



From mountain to sea

Scheme of Governance

Part 2B - List of Officer Powers

12 February, 2021



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LIST OF OFFICER POWERS

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

GENERAL PROVISIONS

1. The powers listed below are those specifically delegated by Full Council to officers to enhance the efficient operation of Council services.
2. The powers granted directly to officers under statute and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively in this document, when set out in the body of this document it is for information purposes only. When Proper Officer positions are set out in the body of this document the Chief Officers are not limited to these positions.
3. The undernoted powers relate only to matters not specifically reserved to Full Council and Committees in terms of the Council's Scheme of Governance, with the exception of B.1 which will apply regardless of any such reservation.
4. An officer may choose not to exercise a delegated power and instead make a recommendation to the appropriate committee for the matter to be determined.
5. Where reference is made to a specific statute or regulation, the power of delegation should apply to any subsequent statute or regulation bestowing similar or compatible powers.
6. Any reference to an officer's authority to incur expenditure should be read in conjunction with the Council's Financial Regulations and be subject to available budgetary provision.
7. Any reference to any Chief Officer shall include their substitute.
8. The terms and expressions used throughout the document, shall have the meanings as defined in the Glossary of Terms.

Limitations of delegations to officers

9. When exercising the authority delegated to them, officers will act in the interests of the Council and in accordance with and subject to:
 - a. The law,
 - b. The policies and procedures adopted by the Council,
 - c. The principles of best value,
 - d. The terms and conditions of the Council's Financial Regulations,

- e. Any appropriate service policy, practice, procedure or any managerial instruction given,
- f. Matters specifically reserved to Full Council or delegated to a Committee or a Sub-Committee,
- g. Any relevant provisions contained elsewhere in the Council's Scheme of Governance, and
- h. The Public Sector Equality Duty.

Provided that:

10. Officers have the right to consult with any other appropriate officer including the Chief Executive on any matter, even though it has been specifically delegated to that officer, or to refer the matter to Full Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained elsewhere in the Council's Scheme of Governance.
11. Officers will consult the Chief Executive or any other appropriate officer where appropriate to do so on issues of a corporate nature or which may have a significant impact on the Council or other Services or on issues which are sensitive or complex in the professional judgement of the officer.
12. Officers should consult the Leader or Chair of the appropriate Committee and the Opposition Spokesperson on issues which are sensitive or complex in the professional judgement of the officer, or otherwise where consultation appears to be appropriate.
13. Officers should consult Ward Members where a proposed decision or action is likely to significantly affect the constituency interests of those Members, in the professional judgement of the officer.
14. Where an applicant for a service provided by the Council is a Member or an employee or officer of the Council, the officer within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with such officers including the Chief Executive who may if they consider it appropriate require the officer to refer the application to Full Council, a Committee or a Sub-Committee for determination in accordance with any relevant provisions contained in the Council's Scheme of Governance.
15. Unless the context requires otherwise officers may only perform a delegated function, power or duty in relation to the service (or services in the case of a Director or the Chief Executive) or areas for which they are responsible. Provided that if a matter is sub-delegated to an officer in another service then this shall be recorded.
16. Officers will ensure that they make suitable arrangements to record decisions taken and actions authorised in relation to the discharge of any functions powers and duties delegated to them, and will submit such reports as may be required from time to time.

A. GENERAL DELEGATIONS TO CHIEF EXECUTIVE, DIRECTORS, CHIEF OFFICER OF THE INTEGRATION JOINT BOARD, AREA MANAGERS AND THE HEADS OF SERVICE ('the Chief Officers')

Subject to the General Provisions and Limitations, the Chief Officers are authorised to:

1. Appoint employees as required by them and as permitted in terms of this Scheme of Governance to discharge the functions within the overall budget approved by the Council for their service or services.
2. Apply and implement the terms of national and local agreements on salaries and conditions of service to any post or posts and take such other decisions in relation to such posts and the employees who occupy them as they consider necessary in the interests of the effective operation of the Council's Services.
3. Conduct disciplinary and grievance proceedings and make appropriate determinations all in accordance with the Council's approved disciplinary and grievance procedures.
4. Exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract (excluding Directors) in accordance with any relevant policies of the Council.
5. Following consultation with the Head of Legal and People and appropriate Chief Officers, introduce major changes to staffing structures, as appropriate and within agreed budgets, subject to observance of:
 1. the constraints of Financial Regulations in respect of virement,
 2. agreed Council policies, and,
 3. the use of appropriate contracts where any new post is associated with ring-fenced or time-limited funding,
6. Approve procurement approval forms, conduct procurements, select tenderers, award contracts including Direct Awards, exercise options to extend contracts and vary contracts in relation to the functions of the service for which they are responsible or where appointed lead officer for cross service procurements in accordance with the Financial Regulations.
7. Where the requirement for works, goods or services extends beyond a single service the Director for Business Services shall agree which Head of Service shall be responsible for leading the procurement, selecting tenderers and awarding the contract.

8. Vire within budget sub-heads, having first notified the Head of Finance in writing.
9. Approve officers authorised to certify invoices for payment.
10. Issue variation orders, within approved budgets, in respect of contracted or assigned works as client or client's agent, where appropriate.
11. Following consultation with the Head of Legal and People and the relevant Chief Officer(s), terminate or negotiate the termination of any contract which the Council is entitled to terminate whether due to a breach of contract or otherwise, where it is in the best interest of the Council to do so.
12. In terms of arrangements made from time to time by the Chief Executive, to exercise the functions of the Chief Executive in their absence.
13. Delegate the functions, powers and duties delegated to them to officers as deemed appropriate to that Chief Officer.
14. Manage the administrative and operational requirements of fulfilling the functions, duties and powers of the relevant service or services.
15.
 1. Act as or designate a suitably qualified officer to act as a Proper Officer for all the statutory functions of the Council under all relevant legislation including the Requirements of Writing (Scotland) Act 1995 in relation to the functions of their service or services (including signing of contracts).
 2. To appoint officers as appropriate for the purposes of the administration and enforcement of all relevant legislation in relation to the functions of their service or services.

Provided that the proper officer positions of Head of Paid Service, Section 95 Proper Officer, Monitoring Officer, Chief Education Officer and Chief Social Work Officer are subject to direct appointment by Full Council.

16. To sign, issue and serve as appropriate statutory notices on behalf of the Council under all relevant legislation applicable to the functions of their service.
17. Exercise or to designate a suitably qualified officer to exercise the powers and duties of the Council and of an inspector and authorised officer (including, but not limited to the issue of identity cards, and such other similar authorisations as may be required to officers, the right to enter land and property, inspection, sampling, seizure of goods and

services, opening containers, seizure and initiating prosecutions, where appropriate) as permitted under relevant legislation and in accordance with any issued authorisation warrant.

18. Review and ensure compliance with the requirements of existing and new legislation and statutory regulations, and the Council's policies in respect of those matters.
19. Implement and ensure compliance with all relevant Health and Safety legislation and related Council policies, procedure and guidance.
20. Authorise, in appropriate circumstances, reports for submission to the Procurator Fiscal and Police Scotland with a view to the initiation of proceedings under any relevant legislation provided the subject of the report is not covered within the Council's regulatory frameworks.
21. Submit a Council response to an external consultation on an Operational Matter which in the view of the Director of the relevant service does not require Member input, provided that the Director shall notify the Chair, Vice Chair and main Opposition Spokesperson of the appropriate Policy Committee that the response has been submitted.
22. Submit a Council response to an external consultation on any policy matter where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee. Any response submitted under this delegated power shall be made following consultation with the Chair and Vice Chair and main Opposition Spokesperson of the appropriate policy committee, where possible, and shall be reported to the next committee meeting.
23. Award grants to external bodies (including individuals, businesses and third sector organisations) included in the approved Revenue Budget for the services they are responsible for, subject to Financial Regulations.
24. Following consultation with the Chief Officer of the Integration Joint Board, Chief Officers may implement Directions from the Integration Joint Board.
25. Authority to manage the marketing and income generation of the service.
26. Apply for, acknowledge receipt of, accept, administer and properly allocate and account for grants and monies received by the Council from external bodies.
27. Following consultation with the Head of Finance, sell all surplus plant, equipment or furnishings expected to realise more than £5,000, exclusive of VAT, where no suitable trade-in arrangements have been made.

