

DELEGATION TO OFFICIALS

(AS REQUIRED BY SECTION 50G (2) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973)

37. GENERAL PROVISIONS

- 37.1 Where statutory powers are delegated to the Chief Executive, Directors, or any other officer, those powers are to be exercised (i) subject to the Council or the relevant Committee retaining overall control of general policy matters and (ii) subject to the power contained in Section 56(4) of the Local Government (Scotland) Act 1973 allowing the Council or the relevant Committee to exercise those statutory powers.
- 37.2 Any reference to a statutory provision includes a reference to any subsequent amending or superseding provision.
- 37.3 All powers delegated to any officers are done so within the context of and subject to any specific duties, powers, restrictions and reservations as set out in any of the following acts and all relevant subordinate legislation :-
- Local Government (S) Act 1973
 - Local Government etc. (S) Act 1994
 - Local Government & Housing Act 1989
 - Local Government in Scotland Act 2003
- 37.4 The Chief Executive, Directors, or any other officer possessing delegated powers in terms of this Scheme may, unless otherwise stated, authorise any other officer to exercise that delegated power. A record should be kept of such further delegation.
- 37.5 The Chief Executive, Directors, or any other officer possessing delegated powers in terms of this Scheme are authorised to take, or make arrangements for, any action required to implement any decision of the Council, its Committees or any decision taken in the exercise of delegated powers.
- 37.6 The Chief Executive, Directors, or any Strategic Lead are authorised to take all necessary actions in order to affect the delivery of their services and the management of their staff.
- 37.7 The Chief Executive or Directors, in consultation with the relevant statutory officers, are authorised to take such measures as may be required in emergency situations, subject to reporting to Council or the relevant Committee as soon as possible on any matters for which approval would normally be necessary.
- 37.8 In exercising the authority delegated to them, officers must act in accordance with the policies and procedures of the Council, its Committees and Sub-Committees.
- 37.9 The Chief Executive, Directors, or any other officer possessing delegated powers in terms of this Scheme are authorised to enter into contracts on behalf of the Council in accordance with the Council's Financial Regulations, Contract Rules and Contract & Procurement Guidance.

- 37.10 The Chief Executive, or any Director, in consultation with the Strategic Lead – Finance & Business Support, may determine ex-gratia payments in respect of claims against the Council of up to £25,000.
- 37.11 The Chief Executive or any Director may in accordance with Council's recruitment policies and procedures, appoint Strategic Leads or equivalent.
- 37.12 Strategic Lead, in consultation with the relevant Director as appropriate, may in accordance with Council's recruitment policies and procedures, appoint all employees below the level of Strategic Lead or equivalent.
- 37.13 The Chief Executive, Directors, or Strategic Leads in consultation with the relevant Director, may amend the establishment of their Service in respect of the number and grading of posts, provided the Strategic Lead - Finance & Business Support and the Council's most senior Human Resources officer have been consulted.
- 37.14 The Chief Executive, Directors and Strategic Leads may attend or may authorise any employee in their Service to attend conferences, meetings (including appropriate professional associations) or undertake visits, both within and out with the United Kingdom relating to the duties of that employee.
- 37.15 The Chief Executive may, in consultation with the Strategic Lead - Finance & Business Support and the Council's most senior Human Resources officer, approve applications to leave the employment of the Council on grounds of redundancy and/or early retirement by any employee in their Service (with the exception of Chief Officers), where a saving will be generated.
- 37.16 The Chief Executive, any Director or Strategic Lead may approve requests to work under flexible retirement provisions where there is no cost to the pension fund.
- 37.17 The Chief Executive or any Director in consultation with the Strategic Lead – Property Services may declare any property held by their Service surplus to operational requirements.

38. CHIEF EXECUTIVE

38.1 The Chief Executive is authorised:

- to give a direction in special circumstances that any official shall not exercise a delegated function, or to exercise that delegated function, always subject to reporting to the next meeting of the Council or the relevant Committee.
- to act as Returning Officer / Counting Officer for all elections / referenda. The Strategic Lead – Finance & Business Support is authorised to act as the Depute Returning Officer.
- to suspend any Director from duty, subject to any appropriate statutory provisions and to reporting the suspension to the Finance and Resources Committee as soon as practicable.
- in consultation with the Provost, to grant civic hospitality up to a maximum cost of £5,000.

