

Agenda



Meeting of Sub-Committee on Scheme of Delegation

Date: Tuesday, 6 February 2018

Time: 14:00

Venue: Committee Room 3
Council Offices, Garshake Road, Dumbarton

Contact: Christine McCaffary
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Dear Member

Please attend a meeting of the **Sub-Committee on Scheme of Delegation** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Bailie Denis Agnew
Councillor Jim Bollan
Provost William Hendrie
Councillor Jonathan McColl
Councillor John Millar
Councillor John Mooney
Councillor Sally Page

Chief Executive
Strategic Director of Transformation & Public Service Reform
Strategic Director of Regeneration, Environment & Growth
Chief Officer of West Dunbartonshire Health & Social Care Partnership

Date of issue: 24 January 2018

SUB-COMMITTEE ON SCHEME OF DELEGATION

TUESDAY, 6 FEBRUARY 2018

AGENDA

1 APPOINTMENT OF CHAIR

Members are asked to appoint a Chair of the Sub-Committee.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in the item of business on this agenda and the reasons for such declarations.

**4 WEST DUNBARTONSHIRE COUNCIL
SCHEME OF DELEGATION**

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Submit report by the Strategic Lead – Regulatory on the Council's Scheme of Delegation.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Sub-Committee on Scheme of Delegation Date

Date: 6th February 2018

Subject: West Dunbartonshire Council Scheme of Delegation

1. Purpose

- 1.1** To allow the Sub-Committee to consider the Council's Scheme of Delegation, attached as the appendix.

2. Recommendations

- 2.1** That the Sub-Committee considers and notes the terms of the Council's Scheme of Delegation.

3. Background

- 3.1** Section 50G of the Local Government (Scotland) Act 1973 requires local authorities to maintain a list of powers exercisable by officers; such a list is contained within the Council's Scheme of Delegation. Council agreed on 30 October 2017 to establish a short-lived sub-committee to look at the powers delegated to senior officers of the Council.

4. Main Issues

- 4.1** The role of Councillors as specified in the Councillors' Code of Conduct is to determine policy and to participate in decisions on matters placed before them, not to engage in direct operational management of the Council's services, that being the responsibility of the Council's employees. Similar provisions are contained in the Council's Protocol for Member/Officer Relations.
- 4.2** To enable the Council to function effectively and provide services it is necessary to delegate powers to officers and those powers are contained in the attached Scheme of Delegation. Council has agreed that all powers not specifically reserved to Council, committee, sub-committee or joint boards are delegated to officers. The matters reserved to Council or committees are mainly strategic policy or regulatory issues. All delegations should be exercised in accordance with the law, Council Standing Orders and Financial Regulations.

4.3 A minor amendment is required to the Scheme of Delegation relating to the appointment of posts below Strategic Director Level (paragraph 2.1 (ii)) following the decision of Council on 25 October to require elected members to be invited onto interview panels for Statutory and Head Teacher Positions.

4.4 Should this sub-committee consider any delegated power should be altered, Council would require to consider the matter.

5. People Implications

5.1 There are no people implications arising from the terms of this report.

6. Financial and Procurement Implications

6.1 There are no-financial or procurement implications arising from this report.

7. Risk Analysis

7.1 As this report makes no recommendation for action there has been no risk analysis. Any changes to the scheme of delegation may contain risks for the Council or its services.

8. Equalities Impact Assessment (EIA)

8.1 Not applicable.

9. Consultation

9.1 The Strategic Lead – Resources has been consulted on the terms of this report.

10. Strategic Assessment

10.1 An effective scheme of delegation is essential to enable the Council to achieve strategic objectives.

Peter Hessett
Strategic Lead – Regulatory and Monitoring Officer

10th January 2018

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Appendix: **West Dunbartonshire Council's Scheme of Delegation to Officers, April 2016.**

Background Papers: None.

Wards Affected: All Wards.



Scheme of Delegation to Officers

Revised: April 2016

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SCHEME OF DELEGATION TO OFFICERS

1. INTRODUCTION

- 1.1 The following constitutes the Scheme of Delegation to Officers in operation in West Dunbartonshire Council.
- 1.2 Like every other local authority, West Dunbartonshire Council is only able to do what statute empowers it to do. Statute delegates powers to the Council. In turn Council has delegated certain functions to its committees, sub-committees, joint boards and to Council officers.
- 1.3 Section 50G(2) of the 1973 Act also requires the Council to publish a list of all the powers delegated by the Council to officers where such powers are to last for longer than six months. This Scheme has been produced to comply with this requirement of the 1973 Act.
- 1.4 The Council has determined that all powers which are not specifically reserved to either Council, committee, sub-committee or joint boards are delegated to officers. The matters reserved to Council or committees are mainly the strategic policy or regulatory issues requiring to be decided by the Council, while the day to day operational matters of running the Council's services are delegated to officers.
- 1.5 Every attempt has been made to list the specific powers which are available to officers. However if a specific power is not mentioned in this Scheme of Delegation, it does not necessarily mean that officers cannot exercise that power. Unless it has been specifically reserved at Council, or Committee, the power will still be delegated to officers. The powers reserved by Council or Committee are detailed in Section 2.
- 1.6 Delegations in the Scheme are given to the Council's Chief Officers. These officers can in turn delegate any of the delegated authority to other officers under their direction. For the purposes of this Scheme of Delegation, Chief Officers are the Chief Executive, Strategic Directors, the Chief Officer of West Dunbartonshire Health & Social Care Partnership, the Strategic Leads and where they do not fall into any of the categories already mentioned, the Statutory Officers referred to in Paragraph 1.7 below. For clarity hereafter, the Strategic Directors and the Chief Officer of West Dunbartonshire Health & Social Care Partnership are generically referred to as Directors.
- 1.7 Statute requires the Council to appoint as Statutory Officers a Head of Paid Service, a Section 95 Finance Officer, a Monitoring Officer and a Chief Social Work Officer. Legislation delegates specific powers to such officers and these are also listed in this Scheme of Delegation to ensure completeness.

- 1.8 When two or more Directors, or Strategic Leads can exercise delegated power, then such officers should agree as to who should exercise the power. Failing agreement the appropriate Director for the service area will determine. The Chief Executive will determine in cases where one or more Director may have authority.
- 1.9 Any powers delegated to officers in terms of this scheme must be exercised in accordance with the law relating to such powers, the Council's Standing Orders including Contract Standing Orders and the Financial Regulations. The Scheme of Delegation does not permit any action which is illegal, outwith the powers delegated to the Council by Parliament (ultra vires) or prohibited in terms of the Council's Standing Orders or Financial Regulations.
- 1.10 Council may call for an explanation and a written report of any particular course of action of a Council Department or officer when such a course of action was taken under delegated powers. Unless arising during discussion of a relevant item of business on a Council or committee agenda, this would be raised by a Councillor giving prior written notice of a motion to be included on the Council agenda.

2. CORE PRINCIPLES

2.1 Delegations to Officers

The undernoted powers are delegated to Officers of the Council:-

- i) The Chief Executive or appropriate Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy for the service area assigned to them unless specifically reserved to the Council or other Committees or contrary to the principles listed in 2.2 and 2.3 below, together with such Statutory Duties as may have been specifically and personally assigned to them.
- ii) The Chief Executive and/or the relevant Directors will be responsible for the appointment of all posts below the level of Director. However, the Chief Executive will, where he/she considers it appropriate, involve elected members in the appointment process to such an extent as he/she considers appropriate.
- iii) Such delegations are at all times to be exercised with due care and attention and in accordance with all relevant law, and the Council's Standing Orders, Financial Regulations, policies and procedures.
- iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.

- v) Where a responsibility has been identified within this Scheme of Delegation, then except where contrary to Law, Standing Orders Financial Regulations or an express grant of a particular power or responsibility within the Scheme of Delegations, the responsible Chief Officer will, subject to their having the appropriate professional competency, also be granted the delegated powers needed to carry out such responsibility. Note nothing in this provision will imply any status of Proper Officer in terms of relevant Local Government legislation.

2.2 Powers Reserved to Council

General Issues

Delegated powers should not be exercised by officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council, which shall include the Standing Orders of the Council, (or Committee), or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the officer may, after consultation with the relevant Service Spokesperson or Convenor of the appropriate committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate committee for noting. In the event of a Committee, Sub-committee or Officer determining not to exercise any delegated power, then the Council, or any appropriate parent committee or sub committee with sufficient authority may determine the matter.

Specific powers reserved for Council or Committee

- 2.2.1 The powers which are reserved to the Council or its committees are a mixture of those which must, in terms of statute, be reserved, and those which the Council has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.
- 2.2.2 The following is a comprehensive list of what is reserved to the Council or committee, categorised as statutory and non statutory:-

Statutory Reservations to Council

- a) To change the name of the Council in terms of section 23 of the Local Government (Scotland) Act 1973.
- b) To appoint the Convener and Depute Convener of the Council and to decide on their titles, in terms of section 4 of the Local Government etc. (Scotland) Act 1994.
- c) To appoint Committees and Joint Committees in terms of section 57 of the Local Government (Scotland) Act 1973.

- d) To promote and oppose private legislation in terms of section 82 of the Local Government (Scotland) Act 1973.
- e) To set Council tax in terms of section 56(6) of the Local Government (Scotland) Act 1973.
- f) To receive the certified abstract of the Council's annual accounts, in terms of the Local Authority Accounts (Scotland) Regulations 1985.
- g) To consider reports by the Head of Paid Service made under section 4 of the Local Government and Housing Act 1989.
- h) To consider reports by the Monitoring Officer under section 5 of the Local Government and Housing Act 1989.
- i) To determine planning applications for national developments as specified in the National Planning Framework.
- j) To determine planning applications for major developments which are significantly contrary to the local development plan.
- k) Approval of the annual investment strategy and annual investment report.
- l) The approval of reasons for the non attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973. The approval of the Scheme of Member's Allowances in consideration of the entitlement of Members to such allowances. Such allowances will be paid in line with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Governance (Allowances and Expenses)(Scotland) Regulations 2007 as amended.

