

ORKNEY ISLANDS COUNCIL

SCHEME OF DELEGATION TO OFFICIALS

INTRODUCTION

There shall be delegated to the Chief Executive, Depute Chief Executive and Directors the powers hereinafter specified subject to the limitations and conditions stated. Acts and proceedings, except as otherwise provided by statute, done in pursuance of delegated powers shall be deemed to be acts and proceedings of the Council. Such delegations are in addition to the powers of the Chief Executive, Depute Chief Executive and Directors to exercise responsibility for operational, functional and managerial matters falling within the scope of their service responsibilities.

CONDITIONS

The exercise of delegated powers shall comply with the Council's Standing Orders, Scheme of Administration, Financial Regulations, Contract Regulations, approved budgets and any general or particular policy direction made by the Council.

The Chief Executive, Depute Chief Executive or Director may choose not to exercise the powers delegated to him on any occasion he deems appropriate.

A Chief Official is authorised in the absence, or on the written instruction, of the Chief Executive, Depute Chief Executive or Director to exercise the powers delegated by this scheme which relate to his/her service, unless prohibited by any statutory provision from so doing. A list of Chief Officials forms Appendix I of this scheme.

INTERPRETATION

The Interpretation Act 1978 applies to this scheme.

COMMENCEMENT

This scheme will apply and have effect on and after 1 April 2009.

GENERAL DELEGATION TO ALL CHIEF OFFICIALS

- 1 to appoint employees in accordance with the appointments procedure;
- 2 to implement, in accordance with Council policies and any instructions given by the Chief Executive, the terms of national and local agreements on salaries and conditions of service, in respect of:-
 - 2.1 the placing of employees within their grade;
 - 2.2 the grant of paid and unpaid leave of absence, and of occasional absences to attend to services of a civic, honorary, charitable or personal nature;
 - 2.3 the application of car, travelling and other related allowances, appropriate to the duties of the post;
 - 2.4 the payment of removal expenses;
 - 2.5 the secondment of employees to other agencies, or for training purposes, for temporary periods;
 - 2.6 the attendance of employees at conferences, seminars, meetings and training events, provided that attendance would be beneficial to the Council; and
 - 2.7 the creation, subject to the agreement of the Chief Executive and the Director of Finance and Housing, of temporary posts of not more than one year's duration, provided that adequate funding has been identified within the relevant budget;
- 3 to conduct disciplinary and grievance proceedings and to take disciplinary action in accordance with the disciplinary procedure;
- 4 to invite tenders, select tenderers from the Council's approved lists for issue of tender documents in respect of any contract and, in consultation with the Chair and Vice Chair of the relevant committee, to accept tenders, subject to the identification of necessary funding within the relevant budget, and in accordance with the Financial and Contract Regulations;
- 5 to issue the necessary authorisation to officers to exercise statutory powers including, where necessary, the right to enter land and premises in connection with the discharge of their duties;
- 6 to issue identity cards to officers;
- 7 to approve payment of annual subscriptions to bodies of which the Council is a member;

- 8 to issue orders for work, goods and services in accordance with the Financial Regulations;
- 9 to purchase specialist consultancy services, provided that necessary funding is identified within the relevant budget, and in accordance with the Financial Regulations;
- 10 to revise on 1 April each year all fees and charges commensurate with the uprating factors determined annually as part of the budget setting process;
- 11 to instruct the preparation of plans and tender documents and, in consultation with the Solicitor to the Council, the Director of Finance and Housing and the Director of Development and Environment Services, to instruct the acquisition of land and heritage in respect of any approved project in terms of the Council's capital programme and provided that the said land and heritage is identified within the relevant project appraisal;
- 12 to transfer, following the consent of the Director of Finance and Housing, sums between Heads of Estimate within revenue budgets, provided that the transfer would not result in any increase to the overall budget;
- 13 to make representations in respect of applications for licences, consents, permissions or comparable applications, appropriate to the particular function of the Chief Official;
- 14 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 15 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998; and
- 16 to develop, amend and monitor existing policies, plans, processes and procedures in order to reflect changes in legislation and practice, subject to adequate publication being given to such amendments.

DELEGATED POWERS OF CHIEF EXECUTIVE

The Chief Executive is the Head of the Council's paid service and is the Chief Adviser to the Council on matters of policy.

The Chief Executive is also appointed as:-

- 1 Clerk to the Peace in accordance with section 18 of the District Courts (Scotland) Act 1974; and
- 2 Returning Officer for Local Government and Community Council Elections and to act as Proper Officer in terms of section 82 of the Representation of the People Act 1983.

The Chief Executive may act in any matter, other than a matter referred to another Chief Officer by statute, as the proper officer and representative of the Council, and shall have a power of general competence to discharge the functions and business of the Council.

