

Agenda Item	19
Report No	HC/70/13

13 March 2014

REVISED SCHEME OF DELEGATION - STRATEGIC COMMITTEES AND OFFICERS

Report by the Depute Chief Executive

Summary

This report proposes further revisions to the current Scheme of Delegation following approval of changes in relation to Strategic Committees and the Council's Service Structure.

1. Background

- 1.1 Members will be aware that, at the last meeting on 19 December 2013, changes were agreed in relation to the re-naming of Strategic Committees and the scope of delegation in each case in order to achieve better alignment with the previously agreed changes to the Council's Service Structure.
- 1.2 It was also agreed that further work should be undertaken by Officers in order to highlight the detail within each delegation on the basis that implementation of the new proposals would commence on 1 April 2014.

2. Strategic Committees – Delegation

- 2.1 This work has now been undertaken and the new proposed Schemes of Delegation for the following Strategic Committees have been attached as Appendix 1 to this report –

Resources Committee
Education, Children and Adult Services
Planning, Development and Infrastructure Committee
Community Services Committee

- 2.2 In this regard, the opportunity has also been taken to review the Scheme of Delegation to Officers and proposals in this regard have been attached as Appendix 2 to the report.

3. Vacancy Management Group

- 3.1 In line with the proposed changes to the Scheme of Delegation for HR Services, it is proposed that changes are made to the Vacancy Management Group (VMG) in order to reduce the amount of administration and bureaucracy. Under the current process, Service Directors have to submit requests to the VMG (which comprises the Depute Chief Executive and Director of Finance) to get authorisation to fill posts, apart from 'exempt' posts (e.g. front line posts) which can be filled by Service Directors without reference to the VMG. Approval is then sought from the Chair and Vice Chair of the Finance, Housing and Resources Committee.

3.2 It is proposed that the VMG process is delegated to Service Directors (for all posts) to decide which posts should be filled as they are ultimately responsible for their budgets. A common procedure will be adopted across Services which would involve the Service Director, the Service Finance Manager and the Service HR Business Partner (acting as Service VMGs) with the Finance Manager confirming the budget situation and the HR Business Partner confirming grade of posts and advising if it was suitable for redeployment. The presumption would be that posts would be advertised internally first. The exception would be where there was justification to advertise internally and externally simultaneously e.g. for specialist posts.

4. Implications Arising from the Report

4.1 There are no resource, legal, climate change/carbon clever, equalities or risk implications arising from these proposals.

5. Recommendation

5.1 The Council is asked to approve the amendments to the Scheme of Delegation in regard to Strategic Committees and to Officers as detailed and as highlighted in Appendices 1 and 2 to this report.

5.2 The Council is also asked to approve the revised arrangements in regard to the Vacancy Management Group as detailed in Section 3 of the report.

Designation: Depute Chief Executive

Date: 28 February 2014

Resources Committee

1. General

1.1 All matters relating to the:

- management and arrangement of the financial affairs of the Council;
- management of arrangements for corporate development including business change to support corporate improvement and efficiency;
- management of arrangements for ICT Services and partnerships supporting the delivery of effective and efficient service delivery;
- management of arrangements for Customer Services including the Service Point Network, Service Centre and digital service delivery through the Council website and other channels;
- management of policy relating to the management, engagement, development and health, safety and wellbeing of employees;
- management arrangements for Corporate Performance reporting and self-assessment;
- management of legal and democratic services to support effective corporate governance;
- consideration of corporate policies not listed within the remit of the Council or other Committees; and
- other general business relating to the effective operation of the Council and not covered by other committees.

2. Specific

Finance Service

- 2.1 To monitor the Revenue and Capital Budgets of the Council
- 2.2 To deal with all matters relating to the costs of capital projects submitted by Committees and included in the capital programme approved by the Council.
- 2.3 To deal with all matters relating to the manner in which capital expenditure is defrayed.
- 2.4 To approve treasury management activities (including the scrutiny of policy and strategy statements, outturn and performance monitoring reports and practices).
- 2.5 To keep accounts for the proper recording and auditing of all transactions.
- 2.6 To provide in-house financial management and advice relative to the Council's PPP, Joint Venture and other similar developments/activities.
- 2.7 To deal with all matters relating to banking arrangements and the negotiation of banking terms.

- 2.8 To arrange for insurance cover in respect of the Council's risks and management of the insurance fund.
- 2.9 To fix charges, rebates and allowances not linked to or associated with the functions referred to any other Committee.
- 2.10 To consider all applications for loans, grants, donations and subscriptions not linked to the functions referred to any other committee and which are included in the budget.
- 2.11 To approve Local Government Pension Scheme discretionary policies in respect of the Council's role as an employer within the Pension Fund.
- 2.12 To deal with all matters relating to the administration of local taxation, including Council tax and non-domestic rates.
- 2.13 To deal with all matters relating to the administration of council tax reduction and housing benefits including benefits promotion and anti-fraud activities.
- 2.14 To deal with all matters relating to the collection and recovery of debts owed to the Council.
- 2.15 To determine appeals against assessments and the disposal under any enactment of all other claims or applications for relief.
- 2.16 To approve all matters relating to the development and implementation of Procurement Policy, Strategy and Governance.
- 2.17 To review and monitor the superannuation of employees under the Local Government Superannuation (Scotland) Acts but excluding the management and investment of the superannuation and other funds.

3. Corporate Development

- 3.1 To consider and approve policies relating to the management, engagement, development and wellbeing of employees, including equal opportunities in employment, employee learning and development, human resource management, and the health, safety and well-being of employees.
- 3.2 To review and approve policies relating to effective performance management and self-assessment.
- 3.3 To monitor the establishment of all employees (other than Directors) who come within the scope of the Scottish Joint Council for Local Government Employees and the Scottish Joint Negotiating Committee for Craft Operatives.
- 3.4 To review and monitor the arrangements for customer service, including through the Service Point Network, Service Centre, Website and other channels being developed to support efficient and effective access to the Council and services.

- 3.5 To review and monitor the arrangements for the delivery of efficiency and service improvements through the Corporate Improvement Programme and other corporate initiatives to improve the effectiveness and efficiency of the Council and its services.
- 3.6 To agree, review and monitor the arrangements for ICT Services (corporate and curriculum) including services delivered in-house and those delivered in partnership and through contractual arrangements with external organisations.
- 3.7 To approve and monitor implementation of the Council's policies in relation to mitigating against and adapting to climate change, including the Carbon Clever Initiative and Carbon Management Plan.
- 3.8 To agree, review and monitor policies for improving employee engagement and partnership working. To ensure the fostering of good industrial relations through effective consultation and communication in partnership with the trade unions.
- 3.9 To ensure the provision of support to Lieutenancies within the area of the Council.
- 3.10 To oversee the effective administration of, and to ensure appropriate resources for the licensing function, including the Highland Licensing Committee and Board.
- 3.11 To oversee the management of the functions of the Council as Registration Authority for the purposes of the Registration of Births, Deaths and Marriages Act 1965 and for the licensing of approved places for civil marriages under the Marriage (Approved Places) (Scotland) Regulations 2002.
- 3.12 To appoint the Committees/Sub-Committee with the remits detailed below, acting with full delegated powers, to deal with Appeals, Disputes and Early Retirement. **

4 Development and Infrastructure

Property

- 4.1 The management, lease and disposal of land and property of a capital value exceeding £200,000 or £25,000pa: investigating and formulating proposals for joint venture utilising Council property assets.
- 4.2 The acquisition and lease of land and property of a capital value exceeding £150,000 for acquisitions or £15,000pa for leases.
- 4.3 The disposal of land at less than the best consideration than can reasonably be obtained with a market value in excess of £10,000 or where marginal differences between proposed prices and best consideration prices is 25% or less and the marginal difference exceeds £10,000 should be taken on the basis of analysis undertaken in accordance with the requirements of the disposal of land by Local Authorities (Scotland) Regulations 2010.

4.4 Approval of business cases to take forward office rationalisation and improvement projects.

Powers and Duties Delegated to the Committee

All of the powers and duties detailed in 1.1 to 4.4 above other than those specifically reserved under Part 1 of the Scheme and those fully delegated to the following -

**** (a) Appeals Committee**

To conduct formal Appeals Hearings in accordance with Council policy relating to dismissals, disciplinary sanctions taken by a Service Director or his/her nominated representative, grievances and claims of harassment or discrimination.

To conduct formal hearings in accordance with procedures laid down by the Council to enable the settlement of differences and disputes between the Council and its employees.

**** (b) Disputes Committee (Ad Hoc)**

To conduct formal hearings in accordance with procedures laid down by the Council to enable the settlement of differences and disputes between the Council and its employees.

**** (c) Early Retirement Sub-Committee**

To consider and determine cases for early retirement, severance, redundancy etc. for all employees of the Council in accordance with the relevant Council policies.

To consider exceptional circumstances applying to transfers into the Local Government Pensions Scheme from occupational pension schemes or personal pension schemes.

**** (d) Non Domestic Rates Appeal Committee**

To consider and determine appeals by ratepayers on non-Valuation aspects of rates administration".

** Full delegated powers.

Education, Children & Adult Services Committee

1. General

- 1.1 To scrutinise and monitor the management and delivery of services, including statutory functions for Social Care, Child Health, Education, Culture, Sport and Community Learning.
- 1.2 To develop policy and strategy in relation to Care and Learning Services.
- 1.3 To oversee the safeguarding of the wellbeing of adults and children, and secure continuous improvement through the development, review and scrutiny of strategic and operational plans and associated policies for the delivery of Social Care, Child Health and Education, Culture & Sport Services.
- 1.4 To consider the Capital Programme and the Revenue Budget for the services included in the Committee's remit, and to monitor and oversee these budgets, including dealing with over expenditure.
- 1.5 To respond to representations and consultations etc. from the UK and Scottish Governments, and make representations to Ministers and other bodies regarding services included in the Committee's remit.
- 1.6 To make recommendations to the Council on the outcomes of statutory consultation on school provision.
- 1.7 To undertake consultation with relevant agencies and organisations, including the voluntary sector, to achieve a co-ordinated approach to the provision of services within the Committee's remit.
- 1.8 To Ensure preparation of the strategic plan relating to Highland's provision of Criminal Justice Services.
- 1.9 To oversee the scrutiny of adult social care services delegated to NHS Highland, including the consideration of recommendations for the Adult Services Development and Scrutiny Sub Committee.
- 1.10 To secure the process for Community Learning and Development by publishing a 3 year plan setting out how provision will be co-ordinated with other bodies, what will be provided directly and how needs for Community Learning and Development will be assessed.
- 1.11 To engage with the national Police Service and the national fire and Rescue Service on the development of their Local Plans for the Highlands for the following policy areas: youth justice, alcohol and drugs, adult protection, child protection and offending and re-offending.

To recommend to the Council the agreement of these aspects of the Local Police and Fire and Rescue Plans to ensure alignment with the Single Outcome Agreement.

- 1.12 To appoint the following Sub Committees: Adult Services Development & Scrutiny Sub Committee, Culture and Leisure Contracts Sub Committee, Criminal Justice Sub Committee, Appeals Committee and Appointments Committee.

Planning, Development and Infrastructure Committee

1. General

1.1. To carry out the functions of the Council as the statutory authority in relation to:

- Development Planning
- Development Management
- Planning Enforcement
- Building Standards
- Access
- High Hedges
- Flood Risk Management
- Coast Protection
- Weights and Measures
- Consumer Safety

1.2. To carry out the functions of the Council in delivering services relating to:

- Economic Development and Regeneration
- Europe
- Land Reform and Environment
- Transport Planning
- Airstrips
- Major Capital Design
- Energy
- Housing Development
- Asset Management
- Industrial Investment
- Trading Standards, Consumer Protection and Consumer Advice

2. Specifics

2.1. Planning and Building Standards

2.1.1. To oversee the functions of the Council as the Planning Authority under the Town and Country Planning (Scotland) Act 1997 (as amended) and other relevant statute

2.1.2. To oversee the functions of the Council as the Buildings Authority under the Building (Scotland) Act 2003 (as amended) and other relevant statute

2.1.3. To prepare and thereafter annually update a Development Plan Scheme setting out the Council's programme for preparing and reviewing development plans

2.1.4. To prepare, monitor and review Local Development Plans, Supplementary Guidance and other strategic land use, transportation and environmental

policies and guidance for the Council in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) - which may include the establishment of short life Sub-Committees/Working Groups to take forward such a plan, guidance or policy for a specific geographic area - and to adopt, with the exception of Local Development Plans which are reserved to full Council, any such policy, guidance or plan where such functions and powers are not delegated to other Committees or where other Committees have declined to exercise their delegated powers

- 2.1.5. To prepare and approve such Action Programmes and Annual Monitoring reports as are required to maintain effective coverage/implementation/delivery of Local Development Plans across the Council's area in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended)
- 2.1.6. To determine all applications referred to the Committee (with the exception of applications relating to 'major developments' (as designated by s26A(1)(b)&2 of the Town and Country Planning (Scotland) Act 1997 (as amended) which are considered to be significantly contrary to the development plan, rather than to a Planning Applications Committee where the Director, following consultation with the Planning, Development, and Infrastructure Chair and the relevant Chairs of the Planning Applications Committees, is of the opinion that an application raises strategic and/or cross boundary issues
- 2.1.7. To exercise all functions available to the Council under the High Hedges (Scotland) Act 2013, unless otherwise reserved to The Highland Council or delegated to Planning Applications Committees or Officers. For the avoidance of doubt, the power to fix fees for high hedge notice applications under Section 4 of the Act, and issue guidance under Section 31 of the Act, rests with this Committee.
- 2.1.8. To determine applications referred to the Committee under the Council's Notice of Amendment procedures in respect of applications first considered at a Planning Applications Committee
- 2.1.9. To respond to consultations from Scottish Ministers on energy developments under the Electricity Act 1989 (including those relating to s36 and s37 applications) referred to the Committee under the Council's Notice of Amendment (Planning) procedures in respect of applications first considered at a Planning Applications Committee
- 2.1.10. To fulfil the functions of the Council under the terms of the Ancient Monuments and Archaeological Areas Act 1979 (as amended) and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) where such functions are not delegated to Officers (or where Officers have declined to exercise their delegated powers) or to Planning Applications Committee.

