



# **MORAY COUNCIL**

## **CONSTITUTIONAL DOCUMENTS**

### **3. SCHEME OF DELEGATION**

Detailing the powers delegated to Council officers  
*[under Section 50G of the Local Government (Scotland) Act 1973]*

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## 1. GENERAL TERMS

### DEFINITIONS

- (1) The powers specified in this Scheme of Delegation are delegated to officers of the Council. Except where prohibited by law or otherwise prohibited by the Council, an officer to whom delegated powers have been granted may make such arrangements within his/her Department for the exercise of the delegated powers as he/she considers appropriate, save that the responsibility for such exercise remains with the Chief Executive/Depute Chief Executive/Head of Service. Such delegations are in addition to the normally accepted powers of a Chief Executive/Depute Chief Executive or Head of Service to deal with routine matters within the scope of their departmental responsibilities. If he/she deems it appropriate any Chief Executive/Depute Chief Executive/Head of Service may refer the delegated matter to the Council or the appropriate Committee rather than exercise the delegation him/herself.
- (2) For current purposes "CMT" shall mean the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), and the Depute Chief Executive (Economy, Environment and Finance).
- (3) References in this scheme to authorisation to CMT or Head of Service to grant, approve or issue shall be taken to include authority also to refuse or to grant, approve or issue subject to conditions.

- (4) Any reference in this Scheme to legislation including delegated or subordinate legislation should be taken as including any amendments, replacements and re-enactments of such legislation currently in force.
- (5) The Scheme of Delegation is maintained for the purposes of Section 50G of the Local Government (Scotland) Act 1973.

### **SAFEGUARDS**

- (6) The delegation granted in this Scheme to Officers of the Council shall be exercised:
- (a) in conjunction with the Council's other constitutional documents including the following:
- Access to Information/Publication Scheme
  - Scheme of Administration
  - Code of Corporate Governance
  - Complaints Procedure
  - Councillor's Code of Conduct
  - Employees Code of Conduct
  - Financial Regulations
  - Members' Allowances and Expenses Scheme
  - Protocol on Consultation and Access to Information
  - Standing Orders
- (b) on the basis that the exercise of the delegated power will not result in actual expenditure exceeding that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations;
- (c) on the basis that the exercise of the delegated power will not result in actual income falling below that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations.
- (d) on the basis that the exercise of the delegated power will not result in expenditure exceeding that set out in the relevant part of the Capital Programme for the financial year in question;
- (e) subject to the member of the public or, in the case of employment matters, employee being notified in writing of any rights of appeal;
- (f) only in respect of items which are not controversial, sensitive or complex and where the matter appears to be one which is controversial, sensitive or complex, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance / Chief Financial Officer as appropriate. (See 5.10).

- (g) consistent with the Council's procedures, policies, corporate standards and strategies;
  - (h) consistent with any qualifications required to exercise the delegation;
  - (i) consistent with agreed service objectives;
  - (j) where material and substantive changes are to be made to a project, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance/Chief Financial Officer as appropriate;
  - (k) Subject to the Health and Social Care Integration Scheme for Moray.
- (7) In the context of this Scheme, delegation shall extend to include homologation of action taken.
- (8) In the context of this Scheme, power to serve a Notice or other proceedings shall also include power to enforce that Notice or those proceedings.

#### **WARD MEMBERS**

- (9) In using the authority delegated to them, officers must consult all Ward Members if they consider that a proposed decision or action is of a non-routine nature and is likely to significantly and directly affect the Ward interests of Ward Members. This does not apply to proposed decisions or actions that have a general effect throughout the area, or are of a routine nature covered by this Scheme of Delegation.
- (10) To assist Councillors and Officers of the Council in relation to a Councillor's representative role, the Council has an agreed [Protocol on consultation, access to information and Councillor's involvement in Council business](#).

#### **INTERPRETING POLICY**

- (11) If there is a question on whether a decision taken by or action authorised by a Committee, Sub-Committee or Depute Chief Executive sets up or alters Council policy on any matter, this will be decided by the Chief Executive in consultation with the Council Leader (or Depute Leader if the Leader is absent).

#### **CONFLICT OF INTEREST**

- (12) If a Member of the Council or an employee applies for a Council service, except for services available to the general public for a set fee, the officer who is delegated to decide on the application must first consult the Head of the relevant service. If considered necessary, the application will be referred to the Chief Executive or the relevant Committee for a decision.

## **DISPUTES**

- (13) The Chief Executive, in consultation with the Council Leader (Depute Leader if the Leader is absent), will decide all disputes on whether an issue is delegated to a particular Committee or officer.

## **2. GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND DEPUTE CHIEF EXECUTIVES – CENTRAL MANAGEMENT TEAM (CMT)**

### **APPOINTMENTS**

- (1) Appointing employees within the parameters set out in the Scheme of Administration the Financial Regulations, and the Recruitment and Selection of Senior Staff Procedure.

### **ACTING CHIEF OFFICER APPOINTMENTS**

- (2) The Chief Executive, in consultation with the Council Leader (or Depute Leader if the Leader is absent), can appoint an acting Depute Chief Executive from the staff of the Council when a Depute Chief Executive is absent for a significant period or the post is vacant. Depute Chief Executives, in consultation with the Council Leader, can appoint an acting Head of Service or other Manager from the staff of the Council when a member of staff is absent for a significant period or the post is vacant.

### **CMT EXERCISING POWERS OF THE CHIEF EXECUTIVE**

- (3) Depute Chief Executives shall have the authority to exercise the powers of the Chief Executive contained within Section 5 below in situations of urgency when the Chief Executive is unavailable

### **CMT EXERCISING THE POWERS OF EACH OTHER**

- (4) Depute Chief Executives shall have the authority to exercise the powers of each other in situations of urgency when the nominated Depute Chief Executive (in terms of the delegations below) is unavailable. Any use of this authority shall be reported to the next scheduled meeting of CMT

### **DISCIPLINE AND GRIEVANCE**

- (5) Conducting disciplinary and grievance proceedings for employees under the Council's approved procedures.

## **PRESS RELEASES**

- (6) To issue press releases on behalf of the Council, in accordance with established procedures.

## **ACCESS TO INFORMATION**

- (7) To comply with the Access to Information Act 1985 (Section 50A of the Local Government (Scotland) Act 1973).

## **SUPPLY AND PROVISION OF GOODS AND SERVICES**

- (8) To enter into agreements for the purchase, supply and storage of any goods, materials, administrative, professional or technical services; the use of any vehicle, plant or apparatus; the carrying out of works or maintenance in connection with land or buildings in accordance with the Local Authorities (Goods and Services) Act 1970 and the Public Bodies (Joint Working) (Scotland) Act 2014.

## **PARTICIPATION REQUESTS**

- (9) Corporate Management Team to consider and respond to participation requests.

## **USE OF COAT OF ARMS**

- (10) Chief Executive, in consultation with Civic Leader and Political Group Leaders, to consider requests for the use of the Council's Coat of Arms.

# **3. PROPER OFFICERS AND STATUTORY APPOINTEES**

## **PROPER OFFICERS**

- (1) The undernoted officers are appointed to act as Proper Officer or by virtue of statutory requirement for the following purposes.

### **(a) Local Government (Scotland) Act 1973**

- (i) Section 33A – Councillors' declaration of acceptance of office:

- Chief Executive
- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

- (ii) Section 34 – Receipt of Councillors' resignations:

- Chief Executive

- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (iii) Section 40 – Receipt of general notices from Councillors in respect of pecuniary interests and for recording of Councillors’ disclosures of pecuniary interests:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (iv) Section 43 and Schedule 7 paragraph 1(4) – Receipt of requisition for special Council meeting:
- Chief Executive
  - Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (v) Section 43 and Schedule 7 paragraph 2(1) – Signing summons to Council meeting:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
  - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (vi) Section 43 and Schedule 7 paragraph 2(2) – Receipt of notice by Councillor of alternative address:
- Chief Executive
  - Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (vii) Section 50B – Excluding reports containing exempt information from public, and providing documents to the press:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
  - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (viii) Section 50C – Providing written summary where minutes are excluded from public:



- Chief Executive
  - Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (ix) Section 50D – Compiling a list of background papers to a report:
- Chief Executive/Depute Chief Executive with responsibility for the relevant function to which the report relates
  - Head of Service with responsibility for the relevant function to which the report relates
- (x) Section 50F – determining documents which are not open to inspection:
- Chief Executive
  - Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (xi) Section 92 – Dealing with the transfer of securities:
- Depute Chief Executive (Economy, Environment and Finance)
  - Chief Financial Officer
- (xii) Section 95 – Administration of the Council’s financial affairs:
- Chief Financial Officer
- (xiii) Section 145 – Ordnance Survey applications:
- Depute Chief Executive (Economy, Environment and Finance)
  - Head of Housing and Property Services
- (xiv) Section 189 – Instituting legal proceedings:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
  - Legal Services Manager
- (xv) Section 190 – Service of legal proceedings, notices on the Council:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
  - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)

- (xvi) Section 191 – Signing any claim on behalf of the Council in any sequestration, liquidation and other such proceedings in which the Council is entitled to make a claim:
- Head of Governance, Strategy and Performance
  - Legal Services Manager
- (xvii) Section 193 – Signing notices, orders, etc:
- Depute Chief Executive with responsibility for the relevant function to which the notice, order etc relates
  - Head of Service with responsibility for the relevant function to which the notice, order etc relates
- (xviii) Section 194 - Execution of all deeds and other documents which require to be sealed with the Council's common seal (other than stock certificates, bonds and mortgages):
- Chief Executive
  - All Depute Chief Executives
  - Head of Governance, Strategy and Performance
  - Legal Services Manager
  - Legal Services officers expressly authorised by the Council to sign that category of document
  - Chief Financial Officer for mortgages, bonds and other financial documents or instruments that transfer any of these or instruments which put into effect the power of investment and borrowing delegated to this officer by the Financial Regulations
- (xix) Section 197 – Inspection and deposit of documents:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (xx) Section 202 – Authenticating byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (xxi) Section 202B – Certifying entry in register of byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
- (xxii) Section 204 – Providing certificate as evidence of byelaws:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(xxiii) Section 231 – Making application to the sheriff on questions arising from the Local government (Scotland) Act 1973:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

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

(i) Section 113 – Evidence of management rules:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

**(c) Local Government and Housing Act 1989**

(i) Section 2 – Lists of politically restricted posts:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of HR, ICT and Organisational Development

(ii) Section 19 - Receipt of notices of Councillors' interests and maintenance of records:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

**(d) Local Government (Scotland) Acts 1973 and 1975, Abolition of Domestic Rates etc (Scotland) Act 1987, Local Government Finance Act 1992 and associated delegated legislation**

(i) All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions:

- Depute Chief Executive (Economy, Environment and Finance)
- Chief Financial Officer

- (e) Local Government Finance Act 1992 and associated delegated legislation**
- (i) All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges:
- Depute Chief Executive (Economy, Environment and Finance)
  - Chief Financial Officer
- (f) Local Government etc (Scotland) Act 1994**
- (i) Section 16 – Property held in trust:
- Depute Chief Executive (Economy, Environment and Finance)
  - Head of Governance, Strategy and Performance
  - Chief Financial Officer
- (g) Requirements of Writing (Scotland) Act 1995**
- (i) Schedule 2, paragraph 4(1) – Signing of documents:
- Chief Executive
  - All Depute Chief Executives
  - Head of Governance, Strategy and Performance
  - Legal Services Manager
  - Legal Services officers expressly authorised by the Council to sign that category of document
- (h) Local Authorities (Contracts) (Scotland) Regulations 1997**
- (i) Regulation 4 – Certification purposes:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance
  - Chief Financial Officer
  - Legal Services Manager
  - Relevant Authorised Procurers
- (i) Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003**
- (i) Regulation 3 – Setting up, maintaining and making available for public inspection the register of interests:
- Depute Chief Executive (Education, Communities and Organisational Development)
  - Head of Governance, Strategy and Performance

**(j) Scottish Local Government Elections Order 2011**

(i) Schedule 1, Rule 60 – Receipt of documents following an election:

