

## **SCHEME OF DELEGATION TO OFFICERS**

This Scheme lists delegated powers given to the Officers by the Comhairle to discharge functions for the purposes of Section 56 of the Local Government (Scotland) Act 1973. Delegated powers to Committees and Sub-Committees are set out in the Scheme of Administration. An asterisk entered near the paragraph number in this Scheme indicates an action which shall be promptly reported to Members via the Information Bulletin, or in some other timeous way as indicated in the Safeguards section of this Scheme.

The matters detailed have been delegated by the Comhairle to the Chief Officers named and in this context “delegated” means that arrangements have been made for the discharge of a function by an Officer for the purposes of Section 56 of the Local Government (Scotland) Act 1973:

### **GENERAL**

#### **Definitions**

- 1 “Chief Officer” shall mean the Chief Executive or any Director on the understanding that the Chief Executive or any Director may further delegate to other Officers within their service. Such further delegation shall be in writing, shall be on such conditions as the Chief Officer judges best in the interests of the service, and shall be reviewed from time to time and on the occasion of any change of circumstances.
- 2 References in this Scheme to authorisation to the Chief Executive or any Director to grant, approve or issue shall be taken to include authority also to refuse or to grant, approve or issue subject to conditions.
- 3 References in this Scheme to procedures, notices and certificates under previous legislation shall be taken to include references to similar, like or equivalent procedures, notices and certificates under subsequent legislation.
- 4 The Scheme of Delegation is maintained for the purposes of Section 50G of the Local Government (Scotland) Act 1973.

#### **Safeguards**

- 5 The delegation granted in this Scheme to Officers of the Comhairle shall be exercised:-
  - 1 (a) in compliance with the Comhairle’s Standing Orders, Scheme of Administration, Contract Regulations, Financial Regulations, Land and Information Technology Regulations, Scheme of Appointments and Conventions;
  - (b) on the basis that the exercise of the delegated power will not result in actual expenditure exceeding that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Chief Officer viring in accordance with the Financial Regulations;
  - (c) on the basis that the exercise of the delegated power will not result in actual income falling below that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Chief Officer viring in accordance with the Financial Regulations;
  - (d) on the basis that the exercise of the delegated power will not result in expenditure exceeding that set out in the relevant part of the Capital Programme for the financial year in question;
  - (e) subject to the member of the public or, in the case of disciplinary matters, employee being notified in writing of any rights of appeal;
  - (f) only in respect of items which are not contentious, sensitive or complex and that where the matter appears to be one which is contentious, sensitive or complex, the Chief Officer shall, prior to the decision or action being taken, consult the Chief Executive and on any financial aspects the Director of Finance and Corporate Resources;
  - (g) consistent with the Comhairle’s procedures, policies, corporate standards and strategies;

(h) consistent with the service objectives and performance indicators appropriate to the service;

2 (i) on the basis that the item in question does not involve an application for assistance or provision of a service from a Member or Officer or the spouse, partner, child, sister, brother, parent, or parent-in-law of a Member or Officer. In this context 'Officer' shall mean an Officer who is salaried at Head of Service level or above or any Officer directly involved in the decision-making process.

The following types of decision are exempt from this category, paragraph 5(1) (i), and need not be referred to Committee:

(a) determination of applications where there is a statutory or other legal obligation to grant a particular application provided certain criteria are met;

(b) homelessness determinations;

(c) allocations of temporary homeless accommodation;

(d) authorising payment of accounts, determining arrangements for the payment of debts and selecting and implementing recovery of arrears;

(e) payment of expenses and allowances to Members and employees;

(f) the provision of wheeled bins;

(g) undertaking any capital works approved by the Comhairle as part of a public scheme of works;

(h) undertaking any *ad hoc* revenue works as part of a public scheme of works where the overall budget for these works has been approved by the Comhairle.

(i) that Chief Officers shall maintain appropriate records of all decisions taken under delegated powers (with the exception of matters involving the day to day management of a department e.g. the ordering of office supplies and the granting of annual leave) and that these records of action shall be passed to the Chief Executive on dates and at a frequency prescribed by the Chief Executive in order to enable the Chief Executive to compile the Information Bulletin;

(j) on the basis that action (with the exception of matters involving the day to day management of a department e.g. the ordering of office supplies and the granting of annual leave) taken under delegated powers and marked with an asterisk (\*) in this Scheme of Delegation shall be reported to the Comhairle through the Information Bulletin compiled by the Chief Executive; and

(k) determination of planning applications, subject to the delegation at Development Management, 37, Local Developments.

3 In the event that a matter requires determination but is in conflict with any one or more of the above categories 5(a) to 5(i) the Chief Officer shall refer that matter to the relevant Committee or Sub-Committee within whose remit the matter falls in accordance with the Scheme of Administration or otherwise as determined by the Chief Executive.

4 In the context of this Scheme, delegation shall extend to include homologation of action taken.

5 In the context of this Scheme, power to serve a Notice or other proceedings shall also include power to enforce that Notice or those proceedings.

6 Any judgement as to whether or not a matter was contentious, sensitive or complex shall be made on the basis of the situation which applied when the decision was taken by the Chief Officer exercising the delegated power.

## **CHIEF EXECUTIVE**

### **Strategic/Resource**

- 1 Except where otherwise referred to in the Constitutional Documents, determine minor incidental issues on behalf of the Comhairle, provided that the matter falls within established policy positions of the Comhairle, in consultation with the Leader or appropriate Committee Chairman or the Convener.
- 2 To authorise official hospitality.
- 3 To attend meetings of the Conference of Peripheral Maritime Regions and related organisations or of Committees or working parties of the Conference and of related organisations and to authorise the attendance of a nominee where the Chief Executive is unable to attend.
- 4 To approve attendance by officers at conferences, seminars and similar events outwith the United Kingdom.
- \*5 Under paragraph 5(1) (f) of the Scheme of Delegation (General Section) and otherwise, to determine all matters of urgency requiring decision by the Comhairle during the period from the day of the ordinary Comhairle election to the day of the first meeting of the Comhairle following that election.
- 6 To determine, whether a particular proposed action or decision is contentious, sensitive or complex within the terms of the general provisions of the Scheme of Delegation and where s/he judges this appropriate to direct that the matter be determined by the relevant Chief Officer despite its contentious, sensitive or complex nature.

### **Human Resources**

- 1 To take disciplinary action in accordance with the appropriate Disciplinary Procedure against employees within his own Department and against Chief Officers.
- 2 To appoint authorised Officers and to designate appropriate Officers.
- \*3 In consultation with the Director of Finance and Corporate Resources and the Head of Human Resources, namely the Corporate Workforce Panel, to monitor all aspects of workforce and organisational development and the vacancy management of Comhairle Departments
- 4 To approve the necessary detailed administrative processes and documentation to facilitate the Comhairle's procedures for the release and establishment of posts.
- 5 To approve, for consideration by the Human Resources Sub-Committee, proposals for the establishment of new posts.
- 7 To refer a request for release of a vacant post to the Vacancy Panel with a recommendation to release the post.
- 8 To assess requests from employees/Chief Officers for a review of the grading of posts within the Comhairle's agreed procedure for re-evaluation and the pay and grading model.
- 9 To adopt, in consultation with Chief Officers, alternative approaches to recruitment when the normal recruitment methods are not successful.
- 10 To grant further unpaid special leave depending on the circumstances of each case, following the grant of 5 days (pro rata) special leave by a Chief Officer, subject to there being no financial consequences or detrimental effect on service to the Comhairle of the granting of such leave.
- 11 To establish a post for up to and including, 10 hours per week in consultation with the Director of Finance and Corporate Resources and the Head of Human Resources.
- 12 To approve the appointment of temporary staff for a period of up to 1 year in consultation with the Director of Finance and Corporate Resources and the Head of Human Resources.

- 13 To establish and revise within the Comhairle's pay model the grading of all approved posts within all Comhairle Departments, Units or Offices.
- 14 To authorise the acceleration of an employee within his salary, wage, grade (or such extended grade as may be provided for under the relevant conditions of service) who has achieved advancement within an approved career grade/apprenticeship or who is temporarily undertaking duties at a higher level.
- 15 To authorise the implementation of revised Conditions of Service in respect of employees of the Comhairle as approved by the appropriate National Negotiating Body.
- 16 To amend the relocation scheme to reflect excess rental costs payable on an annual basis in line with changes in Hebridean Housing Partnership rents.
- 17 To authorise the implementation of salary and wage awards in respect of employees of the Comhairle.
- 18 To interpret conditions of service and to authorise the implementation of revised conditions of service in respect of employees of the Comhairle.
- 19 To ensure the implementation of the Comhairle's general policy on Health and Safety, its revision and the provision of further statements for employees.
- 20 To determine applications for retirement on the grounds of ill health where there is a medical assessment that the employee must be considered unfit to carry out the duties of the post in line with the existing health retirement provision.
- 21 To determine the suitability of a particular post for job share or basing in area offices.
- 22 To determine the suitability of a particular post for remote and homeworking, in accordance with the Comhairle's Policy on Remote Working.
- 23 To issue and amend Contracts of Employment.
- 24 To conclude Settlement Agreements.
- 25 To make minor adjustments to the title of a post to reflect the responsibility of the post.
- 26 To determine counselling provision for employees, in line with the agreed Counselling Policy
- 27 To authorise long service awards.
- 28 To implement the Comhairle's Policy on Early Retirement, in consultation with the Director of Finance and Corporate Resources and the Head of Human Resources.

