



**West Lothian
Council**

STANDING ORDERS

SCHEME OF DELEGATION TO OFFICERS

**Approved by PP&R Committee 5 December 2006
Effective from 5 December 2006**

Updated 21 December 2006

Updated 1 August 2007

M Admin 1 Gordon Delegation to Officers updated 1.08.07

SCHEME OF DELEGATION TO OFFICERS

	Page Nos
1 INTRODUCTION.....	4
2 GENERAL TERMS.....	5
2.1 POLICY.....	5
2.2 CONSULTATION WITH LOCAL MEMBERS	6
2.3 STATUTORY REQUIREMENTS, CODES AND STANDING ORDERS.....	6.
2.4 POLITICALLY CONTROVERSIAL.....	6
2.5 DISPUTES.....	6
2.6 CONFLICT OF INTEREST.....	7
3 ROLE OF DIRECTORS.....	7
4 ROLE OF HEADS OF SERVICE.....	8
5 GENERAL DELEGATION TO CHIEF EXECUTIVE AND DIRECTORS.....	8
5.1 APPOINTMENTS.....	8
5.2 ACTING CHIEF OFFICER APPOINTMENTS.....	9
5.3 DISCIPLINE AND APPEALS.....	9
5.4 TRAINING.....	9
5.5 SERVICE CONDITIONS AND BEST VALUE REVIEWS.....	9
5.6 HEALTH AND SAFETY LEGISLATION.....	10
5.7 DELEGATION TO HEADS OF SERVICE AND OTHER OFFICERS.....	10
5.8 EXPENDITURE.....	11
5.9 TRANSFERRING FUNDS.....	11
5.10 FEES AND CHARGES.....	11
5.11 CONTRACTS.....	11
5.12 CONSULTANTS.....	11
5.13 FREEDOM OF INFORMATION.....	12
5.14 BUSINESS CONTINUITY PLANNING.....	12
6 PROPER OFFICER: COMMITTEE BACKGROUND PAPERS.....	12
7 PARTICULAR DELEGATIONS.....	12
8 ALLOCATION OF RESPONSIBILITIES TO INDIVIDUAL OFFICERS.....	13
9 CHIEF EXECUTIVE.....	13
9.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS.....	13
9.2 CHIEF EXECUTIVE.....	14
9.3 HEAD OF FINANCE.....	15
9.4 REVENUES AND BENEFITS MANAGER.....	17
9.5 CHIEF LEGAL OFFICER.....	17

10	COMMUNITY HEALTH AND CARE PARTNERSHIP.....	19
10.1	DELEGATED RESPONSIBILITIES AND REPORTING LINKS.....	19
10.2	DIRECTOR OF COMMUNITY HEALTH AND CARE PARTNERSHIP.....	19
10.3	HEAD OF SOCIAL POLICY.....	19
11	CUSTOMER AND SUPPORT SERVICES.....	22
11.1	DELEGATED RESPONSIBILITIES AND REPORTING LINKS.....	22
11.2	DIRECTOR OF CUSTOMER AND SUPPORT SERVICES.....	22
11.3	HEAD OF CUSTOMER SERVICES.....	22
11.4	HEAD OF HOUSING AND BUILDING SERVICES.....	23
11.5	HEAD OF SUPPORT SERVICES.....	24
11.6	CHIEF SOLICITOR.....	25
11.7	AREA HOUSING MANAGERS.....	27
12	DEVELOPMENT AND ENVIRONMENTAL SERVICES.....	28
12.1	DELEGATED RESPONSIBILITIES AND REPORTING LINKS.....	28
12.2	HEAD OF DEVELOPMENT AND REGULATORY SERVICES.....	28
12.3	PRINCIPAL TRADING STANDARDS OFFICER	36
12.4	BUILDING STANDARDS MANAGER.....	36
12.5	HEAD OF OPERATIONAL SERVICES.....	37
12.6	HEAD OF PROPERTY SERVICES.....	43
13	EDUCATION AND CULTURAL SERVICES.....	45
13.1	DELEGATED RESPONSIBILITIES AND REPORTING LINKS.....	45
13.2	DIRECTOR OF EDUCATION AND CULTURAL SERVICES.....	45
13.3	HEAD OF EDUCATION DEVELOPMENT.....	45
13.4	HEAD OF EDUCATION QUALITY ASSURANCE.....	47
13.5	HEAD OF CULTURAL SERVICES.....	48
13.6	HEADTEACHERS (INCLUDING ACTING HEADTEACHERS).....	48

1. INTRODUCTION

1.1 Legislation governs the decision-making processes of the council. In terms of sections 56 and 57 of the Local Government (Scotland) Act 1973, all decisions which are to be binding on the council must be taken at meetings of the full council, a committee or sub-committee of the council, or be taken by individual officers exercising authority specifically given to them by the council.