2.2.3 Non Statutory Reservations to Council and Committees

- a) To deal with all matters relating to the election of Councillors, where these are not the responsibility of the Returning Officer.
- b) To establish such sub-committees as may be considered appropriate to conduct business and to appoint and remove Conveners, Depute Conveners and members of committees.
- c) To make and amend Procedural Standing Orders, Standing Orders relating to Contracts and Financial Regulations.
- d) To make Standing Orders detailing the terms of reference and delegations to committees, and delegations to officers of the Council.

- e) To fix and amend a programme of Council and committee meetings, subject to the provisions of the Council's Procedural Standing Orders.
- f) To appoint to a committee persons who are not members of the Council.
- g) To appoint members of the Council to external bodies on which the Council is represented.
- h) To determine the Council's annual revenue budget and capital programmes.
- i) To determine the level of Council house rents.
- j) To raise money by Council Tax or loan and to issue Council stock.
- k) To incur any expenditure not provided for in the annual estimates of the Council unless and until such expenditure has been reported to and approved by the Council.
- l) To determine the process for selection, appointment, dismissal and performance of the Chief Executive and Strategic Directors, and in conjunction with NHS Greater Glasgow and Clyde, the .
- m) To consider matters relating to the fixing or amendment of the Council's geographic boundaries, its electoral boundaries and wards, or matters relating to the fixing or amendment of the boundaries of the parliamentary constituencies lying wholly or partly within the West Dunbartonshire Council area.
- n) To deal with matters reserved to the Council by Standing Orders, Financial Regulations and other Schemes approved by the Council.
- o) The approval of all policy initiatives relating to the business of the Council.
- p) To revoke/delete/amend/remove any delegated authority given to any committee, sub-committee or officer.

2.3 General Restrictions on Exercise of Delegated Powers by Officers

2.3.1 If any decision proposed under delegated powers might lead to a budget being exceeded, the officer must consult with both the relevant Service Spokesperson or Convener of the appropriate Committee, as appropriate, and the Chief Executive, before exercising the delegated power.

- 2.3.2 Chief Officers must ensure that the relevant Service Spokespersons, as appropriate, are consulted on matters of a controversial nature.
- 2.3.3 Where appropriate, matters of a controversial nature should be referred to Council or the appropriate Committee for decision.
- 2.3.4 In particular and without prejudice to the foregoing, Chief Officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances:-
- a) Where determination of the issue may involve a decision contrary to local or national policy or the determination may lead to a breach of a relevant Code of Guidance.
 - b) Where it is proposed that any issue be determined contrary to significant objections by, or the strong recommendation of, Statutory Consultees.
 - c) The Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.
 - d) There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
 - e) Standing Orders, National or International regulation requires determination otherwise.
 - f) There are questions of legality or financial advisability/probity involved.

2.4 Updating of Powers

- 2.4.1 The Scheme may be updated by the appropriate Director submitting the proposed change in writing to the Chief Executive for approval and also to the Strategic Director - Transformation and Public Service Reform for information. Until such approval is obtained in writing, no effect will be given to such change.
- 2.4.2 Notwithstanding the foregoing requirement for approval, the Scheme of Delegation will be deemed to be amended without requirement for such approval, in the circumstances of a re-organisation of staff or structure, whereby responsibilities are changed, and where required by legislative change. Such changes shall be the minimum necessary to permit the ongoing operation of affected services until such time as a revised section of the Scheme is submitted to and approved by the Chief Executive.

2.5 Interpretation of the Scheme

2.5.1 Any reference to an enactment (whether primary legislation or not) is a reference:

- i) to the enactment as amended, and
- ii) to any enactment which makes similar provision to the provisions of that enactment, including subordinate legislation, whether or not it repeals the named enactment, and the authority conferred by this Scheme of Delegation shall operate notwithstanding the repeal, amendment, re-enactment or substitution of the named amendment.

2.5.2 Interpretation of the Scheme is to be determined by the Strategic Lead - Regulatory.

3. **DELEGATIONS TO OFFICERS - GENERAL PROVISIONS**

All Directors and, unless specifically withheld by their Director, Strategic Leads, will have the following powers delegated to them:-

3.1 All powers necessary for the general management of the services for which they are responsible including, but not limited to, the power to:-

3.1.1 Appoint staff in accordance with Council policy and Standing Orders;

3.1.2 Determine appropriate car allowance, if any, to be applied to staff;

3.1.3 Authorise special leave for staff in accordance with the provisions of the Council's Scheme of Special Leave;

3.1.4 In consultation with the Strategic Lead – People and Technology, grant leave of absence with salary to enable staff to undertake approved part-time courses;

3.1.5 Authorise staff attendance at conferences/seminars and training courses for all staff;

3.1.6 Authorise departmental expenditure up to limits permitted in the Standing Orders, on such items as have been allowed for in the appropriate capital and revenue budgets.

3.2 To authorise staff to undertake functions and exercise such powers as are delegated to the Director or Strategic Lead, as the Director may deem appropriate and expedient, provided such staff are suitably qualified.

3.3 All such other powers as delegated by the Council, a Committee, a Sub-Committee, the Council's Standing Orders and Financial Regulations.

- 3.4 To authorise and pay for the attendance of individual Members at specific conferences, seminars, etc not on the approved Standing List of Conferences.
- 3.5 To authorise and pay for the attendance of individual employees at training or conferences and to authorise and reimburse the professional membership fees of individual employees.
- 3.6 To appoint or make recommendations as to the employment of consultants or specialists in accordance with any decision taken by the Council, up to appropriate delegated levels of expenditure.
- 3.7 To manage and monitor the performance of the services which are the responsibility of the Service area.
- 3.8 To assist in the preparation of the Council's General Services Capital Programme.
- 3.9 To take such measures as may be required in emergency situations, subject to advising the Chief Executive as soon as possible thereafter on any items for which Committee approval would normally be necessary. This includes any Contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 3.10 The foregoing power shall include the issuing of notices, directions, orders, licences and charges for services and the initiation of proceedings under the relevant legislation and amendments to this legislation and the granting of relevant consents and wayleaves and the raising of objections and/or proceedings.
- 3.11 To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is less than £50,000 though that always subject to the provisions of the Contract Standing Orders (Part IV) and the Financial Regulations. In the case of emergency involving danger to life or property, to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is more than £50,000, subject to reporting the expenditure to a subsequent committee, and in accordance with any provisions of the Standing Orders and Financial Regulations which are to apply in such circumstances.
- 3.12 To deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending any actions raised against them personally, providing they are acting:-
 - i) Within the course of their employment;
 - ii) In accordance with Council procedures; and
 - iii) In good faith

- 3.13 To respond to consultation papers unless the response recommends a departure or significant development of Council policy or procedure or is contrary to a standing instruction of Council or committee.
- 3.14 To lodge objections and representations to applications in terms of the Licensing (Scotland) Act 2005, the Civic Government (Scotland) Act 1982, the Gambling Act 2005, the Housing (Scotland) Act 2006 and any such other legislation in terms of which the Council is a competent objector or may make representations.

4. DELEGATIONS TO OFFICERS - SPECIFIC PROVISIONS

A. Chief Executive

The Chief Executive is the Leader of the Senior Leadership Group and has management responsibility for all Council employees.

Without prejudice to the foregoing generality the Chief Executive's powers, duties and responsibilities include the following:-

1. To act as Head of Paid Service in terms of Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are detailed in Section F.
2. To act as the principal policy adviser to the Council on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing political priorities, statutory and financial requirements and community needs and expectations.
3. To ensure that a corporate approach to the management and execution of the Council's affairs is maintained and that advice to the Council is given on a co-ordinated basis.
4. To lead the Senior Leadership Group.
5. To monitor the performance of all Strategic Directors.
6. To take such action as may be required to ensure that the correct significance is given by the Council's staff to the achievement of the overall policy objectives of the Council.
7. To give clear direction and ensure the visibility of the office of Chief Executive as the central focus for leading and co-ordinating the Council's staff.
8. To advise on staffing requirements.

9. Subject to the provisions of Council policies and procedures, to determine the organisation, appointment and proper management of the Council's staff.
10. To consider requests for voluntary early retirement or severance.
11. To ensure that effective and equitable employment policies are developed and implemented throughout all departments of the Council in the interests of the authority and its staff.
12. To maintain good internal and external public relations.
13. To make arrangements and authorise the training and development of all staff to meet the requirements of their current jobs and to prepare for new challenges and opportunities.
14. To undertake the statutory responsibilities of Returning Officer in respect of Council and Parliamentary elections.
15. To keep under review the provision of Information Systems to Council departments and the local community.
16. If a decision which is not delegated to officers requires to be made urgently between meetings of the Council or relevant Committee, the Chief Executive, in consultation (i) with Provost or Leader of the Council as appropriate, and (ii) the Convener or any appropriate Committee, may take action, subject to the matter being reported to the next meeting of the Council or relevant Committee.
17. To act as "Proper Officer" in terms of Section 50(D) of the Local Government (Scotland) Act 1973 - "Listing of background papers for a report of his/her to Members".
18. To devise, alter and issue, as required, job descriptions in respect of Chief Officers and other officers in accordance with Council duties and functions.
19. To exercise every power delegated to Strategic Directors and Strategic Leads except where in fulfillment of a of a statutory function.
20. To appoint, for any period of absence of the Chief Executive, an Acting Depute Chief Executive and Acting Head of Paid Service to cover such periods of absence. When the Chief Executive is absent the Acting Chief Executive and Head of Paid Service will have all the delegated authority of the Chief Executive.
21. To refer matters to the Police, in terms of the Council's defalcation procedure.

General

22. All powers ancillary to or reasonably necessary for the proper performance of the Chief Executive's general duties and responsibilities.

B. Strategic Director - Regeneration, Environment and Growth

The Strategic Director - Regeneration, Environment and Growth has overall responsibility for the following Service Areas:

- **Environment and Neighbourhood**
 - Fleet and Waste
 - Greenspace
 - Roads and Transportation
 - Leisure and Facilities Management
- **Housing and Employability**
 - Housing
 - Working 4 U
 - Community Planning and Development
- **Regeneration**
 - Regeneration
 - Capital Investment Programme
 - Estates and Asset Management
 - DLO

The Strategic Director - Regeneration, Environment and Growth is authorised to exercise the delegated powers of the Strategic Leads for the Service Areas.