2.1.11. To respond on behalf of the Council in relation to consultations from the Scottish Government and other organisations in relation to legislation, policies and programmes that might affect town and country planning, building standards, high hedges, environmental issues, economic development and tourism across the Highlands.

2.1.12. To take action as appropriate under the powers of the Town & County Planning (Scotland) Act 1997 in relation to:

- Orders & Notices (Part 4)
- Purchase of Interests (Part 5)
- Roads, Footpaths & Rights of Way (Part 9)
- Validity (Part 11)
- Financial Provisions (Part 13)
- Rights of Entry (Sections 269 & 270)

2.2. Economic Development and Regeneration

2.2.1. To promote the Highland's identity and image to live, work and visit with the business community, institutions, media and Government agencies

2.2.2. To facilitate opportunities for inward investment, regeneration and economic development of the Highlands

2.2.3. To co-ordinate the work of Council Services and work in partnership with public and private sector partners to develop the tourism industry across the Highlands

2.2.4. To promote the Highlands as a destination for tourism and as a location for film and media work

2.2.5. To agree arrangements for Business Improvement Districts under the Town and Country Planning (Scotland) Act 1997 (as amended)

2.2.6. To agree arrangements for any Urban Regeneration Company

2.2.7. To receive annual reports on the following companies, including Financial Reports and Accounts – Beinn Tharsuinn Wind Farm Community Ltd, Highland Historic Buildings Trust, Highland Opportunity Ltd, Highland Opportunity (Communities) Ltd, Highland Opportunity (EBS) Ltd, Highland Opportunity (Investments) Ltd, Inverness Airport Business Park Ltd and Ness Horizons.

2.3. Europe

2.3.1. To safeguard the interests of peripheral and rural regions by maximising the benefits of European Funding, participating in the full range of European strategies and programmes, and ensuring a high Highland profile in relevant European organisations

2.4. Land Reform and Environment

- 2.4.1. To deliver the Council's duties and responsibilities, where such duties and responsibilities are not delegated to Officers (or where Officers have declined to exercise their delegated powers) or to Planning Applications Committees, under the Countryside Act 1967, the Land Reform (Scotland) Act 2003 (in terms of access) and the Nature Conservation Act 2004
- 2.4.2. To draw up, review, amend and adopt plans for a system of core paths sufficient for the purpose of giving the public reasonable access throughout their area, in accordance with the Land Reform (Scotland) Act 2003
- 2.4.3. To carry out environmental works in accordance with the Council's approved capital and revenue programmes
- 2.4.4. To serve notices and to acquire land by agreement or compulsory purchase with the consent of Scottish Ministers pursuant to the delivery of the Council's duties and responsibilities under Part 1 of the Land Reform (Scotland) Act 2003
- 2.4.5. To appoint persons to Local Access Fora in pursuance of its duties and responsibilities under Part 1 of the Land Reform (Scotland) Act 2003
- 2.4.6. To exempt land from access rights in pursuance of its duties and responsibilities under Part 1 of the Land Reform (Scotland) Act 2003
- 2.4.7. To enter into path agreements in pursuance of its duties and responsibilities under Part 1 of the Land Reform (Scotland) Act 2003

2.5. Transport Planning

- 2.5.1. To approve the layout of road improvement schemes requiring statutory consents
- 2.5.2. To approve the level of charges for road construction consents, permissions to occupy and to work on the road
- 2.5.3. To recommend Compulsory Purchase Orders to the Council
- 2.5.4. To develop and approve the local transport strategy
- 2.5.5. To approve the scale of charges for car parking
- 2.5.6. To approve the scheme for concessionary fares

2.6. Flood Risk Management

- 2.6.1. To set policy for the inspection and maintenance of watercourses
- 2.6.2. To promote Flood Prevention Orders

2.6.3. To approve the Council's statutory Flood Plans

2.7. Coast Protection

2.7.1. To set policy for the maintenance of existing and implementation of new coast protection schemes

2.8. Airstrips

2.8.1. To set policy for the management and maintenance of airstrips

2.8.2. To approve the scale of charges for airstrips

2.9. Housing

2.9.1. To have overall responsibility for the Council's policies on private sector housing and to approve expenditure of Private Sector Housing Grant

2.9.2. To consider all applications for housing development loans and grants and to oversee the operation of the Council's Landbank Fund

2.9.3. To receive an Annual Report on the Highland Housing Alliance, including Financial Reports and Accounts

2.10. Property

2.10.1. To take over at the request of any Committee the management and maintenance of any land or property while it is not required by that Committee

2.10.2. To approve terms and conditions negotiated by the Director of Development and Infrastructure for the acquisition, disposal or lease of land and property

2.10.3. To monitor the status of building projects appearing in the capital works and maintenance programmes

2.10.4. To agree and monitor the project management arrangements for Public Private Partnership schemes relating to building construction or maintenance programmes

2.10.5. To agree and monitor the Service's role as CDM Co-ordinator under the Construction (Design and Management) Regulations 2007 (CDM Regulations)

2.10.6. To monitor the purchase of fuels and energy and agree such contracts

2.10.7. To approve and maintain competed framework arrangements for minor and major works contracts

2.10.8. To decide on grants of national significance which relate to the Service's responsibilities

2.11. Consumer Protection

2.11.1. To promote and approve policies in relation to consumer protection, including:

- Trading Standards
- Consumer Advice
- Business Advice
- Petroleum, explosives and poisons licensing and registration
- Enforcement of Civic Government Licensing

2.11.2. To approve the fees and charges for testing and stamping weights and measures equipment, miscellaneous weights and measures charges and licensing and registration under the relevant statutory provisions of the Health and Safety at Work Act 1974 relating to the storage of petroleum and explosives, Poisons Act 1982 and Fireworks Regulations 2004

Powers and Duties Delegated to the Committee

All the powers and duties specified in 1 to 2.11 above other than those specifically reserved under Part I of this scheme

Planning Applications Committees
from the Planning, Development and Infrastructure Committee and from
Council

1. To exercise delivery of the development management and enforcement functions under the Town and Country Planning (Scotland) Act 1997 (as amended) and the Planning etc (Scotland) Act 2006, where such functions and powers are not delegated to Officers or where Officers have declined to exercise their delegated powers, and with the exception of (i) applications for planning permission falling within the category of 'national development' (as designated by s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended)); (ii) applications for planning permission falling within the category of 'major developments' (as designated by s26A(1)(b)&(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which are considered to be significantly contrary to the development plan; and (iii) applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which relate to developments falling within the category of 'national development' or 'major developments' and where the subject planning permission was granted by either the Planning, Development and Infrastructure Committee or the Highland Council.
2. To exercise building standards functions under the Building Standards (Scotland) Act 2003 (as amended) where such functions and powers are not delegated to Officers or where Officers have declined to exercise their delegated powers
3. To exercise the statutory functions of the Planning Authority as set out in the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) and the Planning (Hazardous Substances)(Scotland) Act 1997 (as amended) where such functions and powers are not delegated to Officers or where Officers have declined to exercise their delegated powers
4. To consider all proposals on behalf of the Council in relation to Part 6 (Enforcement), Part 7 (trees, amenity and advertisements) and Part 12 (Crown Land) all as set out in the Town & Country Planning (Scotland) Act 1997 (as amended).
5. To respond to consultations from Scottish Ministers on energy developments under the Electricity Act 1989 (including those relating to s36 and s37 applications), unless otherwise delegated to Officers.
6. To exercise the responsibilities in respect of the repair of buildings under Section 87 of the Civic Government (Scotland) Act 1982 and in respect of planning and building certificates under the Licensing (Scotland) Act 1976.
7. To appoint the Chairman and Vice Chairman of the Committee.

8. In relation to the High Hedges (Scotland) Act 2013, and unless otherwise reserved by The Highland Council or to the Planning, Development and Infrastructure Committee or delegated to Officers:
 - a. To determine, under Section 6, whether or not to take action following an application for a high hedge notice (and to specify what action, if any, should be taken);
 - b. To determine whether or not to vary and/or withdraw a high hedge notice under Section 10 of the Act;
 - c. To determine, in relation to an application determined by a Planning Applications Committee, whether the Council wishes an appeal to Scottish Ministers to be dealt with by way of Written Submissions, a Hearing or by Public Local Inquiry (or any means of determination available to Scottish Ministers);
 - d. To instruct the reporting of any offence under the High Hedges (Scotland) Act 2013 to the Procurator Fiscal;
 - e. To exercise any power normally delegated to Officers but where Officers have declined to exercise their delegated powers in relation to a particular matter or application.

All of the powers and duties of the Planning, Development and Infrastructure Committee contained in 1 - 8 above, the powers in 7 being fully delegated.

Community Services Committee

1. General

1.1 To carry out the functions of the Council as the statutory authority in relation to:

- Roads
- Harbours
- Environmental Protection
- Waste Collection and Disposal
- Burials
- Food Safety
- Health and Safety Enforcement
- Housing and the determination of the Local Housing Strategy

1.2 All of the functions of the Council in delivering services relating to:

- Ferries
- Environmental Health, Animal Health and Contaminated Land
- Community Works
- Emergency Planning
- Oil Pollution
- Recycling
- Street Cleansing
- Roads Network Management
- Property Maintenance Management
- Street Lighting
- Public Transport
- School Transport
- Road Safety
- Communications
- Fleet Management
- Stores
- Winter Maintenance
- Grounds Maintenance
- Estates and Tenancy Management
- Housing Allocations
- Tenant Participation
- Homelessness
- Housing Maintenance
- Property Maintenance
- Housing input into Community Care
- Housing Grants

2. Specifics

2.1 Roads

2.1.1 To set policy for the management and maintenance of roads and bridges.

2.2. Housing

2.2.1 To approve the Housing Revenue Account Estimates and set associated rents and service charges.

2.2.2 To have overall responsibility for the Council's housing management and homelessness policies.

2.2.3 To oversee the work of the Building Maintenance DLO.

2.2.4 To have overall responsibility for the Council's policies on unauthorised Gypsy/Traveller encampments.

2.3 Ferries, Harbours, Piers and Slipways

2.3.1 To set policy for the management and maintenance of ferries, harbours, piers and slipways.

2.3.2 To promote Harbour Orders

2.3.3 To approve the scale of charges for ferries, harbours, piers and slipways in the Council's control.

2.3.4 To receive the Minutes of the Harbours Management Board.

2.4 Waste Management

2.4.1 To promote and approve strategies for waste minimisation, storage, collection, treatment and disposal.

2.4.2 To approve the scale of charges for the collection and disposal for certain wastes.

2.5 Environmental Health

2.5.1 To promote and approve policies in relation to:

- Public Health
- Health and Safety at Work
- Pollution Control
- Private Water Supplies
- Animal Health and Welfare
- Contaminated Land
- Enforcement of Civic Government Licensing
- Miscellaneous Licensing administration and enforcement
- Food Safety

2.5.2 To approve the Food Safety Plan.

2.5.3 To approve the fees and charges for miscellaneous licensing, food safety and private water supplies.

2.6 Community Works

2.6.1 To approve the policy, and standards to be achieved, for the range of activities delivered through Community Works, including street cleaning, grounds maintenance and public conveniences.

2.7 Burials

2.7.1 To approve the scale of charges for burials and cremations.

2.7.2 To approve extension of burial grounds/new burial grounds.

2.8 Community Support

2.8.1 To scrutinise and approve the distribution of funds to external parties to assist in community based projects.

2.8.2 To scrutinise and approve the distribution of funds in relation to improving unadopted roads, where there is need to address social inclusion.

Powers and Duties Delegated to the Committee

All the powers and duties listed in 1.1 to 2.8.2 above other than those specifically reserved under Part I of this scheme and those fully delegated to the following –

** (a) Education Transport Review Sub Committee

To determine reviews in respect of the provision of school transport.

