

**The Highland Council**

**Scheme of Delegation and Administration  
to Committees and Sub-Committees and to Officers**

**9 December 2019**

## Scheme of Delegation and Administration

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# Scheme of Delegation and Administration

## Introduction

This Scheme was made by the Highland Council on 9 December 2019 under Section 56 of the Local Government (Scotland) Act 1973.

It sets out the terms of reference of business of the Council's Committees and Sub-Committees, throughout the authority, as well as defining the decisions which Committees and Sub-Committees and Officers can make without any further reference to Committees or to the Council.

The Council will review the Scheme each year, normally in September.

- (1) The Scheme provides the framework and guidance for and the powers given to Committees and Sub-Committees and to Officers.
- (2) There are limits to the powers which can be delegated by the Council. There are also certain decisions which the Council must (by law) take itself e.g. setting the Council Tax or making this Scheme. Others it may choose to keep to itself e.g. approving the formulation of major policies.
- (3) Throughout this Scheme, reference is made to delegated powers and to full delegated powers. The difference between the two is:-
  - (i) Where a decision is taken with **delegated powers**, the Council's Standing Orders Relating to the Conduct of Meetings (see Paragraphs 13 and 14) allow for that decision to be looked at again, provided a Notice of Amendment is sent to the Head of Corporate Governance within 3 working days of the meeting when the decision was taken and by 5pm on the final day. No action will be taken on the decision until it has been considered again by the full Council. If the 3 working days pass without submission of such a Notice, the decision will be implemented as a final decision.
  - (ii) Where a decision is taken with **full delegated powers** that is a final decision which will be implemented after the meeting and cannot be affected by the Notice of Amendment procedure.

The Head of Corporate Governance also has powers to refer for further consideration by the Council any item of business on which a decision has been made but which he may consider as being a contravention of law or any Code of Practice under any enactment,

or maladministration leading to injustice. (Notice of Referral - See Paragraph 15 of Standing Orders)

- (4) A Member may bring any matter before the Council by way of a Notice of Motion in accordance with the procedure set out in Paragraph 12 of Standing Orders.

## **Part I**

### **Powers Reserved to The Highland Council**

1. The following powers are reserved to the Council:-

- 1.1 To define the Council's Goals and Values and main objectives and decide on its priorities.
- 1.2 To allocate resources between the functions and activities of the Council to reflect its priorities.
- 1.3 To approve the annual Revenue and Capital budgets, and to set the Council Tax.
- 1.4 To approve the Council's Programme including its contribution to the Local Outcome Improvement Plan.
- 1.5 To make policies or substantially extend or modify any policies not otherwise delegated to Committee.
- 1.6 To make Schemes to regulate the work and performance of the Committees and Sub Committees.
- 1.7 To evaluate, co-ordinate and review the work and performance of all Committees.
- 1.8 To elect the Convener, Leader of the Council, Depute Leader of the Council and both Vice Conveners.
- 1.9 To fix the constitution, membership, functions and powers of the Council's Committees, to amend them from time to time, to appoint the Chairs and Vice-Chairs of Committees and to confirm the appointment of the Leader of the Opposition following nomination by the largest political group in opposition to the Administration.
- 1.10 To establish, and appoint Members to represent the Council on, Companies and/or other bodies and to oversee their operation, including the receipt of Financial Reports and Accounts, where such power is not expressly delegated to a Committee or Sub Committee.

- 1.11 To incur expenditure, including capital expenditure, not otherwise budgeted for.
- 1.12 To promote or oppose Parliamentary Bills.
- 1.13 To consider and respond to proposed amendments to the Authority's boundaries or boundaries of the Electoral Wards of the Council.
- 1.14 To deal with all matters relating to the election of Members to the Council.
- 1.15 To make Schemes for Members' Allowances and for Approved Duties.
- 1.16 To change the name of the Council.
- 1.17 To authorise the use of the Common Seal and any Coat of Arms or logo.
- 1.18 To admit honorary Freemen.
- 1.19 To make, amend or revoke this Scheme, the Standing Orders relating to the Conduct of Meetings or the Financial Regulations and the Contract Standing Orders.
- 1.20 To act as Trustee for Common Good Funds and Associated Funds in relation to determining and delivering investment policy, including the purchase and disposal of trust assets, subject to the administration of these funds being delegated to City/Area Committees or to Officers in terms of this Scheme.
- 1.21 To approve the Treasury Management Policy Statement, Annual Strategy Statements and Out-Turn Reports.
- 1.22 To adopt the Council's Decentralisation Scheme and to amend it as required.
- 1.23 In relation to the Infrastructure and Environment Service –

- (a) to adopt Local Development Plans under the Town and Country Planning (Scotland) Act 1997 (as amended); and
  - (b) to make schemes for Simplified Planning Zones under the Town and Country Planning (Scotland) Act 1997 (as amended).
- 1.24 To make formally Byelaws, Regulations, Management Rules and Schemes where not otherwise dealt with by Strategic Committees and/or City/Area Committees.
- 1.25 To make Compulsory Purchase Orders, recommended by Committees.
- 1.26 To make Resolutions under Section 9 of the Civic Government (Scotland) Act 1982.
- 1.27 To appoint, fix the salary of and to dismiss the Chief Executive, Chief Operating Officer and any Executive Chief Officer unless any of these powers are specially delegated to any Committee.
- 1.28 To approve any review of staffing structures at Chief Operating Officer and Executive Chief Officer level.
- 1.29 To appoint the Proper Officer of the Council for specified roles and the Council's Monitoring Officer.
- 1.30 To appoint the Parliamentary Returning Officer.
- 1.31 To consider any report prepared by the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and to comply with the requirements of that Section.
- 1.32 To determine all applications for planning permission relating to 'national developments' (designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 1.33 To determine all applications for planning permission 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.

- 1.34 To agree the delegation of functions in line with Requests from Local Committees based on statements of intent and risk assessments (including criteria for improvement, targets, financial management, resources and governance).
- 1.35 To oversee and approve any changes to the Scheme of Establishment for Community Councils.
- 1.36 To receive the Council's Annual Accounts and approve these for audit (annually by 30 June).

## 2. Delegation to Committees and Sub Committees

There shall be delegated to the Committees and Sub Committees of the Council the powers and duties set out in this Scheme subject to the limitations and conditions stated. Decisions taken by Committees and Sub Committees exercising powers delegated to them shall be deemed to be actings and proceedings of the Council, except as otherwise provided by Statute or by this Scheme.

## 3. Right of Reference to Committees and Council

Nothing shall prevent a Committee, Sub Committee, Chair, Vice Chair or an Officer from referring any matter to the Council or any Committee for decision where that matter could otherwise be dealt with under delegated powers in terms of this Scheme.

## 4. Interpretation

In any situation of uncertainty, it is for the Head of Corporate Governance to determine which Committee is empowered to exercise authority which has been delegated (to a Committee) by the Council.

**Part II**

**Terms of Reference of  
Headquarters Committees  
(and Sub Committees Acting with Full Delegated Powers)**

## **Strategic Committees.**

### **General**

The following powers/duties shall be exercisable by all the Headquarters Strategic Committees.

1. To develop and review a Service Plan and associated policies and strategies for the delivery and promotion of the services within the Committee's remit and to scrutinise performance in implementation of the Service Plan.
2. To review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to Best Value and continuous improvement.
3. To enter into liaison and partnership and consult with other agencies and organisations, including the Voluntary Sector, as appropriate to achieve a co-ordinated approach to the provision of services.
4. To scrutinise the management of the Revenue and Capital Budgets for the Services included in the Committee's remit and monitor and control these budgets, including dealing with over-expenditure.
5. To decide grant applications of Highland wide significance to outside bodies/agencies.
6. To consider issues relevant to the operation of the Council's Contracts Standing Orders.
7. To consider significant staffing structure issues for the Service(s) covered by the Committee's remit for referral to the Corporate Resources Committee.
8. To deal with representations, consultations, etc from Government and statutory bodies and to make representations to Ministers and those bodies regarding services included in the Committee's remit.
9. To respond to Green Papers, Parliamentary Bills, Statutory Instruments and pre-legislative consultation by a Scottish Parliamentary Committee, as appropriate.

10. To act as client in relation to any activities within the Committee's remit being submitted to competitive tendering with particular regard to the level of service to be provided.
11. To promote sustainable development in the conduct of Council business and the provision and delivery of services.
12. To promote equal opportunities in the conduct of Council business and the provision and delivery of services.

## **Corporate Resources Committee**

### **1. General**

**The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:–**

1. Approve and review policies, strategies and Service Plans for the delivery of the services within the Committee's remit.
2. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets, including dealing with over-expenditure.
3. Scrutinise performance relating to service delivery and implementation of strategy, policy and Service Plans.
4. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to best value and continuous improvement.
5. Make decisions about entering into partnerships (including consultation with other agencies, organisations and communities) as appropriate in order to achieve a collaborative and effective approach to service delivery.
6. Consider representations, consultations etc from Government and statutory bodies and make representations to Ministers and those bodies regarding services included in the Committee's remit.
7. Promote sustainable development and equal opportunities and human rights in the conduct of Council business and the delivery of services.
8. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality poverty and rurality.
9. Ensure that all decisions take into account the resource, legal and risk implications that need to be considered.

### **2. Specific**

***Responsibility for:-***

***2.1 All financial affairs of the Council including corporate monitoring of the Revenue and Capital Budgets.***

***2.2 Treasury management (including the scrutiny of policy and strategy statements, outturn and performance monitoring reports and practices).***

- 2.3 Charges, rebates and allowances not linked to the functions of any other Committee.*
- 2.4 Applications for loans and grants, not linked to the functions of any other committee and which are included in the budget.*
- 2.5 Local Government Pension Scheme discretionary policies in respect of the Council's role as an employer within the Pension Fund.*
- 2.6 All matters relating to the administration of local taxation, including Council tax and non-domestic rates, and council tax reduction and benefits, including benefits promotion and anti-fraud activities.*
- 2.7 Collection and recovery of debts owed to the Council.*
- 2.8 Determination of appeals against non-domestic rates assessments and the disposal under any enactment of all other claims or applications for relief.*
- 2.9 Procurement and the review and monitoring of compliance with Contract Standing Orders.*
- 2.10 The review and monitoring of the superannuation of employees under the Local Government Superannuation (Scotland) Acts but excluding the management and investment of the superannuation and other funds.*
- 2.11 Matters relating to the workforce including equal opportunities in employment, employee learning and development, human resource management and the health, safety and well-being of employees.*
- 2.12 Improving employee engagement and partnership working, ensuring good industrial relations through effective consultation and communication in partnership with the trade unions.*
- 2.13 Digital Services and other channels being developed to support efficient and effective access to the Council and services.*
- 2.14 ICT Services (corporate and curriculum) including services delivered in-house and those delivered in partnership and through contractual arrangements with external organisations.*
- 2.15 A financial strategy which focuses on service outcomes and performance standards which are linked to the Council's strategic priorities and target operating models.*
- 2.16 Budget governance and accountability to further improve annual performance and to support earlier identification of budget opportunities.*

- 2.17 *Investment including a robust commercial investment strategy enabling self-funding projects to be fast tracked for approval.*
- 2.18 *Funding/Funds Governance to maximise the reach and spread of funding.*
- 2.19 *Effective administration of, and to ensure appropriate resources for, the licensing function including the Highland Licensing Committee and Board.*
- 2.20 *To make decisions relating to the functions of the Council in delivering services relating to Community Asset Transfer*
- 2.21 *Responsibility for consumer protection, including Trading Standards, Consumer Advice and the enforcement of Civic Government Licensing.*
- 2.22 *Functions of the Council, as the statutory authority, in relation to Weights and Measures and Consumer Safety, storage of petrol and explosives. (Ref Health and Safety at Work Act 1974/ Petroleum (Consolidation) Regulations 2014 & Explosives Regulations 2014 respectively); all year round supply of fireworks (Ref. Fireworks Regulations 2004 made under the Fireworks Act 2003 and by sections 11(3) and 27(2) of the Consumer Protection Act 1987).*
- 2.23 *Appointments to Committees/Sub-Committee with the remits detailed below, acting with full delegated powers, to deal with Appeals, Disputes and Early Retirement. \*\**

### **3. Other General Business**

*Relating to the effective and legal operation of the Council and not covered by other Committees.*

#### **Powers and Duties Delegated to the Committee**

*All of the powers and duties detailed 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 an Executive Chief Officer 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) *Employment Release Sub-Committee***

*To agree early retirement or redundancy for any post which is considered to be out-with the authority delegated to the Chief Executive and relevant Executive Chief Officer.*

*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 Committee**

### **1. General**

**The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:–**

1. Approve and review policies, strategies and Service Plans for the delivery of the services within the Committee's remit.
2. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets, including dealing with over-expenditure.
3. Scrutinise performance relating to service delivery and implementation of strategy, policy and Service Plans.
4. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to best value and continuous improvement.
5. Make decisions about entering into partnerships (including consultation with other agencies, organisations and communities) as appropriate in order to achieve a collaborative and effective approach to service delivery.
6. Consider representations, consultations etc from Government and statutory bodies and make representations to Ministers and those bodies regarding services included in the Committee's remit.
7. Promote sustainable development, equal opportunities and human rights in the conduct of Council business and the delivery of services.
8. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality, poverty and rurality.
9. Ensure that all decisions take into account the resource, legal and risk implications that need to be considered.

### **2. Specific**

***Responsibility for:-***

- 1.1. \*\* Carry out the functions of the Council as the statutory authority in relation to the following:
  - Additional Support for Learning; Children's Services Planning;
  - Community Learning and Development;

- Early Learning and Childcare;
- Gaelic Education
- Educational Psychology;
- Primary and Secondary Education;
- Getting it right for every child;
- Quality Improvement in Schools;
- Statutory School Consultations;
- Additional school services such as Gypsy Traveller Education;
- Home Education
- Health and Nutrition

1.2. Carry out the functions of the Council in delivering services relating to the following:

- Learning and Teaching Strategy;
- Play strategy;
- Early intervention and preventative services for children;
- Developing the young workforce; skills for learning ,life and work
- School counselling and family wellbeing services Supporting and working with parent/carers
- Safe routes to school and road safety Dental Hygiene Strategy
- Healthy Living and Lives Strategies relating to children eg healthy weight and diet
- Professional learning and development including careers, professional update and review and employee review and development

1.3. Set service standards and approve policy and overall priorities for the delivery of Education service functions to comply with the Council's legal, regulatory and financial responsibilities.

## **1. Education and Learning – Specific Duties:**

3.1. Overview of curriculum rationale and design (2-18)

3.2. Monitoring attainment and achievement for all young people, including Looked After Children and individuals from deprived backgrounds

3.3. Ensuring inclusion through monitoring of key outcomes especially the most vulnerable children

3.4. Scrutinise, supporting and monitoring educational KPIs.

3.5. Make recommendations to the Council on the outcomes of statutory consultation on school provision.

- 3.6. 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.
- 3.7. Scrutinise and agree a 3 year plan for delivering Community Learning and Development provision.
- 3.8. Scrutinise and provide oversight of local area Children's Plans developed by Community Partnerships.

## **Housing & Property Committee**

### **1. General**

**The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:-**

1. Develop and review charges, policies, strategies and service plans for the delivery of the services within the Committee's remit.
2. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets including dealing with over-expenditure.
3. Scrutinise performance relating to service delivery and implementation of strategy, policy and service plans.
4. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to Best Value and continuous improvement.
5. Make decisions about entering into partnerships including consultation with other agencies and organisations, as appropriate, in order to achieve a collaborative and effective approach to service delivery.
6. Consider representations, consultations etc from Government and statutory bodies and to make representations to Ministers and those bodies regarding services included in the Committee's remit.
7. Promote sustainable development and equal opportunities and human rights in the conduct of Council business and the delivery of services.
8. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality, poverty and rurality.
9. Ensure that all decisions take into account the Resource, Legal, Climate Change/Carbon Clever, Risk and Gaelic implications that need to be considered.

### **2. Specific**

**Housing Services:-** To make decisions relating to the functions of the Council in delivering services relating to the following:-

- 2.1 Determining Local Housing Strategy.
- 2.2 Approving Housing Management, Homelessness and Housing

## Repairs and Maintenance Policies.

- 2.3 Approving HRA Estimates and HRA Capital and Revenue budgets and associated rents and service charges (excluding garages which are determined at Local Committee).
- 2.4 Consider applications for housing development loans and grants and oversee the operation of the land bank fund (if not at I&E committee)
- 2.5 Consider applications for Scottish Government Infrastructure Loans Fund (if not at I&E committee)

**Property & Facilities Management Services:-** To make decisions relating to the functions of the Council in delivering services relating to the following:-

- 2.6. Capital Design and Delivery, Catering, Cleaning and Facilities Management, Corporate Landlord, Corporate Property Asset Management, School Hostels, Countryside Facilities, Energy Management, Engineering Services, Estates Strategy & Capital Planning (C&L), PPP Contract Management, Property Maintenance, Property Management, Project Management and Quantity Surveying.
- 2.7 To set service standards and approve policy and overall priorities for the delivery of Housing & Property Service functions to comply with the Council's legal, regulatory and financial responsibilities, approve the distribution of operational budgets to Local Committees, scrutinise expenditure against local budgets and agree corrective action to ensure a balanced Service budget.
- 2.8. To monitor budgets, approve any variations (including those functions and budgets delegated to Local Committees) and consider changes to local service delivery arrangements proposed by Local Committees where these would have an impact on more than one Local Committee area.

### **3. Specific**

**Property & Facilities Management Services:-**

- 3.1. 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. To approve terms and conditions negotiated by the appointed Executive Chief Officer for the acquisition, disposal or lease of land and property and to monitor the status of building projects appearing in the capital works and maintenance programmes.
- 3.2. To set policy for the management and maintenance of property and countryside facilities, including all facility lets.

- 3.3. To provide the Corporate Landlord/Property Client role to ensure that statutory compliance obligations of the Council for Property related legislation are met and physical changes to Property/Built Environment Assets are effectively managed and controlled.
- 3.4. To agree and monitor the project management arrangements for Public Private Partnership schemes relating to building construction or maintenance programmes and the Service's role as Client and Principal Designer under the Construction (Design and Management) Regulations 2015 (CDM Regulations).
- 3.5. To monitor the purchase of fuels and energy (and agree such contracts), approve and maintain competed framework arrangements for minor and major works contracts and decide on grants of national significance which relate to the Service's responsibilities.