Strategic Leads

The delegated powers and responsibilities of the Strategic Leads under the Strategic Director – Regeneration, Environment and Growth are:-

Strategic Lead - Housing and Employability

Housing

1. Authorised to manage the Councils housing stock within approved policies.

2. Authorised to sign missives of let issued under the terms of the Housing (Scotland) Act 1987.
3. Authorised to exercise powers with respect to sub standard housing under sections 99 - 101 of the Housing (Scotland) Act 1987.
4. Authorised to exercise powers with respect to closing and demolition orders under sections 114-117 of the Housing (Scotland) Act 1987.
5. Authorised to exercise powers with respect to houses in multiple occupation under sections 152 - 177 and 185 - 190 of the Housing (Scotland) Act 1987.
6. Authorised to exercise powers with respect to compensation payments under sections 304 - 310 of the Housing (Scotland) Act 1987.
7. Authorised to sign notices of proceedings and notices to quit to instruct the raising of proceedings for repossession of dwelling housing.
8. Authorised to exercise powers with respect of regulation of private landlords as required under the Anti-Social Behaviour etc (Scotland) Act 2004 - Section 7 and 8.
9. Responsible for the preparation of, and thereafter, control and monitoring of the Housing Revenue Account Capital and Revenue budgets.
10. Authorised to make payments in respect of tenants/residents groups, re-decoration grants, ex-gratia payments and similar such payments.
11. Responsible for providing out of hours emergency services for homeless persons, urgent repairs etc.
12. Responsible for consulting with tenants/residents groups on housing issues.
13. Responsible for and empowered to order, manage, perform and instruct housing repairs.
14. Responsible for determining, in accordance with relevant legislation or Council policy, requests for succession of tenancies, mutual exchanges, lodgers, sub-letting, alterations etc.
15. Responsible for providing a factoring service for purchasers of Council houses and recovering appropriate charges.
16. Responsible for making representations to the Scottish Government and other appropriate Government Bodies and Agencies, where appropriate, to maximise prospects of improving housing provision within the area.

17. Responsible for preparing the Councils Standard Delivery Plan, Strategic Housing Investment Plan and other strategic documents and monitoring their implementation.
18. Responsible for assessment of general needs and special housing needs in liaison with other services and agencies.
19. Responsible for maintaining all buildings, furniture, equipment etc under his/her control and ensuring safety checks and procedures etc are undertaken.
20. Responsible for ensuring proper arrangements are in place in respect of statutory compliance for housing properties in relation to issues such as Asbestos, Legionella etc.
21. Authorised to advise the Council, its committees and departments on community safety matters.
22. Authorised to appoint, and authorise as appropriate, officers to ensure the enforcement and administration of statutory responsibilities.
23. Authorised to determine applications for repair and improvement grants in line with the provisions of the Housing (Scotland) Act 2001 and related legislation and Council policy and procedure.
24. In consultation with the Strategic Lead – Regulatory, permitted to serve notices and enter into court proceedings to recover possession of heritable property or arrears of rent.
25. Permitted to install and manage close circuit television (CCTV).
26. Responsible for providing services to travelling persons including the management and maintenance of a site for travelling persons.

Working 4 U

27. Responsibility for management of the Employability Services of the Council, including entering into contracts with third party providers and potential employers and to offer employment related advice and assistance.
28. Responsibility for management of the Community Learning and Development Service of the Council, including instructing contracts with third party providers and learning providers.
29. Responsibility for management of the Council's programme for recruitment of Modern Apprentices and Skillseekers, whether by the Council or other employers.

30. Responsibility to provide welfare rights and debt advice and assistance, including advice and assistance on maximisation of benefits.

Community Planning and Development

31. Responsibility for Your Community.
32. Responsibility to ensure proper arrangements for community consultation and community empowerment.
33. Responsibility for provision of support and assistance to Community Councils and other related engagement processes and structures including the Community Alliance.

Strategic Lead – Environment and Neighbourhoods

Roads and Transportation

1. Authorised to carry out statutory functions of the Council in terms of the following legislation:

Roads (Scotland) Act 1984, Road Traffic Regulation Act 1984, Disabled Persons Parking (Scotland) Act 2009, Flood Prevention (Scotland) Act 1961 and Flood Prevention and Drainage (Scotland) Act 1997, Flood Risk Management (Scotland) Act 2009.
2. Authorised, after consultation with the Chief Constable and the Chief Executive, to arrange for the advertisement of any proposal for making, revocation or variation of orders and schemes under:
 - Road Traffic Regulation Act 1984
 - Section 68, 69, 70, 71 of the Roads (Scotland) Act 1984
3. Authorised to instruct the grant of wayleaves in respect of public utilities.
4. Authorised to carry out function of the Road Safety Officer in conjunction with the Chief Constable.
5. Authorised to deal with all requests for information in connection with grant applications to assist in the provision of facilities for freight haulage by rail).
6. Authorised to carry out the functions and duties of Harbour Authority under the Harbours Act 1964 and the Dumbarton Burgh Order Confirmation Act 1974 in relation to piers, harbours and navigable rivers.

7. Authorised to carry out the functions of the Council under the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible.
 8. Authorised to exercise functions of the Council under section 12 of the Roads (Scotland) Act 1984 in relation to the stopping up or diversion of highways, crossing or entering routes of proposed new highways.
 9. Authorised after consultation with the Chief Executive to agree terms for bridge agreements with the relevant Railway body and terms of discharge of the Councils liability for annual maintenance and renewal charges in that connection.
 10. Authorised after consultation with the Chief Constable to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures subject to the necessary consents being obtained in respect of Planning Approval.
 11. Authorised to make arrangements for the management of car parks etc including granting their use or part thereof to other persons and bodies, and following consultation with the Head of Finance and Resources, the imposition or waiving of charges for such use.
 12. Authorised to carry out the functions of the Council in terms of Section 4, 5, 8, 12 and 25 of the Coast Protection Act 1949.
 13. Authorised in terms of the Health and Safety at Work Act 1974 to carry out all duties set out in the statements of responsibilities for (health, safety and welfare in places of work) and the General Statement of Policy on Health and Safety at Work issued in 1985 as amended.
 14. Authorised where appropriate to enter objections on behalf of the Council to applications for goods of vehicles operator's licences under section 93 of the Transport Act 1968.
 15. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
 16. Authorised to withdraw existing School Crossing Patrol service sites which do not comply with Council policy, following a re-assessment on road safety against Council policy and after consultation with the Executive Director of Educational Services and the relevant primary school concerned.
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Fleet and Waste

17. Where suitably qualified, authorised to make application for extensions to the operators' licence to the vehicle licensing authority or any other decisions necessary to ensure the legal operation of the Councils fleet.
18. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Household Waste in accordance with the Environmental Protection Act 1990 and other legislation.
19. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Commercial Waste [in accordance with the Environmental Protection Act 1990 and other relevant legislation.]
20. Authorised to remove and dispose of abandoned vehicles and recover expenses for their removal, to remove and dispose of refuse other than a motor vehicle and to enter land at any reasonable time in terms of the Refuse Disposal (Amenity) Act 1978.
21. To operate an MOT Testing Station and garage for the repair and testing of vehicles owned or licensed by the Council.

Leisure and Facilities Management

22. Authorised to let or arrange for the letting, hire and use of sports facilities and also the provision of entertainment and events approved by the Council within the remit of the service and accordance with the policies or practices and procedures of the Council.
23. Authorised to monitor the performance of West Dunbartonshire Leisure Trust in delivering services in accordance with the Services Agreement between West Dunbartonshire Council and the Trust and to act as the Council representative in respect of all governance and contractual documents between the Council as client and the Leisure Trust as Provider of Leisure Services.
24. Authorised to ensure that the School Meal Service meets with national and local nutritional standards as laid down from time to time.

Greenspace

25. Authorised to let or arrange for letting, hire and use of playing fields in accordance with policies, practices and procedures and subject to the charges fixed from time to time by the Council.
26. Authorised to appoint officers for the enforcement of management rules for cemeteries, war memorials and public parks.

27. Authorised to undertake litter enforcement duties under the Environmental Protection Act 1990 and all other relevant legislation and in particular to appoint officers to issue fixed penalty notices for litter and dog fouling offences via any relevant departmental officers within appropriate delegated authority.
28. To provide burial and cremation services in terms of Burial Grounds (Scotland) Act 1855 and the Cremation Acts 1902 and 1952.

Strategic Lead - Regeneration

Asset Management

1. To carry out day to day management of non operational land and buildings.
2. To agree leases, sub-leases of non operational land and buildings and to rent properties both from and to the Council in consultation with the Head of Legal, Democratic and Regulatory Services, at market value for periods up to 25 years in respect of property with rentals of up to £30,000 per annum.
3. Authorised to agree sub-leases and assignments of leases on completion of appropriate checks to ensure suitability of the incoming tenant.
4. Authorised, in respect of leases, sub-leases and assignments referred to in paragraphs 2 and 3 above to consent to rent free periods.
5. Authorised to terminate leases of at their natural expiry date and at any break point detailed in lease agreement and to agree terms for the renunciation of leases prior to their natural expiry.
6. Authorised to agree lease rentals at review periods.
7. Authorised to agree to extensions and variations to existing lease agreements, subject to the extensions or variations not extending the term of the existing lease by a period in excess of 10 years.
8. Authorised, where arrears of rent have arisen to instruct the Head of Legal, Democratic and Regulatory Services to raise appropriate action necessary in order to recover the arrears and/or to secure vacant position of the heritable property and if any other term of lease has been breached, to instruct the Head of Legal and Democratic Services to use the standard breach of contract remedies available which she/he considers appropriate.
9. Authorised to proceed with the repairs to land, commercial and industrial premises in the ownership of the Council subject to budgetary provisions.