List of Statutory Powers and Duties of the Council which are Exercisable by Officers of the Authority

Statute	Description of Power or Duty	Title of Officer to whom/level of post to which delegated
Chief Executive's Office		
Local Government (Scotland) Act 1973	Section 84 - to authorise expenditure of an emergency nature, in consultation with the Director of Finance, provided that the authorisation is reported to the first following meeting of the appropriate Committee; and otherwise to exercise the Council's powers in emergency situations, in consultation with appropriate Officials and/or Members.	Chief Executive
Health and Safety at Work, etc Act 1974	To ensure that the Council has a Health and Safety Policy and that appropriate management arrangements are in place.	Chief Executive
Local Government (Scotland) Act 1975	To resolve Ombudsman complaints by agreed settlement, where this falls within the terms of Council's policy.	Chief Executive
Representation of the People Act, 1983	To act as Returning Officer for Parliamentary and Local Government elections.	Chief Executive
Regulation of Investigatory Powers (Scotland) Act 2000	To authorise the use of a covert human intelligence source where that source is a vulnerable person or a juvenile; and also in cases where knowledge of confidential information is likely to be acquired under the Regulation of Investigatory Powers (Scotland) Act 2000.	Chief Executive <i>or, in his absence, Depute Chief Executive</i>
Non-Statutory Powers – Chief Executive		
To take such action as may be necessary to protect the interests of the Council in relation to a) emergencies arising from industrial action by employees or groups of employees of the Council, in consultation with the Depute Chief Executive and b) any other emergency which, in the opinion of the Chief Executive, requires such action, in consultation with the appropriate officers and elected Members.		Chief Executive
To undertake the administration of Community Council elections and the scheme of administration for Community Councils.		Senior Ward Managers/City Manager and Elections Manager

<p>To approve expenditure in relation to the discretionary budget allocated to Wards within the Operational Management Area following consultation with relevant Ward Members.</p>	<p>Senior Ward Managers/City Manager</p>
<p>To administer twinning arrangements, ceremonial matters and hospitality specific to the area or Ward following consultation with relevant Ward Members where not otherwise dealt with by City/Area Committees</p>	<p>Senior Ward Managers/City Manager</p>
<p>To administer local authority trusts and common good funds specific to the operational management area up to a maximum of £10,000 per application following consultation with relevant Ward Members and where not otherwise dealt with by City/Area Committees. Applications in excess of £10,000 to be considered by the Finance, Housing & Resources Committee.</p>	<p>Senior Ward Managers/City Manager</p>
<p>To agree and arrange, in consultation with relevant Ward Members, representation on outside bodies in the area, where not otherwise dealt with by City/Area Committees.</p>	<p>Senior Ward Managers/City Manager</p>
<p>To submit an annual report to the Inverness City Committee on the following companies – Inverness Business Improvement District Ltd, Inverness City Heritage Trust and Destination Loch Ness.</p>	<p>City Manager</p>
<p>To agree the naming of buildings and streets within the Council’s control in conjunction with Local Members where time does not permit submission to an Area Committee meeting.</p>	<p>Senior Ward Managers/City Manager</p>

Statute	Description of Power or Duty	Title of Officer to whom/level of post to which delegated
Corporate Development		
Civic Government (Scotland) Act 1982	Sections 62 and 63 - to make Orders (and to decide not to make an Order) in respect of public processions, following consultation with the Chairman and Vice-Chairman of the Community Services Committee, the Chief Constable and Local Members.	Director of Corporate Development, Head of Corporate Governance and Legal Manager (Regulatory Services)
"	Section 119 - to grant (but not refuse) applications for permission for, and to otherwise regulate, charitable collections.	Head of Corporate Governance and Legal Manager (Regulatory Services)
Roads (Scotland) Act 1984	Section 59 - to allow use of roads (including footways) for charitable collections, following consultation with Head of Roads and Transport.	Head of Corporate Governance and Legal Manager (Regulatory Services)
Civic Government (Scotland) Act 1982 Gambling Act 2005, Housing (Scotland) Act 2006 – Part 5	To grant, but not refuse, applications, exemptions, renewals or transfer of licences where:- (a) the application has attracted no relevant objection or relevant adverse representation; (b) no Member of the Council has requested that the application be decided by a Committee; and (c) the application is one, which the Officer concerned considers should be granted, either without conditions, or with conditions which are of a straightforward nature.	Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services)
Civic Government (Scotland) Act 1982 Gambling Act 2005, Housing (Scotland) Act 2006 – Part 5	To temporarily suspend licences granted, or registrations in the interests of public order or safety, or the public interest, following consultation with the Depute Chief Executive or in his or her absence the Head of Corporate Governance, the Chief Constable and (where appropriate) the Chief Fire Officer.	Head of Corporate Governance and Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services)

Civic Government (Scotland) Act 1982	To decide whether or not to accept applications for renewal made up to 28 days after the expiry of a licence.	Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services)
Housing (Scotland) Act 2006 – Part 5	<p>Section 129A – to refuse to consider an application if there would be a breach of planning control</p> <p>Section 133 – to grant requests to relax conditions where no objections have been received</p> <p>Section 135 – to postpone the expiry date of an existing HMO licence for the same premises for a period of up to four months and extend this period until any appeal or review of a decision to refuse planning permission is known</p> <p>Section 137 – to extend the period that a licence is deemed granted to the licence holder’s executor following consultation with the Chair of the Highland Licensing Committee</p> <p>Sections 142 and 143 – to grant or revoke a Temporary Exemption Order after consultation with the appropriate Officials and Agencies</p>	Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services)
Local Government (Scotland) Act 1973	Section 189(1) - to defend or appear or to instruct a defence or appearance in Legal or other proceedings brought against the Council.	Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services)
"	Section 189(2) - to authorise Officers to conduct litigation in Courts of Summary jurisdiction, although not practising Solicitors.	Head of Corporate Governance
"	Section 82 - to adjust draft private legislation promoted by the Council.	Head of Corporate Governance

Marriage (Scotland) Act 1977	To grant, but not refuse, applications for approval of places for marriage	Head of Corporate Governance and Legal Manager (Regulatory Services)
Antisocial Behaviour etc (Scotland) Act 2004, Part 8 (Registration of Landlords)	To register, but not refuse to register, relevant persons in the register of private landlords. To revoke rent penalty notices under Section 95 where satisfied that the conditions for service specified in Section 94 are no longer met and to refuse applications for revocation of rent penalty notices, where satisfied that those conditions still apply.	Head of Corporate Governance and Legal Manager (Regulatory Services)
Non-Statutory Powers		
Corporate Governance		
To initiate litigation on the Council's behalf, where necessary in the absence of an instruction from the council or any of its committees.		Head of Corporate Governance, Legal Managers and Solicitors designated by the Head of Corporate Governance
To execute deeds, to sign other formal documents* and to sign and accept non-procurement contracts on the Council's behalf in the manner approved by the council.		Head of Corporate Governance, Legal Managers, Solicitors and licensing officers* designated by the Head of Corporate Governance
To engage Counsel and other legal agents, whether or not in the course of litigation.		Head of Corporate Governance, Legal Managers and Solicitors designated by the Head of Corporate Governance
To negotiate and agree settlement of claims by and against the council.		Head of Corporate Governance, Legal Managers and Solicitors designated by the Head of Corporate Governance
To effect small land sales in accordance with the Council's policy.		Legal Managers and Solicitors designated by the Head of Corporate Governance
To appoint Parliamentary Agents.		Head of Corporate Governance
To operate the Disabled Persons (Blue Badge) Scheme.		Head of Digital Transformation

<u>HR Services</u>	
Implementation of amendments to National or Local Conditions of Service and National Salary Awards in consultation with the Director of Finance.	Director of Corporate Development
Authorisation of payment to employees temporarily undertaking higher duties in accordance with the relevant conditions of Service, in consultation with the appropriate Service Director.	Head of People & Performance
Authorisation of <u>ex gratia</u> payments up to £1000 to employees arising out of claims for compensation or for reimbursement, in consultation with the appropriate Service Director and the Director of Finance.	Head of People & Performance
Establishment of new posts and deletion of posts, Changes to existing post designations, hours, work locations or other amendments. Authorisation to agree grades for new posts and amended posts in accordance with the Job Evaluation Scheme and in consultation with the Director of Finance. Note: significant changes in structures would require approval from the relevant Strategic Committee	Director of Corporate Development/Director of Finance
Authorisation to second staff to other organisations or for training purposes for periods not exceeding 24 months, in consultation with the appropriate Service Director.	Head of People & Performance
Authorisation of post-entry training assistance for employees.	Employee Development Manager
Authorisation to retire employees on the grounds of permanent ill health, in consultation with the appropriate Service Director.	Head of People & Performance

Version dated 3 March 2014

Planning and Development - Statutory Powers and Duties of the Council which are Exercisable by Officers of the Authority

Statute	Description of Power or Duty	Title of Officer to whom/level of post to which delegated
Applications, Notifications and Opinions		
<p>Town and Country Planning (Scotland) Act 1997 (as amended)</p> <p>Planning etc. (Scotland) Act 2006</p> <p>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)</p> <p>Planning (Hazardous Substances) (Scotland) Act 1997 (as amended)</p> <p>Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended)</p> <p>Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975 (as amended)</p> <p>Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)</p> <p>The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)</p> <p>The Town and Country</p>	<p>To determine all applications*, with the exception of the following:</p> <ul style="list-style-type: none"> a) applications for 'national development' (designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended)); b) applications for 'major developments' (designated as such under s26A(1)(b)&(2) of the Town and Country Planning (Scotland) Act 1997 (as amended)) which are significantly contrary** to the development plan; c) applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which relate to developments falling within the category of 'national development' or 'major developments' and where the subject planning permission was granted by The Highland Council or a committee of The Highland Council; d) applications for 'local developments' where Scottish Ministers have directed, under s26A(3) of the Town and Country Planning (Scotland) Act 1997 (as amended), that they are to be dealt with as if they were 'major developments' and sub-section b) or c) above applies; e) applications for 'local developments' (designated as such under s26A(1)(c)&(2) of the Town and Country Planning (Scotland) Act 1997 (as amended)) which are recommended for approval and are considered to be significantly contrary** to the development plan; f) applications recommended for approval/grant but where there have been timeous*** objections on material planning grounds (in the opinion of the Appointed Officer) from members of the public, businesses or organisations residing at, or having their principal place of business at, five or more separate addresses and where such objections cannot be addressed by conditions; 	<p>HPBS / APM / DMTL / PP</p>

<p>Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended)</p> <p>Electricity Act 1989 (as amended)</p> <p>The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)</p> <p>Local Government (Scotland) Act 1973 (as amended)</p> <p>The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended)</p>	<p>g) applications recommended for approval/grant but where there has been the timeous*** submission of a petition raising objections, on material planning grounds (in the opinion of the Appointed Officer), which lists members of the public, businesses or organisations residing at, or having their principal place of business at, ten or more separate addresses and where such objections cannot be addressed by conditions (for the purposes of this sub-section, a full name, address and signature must be present for each party listed in a petition. Where one or more of these prerequisites is absent, then the party shall not count towards the 'ten or more' threshold);</p> <p>h) applications recommended for approval/grant but where there are unresolved objections from a statutory consultee and where, in the opinion of the Appointed Officer, such objections cannot be addressed by conditions;</p> <p>i) applications where, in the opinion of the Appointed Officer, the development plan is not sufficiently clear or where there is no relevant policy framework within which to determine the application;</p> <p>j) applications, other than those under Sections 36 and 37 of the Electricity Act 1989 (as amended), recommended for refusal for reasons which do not include:</p> <ul style="list-style-type: none"> i. the non-submission of further particulars, documents, materials or evidence requested under Regulation 24 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended); and/or ii. the non-submission of further information or evidence requested under Regulation 23 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended); and/or iii. the failure to conclude a Section 75 Obligation or Section 69 Agreement (but only after a period of 6 months has expired following the decision to grant planning permission subject to such an obligation or agreement); and/or 	
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- iv. the failure to submit an Environmental Statement in support of an EIA application (which evokes deemed refusal under Regulation 9(4) and/or refusal under Regulation 9(5) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended));

where Members of The Highland Council for the Ward(s) in which the development is proposed, having been given prior notification of the recommendation of refusal, by majority request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee;

- k) applications under Sections 36 and 37 of the Electricity Act 1989 (as amended) where objections are to be raised for reasons which do not include the non-submission of further particulars, documents, materials or evidence requested in writing, where Members of The Highland Council for the Ward(s) in which the development is proposed, having been given prior notification of the recommendation of refusal, by majority request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee;
- l) applications submitted by a Member of The Highland Council or a Senior Official of The Highland Council (for the purposes of this subsection, the definition of 'Senior Official' includes the Chief Executive, the Depute Chief Executive, Service Directors, Heads of Service and Area Managers);
- m) applications where the Appointed Officer exercises their discretion and requests that a decision is made by the relevant Planning Applications Committee.