38.2 The Chief Executive is designated as the Head of Paid Service, in accordance with Section 4 of the Local Government and Housing Act 1989. As such the Chief Executive, supported by the Directors, is responsible for the executive management, policy and performance of all operational services provided by the Council.

38.3 The Chief Executive as the Head of Paid Service is authorised to exercise the functions of the Council in relation to the Health and Safety at Work Act 1974 and all relevant subordinate and related legislation.

39. ROLE OF DIRECTORS

39.1 The Director (Strategy, People & Resources), the Director (Economy, Place & Learning) and the Director of Integrated Health & Social Care will deputise for the Chief Executive as may be required from time to time in their absence. When doing so, they may use the title of Depute Chief Executive.

39.2 Should at any point there be absence or unavailability of the substantive Chief Executive for a period of more than 4 weeks, the Director (Strategy, People & Resources) will become the Interim Chief Executive and assume the role of Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.

39.3 The Director (Strategy, People and Resources) has line management and executive responsibility for the following Strategic Leads-

- Finance & Business Support
- Legal & Governance
- Property Services
- Customer & Digital Services
- Strategic Planning, People & Performance
- Projects & Programmes (Interim)

39.4 The Director (Economy, Place & Learning) has line management and executive responsibility for the following Strategic Leads:-

- Economy, Development & Planning
- Children, Families & Justice
- Education & Learning
- Housing & Communities
- Environment & Infrastructure

39.5 Director (Integrated Health & Social Care) / Chief Officer - Integration Joint Board has line management and executive responsibility for the following Strategic Leads within the Perth and Kinross Health & Social Care Partnership (“HSCP”):-

- Integrated Health & Social Care (Adults)
- Integrated Health & Social Care (Older People)
- Head of Governance & Performance/ Chief Finance Officer

39.6 The Directors, together with the Chief Executive will provide the executive leadership in relation to:

- Delivery of the Council’s Corporate Plan
- Partnership Working
- Community Planning
- Strategic Resource Management
- Organisational Performance
- Corporate Communications
- External Stakeholder Relationships
- Best Value

40. STRATEGIC LEAD - LEGAL AND GOVERNANCE

40.1 The Strategic Lead - Legal & Governance is designated as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.

40.2 The Legal Managers will deputise for the Strategic Lead- Legal & Governance in the capacity as Monitoring Officer as may be required from time to time.

40.3 The Strategic Lead - Legal and Governance Services is authorised:

40.4 General

- To make orders for the prohibition, restriction etc. of traffic in terms of the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984 or any amending or superseding legislation.
- To make orders for the temporary prohibition or restriction of traffic in terms of Section 14(1) of the Road Traffic Regulation Act 1984 and Section 62 of the Roads (Scotland) Act 1984 or any amending or superseding legislation.
- To institute, defend or appear in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority).
- To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under any Act or any regulation or order made thereunder.
- To receive notifications of public processions and to either approve or make orders imposing conditions on the holding of such processions under Section 63(1) of the Civic Government (Scotland) Act 1982.
- To exercise the functions of the Council in terms of the following Acts and all relevant subordinate legislation:
 - Regulation of Investigatory Powers Act 2000
 - Regulation of Investigatory Powers (Scotland) Act 2000

40.5 Procurement

- To exercise the functions of the Council in relation to public procurement, including tender and contract award.

40.6 Licensing Under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

- To exercise the functions of the Council under the above Acts except:

- (i) The approval of an application for a licence or variation of the terms of a licence where an objection or unfavourable representation has been received in relation to the application, and
- (ii) The suspension of a licence under paragraph 11 of Schedule 1 of the 1982 Act.
- (iii) The revocation of a house in Multiple-Occupation license under Section 139 of the 2006 Act.

40.7 To exercise the functions of the Council in relation to the Local Licensing Forum in terms of the Licensing (Scotland) Act 2005 and all related subordinate legislation.

40.8 Permits under the Gambling Act 2005

- To approve applications for permits in terms of the Gambling Act 2005.

40.9 Byelaws and Management Rules

- To maintain (a) the Register of Byelaws and (b) the Register of Management Rules.
- To initiate reviews of current Byelaws and Management Rules.

40.10 Anti-Social Behaviour etc. (Scotland) Act 2004 – Private Landlord Registration

- To register landlords where there are no adverse reports and to issue rent penalty notices under Section 94 and notice of relocation under Section 95.