The Chief Executive enjoys the following delegated powers to enable him to carry out these functions, without prejudice to all statutory duties, responsibilities and powers exercisable by him, as follows:-

- 1 to act as Proper Officer in relation to the arrangements for the administration of meetings of the Council, a committee or sub-committee;
- 2 to determine all matters of urgency which require decision by the Council during the period from the date of the local government election to the date of the first meeting of the Islands Council following that election;
- 3 to determine, in consultation with the Convener and Vice Convener, all matters of urgency which require decision by the Council during the period from the date of the last General Meeting of the Council to the date of the Local Government Election;
- 4 to take action on behalf of the Council where considered necessary in the event of an emergency, or as required as a matter of urgency, following consultation with the Convener and Vice Convener, and the Chair and Vice Chair of the relevant service committee;
- 5 to designate Chief Officials to perform such functions of the Chief Executive as may be required;
- 6 to designate posts and determine salary levels, with the exception of chief officers and teaching staff;
- 7 to approve temporary appointments, up to a maximum of one year;

- 8 if deemed necessary, to approve short term appointments to enable continuation of essential duties in the event of long term sickness or maternity leave, the need for which was unforeseen at the time of the annual review of human resource requirements;
- 9 to determine the Council's public holidays, following consultation with trade unions;
- 10 to authorise the payment of acting-up allowances, provided that adequate funding has been identified within the relevant budget;
- 11 to arrange, in consultation with the Convener and Vice Convener, and to incur reasonable expenses connected with, civic hospitality, including the reception and entertainment of distinguished persons and of persons connected with local government and other public services, and to authorise Chief Officials to so arrange;
- 12 to make arrangements for artistic direction at corporate civic events, including payment of fees, payment of expenses and the cost of supply cover, if required;
- 13 to determine the level of fee to be paid to professional artists;
- 14 to make representations, following consultation with the Convener and Vice Convener, to the European Union, the United Kingdom Government, the Scottish Government, the Convention of Scottish Local Authorities, and such other relevant bodies or agencies with regard to matters affecting local government, or other public services;
- 15 to determine requests, following consultation with the Convener and Vice Convener, for the waiving of fees for use of Council property;
- 16 to determine requests, following consultation with the Convener and Vice Convener, for donations to charitable or voluntary bodies, or for community benefit, of not more than £1,000;
- 17 to direct and supervise, following consultation with the Oil Development Working Group, the promotion of Orkney in respect of oil related business;
- 18 to determine disbursement of the annual budget for twinning activities, including requests for financial assistance relating to the twinning arrangements between Orkney and Hordaland;
- 19 to award, where appropriate, travel grants to community groups wishing to travel to Norway;
- 20 to determine attendance by Councillors at any conference or meeting outwith Orkney, excluding attendance at meetings of bodies to which members have been nominated or appointed by the Council, where time does not permit the submission of a report to the relevant Committee;

- 21 to act as and to designate suitably qualified officers to act as the Proper Officer in connection with the signature of, and affixation of the Common Seal of the Council to deeds and other documents;
- 22 to issue statutory notices on behalf of the Council;
- 23 in consultation with the Director of Finance and Housing, to set fees payable to local interpreters;
- 24 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998; and
- 25 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

DELEGATED POWERS OF DIRECTOR OF CORPORATE SERVICES

- 1 to act as Depute to the Chief Executive, in respect of all functions of the Chief Executive, including those specifically delegated by the Council;
- 2 to maintain, and make appointments to, the Panels of Safeguarders, Curators Ad Litem, Reporting Officers and Legal Representatives for children, and to determine fees for the performance of the members' duties;
- 3 to maintain, and make appointments of independent members of, the Complaints Review Committee;
- 4 to arrange for the discharge of the Council's functions in respect of the Children's Panel, and Children's Panel Advisory Committee;
- 5 to exercise operational responsibility for the administrative, legal, personnel, corporate policy and information technology services of the Council, including the Council's web site, in consultation with relevant Chief Officials;
- 6 to exercise operational responsibility for the establishment and review of the Council's policies, including monitoring, to comply with statutory duties in terms of the Health and Safety at Work Act 1974, amendments thereof and regulations made thereunder;
- 7 to implement schemes of assistance to Community Councils;
- 8 to exercise operational responsibility in respect of the Council's functions relating to civil contingencies;
- 9 in consultation with Convener and Vice Convener, to make necessary arrangements regarding the format and extent of individual citizenship ceremonies, taking into account the number of persons involved and other relevant circumstances
- 10 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 11 in consultation with the Solicitor to the Council or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998; and
- 12 to exercise operational responsibility in respect of community safety partnerships.