*Unless otherwise stated, the term 'applications' includes:

- i. all applications for planning permission; planning permission in principle; the approval of matters specified in conditions attached to a planning permission in principle; planning permission for development already carried out; permission to

	<p>develop land without compliance with conditions previously attached (s42); listed building consent; conservation area consent; hazardous substances consent; advertisement consent; aquaculture development;</p> <p>ii. all consultations under the Electricity Act 1989 (as amended), including those made under s36 and s37. For the purposes of this scheme of delegation, such consultations shall be treated as if they were applications for planning permission and categorised as local, major or national developments accordingly; and</p> <p>iii. any other applications made under the statutes listed opposite and not provided for elsewhere in the scheme of delegation to officers.</p> <p>**The decision as to whether an application is significantly contrary to the development plan, or otherwise, shall be delegated to the Appointed Officer.</p> <p>***In sub-sections f) and g), the term ‘timeous’ means a letter of representation (or petition) received by The Highland Council on, or before, the closing date for representations as applicable to the application in question. Where a formal closing date does not exist (e.g. where no advert/notification is required), then the closing date shall be taken as being 14 days after the date of validation.</p>	
“	<p>To determine or respond to (as appropriate) all prior notifications; prior approvals (including those relating to agriculture, forestry, demolition, minerals, development by statutory undertakers, telecommunications development, development under local or private Acts or Orders and householder permitted development); applications under Section 62 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended); submissions of details required in fulfilment of general development order or permitted development conditions; and other notices of proposed developments not provided for elsewhere in this scheme.</p>	HPBS / APM / DMTL / PP
“	<p>To determine any consent, agreement or approval required by, and to discharge where necessary, a condition imposed on any planning permission or deemed planning permission (other than a condition which must be addressed through an application for the approval of matters specified in conditions attached to a planning permission in principle), listed building consent, conservation area consent, advertisement consent, hazardous substances consent, permission for aquaculture development or prior approval.</p>	HPBS / APM / DMTL / PP / PO / PEO / PSO

“	To issue opinions in respect of whether or not a proposed development would fall within the category of ‘national development’ (designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended) or ‘major developments’ (designated as such under s26A(1)(b)&(2) of the above Act); including those opinions required in response to a notice served on the Planning Authority under s35A of the Town and Country Planning (Scotland) Act 1997 (as amended).	HPBS / APM / DMTL / PP / PO
“	To determine if development or work, whether carried out or proposed, is/is not <i>de minimis</i> and/or does/does not require an application for permission, consent or approval, except where, in the opinion of the Appointed Officer, such determination should be made by a committee of The Highland Council.	HPBS / APM / DMTL / PP / PO
“	To issue a direction under s58(2) or s59(5) of the Town and Country Planning (Scotland) Act 1997 (as amended) that the statutory time limit for the implementation of a planning permission/planning permission in principle is not to apply and that another period(s), whether shorter or longer, specified by the Appointed Officer is applied in its place.	HPBS / APM / DMTL / PP
“	To specify under Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) or Regulation 18 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (amended) that the statutory time limit for the implementation of a listed building or conservation area consent, or the statutory duration of an advertisement consent, is not to apply and that another period(s), whether shorter or longer, specified by the Appointed Officer is applied in its place.	HPBS / APM / DMTL / PP
“	To request, under Regulation 24 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended), the submission of further particulars, documents, materials or evidence which are considered necessary to enable The Highland Council to determine the application.	HPBS / APM / DMTL / PP / PO / PSO / EM* * Only in relation to aquaculture developments
“	To agree/refuse an extended period with an applicant for the determination of their application under s47(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), s18 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), Regulation 20 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) and/or any other power conferred by any statute listed in this scheme as may be relevant.	HPBS / APM / DMTL / PP / PO / PSO / EM* * Only in relation to aquaculture developments
“	To determine all applications for certificates of lawfulness of existing (s150) or proposed (s151) use or	HPBS / APM / DMTL / PP

	development made under the Town and Country Planning (Scotland) Act 1997 (as amended).	
“	To decline to determine an application under s39 of the Town and Country Planning (Scotland) Act 1997 (as amended) or s10A of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 (as amended).	HPBS / APM / DMTL / PP
Amendments, Modifications and Revocations		
“	To revoke or modify, under s65 of the Town and Country Planning (Scotland) Act 1997 (as amended) or s21 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), any planning permission or listed building consent where the revocation or modification is unopposed.	HPBS / APM / DMTL / PP / CS
“	To determine any application for a non-material variation under s64 of the Town and Country Planning (Scotland) Act 1997 (as amended).	HPBS / APM / DMTL / PP
“	To determine any application under s17 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) for the variation/discharge of conditions attached to listed building consent.	HPBS / APM / DMTL / PP
Planning Agreements and Obligations		
“	To require the conclusion of an agreement or obligation under s75 through s75G of the Town and Country Planning (Scotland) Act 1997 (as amended) where such an agreement or obligation is deemed necessary in order to restrict or regulate the development or use of land or buildings or for related purposes.	HPBS / APM / DMTL / PP / CS
“	To agree to or refuse the modification or discharge of an agreement or obligation made under s75 through s75G of the Town and Country Planning (Scotland) Act 1997 (as amended) or s50 of the Town and Country Planning (Scotland) Act 1972 (as amended) except where, in the opinion of the Appointed Officer, such a request for modification or discharge should be determined by a committee of The Highland Council.	HPBS / APM / DMTL / PP / CS
“	To act on behalf of, and represent the views of, The Highland Council in any appeal proceedings relating to an agreement or obligation made under s75 through s75G of the Town and Country Planning (Scotland) Act 1997 (as amended) or s50 of the Town and Country Planning (Scotland) Act 1972 (as amended).	HPBS / APM / DMTL / PP / PO / PEO / CS / EM* * Only in relation to aquaculture developments
“	To require the conclusion of an agreement under s69 of the Local Government (Scotland) Act 1973 (as amended) where such an agreement is deemed necessary in order to secure planning gain, developer contributions or for any other purpose that is calculated to facilitate, or is conducive or incidental to, the discharge of the functions of the Planning Authority; and to exercise all statutory powers consequent upon the	HPBS / APM / DMTL / PP / CS

	conclusion of such an agreement.	
“	To agree to or refuse the discharge or modification of any agreement under s69 of the Local Government (Scotland) Act 1973 (as amended) and to exercise all statutory powers consequent upon the discharge or modification of such an agreement; except where, in the opinion of the Appointed Officer, determination should be by a committee of The Highland Council.	HPBS / APM / DMTL / PP / CS
”	To determine whether or not planning policy and/or any material considerations have materially changed between a decision being taken to grant permission subject to the conclusion of a legal agreement or obligation and the agreement or obligation itself being concluded; and where it is determined that there has been a material change, and only where the original decision was made under delegated powers, to determine whether or not that change alters the original decision.	HPBS / APM / DMTL / PP
Appeals, Reviews and Inquiries		
“	To determine whether The Highland Council wishes an appeal, or application called-in by Scottish Ministers, to be dealt with by way of Written Submissions, a Hearing or by Public Local Inquiry, unless: <ul style="list-style-type: none"> i. the appeal or call-in relates to a decision made by a Committee of The Highland Council which was contrary to officer recommendation. 	HPBS / APM / DMTL / PP / PO / PEO / POL* / FO* / LO* <p>* Only in relation to s169 notices</p>
“	To act on behalf of, and represent the views of, The Highland Council in any appeal proceedings, hearings, inquiries or following the call-in of an application by Scottish Ministers.	HPBS / HoE / APM / DMTL / PP / PO / PEO / PSO / CS / POL / FO / LO / CO / EM / Any other Official authorised by HPBS.
Environmental Impact Assessment		
“	To issue screening and scoping opinions under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended) and, if required, to determine the scope of any Environmental Statement/Environmental Impact Assessment.	HPBS / APM / DMTL / PP / PO / EM* <p>* Only in relation to aquaculture developments</p>
“	To issue a request for additional information and/or an extension to the period allowed for the adoption of a screening or scoping opinion under Regulations 6 and 14 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended).	HPBS / APM / DMTL / PP / PO / EM* <p>* Only in relation to aquaculture developments</p>
“	To request, under Regulation 23 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended), the submission of further information or evidence which is	HPBS / APM / DMTL / PP / PO / PSO / EM* <p>* Only in relation to aquaculture developments</p>

	considered necessary to enable The Highland Council to determine an EIA Application.	
“	To serve notice under Regulation 9(1) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended) where an EIA application is made without an Environmental Statement, and to exercise all statutory powers consequent upon the service of such a notice.	HPBS / APM / DMTL / PP / PO / EM* * Only in relation to aquaculture developments
Enforcement		
“	Except where, in the opinion of the Appointed Officer, such determination should be made by a committee of The Highland Council, to determine: <ul style="list-style-type: none"> i. whether or not there has been a breach of control under any of the statutes listed in this scheme; and ii. having regard to the provisions of the development plan and to any other material considerations, that it is not expedient to take action and/or issue a notice(s) under any of the statutes listed in this scheme. 	HPBS / HoE* / APM / DMTL / PP / POL* / PO * Only in relation to s169 notices
“	To serve notices under s272 of the Town and Country Planning (Scotland) Act 1997 (as amended) requiring the submission of information and to exercise all statutory powers consequent upon service of such a notice.	HPBS / HoE* / APM / DMTL / PP / PO / POL* / PEO * Only in relation to s169 notices
“	To serve Planning Contravention Notices under s125 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.	HPBS / APM / DMTL / PP / PO / PEO
“	To serve Breach of Condition Notices under s145 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.	HPBS / APM / DMTL / PP
“	To serve notices under s33A of the Town and Country Planning (Scotland) Act 1997 (as amended) requiring the submission of a retrospective planning application to remedy a breach of planning control and to exercise all statutory powers consequent upon the service of such a notice.	HPBS / APM / DMTL / PP / PO / PEO
“	To serve Temporary Stop Notices under s144A of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.	HPBS / APM / DMTL / PP
“	To serve Enforcement Notices under s127, and Stop Notices under s140, of the Town and Country Planning (Scotland) Act 1997 (as amended), with the exception of: <ul style="list-style-type: none"> i. notices which relate to unauthorised development which does not constitute a breach of planning 	HPBS / APM / DMTL / PP

	<p>permission and where Members of The Highland Council for the Ward(s) in which the unauthorised development is located, having been given prior notification of the recommendation to serve such a notice(s), by majority request in writing within 5 working days of such notification that the recommendation to serve the notice be referred to the relevant Planning Applications Committee;</p> <p>and to exercise all statutory powers consequent upon the service of such a notice.</p>	
"	<p>To withdraw and/or wave or relax the requirements of an Enforcement Notice under s129 of the Town and Country Planning (Scotland) Act 1997 (as amended), with the exception of:</p> <ul style="list-style-type: none"> i. notices where the decision to issue was taken by Committee of the Council and where Members of The Highland Council for the Ward(s) in which the development is located, having been given prior notification of the recommendation to withdraw, wave or relax, by majority request in writing within 5 working days of such notification that the recommendation to withdraw, wave or relax be referred to the relevant Planning Applications Committee; <p>and to exercise all statutory powers consequent upon the exercising of such action.</p>	HPBS / APM / DMTL / PP
"	<p>To serve Temporary Stop Notices under s41F of the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.</p>	HPBS / APM / DMTL / PP
"	<p>To serve Listed Building Enforcement Notices under s34, and Stop Notices under s41A, of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), with the exception of:</p> <ul style="list-style-type: none"> i. notices which relate to unauthorised works which do not constitute a breach of listed building consent and where Members of The Highland Council for the Ward(s) in which the listed building is located, having been given prior notification of the recommendation to serve such a notice(s), by majority request in writing within 5 working days of such notification that the recommendation to serve the notice be referred to the relevant Planning Applications Committee; <p>and to exercise all statutory powers consequent upon the service of such a notice.</p>	HPBS / APM / DMTL / PP

"	<p>To withdraw and/or wave or relax the requirements of an Listed Building Enforcement Notice under s34(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), with the exception of:</p> <ul style="list-style-type: none"> i. notices where the decision to issue was taken by Committee of the Council and where Members of The Highland Council for the Ward(s) in which the listed building is located, having been given prior notification of the recommendation to withdraw, wave or relax, by majority request in writing within 5 working days of such notification that the recommendation to withdraw, wave or relax be referred to the relevant Planning Applications Committee; <p>and to exercise all statutory powers consequent upon the exercising of such action.</p>	HPBS / APM / DMTL / PP
“	<p>To serve building preservation notices under s3 and s4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) where an unlisted building is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest; and to exercise all statutory powers consequent upon the service of such a notice.</p>	HPBS / APM / DMTL / PP / CO
“	<p>To serve notices requiring the proper maintenance of land (Amenity Notices) under s179 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.</p>	HPBS / APM / DMTL / PP
“	<p>To serve Tree Replacement Notices under s168 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the service of such a notice.</p>	HPBS / HoE / APM / DMTL / PP / POL
“	<p>To instruct the taking of 'direct action' under s170 of the Town and Country Planning (Scotland) Act 1997 (as amended) in response to non-compliance with any Tree Replacement Notice (s168).</p>	HPBS / HoE / APM / DMTL / POL
“	<p>To take enforcement action under s186 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure:</p> <ul style="list-style-type: none"> i. the removal of any advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended); or ii. the discontinuance of any site for the display of advertisements displayed in contravention of the Town and Country Planning (Control of 	HPBS / APM / DMTL / PP

