

**South Ayrshire Council**

**Report by Chief Executive  
to South Ayrshire Council (Special)  
of 26 May 2022**

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**Subject:       Scheme of Delegation**

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**1.       Purpose**

1.1       The purpose of this report is to seek approval to amend the Scheme of Delegation following review.

**2.       Recommendation**

**2.1       It is recommended that the Council approves the revised Scheme of Delegation (attached as Appendix 1) with effect from 27 May 2022.**

**3.       Background**

3.1       It is a requirement of corporate governance that the Council's Scheme of Delegation be kept under review. The last update was approved by Council on 9 December 2021.

3.2       At its meeting on 19 May 2022, the Council:

3.2.1     considered and approved a revised political decision making structure replacing Leadership Panel with Cabinet and comprising 8 Portfolio Holders; and

3.2.2     requested the Chief Executive to update the Scheme of Delegation to reflect revised Portfolio Holder remits for submission to a special meeting of the Council on 26 May 2022 for approval.

3.3       The opportunity has also been taken to review the Scheme of Delegation to reflect issues arising since the last revision.

**4.       Proposals**

4.1       The Scheme of Delegation has been updated to reflect:

4.1.1     revisions to the political decision making structure and proposed revised remits for Portfolio Holders; and

4.1.2     inclusion of a further delegation (LHRRS46.07) in relation to suspension of taxi or private hire driver's licence.

4.2 The proposed amendments are tracked and highlighted in **bold text** in the revised Scheme (attached as Appendix 1).

4.3 Subject to approval, it is proposed that the revised Scheme of Delegation is adopted with effect from 27 May 2022.

4.4 Subject to approval, the revised Scheme of Delegation will be published on The Core and the Council's website, and will also be notified to employees by way of the Communications bulletin.

## **5. Legal and Procurement Implications**

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

6.1 Not applicable.

## **7. Human Resources Implications**

7.1 Not applicable.

## **8. Risk**

### ***8.1 Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### ***8.2 Risk Implications of Rejecting the Recommendations***

8.2.1 The risk associated with rejecting the recommendations is that the Council's corporate governance will be less effective.

## **9. Equalities**

9.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

## **10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## **11. Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

## 13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Chief Executive will ensure that the following steps are taken within the following timescales, with progress reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the steps are completed:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Updated Scheme of Delegation to be published and notified to employees	3 June 2022	Chief Executive

**Background Papers** Report to South Ayrshire Council of 19 May 2022 - [Review of Political Decision Making Structure and Appointments to Panels](#)

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**Date:** 25 May 2022

# Scheme of Delegation

May 2022



RESPECTFUL  
SUPPORTIVE

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# **Scheme of Delegation**

## **Introduction**

### **General Provisions**

#### **1. Introduction**

1.1 Like every other Local Authority, South Ayrshire Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council. That is, all decisions no matter how large or how small would need to be taken at meetings of the full Council.

1.2 Recognising that this would be unworkable and would detract from the Council's aims and values, the Council has chosen to exercise one of the powers available to it – the power to delegate. There are, of course, some powers which the law says cannot be delegated and others which the Council chooses to keep for itself.

1.3 Every decision taken under delegated power is considered to be a decision of the Council.

1.4 This section of the Scheme describes how decision-making operates within the Council. The remaining sections detail the specific delegations that have been agreed by the Council.

1.5 The Scheme is based upon the principles of:

- Democracy;
- Transparency;
- Effectiveness; and
- Accountability.

1.6 The principles underpin this Scheme, and support the Council's governance to be:

- Robust and responsive in taking decisions;
- Efficient in its decision making structures to maximise its impact in the achievement of its objectives; and
- Reflective of the professional skills of its officers, whilst holding them fully accountable for the operational decisions they take.

1.7 The terms of the Scheme must be read alongside the Council's other key governance documents, namely the Financial Regulations, Standing Orders Relating to Contracts and Standing Orders Relating to Meetings.

#### **2. Extent of Delegation**

2.1 The Council can only delegate to a committee, sub-committee, an officer of the Council, a Joint Committee with another Council(s) or an Integration Joint Board in terms of the Public Bodies (Joint Working) (Scotland) Act 2014. Unless the Council

states otherwise, committees may further delegate to officers. Sub-committees can also further delegate to officers. This Council's committees are named Panels.

2.2 Officers with delegated powers can delegate to other officers but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When officers further delegate their powers, they have to record this in writing.

2.3 Where a responsibility has been further delegated, there is nothing to prevent the committee or person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

### 3. Distribution of Decision-making Powers

3.1 It is virtually impossible to specify all of the powers that are available to the Council and assign them to a variety of delegates. As a result, the Council has decided that:

3.1.1 except for matters which must be dealt with at the level of the Council itself (as required by statute or as agreed by Council), all other powers are delegated to its committees, sub-committees, a Joint Committee with another Council(s), an Integration Joint Board in terms of the Public Bodies (Joint Working) (Scotland) Act 2014 or officers;

3.1.2 the matters that the Council has chosen to reserve to itself or to delegate to its committees, sub-committees, a Joint Committee with another Council(s) or an Integration Joint Board in terms of the Public Bodies (Joint Working)(Scotland) Act 2014 are mainly the strategic, policy or regulatory issues, while the day to day operational matters of running the Council's services are delegated to officers;

3.1.3 strategic, policy and regulatory issues that are not specifically reserved to the Council or specifically delegated to its committees, etc (other than the ~~Leadership Panel~~Cabinet) are delegated to the ~~Leadership Panel~~Cabinet; and

3.1.4 all powers that are not specifically reserved to Council or delegated to its committees, etc, are delegated to officers.

3.2 While every attempt has been made to list the specific powers that are available to officers, if a specific power is not mentioned in this Scheme, it does not necessarily mean that officers cannot exercise that power. Unless it has been specifically reserved to Council or delegated to its committees etc, the power will still be delegated to officers.

### 4. Reservations to the Council

4.1 In terms of the law, full Council must exercise certain responsibilities. However, there are also certain matters that the Council has chosen to deal with itself. These are detailed at Section 1 and the Council has decided that these powers will not be delegated.



4.2 The Council is the main scrutiny and debating forum for issues affecting the Council area and for the provision of democratic leadership and promotion of the area's well-being. It exercises Strategic Leadership for the area and promotes the Council's core values.

## 5. Delegations to Committees and Panels

5.1 The Council has made provision in its Standing Orders, under Section 57 of the Local Government (Scotland) Act 1973, for the establishment of the following committees, sub-committees and Joint Committees of the Council to discharge functions on its behalf:

- ~~Leadership Panel~~**Cabinet**;
- Scrutiny Panels;
- Ayrshire Shared Service Joint Committee; and
- other Panels.

In addition, in accordance with the terms of the Public Bodies (Joint Working) (Scotland) Act 2014, the Council has delegated certain functions relating to health and social care services to the South Ayrshire Integration Joint Board. These delegations are set out in Section 6 of this Scheme.

### ~~Leadership Panel~~**Cabinet**

5.2 The ~~Leadership Panel~~**Cabinet** has a strategic role focusing on policy development, policy, service review and strategic management of the Council's services, within the established strategic objectives and corporate policies of the Council. The ~~Leadership Panel~~**Cabinet** does not generally deal with operational matters or consider reports which are for information only. The functions delegated to the ~~Leadership Panel~~**Cabinet** are detailed at Section 2.

5.3 The Council operates an eight-weekly cycle of meetings. At every second meeting of the ~~Leadership Panel~~**Cabinet**, in addition to discharging ordinary business, the ~~Panel~~**Cabinet** discharges education functions on the Council's behalf. The Council's Standing Orders make provision for the membership of the ~~Leadership Panel~~**Cabinet** to include three representatives of religious bodies appointed, under Section 124 of the Local Government (Scotland) Act 1973, at this point.

### ~~Leadership Panel~~**Cabinet Portfolios**

5.4 ~~Seven~~**Eight** members of the ~~Leadership Panel~~**Cabinet** from the Administration parties have been allocated a special area of responsibility, known as a Portfolio, to ensure greater political accountability for the decisions taken by the ~~Leadership Panel~~**Cabinet** as a whole. The Portfolios of those ~~Leadership Panel~~**Cabinet** members are detailed in Section 2.

5.5 Although the information detailed in Section 2 is accurate, in any situation of uncertainty, it is for the Chief Executive to determine which Portfolio a delegation to the ~~Leadership Panel~~**Cabinet** by the Council lies within.

5.6 The Portfolios which the Council has agreed are as follows:

- Corporate **and Strategic** Portfolio;

- ~~Adults~~ Health and Social Care Portfolio;
- ~~Children and Young People~~ Education Portfolio;
- ~~Buildings, Housing and Environment~~ Community Wellbeing Portfolio;
- Economic ~~Developmenty and Culture~~ Portfolio;
- ~~Environment Portfolio~~ Tourism and Rural Affairs; and
- ~~Resources and Performance~~ Finance, Human Resources and ICT Portfolio; and
- ~~Sport and Leisure.~~

5.7 Legally, the Council cannot delegate powers to individual Councillors. This means that all decisions on matters delegated to the ~~Leadership Panel~~ Cabinet must be taken at a properly convened meeting of the ~~Leadership Panel~~ Cabinet and individual Portfolio Holders do not have delegated authority to make decisions on behalf of the Council.

### ***Scrutiny Panels***

5.8 The Council has established three Panels to discharge functions relating to governance and scrutiny of decisions, performance and improvement activity. These Panels are:

- Audit and Governance Panel (which will operate as the Audit Committee of the Council);
- Service and Performance Panel; and
- Partnerships Panel.

These Panels are collectively referred to as 'Scrutiny Panels'.

5.9 The role of these Panels is to undertake a range of scrutiny activity in relation to the financial and other governance of the Council, the performance of services across the Council and those delivered in partnership with other persons or bodies, and the decisions of the ~~Leadership Panel~~ Cabinet. Any of the decisions taken by the ~~Leadership Panel~~ Cabinet can be 'called in' to the Audit and Governance Panel to enable broader discussion, consideration and investigation of these decisions and if considered necessary refer them back to ~~Leadership Panel~~ Cabinet and on to the full Council for final deliberation. The Service and Performance Panel can also carry out more in-depth investigations into any aspect of the Council's service performance through scrutiny reviews in accordance with the Council's approved Scrutiny Handbook. The Partnerships Panel considers performance by external bodies and also considers Public Petitions to the Council in terms of the Petitions Protocol.

5.10 The Council is required to establish an Audit Committee and the Council has agreed that the Audit and Governance Panel will carry out that function.

5.11 The terms of reference and remits of each of the Scrutiny Panels are detailed at Section 3.

### ***Other Panels, Etc***

- 5.12 There are some quasi-judicial roles and other operational responsibilities that the Council has to make alternative arrangements for or has decided to delegate to committees, sub-committees or Joint Committees with other Councils. The delegated powers available to Panels, sub-committees and Joint Committees may be altered from time to time by the Council.
- 5.13 Details of the Terms of Reference and remits of the various other Panels, Committees and Joint Committees are set out in Section 4.

## **6. Delegations to Officers**

- 6.1 The Council's approach to delegation has been influenced by its commitment to facilitate community participation in the decision-making process and to delegate to officers. The result is that the Council has reserved very few powers to itself and has agreed extensive delegations to officers.
- 6.2 Officers can be granted delegated powers by Council, a committee, a Panel or another officer. The approach employed by the Council is to require delegations to be to the Chief Executive and/ or one or more of the Council's Directors or its Heads of Service , that is:
- the Director of Education;
  - the Director – Place;
  - the Director of Health and Social Care;
  - the Head of Finance and ICT; and
  - the Head of Legal, HR and Regulatory Services.
- 6.3 As set out above, delegated authority granted to these officers can be further delegated but where this occurs the delegator must create a written record and provide a written copy to the delegate.
- 6.4 Delegations that have been agreed for the Chief Executive, Directors and Heads of Service are a mix of general delegations (that is, each of the officers listed is similarly empowered) and specific delegations (that is, the delegations are specific to individual officers). When exercising any delegated authority, officers must have regard to a variety of stipulations that the Council has decided should govern and influence the exercise of delegated powers.
- 6.5 Details of the rules that apply in exercising these delegated powers are contained in Section 7 (a). Details of general and specific delegations to officers are contained in Sections 7 (b) and 7 (c).
- 6.6 The only exceptions to the practice of routing all officer delegations through the Chief Executive, Directors and Heads of Service arise through statutory appointments. In terms of various statutes, the Council is required to appoint officers for a variety of purposes. Officers appointed to perform these statutory functions are empowered to take the action that is implicit in their roles. The statutory appointments that have been made by the Council are detailed in Section 8.

6.7 The Council may require officers to publish information about the exercise of certain specified categories of delegated authority. Officers may choose to publish information about the exercise of other categories of delegated authority.

6.8 The method of publicising this information is through the Councillors' Information Bulletin, which is published monthly. This Bulletin includes details of decisions either taken or about to be taken by officers under delegated authority.

## **7. Review**

7.1 The Council reviews its Scheme periodically. Between reviews, arrangements are made for the publication of amendments to the Scheme arising from decisions by Council or made necessary by changes in legislation.

7.2 In addition, this Scheme may be extended by the Monitoring Officer notifying the Chief Executive in writing in advance of the specific power to be exercised by the relevant officer, provided the proposed amendment is not in conflict with any existing Council policy, with any statutory provision, or with any other provision of this Scheme or any of the Council's other governance documents, in which case the Chief Executive may give effect to such extension and this Scheme will be amended accordingly.

**Powers Reserved to Council**

The powers reserved to the Council are a mixture of those which must be reserved in terms of statute and those which the Council has chosen to reserve. Powers which are not reserved, are delegated in accordance with the provisions of this Scheme.

The following is a comprehensive list of what is reserved to the Council, categorised as statutory and non-statutory:

**Statutory Reservations**

1. ***Local Government (Scotland) Act 1973***
  - 1.1 To change the name of the Council (Section 23);
  - 1.2 To approve the reasons for the non-attendance of Members at meetings (Section 35);
  - 1.3 To set Council tax (Section 56 (6));
  - 1.4 To appoint Committees (Section 57);
  - 1.5 To promote and oppose private legislation (Section 82); and
  - 1.6 To determine certain planning applications (Section 56 (6A)).
2. ***Local Government and Housing Act 1989***
  - 2.1 To consider reports by the Head of Paid Service (Section 4); and
  - 2.2 To consider reports by the Monitoring Officer (Section 5).
3. ***Local Government etc (Scotland) Act 1994***
  - 3.1 To appoint the Convener and Depute Convener of the Council and to decide on their titles (currently Provost and Depute Provost) (Section 4).
4. ***Licensing (Scotland) Act 2005***
  - 4.1 To decide whether or not to divide the Council's area into licensing divisions and to appoint Members to the Licensing Board (Section 5 and Schedule 1).
5. ***Local Authority Accounts Regulations***
  - 5.1 To receive the certified unaudited annual accounts of the Council (unless received and considered by the Audit and Governance Panel); and
  - 5.2 to receive, consider and approve the audited Annual Accounts (including the statements which form part of the Annual Accounts) by no later than 30 September immediately following the financial year to which the accounts relate (unless received, considered and approved by the Audit and Governance Panel), and in so doing to have regard to any report

made or advice provided on the Annual Accounts by the Proper Officer or appointed auditor.

6. Approval of the Council's Treasury Management and Investment Strategy.
7. Any other function or remit which is, in terms of statute or other legal requirement, required to be undertaken by the Council itself.

## **Non-Statutory Reservations**

### **8. *Elections***

- 8.1 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 Scottish and Westminster Parliamentary Constituencies lying wholly or partly within the South Ayrshire Council area; and
- 8.2 To deal with all matters relating to the election of Councillors where these are not the responsibility of the Returning Officer.