10. Authorised to enter in to wayleaves, servitudes and leases with statutory bodies and other providers of utility services who require rights over land for particular purposes.
11. Authorised to enter in to servitude, wayleave or licence agreements with parties other than those referred to in paragraph 9 above where the value of the servitude does not exceed £20,000.
12. Authorised to negotiate and settle all claims arising from the exercise of the Councils powers to enter upon and take land in the discharge of statutory powers.
13. Authorised to declare properties surplus to requirements subject to having consulted with the other Executive Directors, the Chief Executive and the Convener of the Infrastructure, Regeneration and Economic Development Committee.
14. Authorised where land and/or property has been or is declared surplus to the Councils requirement to agree terms for the disposal of such land and property up to the value of £20,000.
15. Authorised to acquire land and property on behalf of the Council up to a value of £20,000 subject to budgetary provision.
16. Authorised, where a property transaction has been agreed by Committee, to agree appropriate material variations in the transaction heads of terms (as reported to Committee) in consultation with the Head of Legal, Democratic and Regulatory Services, subject to approval of the Chief Executive.
17. Authorised to agree non material variations in the heads of terms and to negotiate, in agreement with the Head of Legal, Democratic and Regulatory Services, the terms and conditions of any property disposal materially within the scope of the heads of terms agreed by Committee,
18. Authorised to proceed with the repairs and maintenance to the Councils operational property portfolio within approved policies.
19. Authorised to determine requests for rent abatement up to a maximum amount equivalent to 50% of the total annual rental.
20. Subject to the Councils Standing Orders relating to contracts to arrange for the demolition and clearance of buildings declared surplus by the Council where this is to be considered in the interest of the Council, and subject to advising the relevant Convenor and local Elected Members.
21. Authorised to apportion office accommodation amongst Council services and to arrange for any necessary alterations or adaptations to such accommodation.

22. Authorised to ensure the proper application of the Council Asset Management Strategy with respect to property including space standards etc.
23. Authorised to provide landlords consent on sub-leases to Council owned land and properties and to authorise contributions to capital incentive packages up to a value of £75,000 (i.e. at Clyde Regional Centre).
24. Authorised to approve monthly PPP Unitary Charge invoices to a value of £1.5million.
25. To maintain the Council's Asset Register and keep a record of all assets owned by the Council.
26. To monitor the energy performance of buildings in terms of the Energy Performance or Buildings (Scotland) Regulations 2008.
27. To undertake Council functions relating to carbon reduction and climate control in terms Climate Change (Scotland) Act 2009.
28. To enter into contracts for and / or deliver construction and construction related services including the provision of engineering, building, quantity surveying, surveying, architectural and clerk of works services to the Council.

Economic Development

29. To apply for funds and facilities to promote Economic and Development and Regeneration within West Dunbartonshire.
30. To disburse appropriate funds to businesses and groups aimed at maximizing Economic Development within West Dunbartonshire.
31. To participate in and to promote schemes with a view to promoting Economic Development and Regeneration in West Dunbartonshire and the wider Clyde Valley area.
32. To launch and respond to consultations and initiatives with a view to ensuring the Economic interests of the West Dunbartonshire area are represented in decision making processes which impact on Economic Development and Regeneration within West Dunbartonshire.
33. To promote and participate in partnership[working with public and private sector partners to enhance Economic Development and Regeneration Activity within West Dunbartonshire.

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34. Authorised to arrange for the carrying out of maintenance and repair of housing stock owned by the Council.
35. Authorised to arrange for the carrying out of maintenance and repair of housing stock not owned by the Council within or outwith West Dunbartonshire.

C. Strategic Director –Transformation and Public Service Reform

The Strategic Director –Transformation and Public Service Reform has overall responsibility for the following Service Areas:

Education, Learning and Attainment, incorporating- Early Learning and Child Care; Primary, Secondary and Additional Support Needs Schools, and Psychological Services;

Resources, incorporating Finance, Treasury, Procurement, Audit and Fraud, Business Support, Benefits, Insurance;

People And Technology, incorporating - Human Resources, Organisational Development and Change, Health and Safety, Risk, Resilience, Information Communication, Technology, Transactional Support;

Regulatory, incorporating - Legal, Licensing, Records Management, Freedom of Information, Data Protection and Information, Elections, Democratic Services, Registration of Births, Deaths and Marriages, Environmental Health, Trading Standards;

Communications, Culture and Communities, incorporating- Customer Services, Policy and Performance, Libraries and Culture, Communications, Events and Engagement;

and all associated support services necessary to implement the Council's policies and to manage the resources and budgets allocated for these.

The Council is also required to appoint a Monitoring Officer and Section 95 Finance Officer either of which may or may not be the Strategic Director – Transformation and Public Service Reform. In circumstances where the Strategic Director does not meet the statutory qualification requirements to be the Section 95 Finance Officer and is not the Monitoring Officer, the duties of the Section 95 Finance Officer will be undertaken by the Strategic Lead - Resources and the duties of the Monitoring Officer will be undertaken by Strategic Lead - Regulatory. Specific duties which are delegated by statute to the Section 95 Finance Officer or Monitoring Officer are detailed in Sections F and G. Insofar as this section refers to such duties they will be carried out by the statutory officers with support from the Strategic Director –Transformation and Public Service Reform directly acting in such statutory role.

Subject to the preceding caveats as to qualification and Statutory roles, the Strategic Director –Transformation and Public Service Reform is authorised to exercise the delegated powers of the Strategic Leads for the Service areas they are responsible for.

Strategic Leads

The delegated powers and responsibilities of the Strategic Leads under the Strategic Director – Transformation and Public Service Reform are:-

Strategic Lead - Resources

1. Act as the Proper Officer responsible for the administration of the financial affairs of the Council or to ensure that another properly qualified Officer is so appointed.
2. To prepare Financial Regulations of the Council.
3. The direction and co-ordination of all departmental capital plans, the collation thereof for presentation to the Corporate Management Team and recommendation to the Council.
4. The monitoring of the Council's capital and revenue budgets during the course of each financial year and reporting thereon to the Council.
5. The awarding of grants to public or voluntary bodies in accordance with any direction or policy determined by the Council.
6. The provision of financial services to other bodies, organisations, etc. subject to a charge being made where appropriate.
7. Determine all accounting procedures and records of the Council and its Officers.
8. On the production of identification:-
 - Enter, at all reasonable times, on any Council premises or land.
 - Have access to all records, documents and correspondence relating to any financial transaction of the Council and such other documents as may be considered to be necessary in verification thereof.
 - Require and receive such explanations as are necessary concerning any matter under examination.
9. Request and receive such information as is required in relation to stores for account, costing and financial records.

10. Require any Council employee to produce cash, stores, or any other Council property under his/her control.
11. Borrow and invest monies as required for the purposes of the Council's Treasury functions (within the terms of the Council's Treasury Policy Statement) and perform Debt Rescheduling as appropriate.
12. Approve the form of official orders (for purchasing) and request copy of each order if so required.
13. Supplement the departmental checks on payments of accounts as considered necessary.
14. To approve appropriate payment methods for the Council and to make payments through those methods.
15. Authorise the signature of cheques and other appropriate financial documentation on behalf of the Council.
16. Advance monies for purposes of defraying petty and other expenses.
17. Ingather all monies due to the Council and, in conjunction with the Head of Legal, Democratic and Regulatory Services, enforce payment thereof.
18. Authorise disposal or write-off of surplus materials, stores, or equipment where the value does not exceed £500.
19. Write off debts of up to £1,000 if satisfied that they cannot reasonably be recovered.
20. Determine Home Loan Applications and implement amendments to interest rates for the Home Purchase Loans.
21. Provide such imprest accounts as he/she considers appropriate for such Officers of the Council as he/she considers may require them for purposes of defraying petty and other minor expenses and, in relation thereto, power to open bank accounts where it is considered appropriate.
22. Subject to the terms detailed in the Financial Regulations, authorise the transfer of approved estimates from one head of expenditure to another, within a Service estimate.
23. Enquire into the financial standing of any tenderer who may be accepted in relation to any contract.
24. Rent collection and accounting, arrears recovery.
25. Collection, accounting and arrears recovery of charges made for Council services and charges made for other reasons (known as Sundry Debtors).

26. Administration of the Council Tax Reduction and Housing Benefit Schemes for Council houses and private tenants.
27. In respect of Community Charge/Council Tax/Non Domestic Rates, to act as the Proper Officer in terms of the appropriate legislation for all administrative purposes including:-
 - Arranging the preparation of the Assessment Roll, the preparation and issue of rates notices, the collection of rates, the receiving and settling of claims for exemption from rates, the handling of objections to the amount of rates levied, and the abatement, remission or repayment of rates under the various rating provisions.
 - The preparation and issue of Community Charge notices based on the Community Charge Register, the collection of the aforementioned charge, the handling of objections to the amounts charged, and the exemption, abatement, or remission of charges where not the responsibility of the Community Charge Registration Officer.
 - The preparation and issue of Council Tax Notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement, or remission of charges.
 - To enter into arrangements with Communities Scotland etc. in accordance with Schedule 2 of the Local Government Finance Act 1992, to administer Council Tax rebates and discounts on behalf of the Council for all those resident in the housing authority's property.
 - To enter into arrangements with neighbouring Councils and others concerning the collection of rates, Community Charge or Council Tax on behalf of the Council and to make arrangements with each agent as to suitable collection points.
 - To make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other agents with regard to the collection of rates, Community Charge, and/or other Council Tax, and the administration of any Community Charge or Council Tax rebate or discount schemes etc.
28. To operate an Internal Audit function which complies with the Public Sector Internal Audit Standards.
29. To undertake internal audit of Council systems, procedures and practices and to investigate complaints or issues raised with Internal Audit, including whistle blowing complaints. To provide policies, procedures and guidance relating to audit, whistleblowing and defalcation.
30. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.