## **Economy and Infrastructure committee**

### **1. General**

#### **2. The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:–**

3. Develop and review charges, policies, strategies and service plans for the delivery of the services within the Committee's remit.
4. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets including dealing with over-expenditure.
5. Scrutinise performance relating to service delivery and implementation of strategy, policy and service plans.
6. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to Best Value and continuous improvement.
7. Make decisions about entering into partnerships including consultation with other agencies and organisations, as appropriate, in order to achieve a collaborative and effective approach to service delivery.
8. Consider representations, consultations etc from Government and statutory bodies and to make representations to Ministers and those bodies regarding services included in the Committee's remit.
9. Promote sustainable development and equal opportunities and human rights in the conduct of Council business and the delivery of services.
10. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality, poverty and rurality.
11. Ensure that all decisions take into account the Resource, Legal, Climate Change/Carbon Clever, Risk and Gaelic implications that need to be considered.

### **2. Specific**

- 2.1 To carry out the functions of the Council as the statutory authority in relation to the following – Access, Building Standards, Coast Protection, Development Planning, Development Management,

Environmental Protection, Flood Risk Management, Harbours, Trees and High Hedges, Planning Enforcement, Roads.

- 2.2 To make decisions relating to the functions of the Council in delivering services relating to the following Climate Change, Countryside Facilities, Economic Development and Regeneration, Energy, Europe, Ferries, Industrial Investment, Land Reform and Environment, Capital Design and Delivery, Oil Pollution, Parking Enforcement and Management, Recycling, Road Safety, Roads Network Management, Public and School Transport, Purchasing and Logistics, Town & Country Planning, Traffic Management, Transport Infrastructure, Housing Development and Winter Maintenance.
- 2.3 To set service standards and approve policy and overall priorities for the delivery of service functions to comply with the Council's legal, regulatory and financial responsibilities, approve the distribution of operational budgets to Local Committees, scrutinise expenditure against local budgets and agree corrective action to ensure a balanced Service budget
- 2.4. To monitor budgets, approve any variations (including those functions and budgets delegated to Local Committees) and consider changes to local service delivery arrangements proposed by Local Committees where these would have an impact on more than one Local Committee area.

## **Specific**

### **3. Infrastructure and Environment Service**

#### Land Reform and Environment

- 3.1 To oversee the Council's duties and responsibilities under the Countryside Act 1967, the Land Reform (Scotland) Act 2003 (in terms of access) and the Nature Conservation (Scotland) Act 2004, where such duties and responsibilities are not delegated to Officers (or where Officers have declined to exercise their delegated powers ) or to the Planning Applications Committee.



## Planning and Building Standards

- 3.2.1 To oversee the functions of the Council as the Planning Authority under the Town and Country Planning (Scotland) Act 1997 (as amended) and as the Buildings Authority under the Building (Scotland) Act 2003 (as amended).
- 3.2.2 To oversee the preparation, monitoring and review (for the Council) of any Local Development Plans (and associated Action Programmes), Supplementary Guidance and other land use, policies and guidance that provide a Highland-wide policy context for place-specific plans, policies and guidance, in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 3.2.3 To determine all applications referred to the Committee (with the exception of applications relating to 'major developments' (as designated by Regulations made under s26A(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 Environment, Development and Infrastructure Chair and the Chairs of the relevant Planning Applications Committee(s), is of the opinion that an application raises strategic and/or cross boundary issues.
- 3.2.4 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.
- 3.2.5 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.
- 3.2.6 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.
- 3.2.7 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.

- 3.2.8 Planning etc (Scotland) Act 2006 – to determine under Part 9 (Business Improvement Districts) whether the Council should exercise its power of veto over a ballot held into a BID proposal.
- 3.3 Coast Protection – to set policy for the maintenance of existing coast protection schemes and the implementation of new schemes.
- 3.4 Ferries, Harbours, Piers and Slipways - To set policy for the management and maintenance of ferries, harbours, piers and slipways and to approve the scale of charges for those in Council control, to promote Harbour Orders and to receive the Minutes of the Harbours Management Board meetings.
- 3.5 Roads - To set policy for the management and maintenance of roads and bridges and to approve the scale of charges required under Roads legislation.

#### **4. Economy and Transformation Service**

- 4.1 Carry out the functions of the Council in delivering services relating to the following:
  - Economic Development and Regeneration
  - Tourism – reported to Council
  - Change programme – reported to Council
  - Redesign and Commercial programme – reported to Council
  - Europe – reported to Council
  - City Region Deal – reported to Council
  - Industrial Investment
  - Estates and Tenancy Management
  - Housing Development
  - Culture and Leisure
  - Safe Highlander

#### **4.2 Estates and investment**

4.2.1 The management, lease and disposal of land and property of a capital value exceeding £250,000 or £50,000pa: investigating and formulating proposals for joint venture utilising Council property assets.

4.2.2 The acquisition and lease of land and property of a capital value exceeding £200,000 for acquisitions or £20,000pa for leases.

4.2.3 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.

### 4.3 Housing Development

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

4.3.2 To consider all applications for the Scottish governments Evergreen Infrastructure Loans Fund and to oversee the operation of the loan fund

### 4.4.Culture Strategy

4.4.1 Receive reports on the performance and activity of High Life Highland and Eden Court.

### 4.5 Gaelic Language and Culture

4.5.1 Gaelic Medium Development and approval of the Gaelic Language Plan.

4.5.2 Consideration of reports and recommendations from the Gaelic Language Committee

## **Powers and Duties Delegated to the Committee**

All the powers and duties listed above - other than those specifically reserved under Part I of this Scheme and those fully delegated to the following.

Education Transport Review Sub Committee – to determine reviews in respect of the provision of school transport.

The Northern Roads Collaboration Joint Committee – following recommendation by the Northern Roads Collaboration Joint Committee, to consider and make recommendations to the Highland Council proposals for participation in Roads Collaboration activities.

## **Health, Social Care & Wellbeing Committee**

### **1. General**

**The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:–**

1. Approve and review policies, strategies and Service Plans for the delivery of the services within the Committee's remit.
2. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets, including dealing with over-expenditure.
3. Scrutinise performance relating to service delivery and implementation of strategy, policy and Service Plans.
4. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to best value and continuous improvement.
5. Make decisions about entering into partnerships (including consultation with other agencies, organisations and communities) as appropriate in order to achieve a collaborative and effective approach to service delivery.
6. Consider representations, consultations etc from Government and statutory bodies and make representations to Ministers and those bodies regarding services included in the Committee's remit.
7. Promote sustainable development equal opportunities and human rights in the conduct of Council business and the delivery of services.
8. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality, poverty and rurality.
9. Ensure that all decisions take into account the resource, legal and risk implications that need to be considered.

### **2. Specific**

**Responsibility for:-**

- 2.1** Carry out the functions of the Council as the statutory authority in relation to the following: Adult Social Care (Lead Agency Model); Allied Health (Children); Chief Social Work Officer; Child Protection; Children's Services Social Care; Corporate Parenting; Criminal Justice Social

Work; Fostering and Adoption; Getting It Right For Every Child (GIRFEC); Health Visiting; Children's Rights; Kinship Care; Looked after Children; Mental Health Officers; NHS Commissioned Services; Out-of-hours Social Work; Residential Care; Scrutiny of Adult Social Care Services; Self Directed Support; Throughcare and Aftercare; Violence Against Women; Transitions; and Young Carers

2.2 Carry out the functions of the Council in delivering services relating to the following: Prevention and Early Intervention services for children; Public Protection arrangements; School Nursing; Third Sector Interface; Provision of Criminal Justice social work services in accordance with the National Objectives and Standards.

2.3 Set service standards and approve policy and overall priorities for the delivery of People service functions to comply with the Council's legal, regulatory and financial responsibilities.

### **3. Health, Social Care and Wellbeing – Specific Duties:**

3.1. Make recommendations to the Council on the outcomes of statutory consultation on Children's Services.

3.2. 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.

3.3. Contribute to the development and delivery of the strategic plan relating to Highland's provision of Community Justice Services, including appointing a member to the Highland Community Justice Partnership.

3.4. Contribute to the development and delivery of the strategic plan relating to Highland's provision of Mental Health Officers

3.5. Scrutinise and provide oversight of local area Children's Plans developed by Community Partnerships.

3.6. Oversee the scrutiny of Adult Social Care services delegated to NHS Highland, including to appoint the Adult Services Development and Scrutiny Sub-committee, and to consider any recommendations from it.

## **Communities & Place Committee**

### **1. General**

**The following powers/duties shall be exercisable by all the Headquarters Strategic Committees to:–**

1. Approve and review policies, strategies and Service Plans for the delivery of the services within the Committee's remit.
2. Scrutinise the management of the Revenue and Capital Budgets for the services included in the Committee's remit and monitor and control these budgets, including dealing with over-expenditure.
3. Scrutinise performance relating to service delivery and implementation of strategy, policy and Service Plans.
4. Review the effectiveness of the standard and level of services provided in accordance with the Council's commitment to best value and continuous improvement.
5. Make decisions about entering into partnerships (including consultation with other agencies, organisations and communities) as appropriate in order to achieve a collaborative and effective approach to service delivery.
6. Consider representations, consultations etc from Government and statutory bodies and make representations to Ministers and those bodies regarding services included in the Committee's remit.
7. Promote sustainable development and equal opportunities and human rights in the conduct of Council business and the delivery of services.
8. Consider the impact of decisions on communities, specifically taking into consideration the issues of equality, poverty and rurality.
9. Ensure that all decisions take into account the resource, legal and risk implications that need to be considered.

### **2. Specific**

***Responsibility for:-***

- 2.1 To set service standards, approve policy and overall priorities for the delivery of Communities and Place service functions to comply with the Council's legal, regulatory and financial responsibilities.

2.2 To set policy and carry out the functions of the Council as the statutory authority in relation to the following: Registration of Births, Deaths and Marriages and the licensing of approved places for Civil Marriages; Burials and Cremations; Weights and Measures and Consumer Safety, storage of petrol and explosives and all year round supply of fireworks; Environmental Health; Harbours; Street Cleaning; Waste Strategy, Collection and Disposal; and Reporting against the Public Sector Equality Duty.

2.3. To approve policy and make decisions relating to the functions of the Council in delivering services relating to the following:

1. Community Asset Transfer;
2. Environmental Health – public health, health and safety at work, pollution control, private water supplies, animal health and welfare, contaminated land, enforcement of Civic Government Licensing and food safety;
3. Public Conveniences;
4. Fleet Management including compliance with the Operator Licence and Purchasing and Logistics;
5. Grounds Maintenance and Amenity Services;
6. Street Cleansing;
7. Consumer Protection (including trading Standards);
8. War Memorials;
9. Customer Services (Service Point Network and Service Centre);
10. Employability
11. Developing Scotland's Young Workforce

2.4 To approve policy relating to poverty and child poverty, benefits and welfare.

2.5 Approve and monitor progress on the Council's Equalities Outcomes and BSL Plan.

2.6 To approve the local plans for Police and Fire Services every three years and to provide annual strategic scrutiny and engagement of these plans on the basis that regular scrutiny and engagement related to their delivery will be undertaken locally

2.7 To provide strategic direction and oversight of the Council's Place Based Approach and to approve the Council's Place Based Strategy.



- 2.8 To provide strategic direction and oversight for the Council's participation, contribution and engagement to Community Planning, including the Council's contribution to the Local Outcome Improvement Plan.
- 2.9 To approve policy relating to the work and development of Community Councils
- 2.10 To approve policy relating to community participation, engagement and empowerment.
- 2.11 To set charges for relevant services, unless delegated to Local Committees.
- 2.12 To scrutinise and approve the distribution of funds to external parties to assist in community-based projects, unless delegated to Local Committees.
- 2.13 To approve the distribution of any operational budgets to Local Committees, scrutinise expenditure against local budgets and agree corrective action to ensure a balanced Service budget.
- 2.14 To monitor budgets, approve any variations (including those functions and budgets delegated to Local Committees) and consider changes to local service delivery arrangements proposed by Local Committees where these would have an impact on more than one Local Committee area.

## **Audit and Scrutiny Committee**

### **General**

- 1.1 To advise the Council on matters relating to the programme of internal and external audit work and findings and recommendations arising from audit reports.
- 1.2 To perform a scrutiny role through the work of the Committee and to deal with matters referred by the Council for scrutiny purposes, including continuous improvement, achievement of outcomes and value for money.
- 1.3 To advise the Council on matters arising from complaints to the Ombudsman and other complaints systems relevant to Council services.
- 1.4 To advise the Council on the implementation of, and matters arising from the Code of Conduct of Councillors and matters arising from the Ethical Standards in Public Life Etc (Scotland) Act 2000 and other relevant legislation.
- 1.5 To scrutinise actions agreed by Strategic Committees in response to the findings and recommendations arising from national reports by scrutiny bodies.
- 1.6 To co-opt on a temporary basis non-voting Member(s) to support the work of the Committee where skills or knowledge gaps are identified.

### **Specific**

- 2.1 To consider the annual Audit Plan and programme of internal audit work, including any revisions to the Audit Plan during the year.
- 2.2 To consider (for the Committee's interests) the outcomes and action plan arising from internal audit reports together with assurance that audit recommendations are satisfactorily implemented.
- 2.3 To consider the annual Action Plan produced by the External Auditor in respect of The Highland Council.
- 2.4 To consider (for its interests) the management and audit reports produced by the External Auditor.

- 2.5 To consider (for its interests) the implications, outcomes and action plans, for the Highland Council of reports produced by Audit Scotland and other inspection and scrutiny bodies.
- 2.6 To consider and advise the Council on the review of Financial Regulations.
- 2.7 To identify any special investigations required in relation to matters of particular concern relating to internal controls, risk management, corporate governance or value for money.
- 2.8 To oversee the Council's risk management policies and strategies and receive reports, including an update on the Corporate Risks on a six monthly basis.
- 2.9 To prepare and undertake a scrutiny workplan, for the Council's approval, in relation to monitoring the performance of the Council, and funded third party organisations, against service delivery and to make recommendations to the Council on proposed action
- 2.10 To deal with matters referred to the Committee by the Council or Strategic Committees for scrutiny purposes in relation to internal controls, risk management, corporate governance or value for money.
- 2.11 To receive an annual update on the Council's Code of Corporate Governance.
- 2.12 To advise the Council on matters arising from the annual report on Ombudsman's complaints, from any formal investigations carried out by the Ombudsman or from any other complaints system relevant to Council Services.
- 2.13 To advise the Council on matters arising from any formal investigations carried out by the Ombudsman or from any other complaints system relevant to Council services.
- 2.14 To receive reports on the Corporate Complaints process on a six monthly basis.
- 2.15 To advise the Council on matters arising from the Ethical Standards in Public Life Etc (Scotland) Act 2000, including the implementation and observance of the Code of Conduct for Councillors, and other relevant legislation.

2.16 To undertake an annual self-assessment of effectiveness in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.

2.17 To receive and agree the Audited Accounts and Auditor's Report to Members (annually by 30 September).

#### Powers and Duties Delegated to the Committee

All of the powers and duties detailed above other than those specifically reserved under Part 1 of the Scheme.

## Pensions Committee

### 1. General

To exercise on behalf of the Council all the powers and duties of the Council in relation to its functions as Administering Authority of The Highland Council Pension Fund (the Fund) except where they have been specifically delegated by the Council to another Committee or to an officer(s).

### 2. Specific

- 2.1 To ensure that the Fund complies with best practice.
- 2.2 To ensure that the Fund complies with the relevant Local Government Pension Scheme Regulations and all other legislation governing the administration of the Fund.
- 2.3 To review the Annual Report and Accounts of the Fund
- 2.4 To review the results of the Triennial Actuarial Valuation of the Fund
- 2.5 To set the Funds' objectives and ensure appropriate strategies, policies and procedures are put in place and kept up to date with a view to achieving these objectives including:
  - a) To set the Investments Strategy (including strategic asset allocation) and associated policies for the Pension Fund and Inverness Common Good Fund, and oversee the Investment Sub-Committee in the implementation of Investment Strategy and policies
  - b) To set the Funding Strategy and associated policies, and to set the policy on funding matters for employers joining and leaving the Fund
  - c) To ensure consistency between the Fund's Investment Strategy and Funding Strategy and the implementation of those strategies.
  - d) To set the Administration Strategy ensuring appropriate arrangements for the administration of benefits are in place and demonstrate the operational efficiency of the administration of benefits through the use of key performance indicators
  - e) To set the strategy for communicating with Scheme employers and employees in the Fund.
  - f) To agree the Fund's Governance Policy.

- 2.6 To ensure the delivery of the Funding Strategy ensuring the ongoing monitoring and management of the liabilities as appropriate.
- 2.7 To review, as appropriate, the Governance Structure of the Pension Scheme to set out the responsibilities of Elected Members, officers, investment managers, advisors, custodians and the actuary to the Scheme, including delegated powers and make recommendations to the Council for changes where necessary.
- 2.8 To ensure appropriate Additional Voluntary Contribution (AVC) arrangements are in place and review investment performance on such contributions.
- 2.9 To set and monitor progress against annual business plans for the Fund.
- 2.10 To develop and maintain a trustee training policy.
- 2.11 To develop and maintain a risk management strategy.
- 2.12 To exercise Pension Fund discretions on behalf of the Administering Authority
- 2.13 To appoint, dismiss and assess the performance of advisors to the Fund including investment advisers and actuaries
- 2.14 To agree where appropriate the Administering Authority responses to consultations by Central Government, professional and other bodies in relation to key consultations
- 2.15 The approval of Admitted Bodies.
- 2.16 To monitor and oversee the work of the Investment Sub-Committee and carry out any of that Sub-Committee's responsibilities if appropriate
- 2.17 To approve the annual Audit Plan and consider the programme of internal audit work during the year.
- 2.18 To consider (for its interests) the outcomes and action plan arising from internal audit reports together with assurance that audit recommendations are satisfactorily implemented.
- 2.19 To consider the annual Action Plan produced by the External Auditor in respect of the
- 2.20 Pension Fund.
- 2.21 To consider (for its interests) the management and audit reports produced by the External Auditor.