- Chief Executive
- Depute Chief Executive (Education, Communities and Organisational Development)

**(k) The Cairngorms National Park (Scotland) Order 2003**

(i) Rule 49 – Retention of Documents for public inspection:

- Depute Chief Executive (Education, Communities and Organisational Development)

**STATUTORY APPOINTEES**

(2) The following appointments are made in terms of the undernoted legislation:

**(a) Social Work (Scotland) Act 1968 as amended**

(i) Section 3 – Chief Social Work Officer:

Head of Service (MIJB)

**(b) Representation of the People Act 1983**

(i) Section 41 – Returning Officer:

- Depute Chief Executive (Education, Communities and Organisational Development)

**(c) Weights and Measures Act 1985**

(i) Section 72(1)(a) – Chief Inspector of Weights and Measures:

- Environmental Health and Trading Standards Manager

**(d) Local Government and Housing Act 1989**

(i) Section 4 – Head of Paid Service:

- Chief Executive

(ii) Section 5 – Monitoring Officer:

- Head of Governance, Strategy and Performance

**(e) Environmental Protection Act 1990**

(i) Section 149(1) – Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area:

- Environmental Health and Trading Standards Manager

**(f) Regulation of Investigatory Powers (Scotland) Act 2000**

(i) Sections 6 and 7 – Authorising Officers:

- Chief Executive (where required by statute)
- Depute Chief Executive (Economy, Environment and Finance)
- Head of Economic Growth and Development
- Environmental Health and Trading Standards Manager

Senior Responsible Officer – Head of Development Services

**(g) Licensing (Scotland) Act 2005**

(i) Schedule 1, Paragraph 8 – Clerk of the Licensing Board:

- Head of Governance, Strategy and Performance

**(h) Valuation Joint Boards (Scotland) Act 1995**

(i) Schedule 2, Section 4 - To act as the Treasurer of Grampian Valuation Board:

- Chief Financial Officer

## **4. SCHEME OF DELEGATION TO OFFICERS (PARTICULAR DELEGATIONS)**

### **(1) EMERGENCY PLANNING**

(i) The Chief Executive shall hold delegated power to declare an emergency situation as defined by the Civil Contingencies Act 2004. This includes the power to take such executive action as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency.

(ii) In addition to the Chief Executive, all Depute Chief Executives and Heads of Service participate in an Emergency Response Co-

ordinator Duty Rota whereby one senior officer is on call to respond to emergencies for a set period. When acting in the role of the Emergency Response Co-ordinator, each officer shall hold delegated power to take such executive action (in consultation with other appropriate officers where reasonably possible) as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency, until advised otherwise by the Chief Executive or, in the case of a Head of Service only, a member of the Corporate Management Team. This includes authority to incur expenditure proportionate to the emergency and necessary to ensure implementation of such action.

## 5. CHIEF EXECUTIVE

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1)	To give a direction in special circumstances that any officer shall not exercise a delegated power	Chief Executive
(2)	Except where otherwise referred to in the constitutional documents, to determine minor incidental issues on behalf of the Council, provided that the matter falls within established policy positions of the Council, in consultation with the Council Leader or the appropriate Committee Chair.	Chief Executive
(3)	To take disciplinary action against employees within the Chief Executive's Department and Depute Chief Executives, in accordance with the Council's approved disciplinary procedures.	Chief Executive
(4)	To authorise official hospitality on behalf of the Council, in consultation with the Civic Leader and within existing budgets	Chief Executive
(5)	To submit the views of the Council, where requested as a matter of urgency, to a Government department, the Scottish Parliament, the Scottish Government, the Convention of Scottish Local Authorities or an outside body, where there is insufficient time to refer the matter to the Council.	Chief Executive
(6)	In an election year, to determine all urgent matters on behalf of the Council in the period between the date of the ordinary Council Election and the statutory meeting.	Chief Executive

- |      |                                                                                                                                                                                                                                                                                                                                    |                 |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (7)  | To authorise all such executive action as may be deemed necessary in the discharge of the Authority's functions subject to homologation.                                                                                                                                                                                           | Chief Executive |
| (8)  | To seek to resolve local disputes with recognised trade unions in matters relating to staffing and operational issues affecting Moray Council.                                                                                                                                                                                     | Chief Executive |
| (9)  | To organise and represent the Council at civic ceremonies and processions where appropriate.                                                                                                                                                                                                                                       | Chief Executive |
| (10) | To determine whether a particular proposed action or decision is controversial, sensitive or complex within the terms of paragraph 1 (6) (f) above, and, where they judge this appropriate, to direct that the matter be determined by the relevant Depute Chief Executive despite its controversial, sensitive or complex nature. | Chief Executive |
| (11) | To develop the Council's Community Planning Process.                                                                                                                                                                                                                                                                               | Chief Executive |
| (12) | Maintaining and keeping under review the Council's complaints procedure including taking appropriate action to deal with complaints to the Scottish Public Services Ombudsman.                                                                                                                                                     | Chief Executive |
| (13) | To determine in consultation with relevant officers whether a matter should be referred to the police.                                                                                                                                                                                                                             | Chief Executive |
| (14) | To determine the local Council holidays and festive closing times.                                                                                                                                                                                                                                                                 | Chief Executive |

**6. DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT) (ECOD))**

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
<p>(1) The Depute Chief Executive (Education, Communities and Organisational Development) has overall responsibility for the following Services:</p> <ul style="list-style-type: none"> <li>• Education</li> <li>• Education Resources and Communities</li> <li>• Governance, Strategy and Performance</li> <li>• Human Resources ICT (Information Communications Technology) and Organisational Development</li> </ul>	<p>Depute Chief Executive (ECOD)</p>

The Head of each of these Services has the delegated powers set out below.



The Depute Chief Executive (Education, Communities and Organisational Development) is also authorised to exercise these delegated powers, excepting always any roles for which a qualification is needed or statutory appointments of a single officer.

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| (2) | The Depute Chief Executive (Education, Communities and Organisational Development) shall act as the Council's Returning Officer in terms of the Representation of the People Act 1983 and is authorised to:                                                                                                                                                                                                                                                                                                                                                            | Depute Chief Executive (ECOD) |
|     | <ul style="list-style-type: none"> <li>• Liaise with the Electoral Commission and undertake the administration required for elections;</li> <li>• Appoint Depute Returning Officers as required;</li> <li>• Determine the fees paid to staff undertaking the duties at elections where such fees are not centrally prescribed;</li> <li>• Appoint staff to assist with the running of the elections from amongst the officers of the Council; and</li> <li>• Undertake all administration required in connection with the running of the elections process.</li> </ul> |                               |

## 7. EDUCATION

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1)	Carrying out the functions of the Council as Education Authority in terms of Council policy and the legislative framework set by The Standard in Scotland Schools etc. Act 2000.	Head of Education
(2)	Enforcing attendance at school (Sections 36, 37, 38 and 53 of the Education (Scotland) Act 1980) as amended.	Head of Education
(3)	Allowing pupils to miss school (Section 34 of the Education (Scotland) Act 1980).	Head of Education
(4)	Ensuring schools are Health Promoting Schools (Health Promotion and Nutrition) (Scotland) Act 2007.	Head of Education
(5)	Dealing with requests to educate at home (Sections 35 and 37 of the Education (Scotland) Act 1980.	Head of Education
(6)	Employment of children (Children and Young Persons (Scotland) Act 1937) as amended.	Head of Education
(7)	Providing or arranging in-service training for staff.	Head of Education

- |      |                                                                                                                                                                                         |                   |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| (8)  | Providing work experience for pupils who are eligible (Section 123 of the Education (Scotland) Act 1980).                                                                               | Head of Education |
| (9)  | To seek to resolve local disputes with recognised trade unions in relation to local staffing and operational issues affecting Educational Services.                                     | Head of Education |
| (10) | Provide support and guidance to Parent Councils.                                                                                                                                        | Head of Education |
| (11) | Admitting pupils to schools (Section 32 of the Education (Scotland) Act 1980).                                                                                                          | Head of Education |
| (12) | Admitting children to pre-school education (Education (Scotland) Act 1996).                                                                                                             | Head of Education |
| (13) | Awarding bursaries (Section 49 of the Education (Scotland) Act 1980) and dealing with Educational Endowments (Section 128 of the Local Government (Scotland) Act 1973 as amended).      | Head of Education |
| (14) | Providing clothing (Section 54 of the Education (Scotland) Act 1980) as amended.                                                                                                        | Head of Education |
| (15) | Providing, from staff employed in the Department, the Education Authority's representatives on the Appointment Committees for all Head and Depute Head Teacher appointments in Schools. | Head of Education |
| (16) | Dealing with the closure of schools and other educational establishments under the control of the Council as Education Authority.                                                       | Head of Education |
| (17) | Administration of Education Maintenance Allowances.                                                                                                                                     | Head of Education |
| (18) | Licensing the staging of theatrical performances by children (Children and Young Persons (Scotland) Act 1937) as amended.                                                               | Head of Education |
| (19) | Provision of a school transport service in accordance with the Education (Scotland) Act 1980.                                                                                           | Head of Education |

## **8. EDUCATION RESOURCES AND COMMUNITIES**

- |      |                                                                                                          |                                       |
|------|----------------------------------------------------------------------------------------------------------|---------------------------------------|
| (20) | Maintaining and equipping schools and other buildings (Section 17 of the Education (Scotland) Act 1980). | Head of Housing and Property Services |
|------|----------------------------------------------------------------------------------------------------------|---------------------------------------|

(21)	Improving the access to premises for the safety of pupils (Section 18 of the Education (Scotland) Act 1980).	Head of Housing and Property Services
(22)	Operating arrangements for pupils from outside the area (Sections 23 and 24 of the Education (Scotland) Act 1980 as amended.	Head of Education Resources and Communities
(23)	Providing an education psychology service in schools.	Head of Education Resources and Communities
(24)	Making adequate and efficient provision for each child or young person (including 3-5yr olds and disabled children under 3) (Education (Additional Support for Learning (Scotland) Act 2004.)	Head of Education Resources and Communities
(25)	Making recommendations on grants to organisations involved with education.	Head of Education/Head of Education Resources and Communities
(26)	Managing or leasing out Educational Services accommodation/facilities.	Head of Education Resources and Communities
(27)	Providing programmes of adult education, youth work and community development.	Head of Education Resources and Communities
(28)	Dealing with the use of educational premises for licensed functions.	Head of Education Resources and Communities
(29)	To assist voluntary organisations which provide youth and community facilities.	Head of Education Resources and Communities
(30)	Providing Library, Local History, Archives, and Museum Services.	Head of Education Resources and Communities

- |      |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| (31) | Providing Sports, Arts and Leisure Services.                                                                                                                                                                                                                                                                                                                                                                   | Head of<br>Education<br>Resources and<br>Communities |
| (32) | To vary or waive charges for leisure facilities fixed by the Council from time to time, following consultation with the Chair of the Education, Children’s and Leisure Services Committee and the Leader of the Council, to facilitate agreed service objectives, subject to reporting any changes to charges to Education, Children’s and Leisure Services Committee and Corporate Committee for information. | Head of<br>Education<br>Resources and<br>Communities |

## **9. GOVERNANCE, STRATEGY AND PERFORMANCE**

### **LEGAL SERVICES**

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>	
(1)	Concluding missives and executing other self proving conveyancing documents for the purchase or disposal of heritable property and signing notices and orders about Compulsory Purchase Orders.	Head of Governance, Strategy and Performance
(2)	Instituting, defending or appearing on behalf of the Council in legal proceedings when deemed appropriate.	Head of Governance, Strategy and Performance
(3)	Settling actions and claims.	Head of Governance, Strategy and Performance
(4)	Instructing private legal firms, Sheriff Officers, patent agents and parliamentary agents when deemed appropriate and any other appropriate or professional service when required.	Head of Governance, Strategy and Performance
(5)	Obtaining counsel’s opinion in consultation with the Council Leader and relevant Committee Chair.	Head of Governance, Strategy and Performance
(6)	Instructing counsel in consultation with the Council Leader and relevant Committee Chair.	Head of Governance,

