglas Reid, Cabinet Member with responsibility for Strategic Planning;

Councillor Jim McMahon, Cabinet Member with responsibility for Housing, Transport and Communities;

Councillor Clare Maitland, Cabinet Member with responsibility for Health and Social Care;

Councillor Neal Ingram, Cabinet Member with responsibility for Human Resources, Equalities and Inclusion;

Councillor Iain Linton, Cabinet Member with responsibility for Resources and Economy;

Councillor Elaine Cowan, Cabinet Member with responsibility for Education and Children and Young People;

Councillor Graham Barton, Cabinet Member with responsibility for Planning, Property and Environment;

Councillor Drew Filson, Cabinet Member with responsibility for Localities and Community Wealth Building;

Councillor Barry Douglas, Member of Labour Opposition Group;

Councillor Linda Mabon, Member of Labour Opposition Group; and

Councillor John McFadzean, Member of Conservative Opposition Group.

### **(b) Terms of Reference and Delegated Authority**

- To discharge all of the Council's functions (except those reserved to the Council and those matters specifically delegated to other Committees/Panels), namely:-
  - takes all key strategic and service delivery decisions
  - implements policy framework
  - promotes the core values of the Council
  - develops Community Planning, working with partner organisations.
  - recommends revenue and capital budgets to Council.
- To discharge on behalf of the Council its functions as an Education Authority in respect of the delivery of Education Services to pre-fives, children of primary and secondary school age and young persons;
- The power to determine appeals made in terms of disciplinary procedure involving dismissal, for all Council employees who are subject to Teachers' conditions of service; and
- The power to uphold or reject such appeals, and to order the varying of disciplinary action (such individual appeal decisions are not subject to 'call-in').

### **(c) Cabinet Decision-Making Arrangements**

#### **Chair**

- Meetings of the Cabinet will be chaired by the Leader of the Council or in his/her absence, the Depute Leader of the Council.



## **Agendas and Minutes**

- Copy of the Cabinet Agendas and papers will be issued to all Elected Members at the same time the full Cabinet papers are issued to Cabinet Members. Cabinet papers will also be available on the Council's website (excluding confidential papers) from the time the papers are issued to Cabinet Members.

## **Cabinet Minutes**

- The Minutes of the Cabinet will be circulated to all Elected Members by the end of the working day following the meeting i.e. Thursday, 5pm (Minutes will be circulated by e-mail).
- No decisions of the Cabinet can be implemented until after the expiry of the call-in period (subject to certain exclusions, refer to call-in section paras vii-x).
- Cabinet Support Officers will notify Service Officers of what decisions can be implemented and what (if any) decisions have been called in.

## **Education Authority**

- When the Cabinet is discharging the Council's functions as Education Authority, its voting membership shall also comprise three persons representing Churches and other religions as required by law and Teacher and Parent Representatives in accordance with existing Council policy.
- In terms of organising Cabinet business, every second meeting of the Cabinet will discharge the Council's functions as Education Authority. However, in the event of emergencies, the Cabinet may discharge the Council's function as Education Authority at any of its meetings and arrangements will be made to invite the Church and Teacher and Parent Representatives. Where other business of the Cabinet is to be transacted, prior to consideration of that business, the Church, Teacher and Parent Representatives will leave the meeting.

## **(d) Call-In Process**

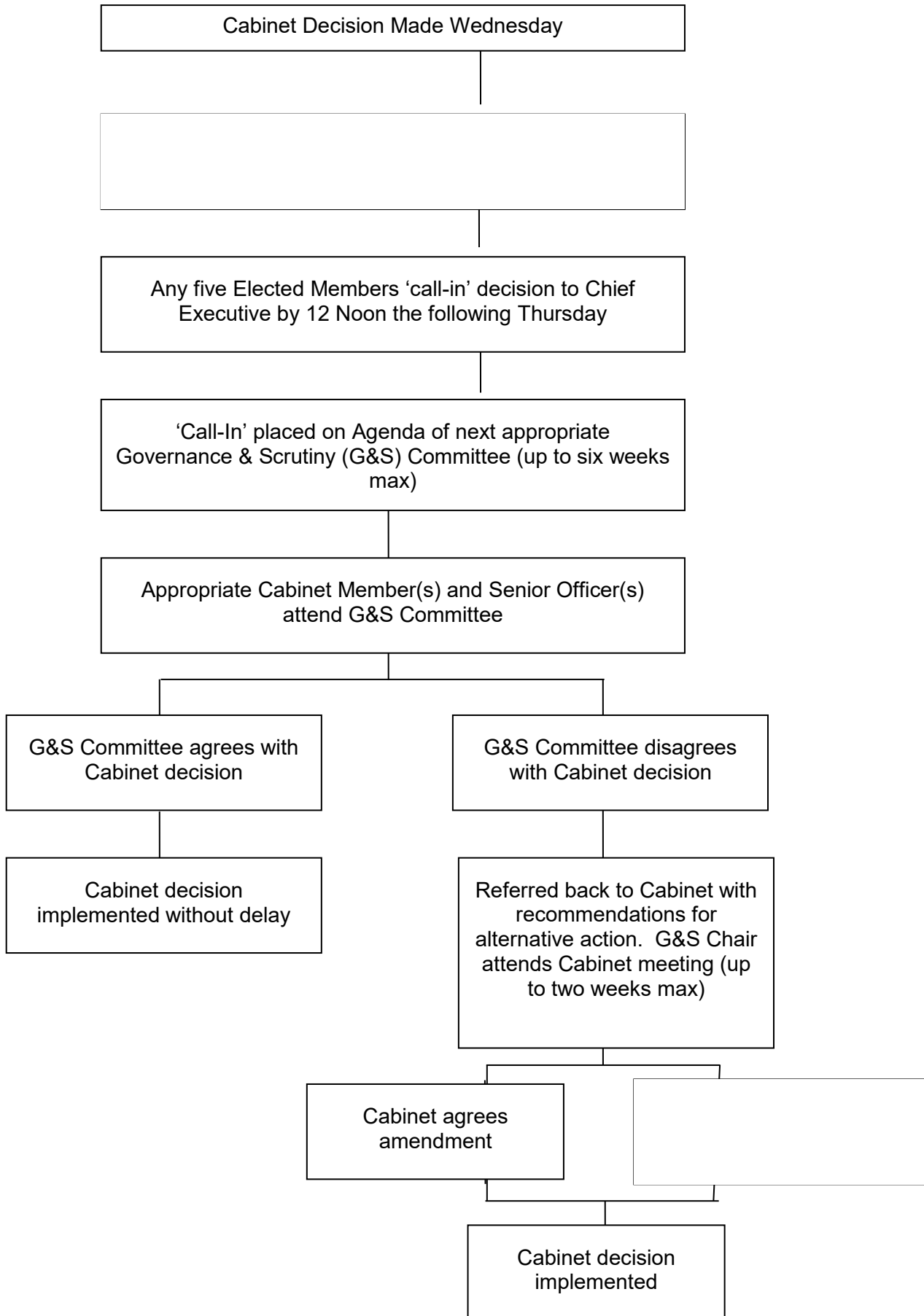
Cabinet decisions (with some special exceptions referred to below) are subject to call-in whereby decisions of Cabinet are delayed until examined further by the Governance and Scrutiny Committee.

- (i) Members will be entitled to call-in decisions of the Cabinet on a requisition signed by five Members delivered to the Chief Executive no later than Noon on the sixth working day following (and not counting) the date on which the Cabinet met.
- (ii) A decision which has been called-in will be placed on the Agenda for the next meeting of the Governance and Scrutiny Committee for consideration.
- (iii) The Elected Members who have activated the call-in process will be required to attend the Governance and Scrutiny Committee to explain their call-in request. If none of the Members attend the call-in request falls.
- (iv) Decisions called-in to the Governance and Scrutiny Committee will be dealt with as follows:
  - where the Governance and Scrutiny Committee agrees with a decision of the Cabinet it can be implemented without further delay;
  - where the Governance and Scrutiny Committee does not agree with the decision of the Cabinet it will be referred back to the Cabinet with the recommendations for alternative action as determined by the Governance and Scrutiny Committee. The

Chair of the Governance and Scrutiny Committee or another Member of the Committee nominated by the Chair will have the right to attend the Cabinet and speak in support of its recommendation on that item; and

- only Elected Members serving on the Governance and Scrutiny Committee will be entitled to vote.
  - the appropriate Cabinet Portfolio Member and Senior Officer(s) will attend the Governance and Scrutiny Meeting to outline the reasons for the Cabinet's decision and answer any questions.
- (v) Consideration of a called-in decision will as far as possible be carried out within one full Council cycle. The Governance and Scrutiny Committee may continue consideration of a called-in decision to a further meeting but only with the consent of the Cabinet or relevant Cabinet portfolio Member. The Chair of the Governance and Scrutiny Committee and the relevant Cabinet portfolio Member may reach agreement on the time to be allowed.
- (vi) Where the Cabinet does not accept the recommendation of the Governance and Scrutiny Committee on a decision which has been called-in from the Cabinet, the decision of the Cabinet shall be final. The Cabinet however shall provide the Governance and Scrutiny Committee reasons for its decisions.
- (vii) The Cabinet may instruct that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, in circumstances resulting from actions or events beyond the control of the Council, if the call-in process could otherwise:-
- (a) prevent a final decision being made before the required date; or
  - (b) seriously prejudice the Council's position in relation to persons or events external to the Council or in respect of financial, commercial, contractual or legal issues.
- (viii) When the Cabinet instructs that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, the Chair of the Cabinet must give reasons in writing for this to the Chair of the Governance and Scrutiny Committee.
- (ix) The Cabinet may declare that a decision cannot be called-in where the Council's negotiating position with Trade Unions could be prejudiced; and
- (x) The call-in procedure does not apply to any decisions of the Cabinet which have been referred to the Council.
- A process chart of the call-in procedure is detailed overleaf.

## EAST AYRSHIRE COUNCIL CALL-IN PROCESS CHART



### **3.3 GOVERNANCE AND SCRUTINY COMMITTEE**

#### **(a) Composition**

Number of Councillors - 11 non Cabinet Members. (4 a quorum). (5/4/1/1).

Present Membership: Councillors Peter Mabon (Chair), Sally Cogley (Vice-Chair), Stephen Canning, David Richardson, Jayne Sangster, Jim Todd, William Lennox, Billy Crawford, June Kyle, Neill Watts and Jennifer Hogg.

#### **(b) Terms of Reference**

This Committee has overall responsibility for scrutiny and review within East Ayrshire Council and is primarily concerned in monitoring the performance of the Cabinet; Departments and third party organisations against service delivery and financial targets and is also responsible for dealing with Cabinet decisions that have been called in. Areas of responsibility will include:-

#### **Corporate Governance Function**

1. To oversee the Council's Corporate Governance arrangements which shall include:-
  - the continual review and development of the Council's Local Code of Corporate Governance, ensuring that the Council's Code is consistent with the principles and reflects the requirements of the CIPFA/SOLACE framework for Corporate Governance in Local Government covering the broad themes of community focus; structures and processes; risk management and internal control; service delivery; and standards of conduct;
  - ensuring the adequacy and effectiveness of the Council's local systems, processes and documentation identified within the Council's Local Code of Corporate Governance including compliance with audit committee principles; and
  - approval of the Council's annual Corporate Governance Implementation Plan.
2. To monitor and review the efficiency and effectiveness of all of the Council's work and the levels and standards of services provided.

#### **Standards of Conduct Function**

3. To provide advice to Members in respect of standards of conduct and compliance with the Councillors' Code of Conduct introduced under the Ethical Standards and Public Life Etc (Scotland) Act 2000.
4. To develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, Officers and Agents of the Council are required to subscribe.
5. To provide advice to Council in respect of Members Allowances.

### **Performance Review and Best Value Function**

6. Oversee the implementation corporately of the Council's approach to fulfilling its duty to make arrangements to secure best value.
7. Keep under review the Council's approach to and outcomes in relation to continuous improvement in the delivery of Council Services.
8. Keep under review the Council's approach to Public Performance Reporting.
9. Determine matters in relation to submission to the Scottish Government and the Accounts Commission in furtherance of the council's duty to make arrangements to secure best value.

### **Audit and Risk Function**

10. Approval and review of East Ayrshire Council internal audit plans.
11. To ensure that the Internal Audit function is properly resourced and has appropriate standing within the Council.
12. To review the activities of the Internal Audit function including but not limited to the East Ayrshire Council Internal Audit Annual Report including the Annual Internal Audit Opinion.
13. To maintain an overview of the adequacy of the internal control systems.
14. To review external audit plans for East Ayrshire Council and to manage all aspects of the Council's relationships with its External Auditors.
15. Review of the annual audit certificate and the Annual Report to Members by the External Auditor.
16. Monitor and review of implementation of audit recommendations.
17. Ensuring the existence of and compliance with an appropriate corporate risk management strategy.

### **Counter Fraud and Corruption**

18. To oversee and keep under review the Council's arrangements in relation to the prevention of fraud and corruption, and to ensure the ongoing appropriateness and effectiveness of such arrangements.

### **Scrutiny Function**

19. To co-ordinate and manage scrutiny processes on behalf of the Council.
20. To establish Scrutiny Groups as required and to determine and review their remit as required.
21. To carry out scrutiny of Cabinet policy decisions and service delivery including the review and monitoring on a continuous basis spending levels in relation to departmental budgets.
22. Consideration of performance reports at pre-determined intervals and submission of appropriate recommendations to Cabinet and/or Council as appropriate.
23. To prepare a programme of policy reviews and order of priority, as required. To review Council policy as and when appropriate.
24. Submit periodical reports on the Committee's activities to Council.

## **Annual Self-Assessment**

25. As a matter of good practice, the Governance and Scrutiny Committee will undertake an annual self-assessment of its own performance to confirm continuing effectiveness, or otherwise identify actions for improvement and ensure that these are implemented.

### **3.4 PANELS**

Each Panel is populated from the full Council Membership on a rotational basis and each Panel applies the Terms of Reference, i.e. composition as detailed below.

#### **(i) COMMUNITY ASSET TRANSFER/NON DOMESTIC RATES RELIEF APPEALS PANEL**

##### **(a) Composition**

Number of Councillors - 5 available Elected Members (3 a quorum). (3/1/1). The Chair of the Appeals Panel shall be the Chair or Vice-Chair of the Cabinet.

##### **(b) Terms of Reference**

1. To consider appeals against the decision of the Community Asset Transfer (CAT) Group in relation to refusal of CAT applications.
2. To consider appeals against the decision of the Head of Finance and ICT in respect of all mandatory and discretionary non-domestic rates relief.

##### **(c) Delegated Powers**

Full delegated powers to uphold appeals and to order grant of discretionary rental leases for non-domestic Council properties and grant of mandatory and discretionary non-domestic rates relief.

#### **Note**

Membership for the individual panels will be arranged by the Chief Governance Officer in consultation with the Leaders of the Administration and Opposition.

#### **(ii) APPEALS PANEL**

##### **(a) Composition**

Five available Elected Members of the Council. (3 a quorum). (3/1/1).

Chair shall be the Cabinet Member with responsibility for Human Resources, Equalities and Inclusion: Councillor Neal Ingram and two other Members as potential Chairs: Clare Maitland and one other Member.

##### **(b) Terms of Reference**

1. To determine appeals against:-
  - (a) dismissals;
  - (b) any disciplinary action taken by the Chief Executive;
2. To uphold or reject such appeals or order the varying of the disciplinary action taken.
3. To decide upon grievances raised by Local Government Employees, Craft Operatives and Chief Officials at Stage 4 of the Council's Grievance Procedure.

**(c) Delegated Powers**

Full delegated powers to uphold or reject grievance, or disciplinary appeals, or to order the varying of disciplinary action taken in respect of Local Government Employees, Craft Operatives and Chief Officials.

**Note**

Membership for the individual panels will be arranged by the Chief Governance Officer in consultation with Leaders of the Administration and Opposition.

Arrangements will be made to schedule Panel Meetings in advance and to populate membership of Panels. Any potential conflicts of interests by Members should be brought to the attention of the relevant Democratic Services Officer either during the preparation stage for the Panel meeting or at the very latest once papers are issued.

**(iii) EDUCATION APPEALS PANEL****(a) Composition**

Number of Councillors - 5 available Elected Members (3 a quorum). (3/1/1)

(When dealing with appeals against exclusions and placing, request one Member of Council required who is not a Member of Cabinet).

**(b) Terms of Reference**

The power to determine appeals made in terms of disciplinary procedure and procedure for settling grievances contained in the conditions of service, for all who are employees subject to teachers' conditions of service (excluding dismissal which shall be dealt with by the Cabinet) where the Chair and Members will not include the Cabinet Member with responsibility for Lifelong Learning, Education and Skills and Culture.

The power to uphold or reject such appeals, to order the varying of disciplinary action taken and to dispose of all issues arising from appeals heard in terms of the said procedure for settling grievances.

The power to determine appeals made in terms of Section 28(h) of the Education (Scotland) Act 1980, i.e. appeals against a decision to exclude a pupil and in terms of Section 63 of the Education (Scotland) Act 1980, i.e. appeals against decisions about records of children or young persons.

The Appeals Panel is authorised to consider and dispose of cases relating to children and young people in cases where the authority has refused a placing request and there is no Co-ordinated Support Plan (CSP) in place, or for whom no CSP assessment has occurred.

To hear and determine appeals from teachers in respect of decision by the Chief Education Officer to issue a Final Written Warning or apply any punitive sanction as described in Paragraph 5.2(d)(i) and 5.2(d)(ii) of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

In places where the Authority has refused a placing request and there either is a CSP in place, or there has been an assessment for a CSP but one has not yet been prepared, or the Authority has decided that no CSP is required, then the matter will be automatically referred to the Additional Support Needs Tribunal and will be administered in accordance with Section 18 and Schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004 and any subsequent regulations and guidance issued by the Scottish Ministers.

**(c) Delegated Powers**

Full delegated powers to determine the above appeals heard by the Panel.

**(iv) EDUCATION (JOINT APPEALS AND BURSARIES) PANEL**

**(a) Composition**

Number of Councillors - 5 available Elected Members (3 a quorum). (3/1/1).

**(b) Terms of Reference**

The power to determine appeals relating to certain further education and higher school bursaries for which East Ayrshire Council has direct responsibility.

The power to consider points of principle relating to bursary awards and to advise and make recommendations to the Cabinet on the Council's Policy.

The power to determine appeals relating to access or amendment of pupil or student records.

The power to determine exceptional payments to increase individual bursaries up to a maximum of £500 per annum in order to alleviate cases of severe hardship.

**(c) Delegated Powers**

Full delegated powers to determine appeals relating to bursaries and appeals relating to access to or amendment of pupil or student records.

**(v) HOUSING APPEALS PANEL**

**(a) Composition**

Number of Councillors - 5 available Elected Members (3 a quorum). (3/1/1).

The membership shall not include the Cabinet Member with responsibility for Housing, Welfare, Poverty, Social Care, Mental Wellbeing and Addiction and Recovery.

**(b) Terms of Reference**

To consider all appeals made in respect of decisions taken in terms of the Council's housing policies and procedures, appropriate legislation and regulations.