### Powers and duties delegated to the Committee

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

\*\* a) Investment Sub-Committee

1. To exercise the delegated powers and duties of the Pension Committee in relation to the management and investment of the Fund's assets. This will include the following specific functions:
  - 1.1 To ensure that the management and investment of assets complies with best practice;
  - 1.2 To ensure that the Fund complies with the relevant Local Government Pension Scheme Regulations and all other legislation governing the administration of the Fund as they relate to the management and investment of the Fund's assets;
  - 1.3 To ensure the delivery of the Funds' investment objectives, strategies and policies and that they are kept up to date;
  - 1.4 To appoint, dismiss and assess the performance of investment managers, custodians and other advisers involved with the management and investment of assets and/or funding of liabilities; and
  - 1.5 To undertake any task delegated to it by the Pensions Committee.
2. Also to exercise on behalf of the Council all the powers and duties of the Council in relation to the management and investment of the Inverness Common Good Fund, except where they have been specifically delegated by the Council to another Committee or to an officer(s). This will include the following specific functions:
  - 2.1 To ensure that the management and investment of assets complies with best practice.
  - 2.2 To ensure that the investment of the Fund complies with the relevant legislation.
  - 2.3 To ensure the delivery of the Funds' investment objectives, strategies and policies, ensuring procedures are put in place and kept up to date
  - 2.4 To appoint, dismiss and assess the performance of investment managers, custodians and other advisers involved with the management and investment of assets.

\*\* Full delegated powers.

### **Part III**

#### **Functions Referred/Powers and Duties Delegated to Planning Applications Committees, Highland Licensing Committee, Planning Review Body, City of Inverness Area Committee, Local Committees and Joint Committee from the Council and Headquarters Committees**



**Planning Applications Committees**  
**from the Economy 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) where such functions and powers: (i) are not reserved to the Highland Council; (ii) are not reserved to the Economy and Infrastructure Committee and (iii) are not delegated to Officers or where Officers have declined to exercise their delegated powers.
2. To receive reports on Proposal of Application Notices for national development (as designated by s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended) and major developments (designated as such by s26A(2) of the Town and Country Planning (Scotland) Act 1997 to allow Members to comment on issues related to the proposed developments (but not to discuss the merits or otherwise of the proposed developments).
3. 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
4. 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
5. 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).
6. 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.
7. 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.
8. To appoint the Chair and Vice Chair of the Committee.
9. 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 Economy and Infrastructure Committee contained in 1 - 9 above, the powers in 7 being fully delegated.

## Highland Licensing Committee

### 1. General

- a) To oversee the functions of the Council as licensing authority under the Civic Government (Scotland) Act 1982 (the '1982' Act)
- b) To carry out consultations on behalf of the Council under the 1982 Act
- c) To formulate and approve policy and approve standard conditions to which licences granted under the 1982 Act will generally be subject
- d) To set fees and charges applicable to applications for licences under the 1982 Act
- e) To approve or otherwise on behalf of the Council proposals in relation to contracts for service in relation to the Council's obligations in terms of the 1982 Act
- f) To oversee the functions of the Council as the authority responsible for preparing and maintaining a register of private landlords under Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 (the 2004 Act)
- g) To oversee the functions of the Council as the authority responsible for the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006 (the '2006' Act)
- h) To formulate and approve standard conditions to which licences under the 2006 Act will generally be subject
- i) To set fees applicable under Section 161 of the 2006 Act

### 2. To exercise full delegated powers, where not otherwise delegated to Officers, in respect of the following –

- a) To consider and determine applications for licences and exemptions under the 1982 Act and, in granting such licences (i) to impose the standards conditions approved under Paragraph 1.3 subject to such variations as are considered appropriate and (ii) to impose additional conditions where considered appropriate
- b) To order the suspension of licences held under the 1982 Act, to determine the duration of any such suspension and to recall suspension orders
- c) To conduct Hearings in respect of licences under the 1982 Act
- d) To refuse or remove registration from private landlords or agents under Part 8 of the 2004 Act and to approve the service of rent penalty notices under Part 8 of that Act

- e) To consider and determine applications for licences, relaxations and exemptions and to refuse to revoke rent suspension orders under Part 5 of the 2006 Act.
  - f) To conduct Hearings in terms of Part 5 of the 2006 Act
  - g) To consider and determine applications for Dispensation in terms of the Fireworks (Scotland) Regulations 2004.
3. To grant council assent under Regulation 14 of the Explosives Regulations 2014 (Ref Health and Safety at Work Act 1974/ Explosives Regulations 2014).
4. To hear applications, renewals or transfers of licences, registrations, approvals and other permissions sought (including variation thereof) relating to:-
- a) The storage of petrol and explosives. (Ref Health and Safety at Work Act 1974/ Petroleum (Consolidation) Regulations 2014& Explosives Regulations 2014 respectively).
  - b) The all year round supply of fireworks (Ref. Fireworks Regulations 2004 made under the Fireworks Act 2003 and by sections 11(3) and 27(2) of the Consumer Protection Act 1987)

where the Trading Standards Manager is not minded to grant the application.

#### 5. From Environmental Health

To exercise full delegated powers, where not otherwise delegated to Officers, in respect of the following:

- To consider and determine applications, renewals or transfers of licences, provisional licences, registrations, approvals and other permissions sought (including variation thereof) relating to legislation listed below;
  - To revoke licences, provisional licences, registrations, approvals and other permissions granted (including variation thereof) relating to legislation listed below;
- a) Animal Boarding Establishments Act 1963
  - b) Breeding of Dogs Act 1973
  - c) Breeding of Dogs Act 1991
  - d) Caravan Sites and Control of Development Act 1960
  - e) Cinemas Act 1985

- f) Dangerous Wild Animals Act 1976
- g) Deer (Scotland) Act 1996
- h) Game Licenses Act 1860
- i) Guard Dogs Act 1975
- j) Performing Animals (Regulations) Act 1925
- k) Pet Animals Act 1951
- l) Riding Establishments Acts 1964/70
- m) Theatres Act 1968
- n) Zoo Licensing Act 1981

**Planning Review Body**  
**Powers Delegated from the Council**

To exercise full delegated powers on behalf of the Council in fulfilment of the provisions of s43A of the Town and Country Planning (Scotland) Act 1997 as amended and regulations made thereunder to review at the request of the applicant:

1. Any application belonging to the category of local developments (as defined in Regulation 2(2) of the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 refused by the appointed Officer;
2. Any condition attached to an application belonging to the category of local developments (as defined above) approved by the appointed Officer; or
3. Any application belonging to the category of local developments (as defined above) that has not been determined by the appointed Officer within the period allowed for determination of the application.



**City of Inverness Area Committee**  
**Powers Delegated from the Council**

1. General

- 1.1 To appoint the Provost and Depute Provosts of Inverness and Leader of Inverness and Area responsible for the running of the Committee and the management of its functions (the Provost and Depute Provosts roles being restricted to Civic Duties only).
- 1.2 To work with partners to achieve the effective promotion and future prosperity of the City/Area, facilitating opportunities for inward investment, regeneration and economic development of the City/Area. This includes the realisation of the “Inverness City Vision”.
- 1.3 To develop appropriate connections with, and ensure Council support for, the local Community Partnership for the area
- 1.4 To ensure implementation of the Council’s approach to localism and place planning as it relates to the City/Area.
- 1.5 To scrutinise and monitor the local delivery of Council services, within approved resources and strategy.
- 1.6 To scrutinise the performance of, and engage with, Police Scotland and the Scottish Fire and Rescue Service
- 1.7 To monitor the delivery of Capital Projects within the City/Area as agreed within the Council’s Capital Programme.
- 1.8 To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights.
- 1.9 To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.
- 1.10 To deal with requests for and make nomination / appointments to local outside bodies not covered by the Council or Strategic Committees e.g. Local Access Forums.
- 1.11 To agree methods and approaches for community engagement and participation, in relation to City/Area business.
- 1.12 To ensure that all decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers and the Council’s Financial Regulations.



## 2. Specific

### Corporate, cross service and civic powers

- 2.1 To consider any proposals made by Council Services to review service delivery, other than annual revenue budget proposals, which would have a materially significant impact on the City / Area.
- 2.2 To agree any Bye-Laws and Management Rules etc. and their amendment or review.
- 2.3 To recommend to Council any proposals for Business Improvement Districts.
- 2.4 To ensure productive relations with Community Councils within the City/Area and to agree any Community Council boundary changes.
- 2.5 To support local youth forums and to promote the engagement of young people in local democracy.
- 2.6 To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.
- 2.7 To consider reports from external groups or bodies. Invite groups or local bodies to address the local committee on matters relevant to the local committee.

### Finance Services

- 2.8 To allocate and monitor expenditure from any agreed and delegated localised funds and to allocate Ward Discretionary Grants where individual grant awards exceed £10,000 (individual awards of up to £9,999 are delegated to the Ward Manager following consultation with local Ward members).
- 2.9 To oversee the management of any Common Good Fund (CGF) assets for the locality by: scrutinising CGF budget monitoring; approving costs, project costs and grant applications for any local CGF as required up to 10% of the value of the CGF; and to purchase and dispose of Common Good Trust assets up to 10% of the value of the CGF. (For the avoidance of doubt, award of grant, project costs, grants and the purchase and disposal of Common Good and Trust assets of more than 10% of the value of the CGF is reserved for Highland Council).

- 2.10 To approve any Local Authority Trust costs associated with the locality and to approve grant applications in excess of £10,000 as required and agreed within Council policy.
- 2.11 To receive annual reports on the following companies, including financial reports and accounts – Inverness Business Improvement District Ltd, Inverness City Heritage Trust and Loch Ness and Inverness Tourism Business Improvement District Ltd
- 2.12 From the resources that are agreed to be delegated to the City and Area Committee, for the Committee to agree which resources are to be allocated through participatory budgeting and the methods to use.

### Communities and Place

- 2.13 To agree local priorities within area operational budgets for Communities and Place, taking account of statutory requirements and Council policy and priorities.
- 2.14 To agree variations within local budgets between individual functional areas to meet local priorities as specified below.
- 2.15 To agree whether and to what extent non-statutory functions are delivered locally, and how these are funded within local budgets.
- 2.16 To recommend local service delivery arrangements, including whether particular services should be delivered by communities, by in-house staff or through local procurement, for consideration by the Communities and Place Committee in terms of the Council's overall legal duties relating to procurement.
- 2.17 To set and scrutinise local performance standards and monitor expenditure against local Communities and Place budgets.
- 2.18 To decide whether to have public toilets / Highland Comfort Scheme provision and, where they are provided, to adjust the opening times and seasons for toilets within overall local budget.
- 2.19 To approve new Highland Comfort Scheme providers according to Council policy and within the overall local budget.
- 2.20 To approve local priorities for grounds maintenance in accordance with overall Council policy, and to increase or reduce the local service within the overall local budget, in accordance with the Council's policies on grounds maintenance, legislation and good practice guidance.

- 2.21 To agree local priorities for street cleansing in accordance with legislation and Council policy and within the overall local budget.
- 2.22 To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Communities and Place Committee.
- 2.23 To agree the naming of buildings within the Council's control.
- 2.24 In accordance with the revised procedure for street naming, where no agreement between local Members and Community Councils can be reached, a decision on street naming will be made by the City Committee.

### Housing and Property

- 2.25 To engage with tenants on local housing service standards and priorities and on enabling tenants to have a meaningful input to monitoring service quality.
- 2.26 Declare individual land and property held on the HRA surplus and available for disposal
- 2.27 Set rents for local HRA garages
- 2.28 To scrutinise housing service quality, cost and performance and taking into account tenant feedback.
- 2.29 To agree local priorities for housing capital and planned maintenance expenditure in line with overall Council priorities and within the local budget.

### Economy and Infrastructure

- 2.30 To approve maintenance programmes for roads and bridges; approve surfacing and surface dressing schemes within the overall local budget; and to increase or reduce the local service within the overall local budget, in accordance with the Council's road maintenance policies, legislation and good practice guidance.
- 2.31 To prioritise between the various reactive and planned cyclic road and bridge maintenance activities in accordance with Council Policy and the national Code of Practice (CoPHMM).
- 2.32 To monitor the local delivery of the transport strategy and local community transport schemes.

- 2.33 To promote Road Traffic Orders, where there are statutory objections.
- 2.34 To approve the stopping up of roads and private means of access and the deletion of roads from the list of public roads and the adoption of roads (that are not constructed under the Road Construction Consent procedure) onto the list of public roads.
- 2.35 To approve the local winter road maintenance service in accordance with the Council's overall Winter Maintenance Policy and to increase or reduce the local service within the overall local budget, in accordance with the Council's overall Winter Maintenance Policy.
- 2.36 To approve any changes to local Parking Services, including introducing and varying charges, commissioning new car park provision and increasing or reducing the local service – all in accordance with the Council's Parking Policy, approach to engagement and the disaggregated budget for car parking.
- 2.37 In accordance with the Council's Parking Policy, agree the prioritisation of spend of the local allocation of income generated as a result of car parking charges.
- 2.38 To monitor the status of construction projects and environmental works in the agreed Capital and maintenance programmes.
- 2.39 To prepare, monitor and review for the Council any place-specific Local Development Plans (and associated Action Programmes), Supplementary Guidance and other land use, transportation and environmental policies and guidance applicable to their geographic area, in accordance with the Development Plans Scheme, with adoption of such Local Development Plans being reserved to full Council.
- 2.40 To review Core Path Plans and make recommendations to the Economy and Infrastructure Committee.
- 2.41 To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.
- 2.42 To approve local Safer Routes to Schools projects within the strategy and budget agreed by Economy and Infrastructure Committee.

## Education

- 2.43 To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools within the City/Area.
- 2.44 To consider an annual report on the attainment of young people from deprived backgrounds.
- 2.45 To scrutinise and monitor HMIE school inspection reports for the City/Area.
- 2.46 To monitor the local delivery of the Highland Play Strategy as agreed by the Education Committee.

**Local Committees**  
**Powers Delegated from the Council**

1. **General Powers**

- 1.1 To appoint the Chair of the Local Committee, responsible for the running of the Committee and the management of its functions. To appoint a Civic Leader where appropriate.
- 1.2 To work with partners to achieve the effective promotion and future prosperity of the Area, facilitating opportunities for inward investment, regeneration and economic development of the Area.
- 1.3 To develop appropriate connections with, and ensure Council support for, the local Community Partnership for the area covered by the Local Committee.
- 1.4 To ensure implementation of the Council's approach to localism and place planning as it relates to the locality.
- 1.5 To scrutinise and monitor the local delivery of Council services, within approved resources and strategy.
- 1.6 To scrutinise the performance of, and engage with, Police Scotland and the Scottish Fire and Rescue Service.
- 1.7 To monitor the delivery of Council Capital Projects within the local area, as agreed within the Council's Capital Programme.
- 1.8 To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights.
- 1.9 To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.
- 1.10 To deal with requests for and make nominations/ appointments to local outside bodies not covered by the Council or Strategic Committees e.g. Local Access Forums.
- 1.11 To agree methods and approaches for local community engagement and participation in relation to Council business in the locality.
- 1.12 To ensure that all local decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers and the Council's Financial Regulations.

## 2. Specific Powers

### Corporate, cross service and civic powers

- 2.1 To consider any proposals made by Council Services to review service delivery, other than annual revenue budget proposals, which would have a materially significant impact on the Locality.
- 2.2 To agree any Bye-Laws and Management Rules etc. and their amendment or review.
- 2.3 To recommend to Council any proposals for Business Improvement Districts.
- 2.4 To ensure productive relations with Community Councils within the locality and to agree any Community Council boundary changes.
- 2.5 To support local youth forums and to promote the engagement of young people in local democracy.
- 2.6 To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.
- 2.7 To consider reports from external groups or bodies. Invite groups or local bodies to address the local committee on matters relevant to the local committee.

### Finance Services

- 2.8 To allocate and monitor expenditure from any agreed and delegated localised funds and to allocate Ward Discretionary Grants where individual grant awards exceed £10,000 (individual awards of up to £9,999 are delegated to the Ward Manager following consultation with local Ward members).
- 2.9 To oversee the management of any Common Good Fund (CGF) assets for the locality by: scrutinising CGF budget monitoring; approving costs, project costs and grant applications for any local CGF as required up to 10% of the value of the CGF ; and to purchase and dispose of Common Good Trust assets up to 10% of the value of the CGF. (For the avoidance of doubt, award of grant, project costs, grants and the purchase and disposal of Common Good and Trust assets of more than 10% of the value of the CGF is reserved for Highland Council).

- 2.10 To approve any Local Authority Trust costs associated with the locality and to approve grant applications in excess of £10,000 as required and agreed within Council policy.
- 2.11 From the resources that are agreed to be delegated to the Local Committee, for the Local Committee to agree which resources are to be allocated through participatory budgeting and the methods to use.

### Communities and Place

- 2.12 To agree local priorities within area operational budgets for Communities and Place, taking account of statutory requirements and Council policy and priorities.
- 2.13 To agree variations within local budgets between individual functional areas to meet local priorities as specified below.
- 2.14 To agree whether and to what extent non-statutory functions are delivered locally, and how these are funded within local budgets.
- 2.15 To recommend local service delivery arrangements, including whether particular services should be delivered by communities, by in-house staff or through local procurement, for consideration by the Communities and Place Committee in terms of the Council's overall legal duties relating to procurement.
- 2.16 To set and scrutinise local performance standards and monitor expenditure against local Communities and Place budgets.
- 2.17 To decide whether to have public toilets / Highland Comfort Scheme provision and, where they are provided, to adjust the opening times and seasons for toilets within overall local budget.
- 2.18 To approve new Highland Comfort Scheme providers according to Council policy and within the overall local budget.
- 2.19 To approve local priorities for grounds maintenance in accordance with overall Council policy, and to increase or reduce the local service within the overall local budget, in accordance with the Council's policies on grounds maintenance, legislation and good practice guidance.
- 2.20 To agree local priorities for street cleansing in accordance with legislation and Council policy and within the overall local budget.
- 2.21 To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Communities and Place Committee.