### **9. *Councillors' Allowances***

- 9.1 To determine and keep under review a Scheme of Members' Remuneration and Allowances and to determine all matters relevant to the level of Councillors' Remuneration and Allowances within the terms of current Regulations.

### **10. *Codes of Conduct***

- 10.1 To determine any issues relating to the maintenance of standards and conduct of Councillors and officers all in line with any legislative provisions.

### **11. *Committee Structure and Corporate Governance Arrangements***

- 11.1 To fix and amend the terms of reference and remit, membership and delegation of functions of the ~~Leadership Panel~~**Cabinet** and other Panels, Committees and Sub-Committees and to appoint and remove Chairs, Vice-Chairs, members of Committees and Portfolio Holders;
- 11.2 To select, and de-select, Councillors and officers to serve on and/ or to represent the Council on Joint Committees, Joint Boards and other external bodies and organisations, where such power is not expressly delegated to the ~~Leadership Panel~~**Cabinet** or another Panel;
- 11.3 To fix and amend a programme of Council, ~~Leadership Panel~~**Cabinet** and other Panel meetings, subject to the provisions of the Council's Standing Orders Relating to Meetings;
- 11.4 To make and amend a Scheme of Delegation detailing terms of reference and remits for, and delegations to, a ~~Leadership Panel~~**Cabinet**, Panels, Committees, Sub-Committees and officers of the Council;

- 11.5 To make and amend Standing Orders Relating to Meetings, Standing Orders Relating to Contracts and Financial Regulations;
- 11.6 To delegate a power or duty of the Council to, or to accept a delegated power or duty from, any other local authority; and
- 11.7 To determine whether to co-operate or combine with other local authorities in providing services.

12. ***Referrals from Scrutiny Panels***

- 12.1 To finally determine any decisions of the ~~Leadership Panel~~Cabinet referred to the Council following call-in.
- 12.2 To finally determine any decisions of the ~~Leadership Panel~~Cabinet referred to the Council following review of a Community Asset Transfer request.

13. ***Council Plan, Policies and Strategies***

- 13.1 To approve, review and amend, the Council Plan, including the Council's strategic objectives, and all major policies and organisational strategies (either with or without prior consideration by the ~~Leadership Panel~~Cabinet), including any new policies or changes to policies which may have a significant impact on the Council's strategic objectives, corporate policies or its resources.

14. ***Resources – Financial***

- 14.1 To determine the Council's Annual Revenue Budget and Capital Programme, and to determine the level of Council house rents and service charges in terms of Part XI of the Housing (Scotland) Act 1987.

15. ***Chief Officers and Statutory Appointments***

- 15.1 To exercise control over the establishment of Chief Officers;
- 15.2 To determine the process for selection, appointment and dismissal of the Chief Executive, any Director, any Head of Service or any Assistant Director and to fix the salaries of these officers; and
- 15.3 To appoint officers for the purposes, or to perform the roles, detailed in Section 8 of this Scheme.

16. ***Local Government in Scotland Act 2003***

- 16.1 On a recommendation from the ~~Leadership Panel~~Cabinet, to decide whether or not to exercise the power of well-being subject always to the provisions of the 2003 Act (Sections 20 to 22 (Part 3)).

17. ***Civil Defence and Protection in Peacetime***

- 17.1 To exercise emergency planning duties and powers (Section 2 of the Civil Contingencies Act 2004).

18. ***Management Rules and Statutory Orders, Etc***

18.1 To make and as necessary, revoke or amend, Byelaws, Management Rules, Compulsory Purchase Orders and Exclusion Orders; and

18.2 To consider and respond to any statutory report from the Controller of Audit or from the Council's external auditor.

19. ***Coat of Arms***

19.1 To authorise the use of the Council's Coat of Arms.



## Delegations to the ~~Leadership Panel~~Cabinet

### Terms of Reference and Remit

- 1.1 In relation to the powers and functions delegated to the ~~Leadership Panel~~Cabinet, special areas of service responsibility, known as Portfolios, have been identified, as set out below in para 4. In addition to the general delegations to the ~~Panel~~Cabinet of functions and powers in relation to all areas (para 2), there are certain specific delegations to the ~~Panel~~Cabinet which relate to particular Portfolio areas, and are set out below at para 4.
- 1.2 The ~~Leadership Panel~~Cabinet shall comprise up to nine members, of whom ~~seven~~**eight** members shall be Portfolio Holders. The Leader of the Council will be appointed as the Portfolio Holder for Corporate **and Strategic** and will be the Chair of the ~~Panel~~Cabinet and the Depute Leader will be the Vice-Chair of the ~~Panel~~Cabinet and will be appointed as one of the ~~six~~**seven** other Portfolio Holders. ~~Five~~**Six** other Portfolio Holders will be appointed by Council and a Portfolio allocated to each of them.
- 1.3 The ~~Leadership Panel~~Cabinet may choose not to discharge a particular function or power but to make a recommendation on the matter to the Council. The ~~Leadership Panel~~Cabinet may report, with recommendations, to the Council, with regard to functions or powers that the Council has reserved to itself.
- 1.4 In any situation of uncertainty, the Chief Executive will determine where and in what circumstances the ~~Leadership Panel~~Cabinet is empowered to exercise authority which has been delegated to it by the Council.

## 2. **Functions and Powers Delegated to the ~~Leadership Panel~~Cabinet: General Delegations**

- 2.1 In accordance with and subject to the provisions of paragraph 3 above under 'Introduction – General Provisions', the following general functions and powers may be exercised by the ~~Leadership Panel~~Cabinet:
- 2.1.1 exercising strategic leadership of the Council and promoting the Council's core values;
- 2.1.2 taking executive decisions within the budget, and strategy/ policy framework approved by the Council and recommending to Council budgets and strategic policy frameworks and to incur revenue or capital expenditure which is not contained within the Annual Revenue Budget and Capital Programme and which requires supplementary adjustments;
- 2.1.3 co-ordination of the development, monitoring and review of the functions and services contained within each Portfolio remit, in terms of this Scheme, developing new policies consistent with the overall strategic objectives of the Council, and making recommendations to Council for the adoption or alteration of Council policies or strategies which are not specifically delegated to the ~~Leadership Panel~~Cabinet;
- 2.1.4 instructing or commissioning research or other studies on matters of policy or service provision and undertaking such consultation and engagement with communities and citizens and establishing such Working Groups as

the ~~Leadership Panel~~**Cabinet** considers necessary in connection with each Portfolio remit in order to inform strategy/ policy development, implementation, monitoring and review;

- 2.1.5 receiving, scrutinising and approving services' plans for implementation of the Council Plan, its strategic objectives and strategies and policies for service delivery and establishing appropriate service targets and performance indicators for services within each Portfolio remit and providing political accountability for the Council's performance;
- 2.1.6 securing overall Best Value in the performance of services by ensuring continuous improvement and by maintaining a balance between the quality of the outcome of services delivered and the cost of these services, always having regard to the efficiency, effectiveness and economy of services' actions and how well those actions comply with the requirements of equalities legislation and their potential to contribute to the achievement of sustainable development;
- 2.1.7 co-ordinating, guiding, monitoring and reviewing the discharge of the functions and service provision within each Portfolio remit, by officers, and/ or partner organisations, in terms of this Scheme of Delegation;
- 2.1.8 taking decisions that are contrary to or not wholly in accordance with the approved revenue budget, provided that any associated spend must be offset by additional income or savings from elsewhere within the budget;
- 2.1.9 taking decisions to increase the costs of individual projects in the capital programme to cover an overspend, where the cost increase is in excess of £100,000, but only if this can be offset elsewhere in the approved capital programme;
- 2.1.10 incurring expenditure or making grants or loans under the powers contained in Section 84 of the Local Government (Scotland) Act 1973 in respect of incidences of emergency or disaster affecting the Council area;
- 2.1.11 determining arrangements for the administration of Common Good Funds and Trusts for which the Council is responsible;
- 2.1.12 convening in the event of a major emergency and determining the general policy to be followed in the disposition of Council resources;
- 2.1.13 establishing working groups (comprising Councillors and/ or officers) to advise on any aspect of its remit;
- 2.1.14 determining whether or not to accept any recommendation made by the Scottish Public Services Ombudsman which includes financial redress;
- 2.1.15 considering and determining Community Asset Transfer requests in terms of the Community Empowerment ( Scotland) Act 2015, and the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016; and
- 2.1.16 determining the imposition or waiving of charges for the use of piers, harbours, car parks and/ or other facilities or assets which are owned or controlled by the Council.

### 3. Education Authority

- 3.1 As set out in the Council's Standing Orders Relating to Meetings, (Standing Order 35.2 paras (10) and (11)), at every second meeting of the **Leadership Panel Cabinet**, the ~~Panel Cabinet~~ will direct and supervise the discharge of functions of the Council as an Education Authority, insofar as such matters relate to the delivery of education services to pre-fives and children of school age, in terms of the Education (Scotland) Act 1980 as amended and any other enactments amending or extending such functions and in terms of the Self-Governing Schools (Scotland) Act 1989, the Standards in Scotland's Schools, Etc Act 2000, the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002, the Education (Additional Support for Learning) (Scotland) Act 2004, the Scottish Schools Parental Involvement Act 2006 and the Schools (Consultation) (Scotland) Act 2010.
- 3.2 All other matters falling within the remit of the ~~Leadership Panel Cabinet~~ can be dealt with at any meeting of the **Leadership Panel Cabinet**.

### 4. Areas of Responsibility: Portfolios

- 4.1 As set out above, ~~seven eight~~ members of the ~~Leadership Panel Cabinet~~ will be allocated a special area of responsibility, known as a Portfolio, to ensure greater political accountability for the decisions taken by the ~~Leadership Panel Cabinet~~ as a whole.
- 4.2 The Portfolios of each of the ~~Leadership Panel Cabinet~~ members are detailed below. The Leader of the Council will be the Portfolio Holder for the Corporate **and Strategic** Portfolio. **Whilst Portfolio Holders are expected to take the lead on their areas of responsibility, there will be collaborative working across Portfolios.**
- 4.3 In any situation of uncertainty, it is for the Chief Executive to determine within which Portfolio a function or power delegated to the ~~Leadership Panel Cabinet~~ by the Council lies. For the avoidance of doubt, there is no delegation of powers, functions or decision making on behalf of the Council, to any individual member of the Council.
- 4.4 ***Corporate Portfolio Corporate and Strategic Portfolio***
- 4.4.1 The Portfolio Holder shall exercise strategic and political leadership of the Council and promote the Council's strategic objectives and core values, ensuring the effective communication of Council policies and strategies. This Portfolio includes providing overall political accountability for the co-ordination of Council business, the achievement of the Council Plan strategic objectives ~~and~~, overall political and strategic leadership in relation to Community Planning matters **and exercising strategic and political leadership for the Council's duty to promote Best Value.**
- 4.4.2 In exercising this role, the Leader of the Council, as the **Corporate Portfolio Corporate and Strategic Portfolio** Holder, can exercise his or her remit across all Portfolio remits as and when appropriate. This might, for example, include chairing a Group working on an area not directly under his or her remit but one which requires specific expertise or strategic

political direction relevant to the ~~Corporate Portfolio~~**Corporate and Strategic Portfolio** Holder's remit.

4.4.3 The following functions comprised within this Portfolio, are hereby delegated to the ~~Leadership Panel~~**Cabinet** as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the ~~Leadership Panel~~**Cabinet** at para 3.1 above and on the basis that the ~~Leadership Panel~~**Cabinet** will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):

- ensuring strategic and political leadership of the Community Planning Partnership to monitor and review the achievement of Community Planning objectives and the preparation of revised/ new Community Plans;
- **ensuring the development and ongoing monitoring of a cross-Council corporate strategy in relation to the Council's powers and duties in pursuit of Best Value as contained in the Local Government in Scotland Act 2003;**
- setting policy for and ensuring ongoing monitoring and review of the Council Plan and the preparation of a revised/ new Plan(s);
- monitoring and review of cross-Council and external communications;
- monitoring and review of the decision-making structure and corporate governance arrangements;
- monitoring and review of Members' remuneration and allowances;
- service review framework;
- monitoring and review of electoral arrangements;
- monitoring and review of emergency planning arrangements;
- monitoring and review of Corporate Safety and Health and Safety (including Occupational Health);
- monitoring and review of Risk Management and Insurance;
- overview of Business Continuity Strategy and operation;
- monitoring and review of the Community Plan for the South Ayrshire area;
- ensuring strategic and political leadership of the Community Planning process to (a) review the achievement of Community Planning objectives, (b) prepare a revised/ new Community Plan(s), (c) ensure collaborative planning between agencies to tackle cross-cutting issues, (d) ensure continued improvement in services through collaborative working;

- monitoring and review of the Council's community engagement and locality planning in relation to those matters not included in the ~~Corporate Portfolio~~ **Corporate and Strategic Portfolio**, in particular, the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:
  - \* Community Councils;
  - \* Area Community Planning;
  - \* Community Development; and
  - \* others as appropriate.

#### 4.5 ***Adults' Health and Social Care Portfolio***

- 4.5.1 To exercise strategic and political leadership in relation to the provision of services which contribute to social well-being of **adults residents in South Ayrshire and Community Safety as it relates to the Council's functions.**
- 4.5.2 On the basis that the South Ayrshire Integration Joint Board is responsible for the strategic and operational oversight of integrated health and social care services that are delivered by the Council, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement and be a member of the Integration Joint Board:
  - Social Care Services (including in the Community/ the Elderly/ Care Establishments);
  - Assistance to Chronically Sick and Disabled; **and**
  - Offender Services;
  - **Looked After and Accommodated Children;**
  - **Care and Protection of Children;**
  - **Fostering and Permanence;**
  - **Through Care and After Care; and**
  - **Youth Justice.**

#### 4.6 ***Children and Young People Education Portfolio***

- 4.6.1 To exercise strategic and political leadership to secure the effective management of the education system and lifelong learning ensuring social justice.
- 4.6.2 This Portfolio includes ensuring, wherever possible, the provision of co-ordinated and integrated education and related services, designed around the needs of children, young people and families and promoting and, where appropriate, ensuring investment in education, skills, training and the creative development of present and future workforce skills, so as to engender greater self-fulfilment, social mobility and employment opportunities.

4.6.3 On the basis that the ~~Leadership Panel~~**Cabinet** will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, in pursuit of this remit the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- Schools and Lifelong Learning;
- Management of education system;
- Early Years;
- Additional Support for Learning;
- Parental Involvement;
- Children/ Disability;
- Play and Out of School Care;
- Youth Support (in conjunction with the Youth Champion);
- Skills Development and Training (in conjunction with the ~~Economy and Culture~~**Economic Development** Portfolio Holder);
- Adult and Continuing Education;
- School Sport;
- ~~Catering and Cleaning Services (in conjunction with the Environment Portfolio Holder when schools are involved);~~
- ~~Fleet Management (in conjunction with the Environment Portfolio Holder when schools are involved);~~ and
- School Estate.

~~4.6.4 On the basis that the South Ayrshire Integration Joint Board is responsible for the strategic and operational oversight of integrated health and social care services that are delivered by the Council, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement and be a member of the Integration Joint Board:~~

- ~~• Looked After and Accommodated Children;~~
- ~~• Care and Protection of Children;~~
- ~~• Fostering and Permanence;~~
- ~~• Through Care and After Care; and~~
- ~~• Youth Justice~~

#### 4.7 ***Buildings, Housing and Community Wellbeing***~~Environment~~ **Portfolio**

4.7.1 To exercise strategic and political leadership and to formulate appropriate strategic and operational plans to achieve the Council's objectives in relation to Housing (across all sectors) and Customer First objectives, and to ensure the effective implementation of those plans and objectives. This should be undertaken specifically in relation to the implementation of strategic plans covering Housing procedures, allocations, lettings, homelessness and the maintenance of a balanced housing supply across the range of sectors.