31. To implement an anti-fraud strategy and service to detect and minimise fraudulent activity associated with the Council's operations.
32. To exercise functions relating to the identification, planning and mitigation of financial risks affecting the Council.
33. To undertake procurement functions for the Council including entering into framework agreements, central purchasing arrangements, maintenance of a register of active Council contracts, preparation of advice and policies relating to procurement and support and assistance to Council services in undertaking procurement.
34. Any functions reserved to the Council which either relate to or are ancillary to the administration of the Universal Credit.
35. To arrange the necessary insurances to protect the interests of the Council and make arrangements with insurance companies concerning claims handling and settlement of claims.

Strategic Lead - Communications, Culture and Communities

1. To authorise the issue of all publicity and promotional material related to the Council.
2. To issue publicity to promote the Council's interests and to issue appropriate press releases, pamphlets or other forms of publicity on behalf of the Council.
3. To manage, maintain and make procedures relating to social media sites kept by the Council.
4. To deal with press enquiries and responses on behalf of the Council.
5. To authorise corporate branding material including logos etc to be used on behalf of the Council.
6. To undertake internal communications with Council employees and to provide policies to promote internal communication. To manage and administer the Council's performance planning and monitoring arrangements including preparation of the Single Outcome Agreement, Strategic Priorities, Council or Corporate Plan and to make arrangements for departmental and operational plans.
7. To co-ordinate the gathering of performance or benchmarking information and any returns or other information relating to such performance information.

8. To manage the administration of the Council's back-office Community Planning and community engagement functions.
9. To manage the administration of the Delivery and Improvement Groups.
10. To develop policies and procedures and otherwise to help ensure the Council complies with its duties under the Equalities Act. 2010.
11. To implement the Council's Customer Services Strategy, to develop and manage One Stop Shops and Customer Contact Centres and to manage emergency telephone helplines.
12. To operate the Council's Museums and Libraries Service and develop and operate arts, tourism and cultural activities and venues.

Strategic Lead – People and Technology

1. The provision of efficient and effective Human Resources Systems, including advice, appropriate to the needs of the Council and its Directorates.
2. Authorise, in conjunction with the Strategic Lead-Regulatory, or the Strategic Lead – Resources, appropriate Personnel and Training Contracts.
3. Develop and maintain health, safety and resilience, human resources, organisational development and change, ICT, business support and transactional policies and procedures.
4. Authorise employee terms and conditions associated with Council Policies and Procedures, Appeals, Health and Safety, National Agreements and Pension Regulations (Special Leave, Recruitment and Selection, Dignity at Work, Annual Leave, Discipline and Grievance, etc) Appeals Committee Admin, Health and Safety and Training.
5. Contribute to the effective operation of the Council's Appeals Committee, Joint Consultative Forum, Corporate Joint Health & Safety Committee, Corporate Services Committee, Joint Consultative Forum and the Local Negotiating Committee for Teachers.
6. To undertake on behalf of the Council negotiations and discussions with Trade Unions and other organisations concerned with the interests of Council employees.
7. To approve salary placings within the agreed salary scales in consultation with the appropriate Strategic Lead.
8. Implement national pay arrangements/awards and amendments to

national and local rates of travel, subsistence and other allowances/rates.

9. To apply all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council.
10. After consultation with the appropriate Strategic Lead to approve the acceleration of increments within existing salary scales to employees.
11. In consultation with the appropriate Strategic Lead to approve applications for the termination of employment on medical grounds where such recommendations are made by the Council's Occupational Physicians.
12. To pay salary and wages and make associated arrangements for payment of Council paid employees.
13. Following consultation with appropriate Strategic Lead to provide to the Local Government Adjudicator for Scotland on behalf of the Council, certificates required for the purposes of Section 3(3) of the Local Government and Housing Act 1989 in relation to exemption of post from political restrictions.
14. To co-ordinate the Council's arrangements for obtaining reports relating to potential criminal convictions.
15. To manage and support the Council's policies on absence at work and to enter into arrangements for the provision of Occupational Health, counselling or other services to support employees.
16. Enter into agreements and deliver Services, including but not limited to, human resources and organisational development, to other bodies.
17. To provide training to deliver or arrange for the delivery of training or training facilities to Council employees, Councillors or others.
18. To make arrangements for employee recognition..
19. To co-ordinate and support Council services in applying for external awards.
20. To promote and pursue Business Transformation of Council Services as and where appropriate
21. To co-ordinate and support Council services in Continuous Improvement, securing recognition in the relevant schemes/framework.
22. In conjunction with the Strategic Lead – Communications, Culture and Communities to undertake and analyse employee consultation surveys, co-ordinating the delivery of improvement actions as required.

23. To provide support and assistance to the Strategic Leadership Group and in conjunction with the Strategic Lead – Communications, Culture and Communities support and deliver the Senior Management Network events.
24. The provision of efficient and effective Information Technology and Telecommunications Systems, including advice, appropriate to the needs of the Council and its Service areas.
25. Monitoring the integrity, effectiveness and economic utilisation of all information technology bases processing facilities.
26. Maintaining an inventory of hardware, software, application and telecommunications equipment for the purposes of insurance, hardware (preventative) maintenance, applications auditing, software licensing, asset management and technical support.
27. Authorise, in conjunction with the Strategic Lead - Regulatory, and the Strategic Lead – Resources where there are procurement issues, appropriate software licensing and other ICT Contracts.
28. In conjunction with the relevant Strategic Leads and the ICT Security Manager, maintain ICT/Security Policies and Procedures.
29. With support and assistance, as required, from the Strategic Lead – Regulatory, to ensure that all computer information processing conforms to the Data Protection Act 1998.
30. To exercise functions relating to civil contingencies, including identification of potential contingencies, civil contingency planning, liaison with external bodies and putting in place arrangements to deal with contingencies.
31. Duties relating to business continuity, including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
32. Support and assistance to Council services to enable them to comply with duties under the Health and Safety at Work Act 1974 and other legislation relating to health and safety.
33. To be the primary point of contact with the Health and Safety Executive in matters relating to the health and safety of Council premises or services.

Strategic Lead - Regulatory

1. **Monitoring Officer and Statutory Functions:** The Strategic Lead – Regulatory is presently appointed to the following positions and has the following responsibilities:-
 - To act as the Council's Monitoring Officer in terms of Section 5 of the Local Government Housing Act 1989.(see later specific delegations in respect of this role)
 - To act as “Proper Officer” and to appoint and designate other officers of the Council “Proper Officers” for the purposes of relevant section of the Local Government (Scotland) Act 1973 in respect of the production of reports; the listing of background papers; the retention of documents, receipt of notices of any legal proceeding served on the Council and for the receipt of any notice, order or any other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer and report for the prescribed period and other related matters.
 - To act as “Proper Officer” and to appoint and designate other officers of the Council as Proper Officers for the purpose of Section 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 1995, to sign all deeds and other documents which require to be signed or sealed and to execute, on behalf of the Council, such other documents as may be necessary.
 - To act as “Authorised Officer” together with such members of his/her staff designated by him/her in terms of the Civic Government (Scotland) Act 1982 to grant, renew and vary applications for licenses in terms of the Civic Government (Scotland) Act 1982 where no objections have been received and to be responsible for the administration and control of all relevant licenses in respect thereof and to issue all notices of suspension or revocation of same as may be necessary in connection therewith.
 - To act as Clerk to the Council and its Committees.
 - To act as Clerk to the Licensing Board in terms of the Licensing (Scotland) Act 2005.
 - To act as Clerk to the Children’s Panel Advisory Committee (or any successor body).
 - To act as Clerk to the Gaul Trust.

2. To receive election materials or documentation not otherwise provided for in terms of the Representation of the People Act 1973 or any other equivalent legislation in relation to the conduct of local or national elections and referenda”
3. To engage Counsel or external legal firms as may be appropriate in connection with the Council’s legal business and to appoint Parliamentary agents as and when he/she may consider it necessary.
4. To settle without reference to the Council or its Sub-Committees, claims arising in terms of statute in respect of compensation following compulsory or voluntary acquisition or other statutory process provided all the statutory requirements have been met.
5. To issue or have issued by other officers, Statutory Notices on behalf of the Council.
6. To Clerk any such body created in which the Council has an interest where such body is a joint committee for the purposes of the 1973 Act.
7. To initiate, raise, defend, negotiate and agree extra judicial settlements in line with budgetary provisions and to withdraw from legal proceedings, including proceedings before any court, tribunal, enquiry, regulatory body etc.
8. In consultation with the relevant Strategic Director/Strategic Lead, to settle claims and legal actions against the Council of whatever nature not otherwise covered by the Council’s insurance arrangements (and including without prejudice the foregoing generality planning appeals, employment tribunals and land tribunals) up to a maximum of £50,000 and with the approval of the Chief Executive up to a maximum of £100,000 and in addition to agree appropriate fees and expenses in connection with those settlements.
9. To settle claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of home loss payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement provided that the statutory requirements have been met.
10. In consultation with the appropriate Strategic Director/Strategic Lead, to negotiate and agree all voluntary or mandatory agreements in pursuance of statute, regulation or decision of the Council.