DELEGATED POWERS OF SOLICITOR TO THE COUNCIL

- 1 to act as Monitoring Officer in terms of section 5 of the Local Government and Housing Act 1989;
- 2 to instruct that a valuation be obtained in respect of acquisition of land or heritage in respect of approved Council schemes and, to accept, where appropriate, the conclusion of the valuation;
- 3 to obtain valuations of property in order that the Council might consider possible acquisition or disposal;
- 4 to determine standard terms for sale or lease of sites or premises within industrial estates and business parks;
- 5 to grant any lease or permission to occupy Council property for a period not exceeding 364 days, except where a letting procedure is formally established for a class of property;
- 6 to determine standard terms for contracts, purchases, sales, leases or occupation of Council premises or relevant Council buildings;
- 7 to determine whether title should be taken when land is required for minor road improvements in cases where a road improvement or construction work is not to be carried out immediately, in consultation with the Director of Development and Environment Services;
- 8 to sign missives, notices, orders and other similar documents binding the Council, except where otherwise provided for in this scheme;
- 9 to engage private legal firms, or to instruct Counsel, as necessary to enable the legal work of the Council to be carried out,
- 10 to appoint parliamentary agents;
- 11 to submit reports, notices, orders or other similar documents in respect of any judicial, quasi judicial or administrative proceedings before any court, tribunal or other body;
- 12 to arrange for the Council to be represented in relation to any type of judicial, quasi judicial or administrative proceedings before any court, tribunal or other body and in that regard to initiate, enter, defend and withdraw from such proceedings;
- 13 to settle claims against the Council in any court, tribunal or other body, up to a maximum sum of £10,000;

- 14 to enter into, vary, and, where necessary, terminate any contract or agreement in circumstances where, after consultation with the relevant Chief Official, he is satisfied that it is in the interest of the Council so to do;
- 15 to act as proper officer in respect of the receipt of notices of any legal proceedings served on the Council;
- 16 to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 17 in consultation with the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 18 to approve applications, following consultation with the Director of Development and Environment Services, for the consent of the Council as superior, in respect of self-build plots;
- 19 to make Improvement Orders, in consultation with the Director of Development and Environment Services;
- 20 to exercise all functions of the Council in terms of the Civic Government (Scotland) Act 1982 which are not reserved to the Council's Licensing Sub-committee; and
- 21 to exercise operational responsibility in respect of the registration of births, deaths and marriages.

DIRECTOR OF FINANCE AND HOUSING

Finance

- 1 to act as the Chief Finance Officer of the Council and, as such, the proper officer with responsibility for the administration of the financial affairs of the Council;
- 2 to take all necessary action on behalf of the Council in relation to the borrowing and lending of money and in arranging the terms thereof including, for the avoidance of doubt, the negotiation and issue of bonds;
- 3 to incur expenditure on fees and expenses payable to brokers and bankers acting for and on behalf of the Council;
- 4 to write off debts which are considered not to be economically viable to collect, up to a maximum figure of £1,000 for each debt and debtor;
- 5 to write off, in consultation with the Chair and Vice Chair of the Development Committee and the Director of Development and Environment Services, assistance due to be repaid to the Council from the Strategic Reserve Fund, in circumstances where a business has failed, where the individual concerned has made a genuine attempt to establish the business and where repayment of the assistance would cause personal hardship;
- 6 to appoint and monitor, in consultation with the Investments Sub-committee, investment fund managers;
- 7 to determine all accounting procedures and records of the Council and its Officers;
- 8 to pay duly authorised accounts and to operate the Council's banking accounts without exceeding a total overdraft position of £1M;
- 9 to provide such imprest accounts as he considers appropriate to such Officers of the Council as may need them for the purposes of defraying petty cash and other expenses;
- 10 to effect all insurance cover and negotiate all claims in consultation with other Officers where necessary;
- 11 to effect borrowings in the name of the Council in accordance with the provisions of the General Code of Practice for the Regulation of the borrowing of Local Authorities in England, Scotland and Wales;
- 12 to manage funds in accordance with the limits and conditions imposed by statute and by the Council;