1.2 Section 56G(2) of the 1973 Act also requires the council to publish a list of all the powers delegated by the council to officers where such powers are to last for longer than six months. This Scheme has been produced to comply with these sections of the 1973 Act.

1.3 The council has reserved very few powers to itself and has agreed extensive delegation to committees and to officers. The matters reserved to the council are listed in section A (paragraph 1) of the council's Scheme of Administration. The matters reserved to committees are mainly the strategic, policy and regulatory issues requiring to be decided by the council, while the day-to-day operational matters of running the council's services are delegated to officers.

1.4 The approach in this Scheme to setting out the delegations of authority to officers is to require the delegations to be given to the council's senior officers who are the Chief Executive and Directors. These officers can, in turn, delegate any of their delegated authority to other officers under their direction, as detailed in paragraph 4.7 of this Scheme.

1.5 The officers' delegated powers are divided into those dealing with services delivered directly to the public or businesses and the West Lothian community (public services) and those which are corporate functions of the council. Corporate functions include those services, such as payroll administration and information technology services, which are delivered internally within the council in support of the council's public services. Corporate functions also include those functions which affect the council as a whole or a number of different services across the council such as preparing and reviewing the council's Corporate Plan. In addition, this Scheme lists the statutory responsibilities of particular officers where legislation requires the council to appoint an officer to carry out a specific statutory function.

1.6 In terms of the council's Code of Corporate Governance, this Scheme of Delegation to Officers requires to be reviewed once every administrative term, that is once every four years. The Chief Executive, as Clerk to the Council, is authorised under Standing Order 33 for the Regulation of Meetings to amend this Scheme of Delegation to Officers in order to reflect any decisions of the council and any new legislation which affect this Scheme.

1.7 Within the Scheme of Delegation to Officers, the terms “Directors” and “Heads of Service” mean the following: -

“Directors”

- Director of Community Health and Care Partnership (joint appointment with Lothian Health Board)
- Director of Customer and Support Services
- Director of Development and Environmental Services
- Director of Education and Cultural Services

“Heads of Service”

- Head of Finance
- Head of Social Policy
- Head of Customer Services
- Head of Housing and Building Services
- Head of Support Services
- Head of Development and Regulatory Services
- Head of Operational Services
- Head of Property Services
- Head of Education Development
- Head of Education Quality Assurance
- Head of Cultural Services

2. GENERAL TERMS

The matters in this scheme are delegated to council officers. However, the following rules apply to delegation: -

2.1 POLICY

2.1.1. Officers must use the authority delegated to them according to the policy of the council, its committees and sub-committees. The relevant committee will decide new policy, subject to the terms of Standing Order 35 for the Regulation of Meetings.

2.1.2 If there is a question on whether a decision taken by or action authorised by a committee, sub-committee or Director sets up or alters council policy on any matter, it will be decided by the Chief Executive in consultation with the Leader of the Council and appropriate Committee Chairs.

2.2 CONSULTATION WITH LOCAL MEMBERS

2.2.1 In using the authority delegated to them, officers must consult local members if they think that a proposed decision or action is likely to affect directly the constituency interest of local members in a Ward. This does not apply to proposed decisions or actions that have a general effect throughout the area of the council.

2.2.2 If a local member objects to the proposed decision of the official, then the matter must be sent to committee for a decision.

2.3 STATUTORY REQUIREMENTS, CODES AND STANDING ORDERS

Officers will use the authority delegated to them in compliance with

- (a) all statutory requirements affecting their services specifically as well as legislation affecting the council corporately (such as race, sex, disability and age equality, health and safety, disability discrimination, assessment of plans, programmes and strategies for strategic environmental implications),
- (b) statutory Codes affecting the council as well as other Codes adopted by the council (such as the Local Code of Corporate Governance, the Code of Conduct for Employees, and the Prudential Code) and
- (c) the procedural requirements of the Standing Orders and Financial Regulations of the council.

2.4 POLITICALLY CONTROVERSIAL

Items which are politically controversial are not delegated to an officer. The relevant officer, in consultation with the Chief Executive and the Chair of the relevant committee will decide whether an issue is politically controversial.

2.5 DISPUTES

The Chief Executive, in consultation with the Leader of the Council and appropriate Committee Chairs, will decide all disputes on whether an issue is delegated to a particular committee or officer.

2.6 CONFLICT OF INTEREST

2.6.1 In using the authority delegated to them, officers must comply with the terms of the council's Code of Conduct for Employees regarding how any conflicts of interest arising out of any private interests must be treated.