		Strategy and Performance
(7)	Carrying out legal procedures necessary to implement any matters delegated to the other services.	Head of Governance, Strategy and Performance
(8)	Work with the Estates Section to negotiate and obtain any waiver or indemnity, for no more than £20,000, which might be necessary in connection with disposing of property, and paying this amount and any expenses connected with it.	Head of Governance, Strategy and Performance
(9)	To advise the Council and its departments on all legal and administrative matters and, in accordance with duties authorised, together with such members of staff designated, provided these are suitably qualified, to raise legal actions on behalf of the Council, its Committees or sub-committees with appropriate delegated power to enforce their rights and where decree is granted to enforcement and implementation thereof including the right to make judicial settlements.	Head of Governance, Strategy and Performance
(10)	To co-operate with other Local Authorities and put arrangements in place to carry out local court appearances on each others behalf for minor procedural issues.	Head of Governance, Strategy and Performance
(11)	To prepare the Council's response to planning and other appeals, including representing the Council at Public Inquiries and calling Councillors to appear as witnesses, where the decision of the Council is contrary to the recommendations put forward for consideration by officers.	Head of Governance, Strategy and Performance
(12)	To issue permits under Section 19 of the Transport Act 1985.	Head of Governance, Strategy and Performance
(13)	To act as private prosecutor (truancy) in terms of Section 56(1) of the Local Government (Scotland) Act 1973 and also in terms of Section 43(2) of the Education (Scotland) Act 1980.	Head of Governance, Strategy and Performance
(14)	To act as the responsible officer for vetting members in relation to child care positions.	Head of Governance, Strategy and Performance

- |      |                                                                                                                                                                                                                                                                             |                                              |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (15) | When requested by the Head of Environmental and Commercial Services, to impose any temporary restriction on traffic and roads by means of public notice and/or traffic regulation order in terms of the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. | Head of Governance, Strategy and Performance |
| (16) | To approve, in consultation with the appropriate Member(s), applications for co-opted members to Community Councils which would meet the criteria laid down within Moray Council Community Council Scheme.                                                                  | Head of Governance, Strategy and Performance |

**Note** only applications which do not meet the criteria or which Members do not support will require to be brought before Council for consideration.

## **LICENSING**

- |      |                                                                                                                                                                      |                                              |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (17) | (i) In connection with the Council's licensing functions:<br><br>Under the following legislation and/or any legislation that repeals, replaces or subsumes the same: | Head of Governance, Strategy and Performance |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|

- Cinemas Act 1985
- Civic Government (Scotland) Act 1982
- Deer (Scotland) Act 1996
- Fireworks (Scotland) Regulations 2004
- The Housing (Scotland) Act 2006 Part 5 – Licensing of Houses in Multiple Occupation
- Local Government Miscellaneous Provisions Act 1982
- Theatres Act 1968

and in particular in respect of the following licence types:

- Cinema
- Houses of Multiple Occupation
- Itinerant metal dealers
- Knife dealers
- Late hours catering
- Market operators
- Metal dealers
- Metal dealers exemption warrant
- Private hire drivers
- Private hire operators
- Public charitable collections
- Public entertainment
- Public processions
- Second hand dealers

- Street Traders
- Short Term Lets
- Taxi booking offices
- Taxi drivers
- Taxi operators
- Venison dealers
- Window cleaners

- (ii) To grant for three years or such shorter period as determined to be necessary and, where appropriate, to renew, vary, transfer, or accept surrender of the licence/temporary licence/provisional licence/permission/dispensation subject to there being no objections or adverse representations received from any consultees and where no Member of the Council has requested that the application be decided by a Committee and where the application is one which the Officer concerned considers should be granted;
- (iii) To add, vary or remove conditions that are straightforward in nature, particularly where such changes are recommended by consultees;
- (iv) To grant or refuse applications for substitutions, consents to alter or permission to effect a material change in circumstances subject to there being no objections or adverse representations received from any consultees;
- (v) To refuse to accept any application which does not provide the required supporting documentation, including the relevant fee;
- (ii) To refuse to grant a licence where the applicant has failed to satisfy any administrative requirement necessary to the granting and issue of a licence including, but not limited to, failing to pass a driver test for a taxi driver or a vehicle test for a taxi operator (including suitability as to the vehicle) or failing to supply a photograph;
- (iii) To relieve the applicant of any failure to satisfy an administrative requirement including to decide whether or not to accept applications for renewal made up to 28 days after the expiry of a licence;
- (iv) To temporarily suspend licences in the interests of public order or safety, following consultation with the Chair of the Licensing Committee, whom failing the

Head of  
Governance,  
Strategy and  
Performance

Deputy Chair, whom failing any other member of the Committee as well as the relevant statutory consultees whomsoever.

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (18) | In relation to taxi or private hire driver licences:                                                                                                                                                                                                                                                                                                           | Head of Governance, Strategy and Performance |
|      | (a) to grant or renew those licences as appear to be uncomplicated where medical issues have arisen but where medical opinion has been received which indicates that the applicant is not unfit by reason of his or her medical condition to be a taxi or private hire driver, and to request that any such licence holder submit regular medical updates; and |                                              |
|      | (b) in the case of drivers aged over 70 years to grant or renew licences for up to three years on condition of production by the licence holder of a valid DVLA licence annually, to receive and review DVLA licences in addition to exercising general powers in relation to licences as detailed above.                                                      | Head of Governance, Strategy and Performance |
| (19) | To grant an application for dispensation in terms of the Fireworks (Scotland) Regulations 2004 providing there are no objections to the application from relevant consultees.                                                                                                                                                                                  | Head of Governance, Strategy and Performance |
| (20) | (a) To grant Theatre Licences for a standard duration of one year, Theatre Licence renewals for a standard duration of one year and temporary Theatre Licences where there are no objections or observations to such applications;                                                                                                                             | Head of Governance, Strategy and Performance |
|      | (b) To authorise an application for a Theatre Licence as exempt from payment of licensing fees within the terms of the Theatres Act 1968 and to refer any refusal from exemption from such payment to Committee.                                                                                                                                               |                                              |
|      | (Note: For the purpose of all licensing delegations the Officer may disregard objections or adverse representations where they are based on convictions (current or spent) that have previously been considered by the Committee and the relevant licence/permission/dispensation was granted notwithstanding this information)                                |                                              |
| (21) | To appoint Licensing Standards Officer under the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982, including any Orders, Regulations,                                                                                                                                                                                                    | Head of Governance, Strategy and Performance |



Statutory Instruments or other subordinate legislation made under the Acts.

- |      |                                                                                                                                                                                                                                                                                                                            |                                              |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (22) | To exercise the functions and powers conferred by Section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 and Regulations, including any Orders, Regulations, Statutory Instruments or other subordinate legislation made under this Act, to enable the performance of functions under the Gambling Act 2005. | Head of Governance, Strategy and Performance |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|

### **INFORMATION MANAGEMENT**

- |      |                                                                                                                                                                                                                                |                                              |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (23) | To meet the Council's statutory obligations for Records Management and Data Protection                                                                                                                                         | Head of Governance, Strategy and Performance |
| (24) | Determining requests for internal review of the handling of freedom of information requests [Freedom of Information Act 2000, Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations 2004] | Head of Governance, Strategy and Performance |
| (25) | To maintain the Register of Gifts and Hospitality received by Employees in terms of the Employee's Code of Conduct.                                                                                                            | Head of Governance, Strategy and Performance |

### **CURATORS AD LITEM**

- |      |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                              |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (26) | In consultation with the Head of Service (MIJB) Children's Services, to establish, make appointments to and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panel) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required, subject to agreement on resource allocation. | Head of Governance, Strategy and Performance |
| (27) | To agree future amendments to fees for Joint Curators ad Litem and Reporting officers, in line with the percentage salary change agreed for Council employees through the Scottish Joint Council (SJC), subject to agreement on resource allocation.                                                                                                                                                                  | Head of Governance, Strategy and Performance |
| (28) | To agree additional fees of up to 80% of the original fee if a Curator ad litem and Reporting Officer is asked by the Sheriff to carry out additional work.                                                                                                                                                                                                                                                           | Head of Governance, Strategy and Performance |

## **BENEFITS**

- |      |                                                                                                                                                                                                          |                                              |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (29) | Authorise Discretionary Housing Payments (DHP) in accordance with the DHP (Grants) Order 2001.                                                                                                           | Head of Governance, Strategy and Performance |
| (30) | To ensure that Council Tax Benefit and Housing Benefit are administered in accordance with the Council Tax Benefit Regulations 2006 and the Housing Benefit Regulations 2006.                            | Head of Governance, Strategy and Performance |
| (31) | The issue of any Local Authority Authorisation Certificate under the terms of Section 110 of the Social Security Admin Act 1992, as amended by the Child Support, Pensions and Social Security Act 2000. | Head of Governance, Strategy and Performance |
| (32) | To provide a money advice service and assist clients with Statutory debt management schemes.                                                                                                             | Head of Governance, Strategy and Performance |

## **EQUALITIES**

- |      |                                                                                            |                                              |
|------|--------------------------------------------------------------------------------------------|----------------------------------------------|
| (33) | To ensure that the Public Sector Equalities duties are incorporated into Council Services. | Head of Governance, Strategy and Performance |
|------|--------------------------------------------------------------------------------------------|----------------------------------------------|

## **CUSTOMER SERVICES**

- |      |                                                                                                   |                                              |
|------|---------------------------------------------------------------------------------------------------|----------------------------------------------|
| (34) | To ensure suitable printing, scanning and copying arrangements are in place for Council Services. | Head of Governance, Strategy and Performance |
|------|---------------------------------------------------------------------------------------------------|----------------------------------------------|

## **10. HUMAN RESOURCES (HR) INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) AND ORGANISATIONAL DEVELOPMENT**

### **DELEGATION**

### **RESPONSIBLE OFFICER**

- |     |                                                                                                                                                                                                                                 |                          |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| (1) | To review for consideration by the Corporate Committee, proposals for the establishment of new posts that require to be reported to Committee. This will apply to all posts at or above SCP 92 and where otherwise appropriate. | Head of HR, ICT and (OD) |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|

- |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (2)                        | Where not required to be reported to Committee, as set out in (1) above, to approve the establishment of new posts as recommended by the Director/Head of Service to deliver activities specified by the Service Committee to meet Council priorities where budget provision is available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Head of HR, ICT and OD |
| (3)                        | To approve changes in designation, hours and grades of posts, provided any financial implications are within the approved budget allocations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Head of HR, ICT and OD |
| (4)                        | To approve the necessary administration procedures and documentation to facilitate the Council's procedures for the release, advertisement and establishment of posts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Head of HR, ICT and OD |
| <b>SERVICE CONDITIONS:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |
| (5)                        | <p>(a) To apply national circulars. Where there is a choice of action the circular will be sent to Committee.</p> <p>(b) To interpret and authorise the revised conditions of service in respect of employees of Moray Council as approved by the appropriate national negotiating body or agreed locally</p> <p>(c) Authorising all officers, under relevant agreed guidelines and in consultation with Human Resources officers as appropriate to decide the following personnel matters:</p> <ul style="list-style-type: none"> <li>• special leave, secondment, leave of absence or leave to work abroad;</li> <li>• extending sickness allowance;</li> <li>• recovery of maternity pay, training or relocation expenses</li> <li>• attendance of outside organisations at training courses.</li> </ul> | Head of HR, ICT and OD |
| (6)                        | Using an agreed job evaluation or similar process, to determine the appropriate grade for new posts where re-grading situations arise and determine re-grading applications, provided appropriate allowance is made in the approved estimates of the Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Head of HR, ICT and OD |
| (7)                        | Preparing and maintaining a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1999).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Head of HR, ICT and OD |