- 13 to pay all salaries, wages, pension, compensation and other emoluments to all employees or former employees of the Council;
- 14 to lend on the money markets in accordance with the provisions contained in the Financial Regulations;
- 15 in respect of Council Tax and Non-Domestic Rates, to pursue civil actions against defaulters by raising bankruptcy, liquidation, or sequestration, petitions and to write off debts considered irrecoverable by the Sheriff Officers and debts irrecoverable as a result of bankruptcy, liquidation, or sequestration;
- 16 to pay, following consultation with the Solicitor to the Council, valid claims for damage to or loss of personal property of employees which occurred during the course of their employment, up to an amount of £1,000 per claim for any one incident, and, claims of up to £1,000 for damage to, or loss of property by members of the public, arising from the fault of the Council;
- 17 to enter into any contract or agreement in circumstances where, after consultation with the Solicitor to the Council and relevant Chief Official, he is satisfied that it is in the interest of the Council so to do;
- 18 to exercise contractual management of all tender and procurement exercises, in consultation with the relevant Chief Official and the Solicitor to the Council;
- 19 to review, as required, the Financial Regulations and Contract Regulations, in consultation with the Solicitor to the Council;
- 20 to apply asset rental charges to service accounts in respect of assets employed and the crediting of charges to the Plant and Vehicle Replacement Reserve;
- 21 to exercise operational responsibility in respect of the application of Local Government Pension Regulations;
- 22 to determine the terms of “closed” admission agreements to the Council’s Pension Scheme, by external providers, including the scope and nature of bonds and guarantees to be granted, in consultation with the Solicitor to the Council;
- 23 to conclude Admission Agreements between the Council and bodies admitted to the Council’s Pension Fund, in consultation with the Solicitor to the Council;

Housing

- 24 to exercise operational allocation and management of the Council’s housing stock, in terms of the Council’s Lettings Policy;
- 25 to issue a Short Scottish Secure Tenancy, or convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy, where deemed appropriate;

- 26 to determine applications received under the Housing Organisations Mobility and Exchange Services (HOMES) and MoveUK initiatives;
- 27 to determine applications for mutual exchange tenancies, assignments and sub-letting;
- 28 to determine applications for sheltered accommodation, in consultation with the Director of Community Social Services;
- 29 to determine whether applications for rehousing should be given priority in circumstances of medical or social need, under-occupation or statutory overcrowding;
- 30 to determine whether applicants for Council accommodation, whose names are removed from the Housing Register, should be reinstated without penalty;
- 31 to determine whether former tenants owing rent in respect of a former Council property should be admitted to the Council's housing waiting list;
- 32 to waive penalties for refusal of "reasonable" offers of accommodation, where deemed appropriate;
- 33 to waive normal eligibility rules relating to property size allocation, where deemed appropriate;
- 34 to purchase appropriate properties in terms of the Mortgage to Rent Scheme, in consultation with the Chair and Vice Chair of the Social Services and Housing Committee and the Solicitor to the Council;
- 35 to determine responses for breaches of conditions of tenancy up to, but not including, eviction, in consultation with the Solicitor to the Council;
- 36 to determine whether any court action for eviction should be taken in individual cases, in consultation with the Solicitor to the Council;
- 37 to determine applications for the purchase of Council housing and of the conditions to be attached to the sale of individual Council houses, in consultation with the Solicitor to the Council;
- 38 to determine non-contentious applications to operate businesses from Council housing, in consultation with the Solicitor to the Council;
- 39 to exercise the operational management of the provision of furnished accommodation and associated facilities;
- 40 to implement schemes to meet the needs of homeless persons or persons threatened with homelessness;

- 41 in consultation with the Solicitor to the Council, to accept a household as being homeless or being threatened with homelessness, without a court order, where it was likely that a court action would be detrimental to the tenant on medical grounds, had no reasonable prospect of being successfully defended, or where it was believed the tenant could be at risk of actual harm from the landlord;
- 42 to determine applications for, and appeals in connection with the provision of, accommodation made in terms of homelessness legislation;
- 43 to purchase additional properties funded from the Homelessness Strategy Grant, in consultation with the Solicitor to the Council;
- 44 to establish a Register of Private Sector Landlords in accordance with the provisions of Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004, and to determine applications in respect thereof;
- 45 to refuse to register and or deregister landlords in accordance with Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004, in consultation with the Solicitor to the Council;
- 46 to award Decoration and Removals Grants in accordance with Council policy;
- 47 in consultation with a panel, comprising the Chair and Vice Chair of the Social Services and Housing Committee, the Assistant Director (Housing) and other relevant officers, to determine the most appropriate action when tenants refuse to allow improvements, resulting in the property failing to meet the Scottish Housing Quality Standard;
- 48 to determine whether applicants should be eligible for further assistance under the Small Repairs Scheme within a period of two years from the initial application and to award assistance of sums in excess of £1,000 in special circumstances;
- 49 to determine non-contentious applications for housing loans;
- 50 to determine financial contribution, not exceeding £250, to external bodies connected with the provision of public housing;
- 51 to determine routine applications for Housing Grants, in consultation with the Director of Development and Environment Services;
- 52 to determine applications for enhanced Housing Grant, to persons in receipt of council tax rebate for low income, in consultation with the Director of Development and Environment Services;
- 53 to determine applications for enhanced Housing Grant, on grounds of disability, in consultation with the Director of Community Social Services and the Director of Development and Environment Services;

General

- 54 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998; and
- 55 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