2.6.2 In particular, when using their delegated powers, officers -

- must not allow any private interest to influence their decisions,
- must not use their position to further their own interests or the interests of others who do not have a right to benefit under the council's policies, and
- must not involve themselves in any decision on allocation of council services or resources from which they or their families might benefit. They should ensure that any such matter is referred immediately to their line manager.

2.6.3 Similar rules about conflicts of interest are contained in the Councillors' Code of Conduct. Members must not seek preferential treatment for themselves, their families, friends, colleagues or employees because of their position as a councillor or as a member of a body to which they are appointed by the council, and they must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

2.6.4 Where a member or officer of the council is related to someone applying for employment with the council, any such member or officer must ensure that they are not involved in any aspect of the appointment that might give rise to a conflict of interest.

3. ROLE OF DIRECTORS

3.1 The role of Directors is to ensure that resources are customer-focussed and effectively integrated and co-ordinated across all service areas and with other government agencies and voluntary organisations, as appropriate, to reflect the corporate priorities of the council and to maintain a shared vision for the economic, social and environmental well-being of the community of West Lothian.

3.2. The prime emphasis of the Directors' role is on strategic planning and innovative thinking, aimed at ensuring that the council remains capable of achieving its short and long-term service and business objectives through effective people, resource and financial management and a continuous drive for best value.

3.3 Directors should provide leadership, guidance and general management direction to Heads of Service within the service grouping for whom they are responsible. Directors retain overall responsibility for capital and revenue budgets within their

particular service grouping and are also responsible for ensuring that Heads of Service are held accountable for the effective general management, allocation and control of resources within their respective service areas.

3.4 One of the Directors, appointed by the Chief Executive on a rotating basis, will act as Depute Chief Executive.

4. ROLE OF HEADS OF SERVICE

4.1 Heads of Service have two key responsibilities: -

- to contribute to the development of overall council policy, and
- to take responsibility for the operational leadership of the areas for which they are assigned.

4.2 In particular, Heads of Service will: -

- ensure that effective management systems and controls are in place within their service areas to deliver agreed service outputs to the required quality
- assume significant budget, resource and managerial responsibilities as delegated by the Chief Executive and Directors and council Standing Orders
- formulate and deliver service plans and develop and support employees through the Performance Review and Personal Development Planning process
- ensure proper compliance with best value, service audit requirements and quality standards.

5. GENERAL DELEGATION TO CHIEF EXECUTIVE AND DIRECTORS

The following matters are delegated to the Chief Executive and Directors in relation to their service areas:-

5.1 APPOINTMENTS

5.1.1 Appointing employees within agreed staffing policies up to but not including Heads of Service, in accordance with procedures issued by the Head of Support Services.

5.1.2 Engaging temporary staff in terms of council policy.

5.2 ACTING CHIEF OFFICER APPOINTMENTS

The Chief Executive can appoint an acting Director from the staff of the council when a Director is absent or the post is vacant.

Directors can appoint acting Head of Service from the staff of the council when a Head of Service is absent or the post is vacant.

5.3 DISCIPLINE AND APPEALS

Conducting disciplinary and grievance proceedings for employees under the council's approved disciplinary and grievance procedures.

5.4 TRAINING

Authorising employees' attendance at training courses, conferences and seminars within the terms of the council's policies.

5.5 SERVICE CONDITIONS AND BEST VALUE REVIEWS

5.5.1 The Chief Executive, and Directors under guidance from the Chief Executive where necessary, will apply national circulars. Where there is a choice of action, the circular should be referred to committee for a decision.

5.5.2 The Chief Executive, and Directors under council Human Resources policies and procedures and/or guidelines set by the Chief Executive, will be authorised to decide the following personnel matters:-

- special leave, bereavement leave, secondment, leave to work or visit abroad;
- leave of absence under any Trade Union facilities agreement;
- unpaid leave;
- extending service beyond normal retirement age;
- extending sickness allowance beyond the specified contractual levels in exceptional circumstances;
- recovery of maternity pay;
- closing down early for a festive season;
- closures or service stoppages due to inclement weather or health and safety factors when there is a risk to either staff or clients;
- attendance at outside organisations' training courses;
- car leases; and
- other matters as agreed between the Chief Executive and the Directors.

5.5.3 The Chief Executive, following consultation with the Leader of the Council, can make changes in staff structures affecting posts up to but not including Heads of Service. The Directors can also make changes in staffing structures in line with guidelines issued by the Chief Executive. Subject to paragraph 7.1, of this scheme, the Chief Executive and Directors can make changes in gradings affecting posts up to but not including Heads of Service in line with guidelines issued by the Chief Executive. If guidelines do not apply, Directors must consult the Chief Executive. The cost of any changes must be contained within approved budgets.