- 2.22 To agree the naming of buildings within the Council's control.
- 2.23 In accordance with the revised procedure for street naming, where no agreement between local Members and Community Councils can be reached, a decision on street naming will be made by the local committee.

### Housing and Property

- 2.24 To engage with tenants on local housing service standards and priorities and on enabling tenants to have a meaningful input to monitoring service quality.
- 2.25 Declare individual land and property held on the HRA surplus and available for disposal
- 2.26 Set rents for local HRA garages
- 2.27 To scrutinise housing service quality, cost and performance and taking into account tenant feedback.
- 2.28 To agree local priorities for housing capital and planned maintenance expenditure in line with overall Council priorities and within the local budget.

### Economy and Infrastructure

- 2.29 To approve maintenance programmes for roads and bridges; approve surfacing and surface dressing schemes within the overall local budget; and to increase or reduce the local service within the overall local budget, in accordance with the Council's road maintenance policies, legislation and good practice guidance.
- 2.30 To prioritise between the various reactive and planned cyclic road and bridge maintenance activities in accordance with Council Policy and the national Code of Practice (CoPHMM).
- 2.31 To monitor the local delivery of the transport strategy and local community transport schemes.
- 2.32 To promote Road Traffic Orders, where there are statutory objections.
- 2.33 To approve the stopping up of roads and private means of access and the deletion of roads from the list of public roads and the

adoption of roads (that are not constructed under the Road Construction Consent procedure) onto the list of public roads.

- 2.34 To approve the local winter road maintenance service in accordance with the Council's overall Winter Maintenance Policy and to increase or reduce the local service within the overall local budget, in accordance with the Council's overall Winter Maintenance Policy.
- 2.35 To approve any changes to local Parking Services, including introducing and varying charges, commissioning new car park provision and increasing or reducing the local service – all in accordance with the Council's Parking Policy, approach to engagement and the disaggregated budget for car parking.
- 2.36 In accordance with the Council's Parking Policy, agree the prioritisation of spend of the local allocation of income generated as a result of car parking charges.
- 2.37 To monitor the status of construction projects and environmental works in the agreed Capital and maintenance programmes.
- 2.38 To prepare, monitor and review for the Council any place-specific Local Development Plans (and associated Action Programmes), Supplementary Guidance and other land use, transportation and environmental policies and guidance applicable to their geographic area, in accordance with the Development Plans Scheme, with adoption of such Local Development Plans being reserved to full Council. Within the parts of Badenoch and Strathspey Area covered by the Cairngorms National Park Authority, responsibilities for the preparation of such documents are reserved to that authority.
- 2.39 To review Core Path Plans and make recommendations to the Economy and Infrastructure Committee.
- 2.40 To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.
- 2.41 To approve local Safer Routes to Schools projects within the strategy and budget agreed by Economy and Infrastructure Committee.

## Education

- 2.42 To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools within the locality.
- 2.43 To consider an annual report on the attainment of young people from deprived backgrounds.
- 2.44 To scrutinise and monitor HMIE school inspection reports.
- 2.45 To monitor the local delivery of the Highland Play Strategy as agreed by the Education Committee.

## **The Northern Roads Collaboration Joint Committee**

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, and The Moray Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

**Part IV**

**Powers Delegated to Officers**



## **Delegation to Officers**

### **General Issues**

#### **Principles of Delegation:**

Delegation to an Executive Chief Officer includes delegation to Officers designated by the Executive Chief Officer for the purpose of the function concerned

Any delegated function may be exercised by an Officer senior to the Officer to whom the function is delegated.

In the absence of the Officer to whom a function is delegated, the function may be exercised by the Officer responsible for performance of their duties during such absence.

Executive Chief Officers have authority to act in all operational matters not expressly reserved to Committees, Sub-Committees or to the Council, notwithstanding that such matters may not be specifically identified in this Scheme.

In exercising authority delegated to them, Officers must have regard to, and must act in accordance with, the policy of the Council, its Committees and Sub-Committees and in accordance with the Council's Contract Standing Orders and Financial Regulations.

Officers may refer any delegated matter to the appropriate Committee in the event of difficulty or contention.

#### **Local Government and Housing Act 1989 (Section 5) – Statutory Officers**

The Statutory Officers of the Council have specific duties as set out in legislation and discharge these roles as part of their wider responsibilities within the Council. They have an important, independent role in promoting and enforcing good governance and for making sure that the Council complies with legislation as follows –

##### **(i) Head of Paid Service**

It shall be the duty of every relevant Authority –

- to designate one of their Officers as the Head of Paid Service; and
- to provide that Officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties under this Section to be performed.

It shall be the duty of the Head of Paid Service, where they consider it appropriate to do so in respect of any proposals in regard to any of the matters specified below, to prepare a report to the Authority setting out their proposals.

Those matters are –

- (a) the manner in which the discharge by the Authority of their different functions is co-ordinated;
- (b) the number and grades of staff required by the Authority for the discharge of their functions;
- (c) the organisation of the Authority's staff; and
- (d) the appointment and proper management of the Authority's staff.

The Head of Paid Service in Highland Council is the Chief Executive.

## **(ii) Monitoring Officer**

It shall be the duty of every relevant Authority –

- (a) to designate one of their Officers (to be known as the Monitoring Officer) as the Officer responsible for performing the duties imposed by this Section and
- (b) to provide that Officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed

and the Officer so designated may be the Head of Paid Service but shall not be the Chief Finance Officer.

It shall be the duty of a relevant Authority's Monitoring Officer, if it at any time appears to them that any proposal, decision or omission by the Authority, by any Committee, Sub Committee or Officer of the Authority or by any Joint Committee on which the Authority is represented, constitutes, has given rise to or is likely to or would give rise to -

- a contravention by the Authority, by any Committee, Sub Committee or Officer of the Authority or by any such Joint



Committee of any enactment or rule of law or of any Code of Practice made or approved by or under any enactment; or

- any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners) or Part 11 of the Local Government Act 1975 (which makes corresponding provision for Scotland).

to prepare a report to the Authority with respect to that proposal, decision or omission.

It shall be the duty of the Monitoring Officer –

- (a) in preparing a report under this section to consult as far as practicable with the Head of Paid Service and the Chief Finance Officer; and
- (b) as soon as practicable after such a report has been prepared, to arrange for a copy of it to be sent to each Member of the Authority.

The Monitoring Officer in Highland Council is the Head of Corporate Governance.

### **(iii) Officer Responsible for Financial Administration**

The Council shall – under this Act and also under Section 95 of the Local Government (Scotland) Act 1973 -

- (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a Local Authority, Police Authority or Port Health Authority; and
- (b) secure that one of its Officers has responsibility for the administration of those affairs.

The Officer Responsible for Financial Administration in Highland Council is the Executive Chief Officer - Corporate Resources.

### **Social Work (Scotland) Act 1968**

#### **Chief Social Work Officer**

The Council shall, for the purposes of their functions under this Act and the enactments contained in Section 5(1B), appoint an Officer to be known as the Chief Social Work Officer.

The overall objective of the Chief Social Work Officer is to ensure the provision of effective, professional advice to Local Authorities – Elected Members and Officers – in the delivery of Social Work Services.

The Chief Social Work Officer in Highland Council is the Head of Children's Services.

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

### **Proper Officer**

The Council shall – for the purposes of implementing the provisions of Section 43 (Schedule 7) – Meetings and Proceedings of the Council, Committees and Sub Committees – and Section 197 – Inspection and Deposit of Documents (Minutes, Reports, etc) – appoint a Proper Officer.

The Proper Officer in Highland Council is the Head of Corporate Governance.

### **Delegated Powers for all Executive Chief Officers:**

1. Contracts:
  - 1.1 Subject to the requirements of the Council's Contract Standing Orders, European Community Law and legislation, the undernoted powers will enable all Executive Chief Officers to manage ongoing contracts tendered by the Executive Chief Officer - Corporate Resources or their delegated Procurement Officer within their area of operation. In the case of Works Contracts as defined by the Public Contracts (Scotland) Regulations 2006, the reference to Directors will refer to the Executive Chief Officer Infrastructure and Environment, the Executive Chief Officer – Housing and Property, and the Executive Chief Officer – Communities and Places.
  - 1.2 The award of contracts is in accordance with Contract Standing Orders and subject to approval by the Resources Governance Board or, in its absence, the Executive Chief Officer – Corporate Resources.
  - 1.3 Approval of terms and conditions recommended by the Executive Chief Officer - Infrastructure and Environment, the Executive Chief Officer – Housing and Property, and the Executive Chief Officer –

Communities and Places for their Services' projects contained within the approved Capital Programme, subject to a maximum value as prescribed from time to time.

- 1.4 Power to submit tenders for the provision of contract work pursuant to the Local Authorities (Goods and Services) Act 1970, or under other relevant powers.
- 1.5 Power to tender for contract work in consultation with the Executive Chief Officer (Corporate Resources), pursuant to the Local Authorities (Goods and Services) Act 1970 or under other relevant powers.

## 2. Personnel:

The following powers which will enable Executive Chief Officers to manage the personnel within their Services should be exercised in accordance with legislation and the personnel policies adopted by the Council.

- 2.1 Appointment of employees within the approved establishment other than appointments to posts which have been specifically designated by the Council to be appointed by Elected Members.
- 2.2 Conduct of disciplinary and grievance proceedings in respect of employees within the terms of the Council's approved disciplinary and grievance procedures.
- 2.3 Approval of employees' attendance at training courses, conferences, seminars etc., within appropriate budgets. Approval for attendance at conferences, seminars or other business outwith the UK will require the agreement of the Chief Executive.
- 2.4 Determination of applications for leave of absence for special purposes, in accordance with Council policy and in consultation with the Head of HR as required.
- 2.5 Approval of planned overtime for staff in accordance with any relevant scheme of the Council and subject to finance being available within budgets.

## 3. Construction (Design and Management) Regulations 2015

3.1 To ensure compliance with the Construction (Design and Management) Regulations 2015 as appropriate.

In this Part IV, unless the context otherwise requires, references to Executive Chief Officers include the Chief Executive in respect of her service areas.

## 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
<b>Chief Executive's Office</b>		
Local Government (Scotland) Act 1973	Section 84 - to authorise expenditure of an emergency nature, in consultation with the Executive Chief Officer, Corporate Resources, 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 her absence, the Executive Chief Officer for Performance and Governance</i>
Regulation of Investigatory Powers (Scotland) Act 2000	To designate and authorise officers to authorise action to undertake directed surveillance or the use of covert human intelligence sources.	Chief Executive
<b>Non-Statutory Powers – Chief Executive</b>		
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 Head of Corporate Governance and b) any other emergency which, in the opinion of the Chief Executive, requires such action, in consultation with the		Chief Executive

appropriate officers and elected Members.	
To agree voluntary redundancy for any post where there are no impacts on essential functions, or they are considered manageable, or there is considered to be scope for restructuring, redesign and redeployment.	Chief Executive and Executive Chief Officer, Corporate Resources
To agree voluntary redundancy for any post which is aligned with a decision taken by Highland Council (e.g. change in policy, reduction in service, cessation of service, reduction in budget).	Chief Executive and Executive Chief Officer, Corporate Resources
To agree voluntary redundancy for any teaching post (i.e. on teaching terms and conditions) where the removal of that post would reduce a budget pressure.	Chief Executive and Executive Chief Officer, Corporate Resources
To agree voluntary redundancy only when the business case represents value for money and gives a pay-back period of no more than 3 years.	Chief Executive and Executive Chief Officer, Corporate Resources
To undertake the administration of Community Council elections and the scheme of administration for Community Councils.	Executive Chief Officer Communities and Place and Elections Manager

<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer to whom/level of post to which delegated</b>
<b>Performance and Governance</b>		
Civic Government (Scotland) Act 1982	To agree, in consultation with the Chair of the Highland Licensing Committee, the specific dates over the Christmas and New Year period which comprise the festive period for the purposes of applications, dispensations, exemptions or variations of licences.	Head of Corporate Governance, Solicitor (Regulatory Services) and Principal Solicitor (Regulatory Services)
“	Sections 24-27 and Schedule 1 – to approve requests, subject to any additional conditions deemed appropriate, from licensed second hand dealers seeking to operate as both a pawnbroker and a second	Head of Corporate Governance, Solicitor (Regulatory Services) and

	hand dealer, provided there are no relevant objections or adverse representations.	Principal Solicitor (Regulatory Services)
“	Section 42 – to approve requests for either exemption from the requirement to hold a licence, or variation of licence in respect of hours either within or outwith policy, in relation to festive periods and for the period of any other significant event or occasion.	Head of Corporate Governance, Solicitor (Regulatory Services) and Principal Solicitor (Regulatory Services)
”	Sections 62 and 63 - to make Orders (and to decide not to make an Order) in respect of public processions, following consultation with the Chair of the Communities and Place Committee, the Chief Constable and Local Members.	Head of Corporate Governance and Principal Solicitor (Regulatory Services)
”	Section 119 - to grant (but not refuse) applications for permission for, and to otherwise regulate, charitable collections.	Head of Corporate Governance and Principal Solicitor (Regulatory Services) and Solicitor (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 Principal Solicitor (Regulatory Services) and Solicitor (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;  (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, and  (d) in the case of applications and renewal applications for taxi driver or private hire car driver licences, the applicant has demonstrated that he/she is not disqualified by reason of his/her immigration status from driving a taxi or private hire car.	Head of Corporate Governance, Principal Solicitor (Regulatory Services) and Solicitor (Regulatory Services)

	To refuse applications and renewal applications for taxi driver or private hire car licences where the applicant has failed to demonstrate that he/she is not disqualified by reason of his/her immigration status from driving a taxi or private hire car and this has been verified by the Home Office.	
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 Head of Corporate Governance, the Chief Constable and (where appropriate) the Chief Fire Officer.	Head of Corporate Governance and Solicitor (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, Solicitor (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> <p>Section 144 – to revoke a rent suspension order (i) if an HMO licence has subsequently been granted to the owner of the living accommodation concerned, or (ii) if</p>	Head of Corporate Governance, Principal Solicitor (Regulatory Services). Solicitor (Regulatory Services)



	<p>satisfied, on the application of any person, that the living accommodation concerned is no longer an HMO, or (iii) in the case of a rent suspension order made in respect of breach of an HMO licence condition, if satisfied that the condition is no longer being breached or that the living accommodation concerned is no longer an HMO</p> <p>Section 144 – to make rent suspension orders, in consultation with the Chair or Vice Chair of the Highland Licensing Committee, in respect of properties which are not licensed as HMO (Houses in Multiple Occupation) but which have been identified by the Environmental Health Service as being occupied as HMO.</p>	
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 and practising Solicitors authorised by him
"	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
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 Principal Solicitor (Regulatory Services) and Solicitor (Regulatory Services)
Fireworks (Scotland) Regulations 2004	To grant, but not refuse, applications for dispensation 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, Solicitor (Regulatory Services) and Principal Solicitor (Regulatory Services)
Licensing (Scotland) Act 2005, Sections 14 and 15	To issue notices and make review applications under Section 14 and to exercise the powers of entry and inspection	Licensing Standards Officers

	of licensed premises conferred by Section 15.	
Smoking, Health and Social Care (Scotland) Act 2005, Section 7	To exercise the powers of entry and search of no-smoking premises and the power to require identification conferred by Section 7	Licensing Standards Officers
Gambling Act 2005, Part 15	By virtue of authorisation to exercise statutory functions under Section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 to exercise the powers of an authorised person under Part 15 of the Gambling Act 2005	Licensing Standards Officers
The Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003	(1) to report to the Serious Organised Crime Agency (SOCA) any suspicion someone is benefiting financially from dishonest activities;	Corporate Audit and Performance Manager

### Trading Standards

<p>Agricultural Produce (Grading and Marking) Acts 1928 – 1931;  Agriculture Act 1970;  Antisocial Behavior etc (Scotland) Act 2004 [Part 10  Sale of Spray Paint to Children];  The Biocidal Products Regulations 2001;  Children and Young Persons (Protection from Tobacco) Act 1991;  Civic Government (Scotland) Act 1982;  Clean Air Act 1993;  Consumer Credit Act 1974;  Consumer Credit Act 2006;  Consumer Protection Act 1987;  Consumer Protection (Distance Selling) Regulations 2000;  Consumer Protection from Unfair Trading Regulations 2008;  Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013;  Consumer Rights Act 2015  Control of Pollution Act 1974;  Copyright, Designs and Patents Act 1988;  Development of Tourism Act 1969;</p>	<p>Subject to any restriction set out below, to carry out the functions of the Council, as Local Weights and Measures Authority; Local (Consumer Safety) Authority; Enforcement Authority and otherwise, including (without prejudice to the foregoing generality) to exercise the enforcement powers referred to in the Regulations and Acts listed, and any other Regulations made thereunder.</p>	<p>Enforcement Officer (Trading Standards);  Assistant Trading Standards Officer</p>
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<p>Education Reform Act 1988;  The Electromagnetic Compatibility Regulations 2006;  Energy Act 1976;  Energy Conservation Act 1981;  Enterprise Act 2002;  Estate Agents Act 1979;  European Communities Act 1972;  Explosives Acts 1875 &amp; 1923;  Fair Trading Act 1973;  Fireworks Act 2003;  Food &amp; Environment Protection Act 1985;  Hallmarking Act 1973;  Health &amp; Safety At Work Etc. Act 1974;  Housing Scotland Act 2006;  Medicines Act 1968;  Motor Cycle Noise Act 1987;  Pesticides (Fees and Enforcement) Act 1989;  Petroleum (Regulation) Acts 1928-36;  Poisons Act 1972;  Prices Acts 1974 and 1975;  Property Misdescriptions Act 1991;  Road Traffic Act 1988;  Road Traffic Offenders Act 1988;  Telecommunications Act 1984;  Timeshare Act 1992;  Tobacco Advertising &amp; Promotion Act 2002;  Tobacco and Primary Medical Services (Scotland) Act 2010;  Trade Descriptions Act 1968;  Trade Marks Act 1994;  Video Recordings Acts 1984 and 1993;</p>		
<p>the European Communities Act 1972; and  European Union (Withdrawal) Act 2018</p>	<p>With effect from the date of the UK withdrawal from the European Union that the delegated powers to Trading Standards are amended to:</p> <p>Remove any reference to the European Communities Act 1972; and</p> <p>substitute the European Union (Withdrawal) Act 2018 and regulations retained or brought into domestic legislation by that Act.</p>	<p>Enforcement Officer (Trading Standards);  Assistant Trading Standards Officer</p>