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28. To grant or refuse a request from a community participation body to participate in an outcome improvement process which relates to the services for which they are responsible.
29. To update any Council policy for which they are responsible to reflect changes in naming conventions, legislation or terminology.
30. Delegate any of their powers under the Financial Regulations in Part 3 of the Scheme of Governance to a suitably qualified officer.

B. SPECIFIC DELEGATIONS TO OFFICERS

1. The Delegated Officer (as set out in the table below) is authorised to take a decision on any matter which, in their professional judgement requires to be determined by Full Council, Committee or Sub-Committee but by reason of special urgency it is impractical to convene a meeting of the Full Council, Committee or Sub-Committee.
2. Provided that any decision by the Delegated Officer shall be taken following consultation with the:
 - a. Chief Executive (unless the Chief Executive is the Delegated Officer); and
 - b. the Chair and Vice-Chair and the main Opposition Spokesperson of the Full Council or Policy Committee or Sub Committee; or
 - c. the Chair and Vice-Chair of the Area Committee.
3. Any decisions taken by Delegated Officers under this delegation which would normally be taken by Full Council, Committee or Sub Committee should be reported to the next meeting of Full Council, Committee or Sub-Committee.
4. Following consultation with the Head of Legal and People, the Director of Business Services has the specific delegations to:
 - a. Accept on behalf of the Council the detailed terms of grant from the Scottish Government for projects which have been recommended for approval by the Aberdeen City Region Deal Joint Committee, and
 - b. Approve the issue of offers of grant funding and to agree the terms of such funding in respect of projects which have been recommended for approval by the Aberdeen City Region Deal Joint Committee and approved by the relevant funders.

Provided that there is no authority to issue offers of grant funding for Aberdeen City Region Deal projects which are funded from the Councils own resources unless approved by the relevant Committee of the Council

5. The following are the Proper Officers for the purpose of signing all documents and execution of all deeds in terms of Sections 193 and 194 of the Local Government (Scotland) Act 1973, and Paragraph 4 of Schedule 2 of the Requirements of Writing (Scotland) Act 1995:

The Chief Executive
Director of Business Services
Director of Education and Children's Services

Director of Infrastructure Services
Chief Officer of the Integration Joint Board
Head of Finance
Head of Legal and People
Legal Services Manager (Advice, Representation and Registration)
Legal Services Manager (Commercial)
Legal Services Manager (Governance)
Principal Solicitors (Advice, Commercial, Conveyancing, Democratic
Services, Governance Representation)

Any one of the following officers shall be considered as a Delegated Officer for the purpose of making decisions in situations of special urgency

Meeting(s)	Delegated Officer(s)
Aberdeenshire Council	Chief Executive or their substitute Section 95 Proper Officer Monitoring Officer
Business Services Committee and associated Sub Committees	Chief Executive Director of Business Services Section 95 Proper Officer Monitoring Officer
Infrastructure Services Committee and associated Sub Committees	Chief Executive Director of Infrastructure Services Section 95 Proper Officer Monitoring Officer
Education and Children's Services Committee and associated Sub Committees	Chief Executive Director of Education and Children's Services Section 95 Proper Officer Monitoring Officer
Communities Committee and associated Sub Committees	Chief Executive Director of Infrastructure Director of Education and Children's Services Chief Officer of the Integration Joint Board Section 95 Proper Officer Monitoring Officer
Banff and Buchan Area Committee	Area Manager (Banff and Buchan) Chief Executive Section 95 Proper Officer Monitoring Officer

Buchan Area Committee	Area Manager (Buchan) Chief Executive Section 95 Proper Officer Monitoring Officer
Formartine Area Committee	Area Manager (Formartine) Chief Executive Section 95 Proper Officer Monitoring Officer
Garioch Area Committee	Area Manager (Garioch) Chief Executive Section 95 Proper Officer Monitoring Officer
Kincardine and Mearns Area Committee	Area Manager (Kincardine and Mearns) Chief Executive Section 95 Proper Officer Monitoring Officer
Marr Area Committee	Area Manager (Marr) Chief Executive Section 95 Proper Officer Monitoring Officer

All references above to Section 95 are intended to mean Section 95 of the Local Government (Scotland) Act 1973.

C. CHIEF EXECUTIVE

1. Proper Officer Positions

- 1.1 The Chief Executive is appointed by the Council as the Head of the Council's Paid Service in terms of Section 4 of the Local Government and Housing Act 1989 and accordingly is responsible for reporting to Full Council or the appropriate Committee on:-
1. The manner in which the Council discharges its different functions.
 2. The number and grades of staff required by the Council for the discharge of its functions.
 3. The organisation of the Council's staff.
 4. The appointment and proper management of the Council's staff.
- 1.2 The Chief Executive is appointed by the Council to act as Returning Officer in respect of Parliamentary, Local Authority and Community Council elections and as Counting Officer in respect of Referenda and to discharge the functions of and act as "appropriate officer" in terms of the Representation of the People Act 1983 (as amended) and all other relevant legislation.

2. Specific Delegations

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

- 2.1 Determine the allocation of functions amongst officers.
- 2.2 Vary, add to, recall or restrict any delegation to any officer provided that any permanent change must be reported to Full Council for approval.
- 2.3 Take a decision on any matter which, in their professional judgement requires to be determined by Full Council, Committee or Sub-committee but, by reason of special urgency, it is impractical to convene a meeting of such, without the need for prior consultation as provided for in B.2 where such prior consultation is not reasonably practical and such decision shall be reported to the next meeting of by Full Council, Committee or Sub-Committee.
- 2.4 Implement the provisions of the Civil Contingencies Act 2004 and the Contingency Planning (Scotland) Regulations 2005.

- 2.5 Determine grading of categories of posts in implementation of review processes initiated within or out with the Council or to correct anomalies in the Council's salary structure as a consequence of review processes, within the limits of existing budgets.
- 2.6 Exercise the discretions available to the Council as employers in terms of the Local Government Pension Scheme and to determine applications for early retirement and/or early termination of contract in respect of Directors in accordance with any relevant policies of the Council.
- 2.7 Following consultation with the Head of Legal and People to amend terms and conditions of employment of Council employees, mileage rates and subsistence rates.
- 2.8 To recall any of the delegations contained within the List of Committee Powers in Part 2A of the Scheme of Governance and transfer to the Consolidated Business Committee where, in the professional opinion of the Chief Executive, it would be impractical to continue the business of the Council through the existing Committee structure due to any of the following circumstances:-
 - (i) an event or situation which threatens serious damage to human welfare in the Aberdeenshire area; or
 - (ii) an event or situation which threatens serious damage to the environment of the Aberdeenshire area; or
 - (iii) war, or terrorism, which threatens serious damage to local or national security,

Provided that this delegation shall only be exercised following consultation with the Provost, Leader and Main Opposition Spokesperson. Where a majority of those Members consulted do not agree with the recommendations, the Chief Executive shall instead refer the matter to Full Council for determination.

D. DIRECTOR OF BUSINESS SERVICES

Subject to the General Provisions and Limitations and in addition to the General Delegations to Chief Officers, the Director of Business Services has the following powers and those powers are also delegated to the following officers:

1. Area Manager

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- 1.1 Set local holidays, taking into account local circumstances.
- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
 - a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and People; and
 - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
 - (i) that an award can be made; and
 - (ii) as to the amount of money that is to be awarded;falling which the matter be referred to the relevant Area Committee for determination.
- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.

- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.
- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

2. Commercial and Procurement Services

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Commercial and Procurement Shared Services is authorised to:

- 2.1 Manage the procurement function of the Council.
- 2.2 Authorise the Council entering into a shared service arrangement with another public authority whether the Council is paying for the service or delivering the service and in either case where the value is less than £50,000.
- 2.3 Maintain a central record of all shared service arrangements.
- 2.4 Co-ordinate all commercial sponsorship agreements, and maintain a central record of such agreements.
- 2.5 Approve the use of alternative suppliers for goods, works or services notwithstanding that the Council has already entered into contracts or framework agreements with external suppliers for such goods, works or services.
- 2.6 Approve the procurement of goods, works or services valued between £10,000 and £50,000 where fewer than four written quotes have been received.
- 2.7 Approve, the purchase of second-hand goods up to a value of £50,000 without a competitive quotation.
- 2.8 Approve the procurement of goods, works or services valued at less than £50,000 for the duration of the contract period where the most economically advantageous tender to the Council is not also the lowest priced.
- 2.9 Approve the extension (for a period of up to 12 months) or variation of an existing contract, where the combined value of the existing contract and the extension/variation does not exceed £1,000,000.
- 2.10 Approve the extension (for a period of up to 12 months) or variation of an existing contract, where the combined extension or variation will increase the value of the contract by no more than 25%.
- 2.11 Approve the use of external framework agreements.