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|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (8)  | To authorise the acceleration of an employee with their salary, wage, grade (or such extended grade as may be provided for under the relevant conditions of service) who has achieved advancement criteria within a recognised career grade scheme, exceptional performance, or who is temporarily undertaking duties at a higher grade. | Head of HR, ICT and OD |
| (9)  | To ensure the proper development, implementation and agreement of Employment Policies and Procedures.                                                                                                                                                                                                                                    | Head of HR, ICT and OD |
| (10) | To determine the suitability of all posts for job share, homeworking or other flexible arrangements.                                                                                                                                                                                                                                     | Head of HR, ICT and OD |
| (11) | To make recommendations on applications for early retirement in the interests of the efficiency of the service, subject to any proposals being referred to the Corporate Committee for consideration.                                                                                                                                    | Head of HR, ICT and OD |
| (12) | To consider and approve, in consultation with the Chief Financial Officer, applications for early retirement where there are no cost implications to the Council.                                                                                                                                                                        | Head of HR, ICT and OD |
| (13) | To determine applications for retirement on the grounds of ill-health, where a medical view has been obtained from the Council's Medical Adviser confirming the employee as permanently unfit to carry out the duties of the post.                                                                                                       | Head of HR, ICT and OD |
| (14) | To determine requests for payment of pension benefits to former employees who are 50 or over on compassionate grounds under the terms of the Local Government Pension Scheme (Scotland) Regulations 1998.                                                                                                                                | Head of HR, ICT and OD |
| (15) | (a) To operate Health and Safety checks on work experience placements;                                                                                                                                                                                                                                                                   | Head of HR, ICT and OD |
|      | (b) To carry out the Council's Health and Safety objectives and arrangements, providing corporate support for the implementation and management of health and safety legislation, policy and practice across the Council.                                                                                                                |                        |
| (16) | To provide and make arrangements for corporate training and development of employees and Elected Members.                                                                                                                                                                                                                                | Head of HR, ICT and OD |
| (17) | To represent the Council in respect of specific dismissal, disputes, grading and grievance matters at external bodies/tribunals.                                                                                                                                                                                                         | Head of HR, ICT and OD |
| (18) | To approve the payment of honoraria to individual members of staff, on the recommendation of the appropriate Depute                                                                                                                                                                                                                      | Head of HR, ICT and OD |

Chief Executive in accordance with the relevant Council policy.

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|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (19) | To approve expenditure for legal advice for up to 2 hours, charged in accordance with the Law Society of Scotland's Table of Use for General Business, Chapter 3, Section B + VAT for individual Officers subject to involvement in Police investigations. This delegation is only to apply to any advice obtained during the investigation stage, prior to any charge that may be made and only in circumstances where the Head of Human Resources and ICT deems it appropriate. For example, it would not be appropriate to fund such advice where the charge may arise out of actions wholly unconnected with the Officers employment e.g. theft or assault. | Head of HR, ICT and OD |
| (20) | To establish and advise Appeals Panels to consider and determine gradings appeals within the Authority for all non-teaching staff and to approve and implement the outcome of such appeals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Head of HR, ICT and OD |
| (21) | To prepare and implement appropriate policies regarding the use of Council computers and associated ICT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Head of HR, ICT and OD |
| (22) | To act as the Confidential Reporting Officer ("Whistle Blowing Officer") in terms of the Public Interest Disclosure Act 1998.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Head of HR, ICT and OD |
| (23) | To maintain a Register of Employees interests in terms of the Employees Code of Conduct.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Head of HR, ICT and OD |
| (24) | To authorise the arrestment of wages in respect of employees of the Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Head of HR, ICT and OD |
| (25) | Implement nationally agreed pay awards for Council staff and allowances for Councillors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Head of HR, ICT and OD |

## **11. DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE) (EEF)**

- | <b>DELEGATION</b>                                                                                                                                                                                                                                                  | <b>RESPONSIBLE OFFICER</b>   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <p>(1) The Depute Chief Executive (Economy, Environment and Finance) has overall responsibility for the following Services:</p> <ul style="list-style-type: none"> <li>• Housing and Property Services</li> <li>• Environmental and Commercial Services</li> </ul> | Depute Chief Executive (EEF) |

- Economic Growth and Development Services
- Financial Services

The Head of each of these Services has the delegated powers set out below. The Depute Chief Executive (Economy, Environment and Finance) is also authorised to exercise these delegated powers, excepting always any roles for which a qualification is needed or statutory appointments of a single officer.

## **12. HOUSING AND PROPERTY SERVICES**

### **STRATEGY/POLICY**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1)	To provide advice to the Council on housing matters.	Head of Housing and Property Services
(2)	To develop policies and procedures covering all activities within the housing service.	Head of Housing and Property Services
(3)	To carry out assessment of housing need and conditions across all tenures.	Head of Housing and Property Services
(4)	To prepare, review and monitor a Local Housing Strategy in accordance with Scottish Government guidance.	Head of Housing and Property Services
(5)	To prepare, review and monitor a Homelessness Strategy, in accordance with Scottish Government guidance.	Head of Housing and Property Services
(6)	To prepare such other strategies/plans as may be required by the Scottish Government on housing matters.	Head of Housing and Property Services
(7)	To contribute to the development of the Council's planning policies.	Head of Housing and Property Services
(8)	To contribute to the development of corporate strategies, plans and policies.	Head of Housing and Property Services

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (9)  | To lead the implementation of the Home Energy Conservation Act.                                                                                                | Head of Housing and Property Services |
| (10) | To ensure that Equal Opportunities is reflected within all strategies, policies, procedures and plans developed by the Service (see 106 Housing Scotland Act). | Head of Housing and Property Services |

**ENABLING**

- |      | <b>DELEGATION</b>                                                                                             | <b>RESPONSIBLE OFFICER</b>            |
|------|---------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (11) | To work with other housing providers to enable accommodation/housing to be provided to meet identified needs. | Head of Housing and Property Services |
| (12) | To prepare the Strategic Housing Investment Plan in accordance with Scottish Government guidance.             | Head of Housing and Property Services |
| (13) | To liaise with the Scottish Government on the Affordable Housing Investment Programme.                        | Head of Housing and Property Services |
| (14) | To develop and manage Council house new building projects.                                                    | Head of Housing and Property Services |
| (15) | To work with private sector landlords, other agencies, etc.                                                   | Head of Housing and Property Services |

**PRIVATE SECTOR IMPROVEMENTS/REPAIRS**

- |      | <b>DELEGATION</b>                                                                                                                | <b>RESPONSIBLE OFFICER</b>            |
|------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (16) | To administer the mandatory and discretionary Housing Grants (including disabled grants).                                        | Head of Housing and Property Services |
| (17) | To prepare, implement, review and monitor a Private Sector Scheme of assistance in accordance with Scottish Government guidance. | Head of Housing and Property Services |

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (18) | To undertake assessments of housing conditions in the private sector as may be appropriate from time to time.                                                                                                                                | Head of Housing and Property Services |
| (19) | To take appropriate action, in accordance with Part 6 of the Housing (Scotland) Act 2014 and in conjunction with the Chair of the Housing and Community Safety Committee, with regard to enforcing repairs and maintenance in private homes. | Head of Housing and Property Services |

## **ALLOCATIONS**

- |      | <b>DELEGATION</b>                                                                                          | <b>RESPONSIBLE OFFICER</b>            |
|------|------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (20) | To allocate council houses, lock up garages and garage sites in accordance with Council policy.            | Head of Housing and Property Services |
| (21) | To maintain Waiting and Transfer Lists.                                                                    | Head of Housing and Property Services |
| (22) | To ensure that special cases are dealt with in accordance with the Council's policy.                       | Head of Housing and Property Services |
| (23) | To work closely with Registered Social Landlords to ensure that nomination agreements operate effectively. | Head of Housing and Property Services |

## **HOMELESSNESS**

- |      | <b>DELEGATION</b>                                                                                                             | <b>RESPONSIBLE OFFICER</b>            |
|------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (24) | To carry out assessments and discharge the statutory functions under the Homeless Persons legislation.                        | Head of Housing and Property Services |
| (25) | To provide housing information and advice services to homeless households.                                                    | Head of Housing and Property Services |
| (26) | To develop, implement, monitor and review a protocol with Registered Social Landlords regarding housing and homeless persons. | Head of Housing and Property Services |



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|------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (27) | To assess and provide support to vulnerable people who are homeless or threatened with homelessness.                    | Head of Housing and Property Services |
| (28) | To negotiate and secure temporary accommodation and conclude leases, in consultation with the Council's Legal services. | Head of Housing and Property Services |

## **TENANCY/ESTATE MANAGEMENT**

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(29) To consider and agree requests for assignments, subletting, mutual exchanges and successions in accordance with legislation and the Council's policy.	Head of Housing and Property Services
(30) To collect rents and other monies due to the Council.	Head of Housing and Property Services
(31) To establish, implement and enforce the terms of the Council's lease, including repossession and eviction action.	Head of Housing and Property Services
(32) To consider and agree applications for Anti-Social Behaviour Orders, in consultation with the Anti-Social Behaviour Panel.	Head of Housing and Property Services
(33) To develop and support tenant participation.	Head of Housing and Property Services
(34) To implement, monitor and review a statutory Register of Tenant Organisation.	Head of Housing and Property Services
(35) To provide information and advice to tenants on a range of housing matters, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services
(36) To consult tenants on proposals for changes to housing management policies, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services

## **REPAIRS/IMPROVEMENTS**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(37)	To authorise and instruct repairs in accordance with the Council's policy.	Head of Housing and Property Services
(38)	To carry out maintenance and repair of the Council's housing stock and related assets to ensure that the Council housing stock meets the Scottish Housing Quality Standard.	Head of Housing and Property Services
(39)	To operate the Right to Repair regulations.	Head of Housing and Property Services
(40)	To develop programmes of works to maintain and improve the Council's housing stock, garages and other related assets in accordance with Financial Regulations and the approved estimates of expenditure.	Head of Housing and Property Services
(41)	To devise, develop and monitor Capital programmes to ensure the Council's HRA stock is kept in a satisfactory condition.	Head of Housing and Property Services
(42)	To operate the Right to Compensation regulations.	Head of Housing and Property Services

## **GYPSY/TRAVELLER COMMUNITIES AND WITH WHOM NEEDS SETTLED**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(43)	To present appropriate site provision for Gypsies/Travellers.	Head of Housing and Property Services
(44)	To develop, review, implement and monitor the Council's Policy on Unauthorised Encampments, in consultation with other Services.	Head of Housing and Property Services

## **BUDGETARY**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(45)	To prepare budgets for the Housing Revenue Account and Capital Programme, in consultation with the Depute Chief Executive (Economy, Environment and Finance) and Chief Financial Officer.	Head of Housing and Property Services
(46)	To consult tenants on proposals for any rent increase.	Head of Housing and Property Services
(47)	To agree write offs of rent etc in accordance with Financial Regulations.	Head of Housing and Property Services
(48)	To declare a property surplus to the Council's requirements on condition that the Asset Management Working Group is satisfied that the property asset is:  (a) no longer required by the Council to provide a service either directly, or indirectly through a third party;  (b) no longer required for the future use of the Council.  and subject to the following exclusions:  (a) assets held on the Common Good Accounts or Housing Revenue Accounts;  (b) those assets having an asset value in excess of £1m;  (c) assets identified for disposal where the capital receipt is to be retained for reinvestment.	Head of Housing and Property Services

## **PERFORMANCE**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(49)	To prepare the Council for inspection by the Scottish Housing Regulator, implement and monitor any resulting Improvement Plans.	Head of Housing and Property Services

## **DESIGN AND PROPERTY RESOURCES**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(50)	To organise and manage the multi-disciplinary professional and technical service in accordance with the needs and priorities of the Council and external Clients, and to act as Architect/Contract Administrator on such construction projects.	Head of Housing and Property Services
(51)	To follow Procurement Policy and Procedures when appointing construction services contractors and professional consultants, and thereafter select, recommend for award, appoint and audit performance.	Head of Housing and Property Services
(52)	To implement and instruct all appropriate legislative requirements for the maintenance and servicing of Council property, including Asbestos and Legionella policies and procedures for risk management.	Head of Housing and Property Services
(53)	To approve acquisitions of heritable property up to a value of £250,000 where appropriate provisions has been made in the Capital or Revenue Plan. For acquisitions by lease, this delegation covers property with a rental value of up to £25,000 per annum where appropriate provision has been made in the Capital or Revenue Plan.	Head of Housing and Property Services
(54)	To settle compensation claims up to a maximum of £100,000 arising from the Flood Prevention legislation or in terms of the Land Compensation (Scotland) Acts 1963 and 1973 in respect of compensation for losses arising from the compulsory acquisition by the Council of heritable property or acquisition by agreement with compulsory powers in the background, provided always that payments can be accommodated within approved budgets for the scheme or project.	Head of Housing and Property Services
(55)	To accept the highest offer received for surplus heritable property provided that the highest offer received is for a sum no less than the price at which the property has been offered for sale on the open market.	Head of Housing and Property Services
(56)	To grant leases, licenses or other occupation agreements of land and buildings for 25 years or less duration where the initial rent does not exceed £35,000 per annum and sites on long term building leases of up to 125 years duration where the initial rent does not exceed £35,000 per annum.	Head of Housing and Property Services

