

LIST OF DELEGATED POWERS TO OFFICERS

(as at 1 September, 2009)

INTRODUCTION

The powers listed below are those specifically delegated by the Council to officers to enhance the efficient operation of Council services. Powers granted directly to appropriate officers under statute, and those implicit in the terms of contracts of employment of senior managers, are not covered exhaustively by this list.

The undernoted powers relate only to matters not specifically reserved to members of the Council in terms of the Council's Scheme of Delegation.

Where reference is made to a specific statute or regulation, the power of delegation should apply to any subsequent statute or regulation bestowing similar or compatible powers.

Each Director may delegate any power within their remit, as appropriate, to an officer within their service.

Any reference herein to an officer's authority to incur expenditure should be read in conjunction with the Council's Financial Regulations and subject to available budgetary provision.

A. ALL SERVICES

1. Authority to appoint employees and to place new appointees on any point of the appropriate salary scale.
2. Authority to purchase goods or services.
3. Authority to write off irrecoverable debts up to a value of £6,000, after consultation with the Director of Finance.
4. Authority to approve projects or obligations in principle or at tender stage, where the matter is contained within the approved annual budget, up to a maximum of £60,000, except that, where the project or obligation is contained within an approved Area Budget, the relevant limit shall be £20,000.
5. Authority to vire within budget sub-heads, having first notified the Director of Finance in writing.
6. Authority to make arrangements for the purchase of goods or works, in conjunction with the Purchasing Officer, where appropriate, and subject to current EC Directives.
7. To approve persons authorised to certify invoices for payment.
8. Issuing variation orders, within approved budgets, in respect of contracted or assigned works as client or client's agent, where appropriate.
9. Authority to manage the publicity and promotion of the service, in consultation with the Public Relations Manager.
10. Authority to manage the marketing and income generation of the service.

11. Authority to monitor, in conjunction with the Director of Finance, expenditure from the Council's capital programme.
12. Authority, in conjunction with the Directors of Personnel & ICT and Finance, to introduce minor changes to staffing structures, following the acquisition of new funding and/or the implementation of policy and strategic decisions. However, where any question should arise over the nature of minor changes, the matter shall be resolved by the Chief Executive, in agreement with political group leaders and the Provost.
13. Authority, as the corporate Management Team, to introduce major changes to staffing structures, as appropriate and within agreed budgets, subject to observance of a) the constraints of Financial Regulation No. 3 in respect of virement, b) agreed Council policies, and c) the use of appropriate contracts where any new post is associated with ring-fenced or time-limited funding.

(During the trial period for operation of delegated powers in respect of staffing issues, the Chair, Vice-Chair and political group spokespersons for the relevant Committee shall be kept informed of any staffing proposals under the new arrangements.)
14. To redeploy employees, as required to meet the needs of the service, in consultation with the Director of Personnel & ICT.
15. To approve, in consultation with the Purchasing Officer, where appropriate, and subject to the current appropriate EC directives, extensions to existing contracts required for a period of up to 12 months.
16. To approve applications for conducting direct surveillance, in accordance with the Regulation of Investigatory Powers (Scotland) Act 2000, and to authorise the use of covert human intelligence sources.
17. To authorise employees to serve notices of removal of graffiti under Sections 58-61 of the Antisocial Behaviour (Scotland) Act 2004.

B. PLANNING AND ENVIRONMENTAL SERVICES

1. Development Management - to determine (in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997):
 - (1) all applications for planning permission in respect of development within the category of Local development; and
 - (2) all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for development within the category of Local development,with the following exceptions-
 - a) to approve applications for development which is a departure from the development plan;
 - b) to approve applications in accordance with the development plan where there have been valid objections from up to five separate households or premises and, at least 2 Local Members in the Ward in which the development is proposed, having been given prior notification of the planning officers recommendation to grant permission, request in writing within 5 clear working days, that the application be referred to the relevant Area Committee and provide reasons for the request;
 - c) to approve applications in accordance with the development plan where there have been valid objections from more than five separate households or