### ***Community***

- \*1 To pay annual grants to voluntary organisations in accordance with the approved formula and to determine applications from Community Councils for administrative and specific grants.
- 2 To approve the constitutions, standing orders and other related documents of community associations, councils of social service, voluntary action companies limited by guarantee and similar organisations and community councils.
- \*3 To determine applications for grants under the Community Council Challenge Fund Grants Scheme.
- 4 Generally or in relation to specific cases, to apply, interpret and relax the rules of the Community Council Challenge Fund Grants Scheme.
- \*5 To determine applications for grants in terms of the Gaelic Language (Scotland) Act 2005

### ***Contracts***

- 1 To open tenders in the presence of another Officer of the Comhairle in respect of any contracts.
- 2 To determine, in consultation with the Director of Finance and Corporate Resources and the relevant Chief Officer, evaluation criteria for any works, supplies or services contract achieving the appropriate balance between quality and price.
- \*3 To accept the lowest tender or the tender deemed to be the most economically advantageous assessed against the criteria approved in 2 above, on the basis of the written report submitted by the relevant Director for any contract.
- 4 To engage consultants on the basis of the Audit Scotland definition of Consultancy separating consultancy services into 3 sub-groups, management consultancy, contracted out services and staff substitution, in consultation with the Director of Finance and Corporate Resources.
- 5 To take such actions as are necessary to ensure compliance of the Contract Regulations with procurement regulations and best practice
- \*6 To determine applications from contractors for permission to assign or sub-let a contract or any part thereof.
- \*7 To authorise assignments of school transport and other transport contracts.

### ***Land and Buildings***

- 1 To accept terms for electrical supply diversions and for the supply of electricity from electricity supply companies.
- 2 To acquire heritage for the purposes of any of the Comhairle's functions on the basis of agreed accommodation works and on terms recommended by the District Valuer:-
  - (a) subject to the purchase price not exceeding £75,000; and
  - (b) in respect of all other heritage subject to the prior approval of the acquisition by the Comhairle.
- \*3 In conjunction with the Director of Finance and Corporate Resources and subject to the agreement of the Scottish Government, to transfer at nil value identified sites to a Registered Social Landlord with a District Valuer's valuation of £20,000 or less.
- 4 To dispose of heritage and lease on the basis of terms recommended by the District Valuer subject to prior approval of the disposal of the heritage by the Comhairle.
- 5 To grant wayleaves or servitudes over property owned by the Comhairle.
- 6 To sell sites for electricity sub-stations at a fixed price determined annually by the District Valuer.
- 7 To prepare leases on such terms and conditions as deemed appropriate by him/her.
- \*8 To authorise the transfer and appropriation of land.

### ***Legal Process***

- 1 To institute and defend any proceedings on behalf of the Comhairle including, for the avoidance of doubt, applications under Section 4 (1) of the Anti-Social Behaviour (Scotland) Act 2004 notwithstanding that in those instances the Comhairle would be acting in a representative capacity on behalf of the wider community.
- 2 To obtain the opinion or other services of Counsel and or external legal practitioners and to appoint Parliamentary Agents when required.

- 3 To adjust the terms of Draft Provisional Orders and other draft legislation promoted by the Comhairle in terms of the Local Government (Scotland) Act 1973 in the course of the passage of such legislation through Parliament.
- \*4 To settle claims against the Comhairle up to a figure of £10,000 per claimant excluding interest and judicial expenses.
- 5 To revise annually fees for legal and administrative services.
- 6 To determine the arrangements for the payment of debts to the Comhairle, in consultation with the Director of Finance and Corporate Resources.
- 7 In relation to arrears of Council Tax, Non-Domestic Rates, rents or otherwise, to select and implement appropriate methods of recovery of arrears.
- 8 In relation to sundry debts to select and implement appropriate methods of recovery of arrears.
- 9 To authorise the Chief Executive to enter into non-disclosure agreements.

### ***Licensing***

- 1 To determine applications for licences under the Civic Government (Scotland) Act 1982 and the conditions to be attached to particular licences in respect of Taxis and Private Hire Vehicles, Public Entertainment and Street Collections, other than new applications for Public Entertainment Licences (with the exception of applications for “occasional” Public Entertainment Licences).
- 2 To grant and renew licences for taxi and private car hire licensing on a three yearly basis as appropriate in each individual case.
- 3 To determine applications for licences for small lotteries, theatres and cinemas.
- \*4 To suspend licences administered by the Chief Executive.
- 5 To suspend a Private Hire Car or Taxi Licence when not satisfied as to the safety of a vehicle for the carriage of passengers or as to the fitness or accuracy of a taximeter.
- 6 To determine applications for the display of advertisements on Private Hire Cars or Taxis.
- 7 To vary the standard conditions applicable to licences administered by the Chief Executive.
- 8 To attach such conditions as s/he deems appropriate to any licence administered by the Chief Executive.
- 9 To determine Certificates of Registration and Exemption under the Charities Act 1992.

### ***Members’ Services***

- \*1 To approve and adjust from time to time the calendar of meetings and holidays as necessary.
- 2 Following consultation with the relevant Chairman, to call additional meetings of the Comhairle, Committees, Sub-Committees, Member Officer Working Groups and like bodies and informal meetings of the members of such bodies.
- 3 Where time does not permit a Comhairle decision, to arrange, in consultation with the Convener or relevant Chairman, for an external speaker to address a Meeting of the Comhairle, a Committee or a Sub-Committee or an informal meeting of members of the Comhairle, a Committee or a Sub-Committee.
- \*4 To determine the hours, dates and places of meetings of the Comhairle, its Committees, Sub-Committees and Working Parties and of other meetings generally in accordance with the relevant statutory provision.

- \*5 To draw up and amend the Scheme of Members' Allowances in accordance with the relevant Regulations and any competent Comhairle decision.
- 6 To take all necessary action required by the legislation regulating the Members' Allowances system including the advertising of levels of allowance paid.
- 7 To authorise the payment of expenses and allowances to Members of the Comhairle.
- \*8 To make appropriate amendments to the Scheme of Member Allowances in terms of varying the rates of Basic, Special Responsibility, Leader and Civic Head's Allowances generally and in light of any adjustment necessary to take account of actual expenditure.
- \*9 To authorise, subject to prior consultation with the Leader, attendance by Members at seminars, conferences and like events not listed as approved conferences.
- \*10 To appoint Members to all Committees and Sub-Committees on the basis of substitution with the consent of the Members involved and after consultation with the relevant chairmen and the Leader and all otherwise within the terms of the Comhairle's constitutional documents.
- \*11 To nominate Members for panels, conferences and seminars.
- 12 Within the legal framework, to approve requests from Members for access to information.
- 13 To determine requests from Members for advance payment of allowances.

#### ***Representative and Regulatory Bodies***

- 1 To authorise the payment of the Comhairle's annual membership levy to the Convention of Scottish Local Authorities.

#### ***General***

- \*1 To approve applications for financial assistance to outside bodies up to a maximum of £2000.
- \*2 To submit the views of the Comhairle where required as a matter of urgency to the Scottish Government, central government, the Convention of Scottish Local Authorities and other external agencies and individuals.
- \*3 To make any payments in response to disaster appeal requests received by the Comhairle after consultation with the Convener and Leader, subject to the Director of Finance and Corporate Resources being satisfied that adequate financial provision existed to make such payments.
- 4 To make appointments to the Panel of Safeguarders.
- 5 To designate suitable Comhairle premises for civil marriages and civil partnerships.
- 6 To make any necessary amendments to the Scheme of Delegation, in consultation with the Director of Finance and Corporate Resources, to take account of the Amended Benefit Fraud Policy.
- 7 To determine applications for a Croft House Loan, in consultation with the Director of Finance and Corporate Resources.
- 8 To negotiate, in consultation with the Director of Education and Children's Services, the terms on which the Comhairle will take over the management of voluntary sector pre-school education providers.
- 9 To discharge the functions of the Comhairle which relate to the areas of responsibility of other Officers identified in the Scheme of Delegation, in cases of urgency, as may be determined by the Chief Executive, or where the Officers to whom these functions have been also delegated are unwilling or unable to act.

- 10 To nominate in writing one or more Officers of the Comhairle to act for the Chief Executive, in the event of illness or other planned or unplanned absence.
- 11 To give a direction in special circumstances, as may be determined by the Chief Executive, that any Officer will not exercise a delegated function identified in the Scheme of Delegation.
- 12 To give a direction on where the Scheme of Delegation functions applies to an Officer in any specific case.
- 13 To determine, in consultation with the Director of Development, the dates of any special meetings of the Environment and Protective Services Committee that may be required to consider comments on wind farm applications submitted under Section 36 of the Electricity Act 1989.
- 14 To make the necessary changes to the Comhairle's Scheme of Administration for the Local Review Body and in consultation with the Director of Development, to make any minor amendments required to ensure the effective implementation of the Local Review Body.
- 15 To make any further minor amendments to the Scheme of Administration, Scheme of Delegation and Standing Orders to ensure internal consistency and to take account of any legislative changes subject to the Comhairle being notified of any such changes.
- 16 To amend the Constitutional Documents to take account of any changes necessitated by decisions of the Comhairle, as he may deem appropriate.

#### ***Statutory Process***

- 1 To determine, in consultation with the Director of Technical Services, applications to hold public processions pursuant to Section 63 of the Civic Government (Scotland) Act 1982.