40.11 Children’s Hearings Scotland

- To exercise the functions of the Council in respect of the arrangements for the appointment of legal representatives to children under the Children’s Hearings (Legal Representation) (Scotland) Rules 2002 and Children’s Hearings (Scotland) Act 2011.
- To exercise the functions of the Council in respect of the relevant region and Children’s Panel area or Panels appointed under the Children’s Hearings (Scotland) Act 2011, including supporting arrangements for training of relevant members of said Panel or Panels and associated volunteers.

40.12 Information Risk

- To be designated as the Senior Information Risk Officer.

40.13 Public Order

- To make Orders under Section 14A of the Public Order Act 1986.

41. STRATEGIC LEAD- FINANCE & BUSINESS SUPPORT

41.1 The Strategic Lead – Finance & Business Support is designated as the Council's Chief Finance Officer in accordance with Section 95 of the Local Government (S) Act 1973.

41.2 The Finance Managers/Business Partners will deputise for the Strategic Lead- Finance & Business Support in the capacity as Chief Finance Officer as may be required from time to time.

41.3 The Strategic Lead - Finance and Business Resources is authorised:

41.4 Finance

- To make the necessary arrangements in accordance with the CIPFA Code of Practice on Treasury Management for duly authorised borrowing and lending in terms of Schedule 3 to the Local Government (Scotland) Act 1975.
- To make adjustments to management budgets (Revenue) that:
 - Do not result in any increase or reduction in the Net Expenditure of the Council
 - Do not adjust Council policy

41.5 Pensions

- In relation to the Local Government Pension Scheme (Benefit, Membership and Contributions) (Scotland) Regulations 2008, to determine pension discretions other than those contained in [Report 15/400](#).

42 STRATEGIC LEAD – PROPERTY SERVICES

42.1 The Strategic Lead – Property Services is authorised:

- to act as the Council's agent in all operational property matters.
- to determine requests for lets, including free lets or lets at reduced charge of educational and other operational facilities.

43 STRATEGIC LEAD -DIGITAL & CUSTOMER SERVICES

43.1 The Strategic Lead – Digital & Customer Services is authorised to exercise the functions of the Council under the following legislation and all relevant subordinate legislation;-

- Council Tax (General) Regulations 1992
- Housing Benefit (General) Regulations 1987
- Local Government Finance Act 1992

:

43.2 The Strategic Lead – Digital & Customer Services is authorised:

43.3 Registration of Births, Deaths, Marriages, Civil Partnerships and Other Life Events

- to exercise the functions of the Council as local Registration Authority for the purposes of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Marriage (Scotland) Act 1977, Civil Partnership Act 2004 and the Local Electoral Administration and Registration Services (Scotland) Act 2006, and all related subordinate legislation.

43.4 to award Rates relief in accordance with legislation and the Council's agreed discretionary policies.

43.5 to be designated as the Depute Senior Information Risk Officer

44. STRATEGIC LEAD –CHILDREN, FAMILIES & JUSTICE

44.1 The Strategic Lead – Children, Families & Justice is authorised:

Children's Services

- To manage and deliver the operational services to enable the Council to fulfil its duties in relation to children and young people in terms of the following Acts and all related subordinate legislation:
 - Adoption and Children (Scotland) Act 2007
 - Adoption (Intercountry Aspects) Act 1999
 - Adults with Incapacity (Scotland) Act 2000
 - Anti-Social Behaviour etc. (Scotland) Act 2004
 - Carers (Recognition and Services) Act 1995
 - Carers (Scotland) Act 2016
 - Children (Scotland) Act 1995
 - Children (Scotland) Act 2020
 - Children Act 1975
 - Children and Young People (Scotland) Act 2014
 - Children and Young Persons (Scotland) Act 1937
 - Children's Hearings (Scotland) Act 2011
 - Chronically Sick and Disabled Persons Act 1970
 - Chronically Sick and Disabled Persons Act 1972
 - Community Care (Direct Payments) Act 1996
 - Disabled Persons (Services, Consultation and Representation) Act 1986
 - Education (Additional Support for Learning) (Scotland) Act 2004
 - Equality Act 2010
 - Forced Marriage Etc (Protection and Jurisdiction) (Scotland) Act 2011
 - Foster Children (Scotland) Act 1984
 - Immigration and Asylum Act 1999
 - Mental Health (Care and Treatment) (Scotland) Act 2003
 - Nationality, Immigration and Asylum Act 2002
 - Protection of Children (Scotland) Act 2003

- Protection of Vulnerable Groups (Scotland) Act 2007
- Public Services Reform (Scotland) Act 2010
- Self Directed Support (Scotland) Act 2013
- Social Work (Scotland) Act 1968

44.2 To appoint a suitably qualified Agency Decision Maker in connection with the approval, amendment or rejection of recommendations made by the Fostering and Permanence Panel.