**(c) Delegated Powers**

The Panel shall have full delegated powers to uphold or reject appeals.

**(vi) RECRUITMENT PANEL**

**(a) Composition**

Number of Councillors 5 (3 a quorum). (3/1/1). Chair for all Chief Officers posts: Leader of the Council or his nominee.

**Note**

Membership for the individual panels will be arranged by the Chief Governance Officer in consultation with the Leaders of the Administration and Opposition.

**(b) Terms of Reference**

To short-leet, interview and appoint applicants for Chief Officers posts within the Authority.

**(c) Delegated Powers**

Full delegated powers to deal with all matters detailed within the above Terms of



Reference.

## **(vii) LOCAL GOVERNMENT LICENSING PANEL**

### **(a) Composition**

Number of Councillors - 13 (6 a quorum). (7/5/0/1).

Present Membership: Councillors Jim McMahon (Chair), Stephen Canning, David Richardson, Neal Ingram, Beverley Clark, Kevin McGregor, Linda Mabon, Claire Leitch, William Lennox, Billy Crawford, June Kyle, Drew Filson and James Kyle.

### **(b) Terms of Reference**

To discharge the Council's function in respect of all forms of Local Government Licensing including Civic Government and other miscellaneous licensing.

### **(c) Delegated Powers**

Full delegated powers to discharge the Council's functions in respect of all forms of Local Government Licensing including Civic Government and Miscellaneous Licensing.

## **3.5 PLANNING FUNCTION**

### **THE PLANNING COMMITTEE**

#### **(a) Composition**

Number of Councillors - 13 (6 a quorum). (6/4/1/2).

Present Membership: Councillors Graham Barton (Chair), John McGhee (Vice-Chair), Ellen Freel, Elaine Cowan, Peter Mabon, Clare Maitland, Linda Mabon, William Lennox, Billy Crawford, Neill Watts, Drew Filson, Jennifer Hogg and James Kyle.

#### **(b) Terms of Reference**

To consider all applications detailed within the undernoted delegated powers.

#### **(c) Delegated Powers**

**Details of the complete planning application delegation remits are provided on page 90.**

### **DELEGATION OF DECISION MAKING TO THE PLANNING COMMITTEE**

Determination of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission, and determination of Other Applications under the Local Government (Scotland) Act 1973 in the following circumstances.

1. Where the proposal is a Major Development as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and is not significantly contrary to the Local Development Plan. Major Developments are those developments that include 50 or more house (site over 2 ha), business/industry of 10,000m<sup>2</sup> or more, electricity generation in excess of 20 megawatts, 8km of road or rail, and retail developments over 5,000 square metres.
2. Any application subject to objections from more than 10 separate persons/organisations/third parties.
3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration).

4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan.
5. Where the application is made by a member of the Planning Authority or where the application relates to land where a Member of the Planning Authority has an interest in terms of the Statutory Code of Conduct for Councillors.
6. Where the Chief Governance Officer under S43A (6) of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the planning authority taking the decision.
7. Holding of pre-determination hearing into representations regarding, and making recommendation to Council on, planning applications in respect of National Developments and Major Developments that are significantly contrary to the Local Development Plan.
8. In respect of the Electricity Act 1989 (as Amended)
  - to determine all applications in terms of Section 36; and
  - to determine all applications in terms of Section 37.
9. Any application for open cast coal; quarries; on-shore wind farms, electrical infrastructure, landfill and fracking developments which impacts on the approved restoration scheme.
10. Any applications for variation or discharge of existing conditions relative to restoration or aftercare of sites considered.
11. Any future proposed restoration scheme submitted for approval in fulfilment of a planning condition.

### **(iii) LOCAL REVIEW BODY**

#### **(a) Membership**

Five available Elected Members from a pool of the following 13 Members (Members of the Planning Committee): Present Membership: Councillors Graham Barton (Chair), John McGhee (Vice-Chair), Ellen Freel, Elaine Cowan, Peter Mabon, Clare Maitland, Linda Mabon, William Lennox, Billy Crawford, Neill Watts, Drew Filson, Jennifer Hogg and James Kyle.

NB: Whilst 5 Members will initially be sought to populate each Local Review Body meeting, to comply with legislation the quorum will be 3 members. Individual Review Bodies may proceed if a quorum is secured.

Chair of the Local Review Body shall be the Chair of the Planning Committee (Councillor Graham Barton) and in his absence, one of two other Members from the pool: Councillors John McGhee and Jennifer Hogg.

#### **(b) Terms of Reference and Delegated Authority**

In relation to Local Development planning applications as specified in the Planning Etc (Scotland) Act 2006 to review and determine:-

- (i) appeals against decisions by Officers to refuse planning permissions;
- (ii) appeals against conditions set by Officers in respect of a planning permission; and

- (iii) failure by Officers to make a decision in respect of a planning application within the statutory timescale.

To give notice of their decision to all relevant parties as detailed in the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

**(c) Authority and Administrative Procedures**

The Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008 make provision for the establishment of the Local Review Body. The Local Review Body shall produce and keep under review administrative procedures, which shall be informed by the abovementioned regulations.

### **3.6 GRANTS COMMITTEE**

**(a) Composition**

Number of Councillors - 13 (6 a quorum). (6/4/2/1).

Present Membership: Councillors Iain Linton (Chair), Jim Todd (Vice-Chair), Stephen Canning, James Adams, Jayne Sangster, Graham Boyd, Neal Ingram, Beverley Clark, Linda Mabon, Claire Leitch, Alyson Simmons, Billy Crawford and James Kyle.

**(b) Terms of Reference and Delegated Authority**

- To make recommendations to Cabinet on the future operational arrangements of the Single Grants Committee and operational arrangements of the Grants Scheme for Community and Voluntary Organisations;
- To review the criteria for applying for grant funding to the new Grants Scheme;
- To receive, consider and make decisions on applications for specified grant funding from community/voluntary organisations;
- To receive, consider and approve Council/Departmental affiliations to outside organisation; and
- To assume a strategic overview of external funding opportunities and receive updates on moneys secured to the East Ayrshire area.

### **3.7 POLICE AND FIRE AND RESCUE COMMITTEE**

**(a) Composition**

Number of Councillors - 11 (4 a quorum) (5/3/2/1).

Present Membership: Councillors Graham Barton (Chair), Peter Mabon (Vice-Chair), James Adams, Jayne Sangster, Graham Boyd, Neal Ingram, Jim Todd, Claire Leitch, June Kyle, Jim McMahon and Neill Watts.

**(Vice-Chair should be the Chair of the Governance & Scrutiny Committee as agreed at Council on 25 June 2015).**

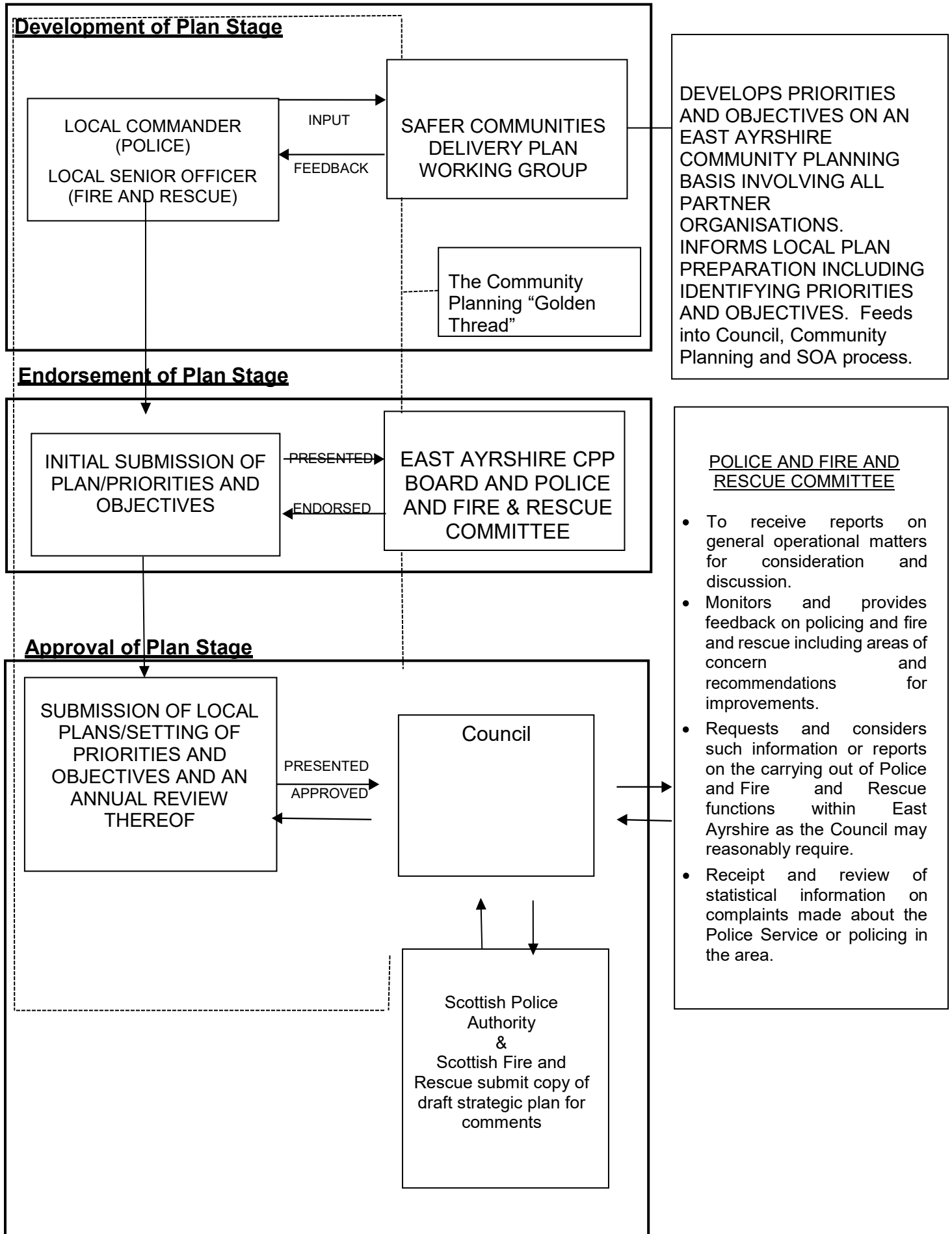
**(b) Terms of Reference**

- To consider and comment upon the proposed local operating arrangements for Police Scotland and the Scottish Fire and Rescue Service.
- To consider the draft Safer Communities Delivery Plan, incorporating the Local Policing Plan and Local Fire and Rescue Plan for East Ayrshire, and to make

recommendations on the Delivery Plan to full Council.

- To scrutinise the planning, delivery and outcomes of services delivered by Police Scotland and the Scottish Fire and Rescue Service in East Ayrshire.
- To request and receive information and reports from the Local Commander (Police) and Local Senior Fire Officer (Fire and Rescue) on any area or aspect of the services deemed appropriate.
- To receive and comment on performance reports from the Local Commander (Police) and Local Senior Officer (Fire and Rescue), in order to monitor and assess the performance of Police and Fire and Rescue Services against local and national performance frameworks and to make recommendations for improvements.
- To receive and comment on reports from other key stakeholders that contribute to the achievement of the outcomes contained within the Safer Communities Delivery Plan.
- To scrutinise the discharge of Police Scotland's and the Scottish Fire and Rescue Service's consultative and community engagement arrangements in East Ayrshire.
- To provide the mechanism to link with the Scottish Police Authority and the Scottish Fire and Rescue Board and to consider and be aware of issues raised at meetings thereof.
- To receive performance information in respect of Complaints about the Police.
- To consider reports from external agencies including, but not limited to, Her Majesty's Inspector of Constabulary in Scotland, Her Majesty's Fire Service Inspectorate, Audit Scotland and the Accounts Commission in relation to the work carried out by Police Scotland, the Scottish Fire and Rescue Service, and any other key stakeholders that may contribute to the achievement of the outcomes contained within the Safer Communities Delivery Plan.
- To consider and respond to consultations on strategic Police and Fire and Rescue priorities and Scottish Police Authority and Scottish Fire and Rescue Service Strategic Plans.

## LOCAL POLICE AND FIRE AND RESCUE PLANS: SCRUTINY AND ENGAGEMENT STRUCTURE



#### 4.1 **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Comprising 4 elected members from each constituent authority, namely East Ayrshire Council, North Ayrshire Council and South Ayrshire Council. For East Ayrshire Council (2/1/1): Councillors Douglas Reid (Chair), Jim McMahon, Barry Douglas and Neill Watts.

The constituent authorities may from time to time determine which specific services and functions are to be delegated to the Joint Committee.

At present the undernoted services have been delegated to the Joint Committee:

- Tourism (all three Councils): Lead constituent authority South Ayrshire Council
- Ayrshire Roads Alliance (East Ayrshire Council and South Ayrshire Council): Lead constituent authority - East Ayrshire Council.
- Ayrshire Civil Contingencies.

Remit of the Ayrshire Shared Service Joint Committee:

- To monitor spend within the budget approved by constituent authorities in relation to each relevant Shared Service;
- To develop and implement a strategic policy framework for the operation of each relevant Shared Service, to receive, scrutinise and approve Service Plans for implementation of the policies and priorities for service delivery in respect of relevant Shared Services including establishing appropriate service targets and performance indicators;
- To co-ordinate, guide, monitor and review and performance and discharge of Shared Service by officers of the relevant lead authority; and
- To consider and approve an annual Service Plan in respect of each Shared Service including the relevant budget

The Roads and Transportation Services to be delivered on a shared service basis:

<b>Strategic Service Delivery</b>	<b>Local Service Delivery</b>
<b>Asset and Performance</b> Local Transport Strategy; Transportation Policy; Road Safety Plan; Cycling Strategy Council/Partner Liaison;	<b>Transportation, Development Control and Road Safety</b> Maintenance of Bus Shelters; Split Cycle Offset Optimisation Technique (SCOOT) systems (an adaptive control system for controlled road crossings); Development Control; Bus Shelter Advertising; Shopmobility; Travel Planning; Planning Applications; Development Planning; Section 75 Agreements; Road Safety Audits; School Travel Plans; School Crossing Patrol; Road Safety Education. Maintenance of Traffic signals, traffic signs, Traffic Orders; Traffic Counts, Accident Investigation and Prevention.
<b>Asset and Performance</b> Asset Management Plan; Performance Monitoring; Parking Strategy. Scottish Roadworks Register	<b>Asset, Traffic and Parking</b> Car Park Maintenance and Parking Enforcement. Roads Improvement Plan; Infrastructure Surveys; Inventory Management; Issue of Permits; Accident Investigation and Prevention;
<b>Asset and Performance</b>	<b>Design and Environment</b>

Strategic Service Delivery	Local Service Delivery
Flood Risk Management Strategy; Flood Risk Management Plans;	Maintenance of Watercourses, Bridges, Retaining Walls, Piers and Harbours. Watercourses; Flood Mitigation; Coastal Protection; Inspection of Piers & Harbours; Bridge Inspections and Maintenance; Structural Assessments; Technical Approval; Abnormal Load Routing; and Design of Major Road Schemes and Improvements. Road Construction Consents
<b>Construction and Roads Maintenance</b> Winter Service Planning; Street Lighting Management;	<b>Operations</b> Proactive, Reactive, Cyclic Maintenance of Roads and Footways; Winter and Weather Emergency Service; Proactive and Reactive Maintenance of Streetlights; Electricity costs for streetlights. Carriageway Inspections; Programming of Proactive, Reactive and Cyclic Maintenance; Street Lighting Design; Festive Lighting, Construction of Road Safety Schemes; Design of Minor Road Schemes; EV Charging.
<b>Business Operations</b>  Scottish Roadworkers National Training Programme New Business opportunities	
<b>Support Services</b> HR, Finance, ICT, and Administrative Support.	

The detailed list of statutory functions delegated by South Ayrshire Council to East Ayrshire Council and the statutes that govern responsibility for their delivery:

### Roads Management

To exercise operational functions under the Roads (Scotland) Act 1984, the New Roads and Street Works Act 1991 and the Town and Country Planning (Scotland) Act 1997 relating (inter alia) to:

- the stopping-up or diversion of roads intersecting with new roads;
- the adoption and maintenance of private roads and footpaths;
- applications for construction consent, and related enforcement, including reporting offences to the Procurator Fiscal;
- the provision of road lighting; - the authorisation and issue of notices relating to operational efficiency and safety of roads as follows:
- the service of notices in connection with the carrying out of works for protecting roads against hazards of nature;
- the service of notices in connection with the drainage of public roads;

- the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass and other plants within a public road;
- the authorisation of works and excavations in or under a public road;
- the prevention or termination of dangerous works or excavations in or under a public road;
- the granting of permission for the deposit of building materials on roads and the control of obstructions in roads;
- the granting of permissions to place and thereafter maintain apparatus in or under a public road;
- the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;

The imposition of the requirement to construct new accesses across road verges or footways where appropriate;

- the issue of consents to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus;
- enforcing the maintenance of vaults, cellars and related structures within the vicinity of a road;
- enforcing safety provisions, countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users;
- the exercise of the power of roads authority to stop up roads by order;
- the stopping up of dangerous accesses from a road or proposed road to land;
- under Section 71 of the Roads (Scotland) Act 1984 provisions regulating the prescribed procedure to be followed in making an order under Sections 68 and 69;
- the service of notices prior to the diversion of waters, where necessary, in connection with the construction, improvement or protection of a public road;
- following consultation with the Chief Governance Officer of East Ayrshire Council, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations; For bridges within the South Ayrshire Council area, to consult with Executive Director, Economy Neighbourhood and Environment of South Ayrshire Council on the proposed terms of such agreements prior to their conclusion.
- the service of notices to prevent danger arising from obstructions to road users;
- the granting of permissions for the location of skip on roads;
- the removal or repositioning of any skip which is causing, or is likely to cause a danger or obstruction;
- the removal from roads of unauthorised structures and the consequent reinstatement of the site;
- the removal of projections interfering with safe or convenient passage along a road;
- the removal of accidental obstructions from roads;
- the granting of consents for fixing or placing over or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus;



- the service of notices requiring the removal of roadside vegetation to prevent danger to road users or pedestrians;
- the granting of consent for planting trees or shrubs within five metres of the edge of the made up carriageway;
- the service of notices to protect road users from dangers near a road;
- to infill dangerous ditches adjacent to or lying near a road;
- the removal from roads, of deposits of mud etc from vehicles;
- the issue of certificates in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc. and collection of contributions under Section 96(3) of the Roads (Scotland) Act 1994;
- the issue of trading consents;
- the issue of consents to persons undertaking works or excavations necessary to ensure compliance with Section 99(1) of the Roads (Scotland) Act 1984 (prevention of flow of water onto roads);
- the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99(1) of the Roads (Scotland) Act 1994 (Prevention of flow of water onto roads);
- the authorisation of persons taking entry to land for the purpose of survey etc; and
- the re-determination of the means of exercise of a public right of passage over a road.