#### ***CHIEF EXECUTIVE AND ALL DIRECTORS***

- 1 To appoint employees to posts with the exception of those employees specified in the Scheme of Appointments (See Appendix 1 to the Scheme of Delegation) and in consultation with the Chief Executive to fix their rate of remuneration.
- 2 To take disciplinary action, including suspension and dismissal, in accordance with the Comhairle's disciplinary procedures and guidelines and subject to prior consultation with the Chief Executive against employees within the relevant service.
- 3 To determine applications to engage in any other businesses or to take up additional part-time work in respect of employees with the exception of those specified in the Scheme of Appointments.
- 4 To authorise the purchase of goods and services (excluding consultants' services) in accordance with any Comhairle approved purchasing and sourcing policies.
- 5 To determine annual leave arrangements of employees consistent with any standing instructions issued by the Chief Executive.
- 6 To grant leave with pay to any employees required by the Returning Officer to assist at local, community council, parent council, national or European elections or referenda, or community ballots.
- 7 To determine applications for leave in accordance with the Comhairle's Time Off for Trade Union Activities and Duties Agreement
- 8 To determine applications for leave with pay to employees as members of the employees' side of a Joint Consultative Committee.
- 9 To determine applications for leave with pay to an employee, subject to the deduction of the allowance received, to serve on a jury.



- \*10 To shortleet candidates for interviews for posts within the Comhairle with the exception of those employees specified in the Scheme of Appointments as detailed in Appendix 1 to the Scheme of Delegation.
- 11 To approve essential overtime working, in consultation with the Director of Finance and Corporate Resources and the Head of Human Resources and in line with the Comhairle's policy on overtime working.
- \*12 To authorise the submission of tenders to external bodies under the Local Authorities (Goods and Services) Act 1970 subject to:-
  - (a) compliance with the Comhairle's controls regarding the establishment of any posts required to undertake the work for which the tender is submitted and the acquisition of equipment prior to the submission of the tender;
  - (b) the term of any contracts of employment in relation to (a) being for the period of contract in respect of which the tender is submitted; and
  - (c) any tenders submitted being on the basis of no additional cost to the Comhairle.
- 13 To revise annually, in line with the rate of inflation, all fees and charges relevant to the duties of the service.
- 14 To prepare and submit statutory returns to the Scottish Government.
- \*15 In consultation with the Chief Executive to authorise Sunday working in situations where such work is permitted by Comhairle policy.
- 16 To declare surplus to the Comhairle's requirements items of plant, equipment, furnishing, or material where the estimated value of such an item is below £2,500.
- 17 To respond to neighbour/landowner notification issued in relation to planning applications.
- 18 To apply for whatever statutory or other consents, licences and certificates may be necessary to implement any decision of the Comhairle.
- \*19 To pay a higher duties payment to staff within the service for which the Chief Officer is responsible in respect of periods during which the employee has been authorised by the Chief Officer to undertake duties above the employee's current grading.
- 20 To grant up to five working days (pro rata for part time staff) unpaid special leave in any one year to an employee in circumstances where there would be no financial consequences or detrimental effect on service to the Comhairle of the granting of such leave.
- 21 For the Significant Trading Organisations/Trading Organisations for which s/he is responsible:
  - (1) to approve that the Significant Trading Organisations/Trading Organisations submit bids for works and approval of the basis of bids for any works prior to the submission of such bids;
  - (2) to take all actions required to enable Significant Trading Organisations/Trading Organisations to provide a Best Value service to the Comhairle to meet the requirements of the specification and contract documents;
  - (3) to approve the ad hoc acquisition of plant and equipment not exceeding £10,000 in value for use by the Significant Trading Organisations/Trading Organisations, subject to there being sufficient financial provision for such acquisitions.
- 22 To grant employees representing the Islands or their country in competitions or for the purposes of receiving an award from the Queen one day's leave in any one year excluding members of clubs who regularly compete against mainland clubs.
- 23 To authorise Special Leave in accordance with the Comhairle's Special Leave Policy.

## **DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES**

- 1 To allocate places to children and students within Primary and Secondary Schools.
- 2 To determine placing requests for admissions to school education.
- 3 To determine applications for financial assistance for school clothing.
- 4 To determine applications for allowances, grants or bursaries to, or for the benefit of, pupils and students to assist or enable them to take advantage of educational facilities under Section 49 of the Education (Scotland) Act 1980.
- 5 To determine applications prior to the issue or grant of employment certificates and or licences to employers under the Employment of Children Bye-laws.
- 6 To provide education at home or in hospitals for children who are unable to attend school and to approve arrangements by parents for the education of their children under Section 30 of the Education (Scotland) Act 1980.
- 7 To revise and authorise the payment of expenses and allowances to young persons for interviews with Skills Development Scotland in accordance with rates applied by the Comhairle.
- 8 To exclude pupils from schools subject to the right of appeal.
- 9 To determine applications for bursaries, school prizes and other grants in accordance with the Expenditure Plan approved by the Scottish Government in respect of the Ross and Cromarty Educational Trust Scheme.
- 10 To determine the revised scales for free meal entitlement under the Scheme for the Remission of School Meals Charges in accordance with increases in family income supplement.
- 11 To exercise the functions of the Comhairle as specified in the Children (Scotland) Act 1995 and any related Regulations.
- 12 To vary the total Auxiliary Establishment for special education, on the basis of any additional cost incurred being met from the budget for Education and Children's Services, subject to compliance with the Financial Regulations in respect of virement.
- \*13 To determine, in line with the predominance of local opinion and the opinion of the local Members, applications for Sunday lettings of schools where there is no Parent Council and to calculate the actual costs of letting of educational premises in response to each application where:-
  - (i) the let is for Sunday usage; and
  - (ii) extra staffing costs are to be incurred.
- 14 With the exception of Sunday lets, to determine applications for lets of school premises where there is no Parent Council.
- 15 To revise annually, the charges for:-
  - (a) let of school premises;
  - (b) leisure and recreation facilities provided by the Comhairle; and
  - (c) school meals for teaching staff i.e. meals, etc, within the Comhairle's cafeteria.
- 16 To employ local teacher trainee students on the basis of an appropriate pay point on the pay model.
- 17 To determine, approve and amend from time to time the Scheme of School Attendance.
- 18 To determine whether school transport should be provided for pupils who are physically disabled and for others for whom transport is recommended by a General Practitioner.

- 19 To determine whether winter school transport should be provided for pupils considered to be at risk because of road and/or weather conditions.
- 20 To revise the arrangements for school transport in light of circumstances which are unanticipated or which altered requirements previously approved by the Comhairle.
- 21 To take lead responsibility for Children Services Planning, in consultation with the Chief Social Work Officer.
- 22 To take over the direct management of voluntary sector pre-school education providers which meet the criteria approved by the Comhairle.
- 23 To set the rate for pre-school education on an annual basis in line with the rate of inflation.
- 24 To provide pre-school education that fits within the criteria approved by the Comhairle for pre-school education subject to the existence of adequate budget provision.
- 25 To determine all matters relating to the registration of Day and Residential Services for Children under the Children Act 1989.
- 26 To exercise the functions of the Comhairle as specified in the Adoption and Children (Scotland) Act 2007 and related Regulations.
- \*27 To prepare, publish and implement a review of day care services for children under the age of 8 as required by the Regulation of Care (Scotland) Act 2001 and the Public Services Reform Act 2010 and the National Health Service and Community Care Act 1990 in consultation with NHS Western Isles and other bodies providing services in the area.
- \*28 To collaborate with private, voluntary and other Agencies to provide Social Work Services for children.
- 29 To maintain a Register for the protection of children and with other statutory and voluntary agencies review the arrangements for the protection of children in Na h-Eileanan an Iar, in consultation with the Chief Social Work Officer.
- \*30 To approve applications for financial assistance under Section 12 of the Social Work (Scotland) Act 1968 for children and families Social Work Services.
- 31 To manage routine (as agreed by the Corporate Workforce Panel) vacancies within Education and Children's Services Department in conjunction with HR Advisor and Finance Officer.
- 32 To commission services with private, voluntary and other agencies to provide Children's Social Work Services.
- 33 Insofar as they refer to the Education and Children's Services Department, to determine applications for financial assistance from arts, leisure and community education organisations providing services or performance within Na h-Eileanan an Iar.
- 34 To determine applications for financial assistance to approved organisations for *per capita* grants based on the rate of assistance determined by Comhairle.
- 35 To make grants to local Feisean at such level as is deemed appropriate.
- 36 To determine applications for performance grants to local voluntary organisations towards the running costs of Community Centres, Village Halls, in accordance with the Comhairle's Scheme of Assistance.
- 37 To determine applications for financial assistance from arts, leisure and community education organisations providing services or performances within Na h-Eileanan an Iar.

## **DIRECTOR OF DEVELOPMENT**

### ***Economic Development***

- \*1 To determine applications for financial assistance under any schemes initiated by Government and other public bodies for the economic and social development of the area.
- \*2 Subject to prior consultation with the Chairman of the Sustainable Development Committee to approve applications for financial assistance for the promotion of economic development.
- \*3 Subject to prior consultation with the Chairman of the Sustainable Development Committee, to determine all applications for assistance under the Fisheries Assistance Scheme.
- \*4 To determine applications for the lease of economic development properties, on terms agreed by the Chief Executive and the Director of Finance and Corporate Resources.
- 5 To award grants under the Outer Hebrides LEADER Programme 2007-13 up to and including a maximum of £20,000.
- 6 To award grants under the Scheme of Administration for the Community Land Resources Development Programme up to a maximum of £20,000.
- 7 To award grants under the Scheme of Administration for Tourism in the Community Projects up to a maximum of £20,000.
- 8 To award grants under the Scheme of Administration for Creative Industries and Media up to a maximum of £20,000.
- 9 To award grants under the Scheme of Administration for the Community Renewables Support Fund up to a maximum of £20,000.
- 10 To award grants under the Scheme of Administration for the Community Regeneration Fund up to a maximum of £20,000.
- 11 To award grants under the Scheme of Administration for Community Marine Access up to a maximum of £20,000.
- 12 To approve loans under the Outer Hebrides Small Business Assistance Scheme, in consultation with the Director of Finance and Corporate Resources.
- 13 To determine the conclusion of lets for the Creative Industries and Media Centre.
- 14 To award loans of up to £20,000 under the Revolving Loan Fund, in consultation with the Chairman of Sustainable Development Committee.