- premises or, where there is an unresolved objection from a consultee (including a community council);
- d) to refuse applications contrary to the development plan where in the opinion of the Head of Development Management and Building Standards, there has been a substantial body of support for the development;
- e) to refuse applications where at least 2 Local Members in the Ward in which the development is proposed, having been given prior notification of the recommendation for refusal by the Planning Officer, request in writing within 5 clear working days, that the application be referred to the relevant Area Committee and provide reasons for the request;
- f) applications which have been submitted by the Local Authority or its appointed agents or, relate to land in the ownership of the local authority or land in which the local authority has a financial interest;
- g) applications submitted by, or on behalf of, an elected Member of the Authority, or their spouse or partner;
- h) applications which have been submitted by, or on behalf of, a member of staff in the Development Management and Building Standards service or Planning Policy and Environment service;

For the avoidance of doubt, applications for Local development for determination under delegated powers by the Development Management Service will include:

- i) approval of applications for development, that accord with the development plan and for which no objections have been received;
- ii) approval of applications for development, that accord with the development plan and for which up to five valid objections have been received from separate households or premises where no Local Member, or only one Local Member in the Ward in which the development is proposed, has asked that the application be referred to the relevant Area Committee.
- iii) refusal of applications for development which are contrary to the development plan where there has been no substantial body of support for the development or, where no Local Member, or only one Local Member in the ward in which the development is proposed, has asked for the application to be referred to the Area Committee;
- iv) refusal of applications which are deficient in information or detail to enable a proper assessment to be completed.

2. Development Management - to determine in terms of the Local Government (Scotland) Act:

- (1) 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 National or Major development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and National Planning Framework;
- (2) all applications for listed building consent, conservation area consent, consent to display advertisements, certificates of lawful use or development and other applications under planning legislation,

with the following exceptions:

- a) to approve applications for development which is a departure from the development plan;
- b) to approve applications in accordance with the development plan where there have been valid objections from up to five separate households or premises and, at least 2 Local Members in the Ward in which the development is proposed, having been given prior notification of the planning officers recommendation to grant permission/consent, request in writing within 5 clear

- working days, that the application be referred to the relevant Area Committee and provide reasons for the request;
- c) to approve applications in accordance with the development plan where there have been valid objections from more than five separate households or premises or, where there is an unresolved objection from a consultee (including a community council);
 - d) to refuse applications contrary to the development plan where, in the opinion of the Head of Development Management and Building Standards and taking into account local circumstances, there has been a substantial body of support for the development;
 - e) to refuse applications where at least 2 Local Members in the Ward in which the development is proposed, having been given prior notification of the recommendation for refusal by the Planning Officer, request in writing within 5 clear working days, that the application be referred to the relevant Area Committee and provide reasons for the request;
 - f) to approve applications which have been submitted by the Local Authority or its appointed agents or, relate to land in the ownership of the local authority or land in which the local authority has a financial interest where a valid objection has been received;
 - g) to refuse applications which have been submitted by the Local Authority or its appointed agents or, relate to land in the ownership of the local authority or, land in which the local authority has a financial interest;
 - h) applications submitted by, or on behalf of, an elected Member of the Authority, or their spouse or partner;
 - i) applications which have been submitted by, or on behalf of, a member of staff in the Development Management and Building Standards service or Planning Policy and Environment service;

For the avoidance of doubt, all applications for planning permission for National and Major development will be determined by committee and applications for determination under delegated powers by the Development Management Service will include:

- i) approval of applications that accord with the development plan and for which no objections have been received;
- ii) approval of applications for development that accord with the development plan and for which up to five valid objections have been received from separate households or premises where no Local member, or only one Local Member in the Ward in which the development is proposed, has asked that the application be referred to the relevant Area Committee.
- iii) refusal of applications for development which are contrary to the development plan where no Local Member, or only one Local Member in the ward in which the development is proposed, has asked for the application to be referred to the Area Committee;
- iv) refusal of applications which are deficient in information or detail to enable a proper assessment to be completed.

In terms of Sections 1 and 2 above:

To constitute a Valid objection the objection must be: in writing; from an individual or body with a postal address; on planning grounds; and received no later than 21 days from any neighbour notification or, in the case of applications subject to statutory advertisement, no later than the specified period in the advert, whichever is later.