- 2.12 Maintain a Contracts Register for all contracts (including call off contracts) and framework agreements developed or in use across the Council, which register shall include all information required by Section 35 of the Procurement Reform (Scotland) Act 2014.
- 2.13 Approve any lawfully permitted post-tender negotiations on contracts or framework agreements.
- 2.14 Dispense with the requirement to notify a call off from a framework agreement provided such a dispensation is recorded.
- 2.15 Dispense with the requirement for approval to seek alternative provision to a framework agreement or dynamic purchasing system provided such dispensation is recorded.
- 2.16 Delegate procurement authority to officers (to be known as “Procuring Officers”) and maintain a register of Procuring Officers.
- 2.17 Remove any officer from the register of Procuring Officers.
- 2.18 Develop, issue and monitor the Procurement Manual and any associated guidance, procurement templates and associated documentation in accordance with the requirements of the Council’s Financial Regulations.
- 2.19 Approve methods for advertisement of a contract where the value of the contract is £10,000 or over, other than by advertisement on the Public Contracts Scotland website or such equivalent approved by the Scottish Government.
- 2.20 Approve methods for receipt and recording of tenders, other than by electronic means.

3 Customer and Digital Services

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Customer and Digital Services is authorised to:

- 3.1 Manage, negotiate and administer all complaints on behalf of the Council in terms of the Scottish Public Services Ombudsman Act 2002.
- 3.2 Manage and protect the corporate brand and reputation and approval of any subsidiary identities.
- 3.3 Authorise delivery of factual information through all media channels.

- 3.4 Following consultation with appropriate the Chief Officer(s), manage the delivery of the functions of the Council in terms of the Community Empowerment (Scotland) Act 2015.
- 3.5 Issue emergency communications in terms of the Civil Contingencies Act 2004.
- 3.6 Following approval of corporate policy, approve new and changes to associated procedures and guidance, subject to appropriate consultation with stakeholders.
- 3.7 Approve Council response to national corporate consultations, following appropriate engagement with stakeholders.
- 3.8 Manage public performance reporting in terms of Part 1 of the Local Government Act 1992.
- 3.9 Manage the delivery of the functions of the Council in terms of the Equality Act 2010.
- 3.10 Manage the delivery of the functions of the Council in terms of the Gaelic Language (Scotland) Act 2005 and British Sign Language (Scotland) Act 2015.
- 3.11 Manage the function, configuration and operation of the Council's Information Technology ("IT") infrastructure, systems and data to ensure their effectiveness, availability, integrity and security.
- 3.12 Oversee the accessibility of all council-related websites.
- 3.13 Provide appropriate technical and professional support, advice and assistance on the purchase of any IT software and hardware.
- 3.14 Approve new, and changes to IT and Information Security procedures and guidance including Third Party Access Agreements.
- 3.15 Lead and approve the functions and provision of Corporate Change Management activity and guidance across the organisation, including Digital Strategy development, Service Redesign and Business Change.

4. Finance

Proper Officer Positions

- 4.1 The Head of Finance is appointed by the Council to act as Proper Officer in terms of s95 of the Local Government (Scotland) Act 1973 and to administer

the financial affairs of the Council and to take any necessary action in terms of the Council's Financial Regulations.

Specific Delegations

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Finance is authorised to:

- 4.2 Put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- 4.3 Collect council tax, non-domestic rates and miscellaneous tax in accordance with appropriate regulations.
- 4.4 Assess housing benefit and council tax reduction applications and grant benefit in accordance with appropriate regulations.
- 4.5 Determine final appeals on housing benefit and council tax reduction.
- 4.6 Manage the Council's treasury management activities.
- 4.7 Grant, following consultation with the Directors of Business Services and Infrastructure, loans under the home loan scheme.
- 4.8 Sign finance and operating leases on behalf of the Council.
- 4.9 Determine the detailed form and timetable in respect of the Council's Revenue Budget.
- 4.10 Vire between Budget Page or Service Budget up to the value of £100,000, on a given Budget Page, where the Budget Page or Service Budget involved relate to services that are the responsibility of more than one Director, subject to the approval of those Directors.
- 4.11 Approve the virement, up to the value of £100,000, of expected savings on Capital Financing Charges and Interest on Revenue Balances and recharges between services of the Council.
- 4.12 Approve virements, up to the value of £100,000, relating to insurances.
- 4.13 Determine the detailed form and timetable in respect of the Council's Capital Plan and Budget.
- 4.14 Following consultation with appropriate Directors, establish the most appropriate use of specific capital receipts and make suitable recommendations to Full Council for determination.
- 4.15 Prepare the Council's Statement of Accounts, in accordance with proper practices and as set out in the format required by the Code of Practice on

Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.

- 4.16 Select suitable accounting policies for the Council and ensure that they are consistently applied to the Council accounts relating to each financial year.
- 4.17 Effect all insurance cover and negotiate all claims following consultation with other officers where necessary.
- 4.18 Set up and maintain an asset register of all assets owned by the Council.
- 4.19 Require inventories of all assets other than those included in the asset register to be maintained and updated.
- 4.20 Arrange for subsidiary bank accounts to be kept with a Bank selected by the Policy Committee responsible for Finance.
- 4.21 Authorise arrangements for electronic funds transfer.
- 4.22 Order and control the use of cheques for payment.
- 4.23 Determine the figure at which cheques and electronic transfers from the Council's grouped accounts shall require the signature of a second authorised signatory.
- 4.24 Ensure the proper and safe custody of all funds administered by the Council.
- 4.25 Ensure that proper financial and accounting arrangements are made throughout the Council for the recording, collection, custody, control and disposal of cash.
- 4.26 Receive all money paid to an Officer on behalf of the Council, or to direct this money to be paid to the Council's bank and to authorise a deduction to be made from such money.
- 4.27 Agree maximum cash holdings with services, and to approve holdings in excess of this amount.
- 4.28 Maintain registers of all recurrent income with the exception of Council house rents and arrears.
- 4.29 Dispense with the requirement to issue accounts for chargeable services through the Corporate Debtors System.
- 4.30 Write off irrecoverable debts of up to £10,000 following consultation with the appropriate Director or Directors.
- 4.31 Write off irrecoverable debts of any value where the debtor has been subject to bankruptcy, sequestration or liquidation.
- 4.32 Approve the format of the Council's official purchase order form.

- 4.33 Dispense with the requirement to complete a purchase order form and to maintain a register of such dispensations in accordance with Financial Regulations.
- 4.34 Approve the use of appropriate electronic methods for the signing of purchase orders.
- 4.35 Following consultation with the Head of Commercial and Procurement Shared Services, approve a procurement where works, goods or services require to be commissioned for reasons of extreme urgency, brought about by events unforeseeable by, and not attributable to the Council and where the Financial Regulations cannot be fully complied with. If the value of the work, goods or services is £50,000 or above, the matter requires to be reported to the appropriate Committee.
- 4.36 Prescribe the form of certification used to certify the accuracy of invoices received by the Council.
- 4.37 Following consultation with the Head of Legal and People, approve the non-recovery of an overpayment to an employee of the Council.
- 4.38 Carry out the Council's functions under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and subsequent legislation.
- 4.39 Approve and award travel and further education grants from the Aberdeenshire Educational Trust, in accordance with the approved criteria.
- 4.40 Following consultation with the Head of Legal & People and the Head of Commercial and Procurement Shared Services, sign certificates in terms of Regulation 4 of the Local Authorities (Contracts) (Scotland) Regulations 1997.
- 4.41 Maintain a Grants Register for all awards of grants by the Council to external bodies.

5. Internal Audit

The Director of Business Services is responsible for ensuring that the Council operates a professional and objective internal auditing service in accordance with recognised standards and practices in relation to internal auditing. The appointed Chief Internal Auditor is authorised to:

- 5.1 Enter at all reasonable times any Council premises or land.
- 5.2 Have access to such documents of the Council which relate to its accounting and other records for the purpose of internal auditing.
- 5.3 Be supplied with such information and explanations as are necessary for the purpose of internal auditing.