### **Traffic Management**

To exercise functions under the Road Traffic Regulation Act 1984 as amended relating to

- temporary traffic orders (Section 14 and 16A).
- pedestrian crossings (Section 23).
- provision of traffic signs and removal of unauthorised signs (Sections 65, 68, 69 and 71).
- promotion and making of Traffic Orders (Sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49(2) and (4), 83(2) and 84 and Parts III and IV of Schedule 9) in accordance with the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and the Road Traffic Act 1991 to make provisions prohibiting, restricting or regulating the use of roads, revoking or amending existing Orders.

To exercise functions under the Roads (Scotland) Act 1984 as amended relating to:-

- Temporary Orders (Section 62); and
- Promotion and making of Traffic Orders (Sections 68, 69 and 71) will comply with the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.

- All temporary Orders or Notices will be made after notice has been given to the Chief Constable and Chief Officer of the Fire Authority. Notice will be given to relevant Spokespersons and the Local Members before a made Order or Notice comes into force, except in an emergency when notification will be after the Notice comes into force.
- Promotion of permanent Traffic Regulation Orders and Speed Limit Orders under the Road Traffic Regulation Act 1984 relating to East Ayrshire Council area will be subject to consultation with the Chief Constable and the Chief Governance Officer of East Ayrshire Council, relevant Spokespersons, Local Members and advertised in the press accordingly. If no objections are received, the Order will be made and implemented.
- Any objection received to an proposed order within East Ayrshire Council area which has not been withdrawn will be brought before the EAC Cabinet for consideration and where required, a Hearing shall be conducted by an independent person referred to as "the reporter". The recommendation made by the reporter will also be considered by the EAC Cabinet before that Order is made.
- Promotion of permanent Traffic Regulation Orders and Speed Limit Orders under the Road Traffic Regulation Act 1984 relating to South Ayrshire Council area will be subject to consultation with the Chief Constable, Executive Director, Economy, Neighbourhood and Environment and the Head of Legal and Democratic Services, both of South Ayrshire Council, statutory consultees as per the Local Authorities" Traffic Orders ( Procedure) (Scotland) Regulations 1999 ( as amended) and shall be submitted to South Ayrshire Council's Regulatory Panel for approval.

### **Goods Vehicles (Licensing of Operators) Act 1995**

Under Section 8 to apply for an Operator's Licence.

Under Section 17 to apply for variations to an Operator's Licence.

### **Transport Act 1968**

Under Section 95 and corresponding subordinate legislation to ensure that requirements relating to driver's hours are complied with.

Under Section 98 and corresponding subordinate legislation to ensure that requirements relating to the keeping of written records for drivers" hours are complied with.

### **Coast Protection Act 1949**

To carry out all necessary works relating to the protection of the coast against erosion and encroachment of the sea

### **Harbours Act 1964**

To carry out all statutory functions relative to the improvement, maintenance and management of Girvan Harbour.

### **Road Traffic Act 1988**

To carry out all road safety functions as detailed within the 1988 Act.

### **Contracts - Preparation**

- (a) to prepare maintain and review tender lists for all projects, goods and services for the Ayrshire Roads Alliance;
- (b) preparation, processing (excluding opening and acceptance) of all contracts for the Ayrshire Roads Alliance in accordance with East Ayrshire Council's Financial Regulations; and
- (c) to appoint consultants to assist with projects for the Ayrshire Roads Alliance.

### **Flood Prevention**

To take measures to mitigate flooding of non-agricultural land (Sections 2, 8 and 9 of the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997). To exercise functions under the Flood Risk Management Act (2009) relating to:-

- Preparation of Local Flood Risk Management Plans; and
- Development of Asset Management Plans.
- Liaison with SEPA, Scottish Water and other Local Authorities.

### **Disabled Persons' Parking Places**

To carry out statutory duties as detailed in The Disabled Persons' Parking Places (Scotland) Act 2009.

### **Miscellaneous**

To carry out the functions of Joint Road Safety Officer in conjunction with the Chief Constable.

To approve locations for advertisements on road safety barriers and similar structures (after consultation with the Chief Constable).

To make arrangements for the management of car parks, and on-street parking and enforcement traffic orders by virtue of the Road Traffic Act 1991, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012, the Parking Attendants (Wearing of Uniforms) (South Ayrshire Council Parking Area) Regulations 2012 and the Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012.

To make grants to householders under the Noise Insulation Regulations 1975.

To assess need for school crossing patroller training.

To appoint a CDM Co-ordinator, Designer, Planning Supervisor, Principal Contractor and/or Contractor under the Construction (Design and Management) Regulations 2007.

To accept commissions to carry out work on behalf of Transport Scotland, and to carry out work relating to public roads and other structures on behalf of other bodies, or companies.

To authorise routes to be taken by abnormal loads.

To agree terms for Bridge Agreements with British Railways Board and its successors relating to the maintenance of railway bridges. For those in South Ayrshire Council area, to consult with Executive Director, ENE, prior to such terms being agreed.

To approve proposals for taxi stances, in East Ayrshire Council area, after consultation with local members and the Chief Constable.

To recommend proposals for taxi stances in South Ayrshire Council area to SAC Regulatory Panel.

To raise an objection to an application for a Goods Vehicle Operator's licence (Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995).

To erect and keep in position barriers on roads for the purpose of securing public order and public safety.

To carry out all statutory functions in terms of the Transport (Scotland) Act 2005.

### **Public Transport**

Operational decisions relating to the provision of bus infrastructure.

Liaison with Strathclyde Partnership for Transport on adjustments to subsidised bus services.

### **Public Utilities**

To carry out the functions of South Ayrshire Council under the New Roads and Street Works Act 1991 and Transport (Scotland) Act 2005 in relation to the roads for which the Council is responsible, including the granting of wayleaves across public highways and public footpaths. **(Such wayleaves to be recorded within a Register of Wayleaves maintained by East Ayrshire Council's Estate Section)**

**Note:** The above list of statutory functions should not be regarded as exhaustive but should be deemed to include any obligation which is or may become incumbent upon South Ayrshire Council as Roads Authority by virtue of any statutory enactment whether imposed by primary or secondary legislation.

## **4.2 AYRSHIRE ECONOMIC JOINT COMMITTEE**

### **Membership**

Comprising 3 elected members from each constituent authority, namely East Ayrshire Council, North Ayrshire Council and South Ayrshire Council. For East Ayrshire Council (2/1): Councillors Douglas Reid and Iain Linton and **Linda Mabon**. (Substitutes: Councillors Barry Douglas, Stephen Canning and William Lennox).

### **Constitution**

A maximum of thirteen Members, comprising up to three members each nominated by East, North and South Ayrshire Councils, one from Scottish Enterprise, one from Skills Development Scotland, one from the business sector and one from the education sector. Named substitutes are permitted to attend in place of any nominated Member.

### **Chair**

The Chair of the Committee will rotate annually from a Member appointed by East Ayrshire Council to North Ayrshire Council, and to South Ayrshire Council and so on, with each Chair taking up his or her position on 1 September.

### **Quorum**

A quorum of the Joint Committee shall be four members, with at least one member from each Council present.

### **Standing Orders and Meetings**

The Standing Orders for the Joint Committee shall be as determined by East, North and South Ayrshire Councils. The Committee shall determine its timetable of meetings but shall meet at least four times per annum.

### **Functions Referred**

The following functions of the Council will stand referred to the Joint Committee: - Acting in the interests of Ayrshire as a whole:-

1. to approve the Ayrshire Economic Strategy;
2. to make recommendations to the UK and Scottish Governments, the Ayrshire Councils, public sector partners and business to promote collaborative working and to ensure their priorities, policies and service delivery are aligned with the Ayrshire Economic Strategy and the Ayrshire Growth Deal;
3. to approve major funding decisions including approval of the Business Cases for AGD projects;
4. to approve the AGD Benefits Realisation Plan;
5. to approve major change requests;
6. to receive reports on the effectiveness of the implementation of the Ayrshire Economic Strategy and the Ayrshire Growth Deal and to identify potential improvements and make recommendations to the Constituent Authorities;
7. to make recommendations to the Constituent Authorities in respect of the Ayrshire Growth Deal funding arrangements;
8. to make recommendations to the Constituent Authorities on the setting of budgets for the Ayrshire Growth Deal;
9. to approve operational expenditure within agreed Ayrshire Growth Deal Joint Committee budgets allocated by the Constituent Authorities in order to further the aims of the Ayrshire Growth Deal.

### **Delegated Powers**

The Joint Committee has delegated powers to implement its functions, except as otherwise provided herein. The Joint Committee shall have power to create an Ayrshire Regional Economic Partnership Sub-Committee whose membership, powers and remit shall be as follows:-

## **4.3 AYRSHIRE ECONOMIC PARTNERSHIP BOARD**

### **Membership**

Comprising 3 elected members from each constituent authority, namely East Ayrshire Council, North Ayrshire Council and South Ayrshire Council. For East Ayrshire Council (2/1): Councillors Douglas Reid and Iain Linton and **Linda Mabon**. (Substitutes: Councillors Barry Douglas, Stephen Canning and William Lennox).

### **Constitution**

The Ayrshire Regional Economic Partnership ('the Partnership') is a sub-committee in terms of section 56(1) of the Local Government (Scotland) Act 1973. It shall comprise a maximum of 22 members, being:-

- three representatives nominated by each of East, North and South Ayrshire Councils;
- three representatives of the business sector selected by the Partnership;
- three representatives of the Higher or further Education sector, selected by the Partnership;
- one representative nominated by each of Scottish Enterprise, Highlands and Islands; and
- Enterprise, Skills Development Scotland, and Visit Scotland.

The Partnership may also co-opt up to three additional members on the basis of experience or skills, whether from existing members, from other organisations or individuals. Named substitutes are permitted to attend in place of any nominated Member.

### **Chair**

The Chair shall be appointed by the Joint Committee.

### **Quorum**

A quorum of the Partnership shall be six, with at least one nominee from each of the Ayrshire Councils present.

### **Standing Orders and Meetings**

The Standing Orders of the Partnership shall be as determined by East, North and South Ayrshire Councils. The Partnership shall determine its timetable of meetings but shall meet at least six times per annum.

### **Delegated Powers**

The Partnership has delegated powers to implement its functions, except as otherwise provided herein.

### **Functions Referred**

The following functions of the Ayrshire Regional Economic Joint Committee will stand referred to the Partnership:-

Acting in the interests of Ayrshire as a whole, to:-

1. to oversee the development of the Ayrshire Economic Strategy and to make recommendations to the Ayrshire Regional Economic Joint Committee regarding its approval;
2. to provide strategic oversight for the delivery of the strategic priorities and actions contained within the Ayrshire Economic Strategy and any Action Plan forming part of such Strategy;
3. to drive forward the growth of the Ayrshire economy;
4. to prioritise inclusive growth and provide an annual report in line with the Scottish Government's Inclusive Growth Monitoring Framework;
5. to drive increased collaboration and partnership between the Ayrshire Councils, the Scottish & UK Governments and their agencies and the private sector, focussed towards delivery of the Ayrshire economic priorities;
6. to make recommendations to the Ayrshire Regional Economic Joint Committee, the Ayrshire Councils, public sector partners and business to promote collaborative working and to ensure their priorities, policies and service delivery are aligned with the Ayrshire Economic Strategy and the Ayrshire Growth Deal;
7. undertake periodic reviews of the Ayrshire Economic Strategy and any Action Plan forming part of the Strategy to ensure that it is consistent with the emerging ambitions of Ayrshire and collaboration with partners;
8. to oversee the development of the business cases of individual Ayrshire Growth Deal Projects and to make recommendations to the Ayrshire Regional Economic Joint Committee regarding their approval;
9. to oversee the implementation of the Ayrshire Regional Economic Strategy and the Ayrshire Growth Deal, to monitor the performance of the Programme Management Office (PMO), to identify potential improvements and make recommendations to the PMO or the Ayrshire Regional Economic Joint Committee;
10. to make recommendations to the Ayrshire Regional Economic Joint Committee in respect of the Ayrshire Growth Deal funding arrangements;

11. to ensure that an effective monitoring and evaluation framework is in place at both a project and programme level, and that each Member Authority is delivering upon its requirements needed to successfully pass the Growth Deal Gateway Review Process; and
12. to provide strategic direction and manage the input of an Thematic or other Working Groups.

#### **4.4 EAST AYRSHIRE INTEGRATION JOINT BOARD**

Responsibilities of the Integration Joint Board:

- For the planning of Services:- This will be achieved through the Strategic Plan
- For the operational oversight of Integrated Services, and through the Chief Officer will be responsible for the operational management of Integrated Services
- For the planning of Acute Services but the Health Board will be responsible for the operational oversight of Acute Services and through the Director for Acute Services will be responsible for operational management of Acute Services. The Health Board will provide information on a regular basis to the Chief Officer and Integration Joint Board on the operational delivery of these Services
- In respect of Lead Partnership in relation to: Out of Hours Social Work Services
  - responsibilities for the operational oversight of this service
  - through the Chief Officer, responsibility for the operational management on behalf of all the Ayrshire Integration Joint Boards; and
  - for the strategic planning and operational budget of the service

East Ayrshire Council has four elected members serving on the Board (2/1/1): namely **Councillor Barry Douglas**, (substitute Councillor Kevin McGregor), Councillor Neill Watts, (substitute Councillor John McFadzean), Councillor Douglas Reid (substitute Councillor Jennifer Hogg) and Councillor Clare Maitland (substitute Councillor Jennifer Hogg).

The following are the specific functions delegated by East Ayrshire Council to the Integration Joint Board:

<i>Column A Enactment conferring function</i>	<i>Column B Limitation</i>

<p><b>National Assistance Act 1948</b></p> <p>Section 45 (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact.)</p> <p>Section 48 (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)</p>	
<p><b>Matrimonial proceedings (Children) Act 1958</b></p> <p>Section 11 (Reports as to arrangements for future care and upbringing of children.)</p>	
<p><b>The Disabled Persons (Employment) Act 1958</b></p> <p>Section 3 (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)</p>	
<p><b>The Social Work (Scotland) Act 1968</b></p> <p>Section 1 (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)</p> <p>Section 4 (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>
<p>Section 5 (Local authorities to perform their functions under the Act under the guidance of the Secretary of State.)</p> <p>Section 6B (Local authority inquiries into matters affecting children.)</p>	



<p>Section 8 (The conducting of, or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)</p>	<p>So far as it is exercisable in relation to another integration function.</p>
<p>Section 10 (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)</p> <p>Section 12 (The promotion of social welfare and the provision of advice and assistance.)</p> <p>Section 12A (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)</p> <p>Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)</p> <p>Section 12AA (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care.)</p> <p>Section 12AB (The notification of carers as to their entitlement to make a request for an assessment under section 12AA.)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>

(The taking of steps to help an incapable adult to benefit from community care services.)

(The provision, or making arrangements for the provision, of residential accommodation with nursing.)

(The making of arrangements for the care or aftercare of persons suffering from illness.)

(The provision or arranging the provision of domiciliary services and laundry services.)

(Supervision and care of persons put on probation or released from prisons etc.)

(Grants in respect of community service facilities.)

(The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation.)

(The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)

So far as it is exercisable in relation to another integration function.

So far as it is exercisable in relation to persons cared for or assisted under another integration function.

<p>Section 59 (The provision of residential and other establishments.)</p> <p>Section 78A (Recovery of contributions.)</p> <p>Section 80 (Enforcement of duty to make contributions.)</p> <p>Section 81 (Provisions as to decrees for ailment.)</p> <p>Section 83 (Variation of trusts.)</p> <p>Section 86 (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local authority from the other local authority.)</p>	<p>So far as it is exercisable in relation to another integration function.</p>
<p><b>The Children Act 1975</b></p> <p>Section 34 (Access and maintenance.)</p> <p>Section 39 (Reports by local authorities and probation officers.)</p> <p>Section 40 (Notice of application to be given to local authority.)</p> <p>Section 50 (Payments towards maintenance of children.)</p>	
<p><b>The Local Government and Planning (Scotland) Act 1982</b></p> <p>Section 24(1) (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance)</p>	

<p><b>Health and Social Services and Social Security Adjudications Act 1983</b></p> <p>Section 21 (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p>Section 22 (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p>Section 23 (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p>	
<p><b>Foster Children (Scotland) Act 1984</b></p> <p>Section 3 (Duty of local authority to ensure well-being of and to visit foster children.)</p> <p>Section 5 (Notification to local authority by persons maintaining or proposing to maintain foster children.)</p> <p>Section 6 (Notification to local authority by persons ceasing to maintain foster children.)</p> <p>Section 8 (Power of local authorities to inspect foster premises.)</p>	

<p>Section 9 (Power of local authorities to impose requirements as to the keeping of foster children.)</p> <p>Section 10 (Power of local authorities to prohibit the keeping of foster children.)</p>	
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986</b></p> <p>Section 2 (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)</p> <p>Section 3 (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)</p> <p>Section 7 (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)</p> <p>Section 8 (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)</p>	<p>In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions.</p> <p>In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of the Act) which are integration functions.</p>

<p><b>The Children (Scotland) Act 1995</b></p> <p>Section 17 (Duty of local authority to children looked after by them.)</p>	
<p>Sections 19-27 (Provision of relevant services by local authority for or in respect of children in their area.)</p> <p>Sections 29-32 (Advice and assistance for young persons formerly looked after by local authorities; duty of local authority to review case of a looked after child; removal by local authority of a child from a residential establishment.)</p> <p>Section 36 (Welfare of certain children in hospitals and nursing homes etc.)</p> <p>Section 38 (Short term refuges for children at risk of harm.)</p> <p>Section 76 (Exclusion orders.)</p>	
<p><b>Criminal Procedure (Scotland) Act 1995</b></p> <p>Section 51 (Remand and committal of children and young persons.)</p> <p>Section 203 (Where a person specified in section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not dispose of the case without first obtaining a Report from the local authority in whose area the person resides.)</p> <p>Section 234B (Drug treatment and testing order.)</p> <p>Section 245A (Restriction of liberty orders.)</p>	

<p><b>The Adults with Incapacity (Scotland) Act 2000</b>  Section 10  (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)</p>	
<p>Section 12  (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)</p> <p>Sections 37, 39-45  (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)</p>	<p>Only in relation to residents of establishments which are managed under integration functions.</p>
<p><b>The Housing (Scotland) Act 2001</b>  Section 92  (assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation.</p>
<p><b>The Community Care and Health (Scotland) Act 2002</b>  Section 4  (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)</p> <p>Section 5  (The making of arrangements for the provision of residential accommodation outside Scotland.)</p> <p>Section 6  (Entering into deferred payment agreements for the costs of residential accommodation.)</p> <p>Section 14  (The making of payments to an NHS body in connection with the performance of the functions of that body.)</p>	

<p><b>The Mental Health (Care and Treatment) (Scotland) Act 2003</b></p> <p>Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)</p> <p>Section 25 (The provision of care and support services for persons who have or have had a mental disorder.)</p>	<p>Except in so far as it is exercisable in relation to the provision of housing support services</p>
<p>Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder.)</p> <p>Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder.)</p> <p>Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)</p> <p>Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)</p> <p>Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work(Scotland) Act 1968.)</p> <p>Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)</p>	<p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p>