(57)	To conduct rent reviews and fix new rents.	Head of Housing and Property Services
(58)	To grant assignments of existing leases where the terms of lease remain substantially unaltered and to authorise sub-lets.	Head of Housing and Property Services
(59)	To grant wayleaves or servitudes over Council owned property.	Head of Housing and Property Services
(60)	To approve terms for the grant of Minutes of Waiver and issue Landlord's consent.	Head of Housing and Property Services
(61)	To negotiate and acquire any Waiver or Indemnity up to maximum consideration of £20,000 which might be necessary in connection with the disposal or surplus property.	Head of Housing and Property Services
(62)	To co-ordinate the implementation of the Council's energy and water strategy.	Head of Housing and Property Services
(63)	To approve the sale of Council property where the purchase price does not exceed £30,000, subject to liaison with appropriate officials of the Council, and the ward members.	Head of Housing and Property Services
(64)	To develop a corporate Property Asset Management Plan.	Head of Housing and Property Services

### **13. ENVIRONMENTAL AND COMMERCIAL SERVICES**

#### **ROADS**

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1) To manage and implement the Council's statutory functions under all Roads legislation including the following Acts and any subordinate legislation promoted under them:	Head of Environmental and Commercial Services

- |      |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (2)  | Manage and implement the requirements of the Roads (Scotland) Act 1984.                                                                                                                                                                                                                                                                                                                                            | Head of Environmental and Commercial Services |
| (3)  | In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Road Traffic Regulation Orders and only bring the matter before Economic Development and Infrastructure Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/ public consultation process. | Head of Environmental and Commercial Services |
| (4)  | Manage and implement the requirements of the New Roads and Streetworks Act 1991.                                                                                                                                                                                                                                                                                                                                   | Head of Environmental and Commercial Services |
| (5)  | Manage and implement the requirements of the Road Traffic Regulation Act 1984.                                                                                                                                                                                                                                                                                                                                     | Head of Environmental and Commercial Services |
| (6)  | Manage and implement the requirements of the Traffic Signs Regulations and General Directions 2016.                                                                                                                                                                                                                                                                                                                | Head of Environmental and Commercial Services |
| (7)  | Manage and implement the requirements of the Road Traffic Reduction Act 1997.                                                                                                                                                                                                                                                                                                                                      | Head of Environmental and Commercial Services |
| (8)  | Manage and implement The Road Traffic Reduction (National Targets) Act 1998.                                                                                                                                                                                                                                                                                                                                       | Head of Environmental and Commercial Services |
| (9)  | Manage and implement the requirements of the Transportation Act 2000.                                                                                                                                                                                                                                                                                                                                              | Head of Environmental and Commercial Services |
| (10) | Manage and implement the requirements of the Transport (Scotland) Acts 2001 and 2005.                                                                                                                                                                                                                                                                                                                              | Head of Environmental and Commercial Services |
| (11) | Manage and implement the requirements of the Disabled person' Parking Places (Scotland) Act 2009.                                                                                                                                                                                                                                                                                                                  | Head of Environmental                         |

		and Commercial Services
(12)	Manage and implement the requirements of the Transport (Scotland) Act 2020	Head of Environmental and Commercial Services
(13)	Adopt new roads onto the Statutory List of Public Roads that are constructed by developers in accordance with the Council's specification and approved Roads Construction Consent details as required by the Roads (Scotland) Act 1984 and to inform Local Members of the new roads adopted in terms of this delegated power.	Head of Environmental and Commercial Services
(14)	Proceed with necessary roads maintenance works and annually publish a main list of schemes, which can be funded from budget provision, and a reserve list of desirable schemes, which cannot presently be funded, along with a list of projects to be funded from the Capital allocation.	Roads Maintenance Manager

## **CAR PARKS**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(15)	Manage and implement the requirements of the Grampian Regional Council (Off Street Car Parks Order) 1989.	Head of Environmental and Commercial Services

## **HARBOURS AND COASTLINE**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(16)	To manage and implement the Council's statutory functions under all harbour legislation including the Grampian Regional Council Harbour Confirmation Act 1987 and the Grampian Regional Council Harbour Byelaws.	Head of Environmental and Commercial Services
(17)	Manage and implement the requirements of the Pilotage Act 1987.	Head of Environmental and Commercial Services

- |      |                                                                                                                                                                                                                                                                                                                                           |                                               |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (18) | Manage and implement the requirements of the Diving at Work Act 1997.                                                                                                                                                                                                                                                                     | Head of Environmental and Commercial Services |
| (19) | Manage and implement the requirements of the Coast Protection Act 1949.                                                                                                                                                                                                                                                                   | Head of Environmental and Commercial Services |
| (20) | Amend commercial (but not leisure) charges at Moray Council harbours in consultation with Group Leaders and the Chair of Economic Development and Infrastructure Services Committee, subject to such amendments being brought for annual review by Economic Development and Infrastructure Services Committee and/or Corporate Committee. | Head of Environmental and Commercial Services |

## **FLOODING AND RESERVOIRS**

- | <b>DELEGATION</b>                                                                                                                                                                                                                                            | <b>RESPONSIBLE OFFICER</b>                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (21) Manage and implement the requirements of the Flood Risk Management (Scotland) Act 2009                                                                                                                                                                  | Head of Environmental and Commercial Services |
| (22) Manage and implement the requirements of the Reservoirs Act 1975.<br><i>(Note: this responsibility will be transferred to SEPA under the Flood Risk Management (Scotland) Act 2009 above and the delegation will cease when transfer is completed.)</i> | Head of Environmental and Commercial Services |

## **TRANSPORT**

- | <b>DELEGATION</b>                                                                                                                                       | <b>RESPONSIBLE OFFICER</b>                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (23) Provide transport services for schools and socially desirable services in terms of the Public Transport Act 1985 and the Education (Scotland) Act. | Head of Environmental and Commercial Services |
| (24) Manage and implement the requirements of approved concessionary transport schemes.                                                                 | Head of Environmental and Commercial Services |



(25)	Erecting bus stops, shelters and information panels.	Head of Environmental and Commercial Services
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**FLEET SERVICES**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(26)	Manage all vehicles and plant on behalf of the Council including operations, purchase, hires, maintenance and disposal.	Head of Environmental and Commercial Services
(27)	Act as the responsible officer for the Licence required under the Goods Vehicles (Licensing of Operators) Act 1995 and related legislation.	Fleet Services Manager

**CEMETERIES, LANDS AND PARKS**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(28)	Manage and maintain the Council's cemeteries, parks, open spaces, woodlands, play areas, recreational grounds, public conveniences, war memorials and such like areas.	Head of Environmental and Commercial Services
(29)	Manage and maintain that part of the Speyside Way long distance route which is in Moray.	Head of Environmental and Commercial Services
(30)	Manage and implement the requirements of public access legislation including the Land Reform (Scotland) Act 2003 relating to core paths.	Head of Environmental and Commercial Services

**WASTE COLLECTION AND DISPOSAL**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(31)	Manage and implement the refuse collection service, waste management service, recycling centres, landfill sites and recycling operations in accordance with all relevant regulations and legislation.	Head of Environmental and Commercial Services

## **BUILDING CLEANING AND CATERING SERVICES**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(32)	Manage the cleaning of Council premises.	Head of Environmental and Commercial Services
(33)	Manage the supply and provision of catering and janitorial services to Schools and other Council buildings as required.	Head of Environmental and Commercial Services

## **EMERGENCY PLANNING**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(34)	To act as Oil Pollution Control Officer.	Head of Environmental and Commercial Services

## **GENERAL**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(35)	To maintain a rota of senior managers to act as Emergency Response Coordinators, authorised to take such necessary actions to respond appropriately to an emergency situation.	Head of Environmental and Commercial Services
(36)	To submit tenders on behalf of the Council for construction or design works in accordance with invitations to tender issued from time to time by the Council or outside bodies.	Head of Environmental and Commercial Services
(37)	To implement such matters of the Health and Safety at Work Act 1974 as is necessary to satisfy the general operations and construction of projects or services.	Head of Environmental and Commercial Services
		Head of Housing and Property Services

- |      |                                                                                                                                                                                                                                                                                           |                                                                                        |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (38) | To implement the requirements of the Construction (Design & Management) for construction and maintenance projects.                                                                                                                                                                        | Head of Environmental and Commercial Services<br>Head of Housing and Property Services |
| (39) | To authorise further grant applications supporting the work of the traffic section, in consultation with the Chief financial Officer, the Chair of the Economic Development and Infrastructure Services Committee and Political Group Leaders, where there is no call on capital funding. | Head of Commercial Services                                                            |

## **14. ECONOMIC GROWTH AND DEVELOPMENT**

### **BUILDING STANDARDS**

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1) Determine need for and carry out enforcement action in respect of Dangerous Buildings in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(2) Determine need for and carry out enforcement action in respect of Unauthorised Works in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(3) Determine applications for Authorisation of Temporary Occupation or Use of Buildings in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development
(4) Refusal of Building Warrants in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development
(5) Determination of applications for Letters of Comfort.	Head of Economic Growth and Development
(6) Determine enquiries regarding the need to obtain Building Warrant and provide preliminary advice in regard to Building Standards.	Head of Economic Growth and Development
(7) Determine and approve Applications for Building Warrant, including the signing of Building Warrant Approvals in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development

- |     |                                                                                                                                                            |                                         |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| (8) | Accept or reject Completion Certificate submissions including the signing of the accepted or rejected notice in terms of the Building (Scotland) Act 2003. | Head of Economic Growth and Development |
| (9) | Make representations or objections to matters relating to the issue of licences and registrations by local authorities.                                    | Head of Economic Growth and Development |

## **ENVIRONMENTAL HEALTH**

- | <b>DELEGATION</b> | <b>RESPONSIBLE OFFICER</b>                                                                                                                                                                                                      |                                         |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| (10)              | To execute statutory duties of Moray Council in respect of the legislation set out in Appendix 1.                                                                                                                               | Head of Economic Growth and Development |
| (11)              | To sign Closing Orders, Demolition Orders, Suspension Orders and Revocation Orders under the Housing (Scotland) Act 1987 or any amended or new legislation on behalf of Moray Council.                                          | Head of Economic Growth and Development |
| (12)              | To bury or cremate any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968. | Head of Economic Growth and Development |
| (13)              | To defraying expenses of parent, etc., visiting persons or attending funerals in terms of Section 29 of the Social Work (Scotland) Act 1968.                                                                                    | Head of Economic Growth and Development |

## **TRADING STANDARDS**

- | <b>DELEGATION</b> | <b>RESPONSIBLE OFFICER</b>                                                                                                                                                                                                                                                                      |                                                    |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (14)              | To exercise the powers conferred by Acts of Parliament and Regulations, including any Orders, Regulations, Statutory Instruments or other subordinate legislation, as amended, made under any of the Acts set out in Appendix 2.                                                                | Head of Economic Growth and Development            |
| (15)              | To carry out a programme of enforcement action in its area under the Tobacco and Primary Medical Services (Scotland) Act 2010, including: <ul style="list-style-type: none"> <li>(a) the investigation of complaints in respect of alleged offences under Chapter 1 or 2 of the Act;</li> </ul> | Environmental Health and Trading Standards Manager |