General Product Safety Regulations 2005	Regulations 21 to 23 - Test purchases; Powers of entry and search etc.	Enforcement Officer (Trading Standards)
General Product Safety Regulations 2005	Regulation 11- Issue of Suspension Notice	Trading Standards Officer
General Product Safety Regulations 2005	Regulation 12, 13 and 14 – Issue of Notice to Mark, to Warn and to Withdraw	Trading Standards Team Leader
General product Safety Regulations 2005	Regulation 15 - Issue of Recall Notice and all other enforcement duties and responsibilities assigned by the regulations to the council as the enforcement authority	Trading Standards Manager
Weights and Measures Act 1985	Those responsibilities, duties and powers assigned by the act to an Inspector	Trading Standards Officer
Weights and Measures Act 1985	Those responsibilities, duties and powers assigned by the act to the Chief Inspector	Trading Standards Manager
Tobacco and Primary Medical Services (Scotland) Act 2010;	Schedule 1 Paragraph 8 – Authority to withdraw a Fixed Penalty Notice	Trading Standards Manager
Farm & Garden Chemicals Act 1967; Offensive Weapons Act 1996	Legislation which the Council has no statutory duty to enforce but which is associated with the Trading Standards function and which Committee (Council) has agreed should be included in list of legislation to be enforced. This legislation does not include any provisions for powers of officers enforcing the legislation	Enforcement Officer (Trading Standards)
Civic Government (Scotland) Act 1982	Section 94 and 99 – to serve notices on occupiers or owners of premises or land on which disused petrol tanks are situated.	Enforcement Officer (Trading Standards)
Civic Government (Scotland) Act 1982	In respect of taxi and private hire car licensing, to carry out the duties and exercise the powers of Civic Licensing Standards Officers under sections 45G and 45H of the Act	Trading Standards Team Leader Trading Standards Officer Enforcement Officer (Trading Standards) Assistant Trading Standards Officer
Various Acts	To increase fees and charges as follows:-  a) fees payable under the Health & Safety at Work Etc Act 1974 in relation to the storage of Explosives and keeping of Petrol to the statutory maximum, set out in the current version of the Health and Safety	Trading Standards Manager

	(Fees) Regulations b) fees and charges payable under the Poisons Act 1972 and Weights and Measures Act 1985, according to the Council's Charging Policy.	
Manufacture and Storage of Explosives Regulations 2005; Explosives Regulations 2014; Petroleum (Regulation) Acts 1928 and 1936; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Fireworks Regulations 2004	To grant, but not refuse, applications, renewals or transfers of licences, registrations, approvals and other permissions sought (including variation thereof).	Trading Standards Manager
<b>Non-Statutory Powers</b>		
<b>Performance and Governance</b>		
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
Housing (Scotland) Act 2006 – Part 5:- Section 144 – To revoke a rent suspension order (i) if an HMO (house in multiple occupation) licence has subsequently been granted to the owner of the living accommodation concerned, or (ii) if satisfied, on the application of any person, that the living accommodation concerned is no longer an HMO, or (iii) in the case of a rent suspension order made in respect of breach of an HMO licence		Head of Corporate Governance and Principal Solicitor (Regulatory Services).

condition, if satisfied that the condition is no longer being breached or that the living accommodation concerning is no longer an HMO.	
To undertake 'Interviews under Caution' necessary for prevention and detection of crime	Corporate Performance and Performance Manager and delegated Officers

**Corporate Resources Service: Statutory Powers and Duties of the Council which are Exercisable by Officers of the Authority**

<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer to whom/level of post to which delegated</b>
<b><u>Finance Service</u></b>		
Local Government (Scotland) Act 1947	Administer Non Domestic Rates	Head of Revenues and Customer Services
Trustee Investments Act 1961	Subject to the discretion vested in relevant Investment Managers, and any Committee decision, arrange for the making of investments of Charitable and Trust Funds vested in the Council and other funds of the Council.	Head of Corporate Finance and Commercialism
Local Government (Financial Provisions) (Scotland) Act 1962; Local Government (Scotland) Act 1966	Determine applications for mandatory and discretionary non domestic rates relief in accordance with the Council's policy; also applications for all other rates reliefs and exemptions.	Head of Revenues and Customer Services
Local Government (Scotland) Act 1973	Schedule 3 – To make the necessary arrangements for the duly authorised borrowing and lending of the Council	Head of Corporate Finance and Commercialism
Local Government (Scotland) Act 1973	Section 95 - To act as proper officer for the administration of the financial affairs of the Council.	Executive Chief Officer, Corporate Resources
Local Government (Scotland) Act 1973.	Section 96 – To prepare in accordance with proper accounts practice the Council's Financial Statement in respect of each financial year.	Head of Corporate Finance and Commercialism
Local Government (Scotland) Act 1973	Section 191 - power to authorise signature on behalf of the Council of claims in sequestrations, etc.	Head of Exchequer and Revenues and Customer Services
Abolition of Domestic Rates etc. (Scotland) Act 1987	Administer Community Charge (residual debts)	Head of Revenues and Customer Services
Housing Benefit (General) Regulations 1987  Welfare Reform Act 2013	Administer the Scheme in respect of Housing Benefit and successor arrangements, including support services for Universal Credit etc.	Head of Revenues and Customer Services
Local Government Finance Act 1992	Administer Council Tax including discounts, exemptions, and relief.	Head of Revenues and Customer Services
Council Tax Reduction (Scotland) Regulations 2012	Administer the Scheme in respect of Council Tax Reduction and Legacy Scheme for Council Tax Benefit.	Head of Revenues and Customer Services

Local Government Pension Scheme (Scotland) Regulations 1998	Subject to the discretion vested in the Council's Pension Funds Investment Managers, and in accordance with investment policies approved by the Resources Committee, arrange for the making and in-house administration of Pension fund investments	Head of Corporate Finance and Commercialism
Local Government Pension Scheme (Scotland) Regulations 1998	To administer the Local Government Pension Scheme in accordance with the Regulations and agreed policy	Head of Corporate Finance and Commercialism
Licensing (Scotland) Act 2005 (previously referred to as 1976 Act)	Under S22 (previously referred to as S16) to lodge objections to Liquor Licensing applications	Executive Chief Officer, Corporate Resources and Heads of Service
The Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003	(1) to report to the Serious Organised Crime Agency (SOCA) any suspicion someone is benefiting financially from dishonest activities; (2) to report to SOCA any unusual cash payments; (3) establish internal procedures to help forestall and prevent money laundering; and (4) to make those staff and Members most likely to be exposed to, or suspicious of, money laundering situations, aware of the requirements and obligations of the regulations.	Revenues Manager
The Local Government and Rating Act 1997	To determine applications for mandatory and discretionary non domestic rates rural relief in accordance with the Council's policy	Head of Revenues and Customer Services
<b>Related Administrative Powers – Finance Service</b>		
Take such action to implement the powers and duties as detailed in the Council's Financial Regulations and Contract Standing Orders		Heads of Service
Sign cheques or authorise payments on behalf of the Council in respect of authorised expenditure, and to operate such Bank Accounts in relation to the Council's income and expenditure		Heads of Service
Provide in-house financial management for the Council's PPP and Joint Venture initiatives.		Head of Corporate Finance and Commercialism
The execution and administration of treasury management decisions in accordance with the Council's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management		Executive Chief Officer, Corporate Resources/Head of Corporate Finance and Commercialism



Operate the Council's Salary Sacrifice Scheme –	Head of Corporate Finance and Commercialism
Sign summary warrant petitions for the collection of unpaid council tax and non-domestic rates	Head of Revenues and Customer Services
Impose civil penalties for the non return or false return of requested information in connection with council tax and non-domestic rates	Head of Revenues and Customer Services
Certify Summary Warrant Exceptional Attachment Certificates	Revenues Manager
Certify Summary Warrant Attachment Certificates	Revenues Team – Revenues Officer
Instruct sale of Attached Goods at auction	Executive Chief Officer, Corporate Resources in consultation with the Chair of the Corporate Resources Committee, the Local Member and Head of Revenues and Customer Services (and, in domestic situations, the Executive Chief Officer, Health and Social Care**)
Sign Statutory Demands, instruct attachments and exceptional attachments	Revenues Manager
Swear oath as to the facts regarding Council initiated insolvency/bankruptcy actions.	Revenues Team – Revenues Officer
Instruct the sequestration or liquidation of a debtor	Executive Chief Officer, Corporate Resources, after consultation with the Chair of the Corporate Resources Committee and the Local Member
Instruct Court Action for the recovery of Sundry Debt	Revenues Manager
Write-off irrecoverable debt (all categories including local taxation) for individual debts not exceeding £1000	Relevant Revenues Managers
And for individual debts not exceeding £5000	Head of Revenues and Customer Services
Write-off all accounts which are subject to actions involving sequestration, liquidation, administration or receivership following notification by Trustee/Accountant in Bankruptcy or via Edinburgh Gazette. Write-off actions will also include accounts that are subject to insolvency actions.	Head of Revenues and Customer Services and delegated Officers
To establish debt payment plan arrangements on behalf of debtors under Debt Arrangement (Scotland) Regulations 2004	Head of Revenues and Customer Services
To provide supporting financial evidence on behalf of Money Advice clients at Court hearings	Head of Revenues and Customer Services and delegated Officers
To represent clients where necessary at DWP Tribunals and Social Security reviews	Head of Revenues and Customer Services and delegated Officers
To write on debt previously written off	Head of Revenues and Customer Services and delegated Officers
Subject to the requirements of the Council's Standing Orders, European Community Law and legislation, the undernoted powers to enter into commercial arrangements on behalf of the Council -  a) agreement of specifications with user Services	Executive Chief Officer, Corporate Resources, Head of Procurement, Principal Contracts Officers

<ul style="list-style-type: none"> <li>b) construction of contract terms and conditions</li> <li>c) development of sourcing and contracting strategies</li> <li>d) agreement of procurement budget heads</li> <li>e) selection of tenderers</li> <li>f) opening and evaluation of tenders</li> <li>g) award of contracts and framework arrangements</li> <li>h) appointment of consultants</li> </ul>	
To sign and accept procurement contracts on the Council's behalf in the manner approved by the Council.	Executive Chief Officer, Corporate Resources, Head of Procurement, Principal Contracts Officers
To agree voluntary redundancy for any post where there are no impacts on essential functions, or they are considered manageable, or there is considered to be scope for restructuring, redesign and redeployment.	Executive Chief Officer, Corporate Resources and Chief Executive
To agree voluntary redundancy for any post which is aligned with a decision taken by Highland Council (e.g. change in policy, reduction in service, cessation of service, reduction in budget).	Executive Chief Officer, Corporate Resources and Chief Executive
To agree voluntary redundancy for any teaching post (i.e. on teaching terms and conditions) where the removal of that post would reduce a budget pressure.	Executive Chief Officer, Corporate Resources and Chief Executive
To agree voluntary redundancy only when the business case represents value for money and gives a pay-back period of no more than 3 years.	Executive Chief Officer, Corporate Resources and Chief Executive
<b>HR Services</b>	
Implementation of amendments to National or Local Conditions of Service and National Salary Awards in consultation with the Executive Chief Officer, Corporate Resources.	Head of HR
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 HR
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 Executive Chief Officer and the Executive Chief Officer, Corporate Resources.	Head of HR
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 Executive Chief Officer, Corporate Resources. Note: significant changes in structures would require approval from the relevant Strategic Committee	Head of HR and Executive Chief Officer, Corporate Resources
Authorisation to second staff to other organisations or for training purposes for periods not exceeding 24 months, in consultation with the appropriate Executive Chief Officer.	Head of HR
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 Executive Chief Officer.

Head of HR

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

<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer to whom/level of post to which delegated</b>
<b><u>Education</u></b>		
Standards in Scotland's Schools, etc Act 2000		
	Section 2 and 2A - to secure that Education is directed to development of a child or young person to their fullest potential	Executive Chief Officer Education
"	Section 3 - to endeavour to secure improvements in the quality of school education.	Executive Chief Officer Education
"	Section 5 - preparation of annual statement of education improvement objectives and annual report on meeting objectives.	Executive Chief Officer Education
"	Section 6 - preparation of school development plans.	Headteachers.
"	Section 6 - Report on implementation of school development plans.	Area Education Managers/Quality Improvement Manager/ Headteachers
"	Section 7 - Report on measures and standards of performance.	Executive Chief Officer Education
"	Section 8 - preparation of scheme of delegation to Headteachers.	Executive Chief Officer Education
"	Section 37 - decisions concerning transport of children attending nursery classes or schools.	Head of Resources
"	Section 38 - admission of child under school age to primary school.	Area Education Managers
Education (Scotland) Act 1980	Section 14 - to provide education elsewhere than at an educational establishment.	Heads of Service
"	Section 18 - to do work to improve pupils' safety.	Heads of Service; Area Education Culture and Sport Managers;

		Headteachers
"	Section 23 - to provide education for pupils belonging to area of another Education Authority.	ECO or Area Education Managers
"	Section 28A - determination of placing requests.	Area Education Manager; Heads of Service
"	Section 28H - exclusion of pupils from school.	Area Education Manager or Headteachers
"	Section 34 - to grant exemption from school attendance.	Area Education Manager
"	Sections 36-39, 41, 43 – exercise of powers in respect of non-attendance (where not otherwise delegated to or exercised by Parent Council	Area Education Manager
"	Section 49 - to assist persons to take advantage of educational facilities.	Headteachers or Area Education Manager
"	Section 50 - powers in respect of education of pupils in exceptional circumstances.	Head of Service
"	Section 51 - arrangements for provision of transport and other facilities.	Head of Service
"	Section 52 - power to recover costs of board and lodging.	Area Education Manager
"	Section 53 - duty to provide free school meals in certain circumstances	
"	Sections 54, 55 and 56 - powers in respect of provision of clothing for pupils.	Area Education Manager
"	Section 58 - power to ensure cleanliness of pupils.	Headteachers
"	Sections 60, 61, 62, 65A, 65B, 65C and Schedule A2 - functions in respect of special educational needs.	Executive Chief Officer Education
"	Section 65G - to arrange attendance at establishments outside UK for persons with special educational needs.	Executive Chief Officer Education

"	Section 87 - suspension of teaching and non-teaching staff from exercise of their duties.	Area Education Managers, Education Officers and Headteacher
"	Sections 87, 89 - appointment of teachers to non-promoted posts and to certain promoted posts.	Headteachers or Education Officer
Scottish Schools (Parental Involvement) Act 2006	Section 11(2) – advice to Parent Council	Headteacher
Children and Young Persons (Scotland) Act 1937	Section 34 - grant, revocation and variation of licences in respect of children under 12 undergoing training to take part in dangerous performances.	Head of Service or Area Education Manager
Children's and Young Persons Act 1963	Sections 37-39 - determination of applications for licences to perform in public.	Head of Service or Area Education Manager
Education (Scotland) Act 2016	Sections 7 -15 – duty to promote and support Gaelic medium education and learning and to carry out assessments where required.	
"	Section 25 – duty to appoint a Chief Education Officer	
Highland Council Employment of Children Byelaws	Exercise of powers under the Byelaws.	Area Education Manager
<b>Culture and Sport</b>		
Local Government, etc (Scotland) Act 1994	Section 53 - to arrange for the preservation and management of records transferred to or vested in the Council or created or acquired by the Council.	Executive Chief Officer Education Archivist
"	Section 53(2) - to dispose of records not considered worthy of preservation.	Executive Chief Officer Education Archivist
Local Government and Planning (Scotland) Act 1982	Sections 14-19 – to award grants in accordance with Council policies, not exceeding £1,500 per application.	Community Learning and Leisure Officers
Council Byelaws and Management Rules in respect of Care and Learning Facilities	To enforce such byelaws and management rules.	Executive Chief Officer Education Community Learning and Leisure Officers
<b>Non-Statutory Powers</b>		

<b>Education</b>	
To promote the welfare of children residing in school residences.	Area Education Manager Senior Education Officer Education Officer

## Housing and Property Service

### 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
<b><u>Housing</u></b>		
Housing (Scotland) Act 1987	Section 17 – to undertake the general allocation and management of Council housing in terms of Council policy.	Area Housing Managers
Housing (Scotland) Act 1987, Housing (Scotland) Act 2006	Sections 28-35 - to perform the Council's duties in respect of applicants who claim to be homeless or threatened with homelessness.	Area Housing 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 Housing Managers
"	Section 39 - to give assistance to voluntary organisations concerned with homelessness within agreed budget.	Head of Housing and Building Maintenance
"	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 Council policy	Housing Development Manager
"	To determine applications for miscellaneous grants - fire escapes, improvement of amenity, thermal insulation, reinstatement, etc, in terms of the legislation.	Housing Development Manager
"	Section 317 - to authorise entry for survey, inspection and valuation.	Housing Development Manager
Housing (Scotland) Act 2001, as amended by Housing (Scotland) Act 2014	Section 11 – to determine applications for assignation, sublet and joint tenancy of Scottish Secure Tenancies in terms of legislation and Council policy	Area Housing Managers
Housing (Scotland) Act 2001	Section 14 – to instruct court action for recovery of possession of Secure Tenancy	Area Housing Managers
	Section 17-21 – to act in respect of abandoned tenancies	Area Housing Managers
	Section 27 – to implement regulations issued under the “Right to Repair” scheme	Area Repairs 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	Area Repairs Managers



	cost of works should be reimbursed	
	Section 35 – to serve Conversion Notices in the event of anti-social behaviour.	Area Housing Managers
“	Section 53(3) – to keep a Register of Tenant Housing Organisations	Housing Policy and Investment Manager
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 Housing Managers
	Section 68 – to instruct legal action to serve an Antisocial Behaviour Notice	Area Housing Managers
Tenements (Scotland) Act 2004	Section 4 – to implement provisions relating to Tenement Management Schemes	Area Housing Managers
Housing (Scotland) Act 2014	Sections 7-11 – to manage the creation, extension, conversion and termination of Short Scottish Secure Tenancies	Area Housing Managers