<p><b>Management of Offenders etc. (Scotland) Act 2005</b>  Sections 10-11  (Assessing and managing risks posed by certain offenders.)</p>	
<p><b>The Housing (Scotland) Act 2006</b>  Section 71(1)(b)  (assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation as defined at s1(2) of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014.</p>
<p><b>Adoption and Children (Scotland) Act 2007</b>  Section 1  (Duty of local authority to provide adoption service.)</p>	
<p>Sections 4-6  (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)</p> <p>Sections 9-12  (Adoption support services.)</p> <p>Section 19  (Local authority's duties following notice under section 18.)</p> <p>Section 26  (Procedure where an adoption is not proceeding.)</p> <p>Section 45  (Adoption support plans.)</p> <p>Section 47-49  (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)</p> <p>Section 51  (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)</p>	

<p>Section 71 (Adoption allowances schemes.)</p> <p>Section 80 (Application to court by local authority for the making of a permanence order.)</p> <p>Section 90 (Precedence of court orders and supervisions requirement over permanence order.)</p> <p>Section 99 (Duty of local authority to apply for variation or revocation of a permanence order)</p>	
<p>Section 101 (Notification requirements upon local authority.)</p> <p>Section 105 (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)</p>	
<p><b>The Adult Support and Protection (Scotland) Act 2007</b></p> <p>Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)</p> <p>Section 5 (The co-operation with other councils, public bodies and office holders in relation to inquiries made under section 4.)</p> <p>Section 6 (The duty to have regard to the importance of providing advocacy services.)</p> <p>Section 7-10 (Investigations by local authority pursuant to duty under section 4.)</p> <p>Section 11 (The making of an application for an assessment order.)</p> <p>Section 14</p>	

<p>(The making of an application for a removal order.)</p> <p>Section 16 Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order.</p> <p>Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)</p>	
<p>Section 22 (The making of an application for a banning order.)</p> <p>Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)</p> <p>Section 42 (The establishment of an Adult Protection Committee.)</p> <p>Section 43 (The appointment of the convener and members of the Adult Protection Committee.)</p>	
<p><b>Children's Hearings (Scotland) Act 2011</b></p> <p>Section 35 (Child assessment orders.)</p> <p>Section 37 (Child protection orders.)</p> <p>Section 42 (Application for parental responsibilities and rights directions.)</p> <p>Section 44 (Obligations of local authority where, by virtue of a child protection order, child is moved to a place of safety by a local authority.)</p> <p>Section 48</p>	

<p>(Application for variation or termination of a child protection order.)</p> <p>Section 49 (Notice of an application for variation or termination of a child protection order.)</p> <p>Section 60 (Duty of local authority to provide information to Principal Reporter.)</p> <p>Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)</p> <p>Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)</p> <p>Section 145 (Duty of implementation authority where child required to reside in a certain place.)</p> <p>Section 153 (Secure accommodation.)</p> <p>Sections 166-167 (Requirement imposed on a local authority: review and appeal.)</p> <p>Section 180 (Sharing of information with panel members by local authority.)</p> <p>Section 183-184 (Mutual assistance.)</p> <p><b>Social Care (Self-directed Support) (Scotland) Act 2013</b></p> <p>Section 3 (The consideration of an assessment of an adults ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support.)</p>	<p>Only in relation to assessments carried out under integration functions.</p>
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<p>Section 5 (The giving of the opportunity to choose a self-directed support option.)</p> <p>Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)</p>	
<p>Section 7 (The giving of the opportunity to choose a self-directed support option.)</p> <p>Section 8 Choice of options: children and family members.</p> <p>Section 9 (The provision of information.)</p> <p>Section 10 Provision of information: children under 16</p> <p>Section 11 (Giving effect to the choice of self-directed support option.)</p> <p>Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)</p> <p>Section 13 (Offering another opportunity to choose a self-directed support option.)</p> <p>Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)</p> <p>Section 19 (Promotion of the options for self-directed support.)</p>	<p>Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.</p>

The services, to which the above functions relate, which are to be integrated are set out below:

- Social work services for adults and older people;
- Services and support for adults with physical disabilities, learning disabilities;
- Mental health services;

- Drug and alcohol services;
- Adult protection and domestic abuse;
- Carers support services;
- Community care assessment teams;
- Support services;
- Care home services;
- Adult placement services;
- Health improvement services;
- Aids and adaptations and gardening services;
- Day services;
- Local area co-ordination;
- Respite provision;
- Occupational therapy services;
- Re-ablement services, equipment and telecare.
- Criminal justice social work services
- Children and families social work services
- The management of the Out of Hours Social Work Service will be delegated to East Ayrshire Health and Social Care Partnership, on behalf of East, North and South Health and Social Care Partnerships

Such other services as may be agreed

There are two Consultative Committees which provide a forum and procedure for Council Members and Trade Unions to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern through recommendations to the appropriate decision-making body of the Council.

Each Committee has a separate constitution which sets out its terms of reference, membership quorum and meeting arrangements.

#### **4.5 CENTRAL JOINT CONSULTATIVE COMMITTEE (LOCAL GOVERNMENT EMPLOYEE AND CRAFTPERSONS)**

Present Membership: 9 Elected Members (4/3/2) - Councillors Stephen Canning, David Richardson, **Barry Douglas**, Neal Ingram, Peter Mabon, Clare Maitland, Kevin McGregor, Alyson Simmons and Neill Watts.

10 Members from the Trades Union side.

#### **4.6 EAST AYRSHIRE COUNCIL LOCAL NEGOTIATING COMMITTEE FOR TEACHERS**

Present Membership: 4 Elected Members (2/1/1) - Councillors Elaine Cowan, Graham Boyd, Neal Ingram, and **June Kyle**.

9 Members from the Trades Union side.

#### **4.7 CROSS-PARTY SOUNDING BOARD**

The Sounding Board is intended to operate as an open forum for informal cross party discussion on emerging policy or operational issues which are likely to have a significant impact on the Council and/or East Ayrshire as a whole, with a view to establishing both any common ground and fundamental differences in the respective views of the parties on any particular issue.

### **Composition**

Leader and Depute Leader of each of the three main political party groups within East Ayrshire Council. Meetings of the Sounding Board will be chaired by the Leader of the Council, whom failing the Depute Leader of the Council.

### **Number of Councillors - 6 (no quorum)**

### **Terms of Reference**

To act as a flexible and informal forum to allow appropriate discussion and timely and effective planning in respect of emerging policy or operational matters which may have a significant impact on the Council or the East Ayrshire area as a whole.

To allow through such discussion for the identification of both any common ground and any significant differences in the respective positions of the main political groups in order to inform future policy development and the preparation of relevant proposals before presenting these to Council, Cabinet or other appropriate Committees for formal approval.

To meet 4 times per annum, but more frequently if required.

## **PROPER AND APPOINTED OFFICERS**

The Proper Officers and Appointed Officers in respect of the undernoted functions are as follows, viz:-

### **RETURNING OFFICER FOR COUNCIL ELECTIONS**

Chief Executive, whom failing the Director of Health and Social Care or Chief Governance Officer

### **OFFICER RESPONSIBLE FOR KEEPING OF RECORDS OF PROCEEDINGS, MINUTES ETC AND SAFE CUSTODY OF TITLE DEEDS AND RECORDS ETC**

Chief Governance Officer and Administration Manager for Records of Proceedings, Minutes etc;

Solicitor to the Council for safe custody of Title Deeds, Mortgages, Securities, Bonds etc. To sign missives and other similar documents binding the Council, except where otherwise provided for in terms of this scheme or by statute.

Chief Governance Officer for safe custody of records and reports in accordance with Archival Acquisitions Policy.

### **OFFICER RESPONSIBLE FOR CUSTODY OF SECURITIES OTHER THAN HERITABLE SECURITIES**

Solicitor to the Council.

### **DISCLOSURE OF SCOTTISH CRIMINAL RECORD INFORMATION - INDEMNITY FORMS**

Solicitor to the Council to execute the relevant documentation.

## **FOOD SAFETY REPORTS: COUNCIL OWNED PREMISES**

Head of Facilities and Property Management to receive all formal notices and related correspondence in respect of serious breaches of the Code of Practice.

### **“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT (SCOTLAND) ACT, 1973 AS AMENDED**

**Section 33A(1)(b) and 33A(3)(b)** - Officer to receive declaration of office of Councillor Etc.

Chief Executive.

**Section 34** - Officer to receive notification of resignations of Members.

Chief Executive.

**Section 50G** - Officer to publish additional information.

Chief Governance Officer and Administration Manager

**Section 92** - Officer in relation to transfer of securities.

Chief Financial Officer / Head of Finance and ICT

**Section 95** - Officer responsible for administration of financial affairs.

Chief Financial Officer / Head of Finance and ICT

### **Section 95 (In respect of Integration Joint Board)**

Chief Finance Officer of the Integration Joint Board – Chief Finance Officer- Health and Social Care Partnership

**Section 145** - Recipient of applications from Ordnance Survey.

Head of Economic Growth

**Section 190** - Recipient of legal proceedings, formal Notices etc.

Solicitor to the Council.

**Section 191** - Officer to sign claims in sequestration or liquidation etc.

Solicitor to the Council.

**Section 193** - Authentication of documents (unless otherwise indicated herein).

Solicitor to the Council.

**Section 194** - Execution of Deeds (including affixing of the Common Seal)

Chief Executive and Solicitor to the Council.

**Section 197(2)** - Proper Officer to receive documents deposited by Parliament or under statute.

Solicitor to the Council.

**Section 202(3)** - Authentication of Bye-Laws.

Solicitor to the Council.

**Section 202(13)** - Notification of Bye-Laws between Councils.

Solicitor to the Council.



**Section 204 - Evidence of Bye-Laws.**

Solicitor to the Council.

**Section 206(2) - Maintenance of Roll of Freemen.**

Chief Governance Officer and Administration Manager

**Schedule 7 Para 2 - Calling of Meetings.**

Chief Executive, Chief Governance Officer and Administration Manager

**“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT AND HOUSING ACT 1989**

**Section 4** - Chief Executive designated “Head of Paid” Service and carries the duties specified.

**“PROPER OFFICER” IN TERMS OF THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999**

**Regulation 7** - Appointed person - Health and Safety Manager, Depute Chief Executive’s (Communities and Economy) Office

**“PROPER OFFICER” IN TERMS OF HOUSING (SCOTLAND) ACT 1987**

**Section 87** - Officer to make official representation in respect of houses not meeting the tolerable standard.

Chief Governance Officer and Legal Services Manager.

**“PROPER OFFICER” IN TERMS OF LOCAL GOVERNMENT AND HOUSING ACT 1989**

Chief Executive to receive written notification in respect of the constitution of and amendments to political groups.

**“PROPER OFFICER” IN TERMS OF THE WEIGHTS AND MEASURES ACT 1985**

**Section 73(1)** - Trading Standards Team Leader designated as the Council’s Chief Inspector of Weights and Measures.

**“PROPER OFFICER” IN TERMS OF THE RESERVOIRS ACT 1975**

Chief Governance Officer and Legal Services Manager to discharge the Council’s responsibilities in terms of the Act.

**“PROPER OFFICER” IN TERMS OF THE EXPLOSIVES ACT 1875 AND 1923 (AS AMENDED)**

Chief Governance Officer and Legal Services Manager to be authorised in relation to premises storing mixed explosives, including fireworks for sale.

**“PROPER OFFICER” FOR THE PURPOSES OF SECTION 7 OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000 AND ASSOCIATED SECONDARY LEGISLATION**

Chief Governance Officer

**“PROPER OFFICER” IN TERMS OF SECTION 10 (3) OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014**

Chief Officer of the Integration Joint Board – Director of Health and Social Care

**OTHER STATUTORY APPOINTMENTS**

**General Data Protection Regulations/Data Protection Act 2018**

Data Protection Officer - Information Governance Manager

**Food and Environmental Protection Act 1985** - Investigation and enforcement.

Powers to appoint Authorised Officers and Point of Contact Officers between Scottish Office Agricultural and Fisheries Department.

Chief Governance Officer

**Licensing (Scotland) Act 2005 - Schedule 1 - Clerk to the Licensing Board**

Solicitor to the Council.

**Licensing (Scotland) Act 2005 - Schedule 1 - Depute Clerk to the Licensing Board**

Legal Services Manager

**Local Government (Access to Information) Act 1985**

Chief Executive, Chief Governance Officer and Administration Manager.

**Local Government and Housing Act 1989**

Monitoring Officer - Solicitor to the Council.

Depute Monitoring Officers: Legal Services Manager and Team Leader: Litigation and Advice.

**Representation of the People Act 1983 as amended Schedule 5 - Para 6(b) - List of Meeting Rooms for use of Candidates in Parliamentary Elections**

Chief Governance Officer and Administration Manager.

**Registrar of Mortgages**

Solicitor to the Council.

**Social Work (Scotland) Act 1968 - Section 3(1) (as amended)**

Chief Social Work Officer – Head of Children’s Health Care and Criminal Justice Service

**Tenants’ Rights Etc (Scotland) Act 1980** - Applications to purchase Council houses.

Solicitor to the Council.

**Town and Country Planning (Scotland) Act 1997** as amended - Signing of planning and listed building consent and refusal notices

Chief Governance Officer, Operations Manager: Building Standards and Development Management, Strategic Lead: Development Planning and Regeneration and Development Management Team Leaders

## **Freedom of Information (Scotland) Act 2002**

Freedom of Information Officer - Information Governance Manager.

### **OFFICER DELEGATION**

#### **CONSULTATION WITH RELEVANT SPOKESPERSON**

IMPLEMENTATION OF THE SCHEME OF DELEGATION INVOLVES CONSULTATION WITH THE RELEVANT SPOKESPERSONS OR CHAIR IN RESPECT OF THE UNDERNOTED DUTIES MARKED \* IN THE RIGHT HAND MARGIN.

WHERE SPOKESPERSONS ARE NOT AVAILABLE FOR CONSULTATION, THE LEADER OR DEPUTE LEADER OF COUNCIL SHOULD BE CONSULTED.

#### **SUB-DELEGATION**

THE DEPUTE CHIEF EXECUTIVE AND DIRECTOR OF HEALTH AND SOCIAL CARE ARE EMPOWERED TO EXERCISE THE DUTIES OF THE CHIEF EXECUTIVE IN THE ABSENCE OF OR WITH THE AUTHORITY OF THE CHIEF EXECUTIVE.

CHIEF OFFICERS, HEADS OF SERVICES OR SENIOR MANAGERS DETAILED WITHIN THE MANAGEMENT STRUCTURE (PAGE IV) ARE AUTHORISED TO EXERCISE THE DUTIES OF THEIR RESPECTIVE DEPUTE CHIEF EXECUTIVE IN THE ABSENCE OF OR WITH THE AUTHORITY OF THE DEPUTE CHIEF EXECUTIVE.

IN ADDITION TO ANY SPECIFIC OFFICER DELEGATION REFERRED TO WITHIN THIS SCHEME, THE CHIEF EXECUTIVE, DEPUTE CHIEF EXECUTIVE, CHIEF OFFICERS, HEADS OF SERVICE OR DETAILED SENIOR MANAGERS MAY AUTHORISE RESPECTIVELY OTHER OFFICERS TO CARRY OUT THE DUTIES OF THE CHIEF EXECUTIVE, DEPUTE CHIEF EXECUTIVES, CHIEF OFFICERS, HEADS OF SERVICE OR DETAILED SENIOR MANAGERS IN THEIR ABSENCE OR WITH THEIR AUTHORITY.

#### **PERSONNEL/BUDGETARY**

DEPUTE CHIEF EXECUTIVE, DIRECTOR, CHIEF OFFICERS, HEADS OF SERVICE AND LISTED SENIOR MANAGERS ARE EMPOWERED TO EXPEND APPROVED DEPARTMENT/SERVICE BUDGETS AND TO ISSUE APPOINTMENTS TO LOCAL GOVERNMENT EMPLOYEES AND CRAFT OPERATIVES IN ACCORDANCE WITH COUNCIL POLICY AND PROCEDURES AND INCLUDE THE FOLLOWING:

Appointments will be to all posts within their service jurisdiction, excluding Chief Officer appointments, ie those posts on JNC conditions of service, and Depute Chief Executive, Director, Chief Officers, Heads of Service and detailed senior managers will have authority to offer appointments at the minimum of the appropriate salary scale. (Requests for placing above the minimum of the scale will require to be referred to the Chief Executive, Depute Chief Executive (Communities and Economy) or Head of People and Culture).

Notifying the appropriate information to the Finance Service in respect of new appointments.

Authorising payments of interview expenses in accordance with the permitted levels.

Processing and settling claims from employees in respect of loss of or damage to their personal property when such claims are below the excess value recognised within the Council's related insurance policy.

## **GENERAL**

DELEGATED POWERS WILL BE EXERCISED IN ACCORDANCE WITH COUNCIL POLICY AND WITHIN THE AUTHORISED BUDGET LEVELS FOR SUCH EXPENDITURE IN EACH FINANCIAL YEAR. OFFICERS MAY DECIDE NOT TO EXERCISE THEIR DELEGATED AUTHORITY AND REFER THE MATTER TO THE CABINET OR APPROPRIATE COMMITTEE FOR CONSIDERATION.

## **CHIEF EXECUTIVE**

### **Emergency Situation**

In the event that an emergency occurs which requires a decision to be taken by Council and no other decision process is feasible within the timescale available, the Chief Executive may, if he/she considers it necessary to do so and after taking appropriate legal and financial advice take whatever necessary action he/she considers appropriate to resolve the situation. The Chief Executive shall report on the matter to the next appropriate meeting of the Cabinet and notify the appropriate Spokespersons and Leader of the Council.

### **Staffing**

To make changes to staffing structures, numbers and gradings in accordance with the approved pay grading arrangements and subject to the agreement of the Head of People and Culture and the Chief Financial Officer. Major departmental restructuring or staffing reviews will continue to be submitted to Cabinet for approval.

### **Civic Ceremonial Matters**

That in respect of civic ceremonial matters and the provision of civic receptions and hospitality that specific delegation be given to the Chief Executive in consultation with the Provost to approve the request for civic recognition/hospitality up to a maximum of £5,000 in respect of major civic events, such matters would be reported to Cabinet for consideration.

### **Attendance at Conferences**

To approve Elected Members' attendance at Conferences in consultation with the Leader of the Council or Depute Leader.

### **Community Planning**

The Chief Executive as the Council's strategic lead for Community Planning will have authority to act in that capacity on behalf of the Council to ensure that the decisions of the Community Planning Partnership Board and related sub-groups/operating groups are implemented and to take any urgent decisions as required to progress the Council's interests in Community Planning related activity.

The Chief Executive will report to the appropriate bodies on any action taken under this delegated authority, where appropriate.

## **CHIEF FINANCIAL OFFICER**

Delegated to the Chief Financial Officer/Head of Finance and ICT and the undernoted Senior Managers or appropriate Officers under sub-delegation process, the following:.