### ***Arts and Leisure Service***

- \*1 Insofar as they refer to the Development Department, to determine applications for financial assistance from arts, leisure and community education organisations providing services or performances within Na h-Eileanan an Iar.
- 2 To operate and make any necessary decisions in connection with the award of capital grants for community halls.

## ***Building Standards***

- \*1 Under the Building Scotland Act 2003:
- (a) to determine applications for building warrant to erect, alter, extend or convert buildings;
  - (b) to determine applications for amendments to approved building warrants;
  - (c) to accept or reject certificates of completion including late submissions;
  - (d) to require from any person who has made an application for a building warrant or amendment to a building warrant under Section 9, a test of materials in accordance with Section 41(2) of the Act where this is necessary to determine compliance with the warrant and regulations;
  - (e) to determine applications for the temporary occupation or use of buildings;
  - (f) to grant extensions to the period of validity of a building warrant, including late applications for further periods of warrant validity;
  - (g) to serve notices on the owners of a building(s) deemed to be dangerous and to take all other necessary actions so as to safeguard the public where there is immediate danger, including requiring the removal of all occupants of a building when deemed necessary as set out in Section 42 of the Act;
  - (h) to serve notices on the owners of a defective building requiring the owner to rectify such defects in the building as a notice may specify;
  - (i) to serve enforcement notices on the owners of an unauthorised building;
  - (j) to serve enforcement notices on building owners for the purpose of obtaining compliance with building regulations and continuing requirements;
  - (k) to enter premises for the purpose of exercising powers as specified in sub section (4) of section 39 of the Act;
  - (l) to impose and discharge a continuing requirement as defined under Sections 22 and 23 of the Act;
  - (m) to serve on persons having an interest in a building a demand for recovery of expenses incurred by the authority in carrying out work under Section 27(7)(b), 26(3)(b), 27(7)(b), 28(10)(b), 29(2) or (3) or 30(4)(b).
- \*2 To determine applications for a certificate of completion made in terms of Section 18 of the Building (Scotland) Act 2003, and in terms of previous legislation.
- \*3 To determine applications made in terms of Section 21(3) of the Building (Scotland) Act 2003 and in terms of previous legislation, for a building to be temporarily occupied or used before a certificate of completion has been issued.
- \*4 To determine applications for relaxations of the Building (Standards) (Scotland) Regulations 1990, where no representations have been received.
- \*5 To determine applications for certificates as to the suitability of premises in relation to building control under the Licensing (Scotland) Act 2005.
- 6 To serve notices in relation to buildings constructed in contravention of conditions of warrant and on buildings whose life has expired, in terms of Section 28(1) of the Building (Scotland) Act 2003 and in terms of previous legislation.
- \*7 To take any immediate action deemed necessary in the interests of health and safety or to prevent damage to any property in terms of the Civic Government (Scotland) Act 1982 and the Building (Scotland) Act 2003.
- 8 In the context of property enquiries, to give written confirmation that no enforcement action would be taken on unauthorised building works dating from before 1 May 2005 or incomplete works that were subject to a building warrant preceding 1 May 2005, except where these works may present a risk to the safety of occupants and/or third parties.

- 9 To review the charges for building warrant related services as part of the annual budget setting process.
- 10 To have in place such operating policies and procedures as are required to support the scheme of delegation for the Building Standards service as set out above.

**Planning**

- 1 To have in place such operating policies and procedures as are required to support the administration of the Conservation Area Grant Scheme, Stornoway Town Centre Painting Scheme and Thatched Building Grant – and to determine all applications to each Scheme.

**Development Management**

- 1 The Development Management delegation is granted to the post of Head of Development Services or its successor post.
- 2 Applications - to determine applications for permissions specified below:-
  - (a) planning permission (including EIA development) in accordance with the Scheme of Delegation following;
  - (b) hazardous substances consent;
  - (c) required by a development order or by a condition on a planning permission;
  - (d) whether operations involve development and whether planning permission is required;
  - (e) lopping or felling of trees which are the subject of a Tree Preservation Order;
  - (f) display of advertisements;
  - (g) certificates of lawfulness of established use or development;
  - (h) Listed Building Consent (subject to the scheme of delegation below); and
  - (i) Conservation Area consent.
- \*3 To determine with reference to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 whether or not a description of a development falls into the categories of "major" and "local" respectively and to so determine where a Pre-application Screening Notice is submitted to the Council.
- 4 The implementation and enforcement of pre-application procedures including:-
  - assessing and responding to Pre-application Screening Notices;
  - assessing and responding to Proposal of Application Notices; and
  - assessing Pre-application Consultation Reports and determining the validity of related applications.
- 5 Determine all applications for the removal or amendment of conditions;
- 6 To impose a condition directed by Scottish Ministers in respect of a planning application referred to them.
- 7 Where necessary to negotiate and agree with applicants and other parties to the agreement, the terms of Processing Agreements.
- 8 To determine whether or not to agree to a variation by the applicant to a submitted application. If the variation is considered to be material or the revision to the description of the application is substantial, to not agree to such a variation and to decide that the application should be withdrawn and a fresh application submitted.  
  
To determine what notice if any to give to other parties concerning such a variation if agreed.
- \*9 The authority to decline to determine applications which fall within Section 39 of the 1997 Act as amended.
- 10 The authority to identify and seek further information from applicants to enable the Comhairle to deal with applications and to provide scoping opinions as necessary.

- 11 To issue notices of planning permission in accordance with the principles approved by the Comhairle subject to he/she being satisfied that:-
- (a) no material change has occurred to justify further consideration of the application by the Comhairle;
  - (b) the wording of the consent is in order with all such conditions and reasons as he/she may consider appropriate; and
  - (c) no new representations are received on matters not previously considered by the Comhairle and which it is the duty of the Comhairle to consider.
- 12 To report verbally on any written representations received on planning applications after the deadline\*\*, on the basis that these representations would be available for Members to inspect at the meeting of Committee and/or the Comhairle should they so desire.  
\*\*the deadline referred to is 5pm two clear days before the day of any meeting of the Committee and/or meeting of the Comhairle at which an application for planning permission would be considered.
- 13 In consultation with the Chief Executive, to withdraw a Report on an application for planning permission in the event that any written representation(s) received after the deadline\*\* were considered by him/her to be material to the consideration of the application.
- 14 To determine when to re-consult consultees or those making representations on a planning application, when the application changes during the period of its consideration.
- 15 To refuse applications for planning permission, for advertisement consent, listed building consent, hazardous substances consent and conservation area consent where insufficient information had been submitted to allow an application to be determined within the statutory period.
- 16 To determine responses to consultations on overhead electricity lines.
- 17 To determine responses to consultations on forestry schemes.
- \*18 To determine requests for Screening Opinions and Scoping Opinions related to Environmental Impact Assessment and to assess submitted Environmental Statements, all in terms of the provisions of The Environmental Impact Assessment (Scotland) Regulations 2011.
- \*19 To grant Certificates as to the suitability of premises in relation to planning under the Licensing (Scotland) Act 1976.
- 20 To determine applications for non-material variations of Planning Consents, as may be determined by him/her in line with the Comhairle's policy on non-material variations to planning permissions including to planning permissions already granted to a Member or Officer of the Comhairle.
- \*21 The initiation, progression and conclusion of enforcement action or interdict action under Parts VI and or XIV of the Town and Country Planning (Scotland) Act 1997 as amended by Part 4 of the Planning etc (Scotland) Act 2006 or Chapter 4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, or Part VII of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and related legislation. For the avoidance of doubt this delegated authority relates to:-
- Planning Contravention Notices;
  - Enforcement Notices;
  - Making reports to the Procurator Fiscal as necessary;
  - Breach of Condition Notices;
  - Amenity Notices;
  - Stop Notices;
  - Serving of Temporary Stop Notices;
  - Serving of Fixed Penalty Notices;
  - Hazardous Substances Contravention Notices;
  - Listed Building enforcement notices.
  - and Tree Replacement Notices;

but EXCLUDES

the taking of "Direct Action" in pursuit of any of the above.