11. To agree amendments and changes to (1) the membership or constitution of any body of which the Council is a member, or (2) the terms of any agreement of which the Council is a party, provided always that on due enquiry, he/ she is satisfied that such amendment or change will not adversely affect the operation of the body or the interests of the Council.
12. To appear and represent the Council in any Court, Tribunal, Hearing, Inquiry or similar forum in any action associated with the performance of any function of the Council.
13. To carry out the functions of the Council under the Adults with Incapacity (Scotland) Act 2000 including those relating to Intervention Orders, access to funds and Guardianship Orders
14. In consultation with the relevant Executive Director, to authorise ex-gratia payments up to a maximum of £5,000 relative to recommendations by the Scottish Public Services Ombudsman.
15. To maintain custody of all titles and standard securities in the Council's favour.
16. To implement reports from the Council's Valuer with regard to leasing of property, rent reviews and acquisition or disposal of land.
17. To undertake licensing activity in respect of the following legislation and regulation:-
 - Licensing (Scotland) Act 2005
 - Pet Animals Act 1951
 - Animal Boarding Establishments Act 1963
 - Breeding of Dogs Act 1973 and 1991
 - Dangerous Wild Animals Act 1976
 - Riding Establishments Act 1964 and 1970
 - Zoo Licensing Act 1981
 - Breeding and Sale of Dogs (Welfare) Act 1999
 - Licensing of Animal Dealers (Young Cats & Dogs) (Scotland) Regulations 2009
 - Caravan Sites and Control of Development Act 1960
 - Cinemas Act 1985
 - Petroleum (Consolidation) Act 1928 and the associated regulation made under the Health & Safety at Work etc Act 1974
 - Manufacture and Storage of Explosives Regulations 2005
 - Poisons Act 1972
 - Deer(Scotland) Act 1996
 - Game Licences Act 1860
 - Game Act 1831
 - Civic Government (Scotland) Act 1982 – Parts I, II, III, V and IX
 - Theatres Act 1968
 - Housing (Scotland) Act 2006 Part 5

- Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.
 - Civic Government (Scotland) Act 1982 Part II (Public Entertainment Licences – Sunbeds)
18. To approve nominations to the West Dunbartonshire Local Licensing Forum made in accordance with its constitution.
 19. After consultation with the Convenor of the Licensing Committee (or exceptionally without such consultation where a Convenor is not in post, or will not be available within the timescales required to determine the matter), to consider a suspension of a license in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.
 20. After consultation with the Convenor of the Licensing Committee (or exceptionally without such consultation where a Convenor is not in post, or will not be available within the timescales required to determine the matter) to immediately suspend a license, when requested to do so, in terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982.
 21. After consultation with the Convenor of the Licensing Committee (or exceptionally without such consultation where a Convenor is not in post, or will not be available within the timescales required to determine the matter) to quash or recall a suspension made in terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 and to reissue the license.
 22. Suspension of any taxi or private hire car vehicle licence on failure to produce an annual inspection or where the vehicle is considered unfit for public usage having regard to its condition.
 23. To have access at any time to any Council premises, offices or premises of contractors for the purposes of inspecting all documents and interviewing staff (either employed or contracted) in pursuit of the examination, verification or inspection of any system operated by the Council or any department thereof and to require the production of any information in whatever form including disclosure under the Data Protection Act 1998 and to implement changes arising therefrom.
 24. To provide all services in respect of the duties of the Council in respect of the registration of births, deaths and marriages, civil partnerships, citizenship ceremonies, Tell Us Once, civil ceremonies and to provide a registration family history searching facility.

25. To exercise the function of the Council in terms of the following legislation, including the provision of education, mediation or enforcement, and specifically to grant, vary or renew licenses or permissions where not otherwise reserved to the Council or Committee:

Consumer Support

- Timeshare Act 1992
- Unsolicited Goods and Services Act 1971
- Enterprise Act 2002 (Part 8)
- Consumers, Estate Agents and Redress Act 2007
- European Communities Act 1972 and associated Consumer Support legislation made under this Act

Consumer Credit and Estate Agency

- Consumer Credit Act 1974
- Estate Agents Act 1979
- Consumers, Estate Agents and Redress Act 2007
- Property Misdescriptions Act 1991
- European Communities Act 1972 and associated Consumer Credit and Estate Agency legislation made under this Act

Consumer Safety

- Consumer Protection Act 1987 (parts II & IV)
- Poisons Act 1972
- Medicines Act 1968 (ss53, 54 & 66)
- Children and Young Persons (Protection from Tobacco) Act 1991
- Tobacco Advertising and Promotion Act 2002
- Tobacco and Primary Medical Services (Scotland) Act 2010
- Fireworks Act 2003
- Antisocial Behaviour (Scotland) Act 2004 (ss122-125)
- Road Traffic Act 1988 (section 17)
- European Communities Act 1972 and associated Consumer Safety legislation made under this Act

Environment

- Clean Air Act 1993 (s30)
- Food and Environment Protection Act 1985 (Part III)
- Control of Pesticides Regulations 1986
- Pesticides Act 1998
- Motor Cycle Noise Act 1987
- European Communities Act 1972 and associated Environmental legislation made under this Act

Unfair Trading

- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Copyright, Designs and Patents Act 1988
- Copyright etc and Trade Marks (Offences and Enforcement) Act 2002
- Prices Acts 1974 and 1975
- Video Recordings Act 1984
- Business Names Act 1985
- Companies Act 2006 Parts 5 & 41
- Housing (Scotland) Act 2006 (Part 3)
- Vehicles (Crime) Act 2001 (Part 2)
- Olympic Symbol (Protection) Act 1995
- Energy Act 1976
- Education Reform Act 1988 (ss214-216)
- Telecommunications Act 1984 (s30)
- Hallmarking Act 1973
- European Communities Act 1972 and associated Unfair Trading legislation made under this Act

Agriculture

- Agriculture Act 1970 (Part IV)
- Feed Hygiene Regulation 183/2005
- Agriculture (Miscellaneous Provisions) Act 1968
- European Communities Act 1972 and associated Agriculture Related legislation made under this Act

Animal Health

- Animal Health Act 1981
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare (Scotland) Act 2006
- Bluetongue (Scotland) Order 2008 (Articles 3(2) and 16A(2))
- Welfare of Farmed Animals (Scotland) Regulations 2010
- European Communities Act 1972 and Animal Health legislation made under this Act

Metrology

- Weights and Measures Acts 1976 and 1985
- European Communities Act 1972 and associated Metrology legislation made under this Act

Non-automatic Weighing Instruments

- Non-automatic Weighing Instruments Regulations 2000

Health and Safety at Work etc

- Health and Safety at Work etc Act 1974 and Regulations made thereunder
- Offices Shops and Railway Premises Act 1963
- Radioactive Substances Act 1993
- Petroleum (Consolidation) Act 1928 and associated regulations made under the
- Health and Safety at Work etc Act 1974
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Explosives Act 1875
- Manufacture and Storage of Explosives Regulations 2005
- Biocidal Products Regulations 2001
- Factories Act 1961
- European Communities Act 1972 and associated Health and Safety legislation made under this Act

Food Safety

- Food Safety Act 1990
- Food Hygiene (Scotland) Regulations 2006
- European Communities Act 1972
- European Communities Act 1972 and associated Food Safety legislation made under this Act

Environment

- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993
- Radioactive Substances Act 1993
- Antisocial Behaviour (Scotland) Act 2004 Part 5 Noise

Environment

- Environmental Protection Act 1990
- Environment Act 1995
- Refuse Disposal (Amenity) Act 1978
- Clean Air Act 1993
- Air Quality Limit Values (Scotland) Regulations 2003
- The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003
- Food and Environment Protection Act 1985
- Wildlife and Countryside Act 1981

Public Health

- Public Health etc (Scotland) Act 2008
- National Assistance Act 1948
- Sewerage (Scotland) Act 1968
- Prevention of Damage by Pests Act 1949
- Civic Government (Scotland) Act 1982 – Part VIII
- Smoking Health and Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

Housing

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006
- Civic Government (Scotland) Act 1982 – Part VIII

Licensing - Animal

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973 and 1991
- Dangerous Wild Animals Act 1976
- Riding Establishments Act 1964 and 1970
- Zoo Licensing Act 1981
- Breeding and Sale of Dogs (Welfare) Act 1999
- Licensing of Animal Dealers (Young Cats & Dogs) (Scotland) Regulations 2009

Licensing – Alcohol and Gambling

- Licensing (Scotland) Act 2005

Licensing - Leisure

- Caravan Sites and Control of Development Act 1960
- Cinemas Act 1985

Licensing - Safety

- Petroleum (Consolidation) Act 1928 and the associated regulation made under the Health & Safety at Work etc Act 1974
- Manufacture and Storage of Explosives Regulations 2005
- Poisons Act 1972

Licensing - Food

- Deer(Scotland) Act 1996
- Game Licences Act 1860
- Game Act 1831

Licensing - Civic Government (Scotland) Act 1982

- Civic Government (Scotland) Act 1982 – Parts I, II, III, V and IX
- Theatres Act 1968

Licensing – Houses in Multiple Occupation

- Housing (Scotland) Act 2006 Part 5

Public Health Licensing

- Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.
- Civic Government (Scotland) Act 1982 Part II (Public Entertainment Licences – Sunbeds)

Animal Health

- Performing Animals (Regulations) Act 1925
- Animal Health Act 1981
- Animal Health and Welfare (Scotland) Act 2006

Water

- Water (Scotland) Act 1980
- Water Act 1989
- Water Services etc. (Scotland) Act 2005
- Private Water Supplies (Scotland) Regulations 2006

Contaminated land

- Environmental Protection Act 1990
- Environment Act 1995
- Control of Pollution Act 1974
- Contaminated Land (Scotland) Regulations 2000

Dog Control

- Guard Dogs Act 1975
- Environmental Protection Act 1990 (Sections 149 – 151)
- Control of Dogs (Scotland) Act 2010

Private Landlord Registration

- The Private Rented Housing (Scotland) Act 2011
- Antisocial Behaviour (Scotland) Act 2004 – Part 8

26. To undertake the functions of the Council for the calibration and certification services to industry and commerce.
27. To undertake the functions of the Council for securing compliance with trades description and consumer product safety issues.
28. To undertake the functions of the Council relating to communicable diseases.
29. To undertake functions associated with home safety.
30. To undertake the functions of the Council under the Housing (Scotland) Act 1987 relative to Tolerable Standard in Housing, Repairs Notices, Housing Action Areas and the Council's statutory functions in respect of Houses in Multiple Occupancy.
31. To grant authorisations for covert surveillance permitted under Section 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000. To appoint officer to act as investigation managers for the purposes of the Act and to maintain a register of use of such powers.
32. To determine, as set out in Section 129A of the Housing (Scotland) Act 2006 within 21 days of an application for a HMO (House in Multiple Occupancy) Licence, to refuse, to consider an application if it is considered that occupation of the living accommodation concerned would constitute a breach of planning control for the purposes of the Town and Country Planning (Scotland) Act 1997.
33. To arrange for the burial or cremation and administration of any assets of deceased persons in terms of the National Assistance Acts.
34. To act as advisor to the Council on procedural and administrative matters and to ensure the provision of adequate administrative and other support for Council and its committees and other bodies in respect of which the Council is the lead authority.
35. In consultation with the appropriate Strategic Director / Strategic Lead to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
36. To make arrangements for the opening and witnessing of all tender returns in excess of £50,000, recording the date and time of receipt in accordance with the Council's Standing Orders relating to contracts.
37. To determine whether Open Forum or deputation requests comply with the requirements of Council Standing Orders.
38. To provide assistance to Councillors by provision of appropriate accommodation, secretarial assistance, training and library facilities etc.