### **Finance**

To act as the proper officer in terms of the Local Government (Scotland) Acts of 1973 and 1975, the Abolition of Domestic Rates Etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative purposes including arranging the preparation and issue of Non-Domestic Rates Notices, the collection of such rates, the receiving and settling of claims for exemption from such rates, the handling of objections to the amount of such rates levied and the abatement, remission or repayment of such rates under the various rating provisions.

To act as the proper officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative purposes including the preparation and issue of Council Tax Notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement or remission of charges; in accordance with Schedule 2 of the Local Government Finance Act 1992 to administer Council Tax rebates and discounts on behalf of the Council.

Authority to prepare, maintain and enforce the Council's Financial Regulations.

### **Treasury Management**

- To act as the proper officer in the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities).
- To make application for the necessary consents for the issue of Stock and foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and Regulations made thereunder.
- To authorise the signature on cheques, receipts, loan documents and any other financial documents and discharges on behalf of the Council.
- To sign, for banking activity purposes, bank indemnities on behalf of the Council.

### **Insurance**

- Authorised to take out any and all insurances necessary to protect the interests of the Council.
- Authorised to make arrangements with insurance companies concerning the settlement of claims.

### **Group Life Assurance Scheme**

- To take decisions required for the financial administration of the Group Life Assurance Scheme.
- To determine, in consultation with the Head of People and Culture, the beneficiary of any payments to be made in terms of the Council's Group Life Assurance Scheme.

### **Waiving of Charges**

- To determine, on request from any Chief Officer, whether a charge for service should be waived or reduced, based on specific mitigating circumstances.

### **Debt Write Off**

- To authorise the writing off of individual debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises following representation from the Financial Controller

### **Property Matters – As Chief Financial Officer for the Council**

- To authorise leases up to £100,000 per annum and to authorise licences, wayleaves and such transactions up to £100,000 or the equivalent on a rental basis per annum so long as budgetary provision existed for transactions in favour of EAC following representation from the Council's Estates Section.
- Following representation from the Council's Estates Section, in conjunction with the relevant Director, to make the decision on removal from operational service property and ground no longer required for operational purposes for internal transfer or for disposal either on the open market or on a negotiated basis where the value of the asset is assessed to be less than £100,000.
- To authorise or vary the principal terms and conditions of acquisition, internal transfer and disposal of all interest in land and property up to £1M on the terms and conditions recommended by the Solicitor to the Council so long as budgetary provision existed for acquisitions following representation from the Council's Estates Section.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

### **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

### **Depute Head of Finance**

#### **Finance**

To arrange for the recovery of arrears of rates and Council Tax.

To enter into arrangements with Scottish Water for the collection of water and waste water charges and to negotiate a fee for providing this service.

To enter into arrangements with others concerning the collection of non-domestic rates, or Council Tax on behalf of the Council and to make arrangements with each agent as to suitable collection points.

To make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other authorities and by private owners, factors or other agents with regard to the collection of Non-Domestic Rates, and/or Council Tax and the administration of any Council Tax rebate or discount schemes etc.

To determine all applications received in respect of all forms of mandatory and

discretionary non-domestic rates relief.

In terms of the Local Government Finance Act 1992 Paragraph 2 schedule 8:- to make applications for Warrant for Recovery of Non Domestic Rates and Council Tax Arrears.

To act for and represent the Council at Council Tax Appeal Hearings before the Valuation Appeal Panel in relation to Banding and Rebate appeals.

To determine all applications received in respect of Scottish Welfare Fund (Crisis Grants and Community Care Grants).

To determine all applications received in respect of Discretionary Housing Payments.

### **Treasury Management**

- To make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any statutory limitations.
- To ensure a placing with the Bank of England relative to Negotiable Bonds.
- To carry out temporary investment of surplus funds by making deposits with organisations previously approved.
- To manage movements between borrowing and other long-term liabilities.
- To operate and implement the Council's Loans Fund in accordance with the regulations relating thereto and the Council's Financial Regulations, including the taking of all decisions as to the mode of borrowing or lending by the Council, the terms of loan and rates of interest etc., including the negotiations and issue of bonds and local bonds and all necessary ancillary duties as Registrar of Bonds and Mortgages.
- To arrange and sign all operating leases for vehicles, plant, equipment or other capital assets on behalf of the Council.

### **Recovery of Outstanding Debts Against Adjudged Debtors of The Council**

- To proceed case by case with appropriate action following consultation with Sheriff Officers, Local Members and the Chair of the Cabinet, as necessary.

### **Debtor Balances Write off Procedure**

- Sequestration or Insolvency of Debtor.

Where the advice is that no funds exist to pay creditors, there is then no legal recourse to pursue the debt further - to write such debts off.

- To write off residual balances, up to £1,500 following the conclusion of an approved Debt Arrangement Scheme.
- To write off residual balances, in excess of £1,500, following the conclusion of an approved Debt Arrangement Scheme, subject to authorisation from the Chief Financial Officer

### **Debt Write Off**

- To write off individual debts up to £1,500 where the Solicitor to the Council or Sheriff Officer so advises.
- To write off individual debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises subject to authorisation by the Chief Financial Officer

## **Debtors Balance Write Off Procedure**

- **Death of Debtor**

Where no funds are available and executors provide adequate proof of this, to write such debts off. Where no trace can be made of the Executor, or no Executor has been appointed, to write such debts off.

## **Housing Finance**

- To administer the housing benefit, rent allowance and council tax benefit schemes in accordance with the Council's policy guidelines;
- To arrange for the collection of council house rents and for the recovery of arrears.

To lodge and maintain objections on behalf of the Council to applications for and related to licences under the Gaming Act 1968, the lotteries and Amusement Act 1976, the Licensing (Scotland) Act 1976, the Civic Government (Scotland) Act 1982 and any amending or related statutes, where the applicant has outstanding financial liabilities to the Council.

To act as the Council's liaison point with the Ayrshire Valuation Joint Board.

In terms of the Financial Regulations relating to Contracts, to enquiry into the financial standing of any tenderer who may be accepted in relation to any contract.

## **Debtors Balance Write Off Procedure**

- **Death of Debtor.**

Where no funds are available and executors provide adequate proof of this, to write such debts off. Where no trace can be made of the Executor, or no Executor has been appointed, to write such debts off.

## **HEAD OF PEOPLE AND CULTURE**

### **Annual Leave**

To adjudicate on any requests to carry forward outstanding annual leave entitlements from one leave year to the next in accordance with Council policy.

### **Appointments**

To assist in selecting the most suitable candidates for vacant posts ensuring that appropriate salary placings and all relevant terms and conditions of employment are observed together with any employment law provisions and/or codes of practice.

To advise candidates of any policy matters affecting their appointment, eg political restrictions, no smoking policy.

To approve requests by the Depute Chief Executive, Director, Chief Governance Officer, Chief Officers or Heads of Service for the secondment of employees to external agencies where the total cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment.

### **Circulars**

To instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council. The terms of such Circulars shall be reported to the Cabinet for information as required.



## **Conditions of Service**

To exercise the discretionary and authorisation powers available in implementation of the Council's approved Schemes of Conditions of Service and Detriment Regulations for all employees.

## **Discipline**

To advise departments on procedure and appropriate action in matters of discipline.

To respond on behalf of the Council to information required by the Government Departments and Agencies and the Secretary for Employment Tribunals.

To act as adviser to the Council's Appeals Panel.

## **Flexible Working Scheme**

To determine questions of entitlement in connection with the operation of any flexible working scheme operated by the Council.

## **Industrial Relations**

In consultation with other officers as appropriate to negotiate with trade unions on any relevant matters.

To assist in attempting to resolve grievances and to participate in the grievance process in accordance with the agreed arrangements.

## **Life Assurance**

In conjunction with the Chief Financial Officer and where necessary in consultation with legal staff to determine beneficiaries under the staff life assurance scheme.

## **Pension Arrangements**

To act as signatory in respect of documents relating to death in service benefits and early retiral/redundancy of employees and to exercise any discretions as set out in the document - Local Government Pension Scheme - Statement of Employers' Discretions.

## **Policy Matters**

To advise on employee related policies approved by the Council, eg equalities and diversity, recruitment and selection, discipline and grievance.

## **Politically Restricted Posts**

To maintain a register of politically restricted posts and to notify any changes in accordance with the requirements to the Local Government Adjudicator for Scotland.

## **Recruitment**

To administer the central recruitment process in accordance with the Council's approved policies and procedures.

## **Redundancies**

To approve all non-teaching redundancies where they come within the criteria of the Council's Redundancy Payments Scheme and there are no added years element or strain on the fund costs and report to Cabinet at the next available meeting on decisions made.

## **Relocation Scheme**

To authorise appropriate payments in relation to the Council's relocation scheme.

### **Salary Administration**

To approve placings within approved salary scales in respect of requests received from Chief Executive, Depute Chief Executive, Chief Officers or Heads of Service.

To authorise any adjustments in respect of salary scales and/or placings within approved salary scales in conformity with accepted practice.

To authorise salary/wage advances.

To approve changes in post designations where there is no change in salary grade.

To introduce further Salary Sacrifice Initiatives as they arise in the future.

### **Sounding Board Procedure**

To draft and co-ordinate response providing the Council's view on matters identified by CoSLA through the sounding board procedure.

### **Special Leave**

To consider and determine applications for extension of leave for overseas visits from employees who have not completed the necessary period of continuous service in terms of the Council's Conditions of Service. \*

To approve, in conjunction with the appropriate Depute Chief Executive, Director, Chief Officers, Chief Governance Officer or Head of Service, special leave with or without pay where the period of leave is in excess of the provision of the Council's Conditions of Service.

To approve, in conjunction with the appropriate Depute Chief Executive, Chief Governance Officer or Head of Service, unpaid leave of absence for employees to undertake courses of further education where attendance at such courses is not covered by the Council's Policy on Post-Entry Training and Education.

To grant, in accordance with Council policies, unpaid leave of absence up to a maximum of two years to enable employees to undertake voluntary service in Third World countries with voluntary organisations.

### **Staffing**

To advise the Council through the Chief Executive on proposals relating to structure and establishment.

### **Temporary Posts**

Together with the Chief Executive to have authority to approve temporary posts irrespective of the duration of such temporary posts subject to the availability of financial resources.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

### **Public Relations and Communications**

To arrange for the provision of information concerning the Council's services and functions, by:-

- (1) placing advertisement, ordering printed material and arranging displays or producing guidebooks, directories and other publications describing and illustrating Council services or publicising and promoting any aspect of the Council, at a cost not exceeding £20,000 in any one case.
- (2) issuing Press releases and similar articles for publication or broadcasting on behalf of the Council.

To interpret the Council's guidelines for governing advertising within Council publications.

## **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

## **HEAD OF CORPORATE SUPPORT**

### **Community Planning – Head of Corporate Support**

The Head of Corporate Support will deputise for the Chief Executive as the Council's strategic lead for Community Planning and will have authority to act in that capacity on behalf of the Council to ensure that the decisions of the Community Planning Partnership Board and related sub-groups/operating groups are implemented and to take any urgent decisions as required to progress the Council's interests in Community Planning related activity.

The Head of Corporate Support will have delegated authority to administer on behalf of the Council and Community Planning Partnership Board any community planning related funding streams. For example: to make arrangements to identify priorities for Community Planning funding streams, disburse such funding streams and ensure effective monitoring and evaluation systems are in place to meet the reporting requirements associated with any such funding streams. The Head of Corporate Support will ensure appropriate reporting of any such delegated powers to the Community Planning Partnership Board or related structure.

The Head of Corporate Support can process grant claims, approved by the Community Planning Partnership Board, for Community Planning related funding streams.

### **Transformation Fund**

In consultation with the Chief Financial Officer, to approve digital investment decisions, not exceeding £50,000 to be paid from the Transformation Fund.

### **Scottish Public Services Ombudsman - Cases**

Head of Corporate Support

## **CHIEF EDUCATION OFFICER/HEAD OF EDUCATION**

### **1. Educational Provision**

## 1.1 Quality Improvement

To initiate and implement such projects or programmes as are necessary in order to secure improvement in the quality of school education and the raising of standards consistent with the Authority's duty under Section 3(2) of the Standards in Scotland's Schools Etc Act, 2000.

To carry out such consultations as are necessary to prepare an annual statement of education improvement objectives in order to fulfil the Authority's duties under Section 5(1) of Standards in Scotland's Schools Etc Act, 2000. Such consultations to include:-

- bodies representative of teachers
- bodies representative of parents
- persons other than teachers employed in schools
- children and young people
- other persons with an interest in educational improvement

To consult with parents, teachers and persons with an interest in quality of education and measures and standards of performance of schools in accordance with Section 7(1) of Standards in Scotland's Schools Etc Act, 2000.

To review the standards of performance of individual schools in accordance with Section 7(2) of Standards in Scotland's Schools Etc Act, 2000.

To take such steps as are necessary to remedy cases where a school is not performing satisfactorily in furtherance of the Authority's duty under Section 7(2) of Standards in Scotland's Schools Etc Act, 2000.

In compliance with Section 9 and 11 of the Schools (Consultation) (Scotland) Act 2010, to issue Consultation Reports for "further consideration" within the terms of the 2010 Act, following the necessary statutory consultation exercise and associated stages but in advance of Cabinet being invited to make a decision on the proposal.

In compliance with Sections 15 of the Schools (Consultation) (Scotland) Act 2010, to notify the Scottish Ministers of any relevant decision taken by Cabinet within 6 days of that decision being taken.

## 1.2 Additional Support Needs

To take decisions in relation to the assessment and provision for children with additional support needs or who potentially require a Co-ordinated Support Plan but who are not educated in a Local Authority establishment using the undernoted criteria:-

- the level and nature of the child's additional support needs;
- the learning environment chosen for the child by the parent; and
- the principles of best value and the requirement to avoid unreasonable public expenditure.

To carry out the functions of the Council as Education Authority in relation to the provision of education for children with additional support needs in terms of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, including placement in day and residential schools.

To exercise the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, with regard to the provision by the

Council of Education for pupils belonging to the areas of other Education Authorities and incur outwith area fees to any other Education Authority which has provided education for pupils normally resident in East Ayrshire but who are, for various reasons, placed in schools outwith East Ayrshire.

To annually set charges for placement of children with special educational needs in East Ayrshire schools under Section 23 of the Education (Scotland) Act, 1980, and in accordance with CoSLA guidelines and the terms of the report to the Education Committee of 22 April 1999.

To accept charges from other Authorities under Section 23 of the Education (Scotland), 1980, that have set within CoSLA guidelines and the terms of the report to the Education Committee of 22 April 1999.

### **1.3 Placing Requests**

To consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 in accordance with the guidelines formulated by the Council and, where appropriate, after consultation with the Local Attendance Council.

To accept placing requests in terms of the Education (Scotland) Act 1980 and to make \* whatever transport arrangements are deemed to be appropriate, in individual cases brought to their attention where supporting documentation satisfies them that the child concerned has serious emotional or psychological problems.

In cases where the parent changes residence and in terms of the Education (Scotland) Act 1980 makes a placing request that his child remain in the school attended prior to that change, to accept that request provided that (1) continuity of educational provision is a priority; (2) the parent agrees to comply with the Council's policy on transport arrangements, bursary awards and costs, and (3) in all the circumstances the Chief Education Officer considers it is appropriate to accept the request.

To review annually the number of reserved places in individual schools where the Cabinet has given initial approval to reserve places.

### **1.4 Parental Involvement**

To implement such measures as are necessary to support schools in the organisation and execution of Parent council elections.

## **2. Children and Young People's Welfare**

To carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the personal welfare of pupils at schools.

To agree programmes of education on sexual matters to be used in schools, having taken due regard of advice issued by Scottish Ministers in accordance with Section 56 of Standards in Scotland's Schools Etc Act, 2000.

To determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980 outwith the guidelines approved by the authority.

To amend the levels of tuition fees, examination expenses, dependent's allowances, maintenance allowances and contribution scales.

To make grants to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad within the approved estimates and policies of the Council.

To make the necessary arrangements for the boarding out of pupils and for the allocation of hostel accommodation.

To ensure that requisite provision is made for any pupil entitled in terms of Section 53(3) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day.

To exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980; (provision of travelling facilities and accommodation in exceptional circumstances).

To exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.

Where a pupil is excluded or withdrawn from school to arrange for their admission to any other school, the Managers of which are willing to receive them in accordance with Section 14 of the Education (Scotland) Act 1980 as amended by Section 20 of Standards in Scotland's Schools Etc Act, 2000.

To exercise the functions of the education authority in relation to the irregular attendance of pupils in attendance at schools under their management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980 after consultation with the Attendance Sub-Group of the appropriate Local Attendance Council which comprise nominated members of appropriate Parent councils.

To make special arrangements for the education of pupils who are unable to attend school through ill health, or who it would be unreasonable to expect to attend school, or who are excluded or withdrawn from school in accordance with Section 14 of the Education (Scotland) Act 1980, as amended by Section 40 or Standards in Scotland's Schools Etc Act, 2000.

To approve or refuse permission to continue home education to parents, taking account of the conditions approved by the Council. and having regard to any guidance on this matter published by the Scottish Ministers under Section 14 of Standards in Scotland's Schools Etc Act, 2000.

The Chief Education Officer or Heads of Educational Establishments be authorised to agree or refuse requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990 and the Further Education Student Records (Scotland) Regulations 1990; authorised to review decisions by the Chief Education Officer or Heads of Educational Establishments to agree or refuse requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990 and the Further Education Student Records (Scotland) Regulations 1990.

To implement such measures as are necessary to enable the Authority to discharge its responsibilities under the Disability Discrimination Act, 1995, and its extension to schools and further education provision with effect from August 2002.

To implement such measures as are necessary to enable the Authority to discharge its responsibilities under the Equality Act 2010.

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

### **3. Trust Funds, Bursaries and Related Provision**

To receive and determine applications for disbursements of funds in accordance with the provisions of the Trust Schemes vested in the Council and any endowments administered by these Trusts.

To accept and administer any new Trusts or small endowments which may be offered to the Council for schools in their area.

To carry out the administration, assessment and award of higher school and certain further education bursaries.

- Where it is within the discretion of the Council to determine the circumstances when the “elsewhere” rate of maintenance is payable.
- To exercise the power to disregard parental income in part or in total where the parents of the students are divorced or living apart.
- To decide from time to time which courses will be supported by the Council's Bursary Scheme.
- To exercise the power, after consultation with the education establishment the student is attending, to include within the assessment of the award, an allowance for essential books, instruments, tools and materials and special clothing.

To make grants to pupils from all schools within East Ayrshire or normally resident within East Ayrshire who are selected to join the National Youth Orchestra of Great Britain or National Youth Orchestra of Scotland, National Youth Choir of Scotland, National Youth Brass Band of Scotland or West of Scotland Schools, Orchestra and Concert Band, in respect of fees and attendance at courses related to their membership of the Orchestra.

To increase, in cases of hardship, the amount of grant awarded to school pupils attending part-time courses at the Royal Conservatoire of Scotland and the Scottish Ballet School up to a maximum of the cost of fees and travelling expenses.

To administer the terms of the scheme for Educational Maintenance Allowances (EMA) or its successors in accordance with any guidance or regulations issued by the Scottish Government.