### Non-Statutory Powers

Description of Power or Duty	Title of Officer to whom/level of post to which delegated
<b>Housing</b>	
To undertake the strategic and operational responsibilities of the Council including enabling the provision of housing in the social sector.	Head of Housing and Building Maintenance
To manage the Council's sites for Gypsy/Travellers and to work with other services and agencies to address Gypsy/Traveller issues.	Head of Housing and Building Maintenance
To manage the Council's HRA housing and associated properties and also housing leased from other owners.	Head of Housing and Building Maintenance
To implement Council policy and undertake the Council's legal duties in relation to Homelessness, including dealing with appeals against decisions on homeless applications.	Head of Housing and Building Maintenance
To manage the repairs and maintenance of Council housing and related HRA land and property	Head of Housing and Building Maintenance
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.	ECO Property and Housing
To authorise officers of the Housing and Property Service to enter and inspect any property held on the Housing Revenue Account.	ECO Property and Housing
To authorise payment of compensation to tenants and maintain a register of such payments	Head of Housing and Building Maintenance

To determine applications under the Council's small land sales policy in relation to land held on the Housing Revenue Account	Area Housing Managers
To submit an annual report to the Resources Committee on the Highland Housing Alliance	ECO Property & Housing

<b>Description of Power or Duty</b>	<b>Title of Officer to whom/level of post to which delegated</b>
<b>Property</b>	
To authorise immediate repairs to property which has become damaged, in order to mitigate any loss, damage or injury to property or persons.	Head of Property & Facilities Management
To authorise minor works of a repair, maintenance, construction or alteration nature subject to provision having been made within the approved estimates of expenditure and in accordance with the Council's Contract Standing Orders.	Head of Property & Facilities Management
To authorise the placing of property related servicing contracts in accordance with the Council's Contract Standing Orders.	Head of Property & Facilities Management
To authorise works contained within approved capital improvement and revenue maintenance programmes for the Council's land and property assets, funded through the approved capital programme and revenue budgets.	Head of Property & Facilities Management
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 & Facilities Management
To appoint all consultants and contractors involved in building construction works as prescribed by the Council's Contract Standing Orders.	Head of Property & Facilities Management
To authorise the placing of Service Level Agreements to maintain countryside sites managed by the Service within approved budgets.	Head of Property & Facilities Management
Authorised for operational and other property projects in terms of the Construction (Design & Management) Regulations 2015, in cases where the Council is appointed as Client's Agent, Designer or CDM Co-ordinator to carry out the duties appropriate to each such appointment.	Head of Property & Facilities Management
Authorised to grant the use of Council accommodation to outside bodies for the purpose of lets, holding meetings and functions etc., providing same complies with the Council's policies and is within the scope of any relevant approved scheme.	Head of Property & Facilities Management
To determine, in relation to Property, Building, Catering and Cleaning operations, the following matters:- <ul style="list-style-type: none"> <li>• tendering strategies;</li> <li>• provision of vehicles and materials; and</li> <li>• provision of plant and equipment.</li> </ul>	Head of Property & Facilities Management
Authorised to relocate services/occupiers of Council owned/occupied property in pursuit of Council corporate aims, objectives and strategies.	Head of Property & Facilities Management
To investigate and formulate proposals for joint venture schemes utilising Council property assets.	Head of Property & Facilities Management
To investigate and formulate proposals for disposal of General Fund property interests.	Head of Property & Facilities Management
To prepare and maintain a Central Land and Property Register.	ECO Property & Housing
To ensure the proper application of the Council Asset Management Strategy	ECO Property &

with respect to property including space standards etc.	Housing
To prepare a Corporate Asset Management Plan and manage the Council's property assets by taking a strategic overview.	ECO Property & Housing
Authorised to apportion property accommodation amongst Council services (Corporate Landlord) and to arrange for any necessary alterations or adaptations to such accommodation.	ECO Property & Housing
To act as the Council's Project Manager where the required facility will be procured under a Public Private Partnership or Joint Venture agreement.	ECO Property & Housing
In consultation with the Chairman and the Vice-Chairman of the Housing and Property Committee to enter Service Level Agreements with external bodies requiring a property and construction service.	ECO Property & Housing
To grant wayleaves, servitudes and rights over Council owned land or property and to vary lease terms.	ECO Property & Housing
To undertake valuations of land and buildings for all purposes.	ECO Property & Housing
To act on the Council's behalf in relation to rating revaluations and appeals.	ECO Property & Housing
To determine applications for variation or waiver of feuing conditions (after consultation with the Ward Members) at a consideration to be determined by himself.	ECO Property & Housing
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.	ECO Property & Housing
To investigate and formulate proposals for disposal of General Fund property interests.	ECO Property & Housing
To prepare a Corporate Asset Management Plan and manage the Council's property assets by taking a strategic overview.	ECO Property & Housing
To approve, negotiate and undertaken by disposal, sale, lease, assignation, sub-letting, lease surrender, licence or excambion of property interests up to a value not exceeding £200,000 or £25,000 pa, subject to the sale price/rent not being below market value and consultation with Ward Members.	ECO Property & Housing
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.	ECO Property & Housing

**Infrastructure and environment - 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
<b>Applications, Notifications and Opinions</b>		
<p>Town and Country Planning (Scotland) Act 1997 (as amended)</p> <p>Planning etc. (Scotland) Act 2006</p> <p>Planning (Scotland) Act 2019</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><b>1. To determine</b> all applications<sup>1</sup> <b>within</b> the Highland Council area, apart from the following:</p> <p>a) planning applications<sup>2</sup> for “national developments”<sup>3</sup> irrespective of the recommendation [<b>report to Council</b>];</p> <p>b) planning applications for “major developments”<sup>4</sup> that are significantly contrary to the development plan<sup>5</sup> irrespective of the recommendation [<b>report to Council</b>];</p> <p>c) subject to b) above, planning applications for “major developments” that are recommended for approval [<b>report to PAC</b>];</p> <p>d) planning applications for “local developments”<sup>6</sup> recommended for approval 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” [<b>report to PAC</b>];</p> <p>e) planning applications for “local developments” recommended for approval where there have been timeous objections on material planning grounds which cannot be addressed by conditions from members of the public, businesses or organisations residing at, or having their principal place of business at, <b>8 or more separate addresses</b>. Where there has been the timeous submission of a petition raising objections on material planning grounds which cannot be addressed by conditions, the petition shall count as 1 objection [<b>report to PAC</b>];</p> <p>f) planning applications for “local developments” recommended for approval where there are unresolved objections from a statutory consultee and where such objections cannot be addressed by conditions [<b>report to PAC</b>];</p> <p>g) planning applications where the development plan is not sufficiently clear or where there is no relevant policy framework within which to determine the application [<b>report to PAC</b>];</p> <p>h) applications where the Appointed Officer exercises his/her discretion not to determine the application and</p>	<p>ECO / APM / DMTL / PP</p>

<sup>1</sup> See Definitions & Interpretation

<sup>2</sup> See Definitions & Interpretation

<sup>3</sup> Designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended)

<sup>4</sup> Designated as such under s26A(2) of the Town and Country Planning (Scotland) Act 1997 (as amended)

<sup>5</sup> See Definitions & Interpretation

<sup>6</sup> Designated as such under s26A(2) of the Town and Country Planning (Scotland) Act 1997 (as amended)

<p>The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended)</p> <p>Electricity Act 1989 (as amended)</p> <p>The Conservation (Natural Habitats, &amp;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>requests that a decision is instead made by the relevant Planning Applications Committee. This discretion cannot be exercised in respect of applications recommended for refusal that have been notified to Members under (i) below.</p> <p>i) applications recommended for refusal for reasons which do not include:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the failure to submit an Environmental Statement in support of an EIA application and/or 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</li> <li>• non-submission of further information requested under Regulation 3(2) of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)(Scotland) Regulations 1987 (as amended); and/or</li> <li>• the failure to conclude a Section 75 Obligation or Section 69 Agreement within 4 months of the Council writing to the applicant advising of the decision to grant planning permission subject to such an obligation or agreement; and/or</li> <li>• the failure to pay a developer contribution (under the Council’s supplementary guidance in force at the time of the determination) within 28 days of being invoiced by the Council;</li> </ul> <p>where at least 2 Members of The Highland Council for the Ward (or at least 2 Members for each Ward in the case of cross boundary applications) in which the development is proposed, having been given prior notification of the recommendation of refusal, request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee [<b>report to PAC</b>];</p> <p>j) applications submitted by or in the name of a Member of the Highland Council or a Senior Official of the Highland Council in their personal capacity or acting as an agent for an applicant (for the purposes of this sub-section, the definition of ‘Senior Official’ includes the Chief Executive, the Executive Chief Officers, Heads of Service and Area Managers) [<b>report to PAC</b>].</p> <p><b>2. To respond to all consultations on applications out with the Highland Council area, apart from the following:</b></p> <p>a) planning applications for “national developments” irrespective of the recommendation [<b>report to PAC</b>];</p>	
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b) planning applications for “major developments” that are significantly contrary to the development plan irrespective of recommendation [**report to PAC**];

**3. To respond to** all Electricity Act consultations **within** the Highland Council area apart from the following:

a) Electricity Act consultations equivalent in scale to “national development” irrespective of the recommendation [**report to PAC**];

b) Electricity Act consultations equivalent in scale to “major developments”; where the recommendation is that no objection is to be raised [report to PAC]; or, irrespective of the recommendation, are significantly contrary to the development plan [**report to PAC**].”

c) Electricity Act consultations 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 at least 2 Members of The Highland Council for the Ward (or at least 2 Members for each Ward in the case of cross boundary applications) in which the development is proposed, having been given prior notification of the recommendation that an objection is to be raised, request in writing within 5 working days of such notification that the consultation be referred to the relevant Planning Applications Committee [**report to PAC**];

**4. To respond to** all Electricity Act consultations **out with** the Highland Council area irrespective of the recommendation.

**Definitions & Interpretation:**  
Unless otherwise stated, for this Part of the Scheme of Delegation:

the term “**planning applications**” means all applications for planning permission; planning permission in principle; planning permission for development already carried out; permission to develop land without compliance with conditions previously attached (s42);

the term “**applications**” means those applications listed in the definition “planning applications” together with applications for: the approval of matters specified in conditions attached to a planning permission in principle, listed building consent, conservation area consent, hazardous substances consent, advertisement consent, aquaculture consent and any other applications made under the statutes listed opposite and not provided for elsewhere in the scheme of delegation to officers;

	<p>the term “<b>Electricity Act consultations</b>” means applications under Sections 36, 36C and 37 of the Electricity Act 1989 (as amended) on which the Council is consulted.</p> <p>The decision as to whether:</p> <ul style="list-style-type: none"> <li>(i) an application is significantly contrary to the development plan, or otherwise;</li> <li>(ii) An objection is on material planning grounds;</li> <li>(iii) An objection can be addressed by conditions;</li> <li>(iv) The development plan is not sufficiently clear or where there is no relevant policy framework within which to determine the application;</li> </ul> <p>shall be delegated to the Appointed Officer.</p> <p>In sub-section (e) the term “timeous” means a letter of representation (or petition) received by The Highland Council on, or before, the closing date for representations 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, &amp;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>	HPE / APM / DMTL / PP
“	<p>To determine any consent, agreement or approval</p>	HPE / APM / DMTL /

	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.	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).	HPE / 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.	HPE / 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.	HPE / 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.	HPE / 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.	HPE / 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	HPE / APM / DMTL / PP / PO / PSO / EM*



	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.	* Only in relation to aquaculture developments
“	To determine all applications for certificates of lawfulness of existing (s150) or proposed (s151) use or development made under the Town and Country Planning (Scotland) Act 1997 (as amended).	HPE / APM / DMTL / PP
“	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).	HPE / APM / DMTL / PP
“	in this context, Planning Officers may only determine Householder, Advertisement Consent and Telecommunication Prior Notification applications which are under consideration by the Small Applications Team and where there are no public representations and where the development proposed is not situated within a Conservation Area or affecting a Listed Building.	PO
<b>Amendments, Modifications and Revocations</b>		
“	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.	HPE / 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).	HPE / 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.	HPE / APM / DMTL / PP
<b>Planning Agreements and Obligations</b>		
“	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.	HPE / 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	HPE / APM / DMTL / PP / CS

	modification or discharge should be determined by a Committee of The Highland Council.	
“	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).	HPE / 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 conclusion of such an agreement.	HPE / APM / DMTL / PP / CS
“	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.	HPE / 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.	HPE / APM / DMTL / PP
<b>Appeals, Reviews and Inquiries</b>		
“	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:  i. the appeal or call-in relates to a decision made by a Committee of The Highland Council which was contrary to officer recommendation.	HPE / APM / DMTL / PP / PO / PEO / POL* / FO* / LO*  * Only in relation to s169 notices
“	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.	HPE / APM / DMTL / PP / PO / PEO / PSO / CS / POL / FO / LO / CO / EM / Any other Official authorised by HPE.

<b>Environmental Impact Assessment</b>		
“	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.	HPE / APM / DMTL / PP / PO / EM*  * Only in relation to aquaculture developments
“	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).	HPE / APM / DMTL / PP / PO / EM*  * Only in relation to aquaculture developments
“	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 considered necessary to enable The Highland Council to determine an EIA Application.	HPE / APM / DMTL / PP / PO / PSO / EM*  * Only in relation to aquaculture developments
“	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.	HPE / APM / DMTL / PP / PO / EM*  * Only in relation to aquaculture developments
<b>Enforcement</b>		
“	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"> <li>i. whether or not there has been a breach of control under any of the statutes listed in this scheme; and</li> <li>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.</li> </ul>	HPE / 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.	HPE / 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.	HPE / 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.	HPE / 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.	HPE / 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.	HPE / APM / DMTL / PP
“	<p>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:</p> <p>i. notices which relate to unauthorised development which does not constitute a breach of planning 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>	HPE / APM / DMTL / PP
”	<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> <p>i. notices where the decision to issue was taken by a 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> <p>and to exercise all statutory powers consequent upon the exercising of such action.</p>	HPE / APM / DMTL / PP
“	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.	HPE / APM / DMTL / PP
“	To serve Listed Building Enforcement Notices under s34,	HPE / APM / DMTL /

	<p>and Stop Notices under s41A, of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), with the exception of:</p> <p>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> <p>and to exercise all statutory powers consequent upon the service of such a notice.</p>	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> <p>i. notices where the decision to issue was taken by a 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> <p>and to exercise all statutory powers consequent upon the exercising of such action.</p>	HPE / 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>	HPE / APM / DMTL / PP / CO
"	<p>To serve a notice, under s2(2)(b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) on every owner, lessee and occupier of a building, stating that the building has been included in, or excluded from, the List of Buildings of Special Architectural or Historic Interest for Highland Council.</p>	HED
"	<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</p>	HPE / APM / DMTL / PP

	to exercise all statutory powers consequent upon the service of such a notice.	
“	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.	HPE / APM / DMTL / PP / POL
“	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).	HPE / APM / DMTL / POL
“	To instruct the taking of ‘direct action’ under s135 of the Town and Country Planning (Scotland) Act 1997 (as amended) in response to non-compliance with any notice requiring the proper maintenance of land (Amenity Notice) served under s179.	HPE / APM / DMTL / PP
“	To take enforcement action and, where necessary, ‘direct action’ under s186 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure: <ul style="list-style-type: none"> <li>i. the removal, repositioning and/or reconfiguring of any advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended); or</li> <li>ii. the discontinuance of any site for the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended);</li> </ul> and to exercise all statutory powers consequent upon the taking of any such action.	HPE / APM / DMTL / PP
“	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).	HPE / APM / DMTL / PP / PO / PEO
“	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.	HPE / APM / DMTL
“	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:	HPE / APM / DMTL

	<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>	
“	<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>	HPE / 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 following consultation with the Head of Legal and Democratic Services (or a solicitor acting on his/her behalf).</p>	HPE / APM / DMTL / PP
“	<p>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).</p>	<p>HPE / APM / DMTL / PP / POL*</p> <p>* Only in relation to s169 notices</p>
	<p>To serve stop notices under Regulation 26A of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) and to exercise all statutory powers consequent upon the serving of such a notice.</p>	HPE / APM / DMTL / PP
	<p>To authorise the recovery of expenses/costs related to the taking of Direct Action under the Planning Acts and to exercise all statutory powers consequent upon the recovery of such expenses/costs.</p>	HPE / APM / DMTL / PP
<b>The Management of Trees</b>		
Town and Country Planning (Scotland) Act 1997 (as amended)	<p>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</p>	HPE / APM / DMTL / PP / POL / FO

<p>The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975, 1981 and 1984 (as amended)</p> <p>The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (as amended)</p>	<p>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.</p>	
<p>“</p>	<p>Affix, under Section 161A, a copy of a Tree Preservation Order to the tree, group of trees or woodland in question.</p>	<p>HPE / APM / DMTL / PP / POL / FO</p>
<p>“</p>	<p>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.</p>	<p>HPE / APM / DMTL / PP / POL / FO</p>
<p><b>High Hedges</b></p>		
<p>High Hedges (Scotland) Act 2013</p>	<p>To determine whether or not a hedge constitutes a 'high hedge' for the purposes of Section 1 of the High Hedges (Scotland) Act 2013.</p>	<p>HPE / APM / DMTL / PP / POL</p>
<p>”</p>	<p>To dismiss an application for a High Hedge Notice under Section 5 of the High Hedges (Scotland) Act 2013.</p>	<p>HPE / APM / DMTL / PP</p>
<p>“</p>	<p>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:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>HPE / APM / DMTL / PP</p>
<p>“</p>	<p>To issue a High Hedge Notice, and to specify what initial and/or preventative action may be necessary, under</p>	<p>HPE / APM / DMTL / PP</p>



	Section 8 of the High Hedges (Scotland) Act 2013, and to exercise all statutory powers consequent upon the issuing of such a notice.	
“	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: <ul style="list-style-type: none"> <li>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</li> </ul>	HPE / 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 Highland Council which was contrary to officer recommendation.	HPE / APM / DMTL / PP / PO / PEO / POL
“	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.	HPE / APM / DMTL / PP / PO / PEO / PSO / CS / POL / FO / LO / CO / EM / Any other Official authorised by HPE.
“	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'.	HPE / 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	HPE / APM / DMTL / PP
“	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.	HPE / APM / DMTL