	<p>Advertisements) (Scotland) Regulations 1984 (as amended);</p> <p>and to exercise all statutory powers consequent upon the taking of any such action.</p>	
“	<p>To undertake, or instruct, the removal or obliteration of any placard or poster under s187 of the Town and Country Planning (Scotland) Act 1997 (as amended) which is displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).</p>	HPBS / APM / DMTL / PP / PO / PEO
“	<p>To issue fixed penalty notices under s145A of the Town and Country Planning (Scotland) Act 1997 (as amended) in response to a failure to comply with the requirements of a Breach of Condition Notice (s145) and to exercise all statutory powers consequent upon the issuing of such a notice.</p>	HPBS / APM / DMTL
“	<p>To issue fixed penalty notices under s136A of the Town and Country Planning (Scotland) Act 1997 (as amended) in response to a failure to comply with the requirements of an Enforcement Notice (s127), except:</p> <p>i. where the decision to serve the relevant Enforcement Notice was made by a Committee of The Highland Council and that Committee, in deciding to serve the Enforcement Notice, did not at that time give its authorisation to issue a fixed penalty notice in response to non-compliance.</p> <p>and to exercise all statutory powers consequent upon the issuing of such a notice.</p>	HPBS / APM / DMTL
“	<p>To issue fixed penalty notices under s39A of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) in response to a failure to comply with the requirements of a Listed Building Enforcement Notice (s34), except:</p> <p>i. where the decision to serve the relevant Listed Building Enforcement Notice was made by a Committee of The Highland Council and that Committee, in deciding to serve the Listed Building Enforcement Notice, did not at that time give its authorisation to issue a fixed penalty notice in response to non-compliance.</p> <p>and to exercise all statutory powers consequent upon the issuing of such a notice.</p>	HPBS / APM / DMTL
“	<p>To make an application for interdict under s146 of the Town and Country Planning (Scotland) Act 1997 (as amended), in either the Court of Session or the Sheriff Court, where such an application is considered urgent</p>	HPBS / APM / DMTL / PP

	following consultation with the Head of Legal and Democratic Services (or a solicitor acting on his/her behalf).	
“	To report and/or instruct the reporting of any planning related offence to the Procurator Fiscal, where it is considered expedient to do so following consultation with the Head of Legal and Democratic Services (or a solicitor acting on his/her behalf).	HPBS / HoE* / APM / DMTL / PP / POL* * Only in relation to s169 notices

The Management of Trees

Town and Country Planning (Scotland) Act 1997 (as amended) The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975, 1981 and 1984 (as amended) The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (as amended)	To make, vary or revoke a Tree Preservation Order under s160 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to exercise all statutory powers consequent upon the making of such an order, but not to confirm, under Section 161(1)(b), such an Order if Members of The Highland Council for the Ward(s) in which the tree(s) covered by the Order are located, having been given prior notification of the recommendation to confirm the Order, by majority request in writing within 5 working days of such notification that the recommendation to confirm the Order be referred to the relevant Planning Applications Committee.	HPBS / HoE / APM / DMTL / PP / POL / FO
“	Affix, under Section 161A, a copy of a Tree Preservation Order to the tree, group of trees or woodland in question.	HPBS / HoE / APM / DMTL / PP / POL / FO
“	To determine all applications for works (including felling, lopping, topping, pollarding, uprooting etc.) to a tree(s) which is covered by a Tree Preservation Order or is located within a Conservation Area.	HPBS / HoE / APM / DMTL / PP / POL / FO

High Hedges

High Hedges (Scotland) Act 2013	To determine whether or not a hedge constitutes a 'high hedge' for the purposes of Section 1 of the High Hedges (Scotland) Act 2013.	HPBS / APM / DMTL / PP / POL
"	To dismiss an application for a High Hedge Notice under Section 5 of the High Hedges (Scotland) Act 2013.	HPBS / APM / DMTL / PP
“	To determine all applications for a High Hedge Notice, including what initial and/or preventative action may be necessary, under Section 6 of the High Hedges (Scotland) Act 2013, with the exception of:	HPBS / APM / DMTL / PP

	<p>i. applications recommended for approval, the subject of which are high hedges located within a National Park, where unresolved objections have been received from the relevant National Park Authority and where Members of The Highland Council for the Ward(s) in which the high hedge is located, having been given prior notification of the recommendation to approve, by majority request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee</p>	
“	To issue a High Hedge Notice, and to specify what initial and/or preventative action may be necessary, under Section 8 of the High Hedges (Scotland) Act 2013, and to exercise all statutory powers consequent upon the issuing of such a notice.	HPBS / APM / DMTL / PP
“	<p>To determine whether or not to vary and/or withdraw a High Hedge Notice under Section 10 of the High Hedges (Scotland) Act 2013, and to exercise all statutory powers consequent upon the issuing of such a notice, with the exception of:</p> <p>i. high hedge notice, the subject of which are high hedges located within a National Park, where unresolved objections to the variation and/or withdrawal have been received from the relevant National Park Authority and where Members of The Highland Council for the Ward(s) in which the high hedge is located, having been given prior notification of the recommendation to vary or withdraw, by majority request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee</p>	HPBS / APM / DMTL / PP
“	To determine whether The Highland Council wishes an appeal to Scottish Ministers under the High Hedges (Scotland) Act 2013 to be dealt with by way of Written Submissions, a Hearing or by Public Local Inquiry (or any means of determination available to Scottish Ministers), unless the appeal relates to a decision made by a Committee of The	HPBS / HoE / APM / DMTL / PP / PO / PEO / POL

	Highland Council which was contrary to officer recommendation.	
“	To act on behalf of, and represent the views of, The Highland Council in any appeal proceedings, hearings or inquiries held under the High Hedges (Scotland) Act 2013.	HPBS / HoE / APM / DMTL / PP / PO / PEO / PSO / CS / POL / FO / LO / CO / EM / Any other Official authorised by HPBS.
“	To authorise a person or persons (an "authorised person") to take action under Section 22 of the High Hedges (Scotland) Act 2013 and to determine the extent of 'anything else which is reasonably required for the purpose of taking the required action'.	HPBS / APM / DMTL
“	To authorise the recovery of expenses under Section 25 of the High Hedges (Scotland) Act 2013, and to exercise all statutory powers consequent upon the issuing of such a notice.	HPBS / APM / DMTL
“	To apply to register a notice of liability for expenses under Section 25 of the High Hedges (Scotland) Act 2013, and to exercise all statutory powers consequent upon the issuing of such a notice.	HPBS / APM / DMTL
Blight and Purchase Notices		
Town and Country Planning (Scotland) Act 1997 (as amended)	To issue Response Notices in respect of Purchase Notices served on The Highland Council under s90, responses to 'Counter-Notices under Section 96' (s97), Counter-Notices in Respect of Blight Notices (s102), Further Counter-Notices in Respect of Blight Notices (s103) and objections to Section 109 notices (s110)	HPBS / APM / DMTL / PP
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)	To issue Response Notices under s29 in respect of Purchase Notices served on The Highland Council under s28.	HPBS / APM / DMTL / PP
Building Standards		
Building (Scotland) Act 2003 (as amended)	To determine all applications for Building Warrants, including staged applications, amendment applications and applications for limited life buildings, and impose Continuing Requirements where required.	BSM / BSTL / PBSS
“	To issue a Refusal Notice where an applicant/agent has failed to respond to an observation letter and 9 months or more have elapsed since the letter was issued.	BSM / BSTL / PBSS / BSS
“	Issue the acceptance or refusal of a Completion Certificate, to issue the Acceptance of a Completion Certificate and discharge the Continuing Requirements.	BSM / BSTL / PBSS / BSS
“	To serve Notice and take all necessary action, including	BSM / BSTL / PBSS

	the evacuation of a building(s), in respect of non-conforming buildings or unauthorised building work.	
“	To serve Notice and take all necessary action in respect of Defective and/or Dangerous Buildings.	BSM / BSTL / PBSS
“	To serve Notice of Intention to enter premises and/or to require the testing of building materials.	BSM / BSTL / PBSS
“	To issue a “Letter of Comfort” for works that pre-date 1 May 2005 in respect of building operations which do not have the benefit of a Building Warrant and/or a Completion Certificate.	BSM / BSTL / PBSS / BSS
“	In respect of verification duties and responsibilities, to issue observation letters in response to Applications for Building Warrants, letters rejecting the submission of a Completion Certificate and letters highlighting non-conformity with the regulations following routine site inspections.	BSM / BSTL / PBSS / BSS
Civic Government (Scotland) Act 1982 (as amended)	To take all necessary action in respect of buildings in need of repair under s87 of the Act.	BSM / BSTL / PBSS
“	To approve and/or respond to consultations in relation to raised structures (stadia) for seated or standing accommodation and to impose conditions under s89 of the Act.	BSM / BSTL / PBSS
“	To approve and/or respond to consultations in relation to the suitability of premises and impose conditions under s41 of the Act.	BSM / BSTL / PBSS
Right to Enter Land (and related powers)		
Town and Country Planning (Scotland) Act 1997 (as amended) Planning etc.(Scotland) Act 2006 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) Planning (Hazardous Substances) (Scotland) Act 1997 (as amended)	To exercise all powers and rights laid down in statute (whether or not listed opposite) and required in order to enter land or property for the purposes of exercising, or assisting in the execution of, any power or function conferred on the Planning Authority.	HPBS / HoE / APM / DMTL / PP / PO / PEO / POL / FO / LO / PSO / CO / EM
Building (Scotland) Act 2003 (as amended)	To exercise all powers and rights laid down in statute (whether or not listed opposite) and required in order to	BSM / BSTL / PBSS / BSS

	enter land or property for the purposes of exercising, or assisting in the execution of, any power or function conferred on The Highland Council under the Act.	
Land Reform (Scotland) Act 2003 (as amended)	To exercise all powers and rights laid down in statute and required in order to enter land or property for the purpose of exercising, or assisting in the execution of, any power or function conferred on The Highland Council under the Act.	HoE / EM / AO / CR
Land Reform and Access		
Land Reform (Scotland) Act 2003 (as amended)	In exceptional circumstances, where there are timing difficulties, to determine any exemption under s11 of the Act for less than 6 days, or to comment on The Highland Council's behalf to Scottish Ministers in relation to an exemption order in excess of 6 days.	DoDIS / HoE
“	To take such steps as are required to uphold access rights under s13 of the Act.	HoE
“	To serve written notice of action to be taken in relation to prohibition signs, obstructions or dangerous impediments under s14 of the Act.	HoE
“	To take action in respect of ensuring measures for safety, protection, guidance and assistance to the public and/or to require a landowner to remove any dangerous impediments which restrict access under s15 of the Act.	HoE
“	To instruct appropriate action to be taken in respect of maintaining core paths under s19 of the Act.	HoE
“	To instruct the landowner to reinstate, or take action to reinstate, ploughed paths or rights of way under s23 of the Act.	HoE
“	To appoint non-local authority members to serve on Local Access Forums in accordance with the relevant Guidance. (Section 25)	HoE
“	To make summary application to the sheriff, under s28 (or any other applicable section) to obtain judicial determination of the existence and extent of access rights and rights of way.	HoE
“	To enter into path agreements, under s21, pursuant to the Council's duties and responsibilities under the Act.	HoE
“	In exceptional circumstances, where there are timing difficulties, to make or revoke a 'path order' under s22, subject to the majority agreement of the Members of The Highland Council for the Ward in which the path/land is located.	DoDIS
Countryside (Scotland) Act 1967	To agree deviation or total closure of a right of way; except where, in the opinion of the Appointed Officer, such a deviation or total closure should be determined by a committee of The Highland Council.	DoDIS
Town and Country	To order the stopping up or diversion of any footpath or	DoDIS/

Planning (Scotland) Act 1997 (as amended)	bridleway under Section 208 of the Act where such an undertaking is necessary in order to enable a development that has been granted planning permission to be carried out; and to exercise all statutory powers consequent upon the making of such an order.	HoE
Other Powers, Responsibilities and Functions		
Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)	To issue in exceptional circumstances, and with the agreement of the Members of The Highland Council for the Ward in which the development is located, an Article 4 Direction to remove permitted development rights where urgent protection requires to be given to sensitive countryside or buildings.	HPBS / APM / DMTL / PP
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)	To authorise the execution of works urgently necessary for the preservation of a listed building under s49 and, under s50, to authorise the recovery of expenses relating to any such works.	HPBS / APM / DMTL / PP / CO
“	To apply to register a Notice of Liability for Expenses, a Notice of Renewal, a Notice of Determination or a Notice of Discharge under s50A to 50G of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended).	HPBS / APM / DMTL / PP / CO
Land Compensation (Scotland) Acts	To determine applications for certificates of appropriate alternative development and to exercise all statutory powers consequent upon the determination of such an application.	HPBS / APM / DMTL / PP
Transport Act 1968	To make representations and objections in respect of applications for good vehicle operators' licences.	HPBS / APM / DMTL / PP
Civic Government (Scotland) Act 1982 (as amended)	To issue comments on, and responses to, all consultations on any licensing matters arising from the Act.	HPBS / APM / BSM / DMTL / BSTL / PP / PBSS
Regulation of Investigatory Powers (Scotland) Act 2000	To authorise action to undertake directed surveillance or the use of covert human intelligence sources.	HPBS / HoE
Licensing (Scotland) Act 2005	To issue Section 50 certificates and issue comments on, and responses to, consultations relating to the suitability of premises for the purposes of a 'premises licence'.	HPBS / APM / BSM / DMTL / PP / BSTL / PBSS
The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000	To respond to consultations (including the giving/withholding of approval as necessary) relating to the suitability of premises and, where applicable, impose conditions.	HPBS / APM / BSM / DMTL / PP / BSTL / PBSS
Marriage (Scotland) Act 1977 and The Marriage (Approval of Places) (Scotland) Regulations 2002	To approve and/or respond to consultations in relation to the suitability of premises for the purposes of licensing.	HPBS / APM / BSM / DMTL / PP / BSTL / PBSS
Local Government	To approve grants of up to £10,000 from the Tourism	HPBS / Economy and