- (b) the taking of other measures intended to reduce the incidence of offences under those Chapters.
- |      |                                                                                                                                                                                           |                                                    |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (16) | Authority to issue fixed penalty notices for contraventions of the Tobacco and Primary Medical Services (Scotland) Act 2010.                                                              | Head of Economic Growth and Development            |
| (17) | Authority to apply to court to have retailers banned from selling tobacco or nicotine vapour products, as prescribed within the Tobacco and Primary Medical Services (Scotland) Act 2010. | Head of Economic Growth and Development            |
| (18) | Authority to issue fixed penalty charge notices for contraventions of the Energy Performance of Buildings (Scotland) Regulations 2008.                                                    | Head of Economic Growth and Development            |
| (19) | Grant, refuse or revoke licenses to sell fireworks outside the traditional periods in accordance with the Fireworks Regulations 2004                                                      | Environmental Health and Trading Standards Manager |
| (20) | To grant or refuse licences under the Explosives Regulations 2014.                                                                                                                        | Environmental Health and Trading Standards Manager |
| (21) | To grant or refuse petroleum storage certificates and petroleum licences under the Petroleum (Consolidation) Regulations 2014.                                                            | Environmental Health and Trading Standards Manager |
| (22) | Submit the annual statutory return in relation to the Trading Standards Function to the Secretary of State under Section 70 of the Weights and Measures Act 1985                          | Environmental Health and Trading Standards Manager |
| (23) | To issue a Notice under Section 94 of the Civic Government (Scotland) Act 1982, to require disused petrol storage tanks to be made safe.                                                  | Environmental Health and Trading Standards Manager |
| (24) | To issue Prohibition Notice under Section 13 of the Psychoactive Substances Act 2016 to any person if the following conditions are met:-                                                  | Head of Economic Growth and Development            |

Condition A:- that the senior officer or local authority reasonably believes that the person is carrying on, or is likely to carry on, a prohibited activity; and

Condition B:- that the senior officer or local authority reasonably believes that it is necessary and proportionate to give the Prohibition Notice for the purposes of preventing the person from carrying on any prohibited activity.

A Prohibition Notice is a notice that requires the person to whom it is given not to carry on any prohibited activity or a prohibited activity of a description specified in the notice.

- (25) To issue Premises Notice under Section 14 of the Psychoactive Substances Act 2016 to a person if the following conditions are met:-

Head of Economic Growth and Development

Condition A - that the:-

- (i) senior officer or local authority reasonably believes that a prohibited activity is being, or is likely to be, carried on at particular premises; and
- (ii) the person owns, leases, occupies, controls or operates the premises.

Condition B – that the senior officer or local authority reasonably believed that it is necessary and proportionate to give the Premises Notice for the purposes of preventing any prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by the person.

A Premises Notice is a notice that requires the person to whom it is given to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the notice, from being carried on at any premises specified in the notice that are owned, leased, occupied, controlled or operated by the person.

- (26) To make application to the Court, in accordance with Section 21 of the Psychoactive Substances Act 2016, for a Prohibition Order [under Section 18] or a Premises Order.

Head of Economic Growth and Development

## **ECONOMIC GROWTH AND DEVELOPMENT SERVICES**

### **DELEGATION**

### **RESPONSIBLE OFFICER**

- (27) To exercise the powers contained in Part 8 of the Enterprise Act 2002 to apply for an Enforcement Order to prevent acts or omissions which harm the collective interests of consumers.

Head of Economic Growth and Development

(28)	To exercise the powers to apply for interdict to prevent use of unfair contract terms under the Consumer Rights Act 2015.	Head of Economic Growth and Development
(29)	To make application to the Sheriff to require production of information under the Consumer Rights Act 2015, Schedule 5, Part 3, Paragraph 16.	Head of Economic Growth and Development
(30)	To exercise the powers to apply for interdict to prevent breach of the Consumer Protection (Distance Selling) Regulations 2000.	Head of Economic Growth and Development
(31)	Manage and implement the Council's street naming functions under the Civic Government Act 1987 and related legislation.	Head of Economic Growth and Development
(32)	In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Stopping Up Orders under the Town & Country Planning (Scotland) Act 1997 and only bring the matter before Planning & Regulatory Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/public consultation process.	Head of Economic Growth and Development
(33)	To consider and agree applications for Anti-Social behaviour orders in consultation with the Anti-Social behaviour panel.	Head of Economic Growth and Development

**DEVELOPMENT MANAGEMENT AND STRATEGIC PLANNING AND DEVELOPMENT**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(34)	Carry out all of the following in accordance with Town and Country Planning (Scotland) Act 1997, The Planning (Hazardous Substances) (Scotland) Act 1997, and the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.	Head of Economic Growth and Development

All categories of development applications submitted to Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications for which one or more of the following applies:

- An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process;

- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and/or planning significance. The decision to refer to Committee or hold a hearing rests with the appointed officer and this discretion to refer may be exercised where, for example, all ward members and the chair consider that an application raises matters of wider community interest.
- The application falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force in April 2009). See Schedule below:

**Major Development Applications** (defined on the basis of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009).

- All Schedule 1 Developments mentioned in the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations);
- Housing - Construction of buildings, structures or erections for use as residential accommodation where:
  - (a) The development comprises 50 or more dwellings, or
  - (b) The area of the site is or exceeds 2 hectares.
- Business & General Industry, Storage and Distribution – Construction of a building, structure or other erection where the gross floor space is or exceeds 10,000 square metres or the area of the site is or exceeds 2 hectares, for use for any of the following purposes :
  - (a) as an office
  - (b) for research and development of products or processes
  - (c) for any industrial process, or
  - (d) for use for storage or as a distribution centre
- Electricity Generation – Construction of an electricity generating station where the generating station is or exceeds 20 MW;



- Waste Management Facilities – construction of facilities for use for the purpose of waste management or disposal where the facility has a capacity of or exceeding 25,000 tonnes per annum; In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.
- Transport and infrastructure projects – Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines where the length exceeds 8 kilometres.
- Fish Farming – The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26 (6) of the Act where the surface area of water covered is or exceeds 2 hectares.
- Minerals – Extraction of minerals where the area of the site is or exceeds 2 hectares.
- Other Development – Any development not falling wholly within any single class of development as described in all above where:
  - (a) The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or
  - (b) The area of the site is or exceeds 2 hectares.

(35)	Determine applications for planning permission, listed building consent conservation area consent, hazardous substances consent, advertisement consent and minerals consent, Crown Developments and Notifications of Intention to Develop by the Planning Authority, decisions will be made in accordance with the Council's Scheme of Delegation for Planning applications: <a href="http://www.moray.gov.uk/downloads/file150396.pdf">http://www.moray.gov.uk/downloads/file150396.pdf</a>	Head of Economic Growth and Development
(36)	Determine applications for Certificates of Lawfulness for a Proposed Use or Development and Certificates of Lawfulness for an Existing Use or Operation or Activity in Breach of a Planning Condition.	Head of Economic Growth and Development
(37)	Determine applications for Certificates of Appropriate Alternative Development.	Head of Economic Growth and Development

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|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| (38) | Determine applications for non-material variations of planning consents.                                                                                                                                                                                     | Head of Economic Growth and Development |
| (39) | Determine applications for approval of details required by conditions of consents.                                                                                                                                                                           | Head of Economic Growth and Development |
| (40) | Determine applications for revocation of planning consent.                                                                                                                                                                                                   | Head of Economic Growth and Development |
| (41) | Determine, in consultation with the Head of Governance, Strategy and Performance, the response to any Purchase Notice served on the Council.                                                                                                                 | Head of Economic Growth and Development |
| (42) | Refer offences arising from enforcement action to the Fiscal for prosecution and/or instigate direct action or proceedings for Interdict. Proceedings for Interdict to be the subject of consultation with The Head of Governance, Strategy and Performance. | Head of Economic Growth and Development |
| (43) | Determine preliminary enquiries for prospective proposals.                                                                                                                                                                                                   | Head of Economic Growth and Development |
| (44) | Determine the need for planning consent, conservation area consent, listed building consent, hazardous substances consent, mineral consent and advertisement consent, Crown Development and Notification of Intention to Develop by the Planning Authority.  | Head of Economic Growth and Development |
| (45) | Prepare the Council's responses to planning appeals including acting as witnesses at public inquiries except for those appeals where the decision of the Council is not the same as the recommendations put forward for consideration.                       | Head of Economic Growth and Development |
| (46) | Determine requests for screening and scoping opinions about the need for Environmental Assessments in accordance with Environmental Impact Assessment (Scotland) Regulations 2011.                                                                           | Head of Economic Growth and Development |
| (47) | Determine all applications for prior notifications.                                                                                                                                                                                                          | Head of Economic                        |

		Growth and Development
(48)	Respond to consultations from adjacent planning authorities and The Scottish Government on planning applications being considered by these authorities and The Scottish Government.	Head of Economic Growth and Development
(49)	Make representation or objection to matters relating to the issue of licences and registrations by local authorities.	Head of Economic Growth and Development
(50)	To exercise the functions and powers under the High Hedges Act (Scotland) 2013 with the exception of determining whether or not a High Hedge Notice should be issued.	Head of Economic Growth and Development Services
(51)	Take enforcement action required under the Planning Acts	Head of Economic Growth and Development.

**STRATEGIC PLANNING AND DEVELOPMENT AND ECONOMIC GROWTH AND REGENERATION**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(53)	To spend developer obligations relating to Community Facilities, Playing Fields, Indoor/Outdoor Sport Facilities and Library Facilities, in consultation with Ward Members of the relevant Associated Schools Group (ASG).	Head of Economic Growth and Development
(54)	To prepare and publish Development Briefs for sites designated in the Local Development Plan, following full consultation and with the approval of Ward Member(s) and the Chair and Deputy Chair of the Planning and Regulatory Services Committee; and that Members be advised of Development Briefs determined under delegation by way of an information report to Committee.	Head of Economic Growth and Development
(54)	To make and serve a Tree Preservation Order as required by the Town and Country Planning (Scotland) Act 1997, in consultation with the Chair and Deputy Chair of the Planning and Regulatory Services Committee and Ward Members.	Head of Economic Growth and Development

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|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| (55) | To determine applications to works to trees covered by a Tree Preservation Order, including approval (subject to conditions as required/ or refused).                                                                                                           | Head of Economic Growth and Development |
| (56) | To prepare and submit tenders to the employment service, and other appropriate agencies, to manage and deliver training and employment programmes.                                                                                                              | Head of Economic Growth and Development |
| (57) | To enter into licences and contracts with the employment service, Highland and Islands Enterprise and other appropriate agencies, to manage and deliver training and employment programmes.                                                                     | Head of Economic Growth and Development |
| (58) | To enter into contracts with training providers and other specialist agencies for the delivery of aspects of government training and employment programmes.                                                                                                     | Head of Economic Growth and Development |
| (59) | To grant permission for the use of the Plainstones, Elgin, subject to no notifications or adverse comments being received from the Chief Constable, Grampian Fire and Rescue Service or Corporate Director (Economic Development, Planning and Infrastructure). | Head of Economic Growth and Development |

## 15. FINANCIAL SERVICES

<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1) To determine in light of the provisions of Section 219 of the Housing (Scotland) Act 1992, the rate of interest to be charged on home loans granted in terms of the Housing (Financial Provision) (Scotland) Act 1968 and in terms of the 1992 Act.	Chief Financial Officer
(2) Advising the Corporate Committee on Administration, Management and Control of the Council's finances and accounts in accordance with the policies determined by the Council.	Chief Financial Officer
(3) The functions of the Council including the use of any suitable broking and advisory services relating to the following (and in accordance with the Council's Financial Regulations where appropriate):	Chief Financial Officer
(a) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money	

and capital market transactions in connection with cash and funding resources of the Council.