4.7.2 On the basis that the ~~Leadership Panel~~Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- ~~Management of the Housing Revenue Account and Related Issues;~~
- Housing Capital Programme (in conjunction with the ~~Resources and Performance and Environment Finance, Human Resources and ICT~~ Portfolio Holders);
- Housing Plans, Policies and Strategies;
- Housing Policies and Procedures (Allocations, Lettings, Homelessness, etc);
- Landlord Functions and Responsibilities (All Sectors);
- Customer Services;
- Registration;
- Civic Licensing;
- Consumer Protection;
- Environmental Health;
- Bereavement;
- Licensing;
- **Cemeteries, Churchyards, etc;**
- **Refuse Collection, Streetscape and Cleansing;**
- **Waste Management;**
- **Asset Management and Professional Design Services (including capital project delivery and all acquisitions and disposals) and Infrastructure;**
- **Property Maintenance Services; and**
- Trading Standards.

#### 4.8 ~~Economy and Culture~~Tourism and Rural Affairs Portfolio

4.8.1 To exercise strategic and political leadership to secure the ~~economic and social well-being of the area~~. This should be undertaken specifically in relation to ~~the provision of stimuli for the economic generation and well-being of the area~~, the attraction of tourism and the ~~maintenance of high quality leisure opportunities~~promotion of rural communities.

4.8.2 On the basis that the ~~Leadership Panel~~Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, in pursuit of this remit the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- 
- ~~Economic Development and Regeneration;~~



- Rural Development;
- Community Development;
- Tourism;
- Europe;
- Cultural Services;
- **Sports Facilities;**
- Community Facilities;
- Libraries (including School Libraries);
- Museums;
- **Access to the Countryside; and**
- **Leisure Trusts;**
- ~~Procurement and all Contracts (in conjunction with the Resources and Performance Portfolio Holder);~~
- Compliance with Equalities Duties.
- ~~Skills Development and Training (in conjunction with the Children and Young People Portfolio Holder);and~~
- ~~Community Safety as it relates to the Council's functions;~~

#### 4.9 ***Environment Economic Development Portfolio***

4.9.1 To exercise strategic and political leadership **to secure the economic well-being of the area and** in respect of the protection, planning and improvement of the built and natural environment and its supporting infrastructure all in accordance with the Council's Strategic Aim for the Promotion of Sustainability. ~~This Portfolio includes services/ functions such as (a) building standards; and (b) services such as street care and cleansing, refuse collection, waste management and flood prevention.~~

4.9.2 On the basis that the Ayrshire Roads Authority is responsible for delivery of roads services as set out Section 5 of this Scheme, and also on the basis that the ~~Leadership Panel~~**Cabinet** will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1 of this remit, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- Road Traffic Regulation;
- Road Network Management;
- Building Standards;
- ~~Refuse Collection, Streetscape and Cleansing;~~
- ~~Waste Management;~~
- Flood Prevention;
- ~~Access to the Countryside;~~
- ~~Cemeteries, Churchyards, etc;~~



- ~~Asset Management and Professional Design Services (including capital project delivery and all acquisitions and disposals) and Infrastructure;~~
- Catering and Cleaning Services ~~(in conjunction with the Children and Young People Portfolio Holder when schools are involved);~~
- ~~Fleet Management (in conjunction with the Children and Young People Portfolio Holder when schools are involved);~~
- ~~Property Maintenance Services;~~
- Planning;
- Procurement and all Contracts (in conjunction with the Finance, Human Resources and ICT Portfolio Holder);
- Skills Development and Training (in conjunction with the Education Portfolio Holder);
- Economic Development and Regeneration; and
- Transportation Planning.

#### 4.10 ~~Resources and Performance~~ **Finance, Human Resources and ICT Portfolio**

- 4.10.1 To exercise strategic and political leadership in relation to the management, regulation and control of the Council's resources and ensure that these fully reflect the Council Plan, strategic objectives and outcomes. **This Portfolio includes exercising strategic and political leadership for the Council's duty to promote Best Value.**
- 4.10.2 The following functions comprised within this Portfolio are hereby delegated to the ~~Leadership Panel~~**Cabinet** as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the ~~Leadership Panel~~**Cabinet** at para 3.1 above and on the basis that the ~~Leadership Panel~~**Cabinet** will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):
- ensuring the development and ongoing monitoring and review of a cross-Council integrated planning, budgeting and performance management framework (applicable to all corporate and service planning processes);
  - ~~ensuring the development and ongoing monitoring of a cross-Council corporate strategy in relation to the Council's powers and duties in pursuit of Best Value as contained in the Local Government in Scotland Act 2003;~~
  - monitoring and review of arrangements for the management, regulation and control of the finances of the Council to ensure their effective and efficient utilisation;
  - monitoring and reviewing expenditure and ensuring final out-turns within the allocations provided for in the Council's approved revenue and capital budgets;

- receiving, scrutinising and approving services' bids for resources for new service initiatives within the remit of each of the Portfolios and making appropriate recommendations to Council – in particular to approve services' Annual Capital Programme bids as regards project priorities within the remit of each of the ~~Leadership Panel~~**Cabinet's** Portfolios;
- ensuring compliance with the Council's corporate governance regime, and both national and local corporate governance frameworks; and
- ensuring compliance with the Council's approved cross-Council corporate strategies including Asset Management, Human Resources, Information Technology and their associated policies and procedures in all areas for which the ~~Leadership Panel~~**Cabinet** has responsibility.

4.10.3 In pursuit of this remit the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:

- Audit and Review Services (Internal and External);
- Corporate Accounting and Accounting Services;
- **Management of the Housing Revenue Account and Related Issues;**
- **Housing Capital Programme (in conjunction with the Buildings, Housing and Environment Portfolio Holder);**
- Council Tax and Benefits;
- Information Governance and Records Management (including the Ayrshire Archives);
- Human Resources and Employee Relations;
- Treasury Management/ Service Arrangements;
- Procurement and all Contracts (in conjunction with the ~~Economy and Culture~~**Economic Development** Portfolio Holder);
- **Legal and Democratic Services;**
- Payments and Administration; and
- ICT.

#### 4.11 *Sport and Leisure Portfolio*

4.11.1 **To exercise strategic and political leadership and to formulate appropriate strategic and operational plans to achieve the Council's objectives in relation to the promotion of sport and leisure.**

4.11.2 **The following functions comprised within this Portfolio are hereby delegated to the Cabinet as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the Cabinet at para 3.1 above and on the basis that the Cabinet will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):**

**4.11.3 In pursuit of this remit the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:**

- **Sports Facilities;**
- **Leisure Trusts; and**
- **Golf.**

## Terms of Reference and Delegations to Scrutiny Panels

Scrutiny Panels will focus on issues being decided on by the ~~Leadership Panel~~Cabinet and which support the Council Plan and the Council's Strategic Objectives and Outcomes.

In *all but one case* the specific legislative powers of the Council have either been reserved to the Council itself or delegated to officers, Joint Boards, Committees, Sub-Committees, Joint Committees, Panels or the ~~Leadership Panel~~Cabinet. The *one exception* is in the case of the Council's statutory audit function which has been delegated to the Audit and Governance Panel.

The Audit and Governance Panel has a specific power to consider and determine call ins of decisions of the ~~Leadership Panel~~Cabinet (see section 4 below).

The Partnerships Panel will receive and consider petitions received by the Council from the public in accordance with the Petitions Protocol.

Otherwise the Scrutiny Panels' functions relate to the governance and scrutiny of decisions, performance and improvement activity and all recommendations arising from the carrying out of the scrutiny process are to be reported back to the ~~Leadership Panel~~Cabinet or Council for decision.

In any situation of uncertainty, it is for the Chief Executive to determine which Scrutiny Panel should undertake any particular scrutiny activity.

The Council has established three Scrutiny Panels and their remits and terms of reference are as follows:

### 1. Audit and Governance Panel

- 1.1 To act as the Audit Committee of the Council within the remit and powers as set out in detail in the Audit Committee Handbook approved by Council, and including:
  - 1.1.1 considering the overall adequacy and effectiveness of the Council's framework of governance, risk management and control arrangements, including the associated anti-fraud and anti-corruption arrangements;
  - 1.1.2 undertaking regular scrutiny of the Council's risk register and challenging the effectiveness of the risk mitigations put in place by risk owners to reduce the risks in line with the Council's risk tolerance;
  - 1.1.3 receiving and considering the Council's unaudited Annual Accounts (including the statements which form part of the Annual Accounts) as submitted to the auditor by the Proper Officer (unless received and considered by full Council);
  - 1.1.4 receiving and considering the Annual Report to Members of the Council and the Controller of Audit in the annual audit;
  - 1.1.5 receiving, considering and approving the audited Annual Accounts (including the statements which form part of the Annual Accounts) by no later than 30 September immediately following the financial year to which the accounts relate (unless received, considered and approved by full

Council), and in so doing to have regard to any report made or advice provided on the Annual Accounts by the Proper Officer or appointed auditor;

- 1.1.6 ensuring that any issues arising from the process of drawing up, auditing and certifying the Annual Accounts are properly dealt with;
  - 1.1.7 undertaking the same role and remit as set out in paragraphs 1.1.2, 1.1.3, 1.1.4 and 1.1.5 above in relation to the Annual Accounts of charitable trusts administered by the Council and of which Councillors are Trustees;
  - 1.1.8 receiving and reviewing summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
  - 1.1.9 receiving the annual report of the Chief Internal Auditor and monitoring the performance of the Internal Audit service;
  - 1.1.10 receiving and considering all reports of the external auditors, Audit Scotland, Accounts Commission (and other inspection agencies, where not within the remit of the ~~Leadership Panel~~Cabinet), including reports relating to charitable trusts administered by the Council and of which Councillors are Trustees, and, where appropriate, remit to another Scrutiny Panel for further detailed scrutiny;
  - 1.1.11 monitoring management action in response to the issues raised by the external auditors, including but not limited to the Strategic Audit Priorities and follow-up to any Best Value Audit reports.
- 1.2 To deal with called-in decisions of the ~~Leadership Panel~~Cabinet for further discussion, consideration and investigation, all in accordance with the provisions of the Scrutiny Handbook, and to:
- 1.2.1 agree the ~~Leadership Panel~~Cabinet decision(s); or
  - 1.2.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
  - 1.2.3 refer the matter back to the ~~Leadership Panel~~Cabinet, with recommendations, for final deliberation.
- 1.3 To deal with applications for review of decisions in relation to Community Asset Transfer requests for further discussion, consideration and investigation, and to:
- 1.3.1 agree the ~~Leadership Panel~~Cabinet decision(s); or
  - 1.3.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
  - 1.3.3 refer the matter back to the ~~Leadership Panel~~Cabinet, with recommendations, for final deliberation.

- 1.4 To keep under review the Council's local Code of Corporate Governance (in terms of the Delivering Good Governance Framework) and ensure arrangements for its review and continuing relevance leading to the publication of an annual statement as part of the Council's Annual Accounts confirming how well the Council is complying with the framework.
- 1.5 To monitor and review the effectiveness of the Council's Scrutiny Panel arrangements having regard to the Council's powers and duties under Best Value, continuous improvement and effective resource management in the provision of services, performance management frameworks, value for money, and business improvement/ re-design.
- 1.6 To promote and maintain high standards of conduct by all Elected Members of the Council, including consideration of the management and operation of ethical standards as set out in the Councillors' Code of Conduct within the Council, and recommending to Council, if appropriate, the adoption of any protocols relating to Members' conduct supplementary to the Councillors' Code of Conduct, and to consider and advise the Council on any requirements for supplementary training or additional support for Members in relation to ethical standards or any other matters.
- 1.7 To consider any issues which are referred to it by the Council or **Leadership Panel**~~Cabinet~~ for detailed scrutiny.
- 1.8 To ensure that areas of concern arising from the Audit Committee function are reported to Council, including those that may require further scrutiny either by the Panel or Council.
- 1.9 To make recommendations to the ~~Leadership Panel~~**Cabinet** or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel including recommendations for areas for Service Review in accordance with the Council's approved Framework.

## 2. **Service and Performance Panel**

- 2.1 To monitor, review and challenge the performance of the Council's services and service delivery having regard to the Council Plan, the Council's strategic objectives and outcomes, corporate improvement programme, the approved Service and Improvement Plans and performance targets, across all service areas, (but excluding the delivery of services by or in partnership with external bodies falling within the remit of the Partnerships Panel), in accordance with the Scrutiny Handbook and including:
  - 2.1.1 receiving and considering regular reports in relation to performance in terms of the approved Service and Improvement Plans and corporate improvement programme;
  - 2.1.2 receiving and considering service benchmarking information; and
  - 2.1.3 reviewing the effectiveness of performance reporting arrangements.
- 2.2 To consider external inspection agency reports relating to services which have been referred to this Panel by the ~~Leadership Panel~~**Cabinet** or the Audit and Governance Panel.

- 2.3 To undertake in-depth reviews of particular issues of concern in areas of service provision where performance issues have been identified through the Panel's consideration of the Service and Improvement Plans or other performance reports, all as detailed in, and in accordance with, the Scrutiny Handbook and as set out in the Panel's annual work programme, and to refer any recommendations arising from such review to the ~~Leadership Panel~~**Cabinet** for consideration.
- 2.4 To receive and consider regular reports on public complaints handling and information governance arrangements within the Council.
- 2.5 Where necessary, to remit reports to the Partnerships Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.
- 2.6 To consider any issues which are referred to it by the Council, ~~Leadership Panel~~**Cabinet** or the Audit and Governance Panel for detailed scrutiny.
- 2.7 To make recommendations to the ~~Leadership Panel~~**Cabinet** or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel, including recommendations for areas for Service Review in accordance with the Council's approved Framework

### 3. Partnerships Panel

- 3.1 To monitor, review and challenge the performance of services in South Ayrshire which are delivered through or in partnership with external bodies, including improvement actions and performance targets, where applicable, having regard to the Council Plan and the Council's strategic objectives and outcomes, and its duties of Best Value, Following the Public Pound, continuous improvement and effective resource management, in accordance with the Scrutiny Handbook, and including (but not limited to) performance of and in relation to:
  - 3.1.1 Ayr Renaissance LLP and any Leisure trusts and other arm's length external organisations in which the Council participates;
  - 3.1.2 Police Scotland;
  - 3.1.3 the Scottish Fire and Rescue Service;
  - 3.1.4 the use of Common Good funds and assets;
  - 3.1.5 Community Planning (including funded projects);
  - 3.1.6 Ayrshire Shared Services Joint Committee; and
  - 3.1.7 Any other South Ayrshire Council funded projects and organisations.
- 3.2 To receive and hear Petitions addressed to the Council from members of the public, in accordance with the Council's Petitions Protocol, and to determine the appropriate action to be taken within the terms of that Protocol, including, where considered appropriate by the Panel, to report to ~~Leadership Panel~~**Cabinet** with recommendations.
- 3.3 Where necessary, to remit reports to the Service and Performance Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.

- 3.4 To consider any issues which are referred to it by the Council, **Leadership PanelCabinet** or the Audit and Governance Panel for detailed scrutiny.
- 3.5 To make recommendations to the **Leadership PanelCabinet** or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel including recommendations for areas for Service Review in accordance with the Council's approved Framework



## Terms of Reference and Delegations to Panels, Etc

With the exception of powers which have been reserved to the Council itself and powers which have been delegated to officers or to Joint Committees, Joint Boards, the South Ayrshire Integration Joint Board or the Ayrshire Shared Service Joint Committee, all other powers are distributed between Committees and Sub-Committees.