5.5.4 For services affected by best value reviews, the Chief Executive and Directors are authorised to:-

- negotiate with the workforce and Trade Union representatives changes in work practices and conditions including equipment, depots and vehicles,
- implement such changes, and
- price in-house tenders accordingly

within the terms of the council's policies.

5.6 HEALTH AND SAFETY LEGISLATION

5.6.1 The Head of Support Services is responsible for overseeing the implementation of the council's Occupational Health and Safety Policy and monitoring its effectiveness, and is responsible for making certain that the council manages its health and safety risks by ensuring that the Corporate Management Team individually and collectively accepts it's role, makes decisions complying with the council's health and safety policy statement, recognise their role in improving health and safety, is kept informed, alerted to relevant health and safety risk management issues and accepts their individual role in providing health and safety leadership.

5.6. 2 The Chief Executive and Directors are responsible for ensuring that the specific services falling within their remits operate in compliance with the council's Occupational Health and Safety Policy and arrangements.

5.7 DELEGATION TO HEADS OF SERVICE AND OTHER OFFICERS

5.7.1 The Chief Executive and Directors can authorise Heads of Service and other senior officers in their service units who are appropriately qualified and experienced to use their delegated powers, unless they cannot do so by law or because of this scheme.

5.7.2 Directors can authorise the appropriate Head of Service to use their delegated authority in the absence of the Director.

5.8 EXPENDITURE

Incurring expenditure within approved capital and revenue budgets for the specific requirements of the service, in accordance with Standing Orders and in accordance with the terms set out in the Financial Regulations.

5.9 TRANSFERRING FUNDS

5.9.1 Transferring funds between headings within the approved revenue budget for their service in accordance with the terms set out in the Financial Regulations.

5.9.2 Transferring funds between capital projects included in the approved capital programme for their service (including transfers between years) in accordance with the terms set out in the Financial Regulations.

5.9.3 In carrying out transfers, officers must: -

- (1) report to the relevant committee if a change in council policy is involved;
- (2) report to the relevant committee if the transfer will result in increased expenditure in future years budgets; and
- (3) inform the Head of Finance in writing within the terms set out in the Financial Regulations.

5.10 FEES AND CHARGES

Altering fees and charges for council services in line with council policy.

5.11 CONTRACTS

Issuing, receiving, opening and accepting tenders for contracts for procurement of building and civil engineering works, within the terms of the council's Standing Orders for the Regulation of Contracts and the Procurement Procedures issued in terms of those Standing Orders.

5.12 CONSULTANTS

Appointing consultants in connection with the procurement of building and civil engineering works and the procurement of supplies and services, within the terms of the council's Standing Orders for the Regulation of Contracts and the Procurement Procedures issued in terms of those Standing Orders.

5.13 FREEDOM OF INFORMATION

Determining requests for information under the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

5.14 BUSINESS CONTINUITY PLANNING

Maintaining and implementing business continuity plans for their service areas.

6. PROPER OFFICER: COMMITTEE BACKGROUND PAPERS

Directors and Heads of Service are the proper officers responsible for compiling lists of background papers for reports which they have prepared for committee and which members of the public can inspect under Section 50(A) of the Local Government (Scotland) Act 1973.

7. PARTICULAR DELEGATIONS

7.1 Subject to the general terms already set out, all other matters on running of services, including ensuring that the statutory requirements placed on the council are met, are delegated to the Chief Executive and Directors including the matters outlined below, except those areas marked with an asterisk where the delegated authority is to the named officer. Where the named officer has such delegation, the officer must keep their Director advised of any implications of their decisions affecting: -

- current policies of the council
- approved resource allocations
- issues affecting the council's public and media relations.

7.2 The powers delegated in this scheme to the Chief Executive and Directors include doing any thing which is calculated to facilitate, or is conducive or incidental to, the effective and efficient delivery of services in their areas.

7.3 The council's services and functions are assigned to the Chief Executive, Directors and Heads of Service as outlined below. These may vary to meet new requirements as may be determined from time to time by new legislation or in accordance with paragraph 5.5.3. When this happens, the Clerk to the Council will update this Scheme to reflect such changes.

8. ALLOCATION OF RESPONSIBILITIES TO INDIVIDUAL OFFICERS

8.1 As detailed in paragraph 7.1 of this Scheme, the running of the council's services, including ensuring that the statutory requirements placed on the council are met, is delegated to the Chief Executive and Directors subject to the general terms contained in the preceding paragraphs of this Scheme.

8.2 The responsibilities of the Chief Executive and Directors are shown in this Scheme as divided into three categories.

- **Public Services** – those services delivered directly to the public and business community in West Lothian.
- **Corporate Functions** – those services delivered in support of other council services, or activities of a corporate nature delivered across the whole council or a significant part of it.
- **Statutory Appointments** – functions which the law requires the council to appoint an individual officer of the council to carry out.

