

# The City of Edinburgh Council

10.05am, Thursday, 27 June 2019

## Operational Governance Framework 2019

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To repeal the existing Procedural Standing Orders for Council and Committee Meetings, Committee Terms of Reference and Delegated Functions, Scheme of Delegation to Officers and Financial Regulations and approve in their place appendices 1-4, such repeal and approval to take effect from 5 August 2019.
- 1.2 To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the documents set out in appendices 1-4 as may be necessary to implement the decision of the Council in relation to this report and to produce a finalised version of the documents, making them available to members for information ahead of publication.

**Andrew Kerr**

Chief Executive

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## Operational Governance Framework 2019

### 2. Executive Summary

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- 2.1 This report sets out changes to the key documents that support internal controls, accountability and transparent operation of the Council and recommends appropriate changes.

### 3. Background

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- 3.1 The Council's operational governance framework is revised annually in line with best practice and to ensure the documents are up to date and relevant.

### 4. Main report

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- 3.1 The following key documents have been reviewed and are submitted for approval:
- 3.2.1. Procedural Standing Orders for Council and Committee Meetings;
  - 3.2.2. Committee Terms of Reference and Delegated Functions;
  - 3.2.3. Financial Regulations; and
  - 3.2.4. Scheme of Delegation to Officers
- 3.2 Only minor updates are recommended to the Committee Terms of Reference and Delegated Functions and the Financial Regulations. The Committee Terms of Reference and Delegated Functions does though reflect the amendments that were made at the Council meeting on 30 May 2019.
- 3.3 The Procedural Standing Orders now includes the change agreed to deputations at the Council meeting on 30 May 2019 and proposes changes which affect the Pensions Committee. The proposed change is to recognise the role of the Pension Board which is enshrined in legislation and also to allow the Pensions Committee to agree their own set of Standing Orders if this is required. This flexibility will mean the Pensions Committee to amend its arrangements, if necessary, to reflect the different legislation and Regulators that apply to pensions. The Council's Standing Orders will continue to apply in the absence of any new standing orders agreed by the Pensions Committee.

- 3.4 There are a range of changes to the Scheme of Delegation to Officers. None of these changes are significant and reflect changes to structure and some minor amendments to ensure consistency and accuracy. A list of the changes is appended to this report.

## **5. Next Steps**

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- 5.1 If agreed the documents will be updated and published on-line.

## **6. Financial impact**

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- 6.1 There are no financial impacts as a result of this report.

## **7. Stakeholder/Community Impact**

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- 7.1 All executive directors have been consulted with in regard to the Scheme of Delegation to Officers. The Pensions Committee has considered reports on their governance arrangements which also included reference to the changes highlighted in Standing Orders.
- 7.2 It is good governance for the Council to annually review and update its operational governance documentation.

## **8. Background reading/external references**

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- 8.1 The City of Edinburgh Council – Minute 30 May 2019

## **9. Appendices**

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- 9.1 Procedural Standing Orders for Council and Committee Meetings;
- 9.2 Terms of Reference and Delegated Functions;
- 9.3 Financial Regulations;
- 9.4 Scheme of Delegation to Officers;
- 9.5 Table of changes to the Scheme of Delegation.

**CITY OF EDINBURGH COUNCIL**

**PROCEDURAL STANDING ORDERS**

**FOR COUNCIL**

**AND COMMITTEE MEETINGS**

## CONTENTS

1.	First meeting of the Council after an election	3
2.	Lord Provost and Depute Convener – Term of Office	3
3.	Ordinary and special meetings	3
4.	Notice of meetings	4
5.	Quorum	4
6.	Lord Provost – Council Meetings	5
7.	Convener– Committees	5
8.	Lord Provost and Convener – Duties	5
9.	Order of business	6
10.	Power to vary order of business	7
11.	Declaration of interests	7
12.	Deputations	7
13.	Minutes	8
14.	Council questions	8
15.	Leader’s report and questions	8
16.	Notices of Motion	9
17.	Private Items	9
18.	Order of debates	9
19.	Length of speeches	9
20.	Motion for adjournment	10
21.	Debate	10
22.	Closure of debate	12
23.	Voting	12
24.	Appointments	13
25.	Point of order	14
26.	Suspension of Standing Orders	14
27.	Obstructive or offensive conduct by members	14
28.	Changing a Council decision	14
29.	Referring a decision to Council	14
30.	Committee – non-member motion	15
31.	Ward or members with special interest	15
32.	Freedom of the City	15
33.	Admission of media and members of the public	15
34.	Variation and revocation of Standing Orders	16
35.	Review of Standing Orders	16

## STANDING ORDERS

These standing orders ("**Standing Orders**") apply from ~~29 June 2018~~ 5 August 2019 and regulate the conduct of business at meetings of the City of Edinburgh Council ("**Council**") and the committees or sub-committees of the Council ("**Committees**").

1. **First meeting of the Council after an election**
  - 1.1 In an election year, the Council will hold a meeting at 10 am, no later than the third Thursday after the day of the ordinary election of Councillors.
  - 1.2 At this meeting or at any adjournment of it, the Council will
    - (a) appoint the Lord Provost;
    - (b) seek to appoint the Depute Convener, the Leader and Depute Leader of the Council, the members of the committees of the Council and their conveners and any vice-conveners, the members of the joint committees and joint boards, the members of the Licensing Board and such representatives to other bodies as the Council may decide to appoint; and
    - (c) deal with any urgent competent business.
2. **Lord Provost and Depute Convener – term of office**
  - 2.1 The Council may at any time agree to remove the Lord Provost and Depute Convener from office, with immediate effect, provided that not less than three quarters of the members of the Council present and voting so decide.
3. **Ordinary and special meetings**
  - 3.1 A meeting of the Council will be held at 10 am on every fourth Thursday.
  - 3.2 In a non-election year the Council, at its first ordinary meeting in May will; appoint the Leader and Depute Leader, the members of the committees of the Council and their conveners and any vice-conveners and the members of the joint committees and joint boards.
  - 3.3 The Lord Provost may in exceptional circumstances alter the arrangements for ordinary meetings or authorise a special meeting to be called. A special meeting may also be called at any time by written request to the Clerk specifying the business to be transacted and signed by at least one quarter of the members of the Council. The Clerk will arrange for the special meeting to be held within 14 days of receipt of the request. The right to call a meeting does not apply to Committees.
  - 3.4 The Council may recess for periods to be determined by the Clerk after consultation with the Lord Provost and the Leader of the Council. During any

recess no meetings of the Council, Executive Committees or the Governance, Risk and Best Value Committee will be held.

4. **Notice of Meetings**

4.1 At least 3 clear days before a meeting of the Council or its Committees:

- (a) the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Council, the signed request will accompany the notice; and
- (b) a summons to attend the meeting containing the agenda of business will be sent to every Council member by email or to an alternative address nominated by them. If a summons is not sent to any member, the meeting will still be validly called only if good reason is shown for failure to send such a summons.

4.2 A Committee will hold such meetings as the Council may prescribe, but the Clerk will call additional meetings of a Committee at any time on being required to do so by the Committee concerned, or at the request of the Convener. Meetings will be called at least six days before the meeting date in accordance with the statutory requirements

4.3 The Clerk will call a special meeting to be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Committee concerned.

4.4 Any summons issued under Standing Order 4.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.

4.5 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council or Committee as a matter of urgency. The Lord Provost or Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Lord Provost or Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council or next scheduled committee meeting, unless dealt with earlier.

5. **Quorum**

5.1 The quorum of the Council is sixteen. No business may be transacted at any meeting unless a quorum is present. If fewer than sixteen members are present ten minutes after the appointed time for the start of the meeting the division bell will be rung. If after a further period of three minutes there are still fewer than sixteen members present, the meeting will be adjourned until such date and time as the Lord Provost decides.

5.2 If at any time during a Council meeting a question arises on whether there is a quorum, the Lord Provost will instruct a count of the members who are present. If a quorum is not present, the meeting will be adjourned until such date and time as the Lord Provost decides.

5.3 Subject to law the quorum of a Committee will be one third of the number of voting members of the Committee (see Committee terms of reference for specific numbers) provided that in no case will any business be transacted unless at least two voting members are present.

5.4 If fewer members are present five minutes after the time appointed for the start of a Committee meeting than are needed to constitute a quorum the meeting will be adjourned until such date and time as the Convener decides. After a meeting has started, if the number of members present falls below the quorum the meeting will be adjourned immediately until such date and time as the Convener decides.

5.5 A member who has declared an interest in an item of business and has left the meeting may not be counted in the quorum for that item of business. If less than a quorum of the Council or Committee is entitled to vote on an item due to declaration of interests that item cannot be dealt with at the meeting.

6. **Lord Provost - Council Meetings**

6.1 The Lord Provost will chair any Council meeting when he or she is present. When the Lord Provost is absent from a Council meeting, the Depute Convener will chair the meeting. When the Lord Provost and Depute Convener are absent, another member of the Council, chosen by the members present, will chair the meeting.

7. **Convener - Committees**

7.1 The Convener will chair any meeting of a Committee when he or she is present. When the Convener is absent from a Committee meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another member chosen by the members present will chair the meeting.

8. **Lord Provost and Convener- Duties**

8.1 The duties of the Lord Provost or Convener of the meeting, in accordance with these Standing Orders, will include:

- (a) Deciding on all matters of protocol, decorum, order, competency and relevancy;
- (b) Determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
- (c) Deciding priority between two or more members wishing to speak;



- (d) Ensuring that a fair opportunity is given to all members to express their views on any item of business;
- (e) Preserving order within the meeting;
- (f) Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other behaviour which impedes or is, in the Lord Provost or Chair's opinion, impeding the business of the meeting;
- (g) In the event of disorder arising, adjourning the meeting to a time and date the Lord Provost or Convener will fix then or later. In leaving the meeting, the Lord Provost or Convener in such circumstances, will without further procedure, have formally adjourned the meeting;
- (h) Signing the minutes of the previous meeting;

8.2 The decision of the Lord Provost or Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

9. **Order of Business**

9.1 **Full Council** – the business of Council at ordinary meetings will take place in the following order:

- (a) Order of Business
- (b) Declaration of Interests
- (c) Deputations
- (d) Minutes
- (e) Council Questions
- (f) Leader's Report
- (g) Appointments
- (h) Reports
- (i) Motions

10. **Power to vary order of business**

10.1 The Council or Committee may at any meeting vary the order of business to give precedence to any item on the agenda:

- (a) at the discretion of the Lord Provost or Convener; or
- (b) on a motion duly moved and seconded and voted on electronically or by a show of hands.

11. **Declaration of Interests**

11.1 Where a member declares an interest in accordance with the Councillors' Code of Conduct and leaves the meeting, the fact will be recorded in the minutes of the meeting.

12. **Deputations**

12.1 The Council or any Committee can hear deputations on any matter that is included in its power, duties or delegation.

12.2 Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 5pm on the day before the meeting concerned. The Lord Provost or Convener has discretion to waive both these requirements.

12.3 The Clerk will submit the application to the Council or relevant Committee. An application for a deputation will only be submitted if it relates to an item of business on the agenda for that meeting or if the Lord Provost or Convener decides that there is sufficient reason for the meeting to consider it.

12.4 When the Council or Committee considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary a vote will be taken without discussion on whether to hear the deputation.

12.5 Each deputation will not usually exceed four persons and will have ten minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Lord Provost or Convener will decide how much time to allow.

12.6 Unless the Lord Provost or Convener decides otherwise, the total maximum time allowed for deputations to present their cases at a meeting, excluding questions, will be limited to 60 minutes.

12.7 Any member can put a question to the deputation that is relevant to the subject. The total time allowed for such questions will not be more than ten minutes for each deputation. The merits of the case must not be discussed by members until the deputation has withdrawn.

12.8 Standing Order 12 does not apply in connection with hearings at the Licensing Sub-Committee, the Development Management Sub-Committee, or the City of Edinburgh Planning Review Body, nor to any subsequent consideration of the subject of the hearing.

13. **Minutes**

13.1 The Clerk will minute all Council and Committee meetings. The minutes will record the names of the members who attended the meeting and record, in the event of a vote, how each individual member voted. They will be circulated among members of the Council or Committee at least three clear working days before its next meeting for approval. If they are approved as a correct record of proceedings of the meeting, the Lord Provost or Convener of the meeting will sign them.

14. **Council Questions**

14.1 At any Council meeting, a member may put a question to the Lord Provost or to any Convener or Vice-Convener with relevant responsibility about any relevant or competent business. The question must be given in by email or in writing to the Clerk by noon on the seventh working day before the meeting. The Lord Provost or Convener may specify that a particular question will be answered by another Convener or Vice-Convener, with that member's consent.

14.2 A member may put a question to a Convener or Vice-Convener at a Council meeting about any matter that is on the summons for that meeting. He/she must give the question orally or in writing to the Clerk by 10am on the day before the meeting.

14.3 After a question has been answered the questioner may ask a supplementary question, if necessary, to seek clarification of the answer given. The total time for asking a supplementary question and replying to it will not be more than 5 minutes. The total time for all such questions and answers will not be more than 40 minutes.

14.4 No discussion will be allowed on any question or answer.

15. **Leader's Report and Questions**

15.1 At a meeting, a member may put one or more oral questions to the Leader in connection with the Leader's Report. The Leader may invite a Convener or Vice-Convener to respond on his/her behalf. The total time allowed for such questions and answers will not be more than 40 minutes.

15.2 No discussion will be allowed on any question or answer.

16. **Notices of Motion**

- 16.1 Every formal notice of motion will be in writing and signed off by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.
- 16.2 Late formal notices of motion may be submitted to the Council or Committee at the appropriate time in the meeting, in terms of Standing Order 4.4 if:
- (a) They have been delivered to the Clerk before the start of the meeting;
  - (b) They are considered by the Lord Provost or Convener to be competent, relevant and urgent; and
  - (c) They have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.
- 16.3 Late motions which are not accepted as urgent by the Lord Provost or Convener, will be considered at the next ordinary meeting.
- 16.4 Every formal motion submitted, in terms of Standing Orders 16.1 and 16.2, will require to be moved and seconded formally. If such a motion is not moved and seconded formally it will fall and this will be recorded in the minutes.

17. **Public Meetings and Private Items**

- 17.1 Meetings of the Council are generally open to the public but the Local Government (Scotland) Act 1973 does allow the Council to hear matters in private if they meet the description of confidential information as defined in the Act or by resolution if the Council agrees that if the meeting was held in public, then exempt information as defined in Schedule 7(A) of the Act would be disclosed.
- 17.2 Being open to the public requires that the public should be able to attend and observe meetings and should have access to all agendas and reports that are not ruled private under the Act. To ensure access for the majority of residents who cannot attend in person, the Council will endeavour to webcast all appropriate meetings that are open to the public

18. **Order of Debates**

- 18.1 A member who wishes to speak, when called on, will address the Lord Provost or Convener. The member will speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or, with the permission of the Lord Provost or Convener, to give an explanation. The person proposing the motion has a right of reply.

19. **Length of Speeches**

19.1 Except with the Lord Provost or Convener's permission the proposer and seconder of a motion or an amendment must not speak for more than five minutes, and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that, the discussion will finish and the Lord Provost or Convener will direct that a vote be taken.

20. **Motion for Adjournment**

20.1 A motion to adjourn the meeting may be put at any time, except if a member is speaking, and will have precedence over all other motions. It must be moved and seconded without discussion and must at once be put by the Lord Provost or Convener in the form of 'adjourn' or 'not adjourn.'

20.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Lord Provost or Convener when it will be dealt with as in Standing Order [19-20.1](#).

21. **Debate**

21.1 A member wishing to speak will rise and address the Lord Provost or Convener. He/she will speak only on the matter under consideration or on a question of order.

21.2 A member proposing to submit a motion or amendment on any subject under discussion will before addressing the meeting state the terms of the motion or amendment. If he/she fails to do so the Lord Provost or Convener will ask him/her to state the terms. Every motion or amendment must be moved and seconded and will, when required by the Lord Provost or Convener, be put in writing and handed over to the Clerk.

21.3 That any motion or amendment, to any subject under discussion be provided to the clerk no later than 2pm on the working day before the meeting unless the motion or amendment:

- a) Moves the recommendations of the report; or
- b) Calls for a continuation of consideration of the item to a future meeting; or
- c) Moves no action; or
- d) Has been ruled urgent by the Lord Provost or Convener; or
- e) Can be submitted verbally at the meeting and with the consent of the Lord Provost or Convener.

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- 21.4 Clause 2021.3 will not apply to any agenda items where the final report or reports were not issued alongside the notice of the meeting.
- 21.5 Minor changes to motions and amendments are permitted but these should be able to be verbally altered at the meeting.
- 21.6 The Council or Committee can agree that in exceptional circumstances the requirements of this standing order can be ignored.
- 21.7 The mover and seconder of any motion or amendment or adjustment thereof may speak in support of the motion or amendment for not more than five minutes. No other speaker may speak for more than three minutes or more than once in the same discussion except to call attention to a point of order.
- 21.8 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of the motion must, in his/her reply, strictly confine himself/herself to answering previous speakers and not introducing any new matter. No member will be permitted to offer an opinion or to ask a question or otherwise to interrupt the proceedings. The motion and amendment(s) will then be voted on by members.
- 21.9 The limits of time specified in Standing Orders 2021.3 and 2021.4 may be exceeded with the consent of the majority of members present and the Lord Provost or Convener may determine, without taking a vote, whether such consent has been obtained.
- 21.10 When a motion and two or more amendments are before the meeting, the Lord Provost or Convener will decide the order and manner for putting the motion and amendments to the meeting. The Lord Provost or Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.
- 21.11 The mover of the motion or amendment may agree to add all or part of an amendment moved and seconded by other members, provided that:
- (a) His/her seconder consents;
  - (b) The mover and seconder of the other amendment consents; and
  - (c) The agreement takes place before the mover of the motion has replied.
- 21.12 The mover of an amendment, which is not seconded, may have his/her dissent to the decision of the Council or Committee recorded in the minute.

22. **Closure of Debate**

22.1 Any member who has not spoken on the question before the meeting may propose 'that the matter now be decided'. If this is seconded and the Lord Provost or Convener thinks the question has been discussed enough, he or she will order that a vote on the motion be taken, without amendment or discussion. If the motion that the matter now be decided is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion that the matter be now decided is not carried, a similar motion may be made after every two further members have spoken.

23. **Voting**

23.1 A vote may be taken by members standing in their places either calling the roll, by electronic voting or by a show of hands. When it is proposed to take the vote by members standing in their places, electronic voting or by a show of hands, any member may object and if ten members present at the Council or two members in any other Committee object, the vote must be taken by calling the roll. All votes on procedure, however, will be taken by a show of hands.

23.2 When a motion and amendment are before the Council or Committee the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Council or Committee.

23.3 When a motion and two or more amendments are before the Council or Committee and the adoption of one or more of the proposals would result in either the continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation or no action as soon as the discussion is completed. This vote will be taken 'for or against' either continuation or no action. Any vote necessary on the remaining proposals will be taken in terms of Standing Order [2223.1](#).

23.4 When a motion and two or more amendments, none of which involves continuation or no action, are before the Council or Committee, the vote will be taken on all proposals, each member having one vote. If a proposal receives the support of a majority of members voting it will be declared to be the decision of the Council or Committee. If none of the proposals receives the support of a majority of those voting, the one which has received the fewest votes will be dropped and a fresh vote taken on the remaining proposals. If there is an equal number of votes between the proposals with the fewest votes the Lord Provost will have a casting vote to determine which proposal should be dropped. If the Lord Provost does not exercise his/her casting vote, the decision will be by lot. This process of elimination will continue until one proposal has received majority support from those voting which will be declared the decision of the Council or Committee.

23.5 If there are equal numbers of votes, the Lord Provost or Convener will have a casting vote except where the vote relates to appointing a member of the Council to any particular office or committee. In this case, the decision will be by lot.

23.6 In a meeting of the Council, the City Officer will ring the Division Bell for sixty seconds immediately before any vote is taken. The doors of the Council Chamber will then be locked and voting undertaken by the Clerk. Where a series of votes is to be taken, which in the opinion of the Lord Provost are on related subjects, the Lord Provost may suspend the requirements of this Standing Order after the first vote in the series.

23.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Lord Provost or Convener will decide whether to have a recount. If there is a recount, the Lord Provost or Convener will decide how this should be taken

#### 24. **Appointments**

24.1 When appointing a member of the Council or any person to office where the number of candidates is more than the number of vacancies, the person to be selected may be decided by ballot. In each case, members can vote for as many candidates as there are vacancies but in any vote, they may only vote once for any one candidate.

24.2 If only one vacancy is to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared appointed. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals the number of vacancies or one candidate has a majority and there is only one vacancy. That candidate or those candidates will be declared to be appointed.

24.3 If there is a vote between more than two candidates and there are an equal number of votes for candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with the fewest votes will be taken off the list. If there are an equal number of votes between two candidates, the candidate to be taken off the list will be decided by lot.

24.4 Subject to law, appointments to outside bodies are for the life of the Council unless the person appointed resigns from the appointment or the outside body's constitution specifies a different time period.

#### 25. **Point of Order**



25.1 Any member may raise a point of order at any time during a meeting. Any member who is addressing the meeting when a question of order is raised will resume his/her seat until the question has been decided by the Lord Provost or Convener. The member raising the point of order will advise which Standing Order he/she considers is being infringed and thereafter, without debate, await the Lord Provost or Convener's decision. No other member may speak to the point of order unless with the permission of the Lord Provost or Convener. The decision of the Lord Provost or Convener will be final and cannot be discussed.

26. **Suspension of Standing Orders**

26.1 The Council may on a motion duly moved and seconded, and with the consent of two thirds of members voting, suspend any Standing Order specified in the motion. Any such motion may be submitted, without previous notice, and will be voted on electronically or by a show of hands without discussion.

26.2 Standing Orders 2, 8, ~~20-6~~, 24, 25, 26 and 32 will not be capable of suspension.

~~26.3~~ The Pensions Committee and Pensions Audit Sub-Committee, with external membership and participation are subject to their own Standing Orders approved by the Pensions Committee from time to time. In the absence of the aforementioned Standing Orders the City of Edinburgh Council Standing Orders will continue to apply to the Pensions Committee and Pensions Audit Sub-Committee.

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~~26.3~~ 26.4 The Pension Board is a body constituted under the Public Services Pensions Act 2013 and the Local Government Pension Scheme (Governance) (Scotland) Regulations 2014 and with powers regulated by the United Kingdom Pensions Regulator. The constitution and operations of the Pensions Board will be determined in accordance with regulation and, where appropriate, considered and approved by the Pensions Boards and/or the Pensions Committee.

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27. **Obstructive or offensive conduct by members**

27.1 If any member at any meeting disregards the authority of the Lord Provost or Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest or any part of the meeting. The motion will be put without discussion. If it is carried, the City Officer or Clerk will act on any orders received from the Lord Provost or Convener to carry out the decision.

28. **Changing a Council decision**

28.1 Subject to law, a decision of the Council cannot be changed by the Council within six months unless notice has been given of the proposed item in the summons for the meeting and:

- (a) the Lord Provost rules there has been a material change of circumstances;  
or
- (b) the Council agrees the decision was based on erroneous, incorrect or incomplete information.

29. **Referring a decision to Council**

29.1 Subject to Standing Order ~~2829~~.2, where a decision is taken at the Executive Committees, Governance, Risk & Best Value Committee, Locality Committees or the Regulatory Committee, not less than one quarter of the members present may ask for it to be passed to Council as a recommendation.

29.2 A decision will not be sent to the Council in terms of Standing Order ~~2829~~.1 where the Convener considers that a final decision must be made before the next meeting of the Council, in order to avoid material prejudice to the interests of the Council. The Convener will give clear reasons for this decision.

30. **Committee – non member motion**

30.1 Any member may raise with the relevant committee a matter of new business by submitting a motion in writing to the Clerk by noon on the seventh working day before the meeting. If accepted by the Convener the matter will be placed on the agenda of business for the next meeting. The member raising the matter will be entitled to appear at that meeting to move his/her motion, which will require to be seconded by another member, but may not vote unless he/she is a member of the Committee.