In order to allow the ~~Leadership Panel~~**Cabinet** to concentrate on strategy, a number of Committees of the Council (to be known as Panels) and Sub-Committees have been established with delegated powers to deal with a specific range of functional and operational responsibilities.

The Panels, Joint Committees, Joint Boards, etc, are as follows:

<b>Panel</b>
Appointments/ Appraisal Panel
Appeals Panel
Regulatory Panel
Education Appeals Panel
Local Review Body
South Ayrshire Integration Joint Board
Ayrshire Shared Service Joint Committee

The terms of reference of Panels, etc, in respect of which they have been granted delegated powers, are as follows:

***Panel, etc***

***Remit***

**Chief Officers Appointments/  
Appraisal Panel**

The appointment of Chief Executive, Directors, Heads of Service and Assistant Directors and Performance Appraisal issues.

**Appeals Panel**

The determination of appeals in terms of the Council's approved Disciplinary and Grievance Procedures, Finance, Rating, Maintenance Allowance Appeals, Road Traffic Orders, Allocations and other Housing Appeals, etc.

**Regulatory Panel**

The exercise of the Council's functions under the Civic Government (Scotland) Act 1982, Building Standards, Environmental Health, Trading Standards and Road Traffic Regulation Legislation, insofar as not delegated to officers or to East Ayrshire Council as Ayrshire Roads Authority.

The exercise of the Council's functions in relation to the approval of venues for civil marriages and civil partnerships under the Marriage (Scotland) Act 1977

**Panel, etc**

**Remit**

and 2002, the Civil Partnerships Act 2004 and the Local Electoral Administration and Registration Services (Scotland) Act 2006, insofar as not delegated to officers.

The exercise of the Council's functions in relation to Houses in Multiple Occupation under the Housing (Scotland) Act 2006 in so far as not delegated to officers.

The exercise of the Council's functions in relation to landlord registration (and de-registration) under the Antisocial Behaviour Etc (Scotland) Act 2004 insofar as not delegated to officers.

The determination of Planning Applications and other matters under Planning Legislation insofar as not delegated to officers or reserved to full Council.

**Education Appeals Panel**

The determination of appeals in relation to placing requests and exclusions, under section 28D and Schedule A1 of the Education (Scotland) Act 1980, (chaired by a member of the Appeals Panel).

**Local Review Body**

To review planning decisions taken by Appointed officers on 'local developments' as that term is defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**South Ayrshire Integration Joint Board**

To discharge the functions set out in Section 6 of this Scheme, and the strategic planning and the operational oversight of integrated health and social care services and through the chief officer (the Director of Health and Social Care) the operational management of the integrated services, in accordance with the Council's policies and procedures where applicable.

**Ayrshire Shared Service Joint Committee**

To undertake discharge of statutory functions in terms of s56 and 57 of the Local Government (Scotland) Act 1973 and s15 of the Local Government in Scotland Act 2003 specifically to oversee the delivery of a range of discrete Local Authority services to the communities of East, North and South Ayrshire.

The functions to be delegated to the control of the Joint Committee shall be carried out by a Lead Authority, being the authority charged by East Ayrshire Council, North Ayrshire Council and South Ayrshire Council (or at least two of them) to undertake the provision of defined services.

The specific services and functions to be delegated to the Joint Committee (each referred to as a 'Shared Service') are set out in Section 5 of this Scheme.

## Functions Delegated to the Ayrshire Shared Services Joint Committee

The following are the specific functions that have been delegated to the Ayrshire Shared Services Joint Committee to be carried out by South Ayrshire Council as lead authority:

### ***Ayrshire and Arran Tourism Team***

AAT01 To manage and oversee the delivery of tourism activities that are agreed by the three Ayrshire Councils (East, North and South) to be shared from time to time.

### ***Ayrshire Civil Contingencies Team***

ACCT01 To manage and oversee the planning, and discharge, by the three Ayrshire Councils (East, North and South) of their duties as local authorities in relation to civil emergencies.

The following are the specific functions that have been delegated to the Ayrshire Shared Services Joint Committee to be carried out by East Ayrshire Council as lead authority:

### ***Ayrshire Roads Alliance***

ARA01 to carry out the functions of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975;

ARA02 to carry out the functions of the Council (including reporting and inspecting) in terms of the Flood Prevention (Scotland) Act 1961, the Flood Protection and Drainage (Scotland) Act 1997 and the Flood Risk Management (Scotland) Act 2009;

ARA03 to carry out all the following functions of the Council in terms of the Roads (Scotland) Act 1984 (as amended from time to time):

ARA03.01 under Section 13 in relation to the imposition on frontagers of the requirements to make up and maintain private roads including the service of appropriate notices;

ARA03.02 under Section 15 in relation to the completion of necessary work on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91);

ARA03.03 under Section 16 (1) (b) in relation to the consideration and determination of applications for the adoption of private roads as public;

ARA03.04 under Section 18 in relation to the adoption of footpaths associated with development;

ARA03.05 under Section 21 in relation to applications for construction consent for new roads built by a person other than the roads authority;

- ARA03.06 under Section 23 in relation to stopping up or temporarily closing any new road constructed by a person other than the roads authority, without consent or in contravention of, or in non-compliance with, a condition imposed by a construction consent;
- ARA03.07 under Section 31 (3) in relation to the service of notices in connection with the drainage of public roads or proposed public roads, on the owner and occupier of the land affected;
- ARA03.08 under Section 35 (1) and (4) and after giving notice in terms of Section 35 (5) in relation to the provision of road lighting and related structures;
- ARA03.09 under Sections 36 and 37 in relation to the construction of road humps;
- ARA03.10 under Section 51 in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;
- ARA03.11 under Section 56 in relation to the authorisation of works and excavations in or under a public road;
- ARA03.12 under Section 57 in relation to the prevention of termination of dangerous works or excavations in or under a public road;
- ARA03.13 under Section 58 in relation to the granting of permission for the deposit of building materials on roads;
- ARA03.14 under Section 59 in relation to the control of obstructions in roads;
- ARA03.15 under Section 60 in relation to the marking lighting and fencing of obstructions or roadworks and for shoring buildings requiring protection in similar circumstances;
- ARA03.16 under Section 61 in relation to granting permission to place and thereafter maintain apparatus in or under a public road;
- ARA03.17 under Section 62 in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;
- ARA03.18 under Section 63 in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;
- ARA03.19 under Section 64 (2) in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus in terms of Section 64 (1) (b);

- ARA03.20 under Section 66 in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;
- ARA03.21 under Section 67 in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users;
- ARA03.22 under Section 78 (2) in relation to the service of notices prior to the diversion of waters where necessary in connection with the construction, improvement or protection of a public road;
- ARA03.23 under Section 79 to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations;
- ARA03.24 under Section 83 in relation to the prevention of obstructions of the view of road users at or near corners, bends and junctions;
- ARA03.25 under Section 85 in relation to granting permission for the location of builders' skips on roads;
- ARA03.26 under Section 86 in relation to the removal or repositioning of any builders' skip which is causing or is likely to cause, a danger or obstruction;
- ARA03.27 under Section 87 in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;
- ARA03.28 under Section 88 in relation to the removal of projections interfering with safe or convenient passage along a road;
- ARA03.29 under Section 89 in relation to the removal of accidental obstructions from roads;
- ARA03.30 under Section 90 in relation to the granting of consent for fixing or placing over, along or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus;
- ARA03.31 under Section 91 in relation to the prevention of danger to road users and the prevention of obstructions caused by roadside vegetation, fences or walls;
- ARA03.32 under Section 92 in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway;
- ARA03.33 under Section 93 in relation to the protection of road users from dangers near a road;
- ARA03.34 under Section 94 in relation to the infill of dangerous ditches adjacent to or lying near a road;
- ARA03.35 under Section 97 in relation to the issue of consent for trading;

- ARA03.36 under Section 99 (2) in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99 (1) (prevention of the flow of water, filth, dirt or other offensive matter onto the road);
- ARA03.37 under Section 99 (3) in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99 (1);
- ARA03.38 under Section 140 in relation to authorising persons to enter land to take any action or execute any work authorised or required to be taken or executed by the roads authority under the Roads (Scotland) Act 1984;
- ARA03.39 under Section 30 in relation to the serving of notices subject to Section 31 (3), in connection with carrying out works for protecting roads against hazards of nature;
- ARA03.40 to exercise the functions of the Council under Section 152 (2) to re-determine the means of exercise of a public right of passage over a road; and
- ARA03.41 to act as the Proper Officer to issue a certificate as provided in Section 96 (1);
- ARA04 to carry out the following functions of the Council in terms of the Road Traffic Regulations Act 1984:
  - ARA04.01 under Section 14 in relation to the temporary prohibition or restriction of traffic on roads;
  - ARA04.02 under Section 23 in relation to pedestrian crossings on roads other than trunk roads;
  - ARA04.03 under Section 65 in relation to the placing of traffic signs;
  - ARA04.04 under Section 68 in relation to the placing of traffic signs in connection with the exercise of other powers of the Authority as defined in sub-section (1) thereof;
  - ARA04.05 under Section 69 in relation to the removal of signs; and
  - ARA04.06 under Section 71 (1) in relation to the power to enter land in connection with the placing, replacing, converting and removal of traffic signs;
- ARA05 to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under:
  - ARA05.01 The Road Traffic Regulation Act 1984; and
  - ARA05.02 Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;
- ARA06 to grant Wayleaves in respect of public utilities;

- ARA07 to carry out the functions of the Road Safety Officer;
- ARA08 to deal with all requests for information in connection with grant applications made under Section 8 of the Railways Act 1974 (Grants to assist the provision of facilities for freight haulage by rail);
- ARA09 to carry out the functions of the Council under the Public Utilities Street Works Act 1950 and the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible;
- ARA10 to make grants to householders for the purpose of making good fabric and decoration (excluding curtains) in houses affected by work carried out by the Council under the Noise Insulation (Scotland) Regulations 1975 at the rates and on conditions which may be prescribed from time to time by the Council;
- ARA11 to exercise the 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;
- ARA12 to agree terms for Bridge Agreements with the British Railways Board and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection;
- ARA13 to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- ARA14 to make arrangements for the management of piers, harbours, car parks, etc, including, granting the use or part thereof to other persons or bodies and to carry out the functions of the Council as Harbour Authority under the Harbours Act 1964;
- ARA15 to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- ARA15.01 under Section 4 to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
- ARA15.02 under Section 5 to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour authorities;
- ARA15.03 under Section 8, to arrange for the publishing of notices relating to works schemes and the serving of like Notices on affected harbour authorities;
- ARA15.04 under Section 12 to serve notice on owners of land where protection works are required; and
- ARA15.05 under Section 25 in relation to the authorisation of persons taking entry to land for the purposes specified therein;

- ARA16 to carry out road and footpath lighting works on new housing and industrial developments;
- ARA17 to carry out the functions of the Council under the Transport (Scotland) Act 2005, including enforcement and imposition of penalties as prescribed in the Act and the relevant Code of Practice; and
- ARA18 to authorise the erection and removal of bus shelters.



## Functions Delegated to the South Ayrshire Integration Joint Board

1. The following are the specific functions that have been delegated to the South Ayrshire Integration Joint Board (the 'SAIJB') with effect from the date specified in the strategic plan to be approved by the SAIJB insofar as these functions relate to the services set out at paragraph 2 below under the heading 'Services provided by South Ayrshire Council which are to be integrated' and at paragraph 3 below under the heading 'Services to be carried out by the EAIJB as lead IJB':