8.3 The Chief Executive, as the council's Head of the Paid Service, is responsible for –

- the co-ordination of the discharge of the council's different functions
- the number and grades of staff required by the council for the discharge of its functions
- the organisation of the council's staff, and
- the appointment and proper management of the council's staff.

8.4 In support of the Chief Executive, the council has a management structure comprising four Directors and eleven Heads of Service, and a number of other officers with specific responsibilities, as detailed in the following paragraphs of this Scheme.

9. CHIEF EXECUTIVE

9.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS

The following officers have the delegated responsibilities as shown below –

- the Chief Executive
- the Head of Finance and the Chief Legal Officer reporting to the Chief Executive
- the Revenues and Benefits Manager reporting to the Head of Finance.

9.2 CHIEF EXECUTIVE

Public Services –

- Emergency planning – preparing and keeping under review all necessary plans and associated staff training (Civil Contingencies Act 2005)

Corporate Functions –

- Community Planning – developing the council's community planning process (Local Government in Scotland Act 2003, section 15)
- Corporate Plan – preparing and keeping this Plan under review
- Clerk of the Council (under the council's Standing Orders)
- Determining, in consultation with the Chair of the Council Executive, whether a matter which is the subject of an item of business, a motion or question put at a council meeting or consideration by a Policy Development and Scrutiny Panel falls within the functions of the council as education authority (under the council's Scheme of Administration)
- Council's complaints procedure – preparing and keeping under review a corporate procedure to deal effectively with complaints from customers about council services
- Complaints to the Scottish Public Services Ombudsman – taking appropriate action to deal with such complaints (Local Government (Scotland) Act 1975)
- Minor civic hospitality – authorising such hospitality on behalf of the council
- Emergency action on behalf of the council – taking such action, including the incurring of expenditure. The Chief Executive must report such action to the council at the earliest opportunity
- Early retirement and voluntary severance payments – authorising such payments, in consultation with the Leader of the Council, subject to full monitoring information on numbers and costs being submitted regularly to the Council Executive (under various Regulations affecting both teaching and non-teaching staff)
- Depute Chief Executive – making such appointment on a rotating basis from the Directors
- Heads of Service salary grades – approving these grades, in consultation with the Leader of the Council
- Vetting elected members for child care positions – acting as the responsible officer for such proposed appointments (under the Protection of Children (Scotland) Act 2003)
- Anti-Fraud and Corruption Policy – determining, in consultation with the relevant Head of Service, Head of Finance and Chief Legal Officer under this policy, whether –
 - a matter should be referred to the police
 - action should be taken to recover any monies lost

- recovery action should be taken against a former employee by way of deduction from their pensions benefits

The Chief Executive shall report to the Audit Committee on any consideration or action taken under this policy.

- Officers' pecuniary interests in council contracts – receiving and recording such interests (Local Government (Scotland) Act 1973, section 68)

Statutory Appointments –

- Head of the Council's Paid Service (Local Government and Housing Act 1989, section 4)
- Returning Officer – acting in this capacity for council elections, and in turn for elections to the Scottish, Westminster and European Parliaments (Representation of the People Act 1983, sections 25 and 41)
- Elected members' resignations – proper officer for receiving such resignations (Local Government (Scotland) Act 1973, section 34)
- Accessing council meetings and documents – proper officer for acting for various purposes in connection with the signing and issue of, and access to, agendas and papers, minutes and other documents relating to meetings of the council, its committees and sub-committees (Local Government (Scotland) Act 1973, sections 50A to 50K)
- Roll of Admission of Honorary Freemen – maintaining this Roll (Local Government (Scotland) Act 1973, section 206)

9.3 HEAD OF FINANCE

Public Services –

- Council Tax administration (Local Government Finance Act 1992)
- Council Tax Benefits and Housing Benefits administration (Council Tax Benefit Regulations 2006, Housing Benefit Regulations 2006)
- Non-Domestic Rates administration (Local Government Finance Acts 1988 and 1992) including authorisation of hardship relief and discretionary relief (Section 25A Local Government (Scotland) Act 1966)
- Administration of Trust Funds (Trustee Investment Act 1961)

Corporate Functions –

- Corporate accounting arrangements, including ensuring that adequate systems of accounting control are maintained throughout the council and that service units conform with council policy, legislation and codes of practice

- Maintaining a continuous review of the Financial Regulations and submitting any changes, other than of a minor nature, to the Council Executive for approval
- Preparing and monitoring a General Services Capital Budget and a General Fund Revenue Budget in accordance with the Financial Regulations
- Administration of the sundry debtors system
- Corporate risk management arrangements, in consultation with the Chief Executive and Directors
- Internal audit, including examination of the accounting, financial and other operations of the council
- Banking and insurance arrangements
- Authorising legal proceedings for recovery of debt (other than HRA rent arrears)
- Writing off bad debts (other than those specifically delegated to another officer) (under the council's Financial Regulations)
- Signing operating and finance leases
- Disposing of council assets and materials, except for land and buildings and computer hardware and software (under the council's Standing Orders for Contracts)