31. **Ward or members with special interest**

31.1 A member of the Council who is not a member of a particular committee may be invited by the Convener, or Vice-Convener to attend a meeting where there is under discussion any item in which that member has a local or other special interest. The member will be entitled to speak on that item but may not vote. This Standing Order does not apply to the Regulatory or the Planning Committee or any of their sub-committees.

32. **Freedom of the City**

32.1 Any member of the Council who wishes to propose that the Freedom of the City be offered to any distinguished person will first consult the Lord Provost before submitting any motion to the Council.

32.2 Any motion to give Freedom of the City will be stated in the notice of the meeting of the Council and will need to be passed by at least two thirds of members at the meeting.

33. **Admission of media and members of the public**

- 33.1 Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.

Other than the live web casting of Council meetings by the Council, any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Lord Provost or Convener's discretion.

34. **Variation and revocation of Standing Orders**

- 34.1 Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Council present and voting. Any such motion must be by formal notice as provided in Standing Order 16.

35. **Review of Standing Orders**

- 35.1 These Standing Orders will be reviewed annually.

**CITY OF EDINBURGH COUNCIL**

**COMMITTEE TERMS OF REFERENCE**  
**AND**  
**DELEGATED FUNCTIONS**

# Contents

A. General	3
1. Delegation to committees	3
2. Reserved Matters	3
3. Committee Membership	4
4. Urgent decisions	4
5. Substitutes	5
6. Convener of Sub-Committee	5
B. Committee terms of reference and delegated powers	6
Executive Committees	6
Other Committees	17
Sub-Committees	28

## **COMMITTEE TERMS OF REFERENCE AND DELEGATED FUNCTIONS**

### **A. GENERAL**

These terms of reference and delegated functions ("**Committee Terms of Reference**") apply from 5 August 2019 and set out the powers delegated by the City of Edinburgh Council ("**Council**") to its committees and sub-committees ("**Committees**") pursuant to the Local Government (Scotland) Act 1973 (the "**Act**").

#### **1. Delegation to Committees**

- 1.1. Subject to law, to the provisions of these Committee Terms of Reference, and to any restriction, direction or instruction of Council, there shall be delegated to the respective Committees all the functions and matters contained in:
  - 1.1.1. these Committee Terms of Reference;
  - 1.1.2. any scheme made under the Act or statute; and
  - 1.1.3. any minute of the Council making specific delegation to the Committee.

#### **2. Reserved matters**

- 2.1. The following matters are reserved to the Council:
  - 2.1.1. all functions reserved by law to the Council;
  - 2.1.2. determining the strategic objectives of the Council;
  - 2.1.3. election of the Leader, Deputy Leader, Lord Provost, Depute Convener and Bailies;
  - 2.1.4. appointment of committees of the Council, agreeing and/or amending their terms of reference and delegation of functions to them;
  - 2.1.5. deciding the composition of committees of the Council and appointment of members to serve on them, including external members;
  - 2.1.6. appointment of members to serve on joint committees, joint boards and any outside body;
  - 2.1.7. making, amending, revoking, re-enacting or adopting standing orders and Committee Terms of Reference and Delegated Functions;
  - 2.1.8. approving or amending any scheme of delegation to officers;
  - 2.1.9. the annual review of the revenue budget and the fixing of council tax;
  - 2.1.10. the annual review of the capital investment programme and approval of any capital project with a value exceeding £50,000, not included in the capital investment programme;

- 2.1.11. any material expenditure which is not included in the annual revenue budget;
- 2.1.12. setting of special responsibility allowances;
- 2.1.13. making, amending, revoking, re-enacting or adopting, bye-laws, schemes, regulations or rules made under statute subject to confirmation by Scottish Ministers where applicable;
- 2.1.14. the formal adoption of Local Development Plans;
- 2.1.15. the approval of a Proposed Strategic Development Plan and the delegation of authority to the strategic development planning authority (SESplan);
- 2.1.16. the determination of an application for planning permission for a development of a class mentioned in A38A (i) of the Town and Country Planning (Scotland) Act 1997;
- 2.1.17. appointment and dismissal of the Chief Executive and appointment of a chief official;
- 2.1.18. any decision in relation to any proposal to delegate a power or duty to or accept a delegated power from any other local authority or to co-operate or combine with any other local authority in providing services;
- 2.1.19. promoting or opposing the making of local legislation;
- 2.1.20. creation of Council companies;
- 2.1.21. the preparation and review of the Scheme for Community Councils (Special Meeting);
- 2.1.22. amendments to the Treasury Policy Statement, and
- 2.1.23. approval of the annual Treasury Strategy and annual treasury management performance.

### **3. Committee Membership**

- 3.1 Committee membership will be proportionate according to the elected representation of political parties unless expressly agreed otherwise at a meeting of the full Council.

### **4. Urgent decisions**

- 4.1. If a decision which would normally be made by the Council or a Committee requires to be made urgently between meetings of the Council or Committee, the Chief Executive or appropriate Executive Director, in consultation with the Convener or Vice-Convener, may take action, subject to the matter being reported to the next meeting of the Council or Committee.

## **5. Substitutes**

- 5.1. Where permitted by law and where specified in these Committee Terms of Reference, a member may, subject to paragraph 5.2 below appoint a substitute member from his or her political group to attend a meeting of the committee in his or her place, by email to the Clerk in advance of the meeting.
- 5.2. Any member proposed to be appointed as a substitute must, where specified in these Committee Terms of Reference, have completed the appropriate training for the committee concerned.
- 5.3. The substitute member will be a member of the committee for that meeting and will be entitled to take part in the meeting with the full powers, duties and responsibilities of a member.

## **6. Convener of Sub-Committee**

- 6.1. The Convener of a sub-committee will be appointed by its parent committee.



## **B. COMMITTEE TERMS OF REFERENCE AND DELEGATED POWERS**

### **Executive Committees**

#### **1. Policy and Sustainability Committee**

1.1. **Constitution:** 17 Members of the Council including:

- 1.1.1. 5 SNP
- 1.1.2. 5 Conservative
- 1.1.3. 3 Labour
- 1.1.4. 2 Green
- 1.1.5. 2 SLD

#### **Convener and Vice-Convener**

- 1.2. The Leader of the Council will be the Convener of the Policy and Sustainability Committee.
- 1.3. The Deputy Leader of the Council will be the Vice-Convener of the Policy and Sustainability Committee.

#### **Quorum**

- 1.4. Six members of the Policy and Sustainability Committee will constitute a quorum.

#### **Substitution**

- 1.5. Substitutes are permitted.

#### **Delegated functions**

- 1.6. Power is delegated to the Policy and Sustainability Committee to:
  - 1.6.1. advise the Council on outcomes, strategic objectives and key priorities;
  - 1.6.2. develop and approve Council policies, including reform, smart city, human resources, community planning and partnership working;
  - 1.6.3. adopt and implement the management framework for planning, implementing, reporting and reviewing Council service delivery;
  - 1.6.4. ensure the Council meets its statutory responsibilities in terms of best value;
  - 1.6.5. ensure the Council meets its statutory responsibilities in terms of diversity and equalities;
  - 1.6.6. monitor implementation of the Council's business and service development plans, corporate strategies, change programmes, corporate initiatives and service reviews;

- 1.6.7. facilitate and encourage public participation and empowerment ensuring the involvement of citizens, the community, neighbourhood networks, partners and key stakeholders in the committee decision-making process;
- 1.6.8. instruct such performance information as the committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance;
- 1.6.9. set and monitor all relevant grants programmes and award grants;
- 1.6.10. **p**Provide scrutiny of those services delegated to the Integration Joint Board. This should include scrutiny of internal controls, performance, quality and compliance with the law;
- 1.6.11. determine any reviews of community asset transfer requests;
- 1.6.12. provide oversight and take decisions on matters relating to sustainability and climate change
- 1.6.13. **p**Provide oversight and take decisions on major economic policy and strategy and significant cross-cutting regeneration projects;
- 1.6.14. provide strategic oversight of Edinburgh City Region Deal;
- 1.6.15. advise, agree, scrutinise and review Edinburgh Police and Fire and Rescue Service city-wide plans, policies and performance;
- 1.6.16. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action;
- 1.6.17. determine differences between committees except where the difference involves a decision on an individual planning or licensing application; and
- 1.6.18. take all decisions which are not reserved to the Council or delegated to another committee of the Council.

## **2. Culture and Communities Committee**

2.1. **Constitution:** 11 members of the Council as follows:

- 2.1.1. 3 SNP
- 2.1.2. 3 Conservative
- 2.1.3. 2 Labour
- 2.1.4. 2 Green
- 2.1.5. 1 SLD

### **Convener and Vice Convener**

2.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

### **Quorum**

2.3. Four members will constitute a quorum.

### **Substitution**

2.4. Substitutes are permitted.

### **Delegated functions**

2.5. Power is delegated to the Culture and Communities Committee in relation to the matters listed in paragraph 2.6, to:

- 2.5.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
- 2.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 2.5.3. set standards for service delivery and secure value for money;
- 2.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 2.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 2.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 2.5.7. facilitate and encourage public, engagement, consultation, participation and feedback;
- 2.5.8. set and monitor all relevant grants programmes and award grants;

- 2.5.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken;
- 2.5.10. review the impact of the committee's policies on the city
- 2.6. The matters referred to in paragraph 2.5 are as follows:
  - 2.6.1. Community Justice;
  - 2.6.2. community safety
  - 2.6.3. health except those matters delegated to another committee or the Integration Joint Board;
  - 2.6.4. Cultural development, festivals and events;
  - 2.6.5. Sport and Recreation;
  - 2.6.6. Arts and museums;
  - 2.6.7. Libraries and community centres;
  - 2.6.8. Parks and green spaces;
  - 2.6.9. community and locality planning
  - 2.6.10. community empowerment; and
  - 2.6.11. ~~Neighbourhood Partnerships and~~ Community Councils.

### **3. Education, Children and Families Committee**

- 3.1. **Constitution:** 11 members of the Council as follows:

- 3.1.1. 3 SNP
- 3.1.2. 3 Conservative
- 3.1.3. 2 Labour
- 3.1.4. 2 Green
- 3.1.5. 1 SLD

Additional members for education items:

- 3.1.6. 3 Religious Representatives
- 3.1.7. 1 Parent Representative (non-voting)

#### **Convener and Vice Convener**

- 3.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

#### **Quorum**

- 3.3. Four members will constitute a quorum except in the case of education business where five members will constitute a quorum.

#### **Substitution**

- 3.4. Substitutes are permitted for all members of the Council.

### Delegated functions

- 3.5. Power is delegated to the Education, Children and Families Committee to:
- 3.5.1. exercise all the functions of the Council as education authority (education business), within the terms of the relevant legislation; and
  - 3.5.2. exercise the functions as social work authority, within the terms of the relevant legislation, in relation to children.
- 3.6. In addition, in relation to the matters listed in paragraph 3.7, to:
- 3.6.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
  - 3.6.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
  - 3.6.3. set standards for service delivery and secure value for money;
  - 3.6.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
  - 3.6.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
  - 3.6.6. monitor arrangements to ensure best value and continuous improvement across all services;
  - 3.6.7. facilitate and encourage public, engagement, consultation, participation and feedback;
  - 3.6.8. set and monitor all relevant grants programmes and award grants;
  - 3.6.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action; and
  - 3.6.10. review the impact of the committee's policies on the city.
  - ~~3.6.11. To determine the Council's response to recommendations by the Social Work Complaints Review Committee concerning complaints about children and young people social work services.~~
- 3.7. The matters referred to in paragraph 3.6 are as follows:
- 3.7.1. the Council's education, children and families services;
  - 3.7.2. Lifelong Learning; and
  - 3.7.3. major capital programmes or projects implementation, asset planning and facilities management for the Council's education, children and families services.

#### **4. Finance and Resources Committee**

4.1. **Constitution:** 11 members of the Council as follows:

- 4.1.1. 3 SNP
- 4.1.2. 3 Conservative
- 4.1.3. 2 Labour
- 4.1.4. 2 Green
- 4.1.5. 1 SLD

##### **Convener and Vice Convener**

4.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

##### **Quorum**

4.3. Four members will constitute a quorum.

##### **Substitution**

4.4. Substitutes are permitted.

##### **Delegated functions**

4.5. Power is delegated to the Finance and Resources Committee in relation to matters listed in paragraph 4.6 to:

- 4.5.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
- 4.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 4.5.3. set standards for service delivery and secure value for money;
- 4.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 4.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 4.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 4.5.7. facilitate and encourage public engagement, consultation, participation and feedback;
- 4.5.8. set and monitor all relevant grants programmes and award grants;
- 4.5.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved

Petitions procedure and determine the appropriate action to be taken;  
and

4.5.10. review the impact of the committee's policies on the city.

4.6. The matters referred to in paragraph 4.5 are as follows:

4.6.1. Council's revenue and capital budgets;

4.6.2. Council's expenditure and budget policy;

4.6.3. Monitoring the Council's Treasury Management policies and practices;

4.6.4. Council's long term financial plan;

4.6.5. Procurement and contracts;

4.6.6. monitoring of Council debt and debt recovery;

4.6.7. Common Good Fund;

4.6.8. human resources (not including policy);

4.6.9. ICT

4.6.10. Disposal and development of Council owned property and land transactions;

4.6.11. All charitable and other trust funds vested in the Council except where the Council has expressly made other arrangements.

## **5. Housing, Homelessness and Fair Work Committee**

5.1. **Constitution:** 11 members of the Council as follows:

5.1.1. 3 SNP

5.1.2. 3 Conservative

5.1.3. 2 Labour

5.1.4. 2 Green

5.1.5. 1 SLD

### **Convener and Vice Convener**

5.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

### **Quorum**

5.3. Four members will constitute a quorum.

## **Substitution**

- 5.4. Substitutes are permitted.

## **Delegated functions**

- 5.5. Power is delegated to the Housing, Homelessness and Fair Work Committee in relation to matters listed in paragraph 5.6 to:

- 5.5.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
- 5.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 5.5.3. set standards for service delivery and secure value for money;
- 5.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 5.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 5.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 5.5.7. facilitate and encourage public, engagement, consultation, participation and feedback;
- 5.5.8. set and monitor all relevant grants programmes and award grants
- 5.5.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken;
- 5.5.10. review the impact of the committee's policies on the city.

- 5.6. The matters referred to in paragraph 5.5 are as follows:

- 5.6.1. Housing;
- 5.6.2. Homelessness and housing support;
- 5.6.3. Employability and fair work;
- 5.6.4. Economic development projects and policies that are not reserved to the Policy and Sustainability Committee;
- 5.6.5. External relations and inward investment; and
- 5.6.6. Inclusive growth.



## **6. Transport and Environment Committee**

6.1. **Constitution:** 11 members of the Council as follows:

- 6.1.1. 3 SNP
- 6.1.2. 3 Conservative
- 6.1.3. 2 Labour
- 6.1.4. 2 Green
- 6.1.5. 1 SLD

### **Convener and Vice Convener**

6.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

### **Quorum**

6.3. Four members will constitute a quorum.

### **Substitution**

6.4. Substitutes are permitted.

### **Delegated functions**

6.5. Power is delegated to the Transport and Environment Committee in relation to the matters listed in paragraph 6.6, to:

- 6.5.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
- 6.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council or officers;
- 6.5.3. set standards for service delivery and secure value for money;
- 6.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 6.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 6.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 6.5.7. facilitate and encourage public, engagement, consultation, participation and feedback;
- 6.5.8. set and monitor all relevant grants programmes and award grants;

- 6.5.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken;
  - 6.5.10. review the impact of the committee's policies on the city.
- 6.6. The matters referred to in paragraph 6.5 are as follows:
- 6.6.1. Strategic Transport Planning;
  - 6.6.2. Traffic management, roads and parking;
  - 6.6.3. Public transport;
  - 6.6.4. Public Realm Projects;
  - 6.6.5. Flood prevention;
  - 6.6.6. Waste services;
  - 6.6.7. Environmental health and trading standards; and
  - 6.6.8. Street cleaning and open space maintenance.

## 7. Governance, Risk and Best Value Committee

- 7.1. **Constitution:** 11 members of the Council as follows:

- 7.1.1. 3 SNP
- 7.1.2. 3 Conservative
- 7.1.3. 2 Labour
- 7.1.4. 2 Green
- 7.1.5. 1 SLD

### Convener

- 7.2. The Convener ~~and Vice-Convener~~ of the committee will be members of the opposition.

### Quorum

- 7.3. Four members of the Governance, Risk and Best Value Committee will constitute a quorum.

### Substitution

- 7.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

### Delegated functions

- 7.5. Power is delegated to the Governance, Risk and Best Value Committee to exercise the following functions:
- 7.5.1. To monitor the financial performance of the Council and its subsidiary undertakings, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements; including:

- 7.5.2. Scrutinising information on:
  - (a) Council Budgets;
  - (b) Management of Council assets;
  - (c) The Council's Treasury Management strategy and policies;
  - (d) Control, monitoring and review of income and expenditure, both revenue and capital;
  - (e) Council subsidiaries ;
  - (f) Council Companies (excluding those associated with the pension fund);
  - (g) Children's Panel; and
  - (h) Common Good Fund.
- 7.5.3. Monitoring the annual audit plan and reviewing all Council audit and inspection work against the plan.
- 7.5.4. Receiving and considering summaries of internal and external audit reports which relate to any issue falling within the remit of this committee.
- 7.5.5. Monitoring internal controls, corporate risk management and key operational governance areas.
- 7.6. Scrutiny on a specific issue should follow a committee decision.
- 7.7. To instruct a report on any matter within the remit of an executive committee but where a decision is yet to be taken; the report as instructed will initially be considered by the executive committee.
- 7.8. Referring back to the appropriate Executive Committee for its consideration any financial performance issue, which might have implications for policy development within the remit of the Executive Committee
- 7.9. To scrutinise the operational performance of all council services and Council subsidiaries in relation to the Council's agreed pledges, outcomes, policy objectives and statutory performance targets, including:
  - 7.9.1. considering information that relate to issues falling within the remit of Council services, including complaints handling, customer care and ombudsman reports;
  - 7.9.2. monitoring employment, organisational development and equalities issues as they relate to the operation of the council corporately and to its individual services; and

- 7.9.3. scrutinising major projects and programmes, service reviews and transformational change.
- 7.10. To invite Conveners or Vice-Conveners to attend committee, and where appropriate, to question and hold them to account on the operational or financial performance of any service area falling within their remit.
- 7.11. To refer back to the appropriate Executive Committee for its consideration any service performance issues that might have implications for policy development coming within the remit of the Executive Committee
- 7.12. To initiate and undertake planned scrutiny reviews of any matter falling within the remit of this committee or specific scrutiny reviews requested by an Executive Committee.
- 7.13. To promote the observance by Councillors of high standards of conduct and assist them in observing the code of conduct, in accordance with any guidance issued by the Standards Commission for Scotland.
- 7.14. To report, as required, on any matter within the committee's remit to Council.

#### **Other Committees**

### **8. Committee on Discretionary Rating Relief Appeals**

- 8.1. **Constitution:** 5 members of the Council as follows:

- 8.1.1. 1 SNP
- 8.1.2. 1 Conservative
- 8.1.3. 1 Labour
- 8.1.4. 1 Green
- 8.1.5. 1 SLD

#### **Convener**

- 8.2. The Convener will be a member of the City of Edinburgh Council.

#### **Quorum**

- 8.3. Two members of the Committee on Discretionary Rating Relief Appeals will constitute a quorum

#### **Substitution**

- 8.4. Substitutes are permitted.

#### **Delegated functions**

- 8.5. Power is delegated to the Committee on Discretionary Rating Relief Appeals:

- 8.5.1. To review decisions taken by the Executive Director of Resources to refuse discretionary rating relief;

- 8.5.2. To consider representations from organisations or individuals, justifying the granting of discretionary rating relief to them;
- 8.5.3. To decide whether or not to grant discretionary rating relief as a result of considering the organisation's or individual's representations; and
- 8.5.4. To decide what, if any, conditions should be fulfilled prior to discretionary rating relief being granted.

## **9. Leadership Advisory Panel**

9.1. **Constitution:** 5 members of the Council as follows:

- 9.1.1. Leader of the Council
- 9.1.2. Deputy Leader of the Council
- 9.1.3. Conservative Group Leader
- 9.1.4. Green Group Leader
- 9.1.5. Scottish Liberal Democrat Group Leader
- 9.1.6. three statutory representatives, appointed by the Education, Children and Families Committee when considering education business

### **Convener**

9.2. The Convener of the Committee will be the Leader of the Council.

### **Quorum**

9.3. Two members of the Leadership Advisory Panel will constitute a quorum except on education business when the quorum will be three members.

### **Substitution**

9.4. Substitutes are permitted for members of the Council only

### **Delegated functions**

9.5. Power is delegated to the Leadership Advisory Panel:

- 9.5.1. To decide any matter of urgency arising during any recess period, subject to the provision of any relevant enactment, to exercise all functions of the Council or Committee, which would otherwise have dealt with the matter that:
  - (a) can not await the resumption of the normal meetings timetable; and
  - (b) can not appropriately be decided by the Chief Executive or Executive Director in accordance with urgency provisions within these Committee Terms of Reference.

## 10. Planning Committee

10.1. **Constitution:** 11 members of the Council as follows:

- 10.1.1. 3 SNP
- 10.1.2. 3 Conservative
- 10.1.3. 2 Labour
- 10.1.4. 2 Green
- 10.1.5. 1 SLD

### Convener

10.2. The Convener and Vice-Convener will be ~~a~~ members of the City of Edinburgh Council.

### Quorum

10.3. Four members of the Planning Committee will constitute a quorum.

### Substitution

10.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Planning Officer.

### Delegated functions

10.5. Power is delegated to the Planning Committee:

10.5.1. To exercise the functions of the Council as planning, building standards and statutory addressing authority and to determine planning policies including:

- 10.5.1.1. Development frameworks including public realm for place making;
- 10.5.1.2. Strategic Infrastructure;
- 10.5.1.3. Non-statutory planning guidance;
- 10.5.1.4. designate and review conservation areas;
- 10.5.1.5. management plans for world heritage sites.

10.5.2. To express and interpret these policies as specific tasks and projects and set service standards;

10.5.3. To review performance in the delivery of services, the achievement of service standards and the impact of the Committee's activities on the City;

10.5.4. To conduct relations with external bodies relevant to the Committee's service responsibilities, including approval of a response to proposals by other authorities or bodies on which the Council is being consulted;

- 10.5.5. To appoint representatives on outside bodies relevant to the committee's service responsibilities;
- 10.5.6. To consider the development and use of land in the city and wider city region and approve relevant stages of the local development plan and to refer it to Council for adoption. ;
- 10.5.7. To take decisions in pursuit of the committee's policies, subject to compliance with corporate personnel and financial policies and regulations;
- 10.5.8. To determine any charges for services provided by the committee; and
- 10.5.9. To provide financial assistance, in pursuit of the committee's policies.

## **11. Pensions Committee**

11.1. **Constitution:** 5 members of the Council as follows:

- 11.1.1. 1 SNP
- 11.1.2. 1 Conservative
- 11.1.3. 1 Labour
- 11.1.4. 1 Green
- 11.1.5. 1 SLD
- 11.1.6. 2 external members nominated by the Lothian Pension Funds Consultative Panel, 1 employer and 1 member representative.
- 11.1.7.

### **Convener**

11.2. The Convener will be a member of the City of Edinburgh Council.

### **Quorum**

11.3. Three members of the Pensions Committee will constitute a quorum.

### **Substitution**

11.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of Resources.