44.3 Under the Support Assistance for Young People Leaving Care (Scotland) Regulations 2003:

- (i) To provide the minimum level of Financial Support to young people leaving care at age 16.
- (ii) Approve individual payments in consultation with Convener and Vice-Conveners.

44.4 Criminal Justice

- To carry out the functions of the Council in relation to criminal justice services in terms of the following Acts and all related subordinate legislation:
 - Community Justice (Scotland) Act 2016
 - Crime and Disorder Act 1998
 - Criminal Justice (Scotland) Act 2003
 - Criminal Procedure (Scotland) Act 1995
 - Management of Offenders (Scotland) Act 2005
 - Mental Health (Care and Treatment) (Scotland) Act 2003
 - Prisons (Scotland) Act 1993
 - Prisoners and Criminal Proceedings (Scotland) Act 1993
 - Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
 - Sexual Offences Act 2003
 - Sexual Offences (Scotland) Act 2009
 - Social Work (Scotland) Act 1968
- To determine applications for the employment of children in terms of the Perth and Kinross Council Bye-laws on the Employment of Children 1999.
- To determine applications for licences in respect of children taking part in public performances in terms of the Children (Performances) Regulations 1968.
- To accept or reject material offered as donations, loans, sponsorship or bequests in respect of Children, Families & Justice Services

45 STRATEGIC LEAD- EDUCATION & LEARNING

45.1 The Strategic Lead – Education & Learning is authorised:

Schools Education

- To carry out the functions of the Council as Education Authority in terms of the Acts set out at paragraph (i) below and all related subordinate legislation, subject to the qualification in paragraph (ii) below and under the exception of the specific provisions of the Education (Scotland) Act 1980 set out in paragraph (iii):
 - (i) Children and Young Persons (Scotland) Act 1937
Children (Scotland) Act 1995
Education (Additional Support for Learning) (Scotland) Act 2004
Education (Scotland) Act 1980
Education (Scotland) Act 2016
Gaelic Language (Scotland) Act 2005
Health (Tobacco, Nicotine etc and Care (Scotland) Act 2016
Road Traffic Regulation Act 1984
Schools (Health Promotion and Nutrition) (Scotland) Act 2007 for education
Scottish Schools (Parental Involvement) Act 2006
Standards in Scotland's Schools etc. Act 2000
 - (ii) In respect of exclusions of pupils, the power to exclude may be exercised by the Head Teacher and in the absence of the Head Teacher by a Depute Head Teacher. Where neither Head Teacher nor the Depute Head Teacher is available to consider a possible exclusion, the Strategic Lead – education & Learning or a Service Manager, School Improvement Services, may exercise the power to exclude.

In respect of a referral that a pupil be removed from the school register, only the Strategic Lead – Education & Learning may make such a decision.
 - (iii) Section 20 - Acquisition of land and execution of works
Section 22 - Discontinuance and moves of educational establishments
Section 22A - Any proposals requiring consultation under this Section
Section 79 - Receiving and administering bequests
Section 105 - Schemes for management of endowments
- To approve requests from teachers who meet the criteria set by SPPA wind down and to take phased retirement, where there are no costs to the Council.
- To accept or reject material offered as donations, loans, sponsorship or bequests in respect of Education Services.

46 STRATEGIC LEAD – HOUSING & COMMUNITIES

46.1 The Strategic Lead – Housing & Communities is authorised:

- To exercise the functions of the Council in terms of the following Acts and all relevant subordinate legislation:
 - Regulation of Investigatory Powers Act 2000
 - Regulation of Investigatory Powers (Scotland) Act 2000

46.2 Housing

- To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:
 - Anti-Social Behaviour (Scotland) Act 2004
 - Crime & Disorder Act (Chapter ii), and Anti-Social Behaviour etc. (Scotland) Act 2004
 - Housing Act 1988
 - Housing (Scotland) Acts 1987, 1988, 2001, 2006 (with the exception of Part 5 Houses in Multiple Occupation) and 2010
 - Housing (Scotland) Act 2014
- To implement, determine and vary conditions of let for Council house tenants, including, eviction, where appropriate.
- To allocate Council houses in accordance with the scheme approved by the Council.
- To act as the responsible person in terms of the Property Factors (Scotland) 2011 as approved by the Housing and Health Committee on 31 October 2012 (Art. 518) ([Report 12/481](#)).
- To administer the Council's Housing Grant Scheme in terms of the Housing (Scotland) Act 1987 and the Civic Government (Scotland) Act 1982.