(The above functions are provided under the powers of Section 95 of the Local Government (Scotland) Act 1973)

- Treasury management (Sections 92, 193 and 194 and Schedule 3 of the Local Government (Scotland) Act 1975 and Section 40 of Local Government in Scotland Act 2003)
- Compliance with the Prudential Code (Sections 35 to 39 of Local Government in Scotland Act 2003)
- Issuing, receiving, opening and accepting tenders for contracts for supplies and services (council's Standing Orders and the Procurement Procedures issued thereunder, and Consolidated EU Directive 2004/18/EC)
- Payment processing and supplier invoice administration (Late Payments & Commercial Debts Act 1998)
- Authorising prosecutions (under the council's Fraud Policy for Housing and Council Tax Benefit)
- Determining applications for review of a decision by the Revenues and Benefits Manager concerning claims for hardship relief and discretionary relief both in respect of non domestic rates
- Receiving and opening electronic tender submissions where the estimated aggregate cost of any one contract for supplies and services is equal to or more than the relevant EU threshold (under the council's Standing Orders for Contracts)
- Choosing the successful tender for acceptance where the estimated aggregate cost of any one contract for volatile commodities such as gas or electricity is equal to or more than the relevant EU threshold.

Statutory Appointments –

- Proper officer for the financial affairs of the council (Section 95 of the Local Government (Scotland) Act 1973)
- Proper officer for signing deeds in connection with treasury management functions (Sections 92, 193 and 194 of the Local Government (Scotland) Act 1973)
- Proper Officer for transferring securities on alteration of name, area etc. of the council (section 92(1)(a) and (b) of Local Government (Scotland) Act 1973)
- Proper Officer for receiving notices of election from councillors wishing to forego any part of an allowance (paragraph 18 of Local Authorities etc. (Allowances) (Scotland) Regulations 1995)

9.4 REVENUES AND BENEFITS MANAGER

Public Services -

- Authorising the award of hardship relief and discretionary relief in respect of non domestic rates (under the council's approved policy)
- Authorising administrative sanctions (under the Council's Fraud Policy for Housing Benefit and Council Tax Benefit.

This authority is also exercisable by any Revenues Unit Team Leader (excluding the Benefits Team Leader).

9.5 CHIEF LEGAL OFFICER

Public Services –

- Awarding rural rates relief - to review the Head of Finance's decision on such awards in accordance with the council's scheme

Corporate Functions –

- Council's Code of Corporate Governance – overseeing compliance with this Code
- Counsel's opinion – obtaining such opinion where appropriate
- Covert surveillance – as Monitoring Officer, authorising the use of such surveillance and also covert human intelligence sources by council services

(Regulation of Investigatory Powers (Scotland) Act 2000, as read with Regulation of Investigatory Powers Act 2000)

This authority is also exercisable by the Depute Monitoring officers in the absence of the Monitoring Officer, and by any other senior officer appointed by the Monitoring Officer and who is appropriately qualified and experienced to exercise such powers (under Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000)

- Accessing of communications data – as Monitoring Officer, authorising the accessing of such data by council services (Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Communications Data) Order 2003)

This authority is also exercisable by the Depute Monitoring Officers in the absence of the Monitoring Officer.

- Determining requests for the internal review of the handling of freedom of information requests (Freedom of Information Act 2000, Freedom of Information (Scotland) Act 2000 and Environmental Information (Scotland) Regulations 2004)

Statutory Appointments –

- Monitoring Officer (section 5 of Local Government and Housing Act 1989)
- Proper Officer for receipt of councillors' Declarations of Acceptance of Office (section 33A of Local Government (Scotland) Act 1973)
- Proper Officer for taking councillors' Declarations of Acceptance of Office (Local Authorities (Councillors) (Declaration of Acceptance of Office (Scotland) Order 1990)
- Proper Officer for receiving notices in connection with the formation of a political group or individual member's membership of political groups (Schedule 1 of the Local Authorities etc (Allowances) (Scotland) Regulations 1995)
- Proper Officer for receipt and recording of members' interests (Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003)
- Maintaining the Register of Gifts and Hospitality received by members (under the Councillors' Code of Conduct)
- Proper Officer for inspecting, retaining and depositing documents (section 197 of Local Government (Scotland) Act 1973)
- Proper Officer for transfer of educational endowments (section 128 of Local Government (Scotland) Act 1973)
- Proper Officer for maintenance of list of meeting rooms for use of candidates at elections (Schedule 5 of Representation of the People Act 1983)

10. COMMUNITY HEALTH AND CARE PARTNERSHIP AND OTHER SOCIAL POLICY

10.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS

The following officers have the delegated responsibilities as shown below –

- Director of Community Health and Care Partnership
- Head of Social Policy reporting to the Director of the Community Health and Care Partnership.