- 22 To undertake and enforce the procedures requiring developers to inform the Council of the initiation and completion of development and in relation to the display of notices indicating development being carried out.
- \*23 The serving of a Building Preservation Notice under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended.
- 24 The issuing and enforcement of 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.
- \*25 To determine prior notification applications relating to the demolition of buildings under Class 70 of the GPDO; and the erection or significant alteration or extension of agriculture or forestry building as provided for under Part 6 and 7 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.
- \*26 To determine prior notification applications relating to the demolition of or the erection of, or the significant alteration or extension of agricultural and forestry buildings as provided for under Part 6 and Part 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.
- \*27 To determine prior notification applications relating to micro generation equipment under Part 1A and Part 1B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.
- 28 To determine the need to make Tree Preservation Orders and to vary or revoke existing Tree Preservation Orders.
- \*29 The drafting and service of Tree Preservation Orders and Emergency Tree Preservation Orders under Part VII of the 1997 Act, as amended by Part V of the Planning etc (Scotland) Act 2006, with the proviso that the serving of any such Order shall be reported to the appropriate Committee together with recommendations concerning the confirmation or otherwise of the Order.
- 30 Determining the appropriateness of the serving of Tree Replacement Notices under Section 168 of the 1997 Act as amended and once served to monitor implementation and enforce as necessary.
- 31 Granting or refusal of statutory permission to carry out work on trees subject of a Tree Preservation Order or the granting or refusal of such permission for works in relation to trees within a Conservation Area or protected by planning condition.
- 32 To prepare and deliver written and oral evidence in respect of all appeals and public inquiries relating to the determination of planning and related applications; the enforcement of planning control; and tree preservation.
- 33 To determine the appropriateness of claiming, on behalf of the Council, expenses from appellants in accordance with the terms of Circular 6/1990.
- 34 To determine Applications and Appeals relating to Section 75 Planning Agreements or Planning Obligations or Good Neighbour Agreements that were not originally determined by Members.
- 35 To determine charges for press advertisements required for Town and Country Planning Regulations.
- 36 To determine applications for the approval of waste management plans and the agreement of waivers under the Management of Extractive Waste (Scotland) Regulations 2010.



\*37 Local Developments

This element of the Scheme of Delegation is prepared as required by Section 43A(1) of the Town and Country Planning (Scotland) Act 1997 as inserted by the Planning etc (Scotland) Act 2006 and in accordance with Regulations 3 and 4 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

The Appointed Officer of the Council is the Officer appointed in terms of Section 17 of the Planning etc (Scotland) Act 2006 (the post of Head of Development Services) and is authorised to determine applications for planning permission specified below:

- any planning application being an application, which meets the definition of a “local development”, as specified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; and
- all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within the category of "local" development.

Exemptions:

The delegation shall not include applications made by an application from staff in direct employment within the Comhairle’s Planning Service.

This delegated authority shall not include applications meeting the definition of National Development listed in the National Planning Framework or a major development listed in the schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

The Appointed Officer shall not determine an application (except where the determination is a refusal on the grounds that there is lack of information):

- to which six or more representations, which are considered by the Appointed Officer to be valid and raising material planning considerations; or
- where it is proposed to approve the application and that the application is significantly contrary to the Development Plan; or
- where it is proposed to approve the application and there is a formal objection from a statutory consultee that would trigger referral of the application to Scottish Ministers; or
- where a concurrent Listed Building Consent application is to be refused for the same proposal; or
- for the removal or amendment of conditions which were originally imposed at the specific request of Members; or
- which had been determined subject to a planning agreement (planning obligation) and which now require to be determined as a consequence of the Comhairle and the applicant and other parties to the agreement not being able to conclude the agreement within a reasonable period of time. This provision will apply in cases where the original decision was taken by Members.

Notwithstanding all of the above, in such cases where the development is considered by the Appointed Officer to be sensitive or contentious, the Appointed Officer is authorised not to determine the application and will refer the application to the relevant Committee of the Comhairle for a decision.

NOTES

- 1 For the purposes of the Comhairle’s Scheme of Delegation for Development Management a valid representation (letter or statement) shall require to meet the following criteria:
  - (a) be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender specifically indicating a representation to the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory’s address;
  - (b) where more than one letter/statement of representation per postal address is received stating exactly the same representation this shall be defined as the Comhairle having received one letter/statement;

- (c) where a letter or petition is received which is signed by more than one person, each signatory must provide a valid postal address, otherwise they will not be considered as a valid representation;
- (d) for the avoidance of doubt pre-printed letters or cards which are not individually addressed and signed will not be treated as valid and will be acknowledged as such. Photocopied standard template letters will be valid as long as they are signed and dated and bear the postal address of the sender;
- (e) a valid representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned;
- (f) the content of invalid letters/statements will not be referred to in Reports on Handling or in Director's Reports;
- (g) the Head of Development Services shall, in cases of doubt, determine whether a representation is valid; and
- (h) in respect of petitions, notification of decisions will be sent only to the co-ordinator of the petition (if known) or to the first named signatory.

2 For the purposes of the Comhairle's Scheme of Delegation a statutory consultee shall be taken to be consultees referred to in Regulation 25 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and will include a Community Council.

3 For the purposes of the Comhairle's Scheme of Delegation a proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgment of the Head of Development Services, is directly related to the achievement of the core objectives of any element of the Development Plan and the approval of the application would seriously compromise the achievement of the Development Plan's objectives and compromise its other policies and proposals. For the avoidance of doubt a proposal will not necessarily be significant if, for example, it fails to meet the terms of one policy or one or more of the criteria in any criteria based policy.

\*38 To exercise the Comhairle's powers, duties and obligations in terms of The High Hedges (Scotland) Act 2013 including the:

- issuing of guidance;
- consideration, dismissal and determination of all applications;
- issue, variation or withdrawal of notices; and
- refunding of fees; and
- undertaking of any enforcement action, including any appropriate recovery of costs.

### ***Environmental Health, Food and Animal Health***

1 To exercise the functions of the Comhairle as specified in the Acts detailed below (including any modifications, re-enactments or amendments thereof) and all related Regulations and Orders made thereunder.

- (1) Animal Boarding Establishments Act 1963
- (2) Animal Health Act 1981
- (3) Animal Health and Welfare (Scotland) Act 2006
- (4) Antisocial Behaviour etc. (Scotland) Act 2004 in relation to Private Landlords
- (5) Breeding of Dogs Act 1973
- (6) Caravan Sites and Control of Development Act 1960
- (7) Civic Government (Scotland) Act 1982 in relation to
- (8) Clean Air Act 1993
- (9) Control of Dogs (Scotland) Act 2010
- (10) Control of Pollution (Amendment) Act 1989

- (11) Control of Pollution Act 1974 (including the provisions of Schedule 2 to the Noise and Statutory Nuisance Act 1993).
- (12) Dangerous Wild Animals Act 1976
- (13) Deer (Scotland) Act 1996
- (14) Dog Fouling (Scotland) Act 2003
- (15) Environment Act 1995
- (16) Environmental Protection Act 1990
- (17) European Communities Act 1972
- (18) Fire Safety and Safety of Places of Sports Act 1987
- (19) Food Safety Act 1990
- (20) Health & Safety at Work etc Act 1974
- (21) Housing (Scotland) Act 2006
- (22) Local Government in Scotland Act 2003
- (23) Performing Animals (Regulation) Act 1925
- (24) Pet Animals Act 1951
- (25) Prevention of Damage by Pests Act 1949
- (26) Private Rented Housing (Scotland) Act 2011
- (27) Public Health (Scotland) Act 2008
- (28) Riding Establishments Act 1964 and Riding Establishments Act 1970
- (29) Safety of Sports Grounds Act 1975
- (30) Sewerage (Scotland) Act 1968
- (31) Smoking, Health & Social Care (Scotland) Act 2005 in relation to Smoking
- (32) Water (Scotland) Act 1980
- (33) Zoo Licensing Act 1981

- \*2 To bury or cremate the body of any person where it appears that no suitable arrangements for the disposal of the body have been made in terms of Section 50 of the National Assistance Act 1948, and to recover costs from the estate of the deceased person, in consultation with the Director of Finance and Corporate Resources.
- \*3 To undertake all functions and make all decisions in relation to the seizure, detention and disposal of stray dogs, (including those under the Environment Protection Act 1990).
- \*4 To agree local transfers and assignments of enforcement responsibilities under Regulations 5 and 6 of the Health and Safety (Enforcement Authorities) Regulations 1989.
- 5 To appoint replacements to the list of qualified persons employed by Glasgow Scientific Services to act on the Comhairle's behalf as Agricultural and Public Analysts.
- \*6 In consultation with the Chairman of the Environment and Protective Services Committee, to engage consultants to undertake investigations under Part IIA of the Environment Protection Act 1990, where the estimated cost was less than £10,000.
- \*7 To enter into arrangements for securing the provision of means to deal with disinfection, disinfestation and decontamination of premises, or things under Section 72 of the Public Health (Scotland) Act 2008.
- 8 To revise annually, in line with inflation, charges for Export Health Certificates.
- 9 To amend the charges for the provision of contaminated land services.