- 5.4 Require any employee or Officer of the Council to produce cash, stores, equipment or any other Council property under their control.
- 5.5 Report directly to Full Council in any instance where they consider it inappropriate to report directly to the Director of Business Services, the Chief Executive or the Audit Committee.

6. Legal and People

Proper Officer Positions

The Head of Legal and People shall:

- 6.1 Act as Proper Officer in terms of Sections 33A, 34, 43 and Schedule 7, 50B(2), 50C(2), 50F(2) and 231 of the Local Government (Scotland) Act 1973 and otherwise in relation to the arrangements for the conduct of business arising at any meeting of the Council, or its Committees and Sub-Committees.
- 6.2 Act as Proper Officer in terms of Section 33A of the Local Government (Scotland) Act 1973 (Declaration of Acceptance of Office); Section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Members Interests) and the relevant provisions of the Local Governance (Scotland) Act 2004.
- 6.3 Act as or to designate a suitably qualified officer to act as Clerk to the Licensing Board in terms of the Licensing (Scotland) Act 2005.
- 6.4 Act as or to designate a suitably qualified officer to act as the “Proper Officer” in terms of Sections, 190, 193, 194, 202 and 204 of the Local Government (Scotland) Act 1973 including the signing and arranging as necessary for the affixing of the Common Seal of the Council to all deeds and other documents which require to be sealed with the Common Seal of the Council.

Specific Delegations

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Legal and People is authorised to:

- 6.5 Raise, settle, defend, conduct, enter into, withdraw or abandon all forms of proceedings on behalf of the Council.
- 6.6 Amend and update the content of the Council’s Scheme of Governance documentation to take account of changes to naming conventions for Members, officers, services and committees.
- 6.7 Following consultation with the Head of Property and Facilities Management grant or enter into burdens and discharge burdens and securities, minutes of

- waiver, servitudes and wayleaves in relation to Council owned heritable property.
- 6.8 Following consultation with the Head of Property and Facilities Management, to assign, sub-let, vary or terminate any lease, sub-lease, occupancy agreement or licence which has been granted or entered into and to serve all requisite notices for assignation, sub-letting, variation or termination.
 - 6.9 Following consultation with the Head of Property and Facilities Management, to conduct a rent review of a lease, sub-lease, occupancy agreement or licence and to serve all requisite notices for review and to engage in negotiation, arbitration or adjudication, as appropriate.
 - 6.10 Grant consent in the case of applications for the assignation or sub-lease of subjects, on such terms and conditions, including conditions as to payment or reimbursement of the Council's expenses, as may be appropriate.
 - 6.11 Following consultation with the Head of Property and Facilities Management, authorise entering into, variance or renewal of service agreements, or the termination of such agreements where the quality has been unacceptable or conditions have not been met.
 - 6.12 Make permanent traffic orders, after approval in principle by the relevant Area Committee, providing no representations have been received as a result of the consultation process and there are no unresolved objections.
 - 6.13 Make all temporary traffic orders, including road closures, of up to 18 months' duration (by published order).
 - 6.14 Administer unopposed applications to carry out civil marriages outwith registration offices.
 - 6.15 Register all births, marriages, deaths, still births and civil partnerships and to perform all other functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
 - 6.16 Administer and manage the Community Council legal fund.
 - 6.17 Finalise terms for the acquisition, sale, or granting of a grassum lease of heritable property or any lease, sub-lease, occupancy agreement or licence after approval in principle by the relevant Committee or Head of Property and Facilities Management.
 - 6.18 Approve amendments to the parts of Schedule 1 and the guidance that is contained in (but is not part of) the Scheme for the Establishment of Community Councils and manage the statutory process for the review of the Scheme for the Establishment of Community Councils.

- 6.19 Following consultation with the appropriate Head of Service, to process, negotiate, administer, enforce, discharge or modify legal agreements pertaining to planning applications and the subsequent planning consents.
- 6.20 Hold all title deeds, leases and agreements relating to all heritable property in the ownership of the Council and all Standard Securities granted on heritable property by the Council and all leases, orders and other documents which relate to heritable property that the Council has an interest in.
- 6.21 Following consultation with the Head of Housing to enter into agreements, securities, property leases or licences of property for the delivery of Affordable Housing.
- 6.22 To exercise all statutory functions and powers relating to licensing under Part II of the Civic Government (Scotland) Act 1982 not otherwise reserved to a committee or sub-committee.
- 6.23 Grant applications under Part II of the Civic Government (Scotland) Act 1982 where no objections or adverse representations are received.
- 6.24 Grant permission for public processions and street collections, where no objections or adverse representations have been received.
- 6.25 Grant applications under the Cinema and Theatres Acts, applications under the Deer (Scotland) Act 1996, applications under the Zoo Licensing Act 1981 and other similar miscellaneous licences.
- 6.26 Determine whether special circumstances exist to allow an application for renewal or transfer of an existing licence granted under the Zoo Licensing Act 1981 to be accepted.
- 6.27 Refuse an application for any licence that requires evidence of the applicant's right to work in the UK if such evidence has not been provided after two letters of reminder have been sent.
- 6.28 Accept an application for renewal submitted after the expiry of the original licence but within 28 days of the expiry of the original licence, where good reasons for lateness have been given.
- 6.29 Grant any licence for a period of less than 3 years where no objections or adverse representations have been received which would otherwise cause the application to go before the Committee.
- 6.30 Refuse the renewal of a Taxi Vehicle Licence after two failures of a vehicle test.
- 6.31 Refuse to accept an application for a Public Entertainment Licence that is submitted less than 6 weeks before the event.

- 6.32 Following consultation with the Chair of the relevant Area Committee, refuse to accept an application for a Public Entertainment Licence that is submitted between 6 and 8 weeks before the event unless there have been sufficiently exceptional circumstances, notified in writing, to justify the application being submitted late.
- 6.33 Following consultation with the Head of Economic Development and Protective Services, the Head of Roads, Waste and Landscape Services and the Chair of the relevant Area Committee, grant extended operating hours to fairgrounds operating on Council owned property.
- 6.34 Following consultation with the Chair of the relevant Area Committee, grant extended operating hours to fairgrounds on non Council owned property.
- 6.35 Determine and approve the grade of any post, following consultation with the Director for the relevant Service (except for posts at Chief Officer level).
- 6.36 Following consultation with the Head of Finance and the appropriate Chief Officers, approve minor restructuring of Services.
- 6.37 Approve new, and changes to, Human Resources & Organisational Development procedures and guidance.
- 6.38 Permit acceleration within Career Development Schemes.
- 6.39 Approve expenditure, exceptions and variations as provided for in the Council's Relocation Scheme.
- 6.40 Following consultation with the Head of Finance, implement nationally-agreed pay awards.
- 6.41 Re-designate posts following consultation with the relevant service.
- 6.42 Change working hours and locations for existing posts following consultation with the relevant Service.
- 6.43 Approve the implementation of national agreements in relation to Human Resources & Organisational Development and employment legislation.
- 6.44 Following consultation with the Director for the relevant Service, approve the establishment of new posts (permanent and fixed term) where no additional funding is required, subject to the provisions on virement in Financial Regulations.

- 6.45 Following consultation with the Director for the relevant Service and Head of Finance, authorise extensions to existing fixed term appointments in accordance with good employment practice.
- 6.46 Act as lead signatory for all employee and volunteer disclosure checks.
- 6.47 Act as the representative of the Council when in negotiation with and in statutory consultation with Trade Unions.
- 6.48 Approve reports and referrals for submission to the General Teaching Council of Scotland and Scottish Social Services Council.
- 6.49 Prepare and implement a records management plan which sets out proper arrangements for the management of Council records in accordance with the Public Records (Scotland) Act 2011.
- 6.50 Implement the requirements of the Freedom of Information (Scotland) Act 2002, Data Protection Act 1998 and 2018, Regulation of Investigatory Powers (Scotland) Act 2000 and Environmental Information (Scotland) Regulations 2004.

7. Property and Facilities Management

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Property and Facilities Management is authorised to:

- 7.1 Arrange and provide cleaning services in Council property either by directly employed staff or by the use of contractors.
- 7.2 Provide and maintain public conveniences.
- 7.3 Provide a valuation and estates service in respect of the valuation and management of heritable property.
- 7.4 Maintain a list of all heritable property owned or leased by the Council, manage the implementation of the Corporate Asset Management Plan and review and challenge the use of the heritable property.
- 7.5 Appeal rating assessments in respect of Council property and determine the conduct and settlement of any such appeal.
- 7.6 Following consultation with Local Ward Members, to declare that land and/or buildings are surplus to requirements in accordance with Council policy. Where two or more Local Ward Members do not support the Chief Officer's

recommendations, the matter will be referred to the relevant Area Committee for determination.