- (b) Negotiating and managing loans raised by the Council;
  - (c) Funds and Investments (including Trust Funds under the control of the Council);
  - (d) Insurance;
  - (e) Banking Arrangements;
  - (f) to select and implement appropriate methods of recovery of rent arrears and sundry debts;
  - (g) Disposing of assets other than property by sale or lease;
  - (h) Considering any reports from the External Auditors and obtaining and considering any comments on them; and
  - (i) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money and capital market transactions in connection with cash and funding resources of the Council.
- (4) To determine applications for discretionary rates relief from applicants where the organisation meets the statutory regulations and falls within the conditions agreed by Council. Chief Financial Officer
- (5) To ensure the levying, collection and recovery of arrears of:
- Council Tax in accordance with Section 97 of the Local Government Finance Act 1992 and any subsequent amendments/regulations.
  - Non Domestic Rates in accordance with Local Government Finance Act 1988 and any subsequent amendments/regulations.
  - Business Improvement District levy under the Planning etc. (Scotland) Act 2006 and any subsequent amendments/regulations.
- (6) Complete Final Claim for Council Tax Benefit and Housing Benefit Subsidy Chief Financial Officer
- (7) To supervise the payments and recovery of monies on behalf of the Council. Chief Financial Officer
- (8) To monitor current expenditure in relation to approved estimates. Chief Financial Officer

(9)	To determine the arrangements for the payment of debts due by the Council.	Chief Financial Officer
(10)	To complete the Annual Accounts of the Council	Chief Financial Officer
(11)	To allocate approved expenditure to Capital or Revenue accounts at the year end as deemed appropriate.	Chief Financial Officer
(12)	Effect payments in the most efficient way in relation to any taxation implications for the Council and any partner organisation involved in a financial transaction.	Chief Financial Officer
(13)	Effect payments required for the settlement of disputes agreed by the Chief Executive or the Head of Governance, Strategy and Performance.	Chief Financial Officer
(14)	Approval of arrangements for staff travelling outwith the United Kingdom on Council business which are not subject to approval by Corporate Committee.	Chief Financial Officer
(15)	Settle any liabilities arising from reviews by the Her Majesty's Revenues and Customs and enter into local agreements with these bodies for the efficient processing of taxation matters.	Chief Financial Officer
(16)	Effect Common Good and Trust Fund payments in consultation with appropriate Members or in accordance with decisions of the Council as appropriate.	Chief Financial Officer
(17)	Procurement Strategy – Future minor amendments delegated to the Chief Financial Officer subject to consultation with Political Group Leaders who will determine whether any particular minor amendment should be reported to the Corporate Committee.	Chief Financial Officer
(18)	Approve the engagement of consultants if the estimated cost is less than £25,000.	Chief Financial Officer

## **16. CHIEF OFFICER TO THE MORAY INTEGRATION JOINT BOARD**

The Chief Officer of the Moray Integration Joint Board (MIJB) shall direct and is authorised to take action in connection with any function delegated or specified under the Integration Scheme between Moray Council and NHS Grampian or otherwise conferred on the MIJB by virtue of the Public Bodies (Joint Working) (Scotland) Act 2014, including but not limited to any function directed to any of them by the Scottish Ministers.

**Note:**

For Social Care services formally delegated to the MIJB the Chief Officer shall be accountable to the Integration Joint Board for strategic planning, performance, governance and delivery and the Chief Executives of the Health Board and Council respectively for the operational delivery. For those few remaining services not formally delegated to the MIJB the Chief Officer shall be accountable to the Council.

The Chief Social Work Officer post has a statutory designation, in terms of the Local Government Act 1995, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

The delegations to officers below are given subject to this framework.

**CHIEF SOCIAL WORK OFFICER**

	<b>DELEGATION</b>	<b>RESPONSIBLE OFFICER</b>
(1)	To act as the Council's Chief Social Work Officer in terms of the Social Work (Scotland) Act 1968 and associated legislation and guidance. Aspects of the Chief Social Work Officer role may be delegated or exercised in the absence of or on behalf of the statutory officer although the statutory officer remains responsible in terms of legislation.	Head of Service (MIJB)

**Note:** The Chief Social Work Officer post has a statutory designation, in terms of section 3 of the Social Work (Scotland) Act 1968 as amended, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

(2)	In terms of this role, the following is authorised:	Head of Service (MIJB)
	(a) To agree, with the person in charge of the establishment, to place and keep a child in secure accommodation or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of sections 151 and 152 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation) (Scotland) Regulations 2013 and the Secure Accommodation (Scotland) Regulations 2013.	
	(b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be	

transferred to another place in his/her interests or in the interest of other children in terms of section 143 of the Children (Scotland) Act 2011.

### **SOCIAL CARE SERVICES**

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| (3)  | To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.                                                                                                                                                                                                                       | Head of Service<br>(MIJB) |
| (4)  | To assess need in terms of Section 12A of the Social Work (Scotland) Act 1968.                                                                                                                                                                                                                                                                                                         | Head of Service<br>(MIJB) |
| (5)  | To provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.                                                                                                                                                                                                                                                                             | Head of Service<br>(MIJB) |
| (6)  | To recover any charges for services provided where The Council is legally entitled to do so.                                                                                                                                                                                                                                                                                           | Head of Service<br>(MIJB) |
| (7)  | To provide services to Disabled Persons in terms of the Disabled Persons' (Services, Consultations and Representations) Act 1986.                                                                                                                                                                                                                                                      | Head of Service<br>(MIJB) |
| (8)  | To assess a carer's ability to provide, or to continue to provide, care for a disabled child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.                                                                                                                                                                                              | Head of Service<br>(MIJB) |
| (9)  | To carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000                                                                                                                                                                                                                                                               | Head of Service<br>(MIJB) |
| (10) | To take such steps in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000 as seem necessary to safeguard the property, financial affairs or personal welfare of an adult and to cooperate with the public guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000. | Head of Service<br>(MIJB) |
| (11) | To supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000.                                                                                                                                                                                                  | Head of Service<br>(MIJB) |
| (12) | To appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary.                                                                                                                                                                                                                                             | Head of Service<br>(MIJB) |
| (13) | To apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000.                                                                                                                                                                                                                                                    | Head of Service<br>(MIJB) |



(14)	To keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(15)	To notify the public guardian of any change of address in terms of Section 55 (a) and (b) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(16)	To carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(17)	To apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(18)	To apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising there from all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(19)	The power to be appointed as welfare guardian for any adult within the local authority area in terms of Section 59 of the Adults with Incapacity Act (Scotland) 2000 and to discharge the functions as welfare guardian in terms of s64 of the Adults with Incapacity (Scotland) Act 2000, including the power to appoint an officer who shall be responsible in terms of S64 (9) for carrying out the functions and duties of guardian.	Head of Service (MIJB)
(20)	The power to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity Act (Scotland) 2000.	Head of Service (MIJB)
(21)	The power to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(22)	The power to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non-compliance of third parties with orders granted on behalf of the local authority.	Head of Service (MIJB)
(23)	The power to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)

(24)	The power to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(25)	The power to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the Social Work Department as per Section 56 of the Local Government (Scotland) Act 1973 as amended.	Head of Service (MIJB)
(26)	To promote joint working and council's ability to provide health care services and to share budgets with the NHS, Community Care and Health (Scotland) Act 2002.	Head of Service (MIJB)
(27)	To commission, enter into and manage any contacts with External Providers for services in accordance with Financial Regulations and any Joint Commissioning Strategy agreed with the Integration Joint Board for Moray.	Head of Service (MIJB)
(28)	To carry out the functions of the Council as Social Work Authority in terms of Council Policy and the legislative framework set by the Community Care and Health (Scotland) Act 2002. (social care charging)	Head of Service (MIJB)
(29)	To carry out the functions of the Council as Social Work Authority in terms of Council Policy and the legislative framework set by Mental Health (Care and Treatment) (Scotland) Act 2003. (detention, care and treatment of persons with a mental disorder)	Head of Service (MIJB)
(30)	To apply to the Department of Work and Pensions (DWP) for Corporate Appointeeship for clients without capacity in terms of the Social Security (Claims and Payments) Regulations 1987 and to receive and deal with any sums received.	Head of Service (MIJB)
(31)	To access funds for clients without capacity in terms of Part 3 of the Adults With Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(32)	To make inquiries and exercise investigatory powers in terms of Sections 4 and 7-10 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(33)	To provide appropriate services in terms of Section 6 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(34)	To have the power to apply to a Sheriff for an Assessment Order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)

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| (35) | To have the power to apply to a Sheriff for a Removal Order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007.                                             | Head of Service (MIJB) |
| (36) | To have the power to apply to a Sheriff for a Banning Order in terms of Section 22 of the Adult Support and Protection (Scotland) Act 2007.                                             | Head of Service (MIJB) |
| (37) | To have the power to apply to a Sheriff for a Warrant for Entry in terms of Section 38 of the Adult Support and Protection (Scotland) Act 2007.                                         | Head of Service (MIJB) |
| (38) | To implement directions re integrated services received from the Integration Joint Board for Moray in terms of the Public Bodies (Joint Working) (Scotland) Act 2014.                   | Head of Service (MIJB) |
| (39) | To provide such information as may reasonably be required by the Chief Officer of the Moray Integration Joint Board to enable planning, monitoring and delivery of integrated services. | Head of Service (MIJB) |

### **CHILDREN'S SERVICES**

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| (40) | To supervise and care for persons placed on probation, released from prison etc. and to provide the necessary social background and other reports as required in terms of Section 27 of the Social Work (Scotland) Act 1968. | Head of Service (MIJB) |
| (41) | To provide aids and adaptations in terms of Section 2 Chronically Sick and Disabled Persons Act 1970 and Section 71 Housing (Scotland) Act 2006.                                                                             | Head of Service (MIJB) |
| (42) | To promote social welfare in terms of Section 12 of the Social Work (Scotland) Act 1968.                                                                                                                                     | Head of Service (MIJB) |
| (43) | To provide and maintain such residential and other establishments as are required for the Council's functions, Section 59 of the Social Work (Scotland) Act.                                                                 | Head of Service (MIJB) |
| (44) | To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.                                                                        | Head of Service (MIJB) |
| (45) | To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.                                                                                                              | Head of Service (MIJB) |
| (46) | To pay allowances in respect of the maintenance of children in terms of Section 50 of the Children Act 1975.                                                                                                                 | Head of Service (MIJB) |
| (47) | To arrange for visits to be made to a child or young person in relation to whom parental rights and responsibilities have been                                                                                               | Head of Service (MIJB) |

transferred to the council in terms of Section 10 of the Mental Health (Scotland) Act 1994.

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| (48) | In consultation with the Chair of the Education, Children's and Leisure Services Committee and the Chair of the Corporate Committee, to vary kinship allowances in exceptional circumstances.                                                                                                                                                                                                                             | Head of Service (MIJB) |
| (49) | To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of the Education (Additional Support for Learning) (Scotland) Act 2004.                                                                                                                                                                                                 | Head of Service (MIJB) |
| (50) | To safeguard and promote the welfare of children looked after by the Council in terms of Section 17 of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                                  | Head of Service (MIJB) |
| (51) | To prepare and publish a plan for the provision of relevant services for, or in respect of, children in the Council's area in terms of Section 19 of the Children (Scotland) Act 1995;                                                                                                                                                                                                                                    | Head of Service (MIJB) |
| (52) | To prepare and publish information about relevant services for children in the Council's area in terms of Section 20 of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                 | Head of Service (MIJB) |
| (53) | To request help in exercise of any functions that the Council has under Part II of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                                                      | Head of Service (MIJB) |
| (54) | To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22 of the Children (Scotland) Act 1995.                                                                                                                                                                                                         | Head of Service (MIJB) |
| (55) | To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995. | Head of Service (MIJB) |
| (56) | To carry out an assessment (if asked to do so by the child's parent or guardian) of the child with or affected by disability or any other person in his/her family in order to ascertain the child's needs as in so far as they are attributable to his/her disability or that of another person in terms of Section 23(3) of the Children (Scotland) Act 1995.                                                           | Head of Service (MIJB) |
| (57) | To provide accommodation for children in terms of Section 25 of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                                                                         | Head of Service (MIJB) |