## ***Housing***

- 1 To accept undertakings given under Section 117 of the Housing (Scotland) Act 1987 and to reject such undertakings in respect of houses which are in a dangerous, dilapidated or seriously unstable condition.
- 2 \* To issue, renew and rescind Suspension Orders under Section 117 of the Housing (Scotland) Act 1987.
- 3 \* To make, and where the house or building has been rendered fit for human habitation revoke, Closing and Demolition Orders under Section 116 of the Housing (Scotland) Act 1987.
- 4 \* To arrange for the demolition of a house, which is the subject of a Demolition Order in terms of Section 123 of the Housing (Scotland) Act 1987.
- 5 To serve work notices on any house in a state of serious disrepair in terms of the Housing (Scotland) Act 2006.
- 6 To discharge the Comhairle's duties with respect to homeless persons and to make all necessary determinations.
- 7 \* To enforce the provisions of Part 3 of the Housing (Scotland) Act 2006
- 8 To lease property from the private sector for use as homeless temporary accommodation, from within available budgets.
- 9 To operate the Scheme of Administration for the use of Additional Council Tax Income on Second Homes ACTISH.
- 10 To determine applications to the register of private landlords and apply any necessary restrictions or conditions.
- 11 To take appropriate measures to publicise the Section 72 Housing (Scotland) Act 2006 and the Scheme of Assistance for Private Housing.
- 12 To carry out assessments of housing need, demand and condition in the local authority area.
- 13 To develop and maintain partnership arrangements with other bodies to assist with the delivery of the Local Housing Strategy.
- 14 To provide for and administer a housing advice service.
- 15 The determination of appeals against homeless determinations, or offers of temporary or permanent accommodation, made under delegated authority.
- 16 To determine a Service Level Agreement between the Comhairle's Housing Service with Hebridean Housing Partnership for the provision of both temporary Homeless and permanent accommodation, in consultation with the Chief Executive.
- 17 To determine Service Contracts for the delivery of housing related services, in consultation with the Chief Executive
- 18 To determine applications to the Scheme of Assistance for Private Sector Housing and to administer these in accordance with the policies approved, and the budget set, by the Comhairle.
- 19 To determine applications for Disabled Adaptations and to administer these in accordance with legislation and with the policies approved and budget set by the Comhairle.
- 20 To make funding bids to housing related initiatives on behalf of the Comhairle, subject to relevant budgetary provision being available.
- 21 To amend the Home Energy Efficiency Programme Scotland Programme during the course of its delivery.

- 22 To authorise the renewal of licences and registrations in respect of Houses in Multiple Occupation where the applicant is related to an Elected Member or Officer of the Comhairle, or is the Comhairle itself (subject to the Safeguards in the Scheme of Delegation);
- 23 \* To determine licenses for Houses in Multiple Occupation under the Housing Scotland (Scotland) Act 2006.
- 24 \* To administer and determine applications under Section 89 of the Civic Government (Scotland) Act 1982 in relation to the safety of raised structures.

### ***Trading Standards***

- \*1 To revise in line with the rates recommended by the Local Government Association and approved by COSLA, fees for:
- (a) registration under the Poisons Act 1972; and
- (b) duties imposed by the Weights and Measures Acts 1985.
- 2 To revise annually, in line with inflation, fees for the hire of Test Weights.
- \*3 To issue suspension notices under Section 14(1) of the Consumer Protection Act 1987.
- 4 To determine when it is expedient for Consumer Protection staff to assist consumers in the preparation of small claims and to represent consumers who are inhabitants of Na h-Eileanan an Iar in pursuing small claims in the Sheriff Court.
- \*5 To issue notices under Section 94 of the Civic Government (Scotland) Act 1982 regarding disused petrol containers.
- \*6 To maintain a list of premises as required by Section 3(1) (b) of the Poisons Act 1972.
- \*7 To issue Suspension Notices under Regulation 10(1) of the Construction Products Regulations 1991.
- 8 To give immediate notice to the Scottish Government as required by Regulation 30 of the Construction Products Regulations 1991.
- \*9 To issue Notices pursuant to the Supply of Machinery (Safety) Regulations 1992; Simple Pressure Vessel (Safety) Regulations 1991; Regulation 27(1) Gas Appliances (Safety) Regulations 1995; Regulation 9(1) Footwear (Indication of Composition) Labelling Regulations 1995.
- 10 To issue Notices under the Medical Devices Regulations; Electrical Equipment (Safety) Regulations and the Toys (Safety) Regulations.
- 11 To submit the annual statutory return in relation to the consumer protection and trading standards function to the Scottish Government.
- \*12 To consider annually what action be considered appropriate in respect of the enforcement of the Children and Young Persons (Protection from Tobacco) Act 1991 and to ensure that the appropriate action was implemented.
- 13 To register establishments under the EC Food Hygiene Regulations 183/2005.
- 14 To authorise appropriate officers to exercise discretionary powers granted by the Commissioner for Customs and Excise in respect of the Tobacco Products Duty Act 1979.
- 15 To issue the necessary authorisation to appropriate officers of the Scotland Scambuster Project Team to allow them to operate within the Western Isles in accordance with the protocol agreed by the Society of Chief Officers of Trading Standards in Scotland.
- 16 To undertake the enforcement duties of the Tobacco and Primary Medical Services (Scotland) Act 2010.

- 17 To undertake the enforcement duties of the Estate Agents Act 1979.
- \*18 To carry out the administrative and enforcement duties imposed on the Comhairle contained within the Single Use Carrier Bags Charge (Scotland) Regulations 2014, the Petroleum (Consolidation) Regulations 2014 and the Explosive Regulations 2014. (*Comhairle Oct 2014*)
- \*19 To enforce Part 3 of the Housing (Scotland) Act 2006.
- 20 To determine applications for a dispensation under Regulation 4 of the Fireworks (Scotland) Regulations 2004.

### ***Licensing***

- \*1 To determine, suspend, vary, change and add conditions to the following types of Licences/Registrations:

#### Civic Government (Scotland) Act 1982

- Dealers in Second hand Motor Vehicles
- Dealers in Second hand goods
- Metal Dealers
- Street Traders
- Late Hours Catering
- Market Operators
- Tattooing and Body Piercing
- Knife Dealers

#### Animal Licences

- |                                  |  |
|----------------------------------|--|
| • Animal Boarding Establishments | <u>Animal Boarding Establishments Act 1963</u>   |
| • Pet Shops                      | <u>Pet Animals Act 1951</u>  |
| • Breeding of Dogs               | <u>Breeding of Dogs Act 1973</u>   |
| • Riding Establishments          | <u>Riding Establishments Act 1964</u><br><u>Riding Establishments Act 1970</u>                 |
| • Dangerous Wild Animals         | <u>Dangerous Wild Animals Act 1976</u>   |
| • Performing Animals             | <u>Performing Animals (Regulation) Act 1925</u>  |
| • Animal Dealers Licence         | <u>The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009</u> |
| • Zoo Licence                    | <u>Zoo Licensing Act 1981</u>  |

#### Miscellaneous Licences and Registrations

- |                                 |   |
|---------------------------------|---|
| • Venison Dealers               | <u>Deer (Scotland) Act 1996</u>                               |
| • Private Landlord Registration | <u>Antisocial Behaviour etc. (Scotland) Act 2004</u>          |
| • Petroleum                     | <u>Petroleum (Consolidation) Act 1928</u>                     |
| • Explosives and Fireworks      | <u>Manufacture and Storage of Explosives Regulations 2005</u> |
| • Houses in Multiple Occupation | <u>Housing (Scotland) Act 2006</u>                            |
| • Caravan sites licences        | <u>Caravan Sites and Control of Development Act 1960</u>      |

- 2 To increase the licence fees detailed below in line with inflation. Any increases will be rounded up to the nearest pound.

3

### **Civic Government Licensing**

- (1) Metal Dealers Licence
- (2) Itinerant Metal Dealers Licence
- (3) Late Hours Catering Licence
- (4) Street Traders Licence (includes named employees) Non Food
- (5) Street Traders Licence (includes named employees) Food (includes Certificate of Compliance)
- (6) Second Hand Motor Vehicle Dealer
- (7) Second Hand Goods Dealer
- (8) Market Operators < 20 Stalls
- (9) Market Operators > 20 Stalls
- (10) Tattooing And Body Piercing -Ear lobe piercing using a sterile cartridge earring where no clinical waste is produced.
- (11) Tattooing And Body Piercing - Acupuncture and electrolysis using single use sterile equipment.
- (12) Tattooing And Body Piercing - Tattooing, body piercing, acupuncture and electrolysis generating clinical waste and reusing equipment requiring sterilisation. **Initial**
- (13) Tattooing And Body Piercing - Tattooing, body piercing, acupuncture and electrolysis generating clinical waste and reusing equipment requiring sterilisation. **Renewal**
- (14) Knife Dealers Licence (Excluding Advertising Costs)
- (15) *Variation to Civic Government Licence*

### **Animal Related Licences and Registrations**

- (1) Animal Boarding Establishment Licence
- (2) Animal Dealers Licence
- (3) Pet Shop Licence
- (4) Dog Breeding Licence Establishment Licence Application (excluding veterinary fees)
- (5) Performing Animals
- (6) Dangerous Wild Animals (Excluding veterinary fees)
- (7) Riding Establishment Licence (Excluding veterinary fees)
- (8) Zoo Licence (excluding veterinary fees)

### **Miscellaneous Licences and Fees**

- (1) Venison Dealer
- (2) Game Dealers Licence
- (3) Food Safety Certificate of Compliance
- (4) HMO Licence Fee **Initial**
- (5) HMO Licence Fee **Renewal**

### **Petroleum Licences**

- (1) not exceeding 2500 litres
- (2) exceeding 2500 litres, exceeding 50,000 litres
- (3) exceeding 50,000 litres
- (4) Transfer of a licence

### **Storage of Explosives and Fireworks**

- (1) Registration (one year)
- (2) Renewal of Registration
- (3) Transfer of Registration