DIRECTOR OF MARINE SERVICES

Marine Services

- 1 to exercise operational management of the Council's functions as Harbour Authority, including pilotage functions;
- 2 to authorise, in consultation with the Chair and Vice Chair of the Transportation and Infrastructure Committee, minor improvements to Council owned harbours, harbour areas, piers, boat slips and jetties;
- 3 to exercise operational management of the Council's functions as local lighthouse authority, including the provision of aids to navigation;
- 4 to exercise operational management of the Council's harbours, harbour areas, piers, boat slips and jetties;
- 5 to make operational arrangements to ensure safe navigation within the Council's harbour area;
- 6 to exercise operational management of the commercial operation of the Council's harbour area, in accordance with the Schedule of Charges;
- 7 to determine applications to carry out ship to ship transfers in Scapa Flow;
- 8 to implement emergency procedures in terms of the Dangerous Substances in Harbour Areas Act 1998 and the Health and Safety at Work Act 1974;
- 9 to take necessary action to deal with sea-borne pollution within the harbour area and approaches, and affecting Orkney coastlines;

General

- 10 in consultation with the Director of Finance and Housing, to determine charges for vessels wishing to remain at anchor in the Scapa Flow Oil Port for periods in excess of three months;
- 11 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998; and
- 12 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

DIRECTOR OF DEVELOPMENT AND ENVIRONMENT SERVICES

General

- 1 to exercise operational management of the Council's functions falling within the remit of development and environment services;
- 2 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 3 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;

Airfields and Air Services

- 4 to exercise operational management of airfields owned and operated by, or on behalf of, the Council;
- 5 to make arrangements for maintenance of, and minor improvements to, such airfields;
- 6 to exercise responsibility for the provision of internal air services;
- 7 to make temporary arrangements, for the provision of internal air services, outwith the scope of public service obligations, to meet unforeseen circumstances;

Transport

- 8 to exercise responsibility for the Council's functions in respect of public transport services;
- 9 to determine levels of assistance to public transport operators, up to a maximum annual sum of £2,000, in consultation with the Chair and Vice Chair of the Transportation and Infrastructure Committee;
- 10 to make temporary arrangements, for the provision of public transport services, outwith the scope of public service obligations, to meet unforeseen circumstances;
- 11 to make arrangements for the management of schemes for subsidising the transport of certain commodities;

Ferries

- 12 to make temporary arrangements, for the provision of internal ferry services, outwith the scope of public service obligations, to meet unforeseen circumstances;

Roads

- 13 to exercise operational management of the Council's functions as roads authority, including all matters pertaining to roads and roads infrastructure;
- 14 to grant consent for necessary construction for the building of new roads, other than roads built by the Council;
- 15 to grant consent for works to, or excavations of, public and other roads;
- 16 to implement service plans in respect of the Council's functions as roads authority, including the winter maintenance plan;

Land and Property

- 17 to exercise operational management for maintenance of the Council's land and property, excluding land and property held on the Housing Revenue Account;
- 18 in consultation with the Solicitor to the Council, to obtain valuations of property in order that the Council might consider possible acquisition or disposal;

Parking Provision

- 19 to exercise operational management of off-street parking facilities;
- 20 in consultation with the Solicitor to the Council, to grant permission for street trading or market-type operations in non-charging car parks, in accordance with the following criteria:-
 - 20.1 the prime traffic management purpose of the car parks should not be compromised, with commercial trading or market-type operations only permitted should there be surplus capacity in the car park and sufficient space for the trader to operate from and for customer car parking;
 - 20.2 consultation to take place with the local member and the relevant Community Council; and
 - 20.3 a charge to be levied to meet administration costs, for the use of Council property for street trading or market-type operations, to ensure equity with local businesses paying non-domestic rates;
- 21 in consultation with the Solicitor to the Council, to grant permission for charitable and community fund raising events within non-charging car parks, subject to no traffic management difficulties being anticipated;

Flood Prevention

- 22 to exercise operational management of policies and schemes for the prevention of flooding of non-agricultural land;

Traffic Management and Road Safety

- 23 to make temporary restrictions and prohibitions, by order, of the use of roads by traffic and pedestrians;
- 24 in consultation with the Solicitor to the Council, to progress traffic orders in respect of part-time 20mph speed limits in the vicinity of schools, including statutory consultation procedures, prior to the traffic orders being submitted to Committee for adoption;
- 25 in consultation with the Solicitor to the Council, to amend existing or progress new traffic orders necessitated by new road layouts, including statutory consultation procedures, prior to the traffic orders being submitted to Committee for adoption;

Collection, Disposal and Control of Waste and Litter

- 26 to make arrangements for the collection, disposal and control of waste and litter, including street cleansing services;

Environment

- 27 to implement schemes for the control of pollution, with the exception of sea-borne pollution;
- 28 to implement schemes for the improvement of the environment, including the operation of recycling schemes;