46.3 Countryside

- To exercise the functions of the Council in terms of the Countryside (Scotland) Act 1967 and all related subordinate legislation, but with the following exceptions:
 - Section 24 - Acquisition of land for public access
 - Section 31 - Creation of public paths by compulsion
 - Sections 34 -38 - Closure and diversion of public paths
 - Section 54 - Byelaws
- To exercise functions of the Council in terms of the Land Reform (Scotland) Act 2003 and all related subordinate legislation, but with the following exceptions:

- Section 11 - Power to exempt land from the right of access for 6 days or longer
 - Section 12 – Making Byelaws
 - Section 16 - Acquisition of land to enable or facilitate access rights
 - Section 18 - Core paths plan: further procedure - giving notice of the plan, formal consultation, adopting it etc.
 - Section 22 - Path orders
 - Section 25 - Appointments to local access forum
- To agree terms and conditions for access agreements to the countryside provided that any consideration, exclusive of fees and costs, does not exceed £5,000.
 - To exercise the functions of the Council in terms of the High Hedges (S) Act 2013 all related subordinate legislation

46.4 Regulatory

- To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:
 - Agriculture Act 1970;
 - Animal Boarding Establishments Act 1963;
 - Animal Health Act 1981;
 - Animal Health and Welfare (Scotland) Act 2006;
 - Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999
 - Caravan Site and Control of Development Act 1960
 - Cinemas Act 1985;
 - Control of Pollution Act 1974;
 - Dangerous Wild Animals Act 1976;
 - Deer (Scotland) Act 1996;
 - Dog Fouling (Scotland) Act 2003;
 - Environment Act 1995;
 - Environmental Assessment (Scotland) Act 2005;
 - Environmental Protection Act 1990;
 - European Union (Withdrawal) Act 2018 – all retained and current EU derived domestic legislation;
 - Explosive Act 1875;
 - Fair Trading Act 1973;
 - Food Safety Act 1990;
 - Game Licenses Act 1860 and the Games Acts 1831 and 1980);
 - Health and Safety at Work Etc. Act 1974;
 - Housing Acts 1969 – 2001;
 - Performing Animals (Regulation) Act 1925
 - Riding Establishments Act 1964 and 1970;
 - Sewerage (Scotland) Act 1968;
 - The Tobacco and Primary Medical Services (Scotland) Act 2010;
 - Theatres Act 1968;
 - Trade Descriptions Act 1968;
 - Water (Scotland) Act 1980;
 - Water Environment and Water Services Act 2003;

- Weights and Measures Act 1985;
- Zoo Licensing Act 1981
- To grant conditionally or otherwise, refuse or suspend where legally appropriate, and to designate officers to grant conditionally or otherwise, refuse or suspend where legally appropriate, licences, registrations, recognitions or approvals in terms of the legislation referred to above.
- To exercise the functions of the Council in terms Part 1 of the Smoking Health and Social Care (Scotland) Act 2005 and all related subordinate legislation:
 - (i) The consideration of representations and the hearing of appeals relative to Part 1 of the Smoking, Health and Social Care (Scotland) Act 2005
 - (ii) Arrangements for administration of Fixed Penalties

46.5 Public Health

- To appoint competent persons in terms of Part 1 of the Public Health (Scotland) Act 2008, and to maintain a list of such competent persons.

46.6 Public Transport

- To exercise the functions of the Council in terms of the Transport Act 1985 and the Transport (Scotland) Act 2001, and all related subordinate legislation.
- To carry out the management and administration of the day to day operation of school and special education transport on behalf of the Strategic Lead- Education & Learning and the Strategic Lead – Children, Families & Justice and (Education and Children’s Services), and client transport on behalf of the Director Integrated Health & Social Care / Chief Officer, including the specification, tendering and award of conveyance **contracts**.