Exercise the powers available to the Authority under the Education (Scotland) Act, 1980 to allocate surplus places on vehicles which have been contracted for the purpose of transporting children and young people entitled to free transport where the capacity of the vehicle is larger than the number of children entitled to use them, provided there is no additional cost to the Authority.

To determine the shortest safe walking route from a child's home to school in consultation with the relevant departments of the Council and the Police.

#### **4. Personnel**

To transfer teachers within the policy established by the Education Authority and, where appropriate, to pay transfer expenses.

Where a teacher is compulsorily transferred to authorise payment of the cost of removal expenses in terms of the Council Scheme applicable to APT&C Staff or, where appropriate, reasonable daily travel expenses subject to the relevant provisions of the Conditions of Service for Teachers in Day Schools.

To arrange programmes of employee development for teachers, including the opportunity for an annual PRD review meeting for every teacher, as required by GTC Scotland.

To approve premature retirement under Section 46 of the Superannuation Regulations without enhancement of salary at no additional cost to the authority.

To authorise the employment in appropriate circumstances of teachers and lecturers in receipt of occupational pensions.

To grant leave of absence with salary to enable teachers to undertake part-time or full-time courses provided such leave of absence will not give rise to, nor increase the incidence of part-time education in schools and colleges.

To grant, in accordance with guidelines approved by Cabinet, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service in Third World countries.

To determine the dates of local school holidays after consultation with the appropriate Parent councils and appropriate trade unions.

To implement any agreements reached within the East Ayrshire Joint Negotiating Committee for Teachers, in consultation with the Head of People and Culture.

To know and determine appeals from teachers in respect of oral or written warnings issued by head teachers, or equivalent, under Paragraph 6.1 of SNCT 18, "Revised Disciplinary Framework" issued on 27 November 2003.

To issue formal written warnings or apply punitive sanctions, including dismissal to teachers within the terms of paragraph 5.2(d)(i) and 5.2(d)(ii) of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

## **5. Buildings and Property**

In consultation with the local Members concerned, to permit parent/teacher associations or such other organisations or persons as the Chief Education Officer considers appropriate to execute works of construction or improvement within the curtilage of an educational establishment subject to:

- being satisfied that the works are relevant to the function of and will not prejudice the operation of the educational establishment;
- the Head of Facilities and Property Management being satisfied that, for his interest, the works are acceptable;
- The execution of the works being supervised by the Head of Facilities and Property Management; and
- the Head of Finance and ICT and the Head of Facilities and Property Management being satisfied with the contractual and financial arrangements relating to the execution of the works.

To approve the recommendation of the appropriate Management Committee of any \* Community Centre with regard to the naming of that Centre provided that the said recommendation is acceptable to the local Councillors in whose constituency the Centre is situated.

To take what action is considered necessary to oppose planning applications or applications for liquor licences whenever the environment of schools might be adversely affected. If either the Chair and Vice-Chair of the Cabinet is a member of the Licensing Board or of the Planning Committee, the Chief Education Officer shall liaise with the Chief Executive to determine Member consultation.

## **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet



on 31 May 2017.

## **6. Other/Miscellaneous**

To arrange in-service courses for Chaplains to schools as and when considered desirable.

To approve or refuse applications received from schools for arrangements to be made for visits within the United Kingdom during school terms in accordance with approved policy.

To provide courses in educational training as requested by outside agencies and to negotiate appropriate charges for these services.

To apply to the Ministry of Agriculture, Fisheries and Food for and to accept any allocation made to the Council from the EU national quota of levy-free frozen beef and veal administered by that Ministry under the General Agreement on Tariffs and Trade.

### **Head Teachers**

To prepare an annual school development plan and summary of the development plan in accordance with Section 6(1)(a) and (b) of Standards in Scotland's Schools Etc Act, 2000, taking account of the Authority's annual statement of improvement objective.

To consult pupils in attendance at school on the content of the school development plan.

To ensure that functions delegated to them under the Scheme of Delegation are exercised in a way that secures improvement and the raising of standards consist with Sections 8(3) and 3(2) of Standards in Scotland's Schools Etc Act, 2000.

To discharge the functions of a Returning Officer for Parent council elections at establishment level.

To discharge the task of excluding pupils from school in accordance with the Council's policy and national guidance, and having considered all available alternatives when satisfied that this measure is being used as a sanction of last resort.

To re-admit pupils following exclusion from school in accordance with Council policies and procedures.

To issue oral warnings or written warnings to teachers under paragraph 5.2 of SNCT 18 "Revised Disciplinary Framework" issued on 27 November 2002.

The management of resources within the terms of agreed policies and Financial Regulations of the Council.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

## **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to

any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

## **DEPUTE CHIEF EXECUTIVE**

Delegated to the Depute Chief Executive and the undernoted Heads of Service, Senior Managers or appropriate Officers under sub-delegation process, the following:-

### **Staffing**

To make changes to staffing structures, numbers and gradings in accordance with the approved pay grading arrangements and subject to the agreement of the Head of People and Culture. Major departmental restructuring or staffing reviews would continue to be submitted to Cabinet for approval.

### **Temporary Posts**

Together with the Head of People and Culture to approve temporary posts irrespective of the duration of such temporary posts subject to the availability of financial resources.

### **Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005**

### **Developers Contributions Fund relative to the Sports Leisure Recreation Fund (2003 Local Plan)**

- Following appropriate assessment of the project applications, determination of grants of up to £15,000 should be by two out of three of the Depute Chief Executive (Communities and Economy), the Head of Economic Growth and the Strategic Lead: Development Planning and Regeneration, in consultation with local Elected Members. Applications for grant funding in excess of £15,000 will be referred to Cabinet for determination.

## **HEAD OF HOUSING AND COMMUNITIES**

- To undertake the general management regulation and control of HRA housing in accordance with the provisions of the Housing (Scotland) Acts 1987, 2001 and 2006 and any other associated housing legislation.
- To oversee the delivery of the Council's homelessness function in terms of Part II of the Housing (Scotland) Act 1987 as amended by Part 1 of the Housing (Scotland) Act 2001 and the Homelessness Etc (Scotland) Act 2003.
- To prepare and update the Council's local housing strategy in terms of Section 89 of the Housing (Scotland) Act 2001.
- To implement the Council's policies and strategies in respect of the delivery of housing services.
- To implement the Council's policies and strategies in respect of Housing Renewal Areas, including a scheme of assistance to improve conditions of houses which are below the Tolerable Standard, in terms of Part 1 of the Housing (Scotland) Act 2006.
- To lead the implementation of the Council's response to Antisocial Behaviour in terms of part 1 of the Antisocial Behaviour etc.(Scotland) Act 2004 and to take any action in support thereof.
- To prepare and maintain the Council's Register of Private Sector Landlords in terms of part 8 of the Antisocial Behaviour etc.(Scotland) Act 2004.

- To exercise all discretions available to the landlord in respect of determination of eligibility to purchase HRA houses in terms of Section 61 of the Housing (Scotland) Act 1987 as amended by Section 46 of the Housing (Scotland) Act 2001 and Part 14 of the Housing (Scotland) Act 2010.
- To determine tenants' applications for compensation for repairs and improvements in terms of Section 27-31 of the Housing (Scotland) Act 2001 and regulations made thereunder.
- To determine discretionary/mandatory applications for improvement and repair grants in terms of Part 6 of the Housing (Scotland) Act 2001 and Part 2 of the Housing (Scotland) Act 2006.
- To determine tenants and if appropriate owner occupiers' applications for payment of home loss and disturbance in terms of Sections 27-29 of the Land Compensation (Scotland) Act 1973 as amended by Sections 71-72 of the Planning & Compensation Act 1991.
- To determine applications for ex gratia payments to new tenants and payments of tenant related expenses arising from capital works.
- To instruct maintenance works in accordance with the Council's Financial Regulations in terms of the authority's term contracts for Council housing.
- To appoint consultants on housing and related issues in accordance with the Council's Standing Orders Relating to Contracts.
- To prepare, implement and update the Council's Housing Investment Programme as appropriate.
- To approve acquisitions whereby the purchase price does not exceed the Homebuyer report on the terms and conditions recommended by the Solicitor to the Council so long as budgetary provision existed for acquisitions following representation from the Council's Estates Section.
- To approve the disposal of properties based on a sound business case regarding surplus stock leading to improved performance in respect of sustainability and void management.
- In conjunction with the Solicitor to the Council, delegated powers to approve any house disposal that is not less than 75% of the Homebuyers report valuation.
- In respect of the Scottish Government Guidance Note MHD2017/03 Guidance on the Preparation of Strategic Housing Investment Plans, delegated powers to ensure that, where projects fall out of the Strategic Local Programme Agreement, to assign other agreed SHIP projects in their place, as required.
- To approve individual schemes up to a value of £10,000 from the existing Scheme of Assistance budget, to fully fund the cost of door entry systems linked to the wider HAMF projects.

## **Environmental Protection Act 1990**

**Section 52(3)** - Payment of Recycling Credits for Third Parties

**Section 56** - Provide recycling facilities

**Section 88** - Power to authorise Officers to issue Fixed Penalty Notices to individuals believed to have committed an offence under Section 87 of the Act.

## **Refuse Disposal (Amenity) Act 1978**

To implement all the provisions of this Act.

**In respect of the Housing Asset Services:-**

- To amend the staffing structure of the Housing Asset Services, subject to consultation with the Depute Chief Executive (Communities and Economy)
- To invite, accept and/or negotiate offers from proposed sub-contractors or suppliers for the supply of goods or materials or the execution of works or for the provision of service in accordance with the Council's Standing Orders relating to Contracts.

**Empty Homes Loan Fund**

- To approve loan applications which have been submitted and meet the requirements specified in terms of the Scottish Government Empty Homes Loan Fund.

**Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

**Property Factor (Scotland) Act 2011**

- Full compliance with obligations set out in this legislation and associated Scottish Government Guidance.

**PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

**HEAD OF ROADS (AYRSHIRE ROADS ALLIANCE)**

**Contracts - Preparation**

- (a) to prepare maintain and review tender lists for all projects, goods and services for the Ayrshire Roads Alliance;
- (b) preparation, processing (excluding opening and acceptance) of all contracts for the Ayrshire Roads Alliance in accordance with the Council's Financial Regulations; and
- (c) to appoint consultants to assist with projects for Ayrshire Roads Alliance.

**Flood Prevention**

To take measures to mitigate flooding of non-agricultural land (Sections 2, 8 and 9 of the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997).

To exercise functions under the Flood Risk Management Act (2009) relating to:-

- Preparation of Local Flood Risk Management Plans; and
- Development of Asset Management Plans.

- Liaison with SEPA, Scottish Water and other Local Authorities.

### **Miscellaneous**

To carry out the functions of Road Safety Officer in conjunction with the Chief Constable.

To approve locations for advertisements on road safety barriers and similar structures (after consultation with the Chief Constable).

To make arrangements for the management of car parks, and on-street parking and enforcement traffic orders by virtue of the Road Traffic Act 1991, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012, the Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 and the Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012.

To make grants to householders under the Noise Insulation Regulations 1988.

To assess need for school crossing patroller training.

To appoint a Principal Designer, Principal Contractor or Contractor under the Construction (Design and Management) Regulations 2015.

To accept commissions to carry out work on behalf of Transport Scotland, and to carry out work relating to public roads and other structures on behalf of other bodies, or companies.

To authorise routes to be taken by abnormal loads.

To agree terms for Bridge Agreements with Network Rail and its successors relating to the maintenance of railway bridges.

To approve proposals for taxi stances, after consultation with the Chief Constable.

To erect and keep in position barriers on roads for the purpose of securing public order and public safety.

### **Public Transport**

Operational decisions relating to the provision of bus infrastructure.

Liaison with Strathclyde Partnership for Transport on adjustments to subsidised bus services.

### **Public Utilities**

To carry out the functions of the Council under the New Roads and Street Works Act 1991 and Transport (Scotland) Act 2005 in relation to the roads for which the Council is responsible, including the granting of wayleaves across public roads and public footpaths. **(Such wayleaves to be recorded within a Register of Wayleaves maintained by the Council's Estate Section).**

### **Roads Management**

To exercise operational functions under the Roads (Scotland) Act 1984 including:

- stopping-up or diversion of roads intersecting with new roads (Section 12).
- adoption and maintenance of private roads and footpaths (Sections 13, 15, 16 and 18).
- applications for construction consent, and related enforcement (Sections 21, 22 and 23), including reporting offences to the Procurator Fiscal.
- provision of road lighting (Section 35).

- authorisations and issue of notices relating to operational efficiency and safety of roads as follows:

Under Section 30 (and subject to Section 31) service of notices in connection with the carrying out of works for protecting roads against hazards of nature.

Under Section 31(3) the service of notices in connection with the drainage of public roads.

Under Section 51 the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass and other plants within a public road.

Under Section 56 the authorisation of works and excavations in or under a public road.

Under Section 57 the prevention or termination of dangerous works or excavations in or under a public road.

Under Section 58 the granting of permission for the deposit of building materials on roads.

Under Section 59 the control of obstructions in roads.

Under Section 61 granting permission to place and thereafter maintain apparatus in or under a public road.

Under Section 62 the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience.

Under Section 63 the imposition of the requirement to construct new accesses across road verges or footways where appropriate.

Under Section 64(2) 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 enforcing maintenance of vaults, cellars and related structures within the vicinity of a road.

Under Section 67 enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users.

Under Section 68 power of roads authority to stop up roads by order.

Under Section 69 stopping up of dangerous access from a road or proposed road to land.

Under Section 71 provisions regulating the prescribed procedure to be followed in making an order under Sections 68 and 69.

Under Section 78(2) the service of notice prior to the diversion of waters, where necessary, in connection with the construction, improvement or protection of a public road.

Under Section 79 and after consultation with the Chief Governance Officer, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations

Under Section 83 service of notice to prevent danger arising from obstructions to road users.

Under Section 85 granting permission for the location of builders' skips on roads.

Under Section 86 the removal or repositioning of any builder's skip which is causing, or is likely to cause a danger or obstruction.

Under Section 87 the removal from roads of unauthorised structures and the

consequent reinstatement of the site.

Under Section 88 the removal of projections interfering with safe or convenient passage along a road.

Under Section 89 the removal of accidental obstructions from roads.

Under Section 90 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 serve notice requiring the removal of roadside vegetation to prevent danger to road users or pedestrians.

Under Section 92 granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway.

Under Section 93 serve notice to protect road users from dangers near a road.

Under Section 94 infill dangerous ditches adjacent to or lying near a road.

Under Section 95 removal from roads, of deposits of mud etc from vehicles.

Under Section 96(1) the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc and collection of contributions under Section 96(3).

Under Section 97 the issue of consent for trading.

Under Section 99(2) the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99(1) (prevention of flow of water onto roads).

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). (Prevention of flow of water onto roads).

Under Section 140 the authorisation of persons taking entry to land for the purpose of survey etc.

Under Section 152(2) re-determination of the means of exercise of a public right of passage over a road.

## **Traffic Management**

To exercise functions under the Road Traffic Regulation Act 1984 as amended relating to

- temporary traffic orders (Section 14 and 16A).
- pedestrian crossings (Section 23).
- provision of traffic signs and removal of unauthorised signs (Sections 65, 68, 69 and 71).
- promotion and making of Traffic Orders (Sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49(2) and (4), 83(2) and 84 and Parts III and IV of Schedule 9) in accordance with the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and the Road Traffic Act 1991 to make provisions prohibiting, restricting or regulating the use of roads, revoking or amending existing Orders.

To exercise functions under the Roads (Scotland) Act 1984 as amended relating to:-

- Temporary Orders (Section 62); and
- Promotion and making of Traffic Orders (Sections 68, 69 and 71) will comply with the Stopping Up of Roads and Private Accesses and the Redetermination of Public

### Rights of Passage (Procedure) (Scotland) Regulations 1986.

All temporary Orders or Notices will be made after notice has been given to the Chief Constable and Chief Officer of the Fire Authority. Notice will be given to relevant Spokespersons and the Local Members before a made Order or Notice comes into force, except in an emergency when notification will be after the Notice comes into force.

Promotion of permanent Traffic Regulation Orders and Speed Limit Orders under the Road Traffic Regulation Act 1984 will be subject to consultation with the Chief Constable and the Chief Governance Officer, relevant Spokespersons, Local Members and advertised in the press accordingly. If no objections are received, the Order will be made and implemented.

Any objection received which has not been withdrawn will be brought before Cabinet for consideration and where required, a Hearing shall be conducted by an independent person referred to as “the reporter”. The recommendation made by the reporter will also be considered by Cabinet before that Order is made.

Promotion of permanent Traffic Orders under the Roads (Scotland) Act 1984 will comply with the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986. Any objection which has not been withdrawn shall become the remit of the Scottish Ministers’ to resolve. The Scottish Ministers’ will put in writing the determination for Cabinet to consider before making, amending or rejecting the proposed Order.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

### **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

## **HEAD OF ECONOMIC GROWTH**

### **Business Support Financial Assistance**

- To determine together with the Depute Chief Executive (Communities and Economy) and the Strategic Lead: Economic Development (delegation to any two of the three named Officers) applications for business grants and loans subject to eligibility as follows:-
- Business grants of up to £30,000 to support business development opportunities linked to business growth ambitions and with growth action plans in place.
- To determine together with the Strategic Lead: Economic Development and Business Support Team Leader (delegation to any two of the three named Officers), applications for business grants up to £1,000.



### **Land Reform (Scotland) Act 2003**

To exercise operational functions under the Land Reform (Scotland) Act 2003 relating to:-

- Upholding of access rights to assert and protect rights and keep them open and free from obstruction or encroachment (Section 13).

### **Environmental Regeneration Financial Assistance**

- To determine together with the Depute Chief Executive (Communities and Economy) applications for grant assistance to facilitate demolition works in respect of approved schemes subject to a maximum of £15,000 in accordance with agreed criteria.

Amendments to projects included within the Derelict Property Revolving Fund, subject to consultation with the relevant Spokesperson and the relevant Local Members.

### **Mauchline Conservation Area Regeneration Scheme (Mauchline CARS)**

- To approve grant applications for priority buildings and public realm, community engagement and education, training and administration expenditure which are within 20% of the indicative total grant allocation contained in the Mauchline CARS Action Plan, provided the scheme remains within the available budget.
- To approve CARS applications for small grant applications up to £25,000, provided the scheme remains within the available budget and to disperse all grant payments under this Scheme.

### **Galston Regeneration Partnership - Tesco Section 75 Agreement**

To disperse any allocation of the Tesco Section 75 Agreement "Regeneration Contribution" agreed by the Galston Regeneration Partnership.

### **Restoring Communities Programme (RCP)**

To approve Restoring Communities Programme (RCP) grant applications up to £15,000.

### **Developers Contributions Fund relative to the Sports Leisure Recreation Fund (2003 Local Plan)**

Following appropriate assessment of the project applications, determination of grants of up to £15,000 should be by two out of three of the Depute Chief Executive (Communities and Economy), the Head of Economic Growth, the Strategic Lead: Development Planning and Regeneration in consultation with local Elected Members. Applications for grant funding in excess of £15,000 will be referred to Cabinet for determination.