### **Delegated functions**

11.5. Power is delegated to the Pensions Committee :

- 11.5.1. exercise all functions of the pension funds, within the terms of the legislation;
- 11.5.2. determine the overall policy objectives of the pension funds in accordance with the best interests of fund members and with relevant legislation;

- 11.5.3. determine the strategy for the investment of pension funds monies including the variety and suitability of investments and to review and monitor investment arrangements;
  - 11.5.4. ensure appropriate investment management arrangements are in place for pension funds monies and to review investment manager performance;
  - 11.5.5. establish and maintain arrangements for the effective management and administration of the pension funds including staffing and budgetary arrangements.
  - 11.5.6. approve the allocation of resources to the Investment and Pensions Division from the Revenue Budget and Capital Investment Programme of the pension funds;
  - 11.5.7. approve responses to consultation papers issued by government and other authorities; and
- 11.6. monitor overall performance of the pension funds in the delivery of services and financial performance, consider all matters in respect of the pension funds including:
- 11.6.1. determining policies for the management and regulation of the Investment and Pensions Division within the strategic policy and planning framework approved by the Council;
  - 11.6.2. approving strategies, programmes and projects and work with officers and partners to implement them;
  - 11.6.3. setting standards for service delivery;
  - 11.6.4. securing best value in the provision of services;
  - 11.6.5. taking all executive decisions in respect of the pension funds which are not reserved to the Council or delegated to another committee of the Council;
  - 11.6.6. ensuring systematic appraisal of the control environment and framework of internal controls in respect of the Investment and Pensions Division to provide reasonable assurance of effective and efficient operations and compliance with laws and regulations;
  - 11.6.7. promoting the development of an appropriate risk management strategy and risk management procedures;
  - 11.6.8. ensuring highest standards of probity and public accountability;
  - 11.6.9. ensuring sound financial procedures are in place for authorising and monitoring expenditure;



- 11.6.10. agreeing internal audit plans and to ensure internal audit work is properly planned with due regard to risk, materiality and coverage;
- 11.6.11. overseeing and review action taken on internal audit recommendations;
- 11.6.12. reviewing all matters relating to external audit, including audit plan, action points and reports, and to monitor implementation of external audit recommendations; and
- 11.6.13. promoting, monitoring and developing continuous improvement.

## **12. Personnel Appeals Committee**

12.1. **Constitution:** 9 members of the Council as follows:

- 12.1.1. 3 Conservative
- 12.1.2. 2 SNP
- 12.1.3. 2 Labour
- 12.1.4. 1 Green
- 12.1.5. 1 Scottish Liberal Democrat

### **Convener**

12.2. The Convener will be a member of the City of Edinburgh Council.

### **Quorum**

12.3. Three members of the Personnel Appeals Committee will constitute a quorum.

### **Substitution**

12.4. Substitutes are permitted.

### **Delegated functions**

12.5. Power is delegated to the Personnel Appeals Committee to:

- 12.5.1. hear and decide appeals on a decision taken, or a failure to take a decision, by an Executive Director, or his/her nominee, under the Procedures for Hearing Employee Grievances.
- 12.5.2. hear and decide appeals to a decision to:
  - 12.5.2.1. dismiss or take other forms of punitive disciplinary action; and
  - 12.5.2.2. issue a warning, oral or written under the Procedure for Consideration of Appeals by Executive Directors against Disciplinary Action and the Procedure for Consideration of Appeals against Disciplinary Action.

12.5.3. hear and decide disputes under the Avoidance of Industrial Disputes Procedure.

12.5.4. decide appeals from teaching staff in regard to the application and interpretation of the terms of the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

### **13. Placing in Schools Appeals Committee**

13.1. **Constitution:** One person from each of the following panels:

13.2. Panel 1: All members of Council and religious representatives on the Education, Children and Families Committee.

13.3. Panel 2: Parents of children of school ages.

13.4. Panel 3: Persons with experience in education and acquainted with educational conditions in the Council's area, nominated by the Executive Director of Communities and Families.

#### **Chair**

13.5. Each meeting appoints a Chair.

#### **Quorum**

13.6. Three members of the Placing in Schools Appeals Committee will constitute a quorum.

#### **Substitution**

13.7. Substitutes are only permitted from the same Panel.

#### **Delegated functions:**

13.8. Power is delegated to the Placing in Schools Appeals Committee:

13.8.1. To hear and decide appeals against decisions of the Council to refuse placing requests and exclude pupils all in terms of Section 28 C, D, E, G and H of the Education (Scotland) Act 1980 as amended; and

13.8.2. To consider appeals against decisions by the Executive Director of Communities and Families to refuse early admission to school.

### **14. Committee on Pupil Student Support**

14.1. **Constitution:** 5 members of the Council as follows:

14.1.1. 1 SNP

14.1.2. 1 Conservative

14.1.3. 1 Labour

14.1.4. 1 Green

- 14.1.5. 1 SLD
- 14.1.6. 1 religious representative from the Education, Children and Families Committee

**Convener**

- 14.2. The Convener will be a member of the City of Edinburgh Council.

**Quorum**

- 14.3. Two members of the Committee on Pupil and Student Support will constitute a quorum.

**Substitution**

- 14.4. Substitutes are permitted.

**Delegated functions:**

- 14.5. To consider school placing requests, and decide the priority order of placing requests.

**15. Recruitment Committee**

- 15.1. **Constitution:** 7 members of the Council as follows:

- 15.1.1. Leader of Council
- 15.1.2. Deputy Leader of the Council
- 15.1.3. Convener of the Finance and Resources Committee
- 15.1.4. Appropriate Convener or Vice-Convener for the role
- 15.1.5. A representative from each of the opposition groups

**Convener**

- 15.2. The Convener of the committee will be the Leader of the Council.

**Quorum**

- 15.3. Three members of the Recruitment Committee will constitute a quorum.

**Substitution**

- 15.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive and in line with the relevant Council policy.

**Delegated functions**

- 15.5. Power is delegated to the Recruitment Committee to short list and interview candidates and recommend an appointment to the Council for posts at Chief Executive, Executive Director and Heads of Service Division level (Chief Officials).

## 16. Regulatory Committee

16.1. **Constitution:** 9 members of the Council as follows:

- 16.1.1. 3 Conservative
- 16.1.2. 2 SNP
- 16.1.3. 2 Labour
- 16.1.4. 1 Green
- 16.1.5. 1 Scottish Liberal Democrat

### Convener

16.2. The Convener and Vice-Convener will be ~~a~~members of the City of Edinburgh Council.

### Quorum

16.3. Four members will constitute a quorum.

### Substitution

16.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

### Delegated functions

16.5. Power is delegated to the Regulatory Committee to:

- 16.5.1. exercise the functions of the Council as Licensing authority under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not within the remit of any other Committee.
- 16.5.2. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.
- 16.5.3. determine individual applications for registration and licences under the Civic Government (Scotland) Act and other statutory provisions which are not delegated to officers, in accordance with approved policies.
- 16.5.4. express and interpret licensing policies as specific projects, to set service standards and monitor performance in the delivery of services including financial performance relating to Regulatory Committee matters.
- 16.5.5. liaise with external bodies relevant to the Committee's service area, considering and approving responses to consultation proposals.
- 16.5.6. appoint representatives to outside bodies within the Committee's remit.
- 16.5.7. approve charges as required by statute and determine licence fees.
- 16.5.8. determine applications for road construction consent which are not delegated to the Executive Director of Place.

- 16.5.9. determine applications for permission to place tables and chairs on footways which are recommended for refusal by the Executive Director of Place.
- 16.5.10. exercise the Council's responsibilities in respect of safety at sports grounds.
- 16.5.11. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

## **17. The City of Edinburgh Planning Local Review Body**

17.1. **Constitution:** 5 members of the Council as follows:

- 17.1.1. Any five members who are also members of the Planning Committee but not the Convener of the Planning Committee.

### **Convener**

17.2. Each meeting appoints a Convener.

### **Quorum**

17.3. Three members of the City of Edinburgh Planning Review Body will constitute a quorum.

### **Substitution**

17.4. Substitutes are only permitted from the pool of trained members of the Planning Committee.

### **Delegated functions:**

17.5. Power is delegated to the City of Edinburgh Planning Local Review Body to fulfil the obligations of the Council, as planning authority, under section 43A of the Town and County Planning (Scotland) Act 1997 for the conduct of reviews.

## **18. Committee on the Jean F Watson Bequest**

18.1. **Constitution:** 8 members of the council as follows:

- 18.1.1. 2 SNP
- 18.1.2. 2 Conservative
- 18.1.3. 2 Labour
- 18.1.4. 1 Green
- 18.1.5. 1 Scottish Liberal Democrat
- 18.1.6. one nominee of Friends of City Art Centre
- 18.1.7. two external members appointed by the Executive Director of Resources, in consultation with the Convener.

### **Convener**

18.2. The Convener of the Committee will be a member of the City of Edinburgh Council.

### **Quorum**

- 18.3. Four members of the Committee on the Jean F Watson Bequest will constitute a quorum.

### **Substitution**

- 18.4. Substitutes are permitted.

### **Delegated functions:**

- 18.5. Power is delegated to the Committee on the Jean F Watson Bequest to:

- 18.5.1. Use monies from the Jean F Watson Bequest to purchase and commission for the City's collection works of artists and craftspeople born, practising in, or otherwise associated with Scotland, and in particular Edinburgh; all decisions to be guided by the Collection and Disposal Policy for the City Museums and Galleries.
- 18.5.2. Use monies from the Catherine E Cowper Trust to purchase and commission items for the Museum of Childhood; all decisions to be guided by the Collection and Disposal Policy for the City Museums and Galleries.

## Sub-Committees

### **19. Development Management Sub-Committee (Parent: Planning Committee)**

19.1. **Constitution:** All 11 members of the Planning Committee, as follows: -

- 19.1.1. 3 SNP
- 19.1.2. 3 Conservative
- 19.1.3. 2 Labour
- 19.1.4. 2 Green
- 19.1.5. 1 Scottish Liberal Democrat

#### **Convener**

19.2. The Convener will be a member of the City of Edinburgh Council.

#### **Quorum**

19.3. Four members of the Development Management Sub-Committee will constitute a quorum.

#### **Substitution**

19.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Planning Officer.

#### **Delegated Functions**

19.5. To discharge all functions of Management of Development Control required under the Planning Acts including the determination of planning applications (except for applications for National Developments and major developments significantly contrary to the Development Plan which require to be determined by full Council, or applications under the Council's Scheme of Delegation for Local Developments).

19.6. To determine applications for High Hedge Notices and withdraw or vary such notices as prescribed under the High Hedges (Scotland) Act 2013.

19.7. To determine cases for street naming and the numbering of properties.

### **20. Licensing Sub-Committee (Parent: Regulatory Committee)**

20.1. **Constitution:** 9 members of the Council as follows:

- 20.1.1. 3 Conservative
- 20.1.2. 2 SNP
- 20.1.3. 2 Labour
- 20.1.4. 1 Green
- 20.1.5. 1 Scottish Liberal Democrat

### **Convener**

- 20.2. The Convener of the Licensing Sub-Committee is the Convener of the Regulatory Committee.

### **Quorum**

- 20.3. Three members constitute a quorum.

### **Substitution**

- 20.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

### **Delegated functions:**

- 20.5. Power is delegated to the Licensing Sub-Committee to:

- 20.5.1. exercise the functions of the Council as Licensing authority under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not within the remit of any other Committee;
- 20.5.2. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee;
- 20.5.3. determine individual applications for registration and licences under the Civic Government (Scotland) Act and other statutory provisions which are not delegated to officers, in accordance with approved policies;
- 20.5.4. determine applications for road construction consent not delegated to the Executive Director of Place;
- 20.5.5. determine applications for permission to place tables and chairs on footways recommended for refusal by the Executive Director of Place;
- 20.5.6. exercise the Council's responsibilities in respect of safety at sports grounds; and
- 20.5.7. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

## **21. Pensions Audit Sub-Committee (Parent: Pensions Committee)**

### **Constitution**

- 21.1. Three members from the Pensions Committee of which a minimum are two City of Edinburgh elected members.

### **Quorum**

- 21.2. Two members of the Pensions Audit Sub Committee will constitute a quorum.



### **Convener**

- 21.3. The Convener of the Pensions Audit Sub-Committee will be appointed from the membership of the Pensions Committee, excluding the Convener of that committee.

### **Substitution**

- 21.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of Resources.

### **Delegated functions**

- 21.5. Power is delegated to the Pensions Audit Sub-Committee to consider and make appropriate recommendation(s) to the Pensions Committee:

- 21.5.1. To ensure systematic appraisal of the control environment and framework of internal control of pension funds to provide reasonable assurance of the effective and efficient operations and compliance with laws and regulations;
- 21.5.2. To promote the development of an appropriate risk management strategy and risk management procedures;
- 21.5.3. To ensure the highest standards of probity and public accountability;
- 21.5.4. To ensure sound financial procedures are in place for authorising and monitoring expenditure;
- 21.5.5. To consider and scrutinise an annual report on any companies owned by the Council that are connected to the activities of the Pension Fund;
- 21.5.6. To review the annual financial statements of the pension funds [and the International Standard on Auditing 260 (ISA 260) communication of audit matters];
- 21.5.7. To agree internal audit plans and to ensure that internal audit work is planned with due regard to risk, materiality and coverage;
- 21.5.8. To oversee in light of the audit plan the performance of the audit service;
- 21.5.9. To oversee and review action taken on internal audit recommendations; and
- 21.5.10. To review all matters relating to external audit, including audit planning, action points and reports, and to monitor the implementation of external audit recommendations.

## **22. Property Sub-Committee (Parent: Finance and Resources Committee)**

22.1. **Constitution:** 10 members of the Council as follows:

- 22.1.1. 3 SNP
- 22.1.2. 3 Conservative
- 22.1.3. 2 Labour
- 22.1.4. 1 Green
- 22.1.5. 1 SLD

### **Convener**

22.2. The Convener will be a member of the City of Edinburgh Council.

### **Quorum**

22.3. Four members of the Property Sub-Committee will constitute a quorum.

### **Substitution**

22.4. Substitutes are permitted.

### **Delegated functions:**

22.5. Power is delegated to the Property Sub-Committee to:

- 22.5.1. oversee the work of the Edinburgh Shared Repairs Service;
- 22.5.2. to take decisions in relation to the Council's Shared Repair Service that fall within the remit of the Finance and Resources Committee in relation to financial and legal risks; and
- 22.5.3. consider any outstanding issues that require detailed scrutiny in relation to the closure of the Property Conservation Programme Momentum project.

## **23. Special Sub-Committee on Adult Social Care (Parent: Culture and Communities Committee)**

23.1. **Constitution:** 5 members of the Council as follows:

- 23.1.1. 1 Labour
- 23.1.2. 1 SNP
- 23.1.3. 1 Conservative
- 23.1.4. 1 Green
- 23.1.5. 1 SLD

### **Convener**

23.2. The parent committee appoints the Convener.

### **Quorum**

- 23.3. Two members of the Special Sub-Committee on Adult Social Care will constitute a quorum.

### **Substitution**

- 23.4. Substitutes are permitted.

### **Delegated functions**

- 23.5. Power is delegated to the Special Sub-Committee on Adult Social Care to:
- 23.5.1. maintain an overview of the quality of social work experience for Edinburgh's citizens by considering reports of HMI, SWIA, and Care Commission inspections and internal reviews of health and social care establishments and services, and action taken;
  - 23.5.2. monitor the implementation of new initiatives relating to quality;
  - 23.5.3. maintain an overview of the implementation of national and local policies.
  - 23.5.4. address issues relating to the work of services which arise during the course of the business of the sub-committee and make recommendations to the Culture and Communities Committee;
  - 23.5.5. celebrate the success of services, including identification of examples of good practice; and
  - 23.5.6. provide a high quality experience for officers and sub-committee members by adopting an agreed set of protocols for the conduct of Special Sub-Committees.

## **24. Sub-Committee on Standards for Children and Families (Parent: Education, Children and Families Committee)**

- 24.1. **Constitution:** 9 Members in total comprising of 1 religious representative and 8 Members of the Council as follows:
- 24.1.1. 3 Conservative
  - 24.1.2. 2 SNP
  - 24.1.3. 2 Labour
  - 24.1.4. 1 Green
  - 24.1.5. 1 Scottish Liberal Democrat

### **Convener**

- 24.2. The parent committee will appoint the convener.

### **Quorum**

- 24.3. Three members will constitute a quorum.

### **Substitution**

- 24.4. Substitutes are permitted.

### **Delegated functions**

- 24.5. Power is delegated to the Sub-Committee on Standards for Children and Families to:

- 24.5.1. Provide oversight of the quality of education and care experiences for young people in the City of Edinburgh by scrutinising the reports and follow up actions of Education Scotland inspections in schools;
- 24.5.2. Consider an annual report on Care Inspectorate inspections in early years provision;
- 24.5.3. Consider individual reports on Care Inspectorate inspections in residential schools, care services for children and local authority reviews of service areas, establishments and units;
- 24.5.4. Monitor the implementation of initiatives relating to quality improvement and assurance, and attainment and achievement;
- 24.5.5. Maintain an overview of the implementation of national and local policies specifically related to quality standards by officers, establishments and services;
- 24.5.6. Contribute to the support and challenge agenda within the context of establishment plans; and
- 24.5.7. Celebrate the success of establishments, units, teams and the service including recognising items of good practice.

## 1. Status and Statutory Responsibility

- 1.1 These regulations are made under section 95 of the Local Government (Scotland) Act 1973.
- 1.2 Section 95 states that every local authority shall make arrangements for the proper administration of its financial affairs and shall secure that the proper officer of the authority (termed the Section 95 Officer) has responsibility for the administration of those affairs.
- 1.3 The Local Authority Accounts (Scotland) Regulations 1985 further specify that the system of accounting and control and the form of the accounts and supporting records are to be determined by the Section 95 Officer and that s/he is to ensure that accounting controls are observed and the accounts and supporting records are kept up to date. S/he is also responsible for publishing the Annual Accounts of the Council and for making the arrangements for the statutory audit required by s96 of the 1973 Act.
- 1.4 The City of Edinburgh Council has designated the Head of Finance as the Section 95 Officer and therefore as the officer responsible for the administration of the Council's financial affairs in terms of section 95 of the 1973 Act.
- 1.5 The Head of Finance serves as the Section 95 Officer for all of the Council's accounting arrangements, including those of the Lothian Pension Funds. For the Lothian Pension Funds, however, this Section 95 responsibility has been delegated to the Funds' Chief Finance Officer in accordance with the arrangements set out in the addendum to this document.
- 1.6 Following the establishment under the Public Bodies (Joint Working) Act 2015 of an Edinburgh-area Health and Social Care Integration Joint Board (EIJB), [a separate set of financial regulations](#), drawing on similar principles of sound governance, has been produced. Along with the related financial directives, these regulations form the basis upon which the Chief Financial **Planning** Officer of the EIJB will discharge equivalent proper officer responsibilities for the Board.
- 1.7 A more detailed set of Finance Rules, which prescribe the procedures to be followed, has also been prepared. While these rules and other relevant procedures and policies are not contained within these financial regulations, they are issued under their authority and have the same status as if they were included in the body of these regulations.
- 1.8 The Head of Finance will establish a programme of review for all relevant documents and report the outcome of this review to the Finance and Resources Committee on an annual basis. Executive Directors and officers may also seek the issue, amendment,

clarification or supplementing of the regulations, finance rules or associated procedures and policies for any areas of responsibility not previously addressed.

- 1.9 Any breach or non-compliance with these regulations or the associated finance rules, procedures or policies issued under their authority must be reported immediately to the Head of Finance, who may consult others as s/he sees fit to determine the proper action.

## **2. Application**

- 2.1 The City of Edinburgh Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards and that public money is safeguarded, properly accounted for and used economically, efficiently, effectively, equitably and ethically. The Council's activities are furthermore guided by a set of underlying principles and responsibilities fostering openness, integrity and accountability.
- 2.2 In discharging these responsibilities, elected members and senior officers are responsible for implementing effective arrangements for governing the Council's affairs and facilitating the effective exercising of its functions including arrangements for managing risk.
- 2.3 As a consequence of these responsibilities, the Council must regulate the actions taken on its behalf that carry financial implications to provide assurance of their propriety and consistency. It is furthermore a requirement of these regulations that all financial transactions are within the legal powers of the Council. These Financial Regulations thus form a key element of the maintenance of a robust, clear and accountable governance framework for the Council.

## **3. Responsibilities and Observance**

### **3.1 Chief Executive**

- 3.1.1 The Chief Executive, as statutory Head of -Paid Service, has authority over all officers and is authorised to discharge any function or exercise any power delegated to any officer under the Council's Scheme of Delegation. As the officer charged with overall responsibility for the corporate management and operational functions of the Council, this includes putting in place suitable arrangements to ensure an efficient use of resources.
- 3.1.2 The Council's Scheme of Delegation to Officers sets out the powers delegated to officers pursuant to the Local Government (Scotland) Act 1973. As noted in paragraph 1.4, the Head of Finance has been designated the Council's Section 95 Officer responsible for the administration of the Council's financial affairs.

3.2 Role of the Head of Finance

3.2.1 The Head of Finance, as the Council's Section 95 officer, is responsible for advising the Council on all financial matters and for monitoring and reporting on its financial performance and position.

3.3 Executive Directors

3.3.1 Executive Directors are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and meeting associated financial targets. In doing so, they should also have due regard to sustainability and equalities considerations.

3.3.2 Executive Directors are fully responsible and accountable for the financial performance of their ~~Directorate service area~~ against the budget allocated. They may incur revenue expenditure in furtherance of agreed Council policies only to the extent that budgetary provision has been made.

3.3.3 As part of ensuring the overall sustainability of the Council's financial planning and management arrangements, Executive Directors also have a responsibility to review their respective budgets on an on-going basis. This includes the active monitoring and management of service pressures, delivery of approved savings and application of approved service investment, particularly in cases where this investment is targeted towards delivery of longer-term savings. The Head of Finance, as the Section 95 officer, may request that Executive Directors report to Council during the year on measures being taken to ensure expenditure is contained within approved levels.

3.3.4 Executive Directors are further charged with the implementation of the risk management policy and associated operational arrangements for the control and mitigation of risk in their service areas and for ensuring its effectiveness and review.

3.3.5 Paragraphs 3.2 and 3.3 of the Scheme of Delegation provide that:

- (a) In the event that the Executive Director or Head of Service/Chief Social Work Officer (where relevant) is unavailable, his/her designated deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Executive Director;
- (b) Executive Directors or the Head of Service/Chief Social Work Officer (where relevant) may sub-delegate their delegated powers to their deputy(ies) or head(s) of service or such other officer(s) in their service area as they may consider appropriate.

- 3.3.6 With the exception of urgent decisions, which must be taken in accordance with the Scheme of Delegation, authority to discharge financial-related responsibilities must be delegated formally in writing. This requirement applies to delegations of authority for financial matters by all levels of management.
- 3.3.7 Executive Directors will formally report major financial issues to the Chief Executive and Head of Finance, who will instruct appropriate action.
- 3.4 Internal Audit and Risk Management
- 3.4.1 The Head of Legal and Risk, through the Chief Internal Auditor, shall arrange for a continuous internal audit function, to carry out an examination of accounting, financial and other operations of the Council, through undertaking a risk-based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS). The Head of Legal and Risk ~~Chief Risk Officer~~ will also oversee the development and implementation of an appropriate risk management policy and associated operational arrangements.
- 3.4.2 It is the Chief Internal Auditor's responsibility to put in place appropriate arrangements to provide the Chief Executive, Executive Directors, Head of Finance and elected members with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.
- 3.5 Elected Members
- 3.5.1 Elected members' responsibilities with regard to financial matters reflect a number of facets, including:
- (a) Setting the authority's financial strategy, including budget-setting;
  - (b) Setting the authority's strategic direction and overseeing arrangements for the securing (and demonstration) of best value;
  - (c) Ensuring proper control is exercised over the authority's expenditure through scrutiny of periodic financial reports comparing expenditure with the level of budgetary provision;
  - (d) Holding senior officers to account with regard to discharging all relevant financial responsibilities within their control; and
  - (e) Encouraging the development of service targets/performance measurements of a financial/non-financial nature to monitor service achievements.
- 3.5.2 In this regard, the respective remits and key functions of Council, the Governance, Risk and Best Value Committee, the Finance and



Resources Committee and other Executive Committees are set out in the Council's Committee Terms of Reference and Delegated Functions.

3.6 External Audit

- 3.6.1 The external audit of the Council seeks to assess the extent to which the stewardship of its financial affairs is subject to a regime of accountability where monies are properly accounted for, safeguarded and used economically, efficiently and effectively. The scope of this audit is wider than that of the private sector equivalent, encompassing coverage of the financial statements, regularity, propriety and best value, including the securing of value for money. At present, this role is undertaken on the Accounts Commission's behalf by Scott-Moncrieff.