Coastal Protection

- 29 to implement schemes for coastal protection;

Burial Grounds

- 30 to make arrangements for the management and maintenance of burial grounds;
- 31 to appoint Burial Ground Clerks;

Public Conveniences

- 32 to make arrangements for the management, including cleaning, of public conveniences;

St Magnus Cathedral

- 33 to make arrangements for the maintenance of St Magnus Cathedral;

Economic Development

- 34 to determine applications for assistance from the Strategic Reserve Fund which meet the criteria of the following approved schemes:-
- 34.1 new business start-ups in eligible sectors;
 - 34.2 business expansions in knowledge and technology sectors;
 - 34.3 marketing and promotion of new events and festivals;
 - 34.4 Inshore Fishing;
 - 34.5 Tourism;
 - 34.6 Island Hauliers Replacement Vehicle Scheme;
 - 34.7 Rural Shop Improvement Scheme;
 - 34.8 Graduate Placement Scheme;
 - 34.9 Seedcorn Funding, in consultation with the Director of Corporate Services;
 - 34.10 travelling and subsistence costs incurred by exhibitor attending an annual trade fair, determined by the Council, and being part of the Council's stand; and
 - 34.11 engaging external consultants or specialists, up to a maximum cost of £7,500 for each individual case, to provide input to sectoral strategies and non-routine requests for financial assistance;
- 35 to determine subsidy payments in respect of the transportation of lime or shell sand to Eday, Flotta, Graemsay, Shapinsay, Rousay, Wyre and, when local supplies unavailable, Hoy;
- 36 to make arrangements for the management of industrial estates and business parks within approved policies and schemes
- 37 to determine requests to lease sites within industrial estates and business parks for period of 5 years or more, on terms to be agreed with the Solicitor to the Council;
- 38 to implement schemes relating to environmental improvements, including the rehabilitation of derelict land and property, the environment strategy, and biodiversity issues;

Access to the Countryside

- 39 to exercise operational responsibility, in consultation with the Solicitor to the Council and relevant Community Council, for the assertion of public rights of way and public access to the countryside, including the maintenance of a paths network;

Town and Country Improvements

- 40 to implement schemes relating to town and country improvements;
- 41 to determine applications for assistance from the Heritage and Town Scheme Funds;

Development Management

- 42 to approve planning applications, which are within existing policy and with no objection(s);
- 43 to approve planning applications, which are within existing policy and with objection(s) which is/are clearly not valid in planning terms;
- 44 to refuse planning applications, which are clearly outwith existing policy regardless of representations;
- 45 to refuse planning applications, regardless of representations, which is/are the subject of requests, from planning officers, for information required in order to determine the applications, but where such requests have not been met within the prescribed time, being a minimum of 14 days, and without prejudice to the re-submission of further applications, containing the required information, within one year of the date of refusal without incurring a further planning fee;
- 46 to determine and issue the undernoted notices and orders, in consultation with the Chair and Vice Chair of the Environment, Planning and Protective Services Committee, and the Solicitor to the Council:-
 - 46.1 Enforcement Notices for change of use, unauthorised development, breach of condition, listed buildings and advertisement control;
 - 46.2 Breach of condition notice;
 - 46.3 Stop Notice;
 - 46.4 Tree Preservation Order;
 - 46.5 Waste Land Notice;
 - 46.6 Completion Notice;
 - 46.7 Building Preservation Notice;
 - 46.8 Discontinuance Order;
 - 46.9 Hazardous Substances Contravention Notice; and
 - 46.10 Contravention Order;
- 47 to issue planning contravention notices to owners or occupiers or persons carrying out operations on their land in breach of planning permission including, where necessary, the service of notices regarding complaints about neglected land;

Environmental Health

- 48 to exercise the Council's operational and regulatory functions relating to environmental health, including the determination and issue of notices, orders, licences, certificates and returns in respect of all legislative provisions, falling within the remit of environmental health, in consultation with the Solicitor to the Council;
- 49 to promote improvements to public health and hygiene;
- 50 to determine charges for the inspection of ships, and to issue certificates in relation to such inspections in terms of current Public Health legislation;
- 51 to exercise the Council's statutory functions in terms of Parts 5 and 6 of the Antisocial Behaviour etc (Scotland) Act 2004, and any amendment thereto or re-enactment thereof, with respect to noise nuisance and environmental issues, including fly-tipping and graffiti;
- 52 to award grants to owners of private premises, in terms of the following Regulations, and any amendment thereto or re-enactment thereof:-
 - 52.1 Private Water Supplies (Scotland) Regulations 2006;
 - 52.2 Private Water Supplies (Notices)(Scotland) Regulations 2006; and
 - 52.3 Private Water Supplies (Grants)(Scotland) Regulations 2006;