### **Skills Training**

Head of Economic Growth to act as signatory in respect of contracts with Skills Development Scotland for training provisions.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and

- To report to the Grants Committee any material change to the project schedule.

## **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

## **HEAD OF FACILITIES AND PROPERTY MANAGEMENT**

- To prepare and determine those persons who should be invited to tender and to process (excluding opening and acceptance, unless otherwise stated) contracts for Capital/Revenue projects (excluding Roads) in accordance with the Council's Standing Orders Relating to Contracts.
- To appoint consultants for Capital/Revenue projects, (excluding Roads), in accordance with the Council's Standing Orders Relating to Contracts.
- To open and accept tenders, quotations, etc. for nominated suppliers and/or nominated sub-contractors in respect of contracts, which have been awarded.
- To sign operational leasing contracts and related documentation entered into by the Council for the let of equipment.
- Civic Government (Scotland) Act 1982
  - Section 97 - Street Names and House Numbers, Numbering of streets, street sign erection and maintenance.
  - Section 99 - Power to enter, execute works and recover expenses.
  - To erect street name plates and agree house numbers.

### **Scottish Hub Initiative**

- To attend Territory Board Meetings, with the Capital Programme Manager as Substitute, and that the Head of Facilities and Property Management has delegated authority to take decisions on behalf of the Council.

### **Council Revenue Grants to External Community/Voluntary Group**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

### **Schools PPP Project**

- To negotiate variations to Contractual Deductions up to a level of 1.5% of the Monthly Unity Charge of the PPP Contract.

### **Schools PPP Hub Project - William McIlvanney School Campus**

- To negotiate variations to Contractual Deductions up to a level of 5% for year 2018/19, on a sliding scale each financial year thereafter by 1%, until 2022/23 where the level shall be 1.5% onwards.

## **PARTICIPATION REQUESTS**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

## **INTEGRATED TRANSPORT SERVICES MANAGER**

### **Goods Vehicles (Licensing of Operators) Act 1995**

Under Section 8 to apply for an Operator's Licence.

Under Section 17 to apply for variations to an Operator's Licence.

### **Transport Act 1968**

Under Section 95 and corresponding subordinate legislation to ensure that requirements relating to driver's hours are complied with.

Under Section 98 and corresponding subordinate legislation to ensure that requirements relating to the keeping of written records for drivers' hours are complied with.

### **Miscellaneous**

To raise an objection to an application for a Goods Vehicle Operator's licence (Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995).

## **CHIEF GOVERNANCE OFFICER**

Delegated to the Chief Governance Officer and the undernoted identified Senior Managers or appropriate officer under sub-delegation process, the following:

### **Freedom of Information (Scotland) Act 2002: Publication Scheme**

Officers to make changes to the Publication Scheme as follows, viz:-

- Where no approval by, or notification to the Scottish Information Commissioner is required, changes to be made by the Information Governance Officer;
- Where the Commissioner requires to be notified, changes to be approved by the Chief Governance Officer; and
- Where the Commissioner's approval is required for changes, approval to be sought from the Cabinet prior to submission to the Commissioner.

### **All Grants**

The Administration Manager will be the single point of contact for all Council grant applications from community groups and voluntary organisations. In consultation with Service Departments, the Administration Manager will determine the appropriate route for consideration of applications. The Administration Manager will be responsible for entering all application details and decisions on the Community Grants Database.

### **Community Grants**

In respect of applications for community grants, the Chief Governance Officer or

Administration Manager shall be authorised, on receipt of satisfactory reports and following consultation with the Chair and Vice-Chair of the Grants Committee, to award a community grant up to £1,000.

### **Street Naming**

#### **(a) New Names**

Under Section 97 of the Civic Government (Scotland) Act 1982, delegated authority to the Chief Governance Officer or the Administration Manager to name streets in consultation with the Local Members (following receipt of suggestions from the local Community Council).

#### **(b) Altering Existing Name**

In terms of subsequent objection against any street name, the Chief Governance Officer or Administration Manager will consult with the Local Members on whether or not to instigate statutory procedures. Where statutory procedures to change a street name are initiated, delegated authority to the Chief Governance Officer and Administration Manager in consultation with the Local Members to determine final street names.

### **Legal and Procurement Issues**

To engage private legal firms for Court and other legal work if and when the Solicitor to the Council may consider this to be necessary to enable the legal work of the Council to be carried out.

To obtain Counsel's opinion and to engage Counsel for Court of Session and other business as and when the Solicitor to the Council may consider this to be necessary to enable the legal work of the Council to be carried out.

To appoint Parliamentary Agents as and when necessary.

To represent the Council in all types of judicial and quasi-judicial proceedings and in that regard to initiate, enter, defend and withdraw from such proceedings. To settle all liability claims against the Council up to a maximum value of £25,000, where it is considered appropriate in the Council's interest to do so.

To act as proper Officer of the Council 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 the proper officer thereof.

In consultation with, and as instructed by, the appropriate Departmental Officers of the Council, to serve statutory notices under Town and Country Planning, Environmental Health, Building Standards and all similar legislation and to report any breaches of such legislation to the Procurator Fiscal for the purpose of pursuing prosecution of any party, whether or not such Departments also have a delegated power to discharge such duties, whether under the terms of this scheme or any other relevant statutory provision.

To implement all enforcement powers of the Council under and in terms of the Town and Country Planning (Scotland) Act 1997, (as amended) and all related legislation and to report any breaches of said legislation to the Procurator Fiscal for the purpose of pursuing prosecution of any party.

To confirm on behalf of the Council Tree Preservation Orders in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997.

To act as the proper officer of the Council in terms of Section 113 of the Civic Government (Scotland) Act 1982 with regard to the certification of management rules.

To act as the proper officer of the Council in relation to the signing of all deeds and other documents which require to be sealed with the Common Seal of the Council including Stock Certificates, Bonds and Mortgages.

To sign missives and other similar documents binding upon the Council.

To receive, offers to purchase in relation to the sale of Council property identified as surplus to the requirements of the Council in accordance with the Financial Regulations, to evaluate and report to Council on same and to return unopened offers received after the appropriate closing date.

To settle without reference to Committee claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of Home Loss Payments following compulsory acquisition by the Council and also to settle any discretionary points arising from acquisition by voluntary arrangements, provided that the statutory requirements have been met.

To authorise payments to account to sellers of property to the Council in cases where negotiations are protracted for any reason, up to a value of 90% of the valuation by the Head of Planning and Economic Development or the District Valuer.

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 good title and the grant of appropriate undertakings.

After consultation with the Director of Health and Social Care Partnership and Depute Chief Executive (Communities and Economy), to determine requests to waive repayment of Adaptation Grants having regard to the individual merits and circumstances of each case.

To determine requests to postpone the Council's Discount Standard Security in respect of the sale of Council houses under the Housing (Scotland) Act 1987 having regard to the individual merits and circumstances of each case.

To process applications to the Council for Superior's Consent in respect of properties for which the Council hold the superiority interest.

To sign every contract entered into on behalf of the Council except where otherwise provided for under the Scheme of Delegation or other provision of the Council.

To terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of the contract where, after consultation with the appropriate Depute Chief Executive, Head of Service, or Senior Manager detailed, the Solicitor to the Council is satisfied that it is in the interest of the Council to do so.

## **Procurement**

To prepare statistical and other reports in terms of:-

Public Works Contracts Regulations 1991 - Section 28

Public Supply Contracts Regulations 1995 - Section 25

Public Services Contracts Regulations 1993 - Section 27

## **Civic Government (Scotland) Act 1982**

### **Section 10 - Taxi and Private Hire Car Licences**

- With regard to Section 10(2) to approve 'full body livery' advertising on certain

vehicles used as taxis provided always that designs of a contentious nature will be submitted to the Local Government Licensing Panel for consideration.

**Section 19 - Notices of Taxi Stances** (in terms of Section 56 of the Local Government (Scotland) Act 1973) to serve Notices.

**Section 20 - Taxi and Private Hire Car Drivers Licences**

**Sections 24 - 27 - Second Hand Dealers**

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**Sections 28 - 36 Metal Dealer**

**Section 39 - Street Traders**

**Section 40 - Market Operators**

**Section 41 - Public Entertainment**

**Section 41A - Indoor Sports Entertainment**

**Section 42 - Late Hours Catering**

**Section 43 - Window Cleaners**

**Schedule 1 Paragraph 8(3)**

In the event of the death of a licence holder to extend or further extend an application, the 3 month period during which the licence is held by the executor.

**Schedule 1 Paragraph 9 - Material Change of Circumstances**

To grant applications, sign and issue all licences subject to conditions adopted by Council, on receipt of satisfactory reports and where no **material** competent objections or representations have been received.

\*

Following consultation with the Chair of the Local Government Licensing Panel, to grant any application where a competent representation has been received and the nature of the representation is not considered to **materially** affect the licence.

\*

Following consultation with the Chair of the Local Government Licensing Panel, to agree to hold a hearing in respect of applications where a **material** competent objection or representation has been made or in relation to which results of enquiries are intended to be taken into account.

\*

**NB Material** will be determined on the basis of the gravity of the representation and its relevant to the activity applied for.

**Section 44(i)(b) and Section 44(2) - Licensing of Houses in Multiple Occupation**

**Section 90 - Lighting of Common Stairs Etc**

**Section 92 - Cleaning and Painting of Common Stairs**

**Section 119 - Charitable Collections**

**Cumnock Conservation Area Regeneration Scheme (CARS)**

To issue offers of grant; enter into any necessary Standard Securities and to carry out all other legal work associated with the Scheme.

**Safety of Sports Grounds Act 1975**

To exercise powers of an authorised person under Section 11 of the Act (power to enter and inspect a sports ground).

**Town Centres**

Applications to hold meetings, stalls etc - Process in accordance with Council policy.

\*

**THE UNDERNOTED ENACTMENTS, EITHER WHOLLY OR IN PART, CONFER POWERS OR IMPOSE DUTIES ON EAST AYRSHIRE COUNCIL**

Accommodation Agencies Act 1953  
 Agriculture (Miscellaneous Provisions) Act 1968.  
 Agricultural Procedure (Grading and Marketing) Acts 1928 and 1931  
 Agriculture (Safety, Health and Welfare Provisions) Act 1956  
 Agriculture Act 1970  
 Animal Boarding Establishments Act 1963  
 Animal Health Act 1981  
 Animal Health and Welfare (Scotland) Act 2006 (as amended)  
 Antisocial Behaviour Etc (Scotland) Act 2004  
 Abandonment of Animals Act 1960  
 Breeding of Dogs Act 1973  
 Breeding of Dogs Act 1991  
 Breeding and Sale of Dogs (Welfare) Act 1999  
 British Telecommunications Act 1981  
 Broadcasting Act 1990  
 Caravan Sites and Control of Development Act 1960  
 Children and Young Persons (Protection from Tobacco) Act 1991  
 Cinemas Act 1985  
 Civic Government (Scotland) Act 1982  
 Clean Air Act 1993  
 Competition Act 1998  
 Consumer Credit Act 1974  
 Consumer Protection Act 1987  
 Control of Pollution Act 1974  
 Copyright Etc and Trade Marks (Offences & Enforcement) Act 2002  
 Copyright (Visually Impaired Persons) Act 2002  
 Courts and Legal Services Act 1990  
 Crossbows Act 1987  
 Criminal Procedure (Scotland) Act 1995  
 Dangerous Wild Animals Act 1976  
 Deer (Scotland) Act 1996  
 Development of Tourism Act 1969  
 Dogs Act 1906 - 1928  
 Education Reform Act 1988  
 Energy Act 1976  
 Energy Conservation Act 1981  
 Enterprise Act 2003  
 Environment and Safety Information Act 1988  
 Environment Act 1995  
 Environmental Protection Act 1990  
 Estate Agents Act 1979  
 European Communities Act 1972  
 European Union (Withdrawal) Act 2018  
 European Union (Withdrawal Agreement) Act 2020  
 Explosives Act 1875 - 1976  
 Explosives (Age of Purchase) Act 1976  
 Factories Act 1961  
 Fair Trading Act 1973  
 Fireworks Acts 1951 and 1964

Fireworks Act 2003  
 Food and Environmental Protection Act 1985  
 Food Hygiene (Scotland) Regulations 2006  
 Food Safety Act 1990  
 Game (Scotland) Act 1832 and Game Licences Act 1860  
 The Gaming Act 1968  
 Guard Dogs Act 1975  
 Hallmarking Act 1973  
 Health and Safety at Work Etc Act 1974  
 Housing (Scotland) Acts 1987/88  
 Knives Act 1997  
 Licensing (Scotland) Act 2005  
 Lotteries and Amusements Act 1976  
 Medicines Act 1968  
 Methylated Spirits (Sale by Retail) (Scotland) Act 1937  
 Motor Cycle Noise Act 1987  
 Motor Vehicles (Safety Equipment for Children) Act 1991  
 National Assistance Act 1948  
 Noise and Statutory Nuisances Act 1993  
 Offices, Shops and Railway Premises Act 1963  
 Olympic Symbol Etc (Protection) Act 1995  
 Patents, Designs and Marks Act 1986  
 Performing Animals (Regulations) Act 1925  
 Pesticides (Fees and Enforcement) Act 1989  
 Pet Animals Act 1951  
 Petroleum (Regulations) Acts 1928 and 1936  
 Pharmacy and Poisons Act 1933  
 Poisons Act 1972  
 Prevention of Damage by Pests Act 1949 including powers of entry  
 Prices Acts 1974 and 1975  
 Proceeds of Crime Act 2002  
 Property Misdescriptions Act 1991  
 Protection of Animals (Scotland) Acts 1912 - 1988  
 Protection from Harassment Act 1997  
 Public Health (Scotland) Acts 1897/1945  
 Refuse Disposal (Amenity) Act 1978  
 Registered Designs Act 1949  
 Regulation of Investigatory Powers Act 2000  
 Regulation of Investigatory Powers (Scotland) Act 2000  
 Reservoirs Act 1975  
 Riding Establishments Acts 1964 and 1970  
 Road Traffic Act 1972  
 Scotch Whisky Act 1988  
 Shops Act 1950  
 Slaughter of Animals (Scotland) Act 1980  
 Slaughter of Poultry Act 1967  
 Telecommunications Act 1984  
 Theatres Act 1968  
 Timeshare Act 1992  
 Tobacco Advertising and Promotion Act 2002  
 Trade Marks Act 1994  
 Trade Descriptions Act 1968  
 Trading Schemes Act 1996



Transport Act 1985 (Section 19)  
 Video Recordings Acts 1984 and 1993  
 Water (Scotland) Act 1980  
 Weights and Measures Acts 1976 and 1985  
 Zoo Licensing Act 1981

IN RELATION TO ALL OF THE ABOVE LEGISLATION, THE CHIEF GOVERNANCE OFFICER AND LEGAL SERVICES MANAGER AND REGULATORY SERVICES MANAGER ARE AUTHORISED TO GRANT, SIGN AND ISSUE LICENCES SUBJECT TO SATISFACTORY REPORTS AND SHALL BE THE PROPER OFFICERS, APPOINTED OFFICERS AND AUTHORISED OFFICERS FOR INSPECTION, FOR ALL FUNCTIONS FOR WHICH THE COUNCIL IS RESPONSIBLE IN RESPECT OF THE ABOVE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER AND ANY AMENDING LEGISLATION, SHALL BE AUTHORISED TO APPOINT ANY OTHER QUALIFIED OFFICER OF THE COUNCIL OR OTHER APPROPRIATE PERSON TO CARRY OUT ANY DUTIES OR HOLD ANY APPOINTMENTS UNDER THESE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER.

SUCH POWERS SHALL INCLUDE POWERS OF ENTRY, INSPECTION (INCLUDING INSPECTION OF DOCUMENTS), SAMPLING, PURCHASE OF GOODS AND SERVICES, OPENING OF CONTAINERS AND SEIZURE WHERE APPROPRIATE IN TERMS OF THE ACTS AND REGULATIONS/ORDERS MADE THEREUNDER.

ENFORCEMENT: CHIEF GOVERNANCE OFFICER, LEGAL SERVICES MANAGER AND REGULATORY SERVICES MANAGER ARE AUTHORISED TO MAKE REPORTS TO THE PROCURATOR FISCAL REGARDING OFFENCES UNDER ANY OF THE STATUTES COMING WITHIN THE SCOPE OF THE DEPARTMENT'S ACTIVITIES.

### **Powers Delegated to the Chief Constable**

The Chief Constable is authorised to discharge the functions of East Ayrshire Council under Section 19 (Appointment of Inspectors) of the Health and Safety at Work Etc Act 1974 for the purposes of the enforcement of the Explosives Acts of 1875 and 1923 (as amended) insofar as they relate to the licensing, registration and regulation of stores or registered premises.

### **DVLA Database**

Chief Governance Officer authorised to nominate designed Officers who will have access to the DVLA Database.

### **“Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Scotland) Act 2000 – “RIPA” and “RIPSA”**

Designated Officer - Solicitor to the Council, who will also have the power to authorise Trading Standards Scotland to carry out surveillance in terms of RIPA and RIPSA at their request.”

### **Property Issues**

- To the Legal Services Manager to make arrangements for the treatment of any property identified by Cabinet as surplus to the requirements of the Council in accordance with the Council's policy for surplus properties.
- To the Legal Services Manager to make arrangements to market for disposal any property identified for sale on the open market either directly or using agents by way of advertising, inviting offers to purchase and fixing closing dates.(Offers to be returned and opened in accordance with the financial regulations and any offers in the Scottish legal form to be submitted to the Solicitor to the Council who will prepare a recommendation based on the terms and conditions of such offer in accordance with Delegated Powers).

- To the Legal Services Manager to agree the terms for the renewal of non-market leases in accordance with the terms outlined in the Community Asset Transfer Policy, i.e. 10% of the market rent.
- To the Legal Services Manager to negotiate and settle all claims other than those directly relating to the acquisition of land and property arising out of the use of the Council's statutory compulsory purchase powers unless otherwise delegated in terms of this scheme to include claims in terms of Part 1 of the Land Compensation (Scotland) Act 1973 relating to compensation for depreciation in value arising out of the use of public works.

### **Council Revenue Grants to External Community/Voluntary Groups**

- To approve and sign off overall departmental agreements up to and in excess of £30,000;
- To make any changes/amendments/updates to the project schedule during the lifetime of the project; and
- To report to the Grants Committee any material change to the project schedule.

### **PLANNING APPLICATIONS**

**Details of the complete planning application delegation remits are provided on page 90.**

#### **DELEGATION OF DECISION MAKING TO APPOINTED OFFICER**

For the purposes of section 43A of the Town and Country Planning (Scotland) Act 1997, the Council authorises the Chief Planning Officer to appoint the following officers to determine applications in accordance with the Council's Scheme of Delegation.