**4. Principles and Key Areas of the Control Framework**

4.1 Financial Management

- 4.1.1 The Head of Finance will, in conjunction with the relevant Executive Director, provide to all Executive Committees (including the Finance and Resources Committee) and the Governance, Risk and Best Value Committee regular monitoring reports, including reports on the final outturn, together with any recommendations.

4.2 Financial Control

- 4.2.1 As noted at 1.3, The Local Authority Accounts (Scotland) Regulations 1985 require that the system of accounting and control, and the form of the accounts and supporting records, should be defined by the Head of Finance, who will ensure that the system is adhered to and that the accounts and supporting records are kept up to date.
- 4.2.2 The Regulations also require the Head of Finance to submit the Abstract of Accounts to the Council (or an appropriate Executive Committee) and the Council's external auditor by the prescribed dates. The Head of Finance is responsible for ensuring that the accounts are produced in compliance with existing legal and accounting requirements.
- 4.2.3 Executive Directors are required to provide all relevant information to the Head of Finance in accordance with the instructions issued annually.

4.2.4 As the officer who is statutorily responsible for all financial matters the Head of Finance will implement procedural controls to ensure that:

- (a) All expenditure is a valid charge;
- (b) Income owed is collected;
- (c) Assets are protected;
- (d) Liabilities are accounted for; and
- (e) Financial reports are prepared.

#### 4.3 Risk Management and Internal Control

4.3.1 In accordance with the Head of Finance's responsibility for financial control and the Local Code of Corporate Governance's requirements for the effective management of risk, the Head of Finance has approved financial rules to address these matters.

#### 4.4 Systems and Procedures

##### 4.4.1 **Accounting Arrangements**

4.4.1.1 The following will be carried out according to procedures and instructions issued by the Head of Finance:

- (a) Preparation of the statutory Abstract of Accounts; and
- (b) Production of financial information in Council strategic plans, including estimated revenue and capital expenditure.

4.4.1.2 All financial records, systems and any changes thereto are subject to the written approval of the Head of Finance following consultation with Executive Directors.

4.4.1.3 The following principles must be observed in the allocation of accounting duties:

- (a) The duties of providing information regarding sums owed to or by the Council, and calculating, checking and recording these sums must be separated as completely as possible from the duty of collecting or disbursing them;
- (b) Officers responsible for examining and directing accounts of cash transactions cannot be engaged in any of these transactions;
- (c) All checking and authorisation undertaken by officers must be evidenced by initials or signature, whichever is appropriate;

- (d) All claims, returns or written submissions relating to grants and financial data must be submitted to the Head of Finance for approval prior to entering into any contracts under delegated authority; and
- (e) Financial records, including contract documents for work done, services and supplies, may only be disposed of in accordance with arrangements approved by the Head of Finance.

#### 4.4.2 Revenue Budgets

- 4.4.2.1 Executive Directors are required to prepare revenue estimates in accordance with guidance issued by the Head of Finance. Such estimates will be supported by an integrated impact assessment, where relevant. The Head of Finance will assist Executive Directors to prepare financial information for inclusion in the revenue estimates. The Council's Strategy and [Communications Insight](#) service will assist, as necessary, Executive Directors to prepare integrated impact assessments. ~~Where applicable, consideration must also be given to the carbon, climate change adaptation and sustainable development impacts of budget proposals, on which relevant specialists can provide additional advice.~~ When the revenue estimates have been approved by Council, they become the "Revenue Budget".
- 4.4.2.2 The Head of Finance will prepare a financial context report for the Finance and Resources Committee for the next and future years. The Finance and Resources Committee will then remit the report to Council and may make recommendations to Council on setting Council Tax and rent for Council houses for the next financial year and, where applicable, on indicative figures for future years.
- 4.4.2.3 After considering the report and any recommendations, Council shall approve the allocation of resources, authorise the spending and set the Council Tax, rent for Council houses and relevant fees and charges for the following financial year at a meeting before 11th March each year.
- 4.4.2.4 The Head of Finance will determine what constitutes revenue expenditure and the relevant accounts in which transactions should be recorded.

#### 4.4.3 Capital Budgets

- 4.4.3.1 Executive Directors are required to prepare capital estimates, including carbon impact assessments, in accordance with guidance issued by the Head of Finance. When the capital estimates have been approved by Council, they become the "Capital Investment Programme".

- 4.4.3.2 The Head of Finance will determine what constitutes capital expenditure and the relevant accounts in which transactions must be recorded.
- 4.4.3.3 Capital estimates must be submitted for scrutiny by the Finance and Resources Committee, whose recommendations will be referred to the Council for approval.
- 4.4.4 **Reporting Requirements**
- 4.4.4.1 All Council and committee reports are required to include a statement of the financial consequences of the proposals for current and future years. The range of relevant considerations will vary from report to report but [a summary of the principal areas concerned](#) was reported to the Governance, Risk and Best Value Committee in December 2012. Guidance on completion of the financial implications section of Committee reports is also provided within Section ~~127~~ of [the Council's report writing and committee template information pack](#).
- 4.4.4.2 Where applicable, following approval at the Finance and Resources Committee in January 2014, commentary should also be included to cover (i) the associated revenue budget (i.e. loans charge) impact of capital expenditure proposals and/or changes and (ii) a summary of costs incurred by the Council in the procurement process for the goods and/or services forming the subject of that report. Further advice on requirements in each of these areas is available from the Corporate Finance Senior Manager.
- 4.4.4.3 In the event that reports do not meet the above requirement, or insufficient time is allowed for them to be properly considered, the Head of Finance may request that the Executive Director or other officer submitting the report withdraws it from the Council or committee agenda.
- 4.4.4.4 The Head of Finance, in conjunction with Executive Directors, is required to submit detailed quarterly monitoring reports to the Finance and Resources Committee, other relevant executive committee(s) and the Governance, Risk and Best Value Committee. These reports will compare actual expenditure to date with the budget position, project the expenditure outturn for revenue and capital expenditure, provide an overview of progress in delivering approved savings and managing service risks and pressures and report key service issues including – where relevant – the equality and rights impact of any changes. The Head of Finance will specify the format of such monitoring reports.
- 4.4.4.5 The Head of Finance may give such direction to Executive Directors as to measures to be taken in relation to the revenue budget or the capital investment programme during the remainder of the financial year as may be necessary or advisable in the circumstances prevailing.

Field Code Changed

4.4.4.6 The Head of Finance may also make recommendations to Council as may be necessary or advisable in the circumstances prevailing.

4.4.5 **Spending, Supplementary Estimates and Transferring Funds**

4.4.5.1 No Executive Director or officer to whom budgetary responsibilities have been delegated may allow spending, whether revenue or capital, to exceed budget.

4.4.5.2 No Executive Director or officer to whom budgetary responsibilities have been delegated may incur any expenditure unless:

- (a) It is a revenue expense which has been approved as part of the revenue budget under 4.4.2 of these Financial Regulations; or
- (b) It is a capital expense which has been approved as part of the Capital Investment Programme under 4.4.3 of these Financial Regulations, or any separate Act of Council and, where necessary, a tender or quotation has been received under Contracts Standing Orders; or
- (c) The expense has been authorised under the remaining subparagraphs of paragraph 4.4.5 of the Financial Regulations.

4.4.5.3 The Finance and Resources Committee may transfer money within the revenue budget to either existing or new projects, but:

- (a) If this will change approved Council policy, a report must be submitted to Council for approval before the transfer can be actioned; and
- (b) If the transfer will affect future years' revenue budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned.

4.4.5.4 The Finance and Resources Committee may transfer money within the Capital Investment Programme to either new or existing projects as may be necessary or advisable in the circumstances prevailing, but:

- (a) If this will change approved Council policy, a report must be submitted to Council for approval before the transfer can be actioned;
- (b) If the transfer will affect future years' capital or revenue budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned;

- (c) Where capital grant is provided for a specific project, no transfer to alternative projects is permitted without the consent of the Scottish Government or other external grant provider.

In the case of both revenue and capital transfers, any equality and rights impacts of the proposed changes must also be considered.

- 4.4.5.5 The Head of Finance may, from time to time, issue detailed instructions on the transfer of monies within and / or between service area revenue budgets.
- 4.4.5.6 If an Executive Director:
- (a) Proposes to incur revenue or capital spending that is not included in the revenue budget or capital investment programme approved by Council or to reduce income provided in that way; and
  - (b) Does not propose to pay for the spending by reallocating existing funding,
- the Executive Director must seek a supplementary estimate.
- 4.4.5.7 S/he must report to the Finance and Resources Committee with an assessment of the financial spending consequences for the current and future years and, where relevant, the equality and rights impact of the changes. In the case of revenue expenditure, this appraisal should include identification of the budget head(s) to be reduced in future years. If the Finance and Resources Committee agrees, it will submit a recommendation to Council.
- 4.4.5.8 The Head of Finance must agree before a proposal for transfer or supplementary estimate is reported to the Finance and Resources Committee.
- 4.4.5.9 Executive Directors, in consultation with the Convener of the appropriate Executive Committee for the service, may submit a request for expenditure of an emergency nature. In such circumstances, the expenditure concerned may be incurred on the authorisation of the Head of Finance, in consultation with the Convener of the Finance and Resources Committee. The Executive Director requesting the expenditure shall arrange for the matter to be reported to the Finance and Resources Committee.
- 4.4.5.10 Other than contractual liabilities, Executive Directors are not permitted to incur revenue expenditure until the relevant financial year has commenced.

#### 4.4.6 **Final Accounts**

- 4.4.6.1 Executive Directors are required to provide all relevant information to the Head of Finance in accordance with the instructions issued annually by him/her.
- 4.4.6.2 The Head of Finance will report the Council's final expenditure outturn with recommendations for appropriations to the Finance and Resources Committee.

#### 4.4.7 **Internal Audit**

- 4.4.7.1 The Chief Internal Auditor will make appropriate arrangements to review, appraise and report on:
  - (a) The adequacy of internal control as an indication of probity and contribution to the economic, efficient and effective use of resources;
  - (b) Compliance with approved policies, plans and procedures, including those with a significant impact on, or strong relevance to, equality and rights;
  - (c) The extent to which assets are accounted for and safeguarded from losses arising from theft, fraud, waste, inefficient administration and poor value for money;
  - (d) The suitability and reliability of management data;
  - (e) Service managers' effectiveness in achieving value for money.
- 4.4.7.2 The Chief Internal Auditor has authority, subject to necessary, prior consultations, to:
  - (a) Enter all Council premises or land at any reasonable time and have access to all records, documents and correspondence relating to financial or other matters. This access extends to Council Officers and elected members as necessary;
  - (b) Require and receive such explanations as are necessary concerning any matter under examination; and
  - (c) Require employees to produce cash, stores or other Council property under their control.
- 4.4.7.3 If elected members or staff discover or suspect any fraud or irregularity that affects the Council, they must immediately inform the Chief Internal Auditor who will arrange for an investigation to be conducted if appropriate. In so doing, attention is drawn to the provisions and arrangements included in the Council's Public Interest

Disclosure ([Whistleblowing](#)), [Anti-Fraud, Anti-Bribery](#) and [Anti-Money Laundering](#) policies.

#### 4.4.8 Risk Management

4.4.8.1 The Head of Legal and Risk, ~~in consultation with the Chief Risk Officer,~~ is responsible for preparing the risk management policy and associated operational arrangements.

4.4.8.2 Executive Directors are responsible for establishing effective internal controls to mitigate risk and documenting these controls and their application formally. In accordance with the risk management strategy, all officers have a role in the identification of risks as they affect their service area.

#### 4.4.9 Internal Control

4.4.9.1 In cases of material proposed change to systems of internal control, advice should be sought from the Chief Internal Auditor. It is the responsibility of relevant service managers, however, to implement resulting changes and monitor their effectiveness.

#### 4.4.10 Income

4.4.10.1 The collection of all money owed to the Council is the responsibility of the Head of Finance except:

(a) The collection of monies at service locations (i.e. where payment or counter services are offered) and the accounting thereof to the Head of Finance is the responsibility of the appropriate Executive Director; and

(b) The Executive Director of Place is responsible for the collection of ~~rents for Council housing and the collection of~~ parking fines and accounting for them to the Head of Finance.

4.4.10.2 The Head of Finance must be notified promptly of all money due and of contracts, leases, agreements or other arrangements, that involve payments to the Council.

4.4.10.3 Executive Directors will ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered and will furnish the Head of Finance with the information required to identify income due. The Head of Finance will approve the manner in which accounts for income receivable must be prepared. Additional guidance in this area is provided within the Council's [Corporate Debt Policy](#).



- 4.4.10.4 Arrangements for payment of accounts by instalment are at the discretion of the Head of Finance, in consultation with the relevant Executive Director where appropriate.
- 4.4.10.5 Arrangements for the billing and recovery of all sums due should be carried out in accordance with the provisions contained within the Council's Corporate Debt Policy.
- 4.4.10.6 Invoices issued by the Council must not be amended to correct errors. Services must issue a replacement invoice if errors are identified, whereupon the erroneous invoice should be cancelled.
- 4.4.11 **Receipt of Income**
- 4.4.11.1 All money received by a Council officer must be paid in without delay or in accordance with directions issued by the Head of Finance.
- 4.4.11.2 Where invoices have not been issued for sums owed to the Council, alternative arrangements for collection are subject to the Head of Finance's written approval.
- 4.4.11.3 The Head of Finance will specify in writing procedures for recording income, lodging income with the bank, resolving banking discrepancies, security and insurance, cash transfers, personal cheques and the supply of receipts and tickets for use by service areas.
- 4.4.11.4 The Executive Director of Resources, Head of Customer ~~and Information Technology~~ **and Digital Services**, Customer – Senior Manager and Head of Finance are authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.
- 4.4.12 **Salaries and Wages**
- 4.4.12.1 Employees may be appointed only in accordance with the procedures approved by the Council, the establishment, grades and rates of pay. Appropriate equality monitoring and internal audit arrangements will be put in place to ensure compliance.
- 4.4.12.2 Salaries and wages must be processed in accordance with procedures and instructions issued by the Head of Human Resources from time to time. Managers are also responsible for confirming the employment status of self-employed individuals and sole traders prior to engagement by means of completion of the HMRC-provided online assessment tool and liaising thereafter as appropriate with the Payroll and Accounts Payable functions.
- 4.4.12.3 The payment of salaries, wages, compensations and other emoluments to employees or pension entitlements to former employees will be made by the Head of Human Resources, who is

also responsible for transmitting pension contributions to the Lothian Pension Fund and the Scottish Public Pensions Agency and tax, National Insurance and apprenticeship levy contributions to HM Revenue and Customs.

4.4.12.4 Executive Directors must provide the Head of Finance and/or Head of Human Resources with the information required to complete Council and statutory returns.

#### 4.4.13 Allowances and Loan Schemes

4.4.13.1 The Head of Human Resources is responsible for paying allowances, reimbursing expenses and administering loan schemes.

4.4.13.2 Executive Directors are required to ensure that:

- (a) Claims and applications are submitted in accordance with conditions of service, Council policies and statutory provisions, together with relevant supporting information such as receipts;
- (b) Claims and applications are submitted on the appropriate form and certified by an authorised officer;
- (c) Officers authorised to sign claims and application forms on their behalf are notified to the Head of Finance;
- (d) Information required to complete Council and statutory returns is provided to the Head of Finance.

4.4.13.3 The Head of Finance is responsible for administering the Scheme of Members' Allowances in accordance with relevant statutory provisions and the payment of expenses. A report on members' allowances must be presented to the Governance, Risk and Best Value Committee annually and is currently discharged by means of the Remuneration Report contained within the Council's Annual Accounts.

#### 4.4.14 Insurance

4.4.14.1 The Head of Finance will:

- (a) Prepare and maintain an insurance strategy to provide cost-effective cover;
- (b) Negotiate claims with insurers, in consultation with relevant officers; and
- (c) Report annually to the Governance, Risk and Best Value Committee on the strategy's operation and effectiveness.

- 4.4.14.2 Executive Directors must notify the Head of Finance promptly of all new risks, properties, vehicles, plant, equipment, etc. that require to be insured, in addition to any alterations and changes in activities and procedures that may affect existing insurance arrangements.
- 4.4.14.3 Executive Directors must notify the Head of Finance of all major capital and revenue projects at an early stage if insurance cover or specialised insurance advice is required.
- 4.4.14.4 Executive Directors must notify the Head of Finance in writing of any loss, liability, damage or other event likely to lead to a claim immediately they become aware of it and should inform the police where appropriate.
- 4.4.14.5 In order to comply with the Insurance Act 2015, Executive Directors must advise every material circumstance that the Council 'knows' or 'ought to know' or provide sufficient information to put a prudent insurer on notice that it needs to make further enquiries for the purpose of revealing those material circumstances.
- 4.4.14.6 Executive Directors should not:
- (a) Make any admission of liability;
  - (b) Take any action which may be construed as an admission of liability; or
  - (c) Waive any rights of recovery.
- 4.4.14.7 Executive Directors must consult the Head of Finance and Head of Legal and Risk regarding the terms of any indemnity which the Council is requested to provide.
- 4.4.14.8 Executive Directors must take due account of recommendations made by the Council's insurers.
- 4.4.15 **Imprest Accounts**
- 4.4.15.1 Where appropriate, the Head of Finance will provide cash advances to officers to defray petty cash and other expenses. Such advances will be accounted for using the imprest system.
- 4.4.16 **Custody and Security of Assets**
- 4.4.16.1 Each Executive Director is responsible for maintaining appropriate security at all times for data/information, buildings, stores, furniture, equipment, cash and other property, including that owned by third parties.

4.4.16.2 The Scheme of Delegation to Officers – Appendix 1 - General Delegation to Executive Directors provides delegated authority to write off or dispose of any stores, plant, furniture, equipment or other tangible or monetary asset not falling within the scope of the Corporate Debt Policy in accordance with these Financial Regulations provided that:

- (a) The stores, plant, furniture, equipment or other tangible asset, have become unfit for use and unsaleable or in the case of relevant monetary assets, all reasonable steps to achieve recovery have been exhausted; and
- (b) The decision is made in consultation with the Executive Director of Services.

4.4.16.3 Council assets may not be removed, other than for Council purposes, unless specific instructions have been issued by an Executive Director.

4.4.16.4 Executive Directors are responsible for the care, custody and stocktaking of all stocks under their control and must act in accordance with guidelines issued by the Head of Finance.

4.4.16.5 Each Executive Director must agree maximum limits for cash holdings with the Head of Finance for insurance purposes. These may not be exceeded without the permission of the Head of Finance.

4.4.16.6 All heritable securities which are the Council's property, are in its name or in the name of its nominee, and the title deeds of all Council property must be stored securely by the Head of Finance.

4.4.16.7 All heritable securities that comprise the Common Good Fund must be stored securely by the Head of Finance.

#### 4.4.17 **Gifts, Hospitality and Conduct**

4.4.17.1 A register of items gifted or bequeathed to the Council will be maintained by the Head of Finance. Items of considerable value when not otherwise taken on charge for Council or service-specific purposes should be lodged with the Head of Finance for safe keeping and insurance.

4.4.17.2 Elected members and officials must comply with the Local Government (Scotland) Act 1973 Section 68 and all relevant codes of conduct for local government personnel.

4.4.17.3 The Chief Executive has delegated authority to approve expenditure on civic hospitality of up to £10,000 subject to consultation with the Lord Provost or relevant Convener if provided on behalf of a particular Committee. Where total event expenditure exceeds £10,000 or is

over and above the budgeted level, approval from the Finance and Resources Committee is required.

#### **4.4.18 Banking Arrangements**

- 4.4.18.1 The Head of Finance will make arrangements for opening and operating bank accounts and using banking services. The Head of Finance is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Principal Treasury and Banking Manager. Personal bank accounts must never be used in respect of Council transactions or funding.
- 4.4.18.2 All cheque forms, excluding those required for authorised imprest accounts may be printed only with the authority of the Head of Finance, who will make arrangements for their safe custody.
- 4.4.18.3 Cheques drawn on the main bank accounts must bear the facsimile signature of the Head of Finance (or other nominated officer) or be signed by the Head of Finance or other officer who holds an authorised post designated by him/her.
- 4.4.18.4 The Head of Finance will make appropriate arrangements, including determination of agreed authorisation limits, for the signature of other financial documents on behalf of the Council.

#### **4.4.19 Treasury Management**

- 4.4.19.1 The Council has adopted CIPFA's "Code for Treasury Management in the Public Services" and "Prudential Code for Capital Finance in Local Authorities". The Head of Finance is responsible for preparing and maintaining the Treasury Policy Statement and treasury management activities must be carried out in accordance with the Statement. Amendments must be considered and approved by Council.
- 4.4.19.2 An annual Treasury Strategy must be prepared. To this end, the Head of Finance will prepare separate annual reports to propose the following year's treasury strategy and report on the previous year's management performance. These documents will be subject to approval by Council and onward scrutiny by the Governance, Risk and Best Value Committee to monitor the strategy's implementation and effectiveness. The performance report will be submitted as soon as possible after the end of the financial year.
- 4.4.19.3 All treasury-related decisions are delegated to the Head of Finance who must act in accordance with the Code and Policy Statement.
- 4.4.19.4 All money in the Council's custody will be aggregated for treasury management purposes and controlled by the Head of Finance.

4.4.19.5 Where the acquisition or creation of an asset by leasing is proposed, the financial implications of the leasing agreement must be approved by the Head of Finance.

#### **4.4.20 Investments**

- 4.4.20.1 The Head of Finance may undertake any action that may reasonably be deemed permissible investment business but must seek appropriate advice where necessary in relation to educational endowments and any other Council or trust funds.
- 4.4.20.2 The Head of Finance is responsible for the safe custody of share certificates or other documents relating to the investment of Council or trust funds.

#### **4.4.21 Payment of Accounts**

- 4.4.21.1 Arrangements for processing payments must comply with procedures established by the Head of Finance, a summary of which is included in the Finance Rules.

#### **4.4.22 Grant Payments to Third Parties**

- 4.4.22.1 Executive Directors are responsible for ensuring that grant awards are consistent with the Council's priorities and are subject to its standard conditions of funding as determined by the Head of Finance.
- 4.4.22.2 Arrangements for processing grant payments must comply with procedures established by the Head of Finance as set out in the Finance Rules. Other than in a limited number of specific cases where authority is delegated to Executive Directors, all payments are subject to annual consideration and approval by the relevant Executive Committee.

#### **4.4.23 Procurement/Purchasing**

- 4.4.23.1 Arrangements for procurement/purchasing, including the use of purchasing cards, must comply with procedures established by the Head of Finance as summarised in the Finance Rules.
- 4.4.23.2 Executive Directors are responsible for ensuring that purchasing activity carried out on their behalf is undertaken in accordance with the guidance contained in the Procurement Handbook and associated equality requirements.

#### **4.4.24 Value Added Tax**

- 4.4.24.1 Executive Directors are responsible for identifying and accounting for input and output tax as it relates to their service area. Queries and specific problems should be referred to the Head of Finance, who is responsible for issuing guidance on the application of VAT rules.

#### 4.4.25 **Cyber Security**

4.4.25.1 The Head of Customer ~~and Digital Services and Information Technology~~ is responsible for preparing and maintaining the Council's policy on ICT security, as well as appropriate guidance on usage and security.

4.4.25.2 Executive Directors are responsible for applying the security policy and guidance.

4.4.25.3 The Council is registered under the Data Protection Act. Executive Directors are responsible for ensuring that the provisions regulating computer systems' security are strictly observed. Executive Directors must liaise with the Head of Customer ~~and Digital Services and Information Technology~~ to ensure adequate security on a continuing basis.

#### 4.4.26 **Other Significant Documents**

4.4.26.1 Financial Regulations should be read in conjunction with the constitutional documents of the Council and all Council Policies (as such term is defined in the Scheme of Delegation to Officers) including without limitation:

[Procedural Standing Orders for Council and Committee Meetings;](#)

[Committee Terms of Reference and Delegated Functions;](#)

[Scheme of Delegation to Officers;](#)

Finance Rules;

[Contracts Standing Orders;](#)

Procurement Handbook;

Code of Conduct on the Use of Electronic Communications;

A Framework to Advance Equality and Rights 2012 to 2017 and successor documents.