- 7.7 Manage, inspect, assess, instruct and supervise repairs and maintenance of all operational and non-operational property assets.
- 7.8 To act as benefited proprietor to protect the Council's interest or those of the neighbourhood in respect of all Council owned property not on the Housing Account.
- 7.9 Following consultation with the Head of Finance, manage the delivery of the Capital Plan.
- 7.10 Following consultation with the Head of Finance and the Head of Housing, manage the delivery of the Housing Revenue Account Capital Programme.
- 7.11 Approve leases, sub-leases, occupancy agreements or licences under 21 years in duration or where the Council's commitment is no greater than 21 years at any given time and where the initial rent is less than £30,000 per annum.
- 7.12 Enter into property leases or licences of up to 6 years in duration, or where the Council has rights to break the lease such that no period without a Council right to break exceeds 6 years, where the initial rent is less than £30,000 per annum (to fit with Financial Regulations) and where the project is contained within an approved budget.
- 7.13 Approve the acquisition of heritable property at and under £50,000 in value.
- 7.14 Approve the sale, or granting of a grassum lease of heritable property at and under £100,000 in value.

8 Data Protection Officer

The Data Protection Officer is authorised to:

- 8.1 Monitor the Council's compliance with Data Protection-and with the Council's data protection policies and procedures;
- 8.2 Report any non-compliance to the Director of Business Services;
- 8.3 Manage internal data protection activities;
- 8.4 Monitor the internal auditing of data protection matters.

E. DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Director of Education and Children's Services has the following powers and those powers are also delegated to the following officers:

1. Area Managers

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- 1.1 Set local holidays, taking into account local circumstances.
- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
 - a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and People; and
 - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
 - (i) that an award can be made; and
 - (ii) as to the amount of money that is to be awarded;failing which the matter be referred to the relevant Area Committee for determination.
- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.
- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.

- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

2. Children's Services

Proper Officer Positions

- 2.1 The Head of Children's Services shall act as the Proper Officer in relation to the Council's functions in regard to:
- a. Part IV of the Children and Young Persons (Scotland) Act 1937.
 - b. Children and Young People (Scotland) Act 2014.
 - c. The Matrimonial Proceedings (Children) Act 1958.
 - d. The Children Act 1975.
 - e. The Adoption (Scotland) Act 1978 and the Adoption and Children (Scotland) Act 2007.
 - f. The Foster Children (Scotland) Act 1984.

Specific Delegations

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Children's Services is authorised to:

- 2.2 Provide support, services, advice and assistance for children and their families under Part II of the Children (Scotland) Act 1995, and to carry out the Council's functions with respect to continuing care, protection and supervision of children under the 1995 Act.
- 2.3 Carry out the Council's functions with respect to adoption and fostering services under the Regulation of Care (Scotland) Act 2001.
- 2.4 Authorise, as required, holidays or other absences appropriate to the needs of any child in the care of the Council, in accordance with the policies of the Council, in and out of the United Kingdom of Great Britain and Northern Ireland.
- 2.5 Carry out the functions of the Council in relation to the adoption of children in terms of the Adoption and Children (Scotland) Act 2007.
- 2.6 Carry out the functions of the Council as Care Authority under the Fostering of Children (Scotland) Regulations 1996.
- 2.7 Determine, following consultation with the Head of Finance assistance with legal fees and medical expenses in relation to adoptions.
- 2.8 Approve fees for curators ad litem, foster parents and community carers in accordance with Council policies.

- 2.9 Determine applications for grants in line with Council policies and the Financial Regulations.
- 2.10 Following consultation with the Head of Legal and People, authorise, in appropriate circumstances, referrals and reports for submission to the Scottish Social Services Council.
- 2.11 Implement all types of legislation, as required by the Service relating to Children's Social Work and functions conferred on the Chief Social Work Officer including but not limited to the legislation set out in Section 3 of Appendix B.

3. Education

Subject to the General Provisions and Limitations and in addition to the General Delegations and as relates to primary and secondary education the Heads of Education are authorised to:

- 3.1 Secure the right of every child of school age to be provided with school education directly by, or by virtue of arrangements made or entered into on behalf of the Council as Education Authority.
- 3.2 Secure improvement in the quality of school education with a view to raising standards of education and to prepare the report on Standards and Quality in Aberdeenshire.
- 3.3 Authorise Head Teachers to prepare an annual school plan which will identify the principal achievement targets to be sought in the following academic year and a report on the implementation of the plan as defined in the Standards in Scotland's Schools etc. Act 2000.
- 3.4 Carry out the functions of the Council as Education Authority in relation to the provision of education for children with additional support needs in terms of the Education (Additional Support for Learning) (Scotland) Act 2004.
- 3.5 Determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980.
- 3.6 Authorise the provision of school transport as described in Section 51 of the Education (Scotland) Act 1980 and Section 37 of the Standards in Scotland's Schools etc. Act 2000 within the financial limits agreed by the Council.
- 3.7 Make whatever transport arrangements are deemed to be appropriate where supporting documentation evidences that a child has a serious physical, emotional or psychological problem, condition or disability.
- 3.8 Exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools all in terms of Sections 36-41 of the Education (Scotland) Act 1980.

- 3.9 Exercise, at their discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools.
- 3.10 Exercise the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, and pay the approved Convention of Scottish Local Authorities rate to any other education authority which has provided education for pupils normally resident in the area of the Authority but who are, for various reasons, placed in Schools outwith the Authority.
- 3.11 Implement rates of fees for educational establishments used by the Council outwith the Council's area.
- 3.12 Carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the cleanliness of pupils at schools.
- 3.13 Determine school staffing levels within the limits of resources provided by the Council.
- 3.14 Authorise Head Teachers in Schools to approve appointments, where considered necessary and where budgetary provision exists, of temporary non-teaching staff in schools.
- 3.15 Authorise the distribution of all educational resources received from the Scottish Government within the policies determined for this purpose by the Council.
- 3.16 Where a teacher is compulsorily transferred, authorise payment of the cost of removal expenses in terms of the Council's relevant arrangements or, where appropriate, reasonable daily travel expenses subject to the relevant provisions of the Conditions of Service for teachers in Day Schools.
- 3.17 Arrange programmes of in-service training for teachers and other staff.
- 3.18 Carry out the administration, assessment and award of any education bursaries or other related forms of assistance.
- 3.19 Fix the levels of any tuition fees, examination expenses, and determine rates of pay to examination invigilators.
- 3.20 Approve the participation of school pupils and supervising staff in cultural, social and recreational visits inside and outside the United Kingdom and the reception of visiting pupils and staff.
- 3.21 Approve attendance by relevant employees on authorised youth exchange visits inside and outside the United Kingdom where the employees, as part of their duties, are required to accompany the group undertaking the exchange.

- 3.22 Approve temporary exchange visits by teaching staff inside and outside the United Kingdom.
- 3.23 Issue licences in terms of the Children (Performances) Regulations 1968 as amended or succeeded.
- 3.24 Accept and administer any educational trusts, grants or endowments which may be offered to the Council for schools in its area.
- 3.25 Carry out prosecutions under Section 43(2) of the Education (Scotland) Act 1980, where the Director considers it to be appropriate.
- 3.26 Manage arrangements for curricular and institutional development.
- 3.27 Following consultation with the Head of Human Legal and People, authorise, in appropriate circumstances, referrals and reports for submission to the General Teaching Council of Scotland.
- 3.28 Manage the delivery of the functions of the Council as Education Authority in terms of the Equality Act 2010.
- 3.29 Carry out the functions of the Council as Education Authority in relation to the Children and Young People (Scotland) Act 2014 and in relation to the provision of early years child care to provide the service either internally or externally through commissioning of services.
- 3.30 Carry out the functions of the Council as Education Authority in relation to the provision of Community Learning and Development in terms of The Community Learning and Development Regulations 2013,
- 3.31 Approve joint working arrangements with other bodies including but not limited to colleges, universities and education authorities.
- 3.32 Secure the provision of pre-school education for those children whose parents request such provision all in terms of Section 1 of the Education (Scotland) Act 1980 and Sections 32 to 34 of the Standards in Scotland's Schools etc. Act 2000.