To constitute support for an application, such support must be: in writing; from an individual or body with a postal address who is not the applicant; and received no later than 21 days from any neighbour notification or, in the case of applications subject to statutory advertisement, no later than the specified period in the advert, whichever is later.

In terms of notification to local members and Area Committees a petition will be treated as one letter of objection or support.
Community Councils will be treated as statutory consultees.

3. To refuse planning applications where the applicant (as opposed to a consultee) has not provided all requested information within one month of the date of request for that information or such other date as may be agreed in writing.
4. To decline to determine applications in terms of Section 39 of the 1997 Act.
5. To determine when environmental assessments require to be submitted by developers.
6. To enter Processing Agreements with applicants for planning permission.
7. To process, negotiate and administer Section 75 agreements following approval, in principle, of planning applications, and after consultation with other services, as appropriate.
8. To approve detailed matters that have been reserved by condition in the granting of permission/consent by a committee.
9. To vary, in conjunction with the appropriate Area Committee Chair and local members, planning consents which have been before Committee, where the variation is non-material in planning terms or where a condition does not alter the substantive consent.
10. To deal with non-statutory notifications for Council developments, where there have been no objections from the public or other Council services.
11. To determine notifications for agricultural and forestry buildings and, where full details are requested, to grant approval subject to conditions.
12. To process, administer and defend planning appeals to Scottish Ministers either by written representation, hearing or Inquiry Sessions, where the application has been determined under delegated powers or the Committee has agreed with officers' recommendations.
13. To serve notices, including Fixed Penalty Notices, in pursuance of enforcement action against unauthorised developments, unauthorised display of advertisements, unauthorised works to Listed Buildings, Waste Land notices, non-compliance with planning conditions and approved plans, including any actions falling under enforcement legislation.
14. Building Standards - to process building warrants and other applications under the Building (Scotland) Act and enforce legislation.
15. To issue Tree Preservation Orders (in emergency situations).
16. To determine grant applications (architectural heritage, listed buildings and conservation area grant schemes).
17. To determine questions of Rights of Way and to take such steps as are appropriate to preserve and maintain them, in conjunction with the Director of Law and Administration.

18. To prepare planning and development briefs for sites in Council ownership, except in the case of significant developments contained within the Local Plan.
19. To determine applications for felling, lopping, topping or removal of trees in conservation areas, or covered by a Tree Preservation Order, for reasons of public interest and amenity and where no representations have been received.
20. To respond to consultations from other local authorities and organisations on applications/consents.
21. To grant, revoke, refuse, vary or renew licences and registrations for the storage of explosives. Where any objections are raised to the refusal, revocation, variation or renewal of a licence, these would be determined by the Area Committee.
22. Registration of persons entitled to sell poisons.
23. Issuing certificates of competency to attendants of public weighing and measuring equipment.
24. To serve demolition, closing, suspension and revocation orders on houses in terms of the Housing (Scotland) Act 1987, as amended.
25. To serve repairs notices and improvement orders on dwellings in terms of the Housing (Scotland) Act 1987.
26. To serve notices, orders and directions on houses in multiple occupation in terms of Part VIII of the Housing (Scotland) Act 1987.
27. Approval or refusal of applications and payment of Improvement and Repairs Grants and grants relative to improvement of means of escape in houses of multiple occupation, in terms of the Housing (Scotland) Act 1987.
28. To issue licences in respect of houses in multiple occupation, in terms of Part I of the Civic Government (Scotland) Act 1982.
29. To serve notices in terms of the Water (Scotland) Act 1980, as amended, requiring the provision of an adequate and wholesome water supply and provision of information.
30. Granting relaxations, in terms of the Water (Scotland) Act 1980, on water supplies that fail to meet the private water supplies regulations.
31. To serve notices in terms of the Public Health (Scotland) Act 1987 and the Environmental Protection Act 1990, in terms of unsanitary conditions in housing.
32. To serve notices, in terms of the Environment Protection Act 1990, as amended, regarding noise abatement, prohibition or restriction of nuisance.
33. Discharging Council functions under Section 71 of the Health Services and Public Health Act 1968 (preventing the spread of disease).
34. To serve notices under Sections 60 and 61 of the Control of Pollution Act 1974 concerning the control of noise from construction sites and prior consent for work on construction sites.