## **ADDENDUM: FINANCIAL REGULATIONS – LOTHIAN PENSION FUNDS**

In respect of all pension funds administered by the City of Edinburgh Council, the Section 95 responsibility has been delegated to the Chief Finance Officer, Lothian Pension Fund. This encompasses responsibility for all accounting records and financial administration of the pension funds, as aligned to the remit of the Pensions Committee and Pensions Audit Sub-Committee.

The responsibilities of the Head of Finance, as detailed in these Finance Regulations, will therefore apply to the Chief Finance Officer, Lothian Pension Fund, only to the extent that these are pertinent to the governance of the pension funds. This shall include making suitable arrangements for the safe custody of the investments of the pension funds, share certificates or other documents relating to the investment of pension funds. Financial reporting for the pension funds will be considered by the Pensions Committee, and the Pensions Audit Sub-Committee as appropriate.

**CITY OF EDINBURGH COUNCIL  
SCHEME OF DELEGATION TO  
OFFICERS**

## **Contents**

	<u>Page</u>
<b>1. GENERAL</b>	<b>4</b>
Scheme	4
Principles of delegation	5
<b>2. CONSULTATION WITH ELECTED MEMBERS</b>	<b>6</b>
Politically controversial matters and material decisions	6
Local members	6
Responsibility to inform	6
Reports	6
<b>3. DELEGATION</b>	<b>7</b>
Delegated authority	7
Material decisions	8
Major Projects	9
Contracts Standing Orders	10
<b>4. DELEGATION TO CHIEF EXECUTIVE</b>	<b>10</b>
<b>5. DELEGATION TO CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS</b>	<b>12</b>
<b>6. DELEGATION TO THE EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES</b>	<b>12</b>
<b>8. DELEGATION TO THE EXECUTIVE DIRECTOR OF RESOURCES</b>	<b>13</b>
<b>9. DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP</b>	<b>13</b>
<b>10. DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE</b>	<b>13</b>
<b>11. DELEGATION TO THE CHIEF PLANNING OFFICER</b>	<b>13</b>
<b>Appendix 1 – General Delegation to Chief Executive and Executive Directors</b>	<b>14</b>
<i>Funds, contracts and property</i>	14
<i>Proper officers</i>	14
<i>Legal</i>	14
<i>Staff</i>	15
<i>Health and Safety</i>	17
<i>Health and Wellbeing</i>	17
<i>Use of land and buildings</i>	17
<i>Regulation of investigatory powers</i>	17
<i>Grants</i>	18
<i>Hospitality</i>	18
<i>Write off</i>	19
<i>Access to information</i>	19
<i>Consultations</i>	19
<i>Grant offers</i>	19
<i>Council companies</i>	19
<b>Appendix 2 – Delegation to the Executive Director of Communities and Families</b>	<b>20</b>
<i>Education</i>	20
<i>Social Work</i>	23
<i>Sport</i>	28
<i>Libraries</i>	29

<b>Appendix 3 – Delegation to the Executive Director of Resources</b>	<b>30</b>
<i>Legal and Risk</i>	30
<i>Human Resources</i>	30
<i>Finance</i>	31
<i>Customer and Digital Services</i>	32
<i>Investment and Pensions</i>	33
<i>Property and Facilities Management</i>	33
<i>Edinburgh Shared Repair Service</i>	36
<b>Appendix 4 – Delegation to the Chief Officer - Edinburgh Health and Social Care Partnership</b>	<b>37</b>
<i>All service users</i>	37
<i>Community Care</i>	39
<b>Appendix 5 – Delegation to the Executive Director of Place</b>	<b>43</b>
<i>Notices and Orders</i>	43
<i>Roads</i>	43
<i>Traffic</i>	48
<i>Housing and Regeneration</i>	52
<i>Licensing</i>	55
<i>Community safety, environmental, consumer protection and registration etc.</i>	58
<i>Parks and Greenspace</i>	64
<i>Waste Services</i>	65
<i>Building Standards</i>	68
<i>Floods, Reservoirs and Coasts</i>	68
<i>City Strategy and Economy</i>	72
<i>Culture</i>	72
<i>Public Safety</i>	74
<del>Appendix 6 – Head of Safer and Stronger Communities</del>	
<b>Appendix 7-6 – Chief Planning Officer</b>	<b>75</b>
<i>Planning policy</i>	75
<i>Planning applications etc.</i>	76
<i>Enforcement action</i>	78
<i>Landscape</i>	80
<i>Appeals</i>	81
<i>Legal Agreements</i>	81
<i>Miscellaneous</i>	81
<i>Flooding</i>	82
<b>Appendix 8-7 – Statutory functions and Statutory officers</b>	<b>83</b>
<b>Appendix 9-8 – Proper Officer functions</b>	<b>85</b>
<b>Appendix 10-9 – List of legislation</b>	<b>87</b>

**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO OFFICERS**

**GENERAL**

- 1.1 This Scheme of Delegation to Officers ("**Scheme**") applies from ~~14 December 2018~~ 28 June 2019 and sets out the powers delegated by the City of Edinburgh Council ("**Council**") to officers, pursuant to the Local Government (Scotland) Act 1973. The Scheme is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
- 1.2 The powers delegated to officers in terms of this Scheme are subject to change by act of Council in accordance with the Standing Orders of the Council.
- 1.3 The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers, and stating the title of the officer who exercises that power. The lists of powers are set out in this Scheme.
- 1.4 In this Scheme:
- (a) a reference to "**Executive Director**" means any of the Executive Directors of the Council or the Chief Officer - Edinburgh Health and Social Care Partnership (and "**Executive Directors**" shall be interpreted accordingly);
  - (b) a reference to a statute or statutory provision:
    - (i) is a reference to it as amended, extended or re-enacted from time to time; and
    - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
  - (c) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
  - (d) a reference to "**Council Policies**" shall include all and any policies approved by the Council from time to time (and "**Council Policy**" shall be interpreted accordingly);
  - (e) references to paragraphs are to paragraphs of this Scheme; and

- (f) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

**Principles of delegation**

- 1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:
  - (a) the decision or action must not be a matter ("**Reserved Matter**"):
    - (i) reserved by law to the Council or a Committee or sub-committee of the Council ("**Committee**"); or
    - (ii) that the Council or a Committee has expressly determined should be discharged otherwise than by an officer;
  - (b) the decision or action must not alter or be contrary to law or to policy set by the Council and its Committees;
  - (c) the decision or action must be taken in accordance with the Council's Standing Orders as amended from time to time;
  - (d) the decision or action must be taken in accordance with the Financial Regulations and Corporate Debt Policy as amended from time to time and comply with the financial limits set out in those documents;
  - (e) the financial consequences of the decision or action must be contained within the budget approved by Council for the financial year in question;
  - (f) the decision or action must not give rise to a conflict of interest as set out in the Council's code of conduct for employees; and
  - (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.
- 1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive in consultation with the Leader of the Council (or the deputy Leader if the Leader is absent).
- 1.7 Each Executive Director ~~and Head of Safer and Stronger Communities/CSWO~~ shall have authority to take all decisions or actions necessary to implement a policy approved by or a decision previously taken by

the Council or a Committee or which facilitate or are conducive to the implementation of such a policy or decision.

## 2. **CONSULTATION WITH ELECTED MEMBERS**

### **Politically controversial matters and material decisions**

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or
- (b) a significant impact on service delivery or performance;

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convener(s) and, where appropriate, the Leader and/or deputy Leader.

### **Local Members**

2.2 Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

### **Responsibility to inform**

2.3 It is the responsibility of the Chief Executive, or relevant Executive Director ~~or Head of Safer and Stronger Communities/CSWO~~ to keep the elected members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

### **Reports**

2.4 The Council or any Committee may require the Chief Executive or Executive Directors ~~or Head of Safer and Stronger Communities/CSWO~~ to submit reports on the decisions taken and action authorised by them under delegated authority. The Chief Executive or relevant Executive Director shall submit a report in relation to any Material Decision to Council or the appropriate Committee.

### 3. **DELEGATION**

#### **Delegated authority**

- 3.1 The Council delegates authority for certain powers or functions to the Chief Executive, Executive Directors and heads of service as detailed in this Scheme.
- 3.2 In the event that the Chief Executive, Executive Director ~~or Head of Safer and Stronger Communities/CSWO~~ is unavailable, his/her deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Chief Executive or Executive Director.
- 3.3 The Chief Executive ~~or~~ Executive Directors ~~or Head of Safer and Stronger Communities/CSWO~~ may sub-delegate their delegated powers to their deputy or head(s) of service or such other officer(s) in their service area as they may consider appropriate. Each officer to whom powers are delegated may sub-delegate to such other officers in their service area as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive and Executive Directors will remain accountable for decisions taken by their sub-delegates.
- 3.4 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.5 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.6 Certain functions ("**Statutory Functions**") must, by law, be carried out by certain statutory officers. The Council delegates authority to those statutory officers ("**Statutory Officers**") to carry out the Statutory Functions. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 8.
- 3.7 The authority delegated to the Chief Executive and Executive Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.
- 3.8 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out Council officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service



area to exercise his or her functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in paragraph 5 of Appendix 1, paragraph 21 of Appendix 7 and in Appendix 9.

- 3.9 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

#### **Material Decisions**

- 3.10 Notwithstanding the terms of any delegation of authority to Executive Directors or other officers in terms of this Scheme, all Material Decisions shall be taken in consultation with the Corporate Leadership Team ("**CLT**"). It is intended that this will engender greater transparency; foster a collegiate culture of collective decision-making among chief officers; and ensure proper corporate oversight, scrutiny and challenge of Material Decisions.

- 3.11 It is the responsibility of each Executive Director, ~~Head of Safer and Stronger Communities/CSWO~~ or other officer to whom powers are delegated to consider whether a decision or action in relation to a matter delegated to him/her is a Material Decision and in the case of an officer other than an Executive Director, to bring it to the attention of the relevant Executive Director ~~or Head of Safer and Stronger Communities/CSWO~~. The relevant Executive Director ~~or Head of Safer and Stronger Communities/CSWO~~ will bring any Material Decision to the next available meeting of the CLT.

- 3.12 In the case of any Material Decision that relates to a Statutory Function, the provisions of paragraphs 2.1 and 3.12 of this Scheme shall be without prejudice to the legal duties and responsibilities of the relevant Statutory Officer.

- 3.13 The provisions of paragraph 3.12 of this Scheme shall be without prejudice to the principles of delegation set out in paragraph 1.5 of this Scheme and the requirement to consult with elected members set out in paragraph 2.1 of this Scheme.

### Major Projects

3.14 The following projects (“**Major Projects**”) shall be dealt with as set out in paragraph 3.15 of this Scheme:

- (a) any project which has an estimated value of £5 million or more; or
- (b) any other corporate project the Chief Executive shall, in consultation with the CLT and the Convener or vice-Convener of the Finance and Resources Committee, so designate.

(c) Does not include projects involving the Lothian Pension Funds.

3.15 In order to ensure effective governance and delivery of Major Projects, the Head of Strategy ~~and Insight~~ and Communications will make arrangements to:

- (a) oversee all Major Projects to ensure they are initiated appropriately, and independently assess elements of the Major Projects including:
  - (i) options appraisal;
  - (ii) affordability;
  - (iii) implementation;
  - (iv) resource planning;
  - (v) sustainability;
  - (vi) equalities;
  - (vii) environmental impact; and
  - (viii) stakeholder engagement;
- (b) provide ongoing support to Major Projects through key stage or gateway reviews, management dashboard reporting, post completion reviews and tracking benefits realisation; and
- (c) update the CLT and the Finance and Resources Committee on the status and progress of Major Projects.

### **Contracts Standing Orders**

- 3.16 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders and have regard to the Council's procurement handbook which apply to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council and/or for the provision of services ("**Contract Standing Orders**").

## **4. DELEGATION TO CHIEF EXECUTIVE**

- 4.1 ~~As the Council's Statutory Head of Paid Service head of paid service~~ the Chief Executive has overall responsibility for the corporate management and operational functions of the Council that are delegated to officers under this Scheme. The Chief Executive is authorised to discharge any function or exercise any power delegated to any officer under this Scheme.

- 4.2 In addition, the Council authorises the Chief Executive to:

- (a) take action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, business continuity and resilience legislation are discharged;
- (b) take any urgent action necessary in the event of a civil emergency, business continuity or resilience incident;
- (c) act as Returning Officer for local government elections, Westminster elections, Scottish Parliament elections, European elections and Business Improvement District elections under sections 25 and 41 of the Representation of the People Act 1983;
- (d) act as Counting Officer for referendums held in terms of the Political Parties, Elections and Referendums Act 2000;

- (e) perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, including:
  - (i) appointing authorising officers;
  - (ii) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information; and
  - (iii) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults;
- (f) monitor the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the General Data Protection Regulation 2016/679;
- (g) monitor the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011;
- (h) approve expenditure on civic hospitality in accordance with Council Policy;
- ~~(i) supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:
  - ~~(i) reports for courts and hearings (excluding children);~~
  - ~~(ii) probation orders;~~
  - ~~(iii) community payback orders;~~
  - ~~(iv) community service;~~
  - ~~(v) supervised attendance orders;~~
  - ~~(vi) drug treatment and testing orders;~~
  - ~~(vii) orders under section 57 of the Criminal Procedure (Scotland) Act 1995;~~
  - ~~(viii) diversion from prosecutions;~~
  - ~~(ix) parole, or other supervised conditional release from prison;~~~~

~~(x) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and~~

~~(xi) throughcare services for serving and released prisoners;~~

~~(j) provide advice, guidance and assistance to a person who is arrested and detained in police custody, or on whom sentence is deferred in terms of section 27ZA of the Social Work (Scotland) Act 1968; and~~

~~(k) take steps to ensure the Council complies with its duties to co-operate with the Scottish Minister when carrying out its functions in accordance with sections 1 and 10 to 12 of the Management of Offenders etc. (Scotland) Act 2005.~~

5. **DELEGATION TO THE CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS**

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive, each Executive Director and ~~Head of Safer and Stronger Communities/CSWO~~ shall have delegated authority to manage all human, financial and other resources within his/her service area, including those functions set out in Appendix 1.

6. **DELEGATION TO EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES**

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Communities and Families, or the Chief Social Work Officer, or the Chief Education Officer where relevant, shall have delegated authority to exercise the schools, early years, children's social work services, childcare, community services, libraries and sport functions including those set out in Appendix 2.

**7. DELEGATION TO EXECUTIVE DIRECTOR OF RESOURCES**

7.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Resources shall have delegated authority to carry out all financial, commercial and procurement, treasury management, investment and pensions, organisational development, human resources, recruitment, payroll, learning and development, customer services, business support, banking and payments, welfare reform and benefits administration, ICT/digital services, legal, risk management, health and safety, internal audit, operational estate and investment corporate property, strategic asset management, catering, facilities management, cleaning, catering, security and the Edinburgh shared repairs functions of the Council, including those set out in Appendix 3.

**8. DELEGATION TO CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP**

8.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Officer - Edinburgh Health and Social Care Partnership, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the social work, social care and social welfare functions of the Council including those set out in Appendix 4, except to the extent that those functions are delegated by Council to the Integration Joint Board.

**9. DELEGATION TO EXECUTIVE DIRECTOR OF PLACE**

9.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Place shall have delegated authority to carry out all powers and responsibilities associated with the Council's housing and regeneration, housing support, community safety, environmental health, scientific services, trading standards, licensing, registration, advice services, parks, waste management and disposal, street cleaning, grounds maintenance, economic development, sustainability, public safety, culture, corporate fleet management and maintenance, community transport, building standards, transport planning, roads management and maintenance, flood prevention, reservoir and coastal functions including those set out in Appendix 5.

~~**10. DELEGATION TO HEAD OF SAFER AND STRONGER COMMUNITIES / CHIEF SOCIAL WORK OFFICER**~~

~~10.1 Subject to the provisions of paragraph 1 to 3 of this Scheme, the Head of Safer and Stronger Communities / Chief Social Work Officer shall have delegated authority to carry out all the powers and responsibilities associated with the~~

~~Council's criminal justice social work, homelessness, temporary accommodation, housing support, community safety, advice services and family and household support.~~

**~~11.10.~~ DELEGATION TO CHIEF PLANNING OFFICER**

~~11.10.1~~ Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Planning Officer shall have delegated authority to exercise the planning functions set out in Appendix ~~76~~.

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## **APPENDIX 1**

### **GENERAL DELEGATION TO CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS AND CHIEF SOCIAL WORK OFFICER**

These are the functions referred to in paragraph 5 of the Scheme:

#### **Funds, contracts and property**

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. subject to any policies and/or directions issued by the Executive Director of Resources:
  - (a) transferring funds between headings within their approved revenue budgets;
  - (b) transferring funds between capital projects included in the capital budgets for their service;provided that (1) the Executive Director of Resources is informed of the transfer and (2) the transfer does not affect revenue or capital budgets for future years;
3. entering into, terminating, varying, suspending or extending contracts subject to compliance with the Council's Contract Standing Orders;
4. declaring property or land surplus to requirements, including one-off blocks of flats and main door properties;

#### **Proper officers**

5. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the Council or are binding on the Council;

#### **Legal**

6. settling legal actions and claims in consultation with the Head of Legal and Risk;



7. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Head of Legal and Risk;

**Staff**

8. appointing employees within agreed staffing levels up to but excluding Heads of Service;
9. appointing an acting ~~H~~head of ~~S~~Service from the staff of the Council when a ~~H~~head of ~~S~~Service is absent or the post is vacant;
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities, in accordance with Council's approved policy and procedures;
12. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, provided that such changes comply with guidelines issued by the Executive Director of Resources;
13. remedying inconsistencies in pay or terms and conditions of service in conjunction with the Executive Director of Resources;
14. deciding the following ~~personnel-staffing~~ matters in accordance with approved Council policy, procedures schemes—and/or —guidance issued by the Executive Director of Resources (or, in the case of teaching staff, by the Executive Director of Communities and Families):
  - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
  - (b) entering into compromise or settlement agreements with staff in relation to their employment with the Council in consultation with the Head of Legal and Risk, and subject also to consultation with the appropriate convener;
  - (c) save in the case of an Executive Director, where the decision shall be reserved to the Finance and Resources Committee, making decisions in relation to the Local Government Pension Scheme membership (including, for example, early

payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);

- (d) extension of [sickness-occupational sick pay](#) allowance;
- (e) [approval of payroll deductions and the recovery of maternity payoverpayments](#);
- (f) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (g) approval of application for car loans in consultation with the Executive Director of Resources;
- (h) approval of transfer of annual leave;
- (i) approval of overtime [or additional hours of work](#);
- (j) approval of applications for secondary employment;
- (k) authorisation of payments for lectures, speeches etc. to external organisations;
- (l) determination of claims of up to £250 for damage to or loss of the personal property of employees in consultation with the Executive Director of Resources;
- (m) payment of removal expenses and allowances;
- (n) payment of car users' allowances;
- (o) authorisation of telephone allowances;
- (p) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (q) establishment and filling of fixed term posts in accordance with the relevant Council Policy; and
- (r) appointment of apprentices on completion of indentures;

### Health and Safety

15. implementing the Council's Health and Safety Policy and arrangements;

### ~~Staff Health and Wellbeing~~

16. implementing the Council's ~~Health and Wellbeing Strategy and P Policy~~ for staff and associated arrangements;

### Use of land and buildings

17. approving, subject to compliance with any approved scheme of charges, the use by appropriate organisations, bodies or persons of land and premises owned, occupied or managed by the Council (including land managed on behalf of the Common Good);
18. regulating access to, and conduct of persons on property owned, occupied or managed by the Council, including (1) eviction, ejection and expulsion from property and (2) the application and enforcement of management rules under sections 112 and 116 of the Civic Government (Scotland) Act 1982 as approved by the Council from time to time;
19. approving the temporary closure of property owned, occupied or managed by the Council to:
  - (a) ensure the safety of Council staff or members of the public;
  - or
  - (b) undertake essential planned maintenance,

subject to consultation with the appropriate convener or vice-convener and local elected members and insertion of a public notice in the press informing the public of the closure when relevant;

### Regulation of investigatory powers

20. performing the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, with the exception in the case of the Executive Directors of the following functions which are reserved to the Chief Executive:

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- a) appointing authorising officers;
- b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining 'confidential' information; and
- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

### **Grants**

- 21. The approval of grants should be undertaken in line with the rules and authority level set out in Grant Standing Orders (officer approval for grants under £25000).

### **Hospitality**

- 22. approving expenditure on hospitality in accordance with Council Policy;
- 23. approving expenditure on overseas visits by officers in accordance with Council Policy;

**Write off**

24. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible or monetary asset not falling within the scope of the Corporate Debt policy in accordance with the Financial Regulations provided that:

(a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable, or in the case of relevant monetary assets, all reasonable steps to achieve recovery have been exhausted; and

(b) the decision is made in consultation with the Executive Director of Resources;

**Access to information**

25. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

**Consultations**

26. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

**Grant offers**

27. applying for grant funding on behalf of the Council;

28. accepting offers of grant funding on behalf of the Council; and

**Council Companies**

29. monitoring the performance of each Council company delivering services in his or her service area, including the attendance of a nominated Council observer at all company Board meetings and, where practicable, the relevant Audit Committee.