46.7 Burial & Cremation

- To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation;-
 - Burial Grounds (Scotland) Act 1855 and Amendment Acts 1881 and 1886;
 - Cremation Act 1902
 - National Assistance Act 1948 (Burials and Cremation Only);

46.8 Community Councils

- To exercise the functions of the Council in relation to Community Councils in terms of the Local Government (Scotland) Act 1973 and all related subordinate legislation.

46.9 Financial Assistance

- To determine requests between £2,001 and £50,000 under the Financial Assistance to the Voluntary Sector Revenue Budget and the Community Environment Challenge Fund.

47 STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

47.1 Strategic Lead – Economy, Development & Planning is authorised

- to exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:
 - Climate Change Scotland Act 2009
 - Environmental Assessment (Scotland) Act 2005
 - Housing (Scotland) Act 2006 Part 3 and Associated Prescribed Documents Regulations;
 - Land Compensation (Scotland) Act 1973
 - Leasehold Reform, Housing and Urban Development Act 1993
 - Local Government and Planning (Scotland) Act 1982
 - Nature Conservation (Scotland) Act 2004
 - Public Libraries Consolidation (Scotland) Act 1887

47.2 Economic Development

- *to exercise the functions of the Council in terms of Section 154 of the Local Government (Scotland) Act 1973 and all relevant subordinate legislation in relation to Perth Harbour.*
- *to approve:*
 - event funding applications up to £10,000
 - grant applications up to £20,000

47.3 Building Standards

- To exercise functions of the Council in terms of the Building (Scotland) Act 2003 and all related subordinate legislation.
- To determine applications for licences in terms of the following and all related subordinate legislation:
 - Raised Platforms (Civic Government (Scotland) Act 1982)
 - Safety Certificates (Safety of Sports Grounds Act 1975)
- To issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975 as amended by Section 23 of the Fire Safety and Safety of Places of Sport Act 1987 restricting the admission of spectators to a sport ground, or any part of it, if that admission would involve a serious risk to spectators.

47.4 Land Use Planning

- In accordance with the [Scheme of Delegation](#) approved by Scottish Ministers in November 2022 (or may subsequently be approved) to exercise the functions of the Council as Planning Authority in terms of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) and all related subordinate legislation.
- Nothing in the above clauses shall prohibit the Strategic Lead – Economy, Development & Planning from approving householder /local applications in accordance with the provisions of this Scheme.

47.5 Affordable Housing Developer Contributions

- To determine the tenure of affordable housing required in accordance with the decision of the Enterprise and Infrastructure Committee on 17 January 2007.
- In consultation with the Convener of the Economy & Infrastructure Committee, to approve grants of up to a maximum of £200,000 per site to meet the need for affordable housing as agreed by the Enterprise and Infrastructure Committee on 17 January 2007.
- In consultation with relevant local members and the Conveners of the Economy & Infrastructure Committee, and the Housing and Social Wellbeing Committee:
 - (i) to agree to proposals from developers to build up affordable housing credits on particular sites;
 - (ii) to agree to the use of accrued affordable credits to offset the affordable requirements on other sites within the same housing market area; and
 - (iii) to extend the period for which credits can be held, up to a maximum period of 10 years.
- To determine requests for funding from the Auchterarder Community Challenge Fund up to a maximum **of £50,000**

47.6 Property

- To manage the Council's leasehold portfolio including, without prejudice to the generality, agreeing tenancies, rentals, rent reviews, assignments, sub-tenancies, terminations and renewals.
- In consultation with the Strategic Lead – Legal & Governance and Strategic Lead -Property Services;
 - dispose of any property or right in property valued at £100,000 or less either by negotiation or advertisement and subject to section 74 of the Local Government (Scotland) Act 1974 (the duty to obtain best

reasonable consideration), as amended by Section 11 of the Local Government in Scotland Act 2003 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010

- to acquire any property or right in property in respect of which there is a relevant project or programme and budget provision and instructions have been received from the relevant Director or Strategic Lead.

47.7 New Roads

To grant consent under Part III of the Roads (S) Act 1984 except where the applicant objects to proposed conditions in respect of such consents.