35. To serve notices in terms of Section 19(2) of the Environmental Protection Act 1990 requiring information from any person for the purpose of the discharge of the Council's functions under Part 1 of this Act.
36. To serve notices under Section 4 of the Prevention of Damage by Pests Act 1949.
37. To serve notices requiring information under the Clean Air Act 1993.
38. To carry out the functions related to the contaminated land provisions under Part IIA of the Environmental Protection Act 1990.
39. To issue certificates in terms of the Public Health (Ships) Regulations 1979 in respect of health and hygiene.
40. To maintain a register/issue licences in respect of food premises under food control legislation.
41. To serve notices under Part III of the Food and Environment Protection Act 1985.
42. To issue approvals in respect of premises designated for food production and/or preparation.
43. To serve notice and orders in terms of the Food Safety Act 1990 and subordinate legislation relating to food safety and food legislation.
44. Discharging Council functions under Section 19 of the Health and Safety at Work Act 1974 in respect of designating and appointing staff as inspectors and appointing expert witnesses.
45. To serve notices in terms of the Health and Safety at Work Act 1974.
46. To serve fixed penalty notices for leaving litter, in terms of Section 88 of the Environmental Protection Act 1990.
47. To serve notices in terms of Section 59 of the Environmental Protection Act 1990, requiring removal of waste unlawfully deposited.
48. To serve notices in terms of Section 92 of the Environmental Protection Act 1990, in respect of defacement by litter and refuse.
49. To carry out the provisions of the Refuse Disposal (Amenity) Act 1978 regarding the removal of abandoned vehicles and other refuse.
50. To enforce the terms of the Animal Health Act 1981 and associated animal health legislation.
51. To grant and revoke miscellaneous licences for riding establishments, pet animals, petroleum storage premises, caravan sites, animal boarding, breeding of dogs and keeping dangerous wild animals and to vary or amend the conditions of such licences.
52. To serve notices under the Civic Government (Scotland) Act 1982.
53. The withdrawal of notices in terms of the Local Government Act 1973.

54. To grant authorisations for the performance of statutory duties to officers of the service and to officers employed by other local authorities who have been appointed to work on enforcement projects with a Scotland wide remit.
55. Reporting of contraventions to the Procurator Fiscal with a view to prosecution.
56. To issue safety certificates under the Fire Safety and Safety of Places of Sports Act 1987.
57. To serve suspension notices in relation to any goods suspected to breach safety provisions under the terms of Section 14 of the Consumer Protection Act 1987.
58. To serve notices in terms of Section 46 of the Environmental Protection Act 1990 in respect of receptacles for household waste.
59. To serve notice in terms of Section 47 of the Environmental Protection Act 1990 in respect of receptacles for commercial and industrial waste.
60. To serve notice in terms of Section 93 of the Environmental Protection Act 1990 in respect of Street Litter Control Notices.
61. Authority, in conjunction with the relevant Service Director, to enforce all provisions of Parts 7 & 8 of the Antisocial Behaviour etc (Scotland) Act 2004, together with associated regulations.
62. To issue, in respect of dangerous products, safety notices in terms of the General Product Safety Regulations 2005, such as suspension notices, the requirement to mark, the requirement to warn, withdrawal notices and recall notices.

C. LAW AND ADMINISTRATION

1. Granting applications under Part II of the Civic Government (Scotland) Act 1982 where no objections are received.
2. Granting permission for public processions with cross-boundary implications, and street collections, where no observations or objections have been received.
3. To raise, settle, defend or abandon all forms of proceedings on behalf of the Council.
4. To grant servitudes, leases, or dispositions of grounds required by the statutory undertakers, BT and Scottish Water, needed to provide services for Council development or rehabilitation schemes.
5. In conjunction with the Director of Transportation and Infrastructure, to grant or enter into non-statutory servitudes and wayleaves in relation to Council owned heritable property.
6. To redeem feu duties and ground burdens exigible from properties owned by the Council and to administer superiorities owned or acquired by the Council and, in that connection, to grant all necessary writs, charters of novodamus, minutes of waiver, etc., subject to suitable conditions as to payment of the Council's expenses, etc.
7. To terminate leases of heritable property where the property is required for use by the Council for clearance or demolition or to permit development by or on behalf of the Council, and to terminate leases of heritable property on the expiry thereof, whether in order to secure review of rent prior to the renewal thereof or otherwise

and to serve all other requisite notices in accordance with the provisions of leases entered into by the Council.