**APPENDIX 2**

**DELEGATION TO THE EXECUTIVE DIRECTOR OF COMMUNITIES AND  
FAMILIES**

*(or, where applicable, the Chief Social Work Officer  
or Chief Education Officer)*

These are the powers referred to in paragraph 6 of the Scheme:

**Education**

1. taking steps to discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education) and further education in accordance with section 1 of the Education (Scotland) Act 1980, and in doing so (1) having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standard in Scotland's Schools etc. Act 2000) and (2) endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of the Standard in Scotland's Schools etc. Act 2000);
2. maintaining and equipping schools and other buildings (section 17 of the Education (Scotland) Act 1980);
3. improving the access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980);
4. operating arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980);
5. setting school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980);
6. managing placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any placing appeal committee in accordance with section 28F, both of the Education (Scotland) Act 1980;

7. enforcing attendance at school, including bringing proceedings against parents in respect of children’s non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980);
8. allowing pupils to miss school (section 34 of the Education (Scotland) Act 1980);
9. excluding pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975);
10. promoting the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006);
11. awarding bursaries (section 49 of the Education (Scotland) Act 1980);
12. providing transport for pupils and students (section 51 of the Education (Scotland) Act 1980);
13. ensuring copies of education records are available including the ability to set charges (section 4 of the Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002);
14. awarding Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980);
15. providing school meals (section 53 of the Education (Scotland) Act 1980);
16. providing clothing (section 54 of the Education (Scotland) Act 1980);
17. discharging the Council’s duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937);
18. licensing stage or theatrical performances by children (Children and Young Persons Act 1963);
19. providing child guidance services (section 4 of the Education (Scotland) Act 1980);
20. referring young people in medically unsuitable employment to the Employment Medical Advisory Service of the Department of Employment;

22. managing or instructing the Executive Director of Resources to lease out Council community centres, working with locally elected Management Committees;

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23. application of national circulars regarding service conditions of teaching staff. Where there is a choice of action, the circular will be sent to Committee;

24. providing programmes of adult education;

25. providing or arranging in-service training for staff;

26. providing the education authority's representatives on the recruitment panels for all Head Teachers,

27. providing work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980);

28. operating health and safety checks on work-experience placements;

29. dealing with the use of educational premises for licensed functions;

30. managing the Education Arts Development Programme;

31. specifying the level of service and other relevant details for getting tenders for the School and Welfare Catering Services;

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32. negotiating variation orders for changes in the level of School and Welfare Catering services with the approved contractor within the contract price approved by the Council;

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33. making awards of up to £5,000 for distribution of Childcare Partnership funds;

34. approving joint working arrangements with other bodies;

35. liaising with the Scottish Government Education & Training Department;

36. carrying out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010;



37. in consultation with the Chief Executive and with the Head of Legal and Risk, receiving notice of, representing the Council and responding to referrals by the Children’s Reporter to the Scottish Ministers under the Children’s Hearings (Scotland) Act 2011;
38. implementing the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004;

**Social Work**

39. taking necessary steps to discharge the Council’s duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014;
40. arranging for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948;
41. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
42. where the carer of a person over 18 years of age is a child under 18 years of age, assisting Health and Social Care staff to assess the carer’s needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
43. making direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under the Social Care (Self-directed Support) (Scotland) Act 2013;
44. making direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013;
45. burying or cremating any person who was in the care of, or receiving help from, the Council, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
46. deciding whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or

- maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
47. providing and maintaining whatever residential and other establishments are needed for the Council's functions under Part II of the Children (Scotland) Act 1995;
48. recovering from other local authorities any costs for services provided to people ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
49. authorising the following finance related issues in accordance with the Corporate Debt Policy and wider Council Policies:
- (a) writing off debts on social grounds or in exceptional circumstances;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500, subject to appropriate consultation with the convener or vice-convener;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (*ex gratia*), where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the convener or vice-convener;
50. providing reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995;
51. assessing and recovering contributions for "maintainable" children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968;

52. where there is an assessed need, paying allowances to people who have children and young people residing with them as in section 50 of the Children Act 1975;
53. providing an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007;
54. supervising and providing reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007;
55. taking necessary or facilitative steps to implement arrangements for the adoption of children;
56. providing adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007;
57. approving and paying adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007;
58. securing the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984);
59. preparing and publishing a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;
60. preparing and publishing a three year plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995;
61. publishing information about services for children in need as in section 20 of the Children (Scotland) Act 1995;
62. safeguarding and promoting the welfare of children looked after by the Council and giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995;
63. safeguarding and promoting the welfare of children in need giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995;

64. minimising the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013;
65. providing accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995;
66. providing accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
67. providing accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995;
68. providing day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995;
69. providing after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995;
70. providing financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995;
71. reviewing cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995;
72. removing children from residential establishments as in section 32 of the Children (Scotland) Act 1995;
73. accepting responsibility for orders made in respect of children in other parts of the UK where the child is now ordinarily resident in Edinburgh as in section 33 of the Children (Scotland) Act 1995;
74. providing short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995;

75. making enquiries and providing information to the Principal Reporter to the Children’s Panel where children may need compulsory measures of care as in section 60 of the Children’s Hearings (Scotland) Act 2011;
76. where a child may be at risk of significant harm, investigating the matter and if need be applying for the following orders:
  - (a) Child Assessment Order (under section 35 of Children’s Hearings (Scotland) Act 2011);
  - (b) Child Protection Order ( under sections 37 to 39 of Children’s Hearings (Scotland) Act 2011);
  - (c) Emergency Child Protection Order (under section 55 of Children’s Hearings (Scotland) Act 2011); and
  - (d) Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995);
77. providing reports on children and their social background for a Children’s Hearing as in section 66 of the Children’s Hearings (Scotland) Act 2011;
78. implementing supervision requirements made by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011;
79. in consultation with Chief Executive and with the Head of Legal and Risk, receiving, responding to and representing the Council in respect of all referrals by the Children’s Reporter to the Sheriff Principal under the Children’s Hearings (Scotland) Act 2011;
80. arranging the emergency move of a child subject to a supervision requirement with condition of residence under the Children’s Hearings (Scotland) Act 2011;
81. recommending that a supervision requirement is reviewed by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011;
82. where assessed as necessary, applying to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007;

83. applying for variation or revocation of permanence order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007;
84. providing information to the Courts and arranging accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995;
85. making purchases, outside the central purchasing arrangements, for necessary food, clothing and other essential items for children in care of the Council and living within the Council’s residential establishments for young people;
86. discharging the Council’s duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations 2013;
87. undertaking all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
  - (a) applying for the making of an order or review of an order;
  - (b) supervising parents who are subject to an order and reporting breaches to the relevant court; and
  - (c) providing services and programmes of work or training for parents and generally giving effect to parenting orders.

88. Carrying out the Council’s duties as a landlord under section 30 of the Housing (Scotland) Act 1988.

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89. Carrying out assessment to determine homelessness or the threat of homelessness and discharging the Council’s duties in respect of those assessed as either being homeless or under threat of homelessness.

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90. Carrying out spot purchases of accommodation, including bed and breakfast for homeless temporary accommodation or emergency accommodation.

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91. Entering into leasing agreements with registered social landlords for homeless, temporary or emergency accommodation.

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92. Carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies.

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93. Kennelling pets for households staying in homeless, temporary or emergency accommodation.

94. Determine who receives housing support in line with Council policies.

95. Provide advice, guidance and assistance on debt, welfare rights and income maximisation.

96. undertaking housing offender management (sex and serious violent offenders);

97. supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:

(i) reports for courts and hearings (excluding children);

(ii) probation orders;

(iii) community payback orders;

(iv) community service;

(v) supervised attendance orders;

(vi) drug treatment and testing orders;

(vii) orders under section 57 of the Criminal Procedure (Scotland) Act;

(viii) diversion from prosecutions;

(ix) parole, or other supervised conditional release from prison;

(x) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and

(xi) throughcare services for serving and released prisoners;

98. supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:

99. take steps to ensure the Council complies with its duties to co-operate with the Scottish Minister, when carrying out its functions, in accordance with sections 1, and 10, to 12, of the Management of Offenders etc. (Scotland) Act 2005.

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## Sport

88100. devising and implementing events and sports programmes;

89101. allocating space within sports facilities to relevant partners and agreeing the terms of any such arrangements, taking advice as

Appendix 2 – Delegation to the Executive Director of Communities and Families  
necessary from other service areas, and bringing those arrangements  
to conclusions as required;

~~91~~102. monitoring arms' length organisations which operate Sport facilities  
or services, or both, on the Council's behalf, including Edinburgh  
Leisure;

#### **Libraries**

~~92~~103. providing and managing the Council's library services;

~~93~~104. requiring any person to whom any article (other than a book or  
periodical) is lent to deposit with the Council a sum of money for  
the safe return of such article (section 6 of the City of Edinburgh  
District Council Order Confirmation Act 1991);

~~94~~105. making a charge for notifying a person that an article reserved by  
him has become available for borrowing (section 6 of the City of  
Edinburgh District Council Order Confirmation Act 1991);

~~95~~106. charging for the borrowing of any article (other than a book or  
periodical) or the provision of any service provided at libraries  
(section 6 of the City of Edinburgh District Council Order  
Confirmation Act 1991); and

~~96~~107. prescribing periods within which any article borrowed from a library  
must be returned, and exacting penalties for the retention by  
borrowers of any article beyond such period (section 39(1)(a) of  
the Edinburgh Corporation Order Confirmation Act 1967).



### **APPENDIX 3**

#### **DELEGATION TO THE EXECUTIVE DIRECTOR OF RESOURCES**

These are the powers referred to in paragraph 7 of the Scheme:

##### **Legal and Risk**

1. signing court documents;
2. signing missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders;
3. engaging private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate;

##### **Human Resources**

4. approving applications for early retiral/voluntary severance payments (including teaching staff) subject to an annual report being submitted to [Council the Finance and Resources Committee](#);
  5. issuing certificates as required for employees to apply to the adjudicator for exemption from political restriction;
  6. approving all new career development/salary progression schemes and changes to existing schemes;
- [730.](#) implementing nationally agreed pay awards;
- [318.](#) approving and making payment of:
- (a) all [elements of pay, remuneration and expenses](#) ~~salaries, wages, compensations and other emoluments~~ to all employees;
  - (b) pension entitlements to former employees; and

- (c) tax, national insurance and apprenticeship levy contributions to Her Majesty's Revenue and Customs;

## **Finance**

7. determining all accounting and financial records and procedures of the Council. Where such procedures and records are maintained in a ~~service area~~ directorate/division other than that of the Executive Director of Resources, the Executive Director shall, before making any determination, consult with the Executive Director of the service area concerned;
8. performing any function on behalf of the Common Good Fund, charitable endowments and any other Council funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice where necessary and reports any actions to Committee;
9. opening, closing and operating bank accounts on behalf of the Council;
10. approving and making payments due to Her Majesty's Revenue and Customs, and Revenue Scotland;
11. reviewing and amending as appropriate the financial limits given in the Financial Regulations, Finance Rules and supporting policies every year, in line with the relevant inflation indexes;
12. the pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance;
13. all borrowing and lending in accordance with the Treasury Management Policy Statement;
14. providing cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts;
15. assessing business cases for the taking out of new leases to ensure they are consistent with the securing of best value;

Appendix 3 – Delegation to the Executive Director of Resources

16. effecting insurance cover and negotiating with the Council's insurers for all claims in consultation with other officers where necessary;
17. reviewing annually all insurances in consultation with the other chief officers as appropriate and reporting annually to the convener or vice-convener;
18. approving the rate of interest the Council is required to charge to borrowers with variable interest rate loans;
19. being responsible for all purchasing arrangements as detailed in the Contract Standing Orders;
20. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with Council Policies;

**Customer ~~Services~~ and Digital Services**

21. collecting (and where necessary recovering) council tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992;
22. issuing demand notices for the collection of rates payable to the Council under section 237 of the Local Government (Scotland) Act 1947;
23. recovering rates under section 247(5) of the Local Government (Scotland) Act 1947, where necessary in consultation with the convener or vice-convener;
24. administering benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
25. administering council tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012;
26. paying all sums to all creditors subject to the certification and authorisation of the appropriate chief officers;
27. signing the certificates and petitions that the Sheriff Court requires for Summary Warrant applications to collect arrears of Community Charge Non-Domestic Rates, Council Tax and other income;
28. deciding to call-up loans where borrowers have fallen into arrears with

Appendix 3 – Delegation to the Executive Director of Resources  
their house purchase loans;

29. establishing procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such applications;

#### **Investment and Pensions****The Lothian Pension Fund Group**

30. implementing strategies and policies agreed by the Pensions Committee including the investment strategy of the pensions funds and performing any function on behalf of the pensions funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice;
31. implementing pension regulations including the application of discretions as required in accordance with policies approved by the Pensions Committee from time to time;
32. appointing, monitoring and reviewing such specialist managers and advisers as are necessary to make sure that the pensions funds' assets are managed effectively;
33. determining all accounting, records and financial procedures of the pension funds;
34. writing off pension overpayments of up to £3,000 subject to compliance with the appropriate Council Policies;

#### **Property and Facilities Management**

35. concluding leases, missives of let, licence agreements or extensions of leases and licence agreements or similar on behalf of the Council where:
  - (a) the length of the lease/missive/agreement is no more than five years and the rent (exclusive of VAT) is no more than £50,000 a year; or
  - (b) the length of the lease/agreement is no more than one month;

- save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
36. negotiating, processing and instructing the Head of Legal and Risk to conclude all rent reviews;
  37. taking any action to ensure all terms of a lease or licence agreement are enforced, including terminating any lease or agreement and taking whatever action is necessary to effect an eviction where the tenant or licensee has failed to comply with the terms and conditions of the lease or agreement;
  38. granting on behalf of the Council 'wayleave' agreements, and concluding missives and leases for sites for sub-stations, gas governors and similar installations for any period whatsoever, with the exception of:
    - (a) wayleaves for gas mains of a diameter greater than 225 mm;
    - (b) grids, oil or chemical pipelines; and
    - (c) overhead transmission lines with a capacity greater than 33,000 voltswhich would only be granted with the Council's consent;
  39. granting and obtaining a Minute of Waiver for no more than £50,000;
  40. buying and selling property or property rights up to £50,000 when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the acquisition/disposal;
  41. permitting a tenant to assign their lease/agreement subject to the Council being in no worse a financial position;
  42. buying land or property provided that it has been specifically budgeted for;
  43. marketing surplus property for sale or lease and accepting the highest offer subject to being satisfied that this represents market value (if it is proposed that any offer other than the highest received be accepted, or when any offer includes an element of community benefit as set out

in Council Policy then the matter must be considered and approved by the Finance and Resources Committee);

44. agreeing terms for the sale of small plots of land (including land held on the Housing Revenue Account) and instructing the Head of Legal and Risk to conclude the sale, subject to being satisfied that this represents market value, and where:

- (a) the land is existing open space, for example amenity land, landscaping or verges adjoining roads and footpaths;
- (b) the land does not exceed 150 metres<sup>2</sup>; and
- (c) the use of the land would be for garden ground or for any other ancillary residential use;

45. negotiating and instructing the Head of Legal and Risk to conclude the sale of residential properties under "Right to Buy" legislation;

46. where property is held for commercial or economic development purposes doing the following :

- (a) negotiating to dispose of land or property at values up to £250,000;
- (b) negotiating the grant of "minutes of waiver";
- (c) signing all offers on behalf of the Council to let or take on lease properties where:
  - (i) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
  - (ii) the length of the lease is no more than one month;save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
- (d) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties;
- (e) agreeing to proposed transfers of leases where the Council is landlord, and instructing the Head of Legal and Risk to conclude these;

47. where property is held on behalf of the Common Good, doing the following:

- (a) negotiating the grant of "minutes of waiver" or wayleaves;

- (b) signing on behalf of the Council, as manager, to let properties
  - (c) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise these properties;
48. publishing notices of a proposed appropriation or disposal of land in accordance with sections 24(2A) and 27(2A) of the Town and Country (Scotland) Act 1959;
49. negotiating and settling all claims for compensation where property has been purchased by the Council under a compulsory purchase order or requires to be purchased for a scheme or project included within the Council's Capital Investment Programme or where there has been a loss in value of property relating to works carried out by the Council;

#### **Edinburgh Shared Repairs Service**

- 50. serving notices for repairs, enforcement, carrying out and recovery of costs and expenses in terms of Part 8 of the Civic Government (Scotland) Act 1982 and Part 4 of the Building (Scotland) Act 2003;
- 51. withdrawing, waiving and relaxing notices issued under Part 4 of the Building (Scotland) Act 2003;
- 52. recovering reasonable costs incurred in respect of surveys undertaken under section 22 of the Local Government in Scotland Act 2003
- 53. responding in emergency situations and carrying out repairs immediately where damage to property or health or safety matters are issues and recovering the costs and expenses of doing so;
- 54. inspecting properties, serving (as proper officer) and enforcing notices and recovering costs under section 24 of the Edinburgh District Council Order Confirmation Act 1991; and
- 55. executing any works necessary for securing, restoring or repairing privately owned properties, and recovery from the owners of the relevant properties of any expenses reasonably incurred by the Council in doing so, all in accordance with section 26 and 57 of the Edinburgh District Council Order Confirmation Act 1991.
- 56. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
- 57. make missing share payments into owners' maintenance accounts for sums between £500 and £20,000 under section 50 (3) of the Housing Act 2006.
- 58. recover missing share payments from the owner of the house concerned under section 59 of the Housing Scotland Act 2006 and in line with the Council's Corporate Debt Policy.

**APPENDIX 4**  
**DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL**  
**CARE PARTNERSHIP**

*(or, where applicable, the Chief Social Work Officer)*

These are the powers referred to in paragraph 8 of the Scheme:

**All service users**

1. Taking any necessary action on behalf of the Council to ensure that it discharges its duties under the National Assistance Acts, the Disabled Persons (Employment) Act 1958, the Social Work (Scotland) Act 1968, the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Criminal Procedure (Scotland) Act 1995, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Public Services Reform (Scotland) Act 2010, the Social Care (Self-directed Support) (Scotland) Act 2013 or generally any legislation concerning the Council's functions relating to the provision of social care and support services;
2. arranging for the protection of property of people who have gone into hospital or care as in section 48 of the National Assistance Act 1948;
3. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
4. making direct payments to individuals to help them purchase community care services as in sections 12B and 12C of the Social Work (Scotland) Act 1968;
5. providing home help and laundry facilities as in section 14 of the Social Work (Scotland) Act 1968;



6. burying or cremating any person who was in the care of, or receiving help from, the Council and so on, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
7. deciding whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
8. providing and maintaining whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of section 59 of the Social Work (Scotland) Act 1968;
9. recovering from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
10. recovering charges for services provided under the Social Work (Scotland) Act 1968 as in section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under sections 1 to 6 of Community Care and Health (Scotland) Act 2002;
11. providing welfare services for people (including, for example, assistance in arranging the carrying out of any works of adaptation in homes);
12. providing information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
13. making arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958;
14. co-ordinating and overseeing applications for the registration of all services provided by the Council and all related matters as in sections 59, 62 to 75 and 83 to 89 of the Public Services Reform (Scotland) Act 2010;

15. administering the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels;
16. authorising the following finance related issues in accordance with the Financial Regulations and Council Policies:
  - (a) authorise the write-off of debts or charges in the following circumstances:
    - i. incorrect assessment brought to light at later date;
    - ii. where the service user has died and there is no money in the estate;
    - iii. where the service user cannot be traced;
    - iv. in the case of a service dispute where a complaint has been upheld; and
    - v. for social reasons;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and relatives of departmental carers for loss or damage caused by service users (*ex gratia*) of up to £500, where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the relevant convener or vice-convener;

### **Community Care**

17. taking any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:
  - (a) making inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is

- an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (section 4);
  - (b) applying to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (sections 7 and 11);
  - (c) if recommended by the relevant medical officer, applying for an order to remove to suitable premises a person in need of care and attention (sections 14 to 18); and
  - (d) applying for a banning order (sections 19 to 34);
18. preparing and publishing a plan for providing community care services in Edinburgh as in section 5A of the Social Work (Scotland) Act 1968;
  19. promoting social welfare including giving help "in kind or in cash" where the terms of section 12 of the Social Work (Scotland) Act 1968 are met;
  20. safeguarding and promoting the welfare of children in need and giving help "in kind or in cash" as in section 22 of the Children (Scotland) Act 1995;
  21. collaborating with individuals and carers to assess their needs and providing information in accordance with sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
  22. making arrangements with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in section 13A of the Social Work (Scotland) Act 1968;
  23. approving rates for and contracts for delivery of residential and other services in circumstances where the politically approved pricing policy does not apply;
  24. assessing needs of disabled or chronically sick people as in section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;

25. assisting persons in need in disposal of produce of their work as in section 13 of the Social Work (Scotland) Act 1968;
26. approving waivers or disregards in respect of determining a client's liability for contribution to social care and housing support services provided;
27. approving waivers and disregards in respect of determining a client's liability for contribution to care home (residential/nursing) costs;
28. approving the variation, suspension or termination of contracts with providers in line with the Council's Quality Assurance arrangements for health and social care services;
29. providing or securing the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
30. providing after-care services for people who are/have been, suffering from mental disorder as in section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
31. appointing Mental Health officers as in section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervising the discharge of their statutory responsibilities; and
32. discharging the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
  - (a) the following duties within section 10:
    - i. supervising guardians;
    - ii. consulting the Public Guardian and Mental Welfare Commission on matters of common interests;
    - iii. receiving and investigating complaints about welfare attorneys and matters of common interests;

- iv. receiving and investigating complaints about welfare attorneys and guardians; and
- v. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and

(b) the following duties within section 57:

- i. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard; and
- ii. providing court reports of private applications to be a guardian.

33. Awarding and refusing grants in line with the decision of the Edinburgh integration Joint Board.

## **APPENDIX 5**

### **DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE**

These are the functions referred to in paragraph 9 of the Scheme:

#### **Notices and Orders**

1. signing notices and orders about road traffic matters;

#### **Roads**

2. overseeing the general management and maintenance of roads (section 1(1) of Roads (Scotland) Act 1984);
3. adding roads to or taking them off the roads authority's list of public roads (section 1(4) of the Roads (Scotland) Act 1984);
4. advising frontagers of the Council's intention to add to or delete from the list of public roads (section 1(5) of the Roads (Scotland) Act 1984);
5. altering or improving existing or proposed roads that cross public roads (section 12 of the Roads (Scotland) Act 1984);
6. serving notice on frontagers of a private road to make up and maintain that road (section 13(1) of the Roads (Scotland) Act 1984);
7. contributing to, or carrying out work on private roads (section 14(1) of the Roads (Scotland) Act 1984);
8. carrying out emergency work on private roads (section 15 of the Roads (Scotland) Act 1984);
9. determining applications for private roads to become public roads when Road Construction Consents are sought (section 16 of the Roads (Scotland) Act 1984);
10. entering into agreements to take over footpaths in accordance with section 18 of the Roads (Scotland) Act 1984;
11. constructing new roads other than special roads which are considered requisite (section 20(1) of the Roads (Scotland) Act 1984);
12. entering new roads constructed by the local roads authority into the list of public roads (section 20(2) of the Roads (Scotland) Act 1984);
13. granting all road construction applications (section 21 of the Roads (Scotland) Act 1984) except:
  - (a) where there are unresolved objections;
  - (b) when the application is recommended for refusal;and

- (c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended;
- 14. serving notices to conform to conditions imposed in a Road Construction Consent (section 21(5) of the Roads (Scotland) Act 1984);
- 15. stopping up or temporarily closing a new road where there is no construction consent or it is not conformed with (section 23 of the Roads (Scotland) Act 1984);
- 16. raising, lowering or altering the level of a public road (section 24 of the Roads (Scotland) Act 1984);
- 17. providing footways for the safety or convenience of pedestrians (section 25 of the Roads (Scotland) Act 1984);
- 18. constructing, lighting and maintaining pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26 of the Roads (Scotland) Act 1984);
- 19. constructing and maintaining works in the carriageway of a public road (section 27 of the Roads (Scotland) Act 1984);
- 20. providing and maintaining raised paving, pillars, walls, rails, fences or barriers at certain places (section 28 of the Roads (Scotland) Act 1984);
- 21. putting up and maintaining fences or posts to prevent access or to set the boundary for a road or proposed road (section 29 of the Roads (Scotland) Act 1984);
- 22. carrying out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30 of the Roads (Scotland) Act 1984);
- 23. using the road authority's powers for draining roads (section 31 of the Roads (Scotland) Act 1984);
- 24. contributing to the costs of drainage work (e.g. for flood prevention) (section 32 of the Roads (Scotland) Act 1984);
- 25. providing and maintaining snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33 of the Roads (Scotland) Act 1984;
- 26. taking reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34 of the Roads (Scotland) Act 1984);

27. providing and maintaining lighting on roads or proposed roads (section 35 of the Roads (Scotland) Act 1984);
28. constructing road humps (section 36 of the Roads (Scotland) Act 1984);
29. consulting on providing road humps (section 37 of the Roads (Scotland) Act 1984);
30. constructing traffic calming works (section 39A of the Roads (Scotland) Act 1984);
31. providing, maintaining and removing cattle-grids (sections 41, 42 and 43 of the Roads (Scotland) Act 1984);
32. entering into agreements with other neighbouring authorities in respect of cattle grids (section 44 of the Roads (Scotland) Act 1984);
33. providing cattle grids to supersede gates (section 45 of the Roads (Scotland) Act 1984);
34. making agreements for cattle grids with landowners (section 46 of the Roads (Scotland) Act 1984);
35. contributing towards the cost of cattle grids (section 47 of the Roads (Scotland) Act 1984);
36. entering into agreements with any persons willing to contribute to the construction or improvement of a road (section 48 of the Roads (Scotland) Act 1984);
37. maintaining structures and equipment for the detection of traffic offences (section 49A of the Roads (Scotland) Act 1984);
38. planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50 of the Roads (Scotland) Act 1984);
39. allowing trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51 of the Roads (Scotland) Act 1984);
40. carrying out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52 of the Roads (Scotland) Act 1984);
41. making agreements to use land for landscaping to mitigate the effects of road construction (section 53 of the Roads (Scotland) Act 1984);
42. providing and maintaining rubbish bins or storage bins on roads (section 54 of the Roads (Scotland) Act 1984);
43. authorising in writing work in or excavation under a public road (section 56 of the Roads (Scotland) Act 1984);