<b>Blight and Purchase Notices</b>		
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)	HPE / 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.	HPE / APM / DMTL / PP
<b>Building Standards</b>		
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 the evacuation of a building(s), in respect of non-conforming buildings or unauthorised building work.	BSM / BSTL / PBSS
"	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
<b>Right to Enter Land (and related powers)</b>		
<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>	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.	HPE / 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 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.	BSM / BSTL / PBSS / BSS
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.	EM / AO / CR
<b>Land Reform and Access</b>		
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.	ECO I&E / HPE
“	To take such steps as are required to uphold access rights under s13 of the Act.	HPE/ EM/ AO / CS
“	To serve written notice of action to be taken in relation to prohibition signs, obstructions or dangerous impediments under s14 of the Act.	HPE/ EM/ AO / CS
“	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.	HPE/ EM/ AO / CS
“	To instruct appropriate action to be taken in respect of maintaining core paths under s19 of the Act.	HPE/ EM/ AO / CS
“	To instruct the landowner to reinstate, or take action to reinstate, ploughed paths or rights of way under s23 of	HPE/ EM/ AO / CS

	the Act.	
“	To appoint non-local authority members to serve on Local Access Forums in accordance with the relevant Guidance. (Section 25)	HPE/ EM/ AO / CS
“	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.	HPE/ EM/ AO / CS
“	To enter into path agreements, under s21, pursuant to the Council's duties and responsibilities under the Act.	HPE/ EM/ AO / CS
“	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.	ECO – I&E
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.	ECO – I&E
Town and Country Planning (Scotland) Act 1997 (as amended)	To order the stopping up or diversion of any footpath or 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.	ECO – I&E
<b>Other Powers, Responsibilities and Functions</b>		
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.	HPE / 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.	HPE / 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).	HPE / 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.	HPE / APM / DMTL / PP
Transport Act 1968	To make representations and objections in respect of applications for good vehicle operators' licences.	HPE / 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.	HPE / APM / BSM / DMTL / BSTL / PP / PBSS
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'.	HPE / 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.	HPE / 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.	HPE / APM / BSM / DMTL / PP / BSTL / PBSS
Local Government (Scotland) Act 2003	To approve grants of up to £10,000 from the Tourism Development and Economic Initiatives Budget.	HPE / ERM
<b>Flood Risk Management</b>		
Flood Risk Management (Scotland) Act 2009	S (1) Responsible Authorities must exercise their flood risk functions (under Part 3) with a view to reducing the overall flood risk.	Hol
“	S17 (1) Duty to prepare maps of bodies of water etc	PE / SE
“	S17 (4) Make available such maps for public inspection	Hol
“	S18 (1a) Duty to assess relevant bodies of water to determine where it gives rise to flood risk and prepare a schedule of clearance and repair works.	PE / SE / E / ST / T / I
“	S18 (4) Duty to make available for public inspection the schedule of clearance and repair works.	Hol
“	S18 (5) Duty to notify neighbouring authorities of flood risks outwith its area.	PE / SE
“	S34 (1) Duty to prepare Local Flood Risk Management Plans	PE / SE
“	S35 (1) Duty to publicise and make publicly available the LFRMP for consultation	Hol
“	S43 (2) Duty to gather and provide information to SEPA relating to flood risk.	PE / SE / E / ST / T / I
“	S44 Power to request information it may reasonably require, to exercise its functions under S34-38.	PE / SE
“	S56 (1ba) General power to reduce flood risk which is likely to occur imminently and have serious adverse consequences	PE / SE
“	S56 (2a) Power to carry out operations which relates to a flood scheme	PE / SE
“	S56 (2b) Power to carry out any other flood protection work	PE / SE
“	S56 (2c) Power to carry out temporary works relating to a flood scheme	PE / SE
“	S56 (2di) Power to enter into agreements/ arrangements with any other person where they do work.	Hol
“	S56 (2dii) Power to enter into agreements/ arrangements	Hol

	with any other person which assists in retention of flood waters.	
“	S56 (2e) Power to make contributions towards 3rd party expenditure	Hol
“	S56 (2f) Power to pay compensation relating to 2d	Hol
“	S56 (g) Power to receive contributions towards expenditure incurred by the Authority.	Hol
“	S59 Duty to carry out clearance and repair works	PE / SE
“	S60 Power to implement Flood Protection Schemes	Hol
“	S62 (1) Duty to keep a register of flood protection schemes	PE / SE
“	S67 Power to recover expenses from 3rd parties where work has been carried out.	PE / SE
“	S68 Power to request land ownership details from 3rd parties	PE / SE
“	S69 Power to initiate proceedings against persons who intentionally or recklessly damages any flood defences/ works.	PE / SE
“	S79 (2) Power to enter land for any works required under the Act	PE / SE
“	S81 (3) Duty to provide owner/ occupier of land to be entered with adequate notice period.	PE / SE / E / ST / T / I
“	S82 (2) Power to compensate any persons who has sustained damage by the Authority	Hol
“	S84 Duty to supply SEPA with all relevant information for their role as Reservoirs Enforcement Authority.	PE / SE / E / ST / T / I

### **Miscellaneous/Non-Statutory Powers**

To respond to Crown Estate shellfish and fish farm lease consultations requiring public consultation, following consultation with the Ward Members.	HPE / 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.	HPE / 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.	HOP
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
To determine applications for loan finance up to the value of £50,000.	HoDR
To prepare reports and recommendations to the Board of Highland Opportunity Investments Limited for loan finance over the value of £50,000.	HoDR

To determine applications for grant for business development, land and building regeneration and employability support initiatives up to the value of £50,000.	HoDR
To prepare reports and recommendations to the Environment & Infrastructure Committee for applications for grant for business development, land and building regeneration and employability support initiatives over the value of £50,000.	HoDR
To enter into Service Level Agreements with external bodies to deliver business, land and building regeneration and employability activities, projects and programmes.	HoDR
<b>Miscellaneous/Non-Statutory Powers – Housing</b>	
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.	ECO – I&E
Under the Housing Loan Scheme to consider and approve home improvement loans up to a maximum of £20,000	ECO – I&E
To manage the Council's land bank fund in accordance with the priorities set out by the Economy & Infrastructure Committee.	HoDR
To agree terms of all land bank fund loans and grants and granting loans for feasibilities.	HoDR
To grant leases of HRA land and non-residential property or approve the assignation (after consultation with Ward Members and Area Community Service Manager).	HoDR
To approve variation in terms of leases including rent reviews and lease renewals in respect of HRA land and non-residential property (after consultation with Area Community Service Manager).	HoDR
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 and Area Community Service Manager.	HoDR
To determine applications for purchases of houses (other than those held on the Housing Account under the Tenants' Right to Buy legislation).	HoDR
<b>Miscellaneous/Non-Statutory Powers – Property</b>	
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.	HoP
To appoint consultants and contractors involved in building construction works as prescribed by Contract Standing Orders.	HoP
To act as the Council's project manager where the required facility will be procured under a Public Private Partnership or Joint Venture agreement.	ECO – I&E
To investigate and formulate proposals for joint venture schemes utilising Council property assets.	HoDR
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.	HoDR
To approve the disposal of land and property at below market value where either the best consideration that can reasonably be obtained is less than £10,000 (i.e. the threshold amount) or the difference between the proposed price and the best consideration price (i.e. the marginal amount) is 25% or less, subject to a maximum marginal difference of £10,000 after consultation with Ward Members (for General Fund Property).	HoDR
To agree a lease extension at less than market value, on the same terms and conditions to a community group where a rent reduction has previously been granted, subject to consultation with Ward Members.	HoDR

To approve, negotiate and undertake the disposal of property interests forming part of Educational Trusts and Endowments up to a value of £200,000, subject to the sale price not being below best consideration and consultation with relevant Ward Members.	HoDR
To grant wayleaves, servitudes and rights over Council owned land or property and to vary lease terms.	ECOI&E
To undertake valuations of land and buildings for all purposes.	ECOI&E
To act on the Council's behalf in relation to rating revaluations and appeals.	ECOI&E
To determine applications for purchases of houses (other than those held on the Housing Account under the Tenants' Right to Buy Legislation).	HoDR
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).	HoDR
To approve rent reviews; lease renewals (to sitting tenants); and any other valuation issues relative to Commercial leases.	HoDR
To vary the investment portfolio leases in compliance with lease terms in order to comply with new statutes, regulations or best practice to improve management or valuation issues.	HoDR
To identify, recommend and report on industrial and commercial development opportunities.	HoDR
To report regularly to the Planning, Development and Infrastructure Committee on transactions approved and income recovery in respect of General Fund Industrial & Investment Properties.	HoDR
To report regularly to the City of Inverness Area Committee on transactions approved and income recovery in respect of Inverness Common Good Fund commercial lets.	HoDR
To manage the General Fund (other property) budget to maximise income and minimise expenditure to ensure best value for Highland Council industrial and investment property assets.	HoDR
To market IIP properties in accordance with Estate Agent's Act 1979 and Property Misdescriptions Act 1991.	HoDR
To vet applications for leasing IIP properties to ensure suitability of tenants.	HoDR
To determine applications for variation or waiver of feuing conditions (after consultation with the Ward Members) at a consideration to be determined by himself.	ECOI&E
<b>Miscellaneous/Non Statutory Powers - Infrastructure</b>	
To act as the Council's Project Manager in relation to infrastructure construction works contracts	Hol/PE
To act as the Council's Project Manager in relation to infrastructure goods and services contracts	Hol/PE
Approval of the award of infrastructure contracts for works and goods and services	Hol
Approval of the award of infrastructure contracts for works and goods and services less than £50K	PE
<b>General</b>	
To submit an annual report to the Economy 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.	ECOI&E



<b>Abbreviations used for Appointed Officers</b>	
Executive Chief Officer Infrastructure and Environment	ECOI&E
Executive Chief Officer Economy and Transformation	ECOE&T
Head of Planning & Environment	HPE
Head of Infrastructure	Hol
Head of Developmment and Regeneration	HoDR
Head of Property Services	HoP
Economy and Regeneration Manager	ERM
Environment 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
Principal Engineer	PE
Senior Engineer	SE
Engineer	E
Senior Technician	ST
Technician	T
Inspector	I
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
<p>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.</p>	
<p>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.</p>	

### Key: Roads and Transport

Delegation Banding Codes	Description and Indicative Posts
<b>A.</b>	<p><b>Area or Unit Manager</b></p> <ul style="list-style-type: none"> <li>▪ Head of Roads and Transport</li> <li>▪ Roads Operations Managers and Policy and Programme &amp; Programmes Manager</li> <li>▪ Lighting Manager</li> </ul>
<b>B.</b>	<p><b>Function Manager</b></p> <ul style="list-style-type: none"> <li>▪ Senior Engineer</li> <li>▪ Area Lighting Engineer</li> <li>▪ Senior Engineer</li> <li>▪ Principal Transport Officer</li> <li>▪ Traffic Support Officer</li> </ul>
<b>C.</b>	<p><b>Operations and Technical Officers</b></p> <ul style="list-style-type: none"> <li>▪ Engineer</li> <li>▪ Principal Technician</li> <li>▪ Ferry Foreman</li> <li>▪ Community Works Officer (CWO)</li> <li>▪ Senior Technician</li> <li>▪ Technician</li> <li>▪ Operational Support Officer</li> <li>▪ Inspector</li> <li>▪ Senior Technical Assistant</li> <li>▪ Engineer</li> </ul>
<b>D.</b>	<ul style="list-style-type: none"> <li>▪ Foreman</li> <li>▪ Parking Enforcement Officers</li> </ul>

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</b>		
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

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</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
	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

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</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
	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 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

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</b>		
	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
	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

<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer/Level of Post to which delegated (See key)</b>
<b>Roads and Transport</b>		
Goods Vehicles (Licensing of Operations) Act 1995, Sections 12 and 14	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)
	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)

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</b>		
	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
	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)

Statute	Description of Power or Duty	Title of Officer/Level of Post to which delegated (See key)
<b>Roads and Transport</b>		
	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
	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 five 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



<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer/Level of Post to which delegated (See key)</b>
<b>Roads and Transport</b>		
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
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
Road Traffic Act 1991 (Amendment of Schedule 3) (Scotland) Order 1998	Designation of a Special Parking Area or a Permitted Parking Area	A
Road Traffic Act 1991(as amended) – Schedule 3	Issue of Penalty Charge Notices within a Special Parking Area and Permitted Parking Area. A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle	D
Road Traffic Act 1991(as amended) – Schedule 6, Part 6	Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the Authority serving the notice may serve on that person a statement (a 'charge certificate') to the effect that the penalty charge in question is increased by 50%	B
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

<b>Oil Pollution</b>		
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

## Performance and Resources

<b>Harbours, Docks and Piers</b>		
- 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

<b>Miscellaneous/Non-Statutory Powers – Piers</b>		
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 piers and associated land and infrastructure only)		Head of Performance and Resources

<b>Aerodromes</b>		
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

## Economy and Transformation

To manage business development	ECO- E&T
Liaison with HLH	ECO- E&T
Liaison with Eden Court and other 3rd sector partners	ECO- E&T
To manage the Council's Change & Redesign programme	ECO- E&T
To manage the Highland Council City Region Deal programme	ECO- E&T
To manage the Highland Council's commercialisation programme	ECO- E&T
<b>Economy</b>	
To determine applications for loan finance up to the value of £50,000.	HoDR
To prepare reports and recommendations to the Board of Highland Opportunity Investments Limited for loan finance over the value of £50,000.	HoDR
To determine applications for grant for business development, land and building regeneration and employability support initiatives up to the value of £50,000.	HoDR
To prepare reports and recommendations to the Economy and Infrastructure Committee for applications for grant for business development, land and building regeneration and employability support initiatives over the value of £50,000.	HoDR
To enter into Service Level Agreements with external bodies to deliver business, land and building regeneration and employability activities, projects and programmes.	HoDR
<b>Housing Development</b>	
To manage the Scottish Government's Evergreen Infrastructure Loans Fund and to oversee the operation of the loan fund.	HODR
To manage the Council's land bank fund in accordance with the priorities set out by the Economy and Infrastructure Committee.	HoDR

## Economy and Transformation

To agree terms of all land bank fund loans and grants and granting loans for feasibilities studies and planning applications.	HoDR
To grant leases of HRA land and non-residential property or approve the assignation (after consultation with Ward Members and area housing Manager).	HoDR
To approve variation in terms of leases including rent reviews and lease renewals in respect of HRA land and non-residential property (after consultation with Area housing Manager).	HoDR
To acquire property or land up to a value of £200k using HRA funding for the delivery of new Council housing, subject to consultation with Ward Members and Area Housing Manager.	HoDR
<b>Estates and Investment</b>	
To determine applications for purchases of houses (other than those held on the Housing Account under the Tenants' Right to Buy legislation).	HoDR
To investigate and formulate proposals for disposal of General Fund property interests.	HoDR
To approve, negotiate and undertaken by disposal, sale, lease, assignation, sub-letting, lease surrender, licence or excambion of property interests up to a value not exceeding £250,000 or £50,000 pa, subject to the sale price/rent not being below market value and consultation with Ward Members.	HoDR
To acquire or lease assets up to a value of £200,000 for acquisitions or £20,000 pa for leases after consultation with Local Members.	HoDR
To approve the disposal of land and property at below market value where either the best consideration that can reasonably be obtained is less than £10,000 (i.e. the threshold amount) or the difference between the proposed price and the best consideration price (i.e. the marginal amount) is 25% or less, subject to a maximum marginal difference of £10,000 after consultation with Ward Members (for General Fund Property).	HoDR
To agree a lease extension at less than market value, on the same terms and conditions to a community group where a rent reduction has previously been granted, subject to consultation with Ward Members.	HoDR
To grant wayleaves, servitudes and rights over Council owned land or property and to vary lease terms.	HoDR

## Economy and Transformation

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 appropriate Executive Chief Officer and Ward Members.	HoDR
To undertake valuations of land and buildings for all purposes.	HoDR
To act on the Council's behalf in relation to rating revaluations and appeals.	HoDR
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).	HoDR
To approve rent reviews; lease renewals (to sitting tenants); and any other valuation issues relative to Commercial leases.	HoDR
To identify, recommend and report on industrial and commercial development opportunities.	HoDR
To manage the General Fund (other property) budget to maximise income and minimise expenditure to ensure best value for Highland Council industrial and investment property assets.	HoDR
To submit an annual report to the Education, Children and Adult Services Committee on the following companies – Blas Board, Caledonia Community Leisure Ltd, Highland Football Academy Trust and Strathpeffer Pavilion Ltd	ECO-E&T

## HEALTH, SOCIAL CARE & WELLBEING SERVICE

### Health and Social Care: Statutory Powers and Duties of The Council which are Exercisable by Officers of the Authority