8. To grant consent in the case of applications of a formal or non-discretionary nature for the assignation or sub-lease of subjects where such assignation or sub-let is in accordance with the whole provisions of a lease entered into by the Council and that, on such terms and conditions, including conditions as to payment or reimbursement of the Council's expenses, as may be appropriate.
9. In the absence of any observation or objection, to register societies for the purpose of promoting lotteries.
10. To determine questions of Rights of Way and to take such steps as are appropriate to preserve and maintain them, in conjunction with the Director of Planning and Environmental Services..
11. Granting application under the Cinema and Theatres Acts.
12. Granting applications for gaming machine permits in non-licensed premises.
13. Granting applications under the Deer (Scotland) Act 1996 and the Game Licences Act 1860.
14. Granting, in conjunction with the Director of Transportation and Infrastructure, leases under 21 years in duration where the initial rent is less than £20,000 per annum.
15. In conjunction with the Director of Transportation and Infrastructure, to enter into property leases of up to 6 years in duration, where the initial rent is less than £20,000 per annum and where the project is contained within an approved budget
16. Approval, in conjunction with the Director of Transportation and Infrastructure, of the acquisition or sale of heritable property under £60,000 in value.
17. To authorise, in conjunction with the Director of Housing and Social Work, entering into, variance or renewal of service agreements, or the termination of such agreements where the quality has been unacceptable or conditions have not been met.
18. To grant, in conjunction with the Directors of Housing and Social Work and Finance, loans under the Home Loan Scheme.
19. To authorise payment, in conjunction with the Director of Housing and Social Work, of home loss or disturbance payments.
20. To make permanent traffic orders, after approval in principle by the relevant area committee, providing no representations have been received as a result of the consultation process and there are no unresolved objections.
21. To authorise all temporary traffic orders, including road closures, of up to 18 months' duration (by published order).
22. To administer unopposed applications to carry out civil marriages outwith registration offices.

D. HOUSING AND SOCIAL WORK

1. To approve payments to individuals under the Children (Scotland) Act 1995 and the Scottish Executive Guidance on Aftercare, up to the level set by the Social Work and Housing Committee, for (a) weekly support (currently £40 plus expenses), and (b) Leaving Care Grants (currently £1,750).
2. To approve assistance for persons with a disability to undertake housing adaptations up to a maximum of £20,000 per year and to carry out those works, as necessary.
3. Approval of payments to individuals under the Direct Payments Act up to and including the approved fee level for nursing homes, in respect of people with dementia (currently £356 per week).
4. To authorise, in conjunction with the Director of Law and Administration, entering into, variance or renewal of service agreements, or the termination of such agreements where the quality has been unacceptable or conditions have not been met.
5. To undertake recovery of heritable property actions up to, but not including, eviction.
6. To accept housing applications, to manage the waiting list and to allocate houses according to Council policy.
7. To act as benefited proprietor to protect the Council's interests or those of the neighbourhood in respect of existing or former Council housing stock.
8. To grant, in conjunction with the Directors of Law and Administration and Finance, loans under the Home Loan Scheme.
9. To authorise payment, in conjunction with the Director of Law and Administration, of home loss or disturbance payments.
10. Authority to evict tenants from Council-owned premises, in cases of rent arrears.
11. To authorise the approval of requests to grant title to a Council owned residence in favour of the incumbent tenants and a third party specified by those tenants.

E. TRANSPORTATION AND INFRASTRUCTURE

1. To approve the use or siting of temporary traffic signals, skips, scaffolding or building materials.
2. To approve new vehicular access to unclassified roads.
3. To issue construction consents for new roads.
4. To authorise provision of road signs or road markings.
5. To remove unauthorised signs and obstructions from public roads.
6. To control the use of public car parks.
7. To authorise, where appropriate, trading from lay-bys.
8. To approve the allocation of harbour berths.