Trading Standards

- 53 to exercise the Council's operational and regulatory function for trading standards, including the determination and issue of notices, orders, licences, certificates and returns in respect of all legislative provisions, in consultation with the Solicitor to the Council;
- 54 to make test purchases pursuant to the Council's statutory obligations;
- 55 to exercise the Council's statutory functions in respect of The Energy Performance of Buildings (Scotland) Regulations 2008, and any amendment thereto or re-enactment thereof, in respect of domestic buildings;

Building Standards

- 56 to exercise the Council's regulatory functions relating to building standards, including the determination and issue of notices, orders, licences, certificates and returns in respect of all legislative provisions;
- 57 to determine and issue building warrants and certificates of completion; and
- 58 to exercise the Council's statutory functions in respect of The Energy Performance of Buildings (Scotland) Regulations 2008, and any amendment thereto or re-enactment thereof, in respect of non-domestic buildings.

DIRECTOR OF EDUCATION AND LEISURE SERVICES

General

- 1 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 2 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;

Education

- 3 to exercise operational management of the Council's function as education authority, including:-
 - 3.1 the provision of school education, pre-school education, special education;
 - 3.2 the provision of services for the assessment and guidance of children with additional support needs;
 - 3.3 the management of schemes for the operation of parent councils;
 - 3.4 halls of residence;
 - 3.5 Orkney College;
 - 3.6 the making of arrangements to secure improvement in the quality of school education; and
 - 3.7 the preparation and implementation of school development plans and standards and quality reports;
- 4 to appoint teaching staff, in accordance with the Council's Appointments Procedure;
- 5 to determine and apply salary scales, grades and allowances for head teachers and deputy head teachers, in consultation with the Appointments Committee, and generally for teachers other than head teachers and deputy head teachers;
- 6 to take disciplinary action, including dismissal, and determine grievances in respect of teaching staff;
- 7 to implement general directions regarding staffing issued by the Chief Executive, in consultation with the Head of Personnel Services;

- 8 in consultation with the Director of Finance and Housing, to authorise foreign trips in respect of international professional development opportunities relating to staff within the Department of Education and Leisure Services;
- 9 to exclude, or suspend, pupils from schools and halls of residence;
- 10 to determine applications for assistance, within policy, to enable pupils and students to take advantage of further education;
- 11 to determine applications for travel grants, within policy;
- 12 to award the annual travel scholarship to Hordaland County;
- 13 to determine, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee, applications for financial assistance which require to be urgently resolved and which fall outwith Council policy;
- 14 to determine the sum to be awarded towards the cost of education projects, to coincide with the St Magnus Festival;
- 15 to determine applications for assistance from the Orkney Educational Trust;

Recreation Services

- 16 to exercise operational management of the Council's functions in relation to:-
 - 16.1 public libraries, theatres, halls, gymnasiums, playing fields, tracks, courts, swimming pools, outdoor centres, campsites, caravan sites, parks and other facilities for recreational and social activities;
 - 16.2 schemes to assist voluntary organisations and other persons engaged in activities connected with the provision of recreational and social activities, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee;
 - 16.3 the client function of leisure management, including the Council's arrangements with the Pickaquoy Centre Trust; and
 - 16.4 maintenance of the Kirk Green, Broad Street, Kirkwall;
- 17 to determine applications for assistance, within policy, of the following approved schemes:-
 - 17.1 enhanced grants for talented sport and arts performers;
 - 17.2 playgroup and play scheme grants;
 - 17.3 senior inter county events, with Shetland;

- 17.4 “coaching for coaches” grants;
 - 17.5 Community Projects Scheme;
 - 17.6 Volunteer Challenge Project; and
 - 17.7 Scheme of Assistance to Annual Festivals, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee;
- 18 to determine annual requests for financial assistance from voluntary organisations and other persons concerned with the provision of recreational, cultural and social activities or facilities, up to a maximum sum of £5,000;
- 19 to determine the level of financial assistance to Orkney Arts Theatre in respect of its operational costs;

Heritage Services

- 20 to exercise operational responsibility for museums, galleries, arts and cultural centres and other facilities for heritage facilities;
- 21 to implement schemes to assist voluntary organisations and other persons engaged in activities connected with the provision of heritage services, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee;
- 22 to purchase items for the museum service collections, up to a maximum cost of £10,000, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee;
- 23 to purchase items for the museum service collections, with an individual cost exceeding £10,000, in consultation with the Chair and Vice Chair of the Education, Recreation and Cultural Services Committee and with the agreement of the Convener and Vice Convener;
- 24 to determine requests for loans of museums artefacts which do not meet the undernoted criteria:-
- 24.1 requests for loans of key artefacts;
 - 24.2 requests for loans of valuable artefacts;
 - 24.3 requests for loans of large collections or artefacts; and
 - 24.4 requests for artefacts to travel outwith the United Kingdom; and
- 25 to exercise operational responsibility for the caretaking and security of, and guiding of visitors around, St Magnus Cathedral.