39. To approve requests for civic receptions/hospitality, not exceeding £1,000 subject to consultation with the Provost.
40. **Development Management (Planning)** – Town and Country Planning (Scotland) Act 1997 and related legislation The Strategic Lead – Regulatory shall appoint the “appointed officer” for the following determinations, who shall be a member of the professional planning staff.

Determinations except Local Developments

- Planning Applications for development;
- Variations to planning permissions;
- Listed Building Consents;
- Conservation Area Consents;
- Advertisement applications;
- Tree Preservation Order applications to fell, lop or top trees covered by a confirmed Tree Preservation Order
- Prior approval and notification applications;
- Certificates of Existing/Proposed Lawful Use or Development;
- Applications for Hazardous Substances Deemed Consent and Hazardous Substances Consent;
- Refusal on basis of insufficient information;
- Adding further conditions to applications determined by the
- Committee as a result of responses from statutory consultees;
- Initiating and confirming stopping up procedures where a planning consent has been granted;
- Screening and Scoping Opinion under the EIA regulations;
- Enforcement Actions;
- High Hedges applications; including High Hedge Notices and associated enforcement.

Exceptions: Qualifications to Powers of Determination except Local Developments

Delegated Powers shall not apply:-

- Where approval would involve a decision which is a significant departure from local or national policy or the emerging Development Plan; or

- Where approval would be contrary to a substantial body of objection, or an objection from a community council or a neighbouring planning authority; or
- Where approval would be against the strong recommendation of a statutory consultee; or
- Where the Executive Director considers new or significant issues are raised meriting determination at Committee.

Determinations of Local Developments under S43A

- Any application for planning permission and any application for consent, agreement or approval required by condition imposed on a grant of planning permission, being an application which meets the definition of local development.

Exceptions: Qualifications to Powers of Determination Local Developments

- the application has been made by or on behalf of an elected member of the Council, a member of the Senior Management Team of the Council, or a member of staff directly involved with the Council's Planning and Building Standards Service;
- the application is for local development which would be a significant departure from the statutory development plan, from other national or local policy, or from the emerging development plan;
- the application is subject to a substantial body of objection where the appointed officer is minded to grant permission;
- the application has been the subject of a formal objection from a Community Council, or from a neighbouring planning authority;
- the application has been subject to an objection from a statutory consultee or from another Council Service, and where the appointed officer is minded to grant permission;
- the application seeks to amend a condition or planning obligation which was itself imposed by the Planning Committee; or,
- the application, in the opinion of the appointed officer, raises new or significant issues meriting determination at Planning Committee.

41. **Building Standards** - Authorised to carry out all functions of the Council in terms of the following legislation:

- The Building (Scotland) Act 2003.
- Section 85 and part of Section 97 relating to street numbering in terms of Civic Government (Scotland) Act 1982 (street naming determined by Committee).

- To carry out the function of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975.
42. Authorised to issue letters of comfort/intent in relation to unauthorised building work.
 43. To undertake functions relating to the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
 44. To undertake the functions of the Council relating to Consumer Protection, Fair Trading, Trading Standards and Weights and Measures.
 45. To authorise officers to exercise the powers and duties of an inspector and authorised officer (including the powers of entry, inspection, sampling, purchasing of goods and services, opening containers, seizure, serving notices and initiating prosecutions where appropriate) and including the power to issue notices (including suspension notices, improvement notices, prohibition notices, emergency prohibition notices, abatement notices, enforcement notices, remediation notices and other such notices under the legislation detailed in paragraph 60).
 46. To undertake the Council's duties relating to records management, to prepare a Records Management Plan and to maintain and manage a records management store.
 47. To provide support and assistance to services in responding to requests under the Freedom of Information (Scotland) Act 2002 and to determine appeals lodged under this Act.
 48. To provide support and assistance to Council services to enable them to comply with duties under the Data Protection Act 1998 and to assist them to deal with requests for the release of personal data.
 49. To act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purposes of determining prior to a meeting whether documents should be made available to the public.
 50. To undertake all other functions of the Council relating to environmental health, trading standards and licensing.
 51. To undertake all other functions of the Council relating to health and safety of premises or services, excluding council buildings or services.
 52. To provide support and assistance to the Council in complying with its duties under the European Services Directive.
 53. Receipt of Members Acceptance of Office and resignation.

54. Maintenance of the Register of Disclosure of Interests in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000.
55. Issue offers, notice of refusal and pursue recovery of discount under the Right to Buy Provisions of the Housing Acts.
56. To provide such support and assistance as the Returning or Counting Officer may request in relation to elections or referendums.

Trading Standards Scotland

57. All trading standards officers employed by Trading Standards Scotland will be appointed as officers of the Council. Individuals becoming employed by Trading Standards Scotland after that date will automatically, by virtue of their appointment as trading standards officers of Trading Standards Scotland, be appointed as officers of the Council.
58. Pursuant to section 56(1) of the Local Government (Scotland) Act 1973, the Council authorises the Chief Officer of Trading Standards Scotland: (i) to discharge the Council's functions as a local weights and measures authority under the legislation set out in paragraph 60 below; and (ii) to act as an authorised officer for the purposes of that legislation in fulfilment of all functions granted to local weights and measures authorities thereunder.
59. The Council further authorises the Chief Officer of Trading Standards Scotland to delegate the functions delegated to him/her by virtue of paragraph 58 above to grant authorisations to all or any trading standards officers employed by Trading Standards Scotland to act as authorised officers for the purposes of the legislation set out in paragraph 60 below; provided that the authorisations of individual officers shall not take effect until such time as their names appear on the list of authorised officers maintained by the Chief Officer of Trading Standards Scotland, a copy of which shall be provided to the Council and kept up-to-date at all times.
60. The legislation referred to in paragraphs 58 and 59 above is as follows:
 - Trade Descriptions Act 1968
 - European Communities Act 1972 (section 2)
 - Consumer Credit Act 1974
 - Prices Act 1974
 - Consumer Protection Act 1987
 - Copyright, Designs and Patents Act 1988
 - Trade Marks Act 1994
 - Unfair Terms in Consumer Contracts Regulations 1999
 - Consumer Protection (Distance Selling) Regulations 2000
 - Financial Services and Markets Act 2000
 - Enterprise Act 2002
 - Electronic Commerce (EC Directive) Regulations 2002

- Financial Services (Distance Marketing) Regulations 2004
- Counter-Terrorism Act 2008
- Business Protection from Misleading Marketing Regulations 2008
- Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) Regulations 2012
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Financial Services Act 2012 (Consumer Credit) Order 2013"

General

61. All powers ancillary to or reasonably necessary for the proper performance of the Strategic Director's general duties and responsibilities.

Strategic Lead – Education, Learning and Attainment

1. Manage Educational Services and the provision of education in accordance with approved policy.
2. Accept and administer any new trusts or small endowments which may be offered to the Council for schools in their area.
3. Transfer teachers within the policy established by the Education Authority and, where appropriate, pay transfer expenses.
4. Exercise the discretionary powers available in implementation of conditions of service in relation to teachers in the employment of the Authority.
5. Decide from time to time which courses will be supported by the Council's Bursary Scheme in line with policy.
6. Carry out the administration, assessment and award of education maintenance allowances.
7. Make discretionary grants to pupils to enable them to attend courses and conferences and to undertake additional visits and excursions at home and abroad within the approved estimates and policies of the Council.
8. Exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools in line with policy.
9. Determine the dates of local school holidays within the Council after consultation.
10. Determine the dates of the 5 teachers' in-service days after due consultation with all relevant parties.

11. To receive and determine application for dispersement of funds in any endowments, subject to the terms of the endowment.
12. To issue licenses in terms of the Children (Performances) Regulations 1968.
13. To agree or refuse requests for access to an amendment of records in terms of the Pupils Education Records (Scotland) Regulations 2003 and the Further Education Student Records (Scotland) Regulations 1990 and to review any such decisions.
14. To determine and issue school clothing grants.
15. To exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation.
 - Education (Scotland) Act 1980 as amended
 - The Self-Governing Schools (Scotland) Act 1989
 - Education and Training (Scotland) Act 2000
 - Standards in Scotland's Schools etc Act 2000
 - Regulation of Care (Scotland) Act 2001
 - Education (Disability Strategies and Pupils' Educational Records) (Scotland Act 2002
 - Schools Education (Amendment)(Scotland) Act 2002
 - Education (Additional Support for Learning)(Scotland) Act 2004
 - School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004
 - Scottish Schools (Parental Involvement) Act 2006
 - Schools (Consultation)(Scotland) Act 2010

General

- 16 All powers ancillary to or reasonably necessary for the proper performance of the Strategic Director's general duties and responsibilities.

D. CHIEF OFFICER OF THE WEST DUNBARTONSHIRE HEALTH & SOCIAL CARE PARTNERSHIP

The Chief Officer of the West Dunbartonshire Health & Social Care Partnership is responsible for, and has delegated to him/her responsibility for, the operational delivery of adult services, community care, children's services, criminal justice, early years/out of school care services (joint remit with Executive Director of Educational Services), health improvement and associated support services necessary to implement the strategic plan of the West Dunbartonshire Health & Social Care Partnership Board and to manage the resources and budgets allocated for that purpose.

The Council is required to appoint and have management responsibility for a Chief Social Work Officer. The duties of the Chief Social Work Officer will be undertaken by a Head of Service who meets the qualification requirements.