4. Lifelong Learning and Leisure

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Lifelong Learning and Leisure is authorised to:

- 4.1 Manage the playing fields, recreational facilities and swimming pools provided or operated by the Council.
- 4.2 Manage arrangements for the Council's library and museums services and the provision of arts development activity.

- 4.3 Set charges for educational establishment lets, leisure facilities and cultural events.
- 4.4 Set charges for sports development coaching and other initiatives.
- 4.5 Undertake leisure programmes for council-managed facilities.
- 4.6 Determine applications for grants in line with Council policies and the Financial Regulations.

5. **Resources and Performance**

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Resources and Performance is authorised to:

- 5.1 Determine all placing requests under Section 28A of the Education (Scotland) Act 1980 as amended by Section 43 of the Standards in Scotland's Schools etc. Act 2000 in accordance with the guidelines formulated by the Council.
- 5.2 In cases where the parent changes residence and in terms of the Education (Scotland) Act 1980 makes a placing request that their child remain in the school attended prior to that change, accept that request provided that (1) the parent agrees to comply with the Council's policy on transport arrangements and costs, and (2) in all the circumstances the Director considers it is appropriate to accept the request.
- 5.3 Determine requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990.
- 5.4 Provide a school crossing patrol service.
- 5.5 Ensure that requisite provision is made for any pupil entitled in terms of Section 53(3AA) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day.
- 5.6 To approve the inclusion of items on a procurement plan, approve business cases, award contracts including direct awards, exercise options to extend contracts and vary contracts for all procurements of goods, works and services that are funded using only Pupil Equity Funding.

F. DIRECTOR OF INFRASTRUCTURE SERVICES

Subject to the General Provisions and Limitations and in addition to the General Delegations the Director of Infrastructure Services has the following powers and those powers are also delegated to the following officers:

1. Area Managers

Subject to the General Provisions and Limitations and in addition to the General Delegations, Area Managers are authorised to:

- 1.1 Set local holidays, taking into account local circumstances.
- 1.2 Approve, in consultation with the Chair of the Area Committee and relevant local Members, expenditure from the Area Committee budget up to £250.
- 1.3 Support, co-ordinate and implement all stages of Community Asset Transfer applications including any appeal of the decision of Area Committee.
- 1.4 Process applications for financial assistance requests from the Council's common good funds in terms of the Council's common good procedures; and to
 - a. determine the competency of applications in terms of the Council's Common Good Policy, following consultation with the Head of Finance and Head of Legal and People; and
 - b. approve awards of financial assistance from common good funds, following consultation with the relevant Ward Members, where there is majority agreement:
 - (i) that an award can be made; and
 - (ii) as to the amount of money that is to be awarded;falling which the matter be referred to the relevant Area Committee for determination.
- 1.5 Offer support, advice and assistance to Community Councils.
- 1.6 Approve the maximum membership number of a Community Council.
- 1.7 Act, or appoint a nominee, as Returning Officer for Community Council elections.
- 1.8 Administer Community Council elections.
- 1.9 Approve a Community Council's constitution and any subsequent amendments provided that the provisions of the constitution do not conflict with the Scheme for the Establishment of Community Councils.
- 1.10 Put a Community Council into supported status in accordance with the Scheme for the Establishment of Community Councils.

- 1.11 Re-instate a Community Council which has been in supported status, in accordance with the Scheme for the Establishment of Community Councils.

2. Economic Development and Protective Services

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Economic Development and Protective Services is authorised to:

Economic Development

- 2.1 Determine the award of assistance under the terms of Schemes of Business Development, including Business Gateway, or Employment Support approved from time to time by the Council.
- 2.2 Authorise support to businesses in Aberdeenshire up to £30,000 per business including authorisation of loans from the Business Loans Scotland Scheme.
- 2.3 Accept undertakings in terms of Section 219 of the Enterprise Act 2002 where a person has engaged, is engaging or is likely to engage in specified conduct harming the collective interests of consumers.
- 2.4 Approve the allocation of and authorise contracts for the European Regional Development Fund, European Social Fund and LEADER grants in accordance with legal obligations.
- 2.5 Manage the implementation and delivery of the Aberdeen City Region Deal.
- 2.6 Approve grants of up to £20,000 from the approved budget allocated to Regeneration Town Action Plans.

Protective Services

- 2.7 Implement all types of legislation, as required by the Service relating to Environmental Health including but not limited to the legislation set out in Section 1 of Appendix B.
- 2.8 Appoint suitably qualified officers to act as and fulfil the statutory functions of Home Safety Officer and Animal Health and Welfare Officer.
- 2.9 Act as, or arrange for the appointment of a suitably qualified officer to be the Council's Oil Pollution Officer.
- 2.10 Appoint a suitably qualified officer for the statutory functions and obligations of the Council under all current and relevant legislation relating to Environmental Health and Animal Health and Welfare.

- 2.11 Appoint suitably qualified persons to act as Licensing Standards Officers in terms of Section 13 of the Licensing (Scotland) Act 2005 as amended and Civic Licensing Standards Officers in terms of Section 82 of the Air Weapons and Licensing Act 2015.
- 2.12 Issue licences in respect of houses in multiple occupation, in terms of Housing (Scotland) Act 2006.
- 2.13 Discharge Council functions under Section 19 of the Health and Safety at Work Act 1974 in respect of designating and appointing staff as inspectors and appointing expert witnesses.
- 2.14 Grant or vary miscellaneous licences for, including but not limited to, animal boarding establishment, caravan parks and sites, dog breeding establishments, pet animals, performing animals, keeping dangerous wild animals, riding establishments and to vary or amend the conditions of such licences.
- 2.15 Withdraw notices in terms of the Local Government (Scotland) Act 1973.
- 2.16 Implement all types of legislation, as required by the Service relating to Trading Standards including but not limited to the legislation set out in Section 2 of Appendix B.
- 2.17 Appoint a suitably qualified officer to act as and fulfil the statutory functions of Chief Inspector of Weights and Measures.
- 2.18 Appoint suitably qualified officers for the statutory functions and obligations of the Council under all current and relevant legislation relating to Trading Standards.
- 2.19 Grant or vary miscellaneous licences for, including but not limited to, storage of explosives (including registrations) and petroleum storage (including certificates), and to vary or amend the conditions of such licences.
- 2.20 Grant or refuse a licence to sell fireworks outwith the prescribed period.
- 2.21 Issue, in respect of dangerous products, safety notices such as suspension notices, withdrawal notices, recall notices, requirement to mark and the requirement to warn notices, under the General Product Safety Regulations 2005.
- 2.22 Issue in respect of pyrotechnic articles, safety notices such as suspension notices, compliance notices, withdrawal notices and recall notices.
- 2.23 Grant authorisations for the performance of statutory duties to officers of the service, to officers employed by Aberdeen City Council, and to officers employed by other local authorities who have been appointed to work on enforcement projects with a Scotland wide remit.

- 2.24 Serve suspension notices in relation to any goods suspected to breach the safety provisions under the terms of Section 14 of the Consumer Protection Act 1987.
- 2.25 Give or withdraw a prohibition notice or premises notice under the Psychoactive Substances Act 2016.

Powers delegated to the Chief Officer of Trading Standards Scotland

Trading Standards Scotland support the work of local authority trading standards services where there are cross boundary enforcement issues. All trading standards officers employed by Trading Standards Scotland are appointed as officers of the Council. Individuals becoming employed by Trading Standards Scotland will automatically, by virtue of their appointment as trading standards officers of Trading Standards Scotland, be appointed as officers of the Council.

Pursuant to Section 56(1) of the Local Government (Scotland) Act 1973, the Council authorises the Chief Officer of Trading Standards Scotland to:

- 2.26 Discharge the Council's functions as a local weights and measures authority under the legislation set out in Appendix B, section 2; and,
- 2.27 Act as an authorised officer for the purposes of that legislation in fulfilment of all functions granted to local weights and measures authorities thereunder.
- 2.28 The Council further authorises the Chief Officer of Trading Standards Scotland to delegate the functions delegated to them by virtue of clause 2.25 above to grant authorisations to all or any trading standards officers employed by Trading Standards Scotland to act as authorised officers for the purposes of the legislation set out in Appendix B, Section 2 provided that the authorisations of individual officers shall not take effect until such time as their names appear on the list of authorised officers maintained by the Chief Officer of Trading Standards Scotland, a copy of which shall be provided to the Council and kept up-to-date at all times.