10.2 DIRECTOR OF COMMUNITY HEALTH AND CARE PARTNERSHIP

Corporate Functions –

- Preparing and monitoring a HRA Capital Budget in accordance with the Financial Regulations

10.3 HEAD OF SOCIAL POLICY

Public Services –

- Consulting on, preparing and publishing a plan for providing community care services in West Lothian.

- Carrying out the functions of the council as Social Work Authority in terms of council policy, National Grant-aided Initiatives, and the legislative framework set by the following Acts: -
 - Local Government etc (Scotland) Act 1994, section 45
 - National Assistance Acts
 - Social Work (Scotland) Act 1968
 - Adoption (Scotland) Act 1978
 - Mental Health (Scotland) Act 1984
 - Children's (Scotland) Act 1975
 - Children (Scotland) Act 1995
 - Children (Leaving Care) Act 2000
 - National Health Service and Community Care Act 1990
 - Adults with Incapacity (Scotland) Act 2000
 - Housing (Scotland) Act 1987
 - Housing (Scotland) Act 2001
 - Housing (Scotland) Act 2006
 - Regulation of Care (Scotland) Act 2001

- Community Care and Health (Scotland) Act 2002
- Homelessness (Scotland) Act 2003
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Community Service by-Offenders (Scotland) Act 1978
- Criminal Procedure (Scotland) Act 1975
- Regulations and Guidance for Leaving Care 2004
- Education (Additional Support for Learning) Act 2004

Any other general legislation concerning the council's functions in relation to the provision of social work services

- Providing a social care out-of-hours emergency service
- Providing an advice service in terms of health and safety, consumer advice, energy advice, housing benefit and council tax and other benefit and appeals, emergency services, and licensing laws.
- Supporting and co-ordinating community and voluntary organisations
- Providing support, care and advice in relation to drugs and alcohol.
- Producing a local health development plan
- Co-ordinating and supporting a range of community health initiatives
- Consulting on, planning and preparing a Service Plan for Adults and Older People
- Commissioning and contracting with external providers in order to provide care services for older people including support at home services, residential care, respite care, meals service, shopping service, free personal nursing care, sheltered housing, housing with care.
Such services also to be provided in-house as necessary.
- Commissioning and contracting with external providers in order to provide services for adults with physical or learning disabilities and mental health problems including residential care, day care, respite care and support at Home.
Such services also to be provided in-house as necessary.
- Consulting on, planning, and producing a Social Policy Service Plan detailing the comprehensive services provision for children.
- Commissioning and contracting with external providers in order to provide care services for children, including residential and secure accommodation, day care, respite care and support at home.
Such services also to be provided in-house as necessary.

- Providing an adoption and fostering service.
- Providing a child protection service
- Providing a throughcare and aftercare service for looked after children.
- Providing services for children with a disability, including respite services.
- Providing early years services for children
- Providing a range of preventative services including -
 - i. youth justice
 - ii. school support
- Providing a criminal and youth justice service, including enforcement of probation orders.
- Consulting on, planning and preparing a Communities Regeneration Strategy
- Consulting on, planning and preparing a Local Housing Strategy for West Lothian
- Planning, preparing, and monitoring the Capital Programme (Housing and Social Policy).
- Planning, preparing and monitoring the Homelessness Strategy.
- Planning, preparing and monitoring the Supporting People Strategy
- Administering the Improvement and Repair Grants Policy
- Providing a mental health service, including -
 - appointing of mental health officers
 - securing of mental health orders.
- In general, and in compliance with the council's Procurement Policy, Financial Regulations, Standing Orders, and EU procurement directives, purchasing such other services that are required in order to fulfil the statutory responsibilities of the Chief Social Work Officer
- Writing off debts in connection with social work charges and client contributions in accordance with the Financial Regulations

Corporate Functions –

- Equality policies and framework
- Employee screening processes

Statutory Appointments –

- *Chief Social Work Officer (Social Work (Scotland) Act 1968, section 3)

11. CUSTOMER AND SUPPORT SERVICES

11.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS

The following officers have the delegated responsibilities as shown below –

- The Director of Customer and Support Services
- The Heads of Customer Services, Housing and Building Services, and Support Services reporting to the Director
- The Chief Solicitor reporting to the Head of Support Services
- The Area Housing Managers within the Housing and Building Services.