(Scotland) Act 2003	Development and Economic Initiatives Budget.	Regeneration Manager
Miscellaneous/Non-Statutory Powers		
To respond to Crown Estate shellfish and fish farm lease consultations requiring public consultation, following consultation with the Ward Members.		HPBS / EM
To respond to consultations from the Crown Estate as to whether or not an Environmental Statement is needed to accompany an aquaculture lease application and the scope of such Statements.		HPBS / EM
To respond to statutory bodies that are required to consult, or it is recommended that they consult, or to give notice of proposals to, the Planning Authority where they relate to archaeological matters.		ARCH
To respond to statutory bodies that are required to consult, or it is recommended that they consult, or to give notice of proposals to, the Planning Authority where they relate to landscape or tree matters.		POL / FO / LO
To respond to Scottish Ministers' consultation papers where matters are of a routine/technical nature and do not require Member involvement.		All Heads of Service
To draw up Service Level Agreements to maintain countryside sites managed by the Service within approved budgets.		HoE
Various Acts: to increase (or decrease) fees and charges and report any such changes to a committee of The Highland Council on an annual basis.		All Heads of Service
General		
To submit an annual report to the Planning, Development and Infrastructure Committee on the following companies – Beinn Tharsuinn Wind Farm Community Limited, Highland Historic Buildings Trust, Highland Opportunity Ltd, Highland Opportunity (Communities) Ltd, Highland Opportunity (EBS) Ltd, Highland Opportunity (Investments) Ltd, Inverness Airport Business Park Ltd and Ness Horizons.		DoDIS
Abbreviations used for Appointed Officers		
Director of Development & Infrastructure Service		DoDIS
Head of Planning & Building Standards		HPBS
Head of Environment		HoE
Countryside, Heritage & Natural Resources Manager		EM
Building Standards Manager		BSM
Area Planning Manager		APM
Development Management Team Leader		DMTL
Principal Planning Officer		PP
Planning Officer (incl. Graduate Planners with the authorisation of the appropriate Area Planning Manager)		PO
Professional Support Officer (with the authorisation of the appropriate Area Planning Manager or Building Standards Manager, as appropriate)		PSO
Building Standards Team Leader		BSTL
Principal Building Standards Surveyor		PBSS

Building Standards Surveyor (holding appropriate qualifications <u>and</u> with the authorisation of the Building Standards Manager).	BSS
Forestry Officer	FO
Landscape Officer	LO
Access Officer	AO
Countryside Ranger	CR
Archaeologist	ARCH
Conservation Officer	CO
Council Solicitor	CS
Principal Officer (Land)	POL
Planning Enforcement Officer	PEO

NB. The term 'Appointed Officer' means an Officer of the Council to whom power has been delegated by virtue of this Scheme of Delegation. Where relevant, an Appointed Officer under this Scheme of Delegation shall also constitute an Appointed Officer in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

NB2. Unless otherwise stated in this Scheme of Delegation, all powers delegated to a particular Officer / level of post shall also be delegated to all Officers within the Development and Infrastructure Service whose posts are senior to the specified level of post.

Former Housing and Property Service:

Non-Statutory Powers – Housing	
To perform the strategic and budget holding functions of the Council in relation to loans for housing purposes, improvement and repair grants for private houses and care and repair schemes.	Director of Housing and Property
Under the Housing Loan Scheme to consider and approve home improvement loans up to a maximum of £20,000	Director of Housing and Property
To manage the Council's land bank fund in accordance with the priorities set out by the Housing and Social Work Committee including agreement of terms of all loans and granting of loans for feasibilities.	Head of Property Partnerships
To grant leases of HRA land and non-residential property or approve the assignation of such leases (after consultation with Ward Members)	Head of Property Partnerships
To acquire property or land up to a value of £150k using HRA funding for the delivery of new Council housing, subject to consultation with Ward Members.	Head of Property Partnerships
<u>Property Services</u>	
To act as the Council's Project Manager in relation to building construction works, as prescribed by Contract Standing Orders, entered into by the Council.	Head of Property
To appoint consultants and contractors involved in building construction works as prescribed by Contract Standing Orders.	Head of Property
To act as the Council's project manager where the required facility will be procured under a Public Private Partnership or Joint Venture agreement.	Director of Housing and Property
To investigate and formulate proposals for joint venture schemes utilising Council property assets.	Head of Property Partnerships
To investigate and formulate proposals for disposal of General Fund property interests.	Head of Property Partnerships and Corporate Property Asset Manager
To prepare a Corporate Asset Management Plan and manage the Council's property assets by taking a strategic overview.	Director of Housing and Property
To approve, negotiate and undertake by disposal, sale, lease, assignation, sub letting, lease surrender, licence or excambion of General Fund property interests up to a value not exceeding £200,000 or £25,000 pa subject to demonstrating the asset is surplus to the operational requirements of The Highland Council services and further subject to the sale price/rent not being below market value and consultation with the Ward Members (excluding industrial and investment transactions)	Corporate Property Asset Manager

To acquire or lease assets up to a value of £100,000 for acquisitions or £15,000 pa for leases, subject to consultation with ward members (excluding industrial and investment transactions)	Corporate Property Asset Manager
To lease and dispose of land and property at below market value with a value up to £10,000 or less, or where the marginal difference between the proposed price and the best consideration price is 25% or less, subject to a maximum marginal difference of £10,000 (after consultation with Ward Members) (excluding industrial and investment transactions).	Corporate Property Asset Manager
In order to release the Council from their interests in land and property to approve, negotiate and undertake by disposal, sale, lease surrender, assignation or excambion of General Fund property interests up to a value not exceeding £250,000 subject to demonstrating the asset is surplus to the operational requirements of Highland Council services and further subject to the sale price not being below market value and after consultation with Local Members (for industrial and investment properties only).	Head of Property Partnerships
To acquire or lease assets up to a value of £150,000 for acquisitions or £15,000 pa for leases, after consultation with Local Members (for industrial and investment properties only).	Head of Property Partnerships
To dispose of land and property at below market value where the marginal difference between the proposed price and the best consideration price is 25% or less, subject to a maximum marginal difference of £10,000 after consultation with Ward Members (for industrial and investment and commercial element of HRA properties only).	Head of Property Partnerships
To lease land and property at below market value with a value up to £30,000 or less where the marginal difference between the proposed price and the best consideration price is 25% or less after consultation with Ward Members (for industrial and investment properties only).	
To grant wayleaves, servitudes and rights over Council owned land or property and to vary lease terms.	Director of Housing and Property
Where concessionary leases are proposed for properties with a capital market value of £10,000 or less or where the marginal difference between the proposed price and the best consideration is 25% or less, subject to a maximum marginal capital difference of £10,000, approve the let, subject to consultation with the Corporate Manager and Ward Members.	Corporate Property Asset Manager
To undertake valuations of land and buildings for all purposes.	Director of Housing and Property
To act on the Council's behalf in relation to rating revaluations and appeals.	Director of Housing and Property

To determine applications for purchases of houses (other than those held on the Housing Account under the Tenants' Right to Buy Legislation).	Head of Property Partnerships
To grant leases of the Council's Investment portfolio sites and premises or to approve assignation of such leases (after consultation with the Ward Members).	Head of Property Partnerships
To approve rent reviews; lease renewals (to sitting tenants); and any other valuation issues relative to Commercial leases.	Head of Property Partnerships
To vary the Investment portfolio leases in compliance with lease terms or in order to improve management or valuation issues.	Head of Property Partnerships
To determine applications for variation or waiver of feuing conditions (after consultation with the Ward Members) at a consideration to be determined by himself.	Director of Housing and Property
In consultation with the Chairman and the Vice-Chairman of the Resources Committee to enter Service Level Agreements with external bodies requiring a property and construction service.	Director of Housing and Property
To submit an annual report to the Resources Committee on the Highland Housing Alliance	Director of Housing and Property

Community Services

Statutory Powers and Duties of the Council which are Exercisable by Officers of the Authority

Statute	Description of Power or Duty	Title of Officer to whom/level of post to which delegated
<u>Housing</u>		
Housing (Scotland) Act 1987	Sections 28-35 - to perform the Council's duties in respect of applicants who claim to be homeless or threatened with homelessness.	Area Managers
"	Section 36 - to authorise Officers to enter premises and to deal with moveable property of homeless persons or persons threatened with homelessness; to decline to take action, and to impose conditions.	Area Managers
"	Section 39 - to give assistance to voluntary organisations concerned with homelessness.	Director of Community Services
"	Sections 61-64 – to determine applications under “Right to Buy”	Area Managers
	Section 65 - to determine applications to vary conditions of sale of Council houses to tenants, on tenants' request.	Area Managers
“	Section 68 - to instruct refusal of applications to purchase, where the tenant's right to purchase is disputed.	Area Managers
"	Part IV-VIII - sub-standard houses - to appoint, in consultation with the Director of Community Services authorised officers for the purposes of duties and functions in relation to housing grants, houses not meeting the tolerable standard, houses in disrepair, closing, demolition, improvement and Repairs Notices or Orders, overcrowding, and houses in multiple-occupation.	Director of Community Services
"	Parts XIII-XV – of the Housing Scotland Act - to determine applications for – (i) improvement grants, (ii) repairs grants and (iii) improvement grants relating to works for a disabled occupant in accordance with Committee policies as agreed from time to time (Category 1 applications up to the limits of 100% of	Area Managers

	£15,000 and approval of Category 1 applications up to the limit of 100% of £20,000 in consultation with the Chairman of the Housing and Social Work Committee.	
"	To determine applications for miscellaneous grants - fire escapes, improvement of amenity, thermal insulation, reinstatement, etc, in terms of the legislation.	Area Managers
"	Section 317 - to authorise entry for survey, inspection and valuation.	Area Managers
Housing (Scotland) Act 2001	Section 14 – to instruct court action for recovery of possession of Secure Tenancy	Area Managers
	Section 17-21 – to act in respect of abandoned tenancies	Area Managers
	Section 27 – to implement regulations issued under the “Right to Repair” scheme	Area Managers
	Section 28-29 – to consent or withhold consent to tenants’ repairs and improvements, and to determine whether, and if so to what extent, the cost of works should be reimbursed	Area Managers
	Section 35 – to serve Conversion Notices in the event of anti-social behaviour.	Area Managers
	Section 45 – to refuse Right to Buy applications in “pressured area status” areas.	Area Managers
“	Section 53(3) – to keep a Register of Tenant Housing Organisations	Head of Housing
Regulation of Investigatory Powers (Scotland) Act 2000	To authorise action to undertake directed surveillance or the use of covert human intelligence sources.	Head of Housing
Antisocial Behaviour etc. (Scotland) Act 2004	Section 4-8 - to instruct legal action to obtain an Antisocial Behaviour Order or Interim Antisocial Behaviour Order	Area Managers
	Section 68 – to instruct legal action to serve an Antisocial Behaviour Notice	Area Managers
Tenements (Scotland) Act 2004	Section 4 – to implement provisions relating to Tenement Management	Area Managers

	Schemes	
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Non-Statutory Powers – Housing	
To undertake the strategic and operational responsibilities of the Council including enabling the provision of housing in the social sector.	Director of Community Services
To manage the Council's Buildings Maintenance DLO.	Director of Community Services
To manage the Council's sites for Gypsy/Travellers and to work with other services and agencies to address Gypsy/Traveller issues.	Director of Community Services
To manage the Council's HRA housing and associated properties and also housing leased from other owners.	Director of Community Services
To determine applications for grants to outside bodies where the principle of support to the organisation has been accepted by the Council, where there is budget provision and where there are no circumstances which would require the Council to reassess its support.	Director of Community Services
To authorise officers of the Housing and Property Service to enter and inspect any property held on the Housing Revenue Account.	Director of Community Services
To authorise payment of compensation to tenants and maintain a register of such payments	Director of Community Services
<u>Property Services</u>	
To determine applications under the Council's small land sales policy in relation to HRA	Area Managers

Key: Roads and Transport

Delegation Banding Codes	Description and Indicative Posts
A.	<p>Area or Unit Manager</p> <ul style="list-style-type: none"> ▪ Head of Roads and Transport ▪ Area Manager ▪ Harbours Manager ▪ Lighting Manager
B.	<p>Function Manager</p> <ul style="list-style-type: none"> ▪ Area Technical Manager ▪ Community Works Manager ▪ Principal Engineer ▪ Principal Officer ▪ Senior Officer ▪ Senior Engineer Asset Management ▪ Area Lighting Engineer ▪ Senior Engineer (Policy, Standards and Safety Team) ▪ Transport Development Officer ▪ Marine Superintendent
C.	<p>Operations and Technical Officers</p> <ul style="list-style-type: none"> ▪ Engineer ▪ Principal Technician ▪ Ferry Foreman ▪ Community Works Officer (CWO) ▪ Senior Technician ▪ Technician ▪ Operational Support Officer ▪ Inspector ▪ Senior Technical Assistant ▪ Performance Inspection Co-ordinator and Contract Supervisor ▪ Engineer
D.	<ul style="list-style-type: none"> ▪ Foreman ▪ Parking Attendants