3. Housing

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Housing is authorised to:

- 3.1 Determine applications for assistance under Part 2 of the Housing (Scotland) Act 2006 in relation to private housing.
- 3.2 Manage all Housing building construction and maintenance work either by employed staff or by the use of contractors.

- 3.3 Approve assistance for elderly persons and persons with a disability to undertake housing adaptations up to a maximum of £50,000 and to carry out those works, as necessary.
- 3.4 Following consultation with the appropriate Head of Service, approve the provision of minor aids and minor adaptations for the homes of people with disabilities, within the budget available for the purpose and in accordance with approved Council policies.
- 3.5 Determine the implementation of court orders in relation to eviction of tenants from Council owned property.
- 3.6 Subject to specific delegation to Committees and other services, implement the relevant Housing functions required in terms of the Housing (Scotland) Acts and related legislation.
- 3.7 Following consultation with the Head of Legal and People, authorise payment in respect of home loss, disturbance or decant payments.
- 3.8 Act as benefitted proprietor to protect the Council's interests or those of the neighbourhood in respect of existing or former Housing Account property.
- 3.9 Implement the requirements of the Tenements (Scotland) Act 2004.
- 3.10 Accept housing applications, manage the waiting list and allocate houses according to Council policy.
- 3.11 Enforce all provisions of Parts 7 and 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, together with associated regulations.
- 3.12 Following consultation with the Head of Property and Facilities Management, purchase properties from the open market utilising the Fast Track protocol, following consultation with the Chair and Vice Chair of the Communities Committee and the Main Opposition Housing Spokesperson and notify local Ward Members, where necessary for meeting homelessness needs or increasing the Council's supply of affordable housing.
- 3.13 Determine building warrants and other applications under the building (Scotland) Act 2003 and enforce legislation.
- 3.14 Respond to consultation from Scottish Government, its agencies, other local authorities and organisations on building standards applications/ consents and related matters.

4. Planning and Environment

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Planning and Environment is authorised to:

- 4.1 Exercise the powers of officers as detailed in the List of Planning Delegations at Part 2C of the Scheme of Governance.
- 4.2 Issue Tree Preservation Orders and amend and revoke existing Tree Preservation orders where no adverse representation is received.
- 4.3 Determine applications for felling, lopping, topping or removal of trees in conservation areas, or covered by a Tree Preservation Order, for reasons of public interest and amenity.
- 4.4 Determine grant applications for architectural heritage, listed buildings and conservation area grant schemes.
- 4.5 Prepare planning and development briefs for sites in Council ownership, except in the case of significant developments contained within the Local Development Plan.
- 4.6 Respond to consultations from Scottish Government, its agencies, other local authorities and organisations on applications/consents and planning and environmental matters.
- 4.7 Serve Notices, Fixed Penalty Notices, seek Court Interdicts and take direct action in pursuance of enforcement against, including but not limited to, unauthorised developments, unauthorised displays of advertisements, unauthorised works to Listed Buildings, Waste Land notices, non-compliance with planning conditions and approved plans, including any actions falling under enforcement legislation.
- 4.8 Process, administer and defend planning appeals to Scottish Ministers either by written representation, hearing or Inquiry Sessions, where the application has been determined under delegated powers or the Committee has agreed with Officers' recommendations.
- 4.9 Following consultation with the Head of Legal and People, determine questions of access rights and Rights of Way and take such steps as are appropriate to preserve and maintain them including the exercise of all the powers available to the Council under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967.
- 4.10 Fulfil the functions of the Council under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 4.11 Deliver the Council's duties and responsibilities, in partnership with other agencies, in relation to conservation of biodiversity and Protected Species as required by the Nature Conservation Act 2004 and the Wildlife and Countryside Act 1981.

5. Roads, Landscape Services and Waste Management

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Roads, Landscape and Waste Management Services is authorised to:

- 5.1 As required by the remit of the service, exercise the functions of the Council as local roads authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991 and the Transport (Scotland) Act 2005 and any other relevant legislation. This includes the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on behalf of the Council in terms of the Council's functions relating to roads.
- 5.2 Manage and operate burial grounds and be responsible for the recording of information and undertake the allocation of lairs in accordance with Council policy.
- 5.3 Exercise the functions of the Council in terms of the Flood Risk Management (Scotland) Act 2009.
- 5.4 Act as the Coast Protection Authority in terms of the Coastal Protection Act 1949.
- 5.5 Exercise the functions of the Council under the Environmental Protection Act 1990, as amended by the Environment Act 1995 and relevant regulations, as they relate to the statutory obligations incumbent on the Council in respect of waste management including enforcement action and the service of fixed penalty notices.
- 5.6 Exercise the functions of the Refuse Disposal (Amenity) Act 1978, as amended by any subsequent legislation, relating to any matter including abandoned vehicles.
- 5.7 Authorise the Harbour Master in any way as they think fit to exercise the functions of the Council in terms its obligation to the Port Marine Safety Code and Port Facilities Security Plan legislation.
- 5.8 Exercise the Roads functions of the Council in terms of the Sewage (Scotland) Act 1968.

6. Transportation

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Head of Transportation is authorised to:

- 6.1 As required by the remit of the service, exercise the functions of the Council as local roads authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991 and the Transport (Scotland) Act 2005 and any other relevant legislation. This includes the serving of any notices, withdrawal of any notices, issue of any licences, giving any consents and generally take any necessary action on

behalf of the Council in terms of the Council's functions relating to transport and parking.

- 6.2 Act as, or arrange for the appointment of, a suitably qualified officer to be the Council's vehicle operator and to hold the Council's vehicle operator's licence in terms of the Goods Vehicles (Licensing of Operators) Act 1995 and any relevant regulation.
- 6.3 Implement the functions of the Transport Act 1985 and Transport (Scotland) Act 2001 in relation to bus services.
- 6.4 Exercise the functions of the Council under Section 97 of the Civic Government (Scotland) Act 1982 in relation to street names and house numbers, provided that proposed street names that relate to any individual persons living or dead or where Local Members and Community Council(s) are not in accordance, must be referred to the Area Committee for determination.
- 6.5 Execute relevant documentation in connection with membership and represent the Council at members meetings of South West Smart Applications Ltd.
- 6.6 Exercise the Transportation functions of the Council in terms of the Sewage (Scotland) Act 1968.

G. ABERDEENSHIRE INTEGRATION JOINT BOARD

The Integration Joint Board issues Directions to the Council and NHS Grampian relating to service delivery of their functions. The Health and Social Care Partnership is the name given to the partnership comprising Aberdeenshire Council and NHS Grampian, the purpose of which is to deliver health and social care services for adults on behalf of the Aberdeenshire Integration Joint Board.

1. Chief Officer of the Integration Joint Board:

Subject to the General Provisions and Limitations and in addition to the General Delegations, the Chief Officer of the Integration Joint Board has the power to implement Directions from the Integration Joint Board, including but not limited to the following:

- 1.1 Take any necessary action on behalf of the Council to ensure that it discharges its duties under the legislation set out in Section 4 of Appendix B or generally any legislation relating to the provision of adult social care and support services.
- 1.2 Arrange for the protection of property of people who have gone into hospital or care as in Section 48 of the National Assistance Act 1948.
- 1.3 Make direct payments to individuals to help them purchase community care services as in Sections 12B and 12C of the Social Work (Scotland) Act 1968.
- 1.4 Provide care at home services as in Section 14 of the Social Work (Scotland) Act 1968.
- 1.5 Bury or cremate any person who was in the care of, or receiving help from, the Council immediately before their death as in Section 28 of the Social Work (Scotland) Act 1968.
- 1.6 Decide whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in Section 29 of the Social Work (Scotland) Act 1968.
- 1.7 Provide and maintain whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of Section 59 of the Social Work (Scotland) Act 1968.
- 1.8 Recover from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in Section 86 of the Social Work (Scotland) Act 1968.

- 1.9 Recover charges for services provided under the Social Work (Scotland) Act 1968 as in Section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under Sections 1 to 6 of Community Care and Health (Scotland) Act 2002.
- 1.10 Provide information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in Section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 1.11 May make arrangements for facilities for seriously disabled persons for sheltered employment and training as in Section 3 of the Disabled Persons (Employment) Act 1958.