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>National Assistance Act 1948</b></p> <p><i>Section 45</i> (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact.)</p> <p><i>Section 48</i> (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)</p>	
<p><b>Matrimonial Proceedings (Children) Act 1958</b></p> <p><i>Section 11</i> (Reports as to arrangements for future care and upbringing of children.)</p>	
<p><b>The Disabled Persons (Employment) Act 1958</b></p> <p><i>Section 3</i> (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)</p>	
<p><b>The Social Work (Scotland) Act 1968</b></p> <p><i>Section 1</i> (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)</p> <p><i>Section 4</i> (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)</p> <p><i>Section 5</i> (Local authorities to perform their functions under the Act under the guidance of the Secretary of State.)</p> <p><i>Section 6B</i> (Local authority inquiries into matters affecting children.)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 8</i> (The conducting of, or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)</p> <p><i>Section 10</i> (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)</p> <p><i>Section 12</i> (The promotion of social welfare and the provision of advice and assistance.)</p> <p><i>Section 12A</i> (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)</p> <p><i>Section 12AZA</i> (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)</p> <p><i>Section 12AA</i> (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care.)</p> <p><i>Section 12AB</i> (The notification of carers as to their entitlement to make a request for an assessment under section 12AA.)</p> <p><i>Section 13</i> (The assistance of persons in need with the disposal of their work.)</p> <p><i>Section 13ZA</i> (The taking of steps to help an incapable adult to benefit from community care services.)</p> <p><i>Section 13A</i> (The provision, or making arrangements for the provision, of residential accommodation with nursing.)</p> <p><i>Section 13B</i> (The making of arrangements for the care or aftercare of persons suffering from illness.)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 14</i> (The provision or arranging the provision of domiciliary services and laundry services.)</p>	
<p><i>Section 27</i> (Supervision and care of persons put on probation or released from prisons, etc)</p> <p><i>Section 27ZA</i> (Grants in respect of community service facilities.)</p> <p><i>Section 28</i> (The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation.)</p> <p><i>Section 29</i> (The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)</p> <p><i>Section 59</i> (The provision of residential and other establishments.)</p> <p><i>Section 78A</i> (Recovery of contributions.)</p> <p><i>Section 80</i> (Enforcement of duty to make contributions.)</p> <p><i>Section 81</i> (Provisions as to decrees for ailment.)</p> <p><i>Section 83</i> (Variation of trusts.)</p> <p><i>Section 86</i> (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local authority from the other local authority.)</p>	<p>So far as it is exercisable in relation to persons cared for or assisted under another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>
<p><b>The Children Act 1975</b></p> <p><i>Section 34</i> (Access and maintenance.)</p> <p><i>Section 39</i> (Reports by local authorities and probation officers.)</p> <p><i>Section 40</i> (Notice of application to be given to local authority.)</p> <p><i>Section 50</i> (Payments towards maintenance of children.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>The Local Government and Planning (Scotland) Act 1982</b></p> <p><i>Section 24(1)</i>  (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance.)</p>	
<p><b>Health and Social Services and Social Security Adjudications Act 1983</b></p> <p><i>Section 21</i>  (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p><i>Section 22</i>  (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p><i>Section 23</i>  (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p>	
<p><b>Foster Children (Scotland) Act 1984</b></p> <p><i>Section 3</i>  (Duty of local authority to ensure wellbeing of and to visit foster children.)</p> <p><i>Section 5</i>  (Notification to local authority by persons maintaining or proposing to maintain foster children.)</p> <p><i>Section 6</i>  (Notification to local authority by persons ceasing to maintain foster children.)</p> <p><i>Section 8</i>  (Power of local authorities to inspect foster premises.)</p> <p><i>Section 9</i>  (Power of local authorities to impose requirements as to the keeping of foster children.)</p> <p><i>Section 10</i>  (Power of local authorities to prohibit the keeping of foster children.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986</b></p> <p><i>Section 2</i> (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)</p> <p><i>Section 3</i> (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)</p> <p><i>Section 7</i> (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)</p> <p><i>Section 8</i> (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)</p>	<p>In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions.</p> <p>In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of the Act) which are integration functions.</p>
<p><b>The Children (Scotland) Act 1995</b></p> <p><i>Section 17</i> (Duty of local authority to children looked after by them.)</p> <p><i>Sections 19-27</i> (Provision of relevant services by local authority for or in respect of children in their area.)</p> <p><i>Sections 29-32</i> (Advice and assistance for young persons formerly looked after by local authorities; duty of local authority to review case of a looked after child; removal by local authority of a child from a residential establishment.)</p> <p><i>Section 36</i> (Welfare of certain children in hospitals and nursing homes, etc)</p> <p><i>Section 38</i> (Short term refuges for children at risk of harm.)</p> <p><i>Section 76</i> (Exclusion orders.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>Criminal Procedure (Scotland) Act 1995</b></p> <p><i>Section 51</i> (Remand and committal of children and young persons.)</p> <p><i>Section 203</i> (Where a person specified in section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not dispose of the case without first obtaining a report from the local authority in whose area the person resides.)</p> <p><i>Section 234B</i> (Drug treatment and testing order.)</p> <p><i>Section 245A</i> (Restriction of liberty orders.)</p>	
<p><b>The Adults with Incapacity (Scotland) Act 2000</b></p> <p><i>Section 10</i> (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)</p> <p><i>Section 12</i> (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)</p> <p><i>Sections 37, 39-45</i> (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)</p>	<p>Only in relation to residents of establishments which are managed under integration functions.</p>
<p><b>The Housing (Scotland) Act 2001</b></p> <p><i>Section 92</i> (Assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation.</p>
<p><b>The Community Care and Health (Scotland) Act 2002</b></p> <p><i>Section 4</i> (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)</p> <p><i>Section 5</i> (The making of arrangements for the provision of residential accommodation outside Scotland.)</p> <p><i>Section 6</i> (Entering into deferred payment agreements for the costs of residential accommodation.)</p> <p><i>Section 14</i> (The making of payments to an NHS body in connection with the performance of the functions of that body.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>The Mental Health (Care and Treatment) (Scotland) Act 2003</b></p> <p><i>Section 17</i> (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)</p> <p><i>Section 25</i> (The provision of care and support services for persons who have or have had a mental disorder.)</p> <p><i>Section 26</i> (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder.)</p> <p><i>Section 27</i> (The provision of assistance with travel for persons who have or have had a mental disorder.)</p> <p><i>Section 33</i> (The duty to inquire into a person's case in the circumstances specified in 33(2).)</p> <p><i>Section 34</i> (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)</p> <p><i>Section 228</i> (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work(Scotland) Act 1968.)</p> <p><i>Section 259</i> (The securing of independent advocacy services for persons who have a mental disorder.)</p>	<p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p>
<p><b>Management of Offenders, Etc (Scotland) Act 2005</b></p> <p><i>Sections 10-11</i> (Assessing and managing risks posed by certain offenders.)</p>	
<p><b>The Housing (Scotland) Act 2006</b></p> <p><i>Section 71(1)(b)</i> (Assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation as defined at s1(2) of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014.</p>
<p><b>Adoption and Children (Scotland) Act 2007</b></p> <p><i>Section 1</i> (Duty of local authority to provide adoption service.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Sections 4-6</i>  (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)</p>	
<p><i>Sections 9-12</i>  (Adoption support services.)</p> <p><i>Section 19</i>  (Local authority's duties following notice under section 18.)</p> <p><i>Section 26</i>  (Procedure where an adoption is not proceeding.)</p> <p><i>Section 45</i>  (Adoption support plans.)</p> <p><i>Section 47-49</i>  (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)</p> <p><i>Section 51</i>  (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)</p> <p><i>Section 71</i>  (Adoption allowances schemes.)</p> <p><i>Section 80</i>  (Application to court by local authority for the making of a permanence order.)</p> <p><i>Section 90</i>  (Precedence of court orders and supervisions requirement over permanence order.)</p> <p><i>Section 99</i>  (Duty of local authority to apply for variation or revocation of a permanence order.)</p> <p><i>Section 101</i>  (Notification requirements upon local authority.)</p> <p><i>Section 105</i>  (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)</p>	
<p><b>The Adult Support and Protection (Scotland) Act 2007</b></p> <p><i>Section 4</i>  (The making of enquiries about a person's wellbeing, property or financial affairs.)</p>	



<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 5</i> (The co-operation with other Councils, public bodies and office holders in relation to inquiries made under section 4.)</p> <p><i>Section 6</i> (The duty to have regard to the importance of providing advocacy services.)</p>	
<p><i>Section 7-10</i> (Investigations by local authority pursuant to duty under section 4.)</p> <p><i>Section 11</i> (The making of an application for an assessment order.)</p> <p><i>Section 14</i> (The making of an application for a removal order.)</p> <p><i>Section 16</i> Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order.</p> <p><i>Section 18</i> (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)</p> <p><i>Section 22</i> (The making of an application for a banning order.)</p> <p><i>Section 40</i> (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)</p> <p><i>Section 42</i> (The establishment of an Adult Protection Committee.)</p> <p><i>Section 43</i> (The appointment of the convener and members of the Adult Protection Committee.)</p>	
<p><b>Children’s Hearings (Scotland) Act 2011</b></p> <p><i>Section 35</i> (Child assessment orders.)</p> <p><i>Section 37</i> (Child protection orders.)</p> <p><i>Section 42</i> (Application for parental responsibilities and rights directions.)</p> <p><i>Section 44</i> (Obligations of local authority where, by virtue of a child protection order, child is moved to a place of safety by a local authority.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 48</i> (Application for variation or termination of a child protection order.)</p> <p><i>Section 49</i> (Notice of an application for variation or termination of a child protection order.)</p> <p><i>Section 60</i> (Duty of local authority to provide information to Principal Reporter.)</p>	
<p><i>Section 131</i> (Duty of implementation authority to require review of a compulsory supervision order.)</p> <p><i>Section 144</i> (Implementation of a compulsory supervision order: general duties of implementation authority.)</p> <p><i>Section 145</i> (Duty of implementation authority where child required to reside in a certain place.)</p> <p><i>Section 153</i> (Secure accommodation.)</p> <p><i>Sections 166-167</i> (Requirement imposed on a local authority: review and appeal.)</p> <p><i>Section 180</i> (Sharing of information with panel members by local authority.)</p> <p><i>Section 183-184</i> (Mutual assistance.)</p>	
<p><b>Social Care (Self-Directed Support) (Scotland) Act 2013</b></p> <p><i>Section 3</i> (The consideration of an assessment of an adults ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support.)</p> <p><i>Section 5</i> (The giving of the opportunity to choose a self-directed support option.)</p> <p><i>Section 6</i> (The taking of steps to enable a person to make a choice of self-directed support option.)</p>	<p>Only in relation to assessments carried out under integration functions.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 7</i> (The giving of the opportunity to choose a self-directed support option.)</p> <p><i>Section 8</i> Choice of options: children and family members.</p> <p><i>Section 9</i> (The provision of information.)</p> <p><i>Section 10</i> Provision of information: children under 16</p> <p><i>Section 11</i> (Giving effect to the choice of self-directed support option.)</p>	
<p><i>Section 12</i> (Review of the question of whether a person is ineligible to receive direct payments.)</p> <p><i>Section 13</i> (Offering another opportunity to choose a self-directed support option.)</p> <p><i>Section 16</i> (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)</p> <p><i>Section 19</i> (Promotion of the options for self-directed support.)</p>	<p>Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.</p>
<p><b>Carers (Scotland) Act 2016</b></p> <p><i>Section 6</i> (Duty to prepare adult carer support plan.)</p> <p><i>Section 12</i> (Duty to prepare young carer statement.)</p> <p><i>Section 21</i> (Duty to set local eligibility criteria for carer support.)</p> <p><i>Section 24</i> (Duty to provide support.)</p> <p><i>Section 25</i> (Provision of support to carers: breaks from caring.)</p> <p><i>Section 31</i> (Duty to prepare local carer strategy.)</p> <p><i>Section 34</i> (Information and advice service for carers.)</p> <p><i>Section 35</i> (Short breaks services statements.)</p>	

## **2. Services undertaken by South Ayrshire Council within the Health and Social Care Partnership**

- Social work services for adults and older people;
- Services and support for adults with physical disabilities and/ or learning disabilities;
- Mental health services;
- Drug and alcohol services;
- Adult protection and domestic abuse;
- Carers support services;
- Community care assessment teams;
- Administration support services within social work;
- Care home services;
- Adult placement services;
- Health improvement services;
- Housing support services, aids and adaptations;
- Day services;
- Local area co-ordination;
- Respite provision;
- Occupational therapy services;
- Re-ablement services, equipment and telecare;
- Criminal justice social work services; and
- Children and families social work services.

## **3. Services to be carried out by the EAIJB as lead IJB**

The following are the specific services to be carried out by the EAIJB as lead IJB from the date specified in the strategic plan to be approved by the EAIJB:

- out of hours social work services.

## **Powers Delegated to Officers**

Under exception of the delegated powers which arise from certain statutory appointments (see Section 7), all powers delegated to officers of the Council are delegated to one or more of the following officers:

- the Chief Executive;
- the Director of Education;
- the Director - Place;
- the Director of Health and Social Care;
- the Head of Finance and ICT; and
- the Head of Legal, HR and Regulatory Services.

There are four main statutory officers that the Council is required by law to appoint. These are:

- Head of Paid Service;
- Monitoring Officer;
- Chief Financial Officer; and
- Chief Social Work Officer.

These statutory officers have an important, independent, role in promoting and enforcing good governance and compliance with legislation.

Powers, which have been delegated to officers are a mix of general delegations and specific delegations but when exercising any delegated power, officers must do so in full compliance with a number of requirements that have been laid down by the Council. On the pages that follow are details of:

- (a) The rules governing the exercise of powers delegated to officers;
- (b) General delegations (those which are available to all of the officers specified); and
- (c) Specific delegations (those which are available to individual officers).

**(a) 'Rules' Governing the Exercise of Powers by Officers**

1. Before exercising any authority officers must satisfy themselves that:
  - 1.1 they have the necessary delegated powers as specified in this Scheme in relation to each officer; and
  - 1.2 that any power expressed in this Scheme has not been modified by a more recent decision by the Council.
2. Officers must use the authority delegated to them:
  - 2.1 in the interests of South Ayrshire Council and in accordance with the provisions of this Scheme, Financial Regulations and Standing Orders relating to Contracts;
  - 2.2 in accordance with the policies of the Council and its Panels and with any procedural guidelines which the Council and its Panels may make to regulate the exercise of delegated powers; and
  - 2.3 in accordance with legislation.
3. 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 decision of Council or any of its committees etc, 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 Chief Executive (or, in the absence of the Chief Executive, the nominated Depute), Leader (or, in the absence of the Leader, the Depute Leader) and relevant Portfolio Holder or Chair 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 exercising the authority delegated to them, officers must consult:

- the Section 95 Officer and/ or the Monitoring Officer, as appropriate, in respect of matters where legal, financial, employment or other advice or guidance is necessary; and
- in respect of matters which are sensitive or likely to be controversial, the relevant Portfolio Holder(s), and the Chief Executive;

and the Chief Executive shall be the final arbiter of whether a matter is sensitive or likely to be controversial. Matters which are determined to be sensitive or controversial shall be referred to the Council for decision.

4. Where an applicant for a service provided by the Council (except one which is available to the general public for a set fee) is a Member of the Council or an employee, the officer within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with the Chief Executive who may require the officer to refer the application to the appropriate Panel, as appropriate, for determination.
5. Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the officer within whose delegated authority it is to make

the appointment to the post in question will, before exercising that authority, consult with the Head of Legal, HR and Regulatory Services who may require the officer to refer the appointment to the Chief Executive for decision.

6. Officers must publish, at such frequency and in such form as may be prescribed from time to time by the ~~Leadership Panel~~**Cabinet** details of decisions taken and actions authorised by them (or others authorised by them) in exercise of delegated powers.
7. Officers must record, notify the Monitoring Officer, and publish if required, details of arrangements made by them for the exercise on their behalf of delegated powers granted to them.

## **(b) General Delegations to Officers**

The following is a list of the powers, which have been delegated to each of the following officers:

- the Chief Executive;
- the Director of Education;
- the Director - Place;
- the Director of Health and Social Care;
- the Head of Finance and ICT; and
- the Head of Legal, HR and Regulatory Services.

For the avoidance of doubt, it should be understood (unless it is otherwise stated, or unless the words make it clear that a wider application is intended) that the powers available to the Chief Executive and to individual Directors and Heads of Service are only in relation to the services for which they are responsible.

It should also be understood that expressions such as 'to serve', 'to issue', etc, include the delegated power to sign, on behalf of the Council, the documents concerned and to take all other steps necessary to ensure that these documents are appropriately delivered.

Nothing in this section or any other part of the Scheme empowers officers to alter national or local conditions of employment.

Where a specific delegation is made in terms of powers under a specific legislative provision, that delegation shall be deemed to include powers under any subsequent amendment to or replacement of that legislation.

Where a specific delegation exists in favour of a specified officer(s) the same power shall not be deemed to be a general delegation for any other officer.

The general delegations, which for ease of identification have the reference letter G. are as follows:

### **General Delegations**

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

- G01 to expend the approved budget appropriate to the post;
- G02 to manage within the policies agreed by the Council;
- G03 to take measures, including incurring expenditure, as may be required in emergency or other unanticipated situations subject to consulting with the Chief Executive and the Head of Finance and ICT (where expenditure is required) and consult the appropriate Portfolio Holder and advise local Members where possible and reporting to the appropriate Panel as soon as possible thereafter, on any items for which Panel approval would normally be necessary;
- G04 to absent himself or herself or permit any member of his or her staff to absent himself or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided



that these do not interfere with the efficient discharge of his/ her duties to the Council;

- G05 to sign and to issue:
- G05.01 the necessary authorisation to officers of the Council to exercise statutory powers (including, where possible, the right to enter land and premises in connection with the discharge of their duties); and
  - G05.02 identity cards;
- G06 to make appointments within his or her service, to all posts below Head of Service/ Assistant Director level so long as such posts are within the approved establishment of the Directorate/ service (as the case may be);
- G07 to pay valid claims for damage to, or loss of, personal property of employees in his or her service occurring during the course of their employment, up to an amount of £2,000 per claim for any one incident; and to pay claims in excess of £2,000 after consultation with the Head of Legal, HR and Regulatory Services;
- G08 to approve the provision of reasonable hospitality within the area, to representatives of other authorities, organisations, officers of the Council or others and also within the UK to make visits and to authorise officers within his or her Directorate to make visits as representatives of the Council, subject always to details of the expenses incurred in terms of this delegation being made available where requested by the Chief Executive;
- G09 to approve attendance at conferences within the UK of officers, in cases where he or she considers it to be in the interests of the Council;
- G10 to appoint consultants and other specialists on such terms and conditions as he or she considers to be appropriate, subject always to the requirements of the Standing Orders relating to Contracts;
- G11 to grant the use of Council accommodation to outside bodies if within the terms of any approved scheme;
- G12 to hire Council equipment within any approved scheme;
- G13 to purchase goods, supplies and services, and to undertake works in accordance with the Financial Regulations and Standing Orders relating to Contracts of the Council, and to sign contracts relating to these (save where statute requires execution by the Proper Officer);
- G14 to promote, market and present events;
- G15 to apply regulations relative to the use of Council facilities to ensure safety for staff and members of the public, including the authority to close or restrict the use of facilities as required;
- G16 to vary charges, rents and fees where, for operational and/ or promotional purposes, doing so may increase income;