44. taking action to eliminate danger caused by works in or under a road (section 57 of the Roads (Scotland) Act 1984);
45. granting permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58 of the Roads (Scotland) Act 1984);
46. giving written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59 of the Roads (Scotland) Act 1984);
47. enforcing rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise protect a building in accordance with section 60 of the Roads (Scotland) Act 1984;
48. allowing equipment to be placed under a road (section 61 of the Roads (Scotland) Act 1984);
49. temporarily prohibiting or restricting the use of roads which are dangerous (section 62 of the Roads (Scotland) Act 1984);
50. serving notice that a satisfactory vehicle crossing must be made (section 63 of the Roads (Scotland) Act 1984);
51. giving statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2) of the Roads (Scotland) Act 1984);
52. serving notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66 of the Roads (Scotland) Act 1984);
53. issuing notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67 of the Roads (Scotland) Act 1984);
54. starting the consultation process to stop up public and private access to land (sections 70 and 72 of the Roads (Scotland) Act 1984);
55. stopping up public and private access to land where no objections have been received following notice to the public (sections 70 and 72 of the Roads (Scotland) Act 1984);
56. making land temporarily available for alternative routes during road improvement works (section 74 of the Roads (Scotland) Act 1984);
57. diverting waters (to construct, improve, protect roads) (section 78 of the Roads (Scotland) Act 1984);
58. entering into agreements to maintain or contribute to the cost of

- maintaining bridges (section 79 of the Roads (Scotland) Act 1984);
59. serving notices relating to the obstruction of views at corners, bends and junctions (section 83 of the Roads (Scotland) Act 1984);
  60. giving written permission for skips to be left on a road (section 85 of the Roads (Scotland) Act 1984);
  61. removing skips which are causing danger or obstruction (section 86 of the Roads (Scotland) Act 1984);
  62. requiring persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87 of the Roads (Scotland) Act 1984;
  63. removing or altering projections of any buildings that interfere with safe or convenient passage along a road (section 88 of the Roads (Scotland) Act 1984);
  64. intimating to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89 of the Roads (Scotland) Act 1984);
  65. taking all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
  66. recovering from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
  67. agreeing to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90 of the Roads (Scotland) Act 1984);
  68. serving notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91 of the Roads (Scotland) Act 1984;
  69. giving consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92 of the Roads (Scotland) Act 1984);
  70. taking steps to protect road users from dangerous things on land beside or near a road (section 93 of the Roads (Scotland) Act 1984);
  71. serving notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93 of the Roads (Scotland) Act 1984);
  72. filling in a pipe or ditch next to or near a public road which is a danger

- to road users (section 94 of the Roads (Scotland) Act 1984);
73. recovering the cost of clearing mud, clay and so on, on a road (section 95 of the Roads (Scotland) Act 1984);
  74. recovering extraordinary costs for maintaining a road that has excessively heavy traffic (section 96 of the Roads (Scotland) Act 1984);
  75. giving consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97 of the Roads (Scotland) Act 1984);
  76. taking action related to stray and other animals on roads (section 98 of the Roads (Scotland) Act 1984);
  77. serving notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99 of the Roads (Scotland) Act 1984;
  78. acquiring land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107 of the Roads (Scotland) Act 1984);
  79. acquiring land to improve amenity of new or improved road for schemes approved by the Council (section 105 of the Roads (Scotland) Act 1984);
  80. obtaining materials for road repairs (section 121 of the Roads (Scotland) Act 1984);
  81. giving people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984);
  82. recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);
  83. carrying out work that someone has failed to do (section 141 of the Roads (Scotland) Act 1984);
  84. carrying out the roads authority's enforcement functions under the Roads (Scotland) Act 1984;

#### **Traffic**

85. commencing and completing the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and doing all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:
  - (a) sections 1, 2, and 4 (road traffic orders);

- (b) section 9 (experimental traffic orders);
  - (c) section 19 (regulation of highways by public service vehicles);
  - (d) sections 32, 35, 45, 46 and 49 (parking places);
  - (e) section 37 (extension of powers for purposes of general scheme traffic control);
  - (f) section 53 (designation orders);
  - (g) sections 82 and 83 (restricted roads); and
  - (h) section 84 (speed limit orders);
86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no more than 6 material objections received by the public;
- (a) If statutory objections are received then consideration of the Order should be by the relevant committee;
87. in relation to orders made under paragraph 85 of the Scheme, making decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect;
88. commencing and completing the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:
- (a) making orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and
  - (b) making orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984;
89. making orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984);
90. making orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984);
91. recovering the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984);
92. recovering the costs of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984);
93. recovering the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984;

94. remitting proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;
95. modifying in order to make less onerous (where the modification will remove an objection), or suspending, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984);
96. temporarily restricting or banning the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984);
97. putting up, maintaining and altering pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984);
98. making arrangements for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984);
99. managing off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984);
100. providing access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984);
101. acquiring land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984);
102. buying or hiring parking meters (section 49 of the Road Traffic Regulation Act 1984);
103. providing stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984);
104. causing or allowing traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984);
105. consulting on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984);
106. serving notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984);
107. entering any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984);
108. putting up and maintaining signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984);

109. placing bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984);
110. placing bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984);
111. taking action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984);
112. carrying out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988);
113. consulting about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998);
114. effecting duties as to the general procedure to be followed before a temporary order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 );
115. effecting duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008);
116. effecting duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming)(Scotland) Regulations 1994);
117. effecting duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming)(Scotland) Regulations 1994 as amended);
118. carrying out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
119. carrying out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991;
120. commenting as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008);
121. agreeing to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982);
122. advising other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984);
123. providing and maintaining lighting on roads that are not maintained by

the Council;

124. making arrangements for tenders and contracts for supported bus services under the Transport Act 1985;
125. arranging for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985;
126. erecting, moving and removing bus stops, shelters and information panels provided that no objections are made following notice to the public;
127. installing, moving and removing bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002;
128. carrying out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011;
129. assessing whether people are eligible for forms of concessionary travel;
130. issuing and refusing to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
131. asking the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985);
132. dealing with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985);
133. dealing with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985);
134. securing public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision;
135. approving or refusing applications for school crossing patrols in accordance with the Council Policies;

### **Housing and Regeneration**

136. approving offers and authorising payments of grants to Registered Social Landlords;
137. authorising and carrying out repairs and maintenance to homes owned by the Council for the purposes of affordable rent ("Council

Appendix 5 – Delegation to the Executive Director of Place

- Homes”) in accordance with the Council’s repairs policy;
137. operating the “Right to Repair” scheme for tenants of Council Homes;
  139. consenting to repairs and improvements of Council Homes;
  140. determining whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent;
  141. maintaining a common housing register and allocating Council Homes in accordance with the Council’s lettings policy;
  142. collecting rent, service charges and court costs where applicable from current and former tenants of Council Homes;
  143. writing off the arrears balances of former tenants of Council Homes in accordance with Council Policies;
  144. consulting with tenants of Council Homes on increases to rent and service charges;
  145. carrying out regular maintenance of land held on the Housing Revenue Account;
  146. instructing repairs to common areas in accordance with the Tenements (Scotland) Act 2004;
  147. preparing and implementing a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001;
  149. registering the Council as a property factor with the Scottish Government and taking steps to comply with the code of conduct’s standards of practice, in accordance with the Property Factors (Scotland) Act 2011;
  150. preparing and maintaining a register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004;
  151. carrying out functions under Part 9 of the Antisocial Behaviour etc. (Scotland) Act 2004;
  152. entering relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person



- has made a valid houses of multiple occupancy application;
153. approving the entitlement to the relevant discounts of the fee to be entered on the register of private landlords;
  154. carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988;
  155. issuing, serving, suspending and revoking work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006;
  156. carrying out work where the owner of a house fails to comply with a work notice or a demolition notice under section 35 of the Housing (Scotland) Act 2006;
  157. carrying out work after notification by a private rented housing committee under section 36 of the Housing (Scotland) Act 2006;
  158. carrying out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006;
  159. carrying out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006;
  160. carrying out the Council's functions in relation to rights of entry under Part 9 of the Housing (Scotland) Act 2006;
  161. exercising the Council's powers under Part 10 of the Housing (Scotland) Act 2006;
  162. granting, varying, refusing, extending and revoking temporary exemption orders in terms of section 142 and 143 of the Housing (Scotland) Act 2006;
  163. issuing rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004;
  164. where appropriate, refunding fees that have been paid by applicants to be placed on the register of landlords;
  165. processing applications for improvement grants and domestic sound-proofing grants including authority to make payments;
  166. seeking the Scottish Minister's approval to raise the level of grant given to an owner-occupier for reasons of hardship;
  167. carrying out assessments to determine homelessness or the threat of homelessness, and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness;
  168. carrying out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation;

169. entering into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation;
170. carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies;
171. kennelling pets for households staying in homeless, temporary or emergency accommodation;
172. determining who receives housing support in line with Council Policies;
173. implementing and enforcing the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action;
174. determining eligibility of applicants and administering the sale of Council Homes under "Right to Buy" legislation;
175. purchasing and selling property on the Housing Revenue Account up to a value of £250,000, provided that such purchases are reported annually to the appropriate committee;

#### **Licensing**

176. granting or refusing permits for public charitable collections in accordance with criteria approved by the Regulatory Committee;
177. granting, attaching conditions to, refusing and issuing applications for licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 (including taxi and private hire car licence applications where an adverse medical report has been received) subject to:
  - (i) there being no objection or unresolved representation from a member of the public or the Chief Constable to the application;
178. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, granting, attaching conditions to, refusing and issuing applications for any temporary licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part of A of Appendix 10 where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Licensing Sub-Committee prior to the date the licence, if granted, is due to commence;
179. granting, renewing, varying and issuing any licence where Police

Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that he/she agrees to the conditions;

180. renewing and issuing licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 if satisfied (after considering reports by appropriate officials) as to their non-contentious nature;
181. keeping a public register of applications, permissions and licences;
182. granting and issuing late hours catering licence renewals with hours in excess of zoning policy, where those hours had been enjoyed in the preceding year without complaint;
183. determining an application for an exemption from the requirement to have a late hours catering licence in respect of any particular occasion or during a specified period not exceeding two months in any period of 12 months, and, where appropriate, to attach to such exemption any of the standing conditions applying to late hours catering licences;
184. refunding the appropriate application fee (or part of the fee) for applications which have been withdrawn or refused and licences which have been granted, in accordance with Council Policy;
185. advertising any proposed taxi stance appointment, variation or revocation and:
  - (a) determining the proposal where no public objections or representations are received; and
  - (b) determining the starting date of any change;
186. determining whether good cause has been shown to deem an application for renewal of a licence made up to 28 days after the expiry of the existing licence is to be treated as if the licence had been made prior to its expiry;
187. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10, and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences etc. for a period of not more than 6 weeks or until the suspension is considered by the Licensing Sub-Committee, whichever is sooner;
188. suspending taxi and private hire driver licences on a temporary basis on medical grounds during the currency of a licence where the licence holder is in agreement;

189. exempting new taxi driver licence applicants from elements of the compulsory training course if they have alternative equivalent qualifications;
190. accepting new applications to drive taxis or private hire cars from previously licensed drivers up to six months after the expiry of their licence at the appropriate renewal fee;
191. exercising the Council's overriding discretion in respect of section 187(a)(i) of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers 2006) to consider any negative factor such as:
  - (a) whether the width deviated from the manufacturer's specification for standard vehicles of that type;
  - (b) whether factory options such as wide wheels and tyres had been added; and
  - (c) whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified;
192. approving the installation of WiFi, CCTV or other camera equipment in any relevant licensed vehicle;
193. determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal (including licences for houses in multiple occupation);
194. accepting a re-application for a civic licence within 12 months of a refusal under existing delegated powers due to an error of material fact and transferring the original fee to the re-application (including licences for houses in multiple occupation);
195. issuing letters of confirmation in respect of notification of public processions received with the exception of any notification attracting representations that cannot be resolved through negotiation;
196. determining requests for variation of fees for Houses in Multiple Occupation licences;
197. appointing members to vacancies arising in the membership of the Council's Licensing Forum;
198. appointing Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005;
199. determining and issuing wheelchair exemptions on a temporary basis in respect of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers;
200. determining whether to hold a hearing to consider the suspension of a licence in terms of the Civic Government (Scotland) Act 1982;

Appendix 5 – Delegation to the Executive Director of Place

201. approve in terms of standard licence condition 26 for individual applications to install Admats and to vary the standard conditions of licence to disapply condition 299 insofar as it applies to Admats.

**Community safety, environmental, consumer protection and registration etc.**

202. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10;
203. when appointed by the Scottish Ministers, acting on any Emergency Order made under Part I of the Food and Environment Protection Act 1985;
204. carrying out reviews of air quality in accordance with section 82 of the Environment Act 1995;
205. carrying out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995;
206. complying with any regulations made under section 87 of the Environment Act 1995;
207. enforcing pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995;
208. issuing suspension notices under section 14 of the Consumer Protection Act 1987 for goods which are suspected to be unsafe;
209. granting licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936;
210. making registrations under the Health and Safety and Work etc. Act 1974 and The Poisons Act 1972;
211. appointing and exercising the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974;
212. serving improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974;
213. dealing with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974;
214. providing information upon request under section 27 of the Health and Safety at Work etc. Act 1974;
215. issuing credentials to enforcement staff so that they can deal with enforcing and licensing as provided by the relevant legislation and European directives;
216. providing mobile toilet units, waste containers and assistance in kind to community organisations and charities for special events for which budget provision has been made, and charging for provisions of

Appendix 5 – Delegation to the Executive Director of Place  
these services where appropriate;

217. performing the Council's public health duties under sections 11 to 21 of the Edinburgh District Council Order Confirmation Act 1991, including registering premises for acupuncturists, ear piercers and electrolysists;
218. enforcing the removal or discontinuation of advertisements under section 186 of the Town and Country Planning (Scotland) Act 1997;
219. removing or obliterating placards or posters in accordance with section 187 of the Town and Country Planning (Scotland) Act 1997;
220. appointing officer to carry out the functions of the Public Analyst and Food Examiner (Food Safety Act 1990) and Agricultural Analyst/Depute Agricultural Analyst (Agriculture Act 1970);
221. exercising the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling;
222. burying or cremating the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recovering from the estate of the deceased person the expenses incurred in doing so (section 50 of the National Assistance Act 1948);
223. burying or cremating the body of any deceased person who immediately before his death was in the care of, receiving assistance from, or was a child being looked after by the Council, and recovering the expenses of doing so from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred (section 28 of the Social Work (Scotland) Act 1968);
224. maintaining cemeteries in accordance with section 10 of the Edinburgh District Council Order Confirmation Act 1991;
225. awarding community grants from dedicated budgets;
226. providing and managing the Council's library services;
227. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
228. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
229. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
230. prescribing periods within which any article borrowed from a library

Appendix 5 – Delegation to the Executive Director of Place

must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967);

231. exercising the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office;
232. appointing an officer to carry out the function of dealing with stray dogs, and dealing with dogs under sections 149, 150 and 151 of the Environmental Protection Act 1990;
233. exercising the Council's functions under the Public Health etc. (Scotland) Act 2008, including serving notices on owners or occupiers of infected premises, inspecting premises and recovering expenses, and providing mortuaries;
234. carrying out periodical inspections and exercising the Council's inspections functions under sections 9A to 12 of the Zoo Licensing Act 1981;
235. considering and making arrangements for the welfare of animals following the closure of a zoo under sections 16E and 16G of the Zoo Licensing Act 1981;
236. controlling noise from construction sites by investigating, and serving and publishing notices in accordance with section 60 of the Control of Pollution Act 1974;
237. considering applications for consents for works in accordance with section 61 of the Control of Pollution Act 1974;
238. investigating noise nuisance, serving warning notices and fixed penalty notices, and seizing and removing equipment in accordance with sections 41 to 54 of the Antisocial Behaviour etc (Scotland) Act 2004;
239. inspecting and investigating statutory nuisances in accordance with section 79 of the Environmental Protection Act 1990;
240. serving abatement notices and fixed penalty notices and initiating proceedings in relation to statutory nuisances in accordance with sections 80, 80ZA and 80A of the Environmental Protection Act 1990;
241. abating nuisances and recovering costs in relation to statutory nuisances in accordance with sections 81, 81A and 81B of the Environmental Protection Act 1990;
242. issuing fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990;
243. complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990;
244. issuing notices and requiring the removal of waste unlawfully

Appendix 5 – Delegation to the Executive Director of Place

- deposited in accordance with section 59 of the Environmental Protection Act 1990;
245. promoting the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990;
  246. issuing fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990;
  247. designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990;
  248. serving litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990;
  249. issuing street litter control notices in accordance with section 93 of the Environmental Protection Act 1990;
  250. complying with regulations made by Scottish Ministers in relation to the display of advertisements in accordance with section 182 of the Town and Country Planning (Scotland) Act 1997;
  251. removing abandoned vehicles in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978;
  252. disposing of removed vehicles in accordance with section 4 of the Refuse Disposal (Amenity) Act 1978;
  253. recovering expenses in connection with removed vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978;
  254. dealing with graffiti in accordance with sections 58 to 65 of the Antisocial Behaviour (Scotland) Act 2004, including serving graffiti removal notices;
  255. exercising the Council's functions and powers in relation to drains in accordance with sections 29 to 34 of the Edinburgh District Council Order Confirmation Act 1991, including removing obstructions and serving notices;
  256. serving notices in relation to environmental matters in accordance with section 160 of the Environmental Protection Act 1990;
  257. discharging the Council's functions in relation to genetically modified organisms, including entering and inspecting premises, in accordance with sections 114 to 117 of the Environmental Protection Act 1990;
  258. entering into agreements with Scottish Ministers to exercise the



- enforcement functions of the Scottish Ministers in relation to genetically modified organisms, in accordance with section 125 of the Environmental Protection Act 1990;
259. inspecting land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990;
  260. serving notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990;
  261. determining appropriate people to bear responsibility for remediation in accordance with section 78F of the Environmental Protection Act 1990;
  262. consulting in relation to remediation notices in accordance with sections 78G and 78H of the Environmental Protection Act 1990;
  263. serving remediation notices in relation to the pollution of controlled waters in accordance with section 78J of the Environmental Protection Act 1990;
  264. serving remediation notices in relation to contaminating substances which escape to other land in accordance with section 78K of the Environmental Protection Act 1990;
  265. carrying out remediation to the relevant land or water environment in accordance with section 78N of the Environmental Protection Act 1990;
  266. recovering costs incurred in relation to remediation in accordance with section 78P of the Environmental Protection Act 1990;
  267. exercising the Council's functions where remediation notices have been served and the land becomes special land, in accordance with section 78Q of the Environmental Protection Act 1990;
  268. maintaining a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990;
  269. providing SEPA with information when requested in accordance with section 78U of the Environmental Protection Act 1990;
  270. having regard to guidance issued by SEPA in accordance with section 78V of the Environmental Protection Act 1990;
  271. exercising the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990;
  272. carrying out the Council's enforcement functions under sections 68, 71, 74 and 78 of the Antisocial Behaviour etc. (Scotland) Act 2004

273. carrying out the Council's enforcement functions in relation to fireworks in accordance with sections 2, 3 and 12 of the Fireworks Act 2003;
274. entering and inspecting premises, issuing fixed penalties and commencing legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005;
275. enforcing the safety provisions of the Motor Cycle Noise Act 1987;
276. enforcing the provisions of the Tobacco Advertising and Promotion Act 2002 in accordance with sections 13 and 14 of that act;
277. enforcing the duty to provide information on sale of houses, in accordance with sections 109 to 112 of the Housing (Scotland) Act 2006;
278. exercising the Council's enforcement functions in accordance with sections 25 and 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
279. applying for tobacco retailing banning orders and ancillary orders in accordance with sections 15 to 19 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
280. issuing fixed penalty notices in accordance with section 27 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
281. exercising the Council's powers of entry in accordance with sections 28 to 31 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
282. exercising the Council's enforcement powers in relation to copyright infringement in accordance with sections 107A and 198A of the Copyright, Designs and Patents Act 1988;
283. exercising the Council's enforcement functions and powers under the Enterprise Act 2002;
284. dealing with the clean up of spills in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;
285. requiring the owner of a public building to execute works necessary to minimise the risk to the public in the event of danger in accordance with section 23 of the City of Edinburgh District Council Order Confirmation Act 1991;
286. requiring owners to carry out, or carrying out works to secure, restore or repair structures, fixtures, walls or fences that has become insecure, worn out, damaged or in need of repair, and recovering the costs of doing so, all in accordance with section 24 of the Edinburgh District Council Order Confirmation Act 1991;

287. giving notice to person requiring them to take steps to reduce the emission of dust in accordance with section 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
288. serving notices in accordance with section 26 and in relation to sections 23 to 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
289. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
290. entering premises to perform the Council's functions under the City of Edinburgh District Council Order Confirmation Act 1991 in accordance with section 53 of that act;
291. executing works and recovering the costs of doing so where an owner or occupier fails to do so after being served notice to do so in accordance with section 57 of the City of Edinburgh District Council Order Confirmation Act 1991;

#### **Parks and Greenspace**

292. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:
  - (a) the Convener or vice-Convener of the Transport and Environment Committee;
  - (b) the Festival and Events Champion;
  - (c) local ward Councillors;
  - (d) as appropriate, other Council service areas; and/or
  - (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;
293. issuing felling orders for trees affected by Dutch Elm Disease (sections 3(1) (2) and (4) and 5(1) of the Plant Health Act 1967 and section 20 of the Agricultural (Miscellaneous Provisions) Act 1972 (B) and Dutch Elm Disease (Amendment) (Local Authorities) Order 1975);
294. creating, maintaining, enhancing and removing physical and natural assets within the Council's parks and greenspaces;
295. creating, maintaining, enhancing and removing trees and other landscape features managed by the Council;
296. implementing the provisions of the Council's Park Management Rules;

297. implementing the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations;
298. implementing the provisions of wildlife, nature, access and parks legislation, including:
  - (h) Countryside (Scotland) Act 1967;
  - (i) Wildlife and Countryside (Scotland) Act 1981;
  - (j) National Parks and Access to the Countryside Act 1949;
  - (k) Nature Conservation (Scotland) Act 2004;
  - (l) Wildlife and Natural Environment (Scotland) Act 2011; and
  - (m) Land Reform (Scotland) Act 2003;
299. drafting, managing and implementing Council approved policy and strategy that relates to parks and greenspace responsibilities;
300. managing the Council's Green Flag Award and other quality management programmes;
301. managing events and activities taking place within parks and greenspaces;

#### **Waste Services**

302. preparing specifications and award contracts for repairing and maintaining the Council's vehicles and plant fleet, and for buying replacements, all in accordance with the Contracts Standing Orders as amended from time to time;
303. discharging duties relating to the conduct of the Council's significant trading operations in accordance with section 10 of the Local Government in Scotland Act 2003;
304. specifying the level of services and other relevant details for providing waste management, street cleansing and refuse collection services;
305. negotiating variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council;
306. setting the prices of trade waste services provided by the Council;
307. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management;
308. carrying out the Council's waste management functions in accordance with its approved integrated waste management plan,

and providing the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990);

309. collecting household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990;
310. arranging for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990;
311. serving notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990;
312. supplying receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990;
313. arranging for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990;
314. ensuring that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990;
315. enabling waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using, selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990;
316. carrying out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990;
317. consenting to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990;
318. carrying out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990;
319. minimising the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990;

Appendix 5 – Delegation to the Executive Director of Place

320. exercising the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990;
321. participating in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990;
322. carrying out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990;
323. participating in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990;
324. giving notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act;

### **Building Standards**

326. submitting comments on relaxation applications determined by the Scottish Ministers;
327. signing certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003;
328. undertaking building standards assessments under section 6 of the Building (Scotland) Act 2003;
329. deciding on completion certificate submissions under section 18 of the Building (Scotland) Act 2003;
330. deciding on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted;
331. deciding on the imposition of a continuing requirement in terms of section 22 of the Building (Scotland) Act 2003;
332. deciding on the discharge or variation of a continuing requirement in terms of section 23 of the Building (Scotland) Act 2003;
333. maintaining and administering a building standards register in terms of section 24 of the Building (Scotland) Act 2003;
334. serving enforcement notices in terms of sections 25, 26, 27, 28, 29, 30 and 42 of the Building (Scotland) Act 2003 and carrying out all consequential enforcement procedures;
335. signing certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003;
336. processing section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005;
337. granting or refusing applications for building warrants, amendments to warrants and extensions to the periods of validity of building warrants;

### **Floods, Reservoirs and Coasts**

338. preparing, reviewing, updating and making available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009);
339. assessing relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk

Management (Scotland) Act 2009);

340. preparing maps and responding to the Scottish Environmental Protection Agency ("SEPA") in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009;
341. responding to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009;
342. responding to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009;
343. preparing local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009;
344. publishing a "draft supplementary part" of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council or Committee;
345. responding to consultation by a lead local authority on the "draft supplementary part" of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009;
346. publishing the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management (Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee;
347. responding to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009;
348. reviewing the local flood risk management plan and, subject to Council or Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009;
349. publishing final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval;
350. taking steps to co-operate with other local authorities where a local plan district covers more than one local authority's area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009;



351. taking steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009;
352. providing SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009;
353. taking steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009;
354. sitting on the flood risk advisory group (section 49) and sub-district flood risk advisory group (section 50) on behalf of the Council in accordance with the Flood Risk Management (Scotland) Act 2009;
355. taking steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009;
356. carrying out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009;
357. responding to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management (Scotland) Act 2009;
358. giving notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009;
359. confirming or rejecting proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009;
360. keeping registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009;
361. recovering expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009;

362. responding to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009;
363. entering into land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009;
364. serving notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009;
365. paying compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009;
366. assisting SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009;
367. reporting incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009;
368. discharging the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
369. offering relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
370. requesting the Scottish Ministers to direct planning permission for any development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
371. serving notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009;
372. in relation to the Braid Burn flood prevention scheme and the Water of Leith prevention scheme (which were confirmed under the Flood Prevention (Scotland) Act 1961) carrying out the powers and duties of the Council, including paying compensation under section 11 of the Flood Prevention (Scotland) Act 1961;
373. exercising the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975;

- 374. exercising the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011; and
- 375. carrying out the duties and powers of the coast protection authority in accordance with the Coast Protection Act 1949.