48 STRATEGIC LEAD – ENVIRONMENT & INFRASTRUCTURE

48.1 The Strategic Lead – Environment & Infrastructure is authorised:

48.2 Environment

- To exercise the Council's functions as contained in the following Acts (and any relevant new laws or amendments which come into force) and all related subordinate legislation:
 - Carbon Reduction Commitment Energy Efficiency Scheme Order 2010;
 - Climate Change Scotland Act 2009;
 - Control of Pollution Act 1974;
 - Environment Act 1995;
 - Environmental Assessment (Scotland) Act 2005;
 - Environmental Protection Act 1990;
 - European Union (Withdrawal) Act 2018 – all retained and current EU derived domestic legislation;
 - Petroleum (Consolidation) Regulations 2014
 - Nature Conservation (Scotland) Act 2004;
 - Public Health (Scotland) Act 1897;
 - Refuse Disposal Amenity Act 1978;
 - Sewerage (Scotland) Act 1968;

48.3 To negotiate with potential partners to provide toilet facilities for the public in connection with the Perth and Kinross Comfort Scheme and enter into Minutes of Agreement therefore.

48.4 To set the charges for the range of recycling and composting skip hire services to be offered.

48.5 Roads and Traffic

- To exercise the functions of the Council as roads authority in terms of the Roads (Scotland) Act 1984 and all related subordinate legislation, but with the following exceptions:
 - (i) Roads Construction Consents under Part III
 - (ii) Section 97 - Permitting trading on A class roads.
- The Strategic Lead shall have the power to promote and propose and where no objections are raised, confirm roads orders in terms of the Road Traffic Regulation Act 1984 and any subsequent legislation regulating the use of the Perth and Kinross Council roads network.
- To exercise the functions of the Council in terms of the Road Traffic Acts 1988 and 1991 and all related subordinate legislation.
- To exercise the functions of the Council in terms of the New Roads and Street Works Act 1991 and all related subordinate legislation.
- To exercise the functions under the Transport (Scotland) Act 2005.
- To carry out the naming and numbering of streets in terms of the Civic Government (Scotland) Act 1982.

48.6 Flood Prevention

- To exercise the functions of the Council in terms of the following and all related subordinate legislation:
 - Flood Prevention (Scotland) Act 1961
 - Flood Risk Management (Scotland) Act 2009

48.7 Reservoirs

- To exercise the functions of the Council in terms of the Reservoirs Act 1975, and all related subordinate legislation.

49 DIRECTOR – INTEGRATED HEALTH AND SOCIAL CARE/CHEF OFFICER

- ***Pending recruitment to posts of Strategic Leads – Integrated Health and Social Care (Adults) and (Older People)***

49.1 The Director – Integrated Health & Social Care is authorised:

49.2 to exercise the functions of the Council, as they relate to adults, in relation to the following legislation and all relevant subordinate legislation:-

- Adult Support and Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000
- Carers (Scotland) Act 2016 (needs to be in Children’s Services list as well)
- Chronically Sick and Disabled Persons Act 1970
- Community Care and Health (Scotland) Act 2002
- Disabled Persons (Employment) Act 1958

- Disabled Persons (services, Consultation and Representation) Act 1986
- Forced marriage Etc (Protection and Jurisdiction) (Scotland) Act 2011
- Housing (Scotland) Act 2001 section 92
- Housing (Scotland) Act 2006 section 71(1)(b)
- Local Government and Planning (Scotland) Act 1982 section 24(1)
- Mental Health (Care and Treatment) (Scotland) Act 2003
- National Assistance Act 1948
- Social Care (Self Directed Support) (Scotland) Act 2013
- Social Work (Scotland) Act 1968

49.3 to deputise for the Chief Social Work Officer in their absence.

49.4 to be designated as the Chief Officer of the Perth and Kinross Integration Joint Board in accordance with Section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014. The specific provisions relating to the role are as set out in Section 7 of the [Perth and Kinross Integration Scheme](#).

50 HEAD OF GOVERNANCE & PERFORMANCE / CHIEF FINANCE OFFICER - INTEGRATION JOINT BOARD

50.1 The Head of Governance and Performance is authorised;

50.2 to manage the budget associated with the exercise of the functions as specified in 49.2 above

50.3 to be designated as the Integration Joint Board's Chief Finance Officer in accordance with Section 95 of the Local Government (S) Act 1973 in respect of the budget delegated to it by the Council in accordance with the Public Bodies (Joint Working) (S) Act 2014

51. STATUTORY APPOINTMENTS OF OFFICERS

51.2 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:

STATUTORY PROVISION	PURPOSE /ROLE	OFFICER
Social Work (Scotland) Act 1968		
s. 3	Chief Officer of Social Work	Strategic Lead – Children, Families & Justice
	Depute Chief Officer of Social Work	Director Integrated Health & Social Care
Local Government (Scotland) Act 1973		
s.33A	Proper Officer for various purposes in connection with Councillors' declaration of acceptance of office	Chief Executive Strategic Lead - Legal & Governance
s.34	Proper Officer for receipt of Councillors' resignations	Chief Executive Strategic Lead -Legal and Governance
s.43 and Sch.7	Proper Officer for various purposes in connection with meetings and proceedings of the Council, Committees and Sub-Committees	Strategic Lead - Legal & Governance Democratic Services Manager
ss.50A-50K	Proper Officer for various purposes in connection with access to meetings and documents of the Council, Committees and Sub-Committees	Strategic Lead -Legal & Governance Democratic Services Manager
s.92	Proper Officer for dealing with the transfer of securities	Strategic Lead -Finance & Business Support
s.190	Proper Officer for service of legal proceedings, notices, etc on the Council	Chief Executive or Strategic Lead - Legal & Governance Legal Managers

STATUTORY PROVISION	PURPOSE /ROLE	OFFICER
s.191	Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations	Strategic Lead -Legal & Governance Legal Managers
s.192	Proper Officer for services of notices etc by Local Authority	Strategic Lead -Legal and Governance Legal Managers
s.192-193	Proper Officer for the purpose of the execution of Notices of Proceedings under the Housing (Scotland) Act 2001	Strategic Lead – Housing & Communities
s.192-193	Proper Officer for the purpose of signing tenancy agreements under the Housing (Scotland) Act 2001	Strategic Lead – Housing & Communities Area Housing Managers
s.193-194	Proper Officer in respect of authentication of documents and certifying deeds	Strategic Lead - Legal & Governance Legal Managers
s.197	Proper Officers in respect of arrangements for the inspection and depositing of documents	Chief Executive Strategic Lead -Legal & Governance Democratic Services Manager
ss.202-204	Proper Officer for various purposes in connection with byelaws	Strategic Lead -Legal & Governance
s.206	Proper Officer in respect of the keeping of a register of persons admitted as freemen of the Council's area	Chief Executive
Licensing (Scotland) Act 2005		
Section 22	Competent Objector / Representations to the Licensing Board	Chief Executive Director (Strategy, People and Resources) Director (Economy, Place & Learning)

STATUTORY PROVISION	PURPOSE /ROLE	OFFICER
Section 36	Applying for a Review of a Premises Licence to the Licensing Board	Chief Executive Director (Strategy, People and Resources) Director (Economy, Place & Learning)
Para 8, Schedule 1	Clerk to the Licensing Board	Strategic Lead -Legal & Governance
Civic Government (Scotland) Act 1982		
s.113	Proper Officer in respect of evidence of management rules	Strategic Lead - Legal & Governance Legal Managers
Representation of the People Act 1983		
s.25 and s.41	Returning Officer Depute Returning Officer	Chief Executive Strategic Lead – Finance & Business Support
Local Government and Housing Act 1989		
s.2	Proper Officer in respect of lists of politically restricted posts	Senior Human Resources Officer
s.4	Head of Paid Service	Chief Executive
s.5 and 5A	Monitoring Officer Depute Monitoring Officer	Strategic Lead -Legal & Governance Legal Managers
Requirements of Writing (Scotland) Act 1995		
Para 4, Schedule 2	Proper Officer in respect of execution of Deeds and use of the Council's seal	Chief Executive Strategic Lead -Legal & Governance Legal Managers

STATUTORY PROVISION	PURPOSE /ROLE	OFFICER
Local Government (Contracts) Act 1997		
s 3	Certification of contracts	Strategic Lead -Legal and Governance Legal Managers
Town and Country Planning (Scotland) Act 1997	All other powers and duties, not hereby specified, arising in terms of the 1997 act are hereby delegated to:	Strategic Lead – Economy, Development and Planning Service Manager: Development Management and Building Standards Service Manager: Planning and Housing Strategy Development Management Team Leaders Development Plan Team Leader.
Ethical Standards in Public Life etc. (Scotland) Act 2000 s.7 and The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Proper Officer for all purposes in connection with registration of Members' interests and other related purposes under the Councillors' Code of Conduct	Strategic Lead -Legal & Governance
Article 37 of Regulation (EU) 2016/679 of the European Parliament and of the Council Section 69 of the Data Protection Act 2018	Designated Officer for data protection	Data Protection Officer