- G17 to nominate officers to act in relation to powers of entry in terms of any relevant enactment;
- G18 to authorise Assistant Directors, managers or appropriately qualified officers to exercise any of the individual delegated powers which relate to a particular discipline or service area;
- G19 to exercise any general delegations contained in the Council's Standing Orders relating to Contracts;
- G20 to apply and enforce all policies and procedures approved by the Council relating to employees and to take decisions in respect of those, to include conducting Grievance and Disciplinary and other proceedings;
- G21A to determine urgent matters, during periods when the Council is in recess, where the matter has been covered by a previous policy decision of Council and in respect of which there is a budget or other financial provision and in accordance with the following: consultations must be undertaken with the relevant Portfolio Holder(s), the Leader of the Council and the Chief Executive and all matters dealt with must be reported to the first meeting of the **Leadership PanelCabinet** or other relevant Panel following the recess;
- G21B to determine urgent matters during periods when the Council is in recess or during the COVID-19 Pandemic, and where it involves new policy or a change to existing policy, the Chief Executive will consult with the **Leadership PanelCabinet** remotely and all matters dealt with must be reported to the first meeting of the Council, **Leadership PanelCabinet** or other relevant Panel following;
- G21C with the agreement of the **Leadership PanelCabinet**, and if required to enable effective decision making (or otherwise) in relation to the COVID-19 Pandemic, to amend the Standing Orders Relating to Meetings, the Scheme of Delegation, the Standing Orders Relating to Contracts and/ or the Financial Regulations;
- G22 to take such operational management decisions as are necessary for the routine planning, organisation, operation and provision of Council services and facilities, where budgetary provision exists. For the avoidance of doubt, this delegation shall include the appointment of temporary employees where considered necessary, (and subject to six monthly review, existing payroll budgetary provision or costs being fully funded by an external agency), authorisation of secondments, and authorisation of overtime (including to sanction in exceptional or emergency circumstances, the payment of overtime to staff whose salary is above the overtime ceiling (currently Spinal Column Point 75));
- G23 to carry out investigations and research and enter into discussions with a view to proposing new or revised strategies, policies or procedures;
- G24 to respond on behalf of the Council to draft circulars, orders, notices, consultation papers and other such documents from the Scottish Government, UK Government and other bodies, this to be done after consultation with the relevant Portfolio Holder;

- G25 to promote South Ayrshire either directly or in conjunction with others and to support Council activities and events, provided that there is sufficient budget provision;
- G26 to seek sources of external funding and external funding partners to assist in Council activities and projects;
- G27 to terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of contract where, after consultation with the appropriate Head of Service and the Head of Legal, HR and Regulatory Services, he/ she is satisfied that it is in the interests of the Council to do so;
- G28 to respond to and deal with participation requests received in accordance with the provisions of the Community Empowerment (Scotland) Act 2015;
- G29 all other matters in respect of the operation, development and implementation of policy for the service areas assigned to them unless specifically reserved to the Council or other Committees etc or contrary to a specific provision of this Scheme; and
- G30 to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council.

**(c) Specific Delegations to Officers**

Particular delegated powers, which have been granted to officers, are as set out below. For ease of identification, these specific delegations have been indexed using the following reference letters:

<b><i>Officer</i></b>	<b><i>Reference Letter</i></b>	
Chief Executive	CX	
Director of Education	ED	
Chief Executive (People Delegations)	PEO	
Director - Place	PLA	
Head of Finance and ICT	FICT	
Head of Legal, HR and Regulatory Services	LHRRS	
Director of Health and Social Care	HSC	

## Chief Executive

- CX01 to act as Head of Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;
- CX02 to give a direction in special circumstances that any officer shall not exercise a delegated function;
- CX03 to give a direction on the applicability of the Scheme of Delegation to an officer in any specific case;
- CX04 where he or she considers that it would be in the interests of the Council to do so, to approve the provision of reasonable hospitality, outwith the area to representatives of other authorities, organisations, officers of the Council or others; and to make visits outwith the UK and to authorise such visits by officers and Members of the Council or others representing the Council;
- CX05 to approve attendance of officers at conferences outwith the UK in cases where he or she considers it to be in the interests of the Council;
- CX06 to consider and, in appropriate circumstances, to approve applications by employees convicted of and fined under the Health and Safety at Work, Etc Act; the Factories Act; the Offices, Shops and Railway Premises Act or associated legislation, or the Roads Traffic Acts for offences committed whilst acting in the course of their employment for payment of the fine imposed;
- CX07 to consider, and in appropriate circumstances, to approve applications from employees for reimbursement, in part or in whole, of reasonable legal expenses incurred in defending actions raised against them personally, providing:
- CX07.01 that they were acting within the course of their employment;
- CX07.02 in accordance with Council policies and procedures; and
- CX07.03 in good faith;
- CX08 to arrange as necessary for the affixing of the Common Seal of the Council to any document by the Head of Legal, HR and Regulatory Services as Proper Officer of the Council;
- CX09 to prepare the polling scheme for South Ayrshire and to alter or amend polling places in the event of an approved place becoming unavailable or unviable – for example, through fire or flood or some other circumstance;
- CX10 to appoint, in the absence of both the Chief Executive and the nominated Depute, an Acting Head of Paid Service to cover periods of absence. When the Chief Executive and the nominated Depute are absent, the Acting Head of Paid Service will have all the delegated authority of the Chief Executive;
- CX11 to instruct the actings of the Directors and Heads of Service, subject to restrictions as to professional competencies;
- CX12 to refer matters to the Police, in terms of the Council's Special Investigations Procedure;

- CX13 to delete vacant posts, approve new posts and amend existing posts within a Directorate or service structure where budgetary provision exists, in consultation with the relevant Portfolio Holder(s) and the Head of Legal, HR and Regulatory Services;
- CX14 to authorise ex gratia payments to employees who die in service and who are not in the pension scheme, of amounts not exceeding £4,000;
- CX15 with the exception of the powers delegated to statutory appointees (section 8) and other Proper Officer designations as provided for elsewhere in this Scheme of Delegation, to exercise every power delegated to Directors and Heads of Service and exercisable by them in relation to the business of the Council and the business of the South Ayrshire Integration Joint Board in so far as it relates to Council budgets and responsibilities;
- CX16 to approve, in conjunction with the Head of Legal, HR and Regulatory Services and in accordance with the Council's policies and practice, early retirement or voluntary severance;
- CX17 to take decisions under and in terms of the Council's workforce policies and procedures;
- CX18 to approve requests by the Directors and Heads of Service for the secondment of employees to external agencies where the total cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment; and
- CX19 to appoint authorising officers, to authorise directed surveillance or the use of a covert intelligence source which involves the likelihood of obtaining 'confidential' information, and to authorise the use of covert human intelligence sources in relation to juveniles or vulnerable adults, all in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 and associated regulations.

## Director of Education

- ED01 to approve attendance by employees on authorised Youth Exchange visits overseas where the employees, as part of their duties, are required to accompany the group undertaking the exchange;
- ED02 to determine the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980;
- ED03 to arrange programmes of in-service training for teachers;
- ED04 to receive and determine applications for disbursements of funds in any trusts/ endowments (subject to the terms of the trust/ endowment);
- ED05 to accept and administer any new Trusts or small endowments which may be offered to the Council for schools in their area;
- ED06 to appoint and supervise teaching staff within complements approved by the Council;
- ED07 to make grants to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad within the approved budgets and policies of the Council;
- ED08 to issue licences in terms of the Children (Performances and Activities) (Scotland) Regulations 2014;
- ED09 to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- ED10 to ensure that requisite provision is made for any pupil entitled in terms of Section 53(3) of the Education (Scotland) Act 1980 to receive school meals in the middle of the day;
- ED11 to permit parent/ teacher associations or such other organisations or persons as he or she considers appropriate to execute minor works of improvement within the curtilage of an educational establishment subject to:
- ED11.01 being satisfied that the works are relevant to the function of and will not prejudice the operation of the educational establishment;
  - ED11.02 being satisfied that the works and practices are acceptable in terms of health and safety and Council standards; and
  - ED11.03 the execution of the works being supervised by the Director – Place;
- ED12 to exercise at discretion the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, with regard to the provision by the Council of Education for pupils belonging to the areas of other Education Authorities and incur outwith area fees and to pay the approved COSLA rate to any other Education Authority which has provided education for pupils normally resident in the area but who are for various reasons, placed in schools outwith the area;

- ED13 to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 and Schedule 2 of the Education (Additional Support for Learning) (Scotland) Regulations 2014 in accordance with the guidelines formulated by the Council and, where appropriate, to make representation to the Education Appeals Committee in respect of any appeals against decisions;
- ED14 to consider and determine all requests for school transport under the Education (Scotland) Act 1980 and in accordance with Council guidelines;
- ED15 to authorise the employment in appropriate circumstances of teachers in receipt of occupational pensions in accordance with Council policies;
- ED16 to exercise, at discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
- ED17 to determine the dates of local school holidays within the area after consultation with the appropriate Parent Councils and appropriate Trade Unions;
- ED18 to carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the cleanliness of pupils at schools;
- ED19 to exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980; (provision of travelling facilities and accommodation in exceptional circumstances);
- ED20 to exercise the functions of the education authority in relation to pupil attendance in terms of Sections 36 to 41 of the Education (Scotland) Act 1980; and
- ED21 to implement decisions taken by the Local Negotiating Committee for Teachers provided that spending will be contained within the Directorate's budget.



## Chief Executive (People Delegations)

- PEO01 to implement an approved approach to participatory budgeting, and to pay out to successful applicants sums held by the Council and approved for payment by the consultative body known as the South Ayrshire Rural Forum;
- PEO02 to arrange for the provision of information concerning the Council's services and functions, by:
- PEO02.01 publishing appropriate information;
  - PEO02.02 placing advertisements, ordering printed material and arranging displays or producing guidebooks, directories and other publications describing and illustrating Council services or publicising and promoting any aspect of the Council; and
  - PEO02.03 issuing press releases and similar articles for publication or broadcasting on behalf of the Council;
- PEO03 to carry out the functions of the Council under the Housing (Scotland) Acts 2001 and 2005, particularly in relation to Landlord registration;
- PEO04 to issue and/ or renew licences and certificates of registration and keep registers in respect of Houses in Multiple Occupation in accordance with approved codes of practice and the statutory provisions relating thereto;
- PEO05 to provide aids, equipment and adaptations for the homes of disabled persons within the Council's Scheme of Assistance as guided by the Housing (Scotland) Act 2006;
- PEO06 to make grants for House Adaptations up to a value of £10,000;
- PEO07 to implement an approved Events Programme within the South Ayrshire area and to approve individual events from time to time, subject to resources for the event being contained within existing budgets; and
- PEO08 to seek sources of sponsorship to support Council events.

## Director - Place

- PLA01 to determine all planning applications lodged in terms of the Town and Country Planning (Scotland) Acts in accordance with the procedures and delegations approved by the Council;
- PLA02 to renew any planning permission granted for limited periods;
- PLA03 to determine all applications for Advertisement in terms of Section 182 of the Town and Country Planning (Scotland) Act 1997;
- PLA04 to determine applications for Non-Material Variations in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997;
- PLA05 to determine applications for Listed Building Consent in terms of Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and serve notices under the said Act, after consultation with the Portfolio Holder;
- PLA06 to serve notices in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 in relation to land adversely affecting other land;
- PLA07 to determine applications for the temporary siting of residential caravans during building operations;
- PLA08 to determine applications for Conservation Area consent in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
- PLA09 to determine proposals under Section 37 of the Electricity Act 1989;
- PLA10 to determine applications for tree felling or other works to trees within Conservation Areas and Designated Tree Preservation Orders;
- PLA11 to confirm Tree Preservation Orders where no objections have been received and the making of the Order was agreed by the relevant Panel;
- PLA12 to enter land in terms of the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; the Planning (Hazardous Substances) (Scotland) Act 1997; and the Land Reform (Scotland) Act 2004;
- PLA13 to serve Enforcement Notices, Breach of Condition Notices and Hazardous Substances Contravention Notices in terms of the 1997 Act as amended by the Planning Etc (Scotland) Act 2006;
- PLA14 in cases of emergency and urgency, to make and serve:
- PLA14.01 Provisional Tree Preservation Orders;
  - PLA14.02 Building Preservation Notices;
  - PLA14.03 Stop Notices; and
  - PLA14.04 Interdicts for Planning and related offences;

- PLA15 to respond on behalf of the Council to Historic Environment Scotland regarding the listing or scheduling of buildings of architectural or historic interest;
- PLA16
- PLA16.01 to respond directly to consultations on development plans, planning applications, environmental assessments and planning guidance from neighbouring authorities at any stage in the process unless the Chief Planning Officer considers that:
- (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be drawn to the attention of the consulting authority;
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
  - (c) the Council should formally object to a proposed development plan;
- PLA16.02 to respond directly to planning related consultations from the Scottish Government and Government Agencies unless the Chief Planning Officer considers that:
- (a) the consultation raises a significant planning issue for the Council which should be drawn to the attention of the Scottish Government/ Government Agency; or
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;
- PLA16.03 to determine whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;
- PLA17 to prepare, apply and implement local plans, associated documents and planning policy and to implement planning decisions and instructions of the relevant Panel and Council in relation to planning matters;
- PLA18 to refer to the Procurator Fiscal consideration of instigation of legal proceedings for offences under the Town and Country Planning (Scotland) Act 1997 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and re-planting notices under Section 168 of the Town and Country Planning (Scotland) Act 1997;
- PLA19 to determine applications for Certificates of Lawfulness of existing use or development and Certificates of Lawfulness of proposed use or development, in terms of Sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997;

- PLA20 to respond on behalf of the Council to Scottish Forestry regarding consultations on forestry applications, proposals and strategies, providing that, where the response is to be one of objection, this will only be done after consultation with the Portfolio Holder;
- PLA21 to respond on behalf of the Council to consultations from Scottish Natural Heritage on matters falling within its remit, unless the response is to be one of objection or the consultation raises a significant planning issue or a matter which is potentially controversial or likely to be of significant public interest;
- PLA22 to determine all High Hedge Notice Applications, serve High Hedge Notices, when merited, and take direct action to ensure compliance with the provisions of such Notices, when necessary;
- PLA23 to respond on behalf of the Council to requests for screening and scoping opinions under the Environmental Impact Assessment (Scotland) Regulations 1999, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and the Environmental Assessment (Scotland) Act 2005, and to prepare and publish habitats regulations appraisals as required by the Conservation (Natural Habitats etc) Regulations 1994 and the EC Habitats Directive;
- PLA24 to make Orders under Section 11 of the Land Reform (Scotland) Act 2003, exempting land from access rights for a particular purpose, for a period of less than six days;
- PLA25 to determine applications for the adoption of open space in accordance with the policies adopted by the Council;
- PLA26 to appoint suitably experienced representatives of access interest groups as members of the South Ayrshire Local Access Forum, as and when necessary, with the agreement of the Portfolio Holder;
- PLA27 to make and confirm Orders under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 for the stopping up or diversion of roads and paths where necessary to enable development to be implemented in accordance with planning permission granted;
- PLA28 to issue and/ or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be within the remit of the Regulatory Panel, in accordance with approved codes of practice and the statutory provisions relating thereto;
- PLA29 to appoint as Inspectors and authorised officers for the purposes of the administration and enforcement of legislation within the remit of the Regulatory Panel such of his/ her officers as he/ she may deem necessary and appropriate;
- PLA30 to carry out the Council's functions in relation to any other Acts, Regulations or Orders falling within the remit of the Regulatory Panel;
- PLA31 to serve Notices on landowners under Sections 14 and 15 of the Land Reform (Scotland) Act 2003, requiring remedial action in respect of prohibition signs, obstructions, dangerous impediments and risk to injury;