**City Strategy and Economy**

- 376. developing and advising on policies, strategies, programmes and projects for approval by Council or Committee in relation to economic development, external relations and inward investment, including working in partnership with external organisations (both public and private) that deliver economic development activities (including making financial contributions to these activities where appropriate by way of a loan or grant in accordance with criteria approved by Committee);
- 377. performing the Council’s functions in respect of the East of Scotland Investment Fund, including authorising loans subject to annual reporting to the Economy Committee;
- 379. allocating space within property managed by Economic Development to relevant partners and agreeing the terms of such arrangements;
- 380. making changes to the opening hours of buildings managed by Economic Development as required for operational or budgetary reasons;
- 381. altering or waiving (in whole or in part) charges of hire of property managed by Economic Development where there are sound financial, operational or other justifiable reasons for doing so, subject to annual reporting to the Economy Committee;

**Culture**

- 382. devising and implementing cultural, heritage and events programmes;
- 383. organising museum and gallery exhibitions;
- 384. altering or waiving (in whole or in part) charges for hire of properties managed by the Director of Culture where there are sound financial, operational or other justifiable reasons for doing so;

385. agreeing in principle and instructing the Executive Director of Resources to conclude temporary leases of property managed by the Director of Culture;
386. allocating space within property managed by the Director of Culture to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
387. making such changes to the opening hours of buildings operated by the Director of Culture as are required for operational and budgetary reasons;
389. monitoring arms' length organisations which operate Culture facilities or services, or both, on the Council's behalf, including the Festival City Theatres Trust;
390. accepting and rejecting gifts or bequests to the Council's museums and galleries;
391. lending any object in the Council's museum and gallery collections to any gallery, museum or exhibition in accordance with section 7 of the Edinburgh District Council Order Confirmation Act 1991;
392. making recommendations and taking action on the purchase of museum and gallery objects in accordance with Council Policy;
393. commenting on the impact of planning applications on Edinburgh's archaeology and historic environment in accordance with the Scottish Planning Policy (SPP) and accompanying Planning Advice Note (PAN 2/2011), and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008;
394. establishing Friends and other groups to support the work of the service area;

- 395. contributing up to £10,000 from the Jean F Watson Bequest trust funds to secure the purchase of any single work of art in accordance with the purposes of the trust, in consultation with the Convener of the Committee on the Jean F Watson Bequest;
- 396. buying individual items valued up to £1,000 for the Museum of Childhood collection using the Catherine E Cowper Trust's funds;

**Public Safety**

- 397. administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988; and
- 398. administering and issuing permits, and carrying out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.

**APPENDIX 6**  
**DELEGATION TO THE HEAD OF SAFER AND STRONGER COMMUNITIES/CHIEF SOCIAL WORK OFFICER**

- ~~1. Carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988.~~
- ~~2. Carrying out assessment to determine homelessness or the threat of homelessness and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness.~~
- ~~3. Carrying out spot purchases of accommodation, including bed and breakfast for homeless temporary accommodation or emergency accommodation.~~
- ~~4. Entering into leasing agreements with registered social landlords for homeless, temporary or emergency accommodation.~~
- ~~5. Carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies.~~
- ~~6. Kennelling pets for households staying in homeless, temporary or emergency accommodation.~~
- ~~7. Determine who receives housing support in line with Council policies.~~
- ~~8. Provide advice, guidance and assistance on debt, welfare rights and income maximisation.~~
- ~~9. undertaking housing offender management (sex and serious violent offenders);~~

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## **APPENDIX**

**76**

### **CHIEF PLANNING OFFICER**

These are the functions referred to in paragraph 11 of the Scheme:

#### **Planning policy**

1. responding 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;
2. responding 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;
3. determining 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;

#### **Local Development Plan Preparation**

- 4 considering the Local Development Plan Report of Examination, save where:
  - (a) grounds set out in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 are engaged.
- 5 Publishing the Local Development Plan as modified after examination

## Planning applications etc.

6. determining applications (including retrospective applications) for planning permission, planning permission in principle, approval of matters specified in conditions, listed building consent, conservation area consent and consent to display an advertisement, provided that:

- (a) the decision is in accordance with the statutory development plan (Strategic Development Plan and Local Development Plan);
- (b) conditions added by the Development Management Sub-Committee are not removed or amended;
- (c) where approval is recommended, not more than six material objections have been received from third parties except where the application is for listed building consent conterminous with an associated householder development;
- (d) where approval is recommended and the application is for listed building consent conterminous with an associated householder development, not more than 20 material objections or a petition have been received from third parties;
- (e) where refusal is recommended, not more than 20 material representations in support of the proposals have been received from third parties;
- (f) where a petition has been submitted properly headed with material planning considerations, it has not more than 20 signatures of objection in relation to recommendations for approval and not more than 20 signatures of support in relation to recommendations for refusal, other than those cases relating to paragraph 6(d);
- (g) Objections from statutory consultees, including community councils, are resolved in relation to applications recommended for approval and there are no outstanding support comments from community councils in relation to applications recommended for refusal.
- (h) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- ~~(i) where the application falls within the definition of local development as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 but is not subject to the terms of the Council's statutory scheme of delegation for local developments;~~
- (ji) there is no legal agreement required in connection with the



application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000, or where by virtue of any policy or non-statutory guidance on developer contributions there is a requirement to be met and, for whatever reason, that requirement is not being fully met;

(ki) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;

(lk) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);

(ml) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close

friend or relative;

- (n) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative;
- (o) the application is not for Hazardous Substance Consent;
- (p) the Chief Planning Officer does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and
- (q) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;

7. determining applications for certificates of lawful use or lawful development under sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997 and applications for certificates of appropriate alternative development, provided that:

- (a) the application does not raise a significant planning matter, leading to advice to refuse or to object;
- (b) the Chief Planning Officer does not consider the application to be potentially controversial, or likely to be of significant public interest, or as having a significant impact on the environment;
- (c) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- (d) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
- (e) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
- (f) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;
- (g) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative; and
- (h) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development

Management Sub-Committee;

8. determining whether or not an application for planning permission will need to be accompanied by an Environmental Impact Assessment Report and responding to requests for any associated scoping opinion;
9. issuing an opinion in respect of a Pre-Application Screening request;
10. deciding whether the method of consultation is acceptable or more is needed in respect of a Proposal of Application Notice;
11. deciding whether or not to decline to determine a repeat application for planning permission in any of the circumstances set out in Section 39 of the Town and Country Planning (Scotland) Act 1997;
12. signing a processing agreement in respect of a major application as defined in the hierarchy of development;
13. promoting a direction altering the duration of a planning consent;
14. determining whether a change to a granted planning application is material or not or whether changes are substantial;
15. deciding whether or not full details of a proposed agricultural building require to be submitted;
16. deciding whether or not full details of a proposed forestry building require to be submitted;
17. deciding whether or not full details of proposed buildings by gas and electricity undertakings, solely for the protection of plant and machinery, are required;
18. deciding whether or not, in the case of proposed demolition of residential property, to require a formal submission;
19. deciding whether or not, in the case of proposed toll facilities on toll roads, to require a detailed submission;
20. determining painting and sundry minor works requiring permission by reason of an Article 4 Direction;
21. determining that alterations to a listed building do not require Listed Building Consent
22. determining whether works or a change of use constitute permitted development;
23. determining the display of advertisements;

#### **Enforcement action**

24. acting as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate

officers to prepare, sign and serve such notices on his behalf;

25. initiating, progressing, servicing notices and concluding enforcement action, interdict

action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:

- (a) Planning Contravention Notices;
- (b) Enforcement Notices, including those relating to listed building and advertisements;
- (c) advertisement discontinuation procedures;
- (d) reporting to the procurator fiscal;
- (e) Breach of Condition Notices;
- (f) Amenity Notices;
- (g) Stop Notices;
- (h) Temporary Stop Notices;
- (i) Fixed Penalty Notices;
- (j) Hazardous Substances Contravention Notices;
- (k) Tree Replacement Notices;
- (l) prosecution in respect of the above as necessary and the giving of evidence in court; and
- (m) powers of entry;

26. carrying out the following functions provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration:

- (a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);
- (b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);
- (c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);
- (d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);
- (e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning

(Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);

- (f) serving section 270 Notices and Planning Contravention Notices;
- (g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- (h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission;

## **Landscape**

- 27. making ~~provisional~~ Tree Preservation Orders (with the Planning Committee approving the final order taking into account objections or representations received);
- 28. authorising or refusing the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees protected by Tree Preservation Orders (including the imposition of ~~replanting~~ conditions as appropriate);
- 29. determining notifications for the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees in conservation areas;
- 30. serving, progressing, and concluding actions in respect of tree replacement notices, including any necessary follow up direct action;
- 31. investigating unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate;
- 32. considering and determining all applications in respect of high hedge notices, taking any subsequent enforcement or other action and

exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration;

### **Appeals**

33. determining what response should be made to the Directorate of Planning and Environmental Appeals in the case of appeals submitted in respect of the non-determination of an application and where the application could otherwise have been dealt with under delegated powers;

### **Legal Agreements**

34. entering into a legal agreement with a developer, provided that:

- (a) the agreement complies with the terms of government guidance, relevant development plan policies and supplementary guidance on developer contributions; and
- (b) does not involve a financial sum or other contributions of a value exceeding £250,000;

35. entering into a discharge of a legal agreement granting partial or full discharge of the relevant party's obligations on the due performance by that party of such obligations;

36. modifying a legal agreement with the relevant party provided that:

- (a) the terms of the modifications comply with the terms of government guidance, relevant development plan policies and supplemental guidance on developer contributions; and
- (b) it does not involve reducing the financial sum or other contributions in the legal agreement;

37. extending the six month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved

### **Miscellaneous**

38. authorising Powers of Entry to land for any purpose (especially surveying) relating to the preparation of a development plan and general planning controls (sections 269 & 270 of the Town and Country Planning (Scotland) Act 1997);

39. allocating new street numbers and, in consultation with the appropriate local ward councillors, changing street numbers and naming new streets;

40. requiring proper maintenance of land affecting listed buildings or

conservation areas and to undertake necessary work and recover costs

in cases of non-compliance (sections 135 and 179 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997); and

**Flooding**

41. requesting advice from SEPA as to flood risk under section 72 of the Flood Risk Management (Scotland) Act 2009.

**APPENDIX**

**87**

**STATUTORY FUNCTIONS AND STATUTORY OFFICERS**

<u>Statutory Function</u>	<u>Legislation</u>	<u>Officer</u>
Agricultural Analyst/Depute Agricultural Analyst	section 67(3) of the Agriculture Act 1970	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst
Assessor	section 27 of the Local Government etc. (Scotland) Act 1994	Assessor of the Lothian Valuation Joint Board
Chief Inspector of Weights and Measures	section 72 of the Weights and Measures Act 1985	Licensing and Trading Standards Service Manager
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures from time to time.
Chief Social Work Officer	Social Work (Scotland) Act 1968	Chief Social Work Officer
Chief Education Officer	Education (Scotland) Act 2016	Chief Education Officer
Counting Officer	Parties, Elections and Referendums Act 2000	Chief Executive
Data Protection Officer	37-39 of General Data Protection Regulations	Information Governance Manager
Dog Catcher	section 149 of the Environmental Protection Act 1990	Dog Warden



Appendix 7 – Statutory Functions and Statutory Officers

Food Examiner	Section 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst
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Appendix 7 – Statutory Functions and Statutory Officers

Head of Paid Service	section 4(1) of the Local Government and Housing Act 1989	Chief Executive
Mental Health Officers	section 32 of the Mental Health (Care and Treatment)(Scotland) act 2003	Certain social workers as appointed by the Chief Social Work Officer from time to time.
Monitoring Officer	section 5(1) of the Local Government and Housing Act 1989	Head of Legal and Risk
Public Analyst	sections 27 and 30 of the Food Safety Act 1990	Scientific Bereavement and Registration Service Senior Manager and Operation Manager – Public Analyst
Registrar of Births, Deaths and Marriages	section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	Chief Registrar/ Registration Services Manager
Returning Officer	Sections 25 and 41 of the Representation of the People Act 1983	Chief Executive

**APPENDIX**  
**28**  
**PROPER OFFICER FUNCTIONS**

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Declaration of acceptance of office	section 33A of the Local Government (Scotland) Act 1973	Head of Strategy and Communications
Resignation of office by a member	section 34 of the Local Government (Scotland) Act 1973	Head of Strategy and Communications
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Head of Strategy and Communications
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	All Executive Directors, Chief Executive <del>and Head of Safer and Stronger Communities/ CSWO</del>
Members' rights of access to documents which enclose "exempt information"	section 50F (2) of the Local Government (Scotland) Act 1973	Chief Executive
Transfer of securities on alteration of area etc.	section 92 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Financial Administration	section 95 of the Local Government (Scotland) Act 1973	Head of Finance
Education endowments	section 128 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Ordnance Survey	section 145 of the Local Government (Scotland) Act 1973	Executive Director of Resources

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Appendix 8 – Proper Officer Functions

Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 2005	Executive Director of Resources and Head of Legal and Risk
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Procedure for byelaws	sections 202 and 204 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Roll of honorary freemen	section 206 of the Local Government (Scotland) Act 1973	Head of Strategy and Communications
Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Head of Strategy and Communications
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Executive Director of Resources
Maintaining the register of members' interests	Regulation 6 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Head of Strategy and Communications

**APPENDIX**  
**199**  
**LIST OF LEGISLATION**

**Part A**

1. Animal Boarding Establishments Act 1963;
2. Animal Health and Welfare (Scotland) Act 2006;
3. Breeding of Dogs Act 1973;
4. Cinemas Act 1985;
5. City of Edinburgh District Council Order Confirmation Act 1991;
6. Civic Government (Scotland) Act 1982;
7. Dangerous Wild Animals Act 1976;
8. Deer (Scotland) Act 1996;
9. Housing (Scotland) Act 2006;
10. Hypnotism Act 1952;
11. Performing Animals (Regulation) Act 1925;
12. Pet Animals Act 1951;
13. Petroleum (Transfer of Licences) Act 1936;
14. Riding Establishments Acts 1964 and 1970;
15. Theatres Act 1968; and
16. Zoo Licensing Act 1981.

**Part B**

1. Accommodation Agencies Act 1953;
2. Agriculture Produce (Grading and Marking) Acts 1928 and 1931;
3. Agriculture Act 1970;
4. Agriculture (Miscellaneous Provisions) Act 1968;

Appendix 9 – List of Legislation

5. Animal Boarding Establishments Act 1963;
6. Animal Health Act 1981;
7. Animal Health and Welfare (Scotland) Act 2006;
8. Breeding and Sale of Dogs (Welfare) Act 1999;
9. Breeding of Dogs Act 1973 and 1991;
10. Burial Grounds (Scotland) Act 1855;
11. Children and Young Persons (Protection from Tobacco) Act 1991;
12. Church of Scotland (Property and Endowment) Act 1925;
13. Cinemas Act 1985;
14. Civic Government (Scotland) Act 1982;
15. Civil Partnership Act 2004;
16. Clean Air Act 1993;
17. Control of Dogs (Scotland) Act 2010;
18. Consumer Credit Act 1974;
19. Consumer Protection Act 1987;
20. Cremation Acts 1902 and 1952;
21. Cremation (Scotland) Amendment Regulations 2003;
22. Dangerous Wild Animals Act 1976;
23. Development of Tourism Act 1969 (sections 17 and 18);
24. Dog Fouling (Scotland) Act 2003;
25. Education Reform Act 1988 (section 215);
26. Energy Conservation Act 1981 (section 20);
27. Environment and Safety Information Act 1988;
28. Estate Agents Act 1979;

Appendix 9 – List of Legislation

29. European Communities Act 1972 (section 2(2));
30. Explosives Act 1875 (sections 74 and 78);
31. Fair Trading Act 1973;
32. Food and Environment Protection Act 1985 (sections 19(1B) and (1C));
33. Hallmarking Act 1973;
34. Housing (Scotland) Act 1987, Parts IV, V, VII and VIII
35. International Health Regulations 2005;
36. Marriage (Approval of Places) (Scotland) Regulations 2002;
37. Marriage (Scotland) Act 1977;
38. Medicines Act 1968;
39. Performing Animals (Regulation) Act 1925;
40. Pet Animals Act 1951;
41. Petroleum (Consolidation) Act 1928 (section 17);
42. Poisons Act 1972;
43. Prevention of Damage by Pests Act 1949;
44. Prices Act 1974 and 1975;
45. Private Rented Housing (Scotland) Act 2011;
46. Property Misdescriptions Act 1991;
47. Public Health (Aircraft) (Scotland) Regulations 1971;
48. Public Health (Ships) (Scotland) Regulations 1971;
49. Rent (Scotland) Act 1984;
50. Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003);
51. Sewerage (Scotland) Act 1968;

52. Single Use Carrier Bags Charge (Scotland) Regulations 2014;
53. Telecommunications Act 1984 (section 30);
54. Theatres Act 1968;
55. Timeshare Act 1992;
56. Trade Descriptions Act 1968;
57. Trade Marks Act 1994;
58. Video Recordings Acts 1984 and 1993;
59. Water (Scotland) Act 1980;
60. Water Services etc. (Scotland) Act 2005;
61. Weights and Measures Act 198



## Scheme of Delegation to Officers

### Appendix of Changes

Appendix	Existing paragraph	New paragraph	Proposed Change	Reason	Directorate
	1.7	1.7	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	2.3	2.3	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	2.4	2.4	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	3.2	3.2	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	3.3	3.3	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	3.11	3.11	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	3.14	3.14 c	Exclusion of Pension Group funds from major projects requirement	Reflects current practice	Resources
	3.15	3.15	Amend title of Head of Strategy and Insight to Head of Strategy and Communications	Role title changed on an interim basis by decision of Full Council.	Chief Executive

Appendix	Existing paragraph	New paragraph	Proposed Change	Reason	Directorate
	4.1	4.1	Amended text to reflect the fact that the Head of Paid Service is a statutory officer of the Council.	To reflect correct statutory designation more clearly.	Chief Executive
	4.2 i, j and K	Appendix 2 – 97, 98 and 99	Amend these sections to transfer these responsibilities to the Executive Director of Communities and Families as the line manager of the Safer and Stronger Communities Division / CSWO.	These duties and responsibilities have been transferred under the management of the Executive Director of Communities and Families.	Communities and Families
	5.1	5.1	Deletion of Head of Safer and Stronger Communities / CSWO	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
	7.1	7.1	Updated content to reflect duties / responsibilities of the Resources Directorate.	Wording does not accurately reflect the remit of the directorate.	Resources
	10	10	Paragraph 10 needs revisited to correctly reflect that the Head of Safer and Stronger Communities / CSWO does not have the same delegated authority as an Executive Director.	No longer a direct report to the CEO and not an Executive Director.	Communities and Families
Appendix 1	Title	Title	Amend these sections to transfer these responsibilities to the Executive Director of Communities and Families as the line manager of the Safer and Stronger Communities Division / CSWO.	These duties and responsibilities have been transferred under the management of the Executive Director of Communities and Families.	Communities and Families
Appendix 1	11	11	Added a section to make clear approval in accordance with Council's policy and procedures.	To ensure attendance at conferences and development activities	All

Appendix	Existing paragraph	New paragraph	Proposed Change	Reason	Directorate
				comply with Council travel and other policies.	
Appendix 1	13	13	Amended text to make clear “pay and terms and conditions of service”	Correct terminology from a contractual perspective.	All
Appendix 1	14	14	Amended text to make clear “policy, procedures and guidance” for accuracy.	Correct terminology from a governance perspective.	All
Appendix 1	14 (d) and (e)	14 (d) and (e)	Amended to occupational sick pay for (d) and approval of payroll deductions and the recovery of overpayments (e)	Correct terminology from a contractual perspective.	All
Appendix 1	16	16	Amended title to Staff Wellbeing and text to: implementing the Council’s Wellbeing Strategy and Policy for staff and associated arrangements;	Correct terminology and ensures no duplication with Health and Safety.	All
Appendix 2	22	22	Text needs amended to make clear that the leasing of community centres is the responsibility of Communities and Families, not Resources.	Correct allocation of responsibility.	Communities and Families.
Appendix 2	31, 32	Not applicable.	Check if this is the responsibility of Communities and Families or Resources, given that School Catering and the Catering Service generally, including nutritional standards is set by Resources.	Correct allocation of responsibility.	Resources.
Appendix 3	4	4	Amending text to make clear reporting is to the Finance and Resources Committee, not Council.	Correct terminology from a governance perspective.	Resources.
Appendix 3	8 (a)	8(a)	Amending text to make clear all elements of pay, remuneration and expenses to all employees	Correct terminology from a contractual perspective	Resources
Appendix 3	7	7	Replace “service area” terminology with “directorate/division”.	Correct terminology from a governance perspective.	Resources.
Appendix 3	Title	Title	Replace Customer Services and Digital Services with Customer and Digital Services	Correct terminology from a governance perspective.	Resources.

<b>Appendix</b>	<b>Existing paragraph</b>	<b>New paragraph</b>	<b>Proposed Change</b>	<b>Reason</b>	<b>Directorate</b>
Appendix 3	Title	Title	Replace Investment and pensions with Lothian Pension Fund Group	Correct terminology from a governance perspective.	Resources.
Appendix 6	All	Appendix 2 – 88 -96	Delete and move to Executive Director of Communities and Families	These duties and responsibilities have been transferred under the management of the Executive Director of Communities and Families.	Communities and Families
Appendix 6	6 (i)	n/a	Delete paragraph	Ensure consistency with Planning applications Scheme of Delegation	Place
Appendix 7	25	25	Add 'serving notices'	Ensure consistency with Planning applications Scheme of Delegation	Place
Appendix 7	27	27	Remove 'provisional'	Ensure consistency with Planning applications Scheme of Delegation	Place
Appendix 7	28	28	Remove 'replanting'	Ensure consistency with Planning applications Scheme of Delegation	Place
Appendix 9	Proper Officer functions	Proper Officer functions	Compilation of background papers – removal of Head of Safer and Stronger Communities.	No longer a direct report to the CEO and not an Executive Director.	All