#### **Interim Development Management Manager, Strategic Manager: Development Planning and Regeneration, Development Management Team Leaders and Senior Planning Officers (Development Management).**

The Chief Planning Officer has delegated authority to discharge all duties under the Planning Acts and Regulations, with the following exceptions:-

#### **To be determined by the Council:**

1. National Development designated in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended.
2. Major development defined within the Town and Country Planning ((Hierarchy of Developments) (Scotland) Regulations 2009 that are significant contrary to the Development Plan.
3. The Planning Committee recommending refusal of an application where refusal is on the basis of the principle of the development, where the principle is in accordance with the Development Plan where that can be viewed as a material consideration.

#### **To be determined by the Planning Committee:**

4. Where the proposal is a Major Development as defined within the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
5. Where the application is subject to objection from > 10 separate persons/organisations/third parties, or a neighbouring planning authority or from another Council service (all on planning grounds).
6. Where a recommendation of approval would be a significant departure from the

Development Plan (or emerging Development Plan where that can be viewed as a material consideration).

7. Where there is an unresolved objection from a statutory consultee and the application is recommended for approval.
8. Where the application is made by or on behalf of an elected member of the Council, a member of the Corporate Management Team of the Council or a member of the Planning Service.
9. Where the Chief Planning Officer under S43A (6) of the Town and Country Planning (Scotland) Act 1997 (as amended) considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case, the applicant will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.
10. In respect of the Electricity Act 1989 (as amended), to provide consultation responses on all applications in terms of Sections 36 and 37.
11. The application seeks to amend a condition or planning obligation which was itself imposed by the Planning Committee.
12. Modifications/ Revocations of Planning Permission where objection has been received.

Other matters delegated to the Chief Planning Officer under the Local Government (Scotland) Act 1973, as amended.

1. Certificates of Existing/Proposed, Lawful Use or Development.
2. Prior Approval and Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, Demolition of buildings.
3. Claims for Hazardous Substance Deemed Consent and Hazardous Substances Consent.
4. The making of Provisional Tree Preservation Orders (TPO), Confirmation of TPOs and determination of applications for tree works.
5. Entering into Section 75 Agreements or other Legal Obligations, (where the application or requirement for an agreement/legal obligation is delegated to Officers under this Scheme of Delegation).
6. Revisions to an application previously approved by Committee; provided they do not significantly alter a legal agreement or potentially remove the requirement for the agreement.
7. Enforcement Actions provided any costs are within Governance Revenue budgets.
8. Initiate and confirm road/footpath stopping up procedures where a planning consent is in place.
9. Refusals on basis of insufficient information (whether subject to objections or not).
10. Determining whether or not an Environmental Impact Assessment is required and the adoption and notification of a screening and/or a scoping opinion under Environmental Impact Assessment (Scotland) Regulations 2017 in respect of the need for and content of an Environmental Impact Assessment.

11. S74 Review of Minerals Permission.
12. Consultations with the neighbouring Planning Authorities regarding planning applications.
13. Determining High Hedge Notice Applications, serving High Hedge Notices when needed and take direct action to ensure compliance with the provisions of such Notices when necessary.

## **BUILDING STANDARDS**

Appointed Officers: Operations Manager and Building Standards Team Leaders.

Delegation under the Building (Scotland) Acts 1959, 1970 and 2003 and allied building legislation to approve, refuse or withdraw applications for Building Warrant Applications and Enforcement Notices as detailed within the associated legislation noted below:-

### **Building (Scotland) Acts 1959 and 1970**

**Section 4** - Applications for relaxation of the Building Regulations.

**Section 6** - Applications for building warrant or amendment to warrant.

**Section 9** - Applications for completion certificates.

**Section 10** - Notices requiring works to be stopped.

**Section 13** - Notices requiring demolition or making safe of dangerous buildings.

**Section 14** - Powers to Local Authorities to sell materials from demolished buildings.

**Section 15** - Powers to Local Authorities to purchase buildings and sites where the owner cannot be found.

### **Building (Scotland) Act 2003**

**Section 9** - Applications for building warrant or amendment to warrant;

**Section 17** - Applications for completion certificates;

**Section 24** - Provision of a Building Standards Register;

**Section 25** - Building Regulations Compliance Notice;

**Section 26** - Continuing Requirements Enforcement Notice;

**Section 27** - Building Warrant Enforcement Notice requiring works to be stopped or contravention of an approved building warrant;

**Section 28** - Defective Buildings Notice - Notices requiring works to be carried out to a defective buildings;

**Section 29** - Dangerous Buildings Notice - Notices requiring demolition or making safe of dangerous buildings.

**Section 30** - Immediate works undertaken requiring demolition or making safe of dangerous buildings.

European Communities Act 1972(a), Section 2(2)

Energy Performance of Buildings (Scotland) Regulations:-

Enforcement of Energy Performance Certificates within existing and new Buildings (Shared enforcement powers exist with Trading Standards) for breaches affecting Housing Re-lets (new rental contracts) and the Housing Sales - Seller's Pack

**Civic Government (Scotland) Act 1982**

**Section 89** - Safety of Platforms etc;

**Section 91** - Installation of lights in private property;

**Section 95** - Private open spaces; and

**Section 96** - Statues and Monuments.

**European Communities Act 1972, Section 2(2)****Energy Performance of Buildings (Scotland) Regulations 2008:-**

Enforcement of Energy Performance Certificates within existing and new Buildings (Shared enforcement powers exist with Trading Standards) for breaches affecting Housing Re-lets (new rental contracts) and the Housing Sales - Seller's Pack.

**Control of Dogs (Scotland) Act 2010**

- To approve expenditure incurred in the discharge of the Council's powers and duties under this Act.

**Dog Fouling (Scotland) Act 2003**

- Power to authorise Officers to issued fixed penalty notices to individuals believed to have committed an offence under the Act.

**Environment Act 1995 - Section 106 - 114 and Section 120(3)**

- Summary proceedings to deal with statutory nuisance and noise.
- Powers to authorise suitable persons to carry out inspections, including entering premises, taking samples or carrying out related activities for the purpose of enabling the authority to determine whether any land is contaminated (including supplemental provisions under Schedule 18 of the Act).

**Environmental Protection Act 1990**

- **Sections 79-81** - Summary Proceedings.
- **Section 149** - Control of stray dogs.

**Feed (Transfer of Functions)(Miscellaneous Amendments)(Scotland) Regulations 2020****Feed Hygiene Regulation 183/2005****Food Hygiene (Scotland) Regulations 2006**

- Powers to appoint authorised Officers and sign appropriate documentation including powers to serve Hygiene Improvement Notices, Remedial Action Notices, Detention Notices, Hygiene Emergency Prohibition Notices and Certificates that food has not been produced, processed or distributed in compliance with the hygiene regulations.

**Food Safety Act 1990**

- Powers to appoint authorised officers and sign appropriate documentation including powers to serve Improvement and Prohibition Notices.

**Health and Safety at Work Etc Act 1974 - Sections 19, 20, 21 and 22**

- Appointment of Officers under Section 19, authorising them to use the powers set out in Section 20 and authorising them to serve improvement and prohibition notices in terms of Sections 21 and 22.
- Powers to authorise personnel accompanying Environmental Health Officers to

premises.

### **Health and Safety at Work Etc Act 1974 in respect of the Explosives Acts 1875 and 1923 (As Amended)**

- Powers to appoint such Officers as determined necessary to carry out enforcement duties.

### **Housing (Scotland) Act 1987**

- To make Closing Orders in terms of Section 114.
- To make Demolition Orders in terms of Section 115.
- To revoke Closing Orders and Demolition Orders in terms of Section 116.
- To make and review Suspension Orders in terms of Section 117(2)(9) and (4).
- To issue written authorisation to Environmental Health Officers for power of entry in terms of Sections 183 and 317.
- To serve Notice where owners of houses in multiple occupation have failed to respond to requests for proposals for required works.
- To serve Notices in terms of Section 108.
- Powers to sign and serve Notices on occupiers or persons receiving rent for houses requiring them to declare their interest or provide information regarding ownership.

### **Licensing (Scotland) Act 2005 - Sections 22 and 50**

- Powers to object in terms of Section 22 on the Council's behalf to applications for \* licences which are of concern to the Environmental Health legislation.
- If either of the Spokespersons are members of the Licensing Board, the relevant Depute Chief Executive shall liaise with the Chief Executive to determine Member consultation.
- Authorised under Section 50 to issue food hygiene certificates in respect of applications for a new licence.

### **Noise and Statutory Nuisances Act 1993**

- Powers to serve notices.

### **Prevention of Damage by Pests Act 1949**

- To sign and serve Notice in terms of Section 4 and (where the Notice has not been complied with) instruct remedial works in terms of Section 5.

### **The Private Water Supplies (Scotland) Regulations 2005 and 2016**

- To grant relaxation of the wholesomeness standards where there would be no risk to public health.

### **Public Health (Scotland) Act 2008**

- Authorisation under parts 1,2,3, 5,6 and 8, and to act under the direction of the CPHM in relation to discharge of their duties under the Act

### **Water (Scotland) Act 1980**

- Powers to issue Improvement Notices requiring improvement of a private water supply (where breaches are not of a trivial nature and likely to recur).

### **Burial And Cremation (Scotland) Act 2016**

- To arrange burials in terms of Section 87.

#### **Smoking, Health and Social Care (Scotland) Act 2005**

- Authorisation of officers to serve Notices under Sections 1-3

#### **Caravan Sites and Control of Development Act 1960**

- To approve and transfer licences.

#### **Designated Environmental Health Officer to lead Food Safety within the Authority**

The Team Leader, Food Safety/Health and Safety has been designated Environmental Health Officer heading Food Safety within East Ayrshire.

#### **Standards of Competence for Health and Safety Inspectors**

The Council has deemed that all qualified Environmental Health Officers meet the Standards of Competence set out in Section 18(4)(a) of the Health and Safety at Work Etc Act 1974.

#### **The Control of Dogs (Scotland) Act 2010**

##### **Powers Delegated to Officers within the Environmental Health Service**

The Chief Governance Officer will be delegated to authorise Officers from within the Environmental Health Service to deal with the administration and enforcement of the Council's powers and duties under the Control of Dogs (Scotland) Act 2010.

##### **Powers Delegated to the Principal Officer (Trading Standards)**

For the purposes of Section 72(1)(a) of the Weights and Measures Act 1985, the Council has appointed the Trading Standards Team Leader as Chief Inspector of Weights and Measures.

#### **Schedule 1**

- Trade Descriptions Act 1968
- European Communities Act 1972 (Section 2) Consumer Credit Act 1974
- Prices Act 1974
- Consumer Protection Act 1987
- Copyright, Designs and Patents Act 1988
- Trade Marks Act 1994
- Unfair Terms in Consumer Contracts Regulations 1999
- Consumer Protection (Distance Selling) Regulations 2000
- Financial Services and Markets Act 2000
- Enterprise Act 2002
- Electronic Commerce (EC Directive) Regulations 2002
- Financial Services (Distance Marketing) Regulations 2004
- Counter-Terrorism Act 2008
- Business Protection from Misleading Marketing Regulations 2008
- Cancellation of Contracts made in a Consumer's Home or Place of Work etc.

### Regulations 2008

- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) Regulations 2012
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Financial Services Act 2012”
  - Unsolicited Goods and Services Act 1971 (Goods sent to businesses)
  - Copyright Designs and Patents Act 1988
  - Road Traffic Act 1988 (s17 motor cycle helmets)
  - Pesticides Act 1998
  - Tobacco Advertising and Promotion Act 2002
  - Companies Act 2006
  - Consumer Credit Act 2006
  - Animal Health and Welfare (Scotland) Act 2006
  - Housing (Scotland) Act 2006
  - Violent Crime Reduction Act 2006
  - Consumer, Estate Agents and Redress Act 2007
  - Tobacco and Primary Medical Services (Scotland) Act 2010
  - Video Recordings Act 2010
  - Intellectual Property Act 2014
  - Consumer Rights Act 2015
  - Health (Tobacco, Nicotine etc and Care)(Scotland) Act 2016
  - Psychoactive Substances Act 2016

**Enactments, either wholly or in part, confer powers or impose duties on East Ayrshire Council. Refer to page 88 for further delegation to the Regulatory Services Manager.**

### **Health Protection (Coronavirus) (Restrictions) (Scotland) Regulation 2021**

For the purposes of Regulations 3 and 4. the following staff be designated as a “relevant person” in terms of Regulation 7 (12) (b):-

Elaine Cavanagh – Interim Regulatory Services Manager  
 Bill Gilchrist - Team Leader (Pollution Control/Corporate Enforcement Unit)  
 Morag McCallum – Interim Team Leader Food Safety/Health and Safety  
 Nicola Firth - Environmental Health Officer Donald Smith - Environmental Health Officer  
 Lorna Lynch - Environmental Health Officer Susan Forsyth - Food Safety Officer  
 Jennifer Gray - Environmental Health Officer  
 Alistair Carse -Environmental Health Officer  
 Leigh Richardson - Environmental Health Officer  
 Margaret Anne Arnott – Environmental Health Officer  
 Mo Wasi – Environmental Health Officer  
 Brian Murphy - Enforcement Officer - Corporate Enforcement  
 Iain Harper - Enforcement Officer - Corporate Enforcement



Genna Wilson – Enforcement Officer – Corporate Enforcement  
Craig Wallace – Enforcement Officer – Corporate Enforcement  
Sandy Loudoun - Environmental Health Technician  
Graham Morrison - Trading Standards Officer Sam Gardiner - Trading Standards Officer  
Alan Stewart - Enforcement Officer - Trading Standards  
Laura Wells - Enforcement Officer - Trading Standards  
Michael Richards - Enforcement Officer – Trading Standards  
Andrew Boswell - Animal Health and Welfare Officer Stuart Purdie - Animal Health and Welfare Officer  
Carolyn McEwan - Licensing Standards Officer  
Ian Hiles - Licensing Standards Officer

### **PARTICIPATION REQUEST**

Under the Community Empowerment (Scotland) Act 2015, to deal with and respond to any Participation Requests received, in line with the procedure as approved by Cabinet on 31 May 2017.

<u>Chief Planning Officer</u>	<u>Chief Planning Officer (Con't)</u>	<u>Planning Committee Decisions</u>	<u>Decision by Full Council</u>
<p>Delegated Authority to discharge all duties under the Planning Acts and Other matters delegated to the Chief Planning Officer under the Local Government (Scotland) Act 1973, as amended.</p> <ol style="list-style-type: none"> <li>1. Certificates of Existing/Proposed, Lawful Use or Development.</li> <li>2. Prior Approval and Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, Demolition of buildings.</li> <li>3. Claims for Hazardous Substance Deemed Consent and Hazardous Substances Consent.</li> <li>4. The making of Provisional Tree Preservation Orders (TPO), Confirmation of TPOs and determination of applications for treeworks.</li> <li>5. Entering into Section 75 Agreements or other Legal Obligations, (where the application or requirement for an agreement/legal obligation is delegated to Officers under this Scheme of Delegation).</li> <li>6. Revisions to an application previously approved by Committee; provided they do not significantly alter a legal agreement or potentially remove the requirement for the agreement.</li> <li>7. Enforcement Actions provided any costs are within Governance Revenue budgets.</li> <li>8. Initiate and confirm road/footpath stopping up procedures where a planning consent is in place.</li> </ol>	<ol style="list-style-type: none"> <li>9. Refusals on basis of insufficient information (whether subject to objections or not).</li> <li>10. Determining whether or not an Environmental Impact Assessment is required and the adoption and notification of a screening and/or a scoping opinion under Environmental Impact Assessment (Scotland) Regulations 2017 in respect of the need for and content of an Environmental Impact Assessment.</li> <li>11. S74 Review of Minerals Permission.</li> <li>12. Consultations with the neighbouring Planning Authorities regarding planning applications.</li> <li>13. Determining High Hedge Notice Applications, serving High Hedge Notices when needed and take direct action to ensure compliance with the provisions of such Notices when necessary.</li> </ol> <p>Appointed Officer: Chief Planning Officer, Interim Development Management Manager, Strategic Manager – Development Planning and Regeneration, Development Management Team leaders and Senior Planning Officers (Development Management)</p>	<ol style="list-style-type: none"> <li>1. Where the proposal is a Major Development as defined within the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.</li> <li>2. Where the application is subject to objection from &gt; 10 separate persons/organisations/third parties, or a neighbouring planning authority or from another Council service (all on planning grounds).</li> <li>3. Where a recommendation of approval would be a significant departure from the Development Plan (or emerging Development Plan where that can be viewed as a material consideration).</li> <li>4. Where there is an unresolved objection from a statutory consultee and the application is recommended for approval.</li> <li>5. Where the application is made by or on behalf of an elected member of the Council, a member of the Corporate Management Team of the Council or a member of the Planning Service.</li> <li>6. Where the Chief Planning Officer under S43A (6) of the Town and Country Planning (Scotland) Act 1997 (as amended) consider members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case, the applicant will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.</li> <li>7. In respect of the Electricity Act 1989 (as amended), to provide consultation responses on all applications in terms of Sections 36 and 37.</li> <li>8. The application seeks to amend a condition or planning obligation which was itself imposed by the Planning Committee.</li> <li>9. Modifications/Revocations of Planning Permission where objection has been received.</li> </ol>	<p>Determination of Planning applications in respect of –</p> <ol style="list-style-type: none"> <li>1. National Developments designated in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended.</li> <li>2. Major-Developments defined within the Town and Country planning (Hierarchy of Developments)(Scotland) Regulations 2009 that are significantly contrary to the Development Plan.</li> <li>3. The Planning Committee recommending refusal of an application where refusal is on the basis of the principle of the development, where the principle is in accordance with the Development Plan where that can be viewed as material consideration.</li> </ol>

<b><u>WARD NO</u></b>	<b><u>WARD NAME</u></b>	<b><u>AREA COVERED</u></b>
1	Annick	Includes Fenwick, Waterside, Moscow, Lugton, Dunlop, Stewarton, Kilmaurs and surrounding landward areas
2	Kilmarnock North	Includes Southcraigs, Onthank, Altonhill, Knockinlaw, Longpark (Part), Beansburn and Dean (Part), the Glasgow Road District and Wardneuk areas.
3	Kilmarnock West and Crosshouse	Includes Crosshouse, Knockentiber, Gatehead, Hillhead, Longpark (Part), Bonnyton, the Grange, Howard Park, Woodstock, Gargieston, Kay Park (Part) and Glencairn and Queen's Drive areas.
4.	Kilmarnock East and Hurlford	Includes Loanhead, Wellpark, South Dean, New Farm Loch, Kay Park (Part), Scott Ellis, Crookedholm and Hurlford areas.
5.	Kilmarnock South	Includes Riccarton, Caprington, Kirkstyle, Bellfield and Shortlees areas.
6.	Irvine Valley	Includes South Landward, Hurlford, Galston, Newmilns and Darvel areas.
7.	Ballochmyle	Includes Mauchline, Sorn, Catrine, Muirkirk, Lugar, Logan and Auchinleck areas.
8.	Cumnock & New Cumnock	Includes Ochiltree, Skares, Netherthird and Craigens, Cumnock and New Cumnock areas.
9.	Doon Valley	Includes Stair, Drongan, Rankinston, Dalrymple, Hollybush, Patna, Dalmellington and Bellsbank areas.