4 To grant exemptions to the above licenses, where permitted under regulation.

5 To determine all late hours catering licences applications made between the hours of 2300 and 0500.

6 ***Countryside Access (Land Reform) (Scotland) Act 2003***

- 7 To use and manage land in Comhairle ownership or control over which access rights are exercisable in a way which is responsible in relation to access rights.
- 8 To take reasonable care to ensure that people exercising access rights in Comhairle ownership or control do not suffer injuries or damages resulting from failure to take reasonable precautions to minimise these risks.
- 9 To publicise, in partnership with Scottish Natural Heritage, the Scottish Outdoor Access Code.
- 10 To warn and protect the public against any danger on land over which access rights are exercisable (e.g. by installing and maintaining signs, fences, gates, stiles, etc.) and to install and maintain facilities to support the public's exercise of access rights and related comfort and convenience.
- 11 To appoint non-Comhairle members to the local outdoor access forum and to maintain appropriate administrative procedures for the forum's operation.
- 12 To appoint Officers of the Comhairle as appropriate under Section 26 of the Land Reform (Scotland) Act 2003, in consultation with the Chief Executive.
- 13 To exempt particular land from access rights for up to 5 days (principally to enable events to take place which could conflict with access rights), in consultation with the Chief Executive.
- 14 To assert, protect, and keep open and free from obstruction any route where access can reasonably be exercised and to institute and defend legal proceedings, in consultation with the Chief Executive.
- 15 To stop landowners from preventing or deterring access rights and to serve notice on landowners requiring the removal of impediments to access (e.g. signs, fences, locked gates, grazing of bulls) and in the event of non-compliance to carry out the measures required by the notice itself and to recover the costs from the landowner, in consultation with the Chief Executive.
- 16 Where any structure is likely to injure a person exercising access rights, to serve notice on the landowner requiring specified remedial action to be taken within a specified time and in the event of non-compliance to carry out the measures required by the notice itself and to recover the costs from the landowner, in consultation with the Chief Executive.
- 17 To give 14 days notice to the landowner of the Comhairle's intention to reinstate a path and after this period to carry out the reinstatement and recover the cost involved from the landowner, in consultation with the Chief Executive.

***General***

- 1 To administer the Match Funding for the Community Initiated Project Scheme, in accordance with the Scheme of Administration approved by the Comhairle.
- 2 To authorise grants under £10,000 from the Community Heritage Fund and the Independent Museum Fund.
- 3 To award grants under the Scheme of Administration for the Community Environmental Grant Scheme up to a maximum of £20,000.
- 4 To organise training for Members appointed to the Local Review Body.
- 5 To award grants under the Scheme of Administration for Community Owned Parks and Open Spaces.



## ***DIRECTOR OF FINANCE AND CORPORATE RESOURCES***

- 1 To arrange all insurance cover and, in consultation with the Chief Executive, negotiate all claims.
- 2 To authorise the payment of expenses and allowances to employees of the Comhairle.
- 3 To authorise the payment of accounts.
- 4 To effect the arrangements for the borrowing and lending of money as required by the Comhairle in accordance with the Comhairle's borrowing and lending policies and the CIPFA Code of Practice for Treasury Management in Local Authorities and the Treasury Management Policy Statement.
- 5 To implement and monitor the CIPFA Code of Practice for Treasury Management in Local Authorities and the Treasury Management Policy Statement.
- \*6 To issue under the provisions of the Local Government (Scotland) Act 1975 and the Local Authority Stocks and Bonds (Scotland) Regulations 1974, as amended, negotiable bonds up to a maximum of £3M and to make all the necessary arrangements for the issue of such bonds at either fixed or variable rates of interest as s/he considers appropriate.
- 7 To review the level of charges for Comhairle services requiring prepayment in line with the annual rate of inflation.
- 8 In consultation with the originating Chief Officers, to write off individual debts up to a maximum of £2,000.
- 9 To write off individual debts which in his opinion are irrecoverable.
- \*10 To determine in light of the provisions of section 219 of the Housing (Scotland) Act 1987 and section 80 of the Housing (Scotland) Act 2006 the rate of interest to be charged on home loans granted in terms of those Acts.
- 11 To authorise the arrestment of wages in respect of employees of the Comhairle.
- 12 To determine the arrangements for the payment of debts to the Comhairle, in consultation with the Chief Executive.
- 13 In relation to arrears of Community Charge, Council Tax, Non-Domestic Rates, rents, sundry debts or otherwise, to select and implement appropriate methods of recovery of arrears.
- 14 To determine, under the relevant statutory provisions, applications for relief and remission from rates of all types from all eligible organisations including charities, non-profit making and other bodies and to revoke such determinations, remissions and relief where an organisation ceases to become eligible.
- 15 To complete the annual accounts of the Comhairle for the preceding financial year and submit them to the authority's external auditor and the Controller of Audit no later than the statutory deadline in any year.
- 16 To remit the rates of charitable organisations within the terms of the appropriate legislation in respect of new applications.
- 17 To revoke any granting of remission of rates for charitable organisations where the circumstances have changed to the extent that the organisation no longer qualified for remission.
- 18 To name and number streets for housing developments in consultation with the Local Members, except where the name in question involves a serving, or former Member, of the Comhairle.
- 19 To name and number new developments, or to rename and renumber existing developments in consultation with the Local Members and the local Community Council, except when the name in question involves a serving, or former Member of the Comhairle.

- 20 To determine applications for Housing Benefit and Council Tax Benefit and thereafter to inform the applicant of such determination in writing.
- 21 To determine requests for backdated benefit claims where good cause for the request had been demonstrated to his/her satisfaction, subject to a maximum period of backdating of 26 weeks for working age claimants.
- 22 To determine requests for backdating of benefit claims where good cause had not been demonstrated to his/her satisfaction, subject to the claimant's statutory right of appeal against the decision.
- 23 To operate the Housing Benefit exceptional hardship rules provided through the Discretionary Payment Scheme.
- 24 To determine the cash limited sum for discretionary benefit payments in future years in light of the fact that the level was arrived at by applying a formula set out by the Department for Work and Pensions.
- 25 To operate the Benefit Fraud Policy, as approved by the Comhairle, including the appointment of Designated Officers in terms of the Policy.
- 26 To manage the loan repayments and to take appropriate recovery action in the event of non-payment of any Croft House Loan.
- 27 To approve all new acquisitions of information technology hardware and software consistent with such standards as s/he may from time to time define for the purposes.
- 28 To vary the pricing structure for Comhairle Catering within the overall pricing level agreed by the Comhairle, in consultation with the Director of Education and Children's Services.
- 29 In consultation with the Chief Executive, to recover the funeral expenses from the estate of a deceased person, or, where it would not cause financial hardship, from any person liable to maintain such a person immediately prior to his/her death in cases where the Comhairle had buried a person in terms of the Social Work (Scotland) Act 1968.
- 30 To enter into agreements to provide customer services for third parties provided that the Director of Finance and Corporate Resources is satisfied that to do so would not expose the Comhairle to an unacceptable risk.

***CHIEF OFFICER, HEALTH AND SOCIAL CARE***

- 1 Solely for the purposes of making individual care arrangements for users of criminal justice and adult care social work services:-
- 2 To determine all matters relating to the registration of Day and Residential Services for Adults under the National Health Service and Community Care Act 1990.
- 3 To approve applications for financial assistance under Section 12 of the Social Work (Scotland) Act 1968.
- 4 To make an assessment of the needs of persons who may be in need of community care services in order to provide or secure the provision of appropriate services, and having regard to the results of the assessment, to decide whether the needs of such persons call for the provision of any such services.
- 5 Following assessment to admit persons where appropriate to residential and other establishments provided for social work services.
- 6 Following assessment, to arrange for the admission of persons to voluntary or private social work establishments.

- 7 To determine the level of charges persons must contribute towards charges for social work services, following an assessment in accordance with Scottish Government Guidance on Charging for Residential Accommodation.
- 8 Following assessment, to provide care at home services for households containing persons in need.
- 9 To depart from the schemes of assessment for financial contributions in respect of Social Work Services in cases of special circumstances, as may be determined by the Director of Social and Community Services.
- 10 To exercise the functions of the Comhairle as specified in the Mental Health (Care and Treatment) (Scotland) Act 2003 and related Regulations.
- 11 To exercise the functions of the Comhairle as specified in the Criminal Justice (Scotland) Act 2003, the Justice and Licensing (Scotland) Act 2010 and the national outcomes and standards for social work services in the criminal justice system (Scotland 2010) and related Regulations.
- 12 To provide and implement a strategic plan for Social Work Services in the Community Justice System in Eilean Siar.
- 13 To determine in consultation with the local members, use of Social Work premises by the public and to determine the scheme of charges for such use.
- 14 To arrange funerals where no-one could take responsibility for the burial of a deceased person who had been in the care of or who had been receiving assistance from the Comhairle immediately prior to his/her death.
- 15 To commission services with private, voluntary and other Agencies to provide Social Work Services.
- 16 To exercise the functions of the Comhairle as specified in the Community Care and Health (Scotland) Act 2002 and related Regulations.
- 17 To exercise the functions of the Comhairle as specified in the Adult Support and Protection (Scotland) Act 2007 and related Regulations.
- 18 To issue Motor Vehicle Badges for physically disabled people, "Blue Badge Scheme," in accordance with the Chronically Sick and Disabled Persons Act 1970.
- 19 To issue Unacceptable Behaviour Notices as an early means of dealing with antisocial behaviour.
- 20 To exercise the functions of the Comhairle as specified in the National Assistance Act 1948 and related Regulations.
- 21 To exercise the functions of the Comhairle as specified in the Social Work (Scotland) Act 1968 and related Regulations.
- 22 To exercise the functions of the Comhairle as specified in the Adults with Incapacity (Scotland) Act 2000 and related Regulations.
- 23 To manage routine (as agreed by the Corporate Workforce Panel) vacancies within Health & Social Care, in consultation with, HR Advisor and Finance Officer.
- 24 The Chief Officer, Health and Social Care, to put in place a Scheme of Administration Policy for the provision of adaptations for the areas of the Housing (Scotland) Act 2006 relating to adaptations for disabled people.
- 25 The Chief Officer, Health and Social Care to determine appropriate Cost Limits and Approved Expense Limits in relation to Scheme of Assistance applications.