Community Care Powers

- 1.12 Take any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:
 - 1.12.1 Make inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (Section 4),
 - 1.12.2 Apply to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (Sections 7 and 11),
 - 1.12.3 If recommended by the relevant medical officer, apply for an order to remove to suitable premises a person in need of care and attention (Sections 14 to 18),
 - 1.12.4 Apply for a banning order (Sections 19 to 34).
- 1.13 Promote social welfare including giving help "in kind or in cash" where the terms of Section 12 of the Social Work (Scotland) Act 1968 are met.
- 1.14 Collaborate with individuals and carers to assess their needs and providing information in accordance with Sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968.
- 1.15 Make arrangements with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in Section 13A of the Social Work (Scotland) Act 1968.
- 1.16 Approve rates for and contracts for delivery of residential and other services in emergency circumstances.
- 1.17 Assess needs of disabled or chronically sick people as in Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.

- 1.18 Approve waivers or disregards in respect of determining a service user's liability for contribution to social care and housing support services provided.
- 1.19 Approve waivers and disregards in respect of determining a service user's liability for contribution to care home (residential/nursing) costs.
- 1.20 Following consultation with the Head of Legal and People, approve the variation, suspension or termination of contracts with providers.
- 1.21 Authorise the provision of aids and adaptations for the homes of people with disabilities within the approved budget available for the purpose and in accordance with approved policies.
- 1.22 Following consultation with the Head of Legal and People and the Chief Social Worker, authorise, in appropriate circumstances, referrals and reports for submission to the Scottish Social Services Council.

H. CHIEF SOCIAL WORK OFFICER

The Chief Social Worker is a Proper Officer appointed by the Council to act as the Chief Social Work Officer in terms of Section 3 of the Social Work Act 1968 for Council functions and those within the remit of the Integration Joint Board.

The Chief Social Work Officer has powers including but not limited to the following:

- 1.1 To provide or secure the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in Section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 1.2 To provide after-care services for people who are/have been, suffering from mental disorder as in Section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 1.3 To appoint Mental Health officers as in Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervise the discharge of their statutory responsibilities; and,
- 1.4 Discharge the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
 - 1.4.1 The following duties within Section 10 of the Act:
 - a. supervising guardians,
 - b. consulting the Public Guardian and Mental Welfare Commission on matters of common interests,
 - c. receiving and investigating complaints about welfare attorneys and matters of common interests,
 - d. receiving and investigating complaints about welfare attorneys and guardian, and,
 - e. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and,
 - 1.4.2 The following duties within Section 57 of the Act:
 - a. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard, and,
 - b. providing court reports of private applications to be a guardian.

APPENDIX B – List of relevant legislation

SECTION 1 - ENVIRONMENTAL HEALTH

Abandonment of Animals Act 1960

Agricultural Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Animal Boarding Establishments Act 1963

Animal Health and Welfare Act 1984

Animal Health & Welfare (Scotland) Act 2006

Animal Health Act 1981

Breeding of Dogs Acts 1973 and 1991

Breeding & Sale of Dogs (Welfare) Act 1999

Caravan Sites & Control of Development Act 1960

Civic Government (Scotland) Act 1982

Clean Air Act 1993

Control of Dogs Order 1992

Control of Dogs (Scotland) Act 2010

Control of Pollution Act 1974

Contaminated Land (Scotland) Regulations 2000

Dangerous Dogs Acts 1989 and 1991 (as amended)

Dangerous Wild Animals Act 1976

Dog Fouling (Scotland) Act 2003

Dogs Act 1906

Environment Act 1995

Environmental Protection Act 1990

European Communities Act 1972

Fire Safety and Safety of Places of Sports Act 1987

Food and Environment Protection Act 1985 (S.19)

Food Hygiene (Scotland) Regulations 2006

Food Safety Act 1990

Gambling Act 2005

General Product Safety Regulations 2005

Guard Dogs Act 1975

Health and Safety at Work etc. Act 1974

Housing (Scotland) Act 1987/88/2001/2006

Licensing (Scotland) Act 2005

Local Government Act 1972

Noise and Statutory Nuisances Act 1993

Official Feed and Food Control (Scotland) Regulations 2005

Official Feed and Food Controls (Scotland) Regulations 2009

Pet Animals Act 1951

Performing Animals (Regulation) Act 1925 as amended

Prevention of Damage by Pests Act 1949

Protection of Animals (Scotland) Act 1912 and 1954

Public Health (Ships) Regulations 1979

Public Health (Ships) (Scotland) Regulations 1971

Public Health etc. (Scotland) Act 2008

Refuse Disposal (Amenity) Act 1978

Riding Establishments Act 1964 and 1970

Sewerage (Scotland) Act 1968

Smoking, Health and Social Care (Scotland) Act 2005

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016

The Bovines & Bovine Products (Trade) Regulations 1999

The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

The Trade in Animals and Related Products (Scotland) Regulations 2012

The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

Theatres Act 1968

Water (Scotland) Act 1980

Zoo Licensing Act 1981

SECTION 2 - TRADING STANDARDS

Agricultural Act 1970

Agricultural Produce (Grading & Marking) Act 1928

Antisocial Behaviour (Scotland) Act 2004, Secs 122 and 123

Children & Young Persons (Protection from Tobacco) Act 1991

Civic Government (Scotland) Act 1982

Clean Air Act 1993

Consumer Credit Act 1974

Consumer Protection Act 1987 (including the issue of Suspension Notices under Sec 14)

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights Act 2015

Copyright Designs & Patents Act 1988

Customs and Excise Management Act 1979

Education Reform Act 1988

Energy Act 1976

Energy Conservation Act 1981

Environment Act 1995

Enterprise Act 2002

Estate Agents Act 1979

European Communities Act 1972

Explosives Act 1875

Fireworks Act 2003

Food and Environmental Protection Act 1985

Hallmarking Act 1973

Health and Safety at Work etc. Act 1974

Housing (Scotland) Act 2006

Intellectual Property Act 2014

Medicines Act 1968

Motorcycle Noise Act 1987

Poisons Act 1972

Prices Acts 1974-75

Psychoactive Substances Act 2016

Road Traffic Act 1988

Tobacco Advertising and Promotion Act 2002

Tobacco and Primary Medical Services (Scotland) Act 2010

Trade Descriptions Act 1968

Trade Marks Act 1994

Unsolicited Goods and Services Act 1971

Video Recordings Act 1984 (as amended by the Video Recordings Act 2010) and 1993

Weights and Measures Act 1976 and 1985

SECTION 3 - CHILDREN'S SOCIAL WORK SERVICES

Part IV of the Children and Young Persons (Scotland) Act 1937

Children and Young People (Scotland) Act 2014

The Matrimonial Proceedings (Children) Act 1958

The Children Act 1975

The Adoption (Scotland) Act 1978
The Adoption and Children (Scotland) Act 2007

The Foster Children (Scotland) Act 1984

Social Care (Self-directed Support) (Scotland) Act 2013

Social Work (Scotland) Act 1968

The Children (Scotland) Act 1995

The Children's Hearings (Scotland) Act 2011

The Criminal Procedure (Scotland) Act 1995

Secure Accommodation (Scotland) Regulations 2013

Antisocial Behaviour etc. (Scotland) Act 2004

SECTION 4 - INTEGRATION JOINT BOARD AND HEALTH AND SOCIAL CARE PARTNERSHIP

National Assistance Acts

Disabled Persons (Employment) Act 1958

Social Work (Scotland) Act 1968

Chronically Sick and Disabled Persons Act 1970

Disabled Persons (Services, Consultation and Representation) Act 1986

National Health Service and Community Care Act 1990

Criminal Procedure (Scotland) Act 1995

Adults with Incapacity (Scotland) Act 2000

Housing (Scotland) Act 2001

Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001

Community Care and Health (Scotland) Act 2002

Homelessness etc. (Scotland) Act 2003

Mental Health (Care and Treatment) (Scotland) Act 2003

Adult Support and Protection (Scotland) Act 2007

Public Services Reform (Scotland) Act 2010

Social Care (Self-directed Support) (Scotland) Act 2013

Public Records (Scotland) Act 2011

Freedom of Information (Scotland) Act 2002

Data Protection Act 1998

Data Protection Act 2018

Regulation of Investigatory Powers (Scotland) Act 2000

Environmental Information (Scotland) Regulations 2004