9. To undertake management and maintenance in respect of contracts and agency agreements with the Scottish Executive for the trunk road network, and in partnership with other local authorities or the private sector, as appropriate.
10. To undertake monitoring and management of public transport provision where ad hoc revisions to services have been made by operators.
11. To secure and vary services in accordance with ad hoc requirements and revisions to school transport demands, on behalf of the Education, Learning and Leisure service.
12. Authorisation to approve fares revisions to subsidise services, not less than 12 months apart and at not more than the prevailing rate of inflation for transport costs.
13. Granting, in conjunction with the Director of Law and Administration, leases under 21 years in duration where the initial rent is less than £20,000 per annum.
14. In conjunction with the Director of Law and Administration, to enter into property leases of up to 6 years in duration, where the initial rent is less than £20,000 per annum and where the project is contained within an approved budget.
15. To act as benefited proprietor to protect the Council's interest or those of the neighbourhood in respect of all Council owned property not held on the Housing Revenue Account
16. Conducting rent reviews, fixing new rents or granting assignments of existing leases where the terms are largely unaltered.
17. Approval, in conjunction with the Director of Law and Administration, of the acquisition or sale of heritable property under £60,000 in value.
18. To authorise or implement building maintenance works provided the tender or revised estimate is within the total allowance for maintenance set in the Revenue Budget.
19. To select contractors from the Register of Approved Contractors for the carrying out of construction-related works.
20. To authorise support to businesses in Aberdeenshire up to a limit of £20,000.
21. In conjunction with the Director of Law and Administration, to grant or enter into non-statutory servitudes and wayleaves in relation to Council owned heritable property

F. EDUCATION, LEARNING AND LEISURE

1. Consideration of school placing requests.
2. Administration of exclusions.
3. Determination of priorities for nursery allocation.
4. Determination of eligibility for school transport.
5. Approval of joint working arrangements with other bodies (e.g. colleges and other authorities).
6. To authorise liaison with the Scottish Executive Education Department (including H.M. Inspector).

7. Management of arrangements for curricular and institutional development.
8. To grant permission to use parks or other Council-owned land for circuses, fairs, etc.
9. To set charges for arts events (e.g. concerts).
10. To set charges for sports development coaching and other initiatives.
11. To undertake programming of council-managed facilities (e.g. altering opening hours).
12. To set charges for re-sale items.

G. FINANCE

1. To assess housing benefit and Council Tax benefit applications and grant benefit in accordance with appropriate regulations.
2. Authority to manage the Council's Loans Fund.
3. To grant, in conjunction with the Directors of Law and Administration and Housing and Social Work, loans under the home loan scheme.
4. Authority to implement nationally-agreed pay awards.
5. Authority to sign finance and operating leases on behalf of the Council.

H. PERSONNEL AND INFORMATION & COMMUNICATIONS TECHNOLOGY

1. Authority to determine the grade of any post, in conjunction with the relevant service director, except for posts at chief officer level.
2. Authority to permit acceleration within Career Grade Schemes.
3. Approval of expenditure under the Council's Relocation Scheme.
4. Approval of temporary posts and holiday relief posts.
5. Redesignation of posts with limited consequential regrading.
6. Authority to change working hours for existing posts.
7. Approval of the appointment of auxiliaries for special needs children.
8. Authority to approve the implementation of mandatory national agreements.
9. To approve, in consultation with the relevant service director, the establishment of new posts, where no additional funding is required, subject to the provisions on virement in Financial Regulation No. 3.
10. To authorise, in consultation with the relevant service director, extensions to existing temporary appointments, in accordance with good employment practice.

I. AREA MANAGERS

1. To approve, in conjunction with the Chair of the appropriate Area Committee and local members, the administration of public processions “commonly or customarily held”, subject to the observations of the Chief Constable.
2. To grant permission for public processions within the area where no observations or objections have been received.
3. Authority to approve, in unanimous agreement with the Chair of the relevant Area Committee and the Chair of Policy and Resources Committee, allocation of sums from the first tranche of funds which had been paid to the Council as a result of the liquidation of the Bank of Credit and Commerce International (BCCI).
4. To approve, in consultation with the Chair of the Area Committee, requests for youth transport grants of less than £50.