- PLA32 to act in relation to Grants for Improvements, Repair and Conversions in terms of the Housing (Scotland) Acts 1987, 2001 and 2006;
- PLA33 to issue Notices in terms of Section 87 of the Civic Government (Scotland) Act 1982;
- PLA34 to determine applications for Building Warrants in terms of the Building (Scotland) Acts 1959 and 1970;
- PLA35 to determine applications for Relaxation of the Building Standards (Scotland) Regulations 1990 in terms of Section 4 of the Building (Scotland) Acts 1959 and 1970;
- PLA36 to determine applications for temporary and final Completion Certificates in terms of Section 9 of the Building (Scotland) Acts 1959 and 1970;
- PLA37 to determine applications for raised structures in terms of Section 89 of the Civic Government (Scotland) Act 1982;
- PLA38 to serve Execution of Works on Building Notices in terms of Section 87 of the Civic Government (Scotland) Act 1982;
- PLA39 to allocate in consultation with the Local Members, street names and postal addresses in terms of Section 97 of the Civic Government (Scotland) Act 1982;
- PLA40 In terms of the Building (Scotland) Act 2003:
- PLA40.01 to determine applications for Building Warrant, including late applications and continuing requirements;
  - PLA40.02 to seek views from the Building Standards Division, Scottish Government ;
  - PLA40.03 to grant extensions to the life of Building Warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable;
  - PLA40.04 to accept or reject Certificates of Completion, including late submissions;
  - PLA40.05 to determine applications for temporary occupation or use;
  - PLA40.06 to exercise the function of the Council in relation to building operations to secure building sites and demolition sites against entry under the Building Regulations;
  - PLA40.07 to evacuate buildings and carry out works in case of immediate danger;
  - PLA40.08 to serve Notices on the owners of dangerous buildings;
  - PLA40.09 to give authority to enter buildings;

- PLA40.10 to serve enforcement Notices on the owners of buildings to conform to the Building Regulations and continuing requirements;
  - PLA40.11 to serve enforcement Notices on the owners of unauthorised buildings; and
  - PLA40.12 to serve Defective Buildings Notices on the owners of defective buildings;
- PLA41 to authorise relevant officers to refer matters to the Procurator Fiscal and/ or to initiate proceedings under Building Standards legislation;
- PLA42 to exercise the powers of an authorised person under Section 11 of the Safety of Sports Grounds Act 1975 (power to enter and inspect a sports ground) and to exercise the powers of an authorised person under Section 35 of the Fire Safety and Safety of Places of Sport Act 1987 (power to enter and inspect a regulated grandstand);
- PLA43 to issue Safety Certificates, Prohibition Notices and Special Safety Certificates in terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Places of Sport Act 1987;
- PLA44 to provide aids, equipment and adaptations for the homes of disabled persons within the Council's Scheme of Assistance as guided by the Housing (Scotland) Act 2006;
- PLA45 to make Compensation Payments under Sections 304 to 310 of the Housing (Scotland) Act 1987;
- PLA46 to instruct House Adaptations from Capital and Repair or Improvements from revenue expenditure up to a value of £10,000;
- PLA47 to act in relation to homeless persons under Sections 24 to 43 of the Housing (Scotland) Act 1987;
- PLA48 in relation to Council Housing stock:
  - PLA48.01 to instruct the raising of court action for re-possession and/ or for recovery of arrears, in appropriate cases;
  - PLA48.02 to instruct actions with a view to recovery of arrears; and
  - PLA48.03 to instruct eviction;
- PLA49 to postpone the ranking of Discount Standard Securities in relation to 'Right-to-Buy' transactions, in association with the Head of Legal, HR and Regulatory Services and in accordance with practices in force from time to time;
- PLA50 to serve notice, enter premises and take any other action on behalf of the Council in terms of the Antisocial Behaviour etc (Scotland) Act 2004 as amended from time to time;
- PLA51 to purchase individual residential properties to be used as Council houses for rent on behalf of Housing Services up to the value of £150,000 and the

acquisition of land either in Council ownership or on the open market of up to £250,000 with agreement from the Portfolio Holder or, in their absence, the Leader or Depute Leader of the Council each subject to available funds, and to instruct Legal Services to execute the transaction(s) arising;

- PLA52 to represent the Council on Economic Development matters at appropriate meetings or events;
- PLA53 to seek the involvement of external agencies in the Economic Development of South Ayrshire;
- PLA54 to determine all applications for grant or loan assistance under such employment or development schemes as the Council may from time to time approve provided that there is sufficient budget provision, provided that approvals are on the basis of the approved scheme and provided that the total or cumulative Council assistance for the project does not exceed £100,000;
- PLA55 to seek sources of sponsorship to support Council events;
- PLA56 where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operators' Licences, under Section 63 of the Transport Act 1968;
- PLA57 to seek and maintain Vehicle Operator Licences and Registrations for the Council fleet;
- PLA58 to set charges for fleet hire to external agencies and (with the agreement of the Chief Executive) for in-house users;
- PLA59 to serve Litter Abatement Notice in terms of Section 92 of the Environmental Protection Act 1990;
- PLA60 to serve a Street Litter Control Notice in terms of section 93 of the Environmental Protection Act 1990;
- PLA61 to prescribe premises or land to which a Street Litter Control Notice may be issued in terms of Section 94 of the Environmental Protection Act 1990;
- PLA62 to enter any premises at any reasonable time in terms of Section 91 of the Control of Pollution Act 1974;
- PLA63 to take such persons and such equipment as is necessary when entering any premises in terms of section 92 of the Control of Pollution Act 1974;
- PLA64 to obtain information from any person by serving a notice on that person in terms of Section 93 of the Control of Pollution Act 1974;
- PLA65 to require any person to produce authority for transporting waste in terms of Section 5 of the Control of Pollution (Amendment) Act 1989;
- PLA66 to enter premises in terms of Section 7 of the Control of Pollution (Amendment) Act 1989;
- PLA67 to remove abandoned vehicles in terms of section 3 of the Refuse Disposal (Amenity) Act 1978;



- PLA68 to dispose of abandoned vehicles in such manner as the Director thinks fit in terms of Section 4 of the Refuse Disposal (Amenity) Act 1978;
- PLA69 to recover expenses for removal of vehicle from person responsible for abandoning vehicle in terms of section 5 of the Refuse Disposal (Amenity) Act 1978;
- PLA70 to remove and dispose of refuse other than a motor vehicle in terms of Section 6 of the Refuse Disposal (Amenity) Act 1978;
- PLA71 to enter any land at any reasonable time in terms of Section 8 of the Refuse Disposal (Amenity) Act 1978;
- PLA72 in relation to the opening of tenders in terms of Standing Orders relating to Contracts, to nominate officers to open tenders;
- PLA73 to return any tenders received after the closing date and time;
- PLA74 to make arrangements to advertise for disposal any property declared by the Council or relevant Panel to be surplus to the requirements of the Council, in accordance with the acquisitions and disposals policy;
- PLA75 to agree terms for the disposal of any land and buildings in accordance with the Council's acquisition and disposal policy provided: (i) the valuation figure is achieved; and (ii) the land and/ or buildings have been declared surplus to the requirements of the Council, and to then proceed to instruct Legal Services to execute the transactions arising without further reference to the **Leadership PanelCabinet**;
- PLA76 to agree terms for new leases up to 10 years and extensions and variations to existing leases, subject to the extensions or variations not extending the term of the existing lease by a period in excess of 10 years, provided the land and/ or buildings have been declared surplus to the requirements of the Council;
- PLA77 to agree terms for new leases over 10 years and extensions and variations to existing leases where this will extend the term of the existing lease by a period in excess of 10 years, provided that the proposed lease/ extension/ variation is not considered sensitive or controversial, and provided the land and/ or buildings in question have been declared surplus to the requirements of the Council;
- PLA78 to carry out day to day management of Council land and buildings;
- PLA79 to instruct repairs to Council property in accordance with Standing Orders Relating to Contracts;
- PLA80 to implement all lease and title conditions of Council property including the termination of leases and other agreements at their natural ish or in the event of breaches of conditions;
- PLA81 to manage surplus property;
- PLA82 to negotiate and agree terms for the renewal of lets, licences and the like;



- PLA83 to grant or instruct the granting of rent free periods of up to one year in order to allow for repairs, fitting out or decoration to be undertaken; to negotiate and agree termination of leases on suitable terms; to negotiate and agree alteration to rental payment periods;
- PLA84 to agree rent reviews;
- PLA85 to grant lets, wayleaves and/ or servitudes to utility undertakings (Scottish Power, Gas, etc);
- PLA86 to approve assignments and/ or sub-leases of leases of Council property on appropriate terms;
- PLA87 to agree terms and instruct the granting of Minutes of Waiver where there is no prejudice to the Council;
- PLA88 to agree terms and instruct the granting or variation of wayleaves or servitude rights over Council property where there is no prejudice to the Council;
- PLA89 to agree rent reviews at up to market value where the Council is the tenant;
- PLA90 to contest as considered appropriate and agree Rateable Values and Valuation Notices in respect of Council owned land and buildings;
- PLA91 In relation to the capital investment programme, following consideration by the Capital Asset Management Sub-Group, or the Housing Asset Management Sub-Group as the case may be, and consultation with the Capital Asset Management Group, to formally approve a budget transfer to a capital project from another capital project providing such transfer is within the overall capital programme budget and the amount involved does not exceed £100,000;
- PLA92 In relation to the Repairs and Renewals Fund, following consideration by the Capital Asset Management Group, to formally approve expenditure from that fund on works requiring to be undertaken, provided the amount involved does not exceed £100,000;
- PLA93 to instruct the raising of court action for recovery of possession and/ or for recovery of rent arrears, in appropriate cases;
- PLA94 to maintain the Council's Asset Register and keep records of all assets held by the Council;
- PLA95 to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions, etc, if outwith the scope of any approved Scheme and not otherwise provided for; and
- PLA96 to apportion office accommodation between Council Directorates and services.

## Head of Finance and ICT

- FICT01 to be the Proper Officer for the administration of the financial affairs of the Council in terms of Section 95 of the Local Government (Scotland) Act 1973’;
- FICT02 in respect of Council tax/ non-domestic rates, to act as the Proper Officer in terms of the appropriate legislation for all administrative purposes, including:
- FICT02.01 to arrange 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;
  - FICT02.02 to prepare and issue Council tax notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement, or remission of charges;
  - FICT02.03 to enter into arrangements with Communities Scotland, etc, in accordance with Schedule 2 of the Local Government Finance Act 1992, to administer Council tax reduction and discounts on behalf of the Council for all those resident in the housing authority’s property;
  - FICT02.04 to enter into arrangements with neighbouring Councils and others concerning the collection of rates, or Council tax on behalf of the Council, and to make arrangements with each agent as to suitable collection points;
  - FICT02.05 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, and/ or other Council tax, and the administration of any Council reduction or discount schemes, etc; and
  - FICT02.06 to enter into arrangements with Scottish Water for the collection of water and waste water charges with Council tax, and to negotiate appropriate terms and commission with the Water Authority in relation to the services rendered by the Council and its agencies;
- FICT03 in respect of loans and banking:
- FICT03.01 to act as the Proper Officer in the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
  - FICT03.02 to make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any statutory limitations;
  - FICT03.03 to make application for the necessary consents for the issue of Stock and foreign borrowing in terms of the Local Government

(Scotland) Acts 1973 and 1975 and the regulations made thereunder;

- FICT03.04 to ensure a placing with the Bank of England relative to Negotiable Bonds;
- FICT03.05 to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if deemed advisable, any United Kingdom or foreign bank as Registrar of Stocks, Bonds and Mortgages raised either within or without the United Kingdom and whether in sterling or in a foreign currency;
- FICT03.06 to sign and to authorise the signature of cheques on behalf of the Council;
- FICT03.07 to carry out temporary investment of surplus funds by making deposits with approved organisations; and
- FICT03.08 to authorise the leasing of assets, and the signing of lease finance agreements and contracts;
- FICT04 to negotiate with the Money Market;
- FICT05 to discharge the Investment functions of the Superannuation Fund under Regulation P6 and Paragraph 5 (C) of the Local Government Superannuation (Scotland) Regulations 1987 to review the investments made by the Managers;
- FICT06 to act for and represent the Council at Council Tax Appeal Hearings before the Valuation Appeal Committee in relation to Banding and Rebate Appeals;
- FICT07 to make advance payments – both by way of wages and to contractors;
- FICT08 to negotiate settlement of invoices by instalments;
- FICT09 to exercise the specific delegations contained in the Council's Financial Regulations; and
- FICT10 to write-off debts of up to £10,000.

## Head of Legal, HR and Regulatory Services

- LHRRS01 to issue Notices in terms of Section 79 of the Environmental Protection Act 1990;
- LHRRS02 to issue Licences in terms of the Milk (Special Designations) (Scotland) Order 1988;
- LHRRS03 to approve Chimney Heights (Clean Air Acts);
- LHRRS04 to enter any premises at any time in a situation in which in his/ her opinion there is an immediate risk of serious pollution of the environment or serious harm to human health or at any reasonable time when a less immediate risk is perceived;
- LHRRS05 to take samples, measurements and photographs and to require any person to provide information and assistance with any such investigation in terms of Section 69 of the Environmental Protection Act 1990;
- LHRRS06 to seize any article or substance and render it harmless in terms of Section 70 of the Environmental Protection Act 1990;
- LHRRS07 to enter any premises in terms of the Environmental Protection Act 1990;
- LHRRS08 to require any person to provide information in terms of the Environmental Protection Act 1990;
- LHRRS09 to serve a Notice to remove a statutory nuisance in terms of the Environmental Protection Act 1990;
- LHRRS10 to discharge the duties of the Council under Section 19 (Appointment of Inspectors) of the Health and Safety at Work Etc Act 1974 as amended from time to time for the purpose of the Explosive Acts of 1875 and 1923 (as amended);
- LHRRS11 to serve notice, enter premises and take any other action on behalf of the Council in terms of the Antisocial Behaviour etc (Scotland) Act 2004 as amended from time to time;
- LHRRS12 to exercise the powers given to the Council by the Local Authorities (Goods and Services) Act 1970 as amended from time to time;
- LHRRS13 to authorise relevant officers to refer matters to the Procurator Fiscal related to or connected with alleged breaches of or offences under primary and secondary legislation relating to consumer protection or trading standards;
- LHRRS14 to appoint a duly qualified officer to act as Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
- LHRRS15 to issue and/ or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be within the remit of the Regulatory Panel, in accordance with the approved codes of practice and statutory provisions relating thereto and to vary, revoke and amend conditions contained within such licences;

- LHRRS16 to authorise such officers as he/ she deems necessary and appropriate to exercise the powers and duties of an Inspector and authorised officer (including the powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure, serving notices, taking possession of animals and initiating prosecutions, where appropriate) and including the power to issue Notices (including Suspension Notices, Notices (requirement to mark or warn), Withdrawal or Recall Notices, Improvement Notices, Prohibition Notices, Emergency Prohibition Notices, Abatement Notices, Enforcement Notices, Remediation Notices, Care Notices, Fixed Penalty Notices and other such Notices) on behalf of the Council under such legislation as may from time to time be within the remit of the Regulatory Panel;
- LHRRS17 to authorise officers to take any necessary action under the Enterprise Act 2002;
- LHRRS18 to authorise relevant officers to refer matters to the Procurator Fiscal and/ or to initiate proceedings under primary or secondary Environmental Health legislation;
- LHRRS19 to issue Notices in terms of Section 94 of the Civic Government (Scotland) Act 1982;
- LHRRS20 to carry out the Council's functions in relation to any Acts, Regulations or Orders falling within the remit of the Regulatory Panel;
- LHRRS21 to agree transfer of enforcement authority with the Health and Safety Executive in terms of Regulations in force from time to time;
- LHRRS22 to carry out all the duties and functions falling to the Council in terms of dealing with requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, as amended from time to time;
- LHRRS23 to deal with requests for civic receptions/ hospitality in accordance with the approved guidelines;
- LHRRS24 to make and renew appointments to the Joint Panel of Curators ad Litem and Reporting Officers;
- LHRRS25 to determine whether Petition requests comply with the requirements of Council Standing Orders;
- LHRRS26 in consultation with the Chief Executive, the appropriate Director or Head of Service, to respond to allegations of maladministration notified by the Scottish Public Services Ombudsman;
- LHRRS27 to undertake the Council's duties in relation to records management including preparation of a Records Management Plan;
- LHRRS28 to take steps to ensure Council compliance with data protection legislation and to respond to requests for release of personal data;
- LHRRS29 to act as the Council's representative for functions of the Registrar General for Scotland as regards statistics;