<b>Statute</b>	<b>Description of Power or Duty</b>	<b>Title of Officer to whom/level of post to which delegated</b>
<b><u>Health and Social Care</u></b>		
Social Work (Scotland) Act 1968	Section 6B – to cause enquiries to be held into the Council’s functions under the Children (Scotland) Act 1995, insofar as those functions relate to children in terms of this Section and Section 100 of the 1995 Act.	Executive Chief Officer Health & Social Care / Head of Service / Chief Social Work Officer
"	Sections 12 and 13 - to promote social welfare by giving help in kind or in cash.	Children’s Service Managers/District Managers/Practice Leads/Social Workers
"	Section 12A - to assess the ability of carers to provide care.	Children’s Service Managers/District Managers/Practice Leads/Social Workers
"	Section 12B - to determine the amount of and to make direct payments.	Area Care & Learning Managers
"	Section 13A - to make arrangements with voluntary or other organisations or persons for provision of residential accommodation where nursing is provided.	Delegated as part of Partnership Agreement with NHS Highland
"	Section 13ZA – to provide services to adults who lack capacity to consent to receive that service in certain circumstances	Principal Mental Health Officers, and Mental Health SW delegated as part of Partnership Agreement with NHS Highland
"	Section 14 - to provide home help and laundry facilities.	Area Care & Learning Managers and delegated as part of Partnership Agreement with NHS Highland
"	Section 27 - to supervise and care for persons put on probation, released from prison or subject to a Community Service Order and	Principal Officer (Criminal Justice Services)

	to provide social background reports and other reports to the Court.	
"	Section 28 - to arrange burial or cremation of any person who was in the care of, or receiving help from, the Council immediately before their death, or who was a child being looked after by the Council, and to recover expenses.	Area Care & Learning Managers and delegated as part of Partnership Agreement with NHS Highland
"	Section 29 - to defray expenses of parents, relatives or other connected persons in respect of visits to a person, other than a child, in the care of the Council, or receiving assistance from the Council, or a child who is being looked after by the Council, or attending the funeral of such a person.	Area Care & Learning Managers and delegated as part of Partnership Agreement with NHS Highland
"	Section 78A - 82 - to recover contributions in respect of looked after children and to deal with all matters pertaining thereto including applications to court for Contribution Orders	Area Children's Services Managers
"	Section 83 - to make application to the Court for payment from Trusts in respect of supervised children.	"
"	Section 86 - to recover expenditure from other Local Authorities.	Area Care & Learning Managers
"	Section 87 - to recover charges for services provided under this Act, under the Mental Health (Scotland) Act 1984 or under the Children (Scotland) Act 1995 and to exercise discretion in respect of ability to pay.	Area Care & Learning Managers and delegated as part of Partnership Agreement with NHS Highland
Chronically Sick and Disabled Persons Act 1970	Section 1 – to provide information on Council Services and any relevant services of other Authorities or organisations.	Heads of Service/Area Care & Learning Managers/Children's Service Managers/District Managers/Unit Managers/ Headteachers
"	Section 2 - to provide services to	"



	chronically sick and disabled persons.	
Disabled Persons (Services, Consultation and Representation) Act 1986	Section 4 - to assess needs, when requested to do so, by a disabled person or their carer, and to decide whether needs of the disabled person call for the provision of services.	Children's Service Managers/District Managers/Practice Leads/Social Workers and delegated as part of Partnership Agreement with NHS Highland
"	Section 8 - to have regard to the abilities of carers in deciding on provision of services.	"
Adults with Incapacity (Scotland) Act 2000	Part IV - to do all things necessary in relation to the management, on behalf of a resident in a Council establishment, of the resident's finances and affairs.	Delegated as part of Partnership Agreement with NHS Highland
"	Section 10 - to supervise guardians, to consult with the Public Guardian and the Mental Welfare Commission, to receive and investigate complaints, to investigate circumstances in which the personal welfare of an adult may be at risk, and to provide information and advice to guardians, welfare Attorneys and persons authorised under Intervention Orders.	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
"	Section 12 - to take steps to safeguard the property, financial affairs, or personal welfare of adults and to provide information and assistance to facilitate investigations.	Delegated as part of Partnership Agreement with NHS Highland
"	Section 14 - to appeal decisions taken as to the incapacity of an adult, where the Council claims an interest in the adult's property, financial affairs or personal welfare.	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
"	Section 53 - to make application to the Court for an Intervention Order, where necessary for the protection of the property, financial affairs or personal welfare of an adult.	Principal MHO and delegated as part of Partnership Agreement with NHS Highland

"	Sections 57 - 64 - to make application to the Court for Guardianship Orders, where considered necessary for the protection of the property, financial affairs or personal welfare of an adult and if appointed to act as Welfare Guardian and to discharge all such functions and further to renew such appointment where appropriate	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
"	Section 68 - to seek reimbursement of outlays from the Adult's Estate, in particular circumstances.	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
"	Section 70 – to apply to the Court in cases of non compliance of third parties with orders granted in respect of an Adult	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
"	Section 71 – to apply to the court for the replacement or removal of a guardian	Principal MHO and delegated as part of Partnership Agreement with NHS Highland
Mental Health (Scotland) Act 1984	Section 10 - to arrange for visits to be made to a child or young person in relation to transfer of parental rights and responsibilities.	Children's Services Managers
Mental Health (Care & Treatment)(Scotland) Act 2003	Section 32 – to appoint Mental Health Officers	Executive Chief Officer Health and Social Care
"	Sections 292 -294 – to authorise Mental Health Officers to enter and inspect premises and to provide information for warrants to search for and remove patients	Principal MHO
"	To make arrangements for the exercise by the Council of its functions in terms of the 2003 Act including the supervision and provision of services for people who are the subject of Compulsory Treatment Orders	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
Adult Support and Protection (Scotland) Act 2007	Section 4 and 7-10 – To make inquiries and exercise investigatory powers	Principal MHO and delegated as part of Partnership Agreement with NHS Highland

“	Section 6 – To provide services to Adults in need of support and protection	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
“	Section 11 – To apply for an Assessment Order	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
“	Section 14 – To apply for a Removal Order	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
“	Section 22 – To apply for a Banning Order	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
“	Section 38 – To apply for a Warrant for Entry	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
Carers (Scotland) Act 2016	Section 6 – To Prepare an Adult Carer Support Plan	Delegated as part of Partnership Agreement with NHS Highland
National Assistance Act 1948	Section 48 - to provide temporary protection for moveable property of people admitted to hospital, residential establishments and other places.	Principal MHO, MHOs and delegated as part of Partnership Agreement with NHS Highland
Social Care (Self Directed Support)(Scotland) Act 2013	To make provision for and enable access to self directed support where appropriate	Head of Service/Chief Social Work Officer/Area Care & Learning Managers and delegated as part of Partnership Agreement with NHS Highland
Criminal Procedure (Scotland) Act 1995	Section 217 - to provide supervision to assist and advise offenders in regard to payment of fines.	Principal Officer (Criminal Justice and Team Managers (CJS)
”	Sections 227A -Z- to supervise people placed on Community Payback Orders in place of, or in respect of unpaid, fines.	Social Workers (CJS)
Children (Scotland) Act 1995	Section 17 - to safeguard and promote the welfare of looked after children and to provide	Head of Service/Area Care & Learning Managers/Children’s Service

	advice and assistance to prepare children for when they are no longer looked after by the Council.	Managers/District Managers/Unit Managers/ Headteachers
"	Section 19 - to prepare and publish a plan for the provision of services for or in respect of children.	Executive Chief Officer Health and Social Care
"	Section 20 - to prepare and publish information about services for children.	Executive Chief Officer Health and Social Care
"	Section 21 - to seek help from specified persons in the exercise of functions under Part II of the Act.	Children's Service Managers/District Managers
"	Section 22 - to provide services for children in need and to promote the upbringing of such children by their families, including giving assistance in kind or, in exceptional circumstances, in cash.	Children's Service Managers/District Managers
"	Section 23 - to ensure that services provided to a child with, or affected by, a disability are designed to minimise the affect of the disability or to minimise the effect of the disability of a family member on the child; to carry out assessments to ascertain the child's needs so far as attributable to disability.	"
"	Section 24 - to assess a carer's ability to provide care for a child.	Social Workers
"	Section 25 - to provide accommodation for children to promote or safeguard welfare and to provide accommodation to persons over the age of 18 but not yet 21, in the interests of that person's welfare.	Head of Service / Chief Social Work Officer
"	Section 26 and 26A - to provide accommodation and maintenance for looked after children.	"
"	Section 27 - to provide day care for children in need who are aged 5 or under and who have not yet	Area Care & Learning Managers

	started school, and to provide care for school children in need outside school hours or during school holidays.	
"	Section 29 as amended by the Children and Young People (Scotland) Act 2014 - to provide advice and assistance for young persons under 26 but over school age, and formerly looked after by the Council.	Principal Officer (LAC & CP)
"	Section 30 - to provide financial assistance towards expenses of education or training of a young person under 21, formerly looked after by the Council, including contributions to accommodation and maintenance.	Principal Officer (LAC & CP)
"	Section 31 - to review cases of looked after children.	Quality Assurance & Reviewing Officers
"	Section 32 - to remove children from residential establishments.	Executive Chief Officer Health and Social Care / Head of Service / Chief Social Work Officer
"	Section 36 - to determine whether a child's welfare is adequately safeguarded, and to exercise any necessary functions.	Children's Services Managers
"	Section 38 - to provide short-term refuge for children who appear to be at risk of harm and who request refuge; to designate residential establishments and households as short-term refuges for children.	Head of Service / Chief Social Work Officer / Children's Services Managers
"	Section 76 – to apply to a Sheriff for an Exclusion Order	Children's Service Managers / District Managers
"	Section 78 - to apply for the attachment of a Power of Arrest at any time while an Exclusion Order has effect.	"
Children Act 1989	Section 19 - to review child minding, day care and education services for children under 8.	Area Care & Learning Managers

Children's Hearing (Scotland) Act 2011	Section 35 – to apply to a sheriff for a Child Assessment Order	Children's Service Managers / District Managers
	Section 37 – 38 – to apply to a sheriff for a Child Protection Order	Children's Service Managers / District Managers
“	Section 55 – to apply to a Justice of the Peace for emergency child protection measures	Children's Service Managers / District Managers
“	Section 60 & 66 to cause enquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child	Children's Service Managers / District Managers/Practice Leads/Social Workers
“	Section 131 – to recommend reviews of Supervision Orders made by Children's Hearings by referral of the case to the Principal Reporter	Children's Service Managers / District Managers/Practice Leads/Social Workers
“	Section 141 – to have the power in any case of urgent necessity to direct that a child required to reside in a particular place be transferred to another place in his or her interests	Executive Chief Officer Health and Social Care / Head of Service / Chief Social Work Officer
“	Section 144-145 - to give effect to Supervision Orders made by Children's Hearings	Area Care & Learning Managers
“	Section 151 - and Secure Accommodation (Scotland) Regulations 2013 – to agree with the person in charge of an establishment the period during which a child shall be liable to be placed and kept in secure accommodation	Executive Chief Officer Health and Social Care / Head of Service / Chief Social Work Officer
Adoption and Children (Scotland) Act 2007	Sections 1,9,10,45 & 47 – to assess plan and provide a post adoption support service.	Head of Children's Services
“	Section 4 – to provide and publish a plan for the provision of an adoption service	Executive Chief Officer Health and Social Care
“	Section 14 – to consider whether adoption is in the best interests of a child or whether there may be	Head of Service / Chief Social Work Officer

	any practicable alternative to adoption	
“	Sections 17 &19 – to investigate the circumstances and thereafter submit a report to court in respect of a child for whom an Adoption Order is being sought	Children’s Service Managers / District Managers
“	Sections 80 &83 – to apply for a Permanence Order or a Permanence Order with authority to adopt	Children’s Service Managers / District Managers
“	Sections 81 -82 – to exercise rights and fulfil responsibilities in respect of a child for whom a Permanence Order has been granted	Children’s Service Managers / District Managers
Children and Young People (Scotland) Act 2014	Section 33 – To prepare a Child’s Plan where appropriate	Health Visitors/Social Workers/ Headteachers
“	Section 58 – To fulfil the duties of corporate parent where required	All Service Officers
“	Part 9 – to ensure the application of corporate parenting responsibilities	Executive Chief Officer Health and Social Care
Adoption Agencies (Scotland) Regulations 2009	To accept or not accept a person for assessment as an adopter and thereafter to assess prospective adopters in accordance with the Regulations	Head of Service / Chief Social Work Officer
“	Regulation 3 – To establish an Adoption Panel and to make appointments to that Panel	Head of Service / Chief Social Work Officer
Looked after Children (Scotland) Regulations 2009	To assess and approve foster carers in accordance with the provisions of the Regulations	Head of Service / Chief Social Work Officer
“	To place a child in a foster placement	Children’s Service Manager / District Manager/Resource Manager (Fostering)
“	Regulation 17 – to establish a fostering panel	Head of Service / Chief Social Work Officer
Matrimonial Proceedings (Children) Act 1958	Section 11 - to provide Reports to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child.	Children’s Service Managers / District Managers/Practice Leads/Social Workers

Carers (Scotland) Act 2016	Section 12 – To prepare a young carer’s statement	Children’s Service Managers / District Managers/Practice Leads/Social Workers
<b>Non-Statutory Powers – Social Work</b>		
To administer the operation of the Complaints Procedure and to publicise it.		Executive Chief Officer Health and Social Care
To manage and ensure the provision of social work services within the Criminal Justice system, in accordance with the National Objectives and Standards set by the Scottish Executive and in accordance with the budget provided by the Scottish Office.		Executive Chief Officer Health and Social Care / Head of Service / Chief Social Work Officer
To enter into and conclude social work contracts on behalf of the Council		Executive Chief Officer Health and Social Care
To set charges on a cost basis for other local authorities where Highland Council is commissioned and agrees to perform duties on behalf of those local authorities.		Head of Service / Chief Social Work Officer



## Communities and Place

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

Key: Environmental Health  
Waste Management

Delegation Banding Codes	Service Section	Description and indicative posts
1		-----
2		Waste Management Officer (Operations), Community Warden, Pest Control Officer / Dog Warden, Waste Awareness Officer, Foreperson, Environmental Health Technical <i>officer</i> , Anti Social Behaviour Investigator
3		Waste Management Officer (Strategy), Environmental Health Officer
4		Principal Waste Management Officer, Senior Environmental Health Officer, Environmental Health Manager, Head of Environmental and Amenity Services

Statute	Description of power or duty	Title of officer/Level of Post to which delegated (see Key)
<b>Environmental Protection</b>		
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 to s.109 Powers of entry, execution of works, etc	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
Dog Fouling (Scotland) Act 2003	s.5 – power to issue fixed penalty notices	2
Microchipping of Dogs (Scotland) Regulations 2016	Reg 12. Powers of an authorised person	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).	3
	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

<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/Level of Post to which delegated (see Key)</b>
	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
	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 delegations are subject to any limitations in the Environmental Health Scheme of Authorisation**

<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
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 1996 Game Licenses Act 1860 Guard Dogs Act 1975 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.	Senior Environmental Health Officer
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 1996 Game Licenses Act 1860 Guard Dogs Act 1975 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 Zoo Licensing Act 1981	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
Health and Safety at Work etc. Act 1974 Environmental Protection Act 1990 Mines and Quarries Act 1954 Food Safety Act 1990 Prevention of Damage by Pests Act 1949 Public Health (Scotland) Act 1897 Water (Scotland) Act 1980 Water Act 1989 Private Water Supplies	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

<b><u>Environmental Health</u></b>		
<b>The following delegations are subject to any limitations in the Environmental Health Scheme of Authorisation</b>		
<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
(Scotland) Regulations 2006 Refuse Disposal (Amenity) Act 1978 Noise and Statutory Nuisance Act 1993 Pesticides (Fees and Enforcement) Act 1989 Radioactive Substances Act 1993 Local Government in Scotland Act 2003 Prevention of Damage by Pests Act 1949  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  The Bathing Water Regulations 2008 The Bathing Waters (Scotland) Amendment Regulations 2012		
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 Burial and Cremation (Scotland) Act 2016 Smoking, Health and Social Care (Scotland) Act 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	Technical Officer

<b><u>Environmental Health</u></b>		
<b>The following delegations are subject to any limitations in the Environmental Health Scheme of Authorisation</b>		
<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016  The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016  Food and Environmental Protection Act 1985  Public Health etc (Scotland) Act 2008		
Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Health and Welfare (Scotland) Act 2006	To exercise the appropriate duties of office under the relevant provisions of the listed legislation, including any related orders, regulations, or other instruments relating to Animals or Animal Health:-  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 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
Environment Act 1995	s.108 – power to act in accordance with written authorisation issued under s.108	Scientific Officer, Environmental Health Information Officer
Climate Change (Scotland) Act 2009 Sections 88, 89, 90  The Single Use Carrier Bags Charge (Scotland) Regulations 2014	Powers to enforce regulations	Technical 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.	Senior Environmental Health Officer
Health and Safety (Enforcing	To agree transfers of responsibility for	Senior Environmental

<b><u>Environmental Health</u></b>		
<b>The following delegations are subject to any limitations in the Environmental Health Scheme of Authorisation</b>		
<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
Authority) Regulations	enforcement.	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	Senior Environmental Health Officer
Housing Scotland Act 1987, Housing Scotland Act 2006 and Housing (Scotland) Act 2014	Part IV-VIII - sub-standard houses - to appoint, 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, Works Notices and Maintenance Orders, overcrowding, and houses in multiple-occupation. Including powers of entry.	Executive Chief Officer – Communities and People
Housing Scotland Act 1987 and Housing Scotland Act 2006 and Housing (Scotland) Act 2014	To exercise the functions of authorised officers under Housing legislation in relation to housing grants, houses falling below the tolerable standard, houses in disrepair, repairing standard, closing, demolition, works notices and maintenance orders, overcrowding, houses in multiple occupation. Including powers of entry.	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 improvement of property or the repair of property, to sign Notice of Payment of Grant, to determine housing improvement orders and revoke closing orders and to issue Houses in Multiple Occupation (HMO) amenity notices.	Senior Environmental Health 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.	Senior 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.	Senior Environmental Health Officer
Building (Scotland) Act 2003 (Section 28)	To serve notice and take all necessary action in respect of defective buildings.	Environmental Health Officer
Civic Government (Scotland)	s.87(3) in the interests of health or safety or to	Environmental Health

<b><u>Environmental Health</u></b>		
<b>The following delegations are subject to any limitations in the Environmental Health Scheme of Authorisation</b>		
<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
Act 1982	prevent damage to any property powers to repair immediately a building s.87(4) powers to recover expenses s.99 to s.109 Powers of entry, execution of works, etc  s45G and s45H to carry out the duties and exercise the powers of Civic Licensing Standards Officers except in respect of taxi and private hire car licensing	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
the European Communities Act 1972; and European Union (Withdrawal) Act 2018	With effect from the date of the UK withdrawal from the European Union that the delegated powers to Environmental Health are amended to:  Remove any reference to the European Communities Act 1972; and  Substitute the European Union (Withdrawal) Act 2018 and regulations retained or brought into domestic legislation by that Act.	Technical Officer

## **Ward Management**

To approve expenditure in relation to the discretionary budget allocated to Wards within the Operational Management Area following consultation with relevant Ward Members.	Senior Ward Managers/City Manager
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	Senior Ward Managers/City Manager
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 Corporate Resources Committee.	Senior Ward Managers/City Manager

<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 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>