## **DIRECTOR OF TECHNICAL SERVICES**

### **Property Management**

- 1 To allocate and re-allocate Comhairle owned or leased property for office accommodation purposes.
- 2 To approve leases with external parties for assets with the Technical Services portfolio.

### **Property Maintenance**

- 1 To arrange for the execution of works in respect of Comhairle buildings and open spaces by Trading Organisations or by outside contractors where the estimated cost of the works is below £25,000, in accordance with the Comhairle's Contract Regulations.
- 2 To carry out repairs in emergencies in respect of Comhairle buildings and open spaces, including the taking of measures to prevent further damage.
- 3 To amend maintenance programmes approved by the Comhairle in respect of Comhairle Buildings, open spaces and other structures in light of unanticipated circumstances.

### **Waste Management**

- 1 To allocate wheeled bins outwith the general guidelines.
- 2 To issue a second wheeled bin where the Comhairle's approved conditions are met.
- \*3 To determine whether remote properties and communities should be provided with a wheeled bin and refuse collection service, having regard to collection costs and the quality and condition of the access road.
- 4 To determine requests for the provision of a non-kerbside refuse collection service for the disabled and for trade waste.
- 5 To make charges for all commercial wheeled bins
- 6 To issue default notices and deduct penalties for unsatisfactory work or work not done within the terms of contract conditions.
- 7 To revise annually, in line with inflation:-
  - (a) charges for wheeled bins; skips; sacks; hire of vehicles and for the collection of waste;
  - (b) contributions to voluntary organisations for sacks and skips collected by them at community clean-ups;
  - (c) value of sub-contracts for refuse collection, street cleansing, public conveniences and burial grounds;
  - (d) charges for burial grounds and slaughterhouse services;
  - (e) the maximum level of grant for public conveniences; and
  - (f) the level of grant for private cemeteries.
- 8 To remove and dispose of motor vehicles and other refuse abandoned without lawful authority under the Refuse Disposal (Amenity) Act 1978.
- 9 To recover prescribed sums under the Refuse Disposal (Amenity) Act 1978 and report offenders to the Procurator Fiscal.
- 10 To recover any costs associated with the proper disposal of trade waste caused by the nature or quantity of the waste.

- 11 To waive waste disposal charges where the waste to be disposed of is in such quantity and condition, that it may usefully be used to improve the landfill operation.
- 12 To serve Waste Land Notices.
- \*13 To grant permission to voluntary organisations to use seasonal public conveniences outwith the normal opening periods, subject to suitable control and cleaning arrangements being undertaken by such organisations.
- \*14 To approve grants for extensions of private burial grounds in accordance with Comhairle policy.
- \*15 To determine the opening and closing dates for seasonal public conveniences having regard to the resources available.
- 16 To procure goods and services and acceptance of tenders necessary for the expeditious implementation of projects related to the implementation of Western Isles Area Waste Strategy, where the necessary budgetary provision had been approved by the Comhairle, in consultation with the Chief Executive, Director of Finance and Corporate Resources, Chairman of Environment and Protective Services and the Leader.

### ***Roads Maintenance***

- 1 To arrange for the execution of works in respect of civil engineering works and structures by Trading Organisations or outside contractors where the estimated cost of the works is below £25,000, in accordance with the Comhairle's Contract Regulations.
- 2 To carry out repairs in emergencies in respect of civil engineering works or structures including the taking of measures to prevent further damage.
- 3 To maintain highways, streets, free of obstructions, or hazards, including snow, ice and floods.
- 4 To determine, in consultation with the local members, sites for the provision of bus shelters in the list of approved wards.
- 5 To carry out emergency and other works to private roads in accordance with Section 15 of the Roads (Scotland) Act 1984.
- 6 To determine applications for the control of works and excavation in roads under Section 56 of the Roads (Scotland) Act 1984.
- 7 To determine applications for the occupation of parts of a road for the deposit of building materials under Section 58 of the Roads (Scotland) Act 1984.
- 8 To require the removal of obstructions from roads in accordance with Section 59 of the Roads (Scotland) Act 1984.
- 9 To determine applications to replace and maintain etc apparatus under a road in accordance with Section 61 of the Roads (Scotland) Act 1984.
- 10 To determine applications for the control of builders' skips on roads under Section 85 of the Roads (Scotland) Act 1984.
- 11 To take appropriate action to remove or have removed accidental obstructions to roads under Section 89 of the Roads (Scotland) Act 1984.
- 12 To determine applications for replacing of bridges, beams, rails etc over roads under Section 90 of the Roads (Scotland) Act 1984.
- 13 To determine applications for permission to carry out road works under the New Roads and Street Works Act 1991.
- 14 To take such actions and make such determinations as are relevant to the functions of the service.

- \*15 To amend maintenance programmes approved by the Comhairle in respect of engineering works in light of unanticipated circumstances.

### ***Transport***

- \*1 To determine and implement the terms of subsidy agreements with bus operators and Royal Mail in respect of postbus services.
- \*2 To negotiate or tender for work for outside bodies within the terms of the Local Authorities (Goods and Service) Act 1970.
- \*3 To conduct ice gritting on Sundays, at Christmas and at New Year as deemed appropriate.
- \*4 To suspend a Private Hire Car or Taxi Licence when not satisfied as to the safety of a vehicle for the carriage of passengers or as to the fitness or accuracy of a taximeter.

### ***Statutory Process***

- 1 To serve notices relating to dangerous works to roads under Section 57 of the Roads (Scotland) Act 1984.
- 2 To serve notices requiring access over verges and foot ways in accordance with Section 63 of the Roads (Scotland) Act 1984.
- 3 To serve notices directing that doors etc should not open outwards onto the road in accordance with Section 67 of the Roads (Scotland) Act 1984.
- 4 To serve notices preventing obstruction of view at corners, bends and junctions in accordance with Section 83 of the Roads (Scotland) Act 1984.
- 5 To serve notices requiring the removal of structures from roads in accordance with Section 87 of the Roads (Scotland) Act 1984.
- 6 To serve notices requiring the removal of projections which impede or endanger road users in accordance with Section 88 of the Roads (Scotland) Act 1984.
- 7 To serve notices for the prevention of danger to roads from nearby vegetation and fences etc or from retaining walls being inadequate under Section 91 of the Roads (Scotland) Act 1984.
- 8 To serve notices for the prevention of flow of water etc onto roads under Section 99 of the Roads (Scotland) Act 1984.
- 9 To maintain the Register of Reservoirs.
- 10 To determine applications for a permit to access Stornoway Town Centre where no legal, statutory or regulatory reason is detailed.
- 11 To issue orders/notices under Section 14 of the Road Traffic Regulations Act 1984 for temporary road closures.

### ***General***

- 1 During the implementation of the Oil Spill Contingency Plan:
- (a) to recruit employees including specialist operatives without the necessity of compliance with the Comhairle's normal recruitment procedures, on the basis that any such appointment would be reported to the Comhairle at the earliest opportunity and that the rate of pay for Operatives engaged by the Comhairle directly be linked in with the appropriate NJC rate of pay; and
- (b) to engage sub-contractors and hire vehicles, plant and equipment at rates to be negotiated without the necessity of compliance with the Comhairle's Contract Regulations, on the basis that any such arrangements would be reported to the Comhairle at the earliest opportunity.

## **H RETURNING OFFICER**

- 1 To determine the rates of remuneration for staff assisting in Community Council and Parent Council Elections on the basis of rates determined for National and European Elections.
- 2 To determine the rates of remuneration for staff assisting in Local Government Elections and referenda on the basis of the rates determined for National and European Elections.
- 3 From time to time to review the polling arrangements for Na h-Eileanan an Iar

## **INTERPRETATION OF AND AMENDMENTS TO THE SCHEME OF DELEGATION**

- 1 Any reference in the Scheme of Delegation to a particular act of statutory provision is, unless the contrary intention appears, a reference to that act or statutory provision as amended.
- 2 All matters of interpretation of the Scheme of Delegation are to be determined by the Chief Executive.
- 3 The Chief Executive is authorised to supply any omission in or necessary amendment to or to correct any error arising in the Scheme of Delegation which is of an administrative nature.

## **STATUTORY OFFICERS**

Statutory Officers have specific duties as set out in the legislation and discharge this role as part of their wider responsibilities within the Comhairle. They have an important independent role in promoting and enforcing good governance and for making sure that the Comhairle complies with legislation. The four main statutory roles are as follows:

### **1 Head of Paid Service - Chief Executive**

The Local Government and Housing Act 1989 established this role. The Head of Paid Service is responsible to Members for the staffing of the Comhairle and ensuring the work in different departments is coordinated.

### **2 Monitoring Officer - Head of the Executive Office**

The Local Government and Housing Act 1989 established this role. The Monitoring Officer is responsible for advising councillors about the legal position of proposed actions.

### **3 Chief Financial Officer - Director of Finance and Corporate Resources**

The Local Government (Scotland) Act 1973 established this role. The Chief Financial Officer (section 95 officer or the senior financial officer) is responsible for the financial affairs of the Comhairle.

### **4 Chief Social Work Officer – Head of Service, Children’s Services**

The Social Work (Scotland) Act 1968 established this role. Councils are required to appoint a professionally qualified Chief Social Work Officer, (CSWO) to provide Members and Senior Officers with effective, professional advice about the delivery of social work services.