- LHRRS30 to undertake the Council's duties in respect of registration of births, deaths and marriages, citizenship ceremonies, civil ceremonies and to conduct searches for the purposes of genealogy;
- LHRRS31 to sign missives and other similar documents binding the Council;
- LHRRS32 to engage Counsel or external legal firms as may be appropriate for Court and other legal business if and when he or she may consider this to be necessary to enable the legal work of the Council to be carried out and to appoint parliamentary agents as and when deemed necessary;
- LHRRS33 to discharge the functions of the Council in relation to any type of judicial and quasi-judicial proceedings and in that regard to initiate, enter, defend, negotiate and agree extra judicial settlements in line with budgetary provision and withdraw from such proceedings;
- LHRRS34 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;
- LHRRS35 to authorise payments to account to sellers of property to the Council in cases where negotiations through the District Valuer are protracted for any reason, up to a value of 90 per cent of the valuation;
- LHRRS36 to authorise payments to account to sellers of property to the Council in cases where conveyancing procedures are protracted for any reason subject to the exhibition of a good title and the grant of appropriate undertakings;
- LHRRS37 to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer;
- LHRRS38 to appoint such Depute Clerks to the Licensing Board as may be required;
- LHRRS39 to issue and/ or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be within the remit of the Regulatory Panel, in accordance with approved codes of practice and the statutory provisions relating thereto;
- LHRRS40 to agree venues for Civil Marriages and Civil Partnerships;
- LHRRS41 to approve member attendance at conferences and seminars within budget;
- LHRRS42 to appoint as Inspectors and authorised officers for the purposes of the administration and enforcement of legislation within the remit of the Regulatory Panel such of his/ her officers as he/ she may deem necessary and appropriate;
- LHRRS43 to appoint in terms of section 13 of the Licensing (Scotland) Act 2005 one or more Licensing Standards Officers, authorised in respect of the functions as specified in the said Act;

- LHRRS44 to appoint in terms of section 45G of the Civic Government (Scotland) Act 1982 as amended, one or more Civic Licensing Standards Officers, authorised in respect of the functions as specified in the said Act;
- LHRRS45 to appoint from time to time such members of the Local Licensing Forum for the area of South Ayrshire as he/ she may deem necessary and appropriate, all in terms of section 10 and Schedule 2 of the Licensing (Scotland) Act 2005;
- LHRRS46 to act in terms of licensing functions within the remit of the Regulatory Panel from time to time, as follows:
- LHRRS46.01 Applications for refunds of licence fees;
- LHRRS46.02 Notification of material changes of circumstances;
- LHRRS46.03 Granting or refusing of temporary licences;
- LHRRS46.04 Granting of vehicle licences where the only adverse comments received are non-vehicle related;
- LHRRS46.05 Applications for public charitable collections of a non-political nature; **and**
- LHRRS46.06 Suspension of Taxi or Private Hire Car Vehicle licences on failure to produce for annual inspection or where the vehicle is considered unfit for public usage having regard to its condition; **and**
- LHRRS46.07 Immediate suspension of Taxi or Private Hire Driver's licence on the grounds that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety.**
- LHRRS47 to make and execute on behalf of the Council orders under Section 63 of the Civic Government (Scotland) Act 1982 with regard to the holding of public processions;
- LHRRS48 to act as the Proper Officer and to sign all deeds and other documents which require to be executed by the Council;
- LHRRS49 to act as Senior Responsible Officer, to appoint nominated officers, and to maintain a register of authorisations in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 and associated regulations;
- LHRRS50 to execute transactions for the acquisition, disposal, lease etc of property or land on the basis of terms approved in accordance with the Scheme of Delegation and as instructed by the Director - Place;
- LHRRS51 in respect of insurance:
- LHRRS51.01 to take out the necessary insurances to protect the interests of the Council;
- LHRRS51.02 to make arrangements with insurance companies concerning the settlement of claims; and



LHRRS51.03 in respect of:

- claims not settled by the Council's Agents; and
- those claims up to a maximum of £25,000, to settle:
  - \* Public liability claims;
  - \* Employer's liability claims;
  - \* Motor - own fleet claims; and
  - \* Motor - hired plant claims;

if the settlement involves a court action in which he/ she has represented the Council, or in cases and/ or for amounts to be settled below any insurance excess, or in cases where there is an uninsured loss;

LHRRS52 to settle claims made against the Council where there is no insurance cover up to a maximum of £25,000;

LHRRS53 to issue and/ or renew licences in respect of all licensing matters not specifically delegated to other Council Directorates, subject to conforming with established practice and any statutory provisions relating thereto;

LHRRS54 in terms of the Health and Safety at Work Act 1974, to carry out all duties set out in the Council's Policies for Health, Safety and Welfare in Places of Work as amended from time to time;

LHRRS55 to settle claims for damage to hired plant;

LHRRS56 to make temporary loans of archival material for exhibition or research;

LHRRS57 to accept private archives which may be offered to the Council;

LHRRS58 to refer to the Procurator Fiscal consideration of instigation of legal proceedings for offences under the Town and Country Planning (Scotland) Act 1997 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and re-planting notices under Section 168 of the Town and Country Planning (Scotland) Act 1997;

LHRRS59 to act in relation to Sub-Standard Housing and Repair of Houses under Parts IV and V of the Housing (Scotland) Act 1987;

LHRRS60 to act in relation to Closing and Demolition Orders under Part VI of the Housing (Scotland) Act 1987;

LHRRS61 to act in relation to Overcrowding and Houses in Multiple Occupation under Parts VII and VIII of the Housing (Scotland) Act 1987;

LHRRS62 authority during the COVID-19 Pandemic to determine any applications, suspensions, revocations or other business which would normally require a determination by, or a hearing before the Licensing Committee, provided the rules of natural justice, namely a right to a fair hearing, can be satisfied;



- LHRRS63 authority during the COVID-19 Pandemic to vary the terms and to extend any licence which would otherwise expire during the emergency by 3 months;
- LHRRS64 authority during the COVID-19 Pandemic to authorise such officers as deemed necessary to act under health protection regulations made under Schedule 19 of the Coronavirus Act 2020;
- LHRRS65 to approve, in conjunction with the appropriate Director or Head of Service, funding of and time off to attend (with or without pay) courses of further education;
- LHRRS66
- LHRRS66.01 to approve changes in job titles where there is no change in grade;
- LHRRS66.02 to review and amend grade and/ or grade placing in appropriate circumstances, in line with job evaluation or re-evaluation and the Council's pay models; and
- LHRRS66.03 to approve initial placing within approved salary scales;
- LHRRS67 to take decisions under and in terms of the Council's workforce policies and procedures;
- LHRRS68 to approve payment of removal expenses, in accordance with approved Council policy;
- LHRRS69 to deal with nominations for admitted body status by external agencies to the Strathclyde Pension Scheme and any associated issues;
- LHRRS70 in relation to staffing matters, to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
- LHRRS71 to exercise the Council's functions in relation to the Superannuation Fund through the lead authority arrangements and in accordance with the Council's Financial Regulations;
- LHRRS72 to keep under review a Scheme of Members' Remuneration in accordance with legislation and relevant regulations/ guidance; and
- LHRRS73 to identify vacant posts to be ring-fenced for applications from young people who have completed a Modern Apprenticeship with the Council and to determine that such posts will not be advertised by the service.

## Director of Health and Social Care

- HSC01 To act as the Chief Officer of the South Ayrshire Integration Joint Board (SAIJB) and to be responsible for the strategic and operational management and performance of integrated health and social care functions delegated to SAIJB (see section 6 of this Scheme) insofar as they relate to services delivered by the Council, in accordance with Council policies and procedures where applicable;
- HSC02 to carry out all the functions of the Council in terms of the Social Work (Scotland) Act 1968;
- HSC03 to carry out the functions of the Council in terms of Section 12 of the Social Work (Scotland) Act 1968 under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area; including authority:
- HSC03.01 to make loans or grants up to a limit of £1,500 in one month in respect of any one individual and subject to a report being made to the ~~Leadership Panel~~**Cabinet** on the total amount of assistance so given in any one month;
- HSC03.02 to give any other appropriate assistance, including provision for the storage of furniture in cases of emergency; and
- HSC03.03 to accept or reject applications for the installation of telephones for people with disabilities, based on approved criteria and the availability of finance;
- In calculating the amount given or lent for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Council;
- HSC04 to carry out all the relevant functions of the Council in terms of the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Children and Young People (Scotland) Act 2014, and all associated Regulations;
- HSC05 to take decisions and make authorisations in terms of the Secure Accommodation (Scotland) Regulations 2013 and the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013;
- HSC06 to carry out assessments under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation;
- HSC07 to arrange or assist in arranging holidays, including holidays abroad or other temporary absences of any child in the care of Council, except in those cases where the cost to them is in excess of £1,500;
- HSC08 to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 relating to the temporary storage of furniture in certain circumstances on behalf of certain persons;

- HSC09 to carry out the functions of the Council in relation to child protection through the statutory Child Protection Committee, and in relation to adult protection through the statutory Adult Protection Committee;
- HSC10 to carry out the functions of the Council in relation to the Adoption Agencies (Scotland) Regulations 2009 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
- HSC11 to carry out all the functions of the Council in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- HSC12 to carry out all the functions of the Council in terms of the Social Care (Self-directed Support) (Scotland) Act 2013 and associated Regulations;
- HSC13 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;
- HSC14 to carry out the functions of the Council in relation to the Adoption of Children in terms of the Adoption (Scotland) Act 1978, the Adoption and Children (Scotland) Act 2007, and the Children Act 1975 as amended from time to time;
- HSC15 to carry out the functions of the Council as care authority under the Looked After Children (Scotland) Regulations 2009;
- HSC16 to consider and determine reviews of original decisions made in connection with fostering and adoption matters;
- HSC17 to consider and determine recommendations by the Fostering and Permanency Panel for assistance with legal fees and medical expenses; and
- HSC18 to carry out all the functions of the Council in terms of the Adult Support and Protection (Scotland) Act 2007.

***Role of Chief Social Work Officer***

To the extent explicitly required by statute, the foregoing delegations shall be undertaken by the Council's Chief Social Work Officer in place of the Director of Health and Social Care.

The post designated Chief Social Work Officer will undertake the statutory role.

When the Chief Social Work Officer is absent due to annual leave or illness, the Director of Health and Social Care shall undertake the foregoing delegations, to the extent explicitly required by statute.

## Statutory Appointments of Officers

In terms of various statutes, the Council is required to appoint officers for a variety of particular purposes. Officers so appointed are empowered to take such action as is implicit in their role. The statutory appointments agreed by the Council are as follows:

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
<b>Social Work (Scotland) Act 1968</b>		
Section 3	Chief Officer of Social Work	Chief Social Work Officer
<b>Local Government (Scotland) Act 1973</b>		
Section 33A	Proper Officer for various purposes in connection with Councillors' declaration of acceptance of office	Chief Executive
Section 34	Proper Officer for receipt of Councillors' resignations	Chief Executive
Sections 43 and Schedule 7	Proper Officer for various purposes in connection with meetings and proceedings of the Council, Committees and Panels	Head of Legal, HR and Regulatory Services
Sections 50A – 50K	Proper Officer for various purposes in connection with access to meetings and documents of the Council, Committees and Panels	Head of Legal, HR and Regulatory Services
Section 92	Proper Officer for dealing with the transfer of securities	Head of Finance and ICT
Section 95	Proper Officer for the administration of the Council's financial affairs ('Section 95 Officer')	Head of Finance and ICT
<b>Local Government (Scotland) Act 1973 (contd)</b>		
Section 145	Proper Officer in respect of Ordnance Survey applications	Director - Place
Section 190	Proper Officer for service of legal proceedings, notices, etc, on the Council	Head of Legal, HR and Regulatory Services

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
Section 191	Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations	Head of Finance and ICT
Section 193	Proper Officer in respect of authentication of documents	Chief Executive/ Director of Education/ Director - Place/ Director of Health and Social Care/ Head of Legal, HR and Regulatory Services
Section 197	Proper Officer in respect of arrangements for the inspection and depositing of documents	Head of Legal, HR and Regulatory Services
Sections 202 to 204	Proper Officer for various purposes in connection with byelaws	Head of Legal, HR and Regulatory Services
Section 206	Proper Officer in respect of the keeping of a register of persons admitted as freemen of the Council's area	Chief Executive
<b>Local Government (Scotland) Act 1975</b>		
Sections 28 and 29	Proper Officer in respect of reports by the Ombudsman	Head of Legal, HR and Regulatory Services
<b>Licensing (Scotland) Act 2005</b>		
Section 5 and Schedule 1	Clerk to the Licensing Board	Head of Legal, HR and Regulatory Services
<b>Civic Government (Scotland) Act 1982</b>		
Section 113	Proper Officer in respect of evidence of management rules	Head of Legal, HR and Regulatory Services
<b>Representation of the People Act 1983</b>		
Section 41	Returning Officer	Chief Executive
<b>Local Government and Housing Act 1989</b>		
Section 2	Proper Officer in respect of lists of politically restricted posts	Chief Executive
Section 4	Head of Paid Service	Chief Executive
Section 5	Monitoring Officer	Head of Legal, HR and Regulatory Services

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
Section 19	Proper Officer for various purposes in connection with Members' interests	Head of Legal, HR and Regulatory Services
<b>Requirements of Writing (Scotland) Act 1995</b>		
Paragraph 4, Schedule 2	Proper Officer in respect of execution of Deeds	Head of Legal, HR and Regulatory Services/ Service Lead – Legal and Licensing
<b>Ethical Standards in Public Life, Etc (Scotland) Act 2000 (Register of Interests) Regulations 2003</b>		
Regulation 3	Proper Officer for all purposes in connection with registration of Members' interests and other related purposes under the Councillors' Code of Conduct	Head of Legal, HR and Regulatory Services
<b>General Data Protection Regulation 2016</b>		
Article 37	Data Protection Officer	Service Lead – Democratic Governance

## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: [Equality Impact Assessment including Fairer Scotland Duty](#)

Further guidance is available here: [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#)

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

### 1. Policy details

Policy Title	Scheme of Delegation
Lead Officer (Name/Position/Email)	Eileen Howat, Chief Executive – eileen.howat@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – gender identity (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children's Rights	-	-

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

**5. Summary Assessment**

<p><b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b>)</p>	<p><del>YES</del></p> <p><b>NO</b></p>
<p><b>Rationale for decision:</b></p> <p><b>This report provides an update on amendments to the Scheme of Delegation following further review, and asks Members to approve. Their decision on this has no specific equality implications</b></p>	
<p><b>Signed :</b> Eileen Howat <b>Chief Executive</b></p> <p><b>Date:</b> 20 May 2022</p>	