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| (58) | To provide accommodation for children looked after by the Council in terms of Section 26 of the Children (Scotland) Act 1995.                                                                                                                                                      | Head of Service (MIJB) |
| (59) | To provide day care for children in need within the Council's area who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.                                                                                      | Head of Service (MIJB) |
| (60) | To provide appropriate care for school children in need within the Council's area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.                                                                                    | Head of Service (MIJB) |
| (61) | To provide advice, guidance and assistance for children under 19 years of age but over school age who were previously in the care of a Council or voluntary organisation in terms of Section 29 of the Children (Scotland) Act 1995.                                               | Head of Service (MIJB) |
| (62) | To provide financial help towards maintaining, educating or training formerly looked after people over school age in terms of Section 30 of the Children (Scotland) Act 1995.                                                                                                      | Head of Service (MIJB) |
| (63) | To review cases of children looked after by the Council in terms of Section 31 of the Children (Scotland) Act 1995.                                                                                                                                                                | Head of Service (MIJB) |
| (64) | Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).                                       | Head of Service (MIJB) |
| (65) | To have the power to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.                                                                 | Head of Service (MIJB) |
| (66) | To make enquiries and provide information to the Reporter to the Children's Panel where children may require compulsory measures of supervision in terms of Section 53 and 56(1) of the Children (Scotland) Act 1995 or section 60 of the Children's Hearings (Scotland) Act 2011. | Head of Service (MIJB) |
| (67) | To have the power to apply to a Sheriff for a child assessment order in terms of section 55 of the Children (Scotland) Act 1995 or Section 35 of the Children's Hearings (Scotland) Act 2011.                                                                                      | Head of Service (MIJB) |
| (68) | To provide reports on children and their social background for a Children's Hearing in terms of Section 56(2) and/or (7) of the Children (Scotland) Act 1995 or Section 66 of the Children's Hearings (Scotland) Act 2011.                                                         | Head of Service (MIJB) |
| (69) | To have the power to apply for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995 or Section 37 of the Children's Hearings (Scotland) Act 2011.                                                                                                   | Head of Service (MIJB) |

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| (70) | To provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments.                                                                                                                                                                                                                                                                                                                   | Head of Service (MIJB) |
| (71) | To have the power to apply to a Justice of the Peace for an emergency child protection authorisation in terms of Section 61 of the Children (Scotland) Act 1995 or section 55 of the Children's Hearings (Scotland) Act 2011.                                                                                                                                                                                                                                                                                                                                                                            | Head of Service (MIJB) |
| (72) | To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995 and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of Section 73(4) of the Children (Scotland) Act 1995; or to give effect to a compulsory supervision order (including an interim order) in terms of section 83 of the Children's Hearings (Scotland) Act 2011 and to require a review of such a compulsory supervision order in terms of section 131 of the Children's Hearings (Scotland) Act 2011. | Head of Service (MIJB) |
| (73) | To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Head of Service (MIJB) |
| (74) | To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.                                                                                                                                                                                                                                                                                                                                                                                                                        | Head of Service (MIJB) |
| (75) | To approve or de-register foster carers and to pay fostering allowances to approved foster carers under the Looked After Children (Scotland) Regulations 2009.                                                                                                                                                                                                                                                                                                                                                                                                                                           | Head of Service (MIJB) |
| (76) | To provide a service, in collaboration with Health and Voluntary sector agencies to those who misuse or are affected by those who misuse drugs and alcohol.                                                                                                                                                                                                                                                                                                                                                                                                                                              | Head of Service (MIJB) |
| (77) | To work with the Head of HR, ICT and OD to ensure the adequate provision of professional training for staff working in Social Work services.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Head of Service (MIJB) |
| (78) | To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by Section 6 Children (Leaving Care) Act 2000.                                                                                                                                                                                                                                                                                                                                                                                                                           | Head of Service (MIJB) |
| (79) | To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by the Regulations and Guidance for Leaving Care 2004 and the Education (Additional Support for Learning) (Scotland) Act 2004.                                                                                                                                                                                                                                                                                                                                           | Head of Service (MIJB) |

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| (80) | To have the power to instruct the Council's solicitors to apply to a Sheriff for a Permanence Order relating to a child in terms of section 80 of the Adoption and Children (Scotland) Act 2007 and for any interim order, variation or revocation thereof and when deemed appropriate to represent the Council at those proceedings. | Head of Service (MIJB) |
| (81) | To exercise rights and fulfil responsibilities granted to the local authority under any Permanence Order granted in terms of Section 80 of the Adoption and Children (Scotland) Act 2007 while the Order remains in force.                                                                                                            | Head of Service (MIJB) |
| (82) | To provide an adoption service and undertake the duties of an adoption agency in terms of relevant legislation.                                                                                                                                                                                                                       | Head of Service (MIJB) |
| (83) | To prepare and publish a plan for the provision of an adoption service in terms of Section 4 of the Adoption and Children (Scotland) Act 2007.                                                                                                                                                                                        | Head of Service (MIJB) |
| (84) | To assess, plan, provide and review post adoption support services in terms of Section 9, 10, 45, 47 and of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services in Allowances (Scotland) Regulations 2009.                                                                                                | Head of Service (MIJB) |
| (85) | To pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009.                                                                                                                                                      | Head of Service (MIJB) |
| (86) | In consultation with the Head of Governance, Strategy and Performance, to pay reasonable legal expenses in relation to contested adoptions.                                                                                                                                                                                           | Head of Service (MIJB) |
| (87) | Having regard to all relevant matters, to consider whether adoption is in the best interest of a child or whether there is better practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007.                                                                                                    | Head of Service (MIJB) |
| (88) | To investigate the circumstances of and submit a report to the court in respect of a child for whom an Adoption Order is being sought in terms of Sections 17 and 19 of the Adoption and Children (Scotland) Act 2007.                                                                                                                | Head of Service (MIJB) |
| (89) | To manage and implement the Council's statutory responsibilities in terms of the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011.                                                                                                                                                                        | Head of Service (MIJB) |
| (90) | To make appointments to the Permanence Panel in relation to adoption and fostering, in terms of the Adoption Agencies (Scotland) Regulations 2009 and the Looked after Children (Scotland) Regulations 2009.                                                                                                                          | Head of Service (MIJB) |
| (91) | In terms of this role, the following is authorised:                                                                                                                                                                                                                                                                                   | Head of Service (MIJB) |

- (a) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9) and 70(10) of the Children (Scotland) Act 1995 or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of section 151 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation) (Scotland) Regulations 2013; and
- (b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interest of other children in terms of Section 72(1) of the Children (Scotland) Act 1995 or section 143 of the Children (Scotland) Act 2011.



## **APPENDIX 1**

### **Environmental Services – List of Relevant Legislation**

- Environment Act 1995
- Public Health etc. (Scotland) Act 2008
- Offices, Shops and Railway Premises Act 1963
- Prevention of Damage by Pest Acts 1949
- Civic Government (Scotland) Act 1982
- Water (Scotland) Act 1980
- Environmental Protection Act 1990
- Control of Pollution Act 1974
- Food and Environment Protection Act 1985
- Civic Amenities (Scotland) Act 1982
- Health and Safety at Work etc. Act 1974
- Noise and Statutory Nuisance Act 1993
- Food Safety Act 1990
- The Countryside Act 1968
- Clean Air Act 1993
- Caravan Sites and Control of Development Act 1960
- Sewerage (Scotland) Act 1968
- National Assistance Act 1948
- Radioactive Substances Act 1960
- Riding Establishments Act 1964-1970
- Housing (Scotland) 1987
- Breeding of Dogs Act 1973-91
- Burial Grounds (Scotland) Act 1855
- Caravan Sites Act 1968
- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Dogs Act 1906-28
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- General Product Safety Regulations 2005
- Animal Health and Welfare (Scotland) Act 2006
- Housing (Scotland) Act 2006
- European Communities Act 1972
- Meat (Enhanced Enforcement Powers) (Scotland) Regulations 2000
- TSE (Scotland) Regulations 2002
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002
- Products of Animal Origin (Import and Export) Regulations 1996
- Imported Food Regulations 1997
- Food Hygiene (Scotland) Regulations 2006
- Animal By-Products (Enforcement)(Scotland) Regulations 2011
- Agriculture (Miscellaneous Provisions) Act 1968
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare Act 1984

- **Animal Health and Welfare (Scotland) Act 2006 - Sections 32A – 32M – Authorisation of legal persons**
- Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulations) Act 1925
- Refuse Disposal (Amenity) Act 1978
- Official Feed and Food Controls (Scotland) Regulations 2009
- Control of Pollution (Amendment) Act 1989
- National Health Service Amendment Act 1986
- Water Act 1989
- Private Water Supplies (Scotland) Regulations 2006
- Zoo Licensing Act 1981
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- General Food Regulations 2004
- Smoking, Health and Social Care (Scotland) Act 2005
- Animal By-Products (Scotland) Regulations 2003
- Private Water Supplies (Grants) (Scotland) Regulations 2006
- Private Water Supplies (Notices) (Scotland) Regulations 2006
- The Dog Fouling (Scotland) Act 2003
- Contaminated Land (Scotland) Regulations 2000-2005
- Public Health (Scotland) Act 2008 (restates and amends the law on public health, makes provision about mortuaries and disposal of bodies, makes provision for the control of sun beds, amends the law relating to statutory nuisances and requires local authorities to designate competent persons to exercise the functions relating to the protection of public health.
- Housing (Scotland) Act 2006 (requires the local authority to authorise officers to deal with various issues including Housing Standards, Repairing Standard, Works Notices, maintenance orders and enforcement for Houses in Multiple Occupation) (for licensing of HMO see para 8(18)).
- The two Animal Service Officers will be authorised to act in terms of the Dog Fouling (Scotland) Act 2003 and any Orders, Regulations, Statutory Instruments or other subordinate legislation made thereunder
- Control of Dogs (Scotland) Act 2010
- Dangerous Dogs Act 1991
- Trade in Animals and Related Products (Scotland) Regulations 2012
- Food Information (Scotland) Regulations 2014
- Smoking Prohibition (Children and Motor Vehicles) (Scotland) Regulations 2016
- Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

## **APPENDIX 2**

### **Trading Standards – List of Relevant Legislation**

- Agriculture Act 1970
- Agricultural Product (Grading and Marking) Act 1928
- Antisocial Behaviour etc. (Scotland) Act 2004
- Children and Young Persons (Protection from Tobacco) Act 1991
- Children and Young Persons (Scotland) Act 1937
- Civic Government (Scotland) Act 1982
- Companies Acts 1985 and 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Rights Act 2015 – the undernoted powers in relation to ‘the enforcer’s legislation’ as defined in Schedule 5:
  - (i) Power to require the production of information
  - (ii) Power to purchase products
  - (iii) Power to observe carrying on of business etc.
  - (iv) Power to enter premises without warrant
  - (v) Power to inspect products
  - (vi) Power to test equipment
  - (vii) Power to require the production of documents
  - (viii) Power to seize and detain goods
  - (ix) Power to seize documents required as evidence
  - (x) Power to break open container etc.
  - (xi) Power to enter premises with warrant
  - (xii) Power to require assistance from person on premises
- Consumers, Estate Agents and Redress Act 2007
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Energy Act 1976
- Energy Information Regulations 2011
- Energy Performance of Buildings (Scotland) Regulations 2008
- Enterprise Act 2002
- European Communities Act 1972
- Explosives Regulations 2014
- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- Fireworks Act 2003
- Food (Hygiene and Enforcement) (Scotland) Regulations 2005
- Food & Environmental Protection Act 1985
- Health and Safety at Work Etc Act 1974, Sections:
  - 20 – Power of Entry
  - 21 – Improvement Notices
  - 22 – Prohibition Notices
  - 23 – Causes of Imminent Danger
- The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Housing (Scotland) Act 2006, Part 3 and Schedule 3

- The Manufacture and Storage of Explosives Regulations 2005
- Official Feed and Food Controls (Scotland) Regulations 2005
- Petroleum (Consolidation) Regulations 2014
- The Psychoactive Substances Act 2016
- Regulatory Enforcement and Sanctions Act 2008
- Sale of Spray Paint (Display of Warning Statement) (Scotland) Regulations 2004
- Single Use Carrier Bags Charge (Scotland) Regulations 2014
- Tobacco Advertising and Promotion Act 2002
- Tobacco and Primary Medical Services (Scotland) Act 2010
- Vehicles (Crime) Act 2001
- Weights and Measures Acts 1985