

LIST OF DELEGATED POWERS TO OFFICERS

(As at 30 June, 2011)

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. INFRASTRUCTURE SERVICES (PLANNING AND ENVIRONMENT)

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 Planning 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) to approve applications which have been submitted by, or on behalf of, a member of staff in the Planning and Building Standards service where the development does not accord with the development plan or, there has been a valid objection.

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.

Please note - Decisions made under this section are subject to review by the Local Review Body.

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 Planning 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) to approve applications which have been submitted by, or on behalf of, a member of staff in the Planning and Building Standards service where the development does not accord with the development plan or, there has been a valid objection.

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.

Please note- Decisions made under this section are subject to appeal to Scottish Ministers

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 prior notifications for permitted developments and, where prior approval of details is 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 Corporate Services.
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.