The Chief Officer of the West Dunbartonshire Health & Social Care Partnership is also responsible for, and has delegated to him/her the responsibility for, the operational delivery of certain services of NHS Greater Glasgow and Clyde. This Scheme of Delegation only sets out those Council functions the operational delivery of which is delegated.

1. Exercise the operational delivery of the foregoing functions of the Council in terms of the following legislation which relates to the services detailed in the first paragraph hereof.

National Assistance Act 1948
Disabled Persons (Employment) Act 1958
Social Work (Scotland) Act 1968
Local Government and Planning (Scotland) Act 1982
Disabled Persons (Services, Consultation and Representation) Act 1986
Adults with Incapacity (Scotland) Act 2000
Housing (Scotland) Act 2001
Community Care and Health (Scotland) Act 2002
Mental Health (Care and Treatment) (Scotland) Act 2003
Housing (Scotland) Act 2006
Adult Support and Protection (Scotland) Act 2007
Social Care (Self-directed Support) (Scotland) Act 2013
Children and Young People (Scotland) Act 2014
Children (Scotland) Act 1995
Adoption and Children (Scotland) Act 2007
Adoption Agencies (Scotland) Regulations 2009
Looked After Children (Scotland) Regulations 2009
Carers Recognition of Service Act 1995
Disabled Persons Parking Badges (Scotland) Act 2014
Prisoners and Criminal Proceedings (Scotland) Act 1993
Criminal Justice (Scotland) Act 1995
Criminal Procedure (Scotland) Act 1995
Criminal Justice (Scotland) Act 2003

Anti-Social Behaviour etc (Scotland) Act 2004
 Management of Offenders (Scotland) Act 2005 Custodial
 Sentences and Weapons (Scotland) Act 2007 Criminal
 Justice and Licensing (Scotland) Act 2010 Regulation of
 Care (Scotland) Act 2001
 Children's Hearings (Scotland) Act 2011
 Education (Additional Support for Learning) (Scotland) Act 2004 National
 Health Service Reform (Scotland) Act 2004
 Public Health Etc (Scotland) Act 2008
 Certification of Death (Scotland) Act 2011
 Patient Rights (Scotland) Act 2011
 Public Services Reform (Scotland) Act 2010
 Local Government (Scotland) Act 1973 Local
 Government etc (Scotland) Act 1994 Local
 Government (Scotland) Act 2003 Regulation of
 Care (Scotland) Act 2001 Protection of
 Children (Scotland) Act 2003
 Chronically Sick and Disabled Persons Act 1970 Criminal
 Procedures (Scotland) Act 1995
 Health & Social Services and Social Security Adjudications Act 1983
 National Health Service (Scotland) Act 1978
 Matrimonial Proceedings (Children) Act 1958 Children
 Act 1975
 Foster Children (Scotland) Act 1984

2. To Manage and Support the Chief Social Work Officer in the discharge of his or her specific functions.

General

3. All powers ancillary to or reasonably necessary for the proper performance of the general duties and responsibilities of the Chief Officer of the West Dunbartonshire Health & Social Care Partnership.

E. HEAD OF PAID SERVICE

The Head of Paid Service is a statutory appointment by virtue of Section 4 of the Local Government and Housing Act 1989. The Council has resolved that the Head of Paid Service is the Chief Executive.

Although a statutory appointment, the law does not require the Head of Paid Service to hold any specific qualifications. However, the post holder is expected to have appropriate leadership, communication and interpersonal skills and qualities of integrity and impartiality in order to deliver the statutory objectives of the post.

By virtue of section 2(1)(a) of the 1989 Act, the post of Head of Paid Service is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Delegations to the Post

The overall powers of the Council's Head of Paid Service are:

- a) To ensure the effective co-ordination of the discharge by the authority of its different functions.
- b) To assess the number and grades of staff required by the authority for the discharge of its functions.
- c) To ensure the effective organisation of the authority's staff.
- d) To ensure that proper arrangements are in place for the appointment and proper management of the authority's staff.
- e) To make a statutory report to the full Council where considered appropriate to do so in respect of the matters in (a) to (d) above.

F. MONITORING OFFICER

The Monitoring Officer is a statutory appointment by the Council by virtue of section 5 of the Local Government and Housing Act. The Council has resolved that the Monitoring Officer is the Strategic Lead – Regulatory.

By virtue of section 5(7) of the 1989 Act, the duties of the Monitoring Officer must be carried out personally by them or, where they are unable to act owing to absence or illness, personally by such member of their staff nominated by them as their deputy.

By virtue of section 2(1)(e) of the 1989 Act, the post of Monitoring Officer is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Although a statutory appointment, the law does not require the Monitoring Officer to hold any specific qualification, and in particular, they do not require to be a solicitor or advocate. However, the recommendation of Audit Scotland is that the post holder should be in a position of sufficient seniority within the Council to enable them to carry out their statutory responsibilities effectively. This means that, irrespective of the substantive post which the Monitoring Officer holds in the Council, they will either be a member of the Council's Senior Leadership Group, or have direct access to the Council's Chief Executive, Strategic Directors, Strategic Leads and Legal Services Manager as they see fit.

Delegated to the Post

The overall powers of the post are:-

- a) To ensure that the Council complies with the requirements of the law and any statutory Codes of Practice relevant to the carrying out of the Council's duties and the delivery of the Council's services.
- b) To ensure that, where any contravention of the law, Code of Practice or corporate governance system has arisen, or is likely to, appropriate advice is given to the Chief Executive and relevant senior officers of the Council regarding the mitigation, rectification or prevention of such contraventions.
- c) To draw to the attention of the Provost or any Convener, any motion or amendment which may contravene any law or code of procedure in order that the Provost or Convener can determine whether the motion or amendment will be considered by Council, committee etc.
- d) To make a statutory report to the full Council regarding any breach or potential breach of the law or statutory code of practice by the Council where it proves impossible to rectify or prevent such breach.
- e) To act as the Council's point of contact by the Public Standards Commissioner for Scotland and the Standards Commission for Scotland regarding complaints concerning alleged breaches of the Councillors' Code of Conduct.
- f) To carry out such investigations as the Chief Executive may determine as relevant to the Monitoring Officer's role.
- g) To obtain, at their discretion, the opinion of Counsel or external solicitors on any matter relevant to the Monitoring Officer's role.
- h) To provide appropriate advice to elected members and Council officers regarding the promotion of high standards of conduct, and ensure that suitable training is given regarding compliance with the codes of conduct for councillors and officers.
- i) To carry out such other duties compatible with the role of the Monitoring Officer as the Council may delegate, or as the Chief Executive may request, such as the investigation of a complaint to the Council alleging breach of the Councillors' Code of Conduct.

Corporate Rights

The Monitoring Officer has the following rights in respect of the carrying out of their statutory role:-

- To have unqualified access to any information held by the Council and to any officer of the Council who can assist in the discharge of their statutory role.
- To have access to all reports to the Council, its committees, sub-committee, joint boards, joint committees and Working Groups, as he or she sees fit.

G. PROPER OFFICER for FINANCIAL ARRANGEMENTS (Chief Financial Officer)

The Proper Officer for Finance Arrangements is a statutory appointment by virtue of section 95 of the Local Government (Scotland) Act 1973 which requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer (CFO) to have responsibility for those arrangements. The Council has resolved that the proper officer is the Strategic Lead – Resources.

By virtue of section 2(1)(b) and (6)(d) of the Local Government and Housing Act 1989, the post of CFO is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

In Scotland, there is no statutory requirement for the CFO to be a member of a specified accountancy body. However, in West Dunbartonshire it is a requirement of the Strategic Lead – Resources post.

Delegated to the Post

The overall powers of the CFO post are:

- a) To lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- b) To lead and direct a finance function that is resourced and fit for purpose.
- c) To manage the Council's financial resources to ensure the delivery of strategic objectives.

- d) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, so that there is alignment with the authority's overall financial strategy.
- e) Corporate Accounting Arrangements – ensuring adequate systems of accounting control are maintained throughout the Council and that services conform with Council policy, legislation and codes of practice.
- f) Financial Regulations – maintaining a continuous review and submitting any changes, other than of a minor nature, to the Council Executive for approval.
- g) General Service Capital Budget and General Fund Revenue Budget – preparing and monitoring in accordance with Financial Regulations.
- h) Administration of the Sundry Debtors System
- i) Internal Audit - examination of the accounting, financial and other operations of the Council.
- j) Banking and Insurance Arrangements.
- k) Signing Operating and Finance Leases.
- l) Treasury Management - ensure that the Council's annual Treasury Management Plan complies with the Treasury Management Code, The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and the Local Government Investments (Scotland) Regulations 2010.
- m) Payment Processing and Supplier Invoice Administration – In accordance with the Late Payments and Commercial Debts Act 1998.
- n) In consultation with the Council Leader, the Leader of the Opposition and Chief Executive to invest in hub West Scotland schemes.

H. CHIEF SOCIAL WORK OFFICER

The Chief Social Work Officer is a statutory appointment by virtue of section 3 of the Social Work (Scotland) Act 1968. The Council has resolved that the Head of Children's Services is the Chief Social Work Officer.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the 1968 Act and under those other enactments listed in Section 5(1B) of that Act... Those functions are referred to in this document as "social work services".

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 (S.I. 1996/515 (1996/49)), as shown in Appendix 2.

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in January 2010 (<http://scotland.gov.uk/Resource/Doc/300422/0093741.pdf>).

The Chief Social Work Officer is a "proper officer" of the Council in relation to its social work functions. By virtue of section 2(1)(b) and (6)(c) of the Local Government and Housing Act 1989, the post is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Delegated to the Post

The overall powers of the Chief Social Work Officer post are:-

- 1) To confidently manage the discharge of the Council's statutory social work duties;
- 2) To ensure the provision of effective professional and objective advice to elected members and officers of the Council in the Council's provision of social work services;
- 3) To secure the effective provision of social work services,

all in accordance with the requirements of the guidance referred to above (<http://scotland.gov.uk/Resource/Doc/300422/0093741.pdf>) or such successor or supplementary guidance from time to time in force.