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
Roads (Scotland) Act 1984	s.1(1) - Manage and maintain all public roads	A
	s.1(1) - Prepare and keep a list of public roads	C
	s.1(3) - List of roads open for public inspection	C
	s.13(1) - Require frontages on Private Roads to make road up to reasonable standard	B
	s.15(1) - Take emergency action on Private Road	B
	s.21 – addition of roads constructed under this Section of the Act to the Statutory List of Roads maintained under Section 1 of the Act	B
	s.23 - Authority may stop up or temporary close a new road where appropriate	B
	s.24 - May alter road levels	C
	s.30 - Provide and maintain barriers for public safety	C
	s.31(1) - May construct drains	C
	s.31(2) - Must scour cleanse and keep open drain	C
	s.31(3) - Serve notice on affected landowners of any proposed drainage work	B
	s.31(4) - Obtain S.E. consent for work if any objection at above	A
	s.31(5) - Reinstate and recover costs for damaging works to drains & barriers, carried out by others	B
	s.34 - Take reasonable steps to clear snow and ice	D
	s.35(1) - Must maintain lighting for roads	A
	s.35(5) - May affix lamps etc., to existing structures	B
	s.37(1) - Must consult and notify intention to construct road humps	C (Senior Technician)
	s.41(1) - Maintain cattle grids	C
	s.41(6), (7), & (8) - Alter and maintain cattle grids and by-passes	C
	s.43 - Cattle grid et al vested in road authority	C
	s.45 to s.47 - Minor power and duties re cattle grids	C
	s.50 - May plant trees, shrubs etc.	C
	s.51 - May authorise others to plant and maintain trees, shrubs, etc.	C

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	s.54 - May install refuse or storage bins	C
	s.56(1) - Consider applications for consent to works and notify re utilities	C (Inspector)
	s.56(7) - May remove works not in accordance with 56(1)	B
	s.57 - May notify persons to make safe any dangerous works	D
	s.58 - May give permission for deposits of building materials on the road	C
	s.59 - May require persons to remove obstructions from the road	C
	s.60(2) - May fulfil requirements of others and recover costs	B
	s.61 - May permit others to install and maintain apparatus in a road	C (Inspector)
	s. 62 – Temporary prohibition or restriction of traffic etc. on roads for reasons of public safety or convenience.	A
	s.63 - Deal with access type crossing of footways and verges	C
	s.66 - To require owners to maintain and repair vaults, cellars and the like and to contribute to the cost thereof	B
	s.67 - Power to direct that doors should not open outward into road	B
	s. 68 – Power of roads authorities to stop up roads by order.	A
	s. 69 – Stopping up of dangerous access from public road to land.	A
	s. 70 – Stopping up of access to land from certain roads being constructed.	A
	s. 71 – Provisions supplementary to sections 68 to 70.	A
	s. 72 – Stopping up private access to land by agreement.	A
	2. 73 – Expenses incurred under section 69 or by virtue of section 70 or 72.	A
	s.74(1) - May construct a temporary road	B
	s.74(3) - Must reinstate land used for temporary road	B
	s.78(1) - May divert waters to construct or improve roads	B
	s.78(2) - Serve notice and consult re s.78(1)	B

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	s.79 - May enter agreement with bridge owner	A & Legal
	s.82 - Limits to works where bridge is owned by others	B
	S.83 - May serve notice to have obstruction to sight removed at bends etc.	B
	s.85 - May grant permission for builders skip on road	C (Inspector)
	s.86 - May have skip removed it if contravenes s.85	C
	s.87 - May have structures removed from the road	C
	s.88 - May have projections into the road altered or removed	C
	s.89(1) - Must advise owner of any accidental obstruction to the road	C
	s.89(2) - May take steps to make safe any obstruction	C
	s.90 - May permit apparatus above a road on request	C
	s.91 - May issue notice or take action on obstructive or inadequate fences, walls, hedges, etc.	C
	s.92 - May restrict roadside planting by others	C
	s.93 - Take steps to protect road users from dangers near the road	C
	s.94 - May fill in roadside ditches if dangerous	B
	s.95 - May recover expenses incurred in dealing with deposits on road	B
	s.96 - May recover expenses incurred in repairing extraordinary damage	B
	s.98 & 99 - May act regarding stray animals and flows of water	B
	s.120 - Have regard to disabled and blind in executing works	C
	s.121 - May enter land to search for road making materials (Consequent to duty to pay compensation)	B
Road Traffic Regulation Act 1984	s.1 - General Provisions for Traffic regulation outside Greater London	A (where there is no objection to the proposed Order)
	s.2 – what a traffic regulation order may provide	A
	s.3 - Restrictions on traffic regulation orders	A
	s.4 - Provisions supplementary to ss. 2 and 3.	A

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	s.9 – Experimental traffic orders.	A
	s.10 – Supplementary provisions as to experimental traffic orders.	A
	s.14 to 16 - Temporary prohibition or restriction of traffic, by notice, or order.	B
	s.19 – Regulation of use of highways by public service vehicles.	A
	s.21 – Permit for trailer to carry excess weight.	A
	s.23 – Powers of local authorities with respect to pedestrian crossings on roads other than trunk roads.	A
	s.29 – Power of local authorities outside Greater London to prohibit traffic on roads to be used as playgrounds.	A
	s.32(1)(b) – may by order authorise the use as a parking place of any part of a road within their area, not being a road the whole or part of the width of which is within Greater London.	A
	s.35 – Provisions as to use of parking places provided under s. 32 or 33.	A
	s.36 – Provisions as to authorising use of roads for parking.	A
	s.37 – Extension of powers for purposes of general scheme of traffic control.	A
	s.38 – Parking place to be used as bus or coach station.	A
	s.63 – Stands and racks for bicycles.	A
	s.64 – General provisions as to traffic signs.	A
	s.65, 68, 69, & 71 - Powers in respect of traffic signs.	B
	s.82 – What roads are restricted roads	A
	s.83 – Provisions as to directions under s. 82(2)	A
	s.84 – Speed limits on roads other than restricted roads.	A
	s.85 – Traffic signs for indicating speed restrictions.	A
	s.92 – Bollards and other obstructions outside Greater London.	A
	s.99-102 - Removal of vehicles illegally, obstructively or dangerously parked or abandoned or broken down etc.	C
	s.107-112 and 115-120 - Enforcement of excess parking charges.	D

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
Transport Act 1968	s.63, 69B & 69G - To object, on behalf of the Council, to the grant of applications for goods vehicle operators' licences.	B
NR&SW Act 1991	109 (1a) - may grant permission to persons to place or retain apparatus in a road	C
	109 (1b) - may grant permission to persons to inspect, maintain, adjust, repair, alter or renew the apparatus or change its position or remove it	C
	109 (5a) - may collect fees for above	C (Senior Technician)
	109 (5b) - may withdraw permission for above	C (Senior Technician)
	109 (5c) - may indemnify the authority against claims arising for above	B
	109 (6) - shall give >10 working days notice to other statutory undertakers and authorities of the above permission	C
	110 (4a & b) - may direct unauthorised placers of apparatus in the road to remove it, and to reinstate the road	C (Senior Technician)
	110 (4a & b) - failing the above, may remove and reinstate the apparatus and recover costs	B
	112 (1) - shall keep a register of road works	C
	112 (3) - shall make the register available for viewing	C
	112 (5) - shall contribute costs towards the register	A
	115 (1) - may direct times to the undertaker for works to take place	C (Senior Technician)
	117 (1) - may restrict execution of road works for 1 year following completion of major works in that location	C (Senior Technician)
	117 (2) - shall publish the above notice	C (Senior Technician)
	117 (3) - shall give a copy of the above notice to other statutory undertakers and authorities	C (Senior Technician)
	118 (1 & 2) - shall use their best endeavours to co-ordinate road works for safety, to minimise inconvenience and to protect the structure of the road	C
	121(2, 3 & 4) - may direct undertakers to comply with regulations for a protected road	C (Senior Technician)

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	121 (6) - shall indicate protected roads on the 'List of Roads'	C
	122 (1) - may designate roads with SED from criteria prescribed by the Secretary of State	C (Senior Technician)
	122 (5) - shall indicate roads having SED on the 'List of Roads'	C
	123 (1) - may designate traffic-sensitive roads from criteria prescribed by the Secretary of State	C (Senior Technician)
	123 (4) - shall indicate traffic-sensitive roads on the 'List of Roads'	C
	124 (2) - may direct undertakers signage (Under the TRA 1984)	C (Senior Technician)
	124 (5) - may recover costs pursuing above	C (Senior Technician)
	125 (3) - may by notice mitigate the undertaker to restrict over-run works	C (Senior Technician)
	125 (4) - may recover costs pursuing above	C (Senior Technician)
	131 (1) - may carry out investigatory works on undertaker's reinstatements	C (Senior Technician)
	131 (3) - may require by notice an undertaker who has failed to reinstate to carry out remedial works to remedy works	C (Senior Technician)
	131 (4) - may carry out the above remedial works and have costs reimbursed if non-compliance with above notice	C (CWO)
	131 (4) - shall give notice of above as soon as possible	C (Senior Technician)
	133 (1) - may collect charges from undertakers whose works run over time	C (Senior Technician)
	133 (7) - may reduce/waive payment for prolonged road occupation	C (Senior Technician)
	134 (1) - shall collect inspection fees	C
	136 (1) - may claim costs for strengthening/repairing diversionary routes of lower class during road works	B
	137 (1-5) - may claim costs for strengthening/repairing diversionary routes of lower class during road works	B
	140 (3) - may execute works to inspect apparatus if undertakers fail to maintain it in working order	C

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	140 (4) - may execute emergency works for failed apparatus	C
	140 (5) - may recover costs in respect of above	C (Senior Technician)
	141 (1) - shall be compensated for damage through explosion, ignition, discharge	B
	142 (2) - shall give undertakers facilities for monitoring works affecting their apparatus and protect it	D
	143 (1) - shall identify measures taken in relation of apparatus during major works	C
	143 (4) - shall be liable to compensation or compensate an undertaker on failure to comply with an agreement over major works	B
	144 (1) - shall bear costs of measures taken in relation of apparatus for major works	A
	146 (1) - may declare that an unadopted road is likely to be adopted	B
	146 (4a) - shall secure the performance by undertakers of their duties	A
	146 (4b) - shall comply with any reasonable request as to securing the performance of the above duties	A
	149 (2) - may require by notice an undertaker who has failed to reinstate drains/sewer to carry out remedial works	C (Senior Technician)
	149 (2) - may carry out the above remedial works and have costs reimbursed if non-compliance with above notice	C (CWO)
	149 (3) - may carry out the above remedial works without notice	C (CWO)
	149 (3) - shall give notice of above as soon as possible	C (CWO)
	153 (1) - may agree with undertakers for execution of road works on behalf of the undertaker	C
	162 (3a &b) - shall indemnify undertakers costs incurred to remove apparatus and restore apparatus in former controlled land	C (Senior Technician)
	Sch 3.1 - shall, before granting street works licence, give 10 days notice to other undertakers	C

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
	Sch 3.2 - may collect payment from the licensee legal fees and annual fees	C (Senior Technician)
Transport (Scotland) Act 2005	18(1) Provision of information to the Scottish Road Works Commissioner	A
NRSWA 1991 as amended by the T(S)A	112B – Duty to enter particulars of roads, road works and permissions granted under Sections 56, 58, 61, 85, 86, 87, 88, 90 and 92 of the Roads (Scotland) Act 1984 onto the Scottish Road Works Register.	C
	115 Power to give undertakers directions as to the timing of works	C
	115A – Power to give undertakers directions as to the placing of apparatus in roads.	C
	118 – Duty to co-ordinate the works of undertakers with each other and with works for road purposes	C
	126 – Power to require undertakers to provide names and evidence of qualifications of their supervisors and operatives on site.	C
	126A – Duty to ensure the authority's employees and agents are competent to carry out their duties under S 112B	A
	132A & B – power to require an undertaken to resurface a road and to specify the timing of the work.	A
	154a – Power to issue Fixed Penalty Notices for offences listed in Sch.6A in the manner specified in Sch.6B (Failure to give advance notice of works and failure to give notice that works are complete)	C
	157A – Power to settle disputes arising from sections 117(7), 120(6), 121(5), 133(2), 143(3), 155(3) and Schedule 6 in the manner prescribed in the Code of Practice for Dispute Resolution and Appeals.	A
	163A – Respond to consultation by the Scottish Executive on regulations and codes of practice	A
Roads (Scotland) Act 1948 as amended by Transport (Scotland) Act 2005	130A&B – Power to issue Fixed Penalty Notices for offences listed in Sch. 8A of R(S)A (Placing of skips, building materials or scaffolding in a road without consent or in breach of conditions)	C

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
Roads and Transport		
Road Traffic Act 1988	s.39(2) - Prepare and carry out road safety measures.	B
	s.39(3) - Investigate accidents.	B
	s.39(3) - take consequential prevention measures.	A
The Noise Insulation Regs 1975	3-(1) - Carry out insulation work or make grants	C (Principal Technician)
	4-(1) - Carry out insulation work or make grants	C (Principal Technician)
Environmental Protection (Prescribed Processes) Regs	- Prevention of airborne dust.	D
The Quarries Regs 1999	- 48 Regs intended to protect the Health & Safety of people working at, nearby or visiting a quarry.	Quarry Manager

Oil Pollution		
MS (Prevention of Oil Pollution) Regulations 1996	Various - Oil Pollution	Head of Roads & Transport. Emergency Planning and Business Continuity Manager
MS Act 1994 (Salvage & Pollution)	Various - Oil Pollution	Head of Roads & Transport. Emergency Planning Officer
The Environmental Protection Act 1990	Various - Pollution Control etc.	C