DIRECTOR OF COMMUNITY SOCIAL SERVICES

The Director of Community Social Services is appointed as the Council's Chief Social Work Officer and in that capacity is also adviser to the Complaints Review Committee.

The Director of Community Social Services enjoys the following delegated powers:-

General

- 1 to exercise operational management of the Council's functions as social work authority;
- 2 in consultation with the Solicitor to the Council, to provide or withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;
- 3 in consultation with the Solicitor to the Council, the Depute Chief Executive or other Chief Official, depending on the circumstances, to review decisions to withhold information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998;

Advice and Assistance

- 4 to determine financial contributions, of a sum not exceeding £5,000, to external bodies connected with the provision of social work services;
- 5 to provide advice, guidance and assistance, in cash or in kind, to persons requiring such facilities for the promotion of social welfare, up to a maximum of £6,000;
- 6 to determine applications for assistance, from the Social Services budget, in special cases, in terms of the Community Council Road Scheme;

Children and Families

- 7 to exercise the Council's statutory functions in terms of the Children (Scotland) Act 1995, and any amendment thereto or re-enactment thereof, including the power to make application for Exclusion Orders, Child Assessment Orders, Child Protection Orders and Parental Responsibilities Orders;
- 8 to provide services including advice, guidance and assistance to children and their families referred to the Council by the Reporter and services to assist the Reporter and the Children's Panel in the discharge of their functions;
- 9 to provide advice, guidance and assistance to further the interests of children looked after by the Council and the arrangements for the accommodation and maintenance of such children;

- 10 to undertake investigations and submit reports to court in certain actions relating to parental responsibilities;
- 11 to safeguarding the interests of children in matrimonial proceedings;
- 12 to exercise the Council's statutory functions in terms of the Adoption (Scotland) Act 1978, and any amendment thereto or re-enactment thereof, including the power to make application to the Sheriff Court for an Order Declaring a Child Free for Adoption;
- 13 to make arrangements for services to ensure the protection of children placed for fostering and adoption;
- 14 to act as "agency decision maker" in terms of the Adoption Agencies (Scotland) Regulations 1996 and any amendment thereto or re-enactment thereof;

Criminal Justice

- 15 to exercise operational responsibility for the management of criminal justice services, including the supervision of persons placed on probation, released from prison or subject to a community service order and arrangements for the supervision of, and provision of services to, offenders;

Community Care

- 16 to exercise operational responsibility for the management of community care services;
- 17 to exercise the Council's statutory functions in terms of the National Assistance Act 1948;
- 18 to provide home-help and personal care services, for households containing persons in need, and the arrangements for assessment and review of the requirements for such help;
- 19 to exercise the Council's statutory functions in terms of the Mental Health (Scotland) Act 1984 and any amendment thereto or re-enactment thereof;
- 20 to exercise the Council's statutory functions in terms of the Adults with Incapacity (Scotland) Act 2000 and any amendment thereto or re-enactment thereof;
- 21 to make arrangements for the care and aftercare of persons suffering from mental disorders;
- 22 to appoint Mental Health Officers;
- 23 to make arrangements for the care and aftercare of persons who have been suffering from illness, other than persons requiring medical, dental, nursing care

or health visiting services;

- 24 to make arrangements for the management of residential and other establishments required for social work services;
- 25 to make arrangements for the assessment of the needs of persons requiring admission to such establishments and for securing their welfare; and
- 26 to implement Council policies and decisions in relation to joint working with partner organisations, including NHS Orkney, in furtherance of the Council's statutory duties, and agreed community planning objectives.

ORKNEY ISLANDS COUNCIL LIST OF CHIEF OFFICIALS

Chief Executive

Corporate Services

Director

Assistant Director (Law and Administration)

Assistant Director (Strategy and Improvement)

Assistant Director (Personnel and Information Services)

Finance and Housing Services

Director

Assistant Director (Housing)

Assistant Director (Corporate Finance)

Assistant Director (Accountancy)

Assistant Director (Strategic Finance)

Development and Environment Services

Director

Assistant Director (Strategic Development)

Assistant Director (Property)

Assistant Director (Operations)

Assistant Director (Environmental Standards)

Community Social Services

Director

Assistant Director (Community Care)

Assistant Director (Children & Families and Criminal Justice)

Assistant Director (Support Services)

Education and Leisure Services

Director

Assistant Director (Support for Learners)

Assistant Director (Quality Improvement)

Assistant Director (Educational Resources)

Assistant Director (Leisure and Culture)

Marine Services

Director