Harbours, Docks and Piers		
- All the powers of a Harbour Master, to be exercised at Council owned harbours.		
Highland Regional Council Fishery Harbours Bye Laws	All - Local Laws	Harbourmaster
Docks and Harbours Act 1970	All - General Harbour Legislation	Harbourmaster
Highland Regional Council (Harbours) Order Confirmation Act 1991	All - Specific Harbour Legislation and Limits of Authority	Harbourmaster
The loading and Unloading of Bulk Flammable Liquids and gases at Harbours and Waterways GS 40	All - Health & Safety	Harbourmaster
Docks Regulations 1988	All - Safety in Docks	Harbourmaster
Merchant Shipping and Maritime Security Bill	Various – Safety at Sea	Harbourmaster
Merchant Shipping Act 1995	Various – Safety at Sea	Harbourmaster
Aviation and Maritime Security Act 1990	Various - Security at Sea	Harbourmaster
International Organisations Act 1968	Various - Maritime Law	Harbourmaster

United Nations Convention on the Law of the Sea	Various - Maritime Law	Harbourmaster
MS (Dangerous Goods & Marine Pollutants) Regulations 1990	Various - Carriage of Dangerous Goods by Sea	Harbourmaster
The Dangerous Substances in Harbour Areas Regs 1987	Various - Entry of Dangerous Substances into Harbour Areas	Harbourmaster
The Hydrocarbon Oil Duties (Marine Voyage Reliefs) Regs 1996	Various - Reclamation of Duty	Harbourmaster
The loading and Unloading of Fishing Vessels Regs 1988	All - Health and Safety.	Harbourmaster
Merchant Shipping Dangerous Goods Regulations 1981	Various - Health and Safety.	Harbourmaster
The Merchant Shipping (Vessels in Commercial use for Sport or Pleasure) Regs 1993	Various - Health and Safety.	Harbourmaster
Harbours, Docks and Piers Clauses Act 1847	- All the powers of a Harbour Master, to be exercised at Council owned harbours.	Harbourmaster C
Harbours, Piers and Ferries (Scotland) Act 1937	- All the powers of a Harbour Master, to be exercised at Council owned harbours.	Harbourmaster C
Dangerous Vessels Act 1985	- All the powers of a Harbour Master, to be exercised at Council owned harbours.	Harbourmaster
Safety Management Code for Domestic Passenger Vessels	- Maintain ferry operations manual.	Ferry Foreman
Wireless Telegraphy Act 1949	- Power to transmit & receive on radio communication wavelengths	A

Aerodromes		
Civil Aviation Act 1982	s.30 – to maintain roads, approaches, apparatus, equipment, buildings and other accommodation at Council Aerodromes.	A
MS Act 1994 (Salvage & Pollution)	Various - Oil Pollution	A Emergency Planning Officer

Key

Environmental Health
Waste Management
Housing & Property

Delegation Banding Codes	Description and indicative posts
1	-----
2	Waste Management Officer (Operations), Community Warden, Education & Enforcement Officer, Pest Control Officer / Dog Warden, Waste Awareness Officer, Foreperson, Environmental Health Technical officer
3	Waste Management Officer (Strategy), Environmental Health Officer
4	Principal Waste Management Officer, Principal Environmental Health Officer, Area Environmental Health Manager, Head of Waste Management, Environmental Health Manager

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/Level of Post to which delegated</u> (see Key)
Environmental Protection		
Anti-Social Behaviour etc. (Scotland) Act 2004	s.58 – power to issue and enforce the provisions of graffiti removal notice.	2
	s. 60 Graffiti removal notice: content and service	2
Civic Government (Scotland) Act 1982	s.99 – power to enter, execute works and recover expenses in relation to buildings (Part VIII of the Act)	2
Control of Dogs (Scotland) Act 2010	s.1 – power to issue dog control notice	2
	s.4 – duty to monitor effectiveness and of, and enforce, dog control notice.	2
	s.6 – power to discharge or vary dog control notice.	3
	s.5 – power to issue fixed penalty notices	2
Environment Act 1995	s.108 – power to authorise in writing persons to gain entry in respect of certain pollution offences.	4
	s.108 – power to act in accordance with written authorisation issued under s.108	2
Environmental Protection Act 1990	s.33 – (as amended by s.55 of the Anti-Social Behaviour etc. (Scotland) Act 2004) – power to enforce provisions concerning the unauthorised deposit, storage, treatment and/or disposal of controlled waste.	3
	s33A – power to issue fixed penalty notices in respect of offence under s33(1)(a) and (c).	2
	s.34 – power to enforce the provisions concerning the duty of care as respects waste.	2
	s.46 – power to serve notice imposing requirements regarding household waste.	2
	s.47 – power to serve notice imposing requirements regarding commercial / industrial waste.	2
	s.59 – power to serve and to enforce provisions of notice requiring removal of waste from land	3
	s. 60 Interference with waste sites and receptacles for waste	3
	s80 – service of abatement notice in respect of statutory nuisance	3
	s.87 – power to enforce provisions concerning the offence of leaving litter.	2
	s.88 – Nominate officer to issue litter/fixed penalty notices	4
	s.88 – power to issue fixed penalty notices in respect of the offence of leaving litter.	2
	s. 90 Litter control areas	3
	s. 92 Summary proceedings by litter authorities	3

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/Level of Post to which delegated</u> (see Key)
	ss.93 & 94 – power to issue and to enforce the provisions of street litter control notices	3
	s.99 Power in relation to abandoned trolleys.	3
	s.149 Seizure of stray dogs.	2
Prevention of Damage by Pests Act 1949	s2 – duties of local authorities in respect of rats and / or mice.	4
	s4 – power to serve notice requiring action in respect of rats and / or mice.	2
	s5 – remedies for failure to comply with notice under s4.	3
	s6 – additional powers of local authorities in relation to groups of premises	3
	s7 – recovery of expenses	3
	s9 – power to require information as to interests in land	3
	s22 – powers of entry for the purposes of Part I of the Act.	2
Refuse Disposal Amenity Act 1978	s.2 – power to enforce provisions concerning abandonment of a motor vehicle or any other thing in the open air without lawful authority	2
	ss.3 & 4 – power to remove and dispose of abandoned vehicles	2
	s5 – recovery of expenses connected with removed vehicles	2
	s.6 – power to remove and dispose of other refuse	2
Control of Pollution Amendment Act 1989	s.5 Duty to produce authority to transport controlled waste	2
Environmental Protection (Duty of Care) Regulations 1991 (as amended by the Environmental Protection (Duty of Care) (Scotland) (Amendment) Regulations 2003	R4 – power to serve notice requiring furnishing of documents	2
Town and Country Planning (Scotland) Act 1997; Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended)	R24 – power to serve an enforcement notice in respect of an advertisement displayed without a consent / failure to comply with a condition or limitation on the display of an advertisement	3

ENVIRONMENTAL HEALTH

The following delegation are subject to any limitations in the Environmental Health Scheme of Authorisation

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/level of post to which delegated</u>
Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 Breeding of Dogs Act 1991 Caravan Sites and Control of Development Act 1960 Cinemas Act 1985 Dangerous Wild Animals Act 1976 Deer (Scotland) Act 1959 Game Licenses Act 1860 Guard Dogs Act 2975 Performing Animals (Regulations) Act 1925 Pet Animals Act 1951 Riding Establishments Acts 1964/70 Theatres Act 1968 Zoo Licensing Act 1981	To grant, but not refuse, applications, renewals or transfers of licences, registrations, approvals and other permissions sought (including variation thereof), where:- a) the application has attracted no relevant objection or relevant adverse representation; b) no member of the Council has requested that the application be decided by a Committee; and c) the application is one which the officer concerned considers should be granted, either without conditions or with conditions which are of a straightforward nature.	Principal Environmental Health Officer and Area Environmental Health Manager
Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 Breeding of Dogs Act 1991 Caravan Sites and Control of Development Act 1960 Cinemas Act 1985 Dangerous Wild Animals Act 1976 Deer (Scotland) Act 1959 Game Licenses Act 1860 Guard Dogs Act 2975 Performing Animals (Regulations) Act 1925 Pet Animals Act 1951 Riding Establishments Acts 1964/70 Theatres Act 1968 Civic Government (Scotland) Act 1982, Sections 87, 90, 92 and 97 Health and Safety at Work etc. Act 1974 Environmental Protection Act 1990 Food Safety Act 1990 Prevention of Damage by Pests Act	To exercise the appropriate duties of office under the relevant provisions of the listed legislation, including any related orders, regulations, or other instruments:- a) made thereunder, or b) having effect by virtue of the European Communities Act 1972, or c) any modification or re-enactment of the foregoing	Technical Officer Animal Health & Welfare Officer

ENVIRONMENTAL HEALTH

The following delegation are subject to any limitations in the Environmental Health Scheme of Authorisation

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/level of post to which delegated</u>
1949 Public Health (Scotland) Act 1897 Water (Scotland) Act 1980 Refuse Disposal (Amenity) Act 1978 Noise and Statutory Nuisance Act 1993 Pesticides (Fees and Enforcement) Act 1989 Radioactive Substances Act 1993 Food Safety Act 1990 Water (Scotland) Act 1980 Water Act 1989 Local Government in Scotland Act 2003 Prevention of Damage by Pests Act 1949 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Health and Welfare (Scotland) Act 2006 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Environment Act 1995 Refuse Disposal (Amenity) Act 1978 Noise and Statutory Nuisance Act 1993 Sewerage (Scotland) Act 1968 Water Services etc. (Scotland) Act 2005 Clean Air Act 1993 Public Health (Scotland) Act 1897 Public Health (Scotland) Act 1945 Health Services and Public Health Act 1968 National Assistance Act 1948 International Health Regulations 1969 Public Health (Ships)(Scotland) Regulations 1971, 1974 & 1978 Public Health (Aircraft)(Scotland) Regulations 1971, 1974 & 1978 Smoking, Health and Social Care (Scotland) Act 2005 Food and Environmental Protection Act 1985		

ENVIRONMENTAL HEALTH

The following delegation are subject to any limitations in the Environmental Health Scheme of Authorisation

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/level of post to which delegated</u>
Public Health etc (Scotland) Act 2008		
Environmental Protection Act 1990 Part IIA Environment Act 1995 Contaminated Land (Scotland) Regulations 2000 Contaminated Land (Scotland) Regulations 2005	To exercise the appropriate duties of office under the relevant provisions of the listed legislation, including any related orders, regulations, or other instruments:- a) made thereunder, or b) having effect by virtue of the European Communities Act 1972; or c) any modification or re-enactment of the foregoing	Scientific Officer
Health and Safety at Work, etc Act 1974	Section 20(2)(c)(i) – to authorise persons to accompany inspectors Section 19 – to appoint inspectors for the purposes of Sections 20, 21, 22 and 25.	Area Environmental Health Manager/ Principal Environmental Health Officer
Health and Safety (Enforcing Authority) Regulations	To agree transfers of responsibility for enforcement.	Area Environmental Health Manager/ Principal Environmental Health Officer
Food Safety Act 1990 including any related orders, regulations, or other instruments:- (a) made thereunder, or (b) having effect by virtue of the European Communities Act 1972, or (c) any modification or re-enactment of the foregoing	Power to grant, suspend, or withdraw, the approval or conditional approval of a food establishment subject to approval under food safety legislation	Area Environmental Health Manager/ Principal Environmental Health Officer
Housing Scotland Act 1987 and Housing Scotland Act 2006	To exercise the functions of authorised officers under Housing legislation in relation to housing grants, houses falling below the tolerable standard, houses in disrepair, closing, demolition, improvement and repairs notices or orders, overcrowding, houses in multiple occupation.	Technical Officer
Housing Scotland Act 1987 and Housing Scotland Act 2006	To approve applications for grants, insofar as the applications relate to financial assistance in respect of the	Area Environmental Health Manager/ Principal Environmental Health

ENVIRONMENTAL HEALTH

The following delegation are subject to any limitations in the Environmental Health Scheme of Authorisation

<u>Statute</u>	<u>Description of power or duty</u>	<u>Title of officer/level of post to which delegated</u>
	improvement of property or the repair of property; to determine housing improvement orders and revoke closing orders.	Officer
Safety of Sports Grounds Act 1975	Section 10 – to issue Prohibition Notices, after consultation with the Chief Constable and the Chief Fire Officer Section 10A – to arrange periodic inspection of designated sports grounds.	Area Environmental Health Manager/ Principal Environmental Health Officer
Fire Safety and Safety of Places of Sport Act 1987	Sections 26, 28, 29, 34 and 35 – to determine whether a stand is a regulated stand, and to issue safety certificates; associated procedures in respect of safety certificates; enforcement, including inspections, and authorisation of entry.	Area Environmental Health Manager/ Principal Environmental Health Officer
Regulation of Investigatory Powers (Scotland) Act 2000	To authorise action to undertake directed surveillance or the use of covert human intelligence sources.	Area Environmental Health Manager/ Principal Environmental Health Officer
Building (Scotland) Act 2003 (Section 28)	To serve notice and take all necessary action in respect of defective buildings.	Technical Officer
Various Acts	To increase fees and charges as follows:- Increases to be reported to Members annually:- a) fees and charges payable under the Miscellaneous Licensing legislation to be increased annually by factor agreed by Council, b) fees and charges for other services to be increased annually by factor agreed by Council or by other agreed national scheme.	Environmental Health Manager