11.2 DIRECTOR OF CUSTOMER AND SUPPORT SERVICES

Corporate Functions –

- Preparing and monitoring a HRA Revenue Budget in accordance with the Financial Regulations
- Preparing and keeping under review a Corporate Communications Strategy
- Co-ordinating the council's Celebrating Success initiative
- Co-ordinating the council's compliance with Investors in People standard

11.3 HEAD OF CUSTOMER SERVICES

Public Services –

- Registering births, deaths and marriages (Registration of Births, Deaths and Marriages (Scotland) Act 1965 and all related subordinate legislation.

- Conducting civil marriages (Marriage (Scotland) 1977, Marriage (Scotland) Act 2002)
- Registering civil partnerships (Civil Partnership Act 2004)
- Conducting citizenship ceremonies (Nationality, Immigration and Asylum Act 2002)

Corporate Functions –

- Customer Services Strategy
- Customer Contact Centre and Council Information Services
- Reception Service in multi service buildings of the council.
- Best Value Strategy
- Business improvement services
- Modernising Government Strategy
- Public performance reporting

11.4 HEAD OF HOUSING AND BUILDING SERVICES

Public Services –

- Exercising the functions of the council as housing authority in terms of the following Acts and all related subordinate legislation:-

Housing (Scotland) Acts 1987, 1988, 2001 and 2006
 Housing Act 1988
 Housing Benefit (General) Regulations 1987
 Land Compensation (Scotland) Act 1973
 Leasehold Reform Housing and Urban Development Act 1993

- Managing and allocating council houses
- Maintaining a register of properties and granted tenancies
- Controlling the conduct and standard of tenancies
- Enforcing housing repair contracts and service level agreements
- Creating and controlling of temporary tenancies
- Operating schemes to maximise participation and consultation with tenants
- Implementing the Tenants Cash Incentive Scheme
- Operating the system to fit aids and adaptations to council houses
- Recovering rent arrears and possession
- Appointing and monitoring debt collection companies

- Authorising eviction for rent arrears
- Preparing and issuing notices of proceedings for recovery of property and debts on grounds contained in the Housing (Scotland) Acts
- Writing off HRA rent arrears in accordance with the Financial Regulations
- Authorising legal proceedings for recovery of possession
- Determining applications for homeless accommodation
- Considering and providing accommodation for registered sex offenders in partnership with the police and the Head of Social Policy
- Determining applications for house purchase and home improvement loans;
- Assessing and awarding home loss payments
- Promoting community safety and deploying the council's Neighbourhood Response Team
- Authorising legal proceedings in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 and the Crime and Disorder Act 1998
- Providing travelling people's services
- Issuing fixed penalty notices under the Dog Fouling (Scotland) Act 2003
- Running publicity campaigns to any part of the service

Corporate Functions –

- Building Services

11.5 HEAD OF SUPPORT SERVICES

Public Services –

- Community councils (Local Government (Scotland) Act 1973)
- Children's Panel Advisory Committee
- Civic licensing (Civic Government (Scotland) Act 1982; Lotteries and Amusements Act 1976; Gaming Act 1968; Marriage (Scotland) Act 2002)
- Licensing Board (Licensing (Scotland) Act 1976)
- District Court (District Courts (Scotland) Act 1975)
- Safe guardians (Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001)
- Children's Panel

Corporate Functions –

- Community planning, and the West Lothian Community Plan
- Committee Services
- HR People's Strategy
- HR Services
- Corporate Information Technology strategy
- Legal Services
- Members' Services
- Authorising applications under the council's Scheme for Re-imbursment of Employees' Removal and Relocation Expenses
- Payroll services
- Occupational Health and Safety Policy – monitoring effectiveness of the management of the council's health and safety risks
- IT Services
- Mailroom Services
- Courier Service
- Administration Support
- Featurenet Telephone Management Service
- Paying gratuities in terms of the council's Scheme of Gratuities
- Disposing of computer hardware and software (under the Standing Orders for Contracts)

Statutory Appointments –

- Proper Officer for maintaining the list of politically restricted posts (section 2 of the Local Government and Housing Act 1989)
- Proper Officer for registration of personal data, on both electronic and manual systems, with the Information Commissioner (Data Protection Act 1998)

11.6 CHIEF SOLICITOR

Public Services –

- Maintaining the list of Justices of the Peace (District Courts (Scotland) Act 1975)
- Issuing all licences and permits dealt with by Legal Services subject to satisfactory reports being obtained from the appropriate consultees, except where there is a recommendation for refusal when the matter shall be referred to the Licensing Committee (Civic Government (Scotland) Act 1982, Lotteries and Amusements Act 1976, Gaming Act 1968, Marriage (Scotland) Act 2002)
- Council licensing- authorising of: the display of advertisements and signs on taxis in consultation with the chair of the Licensing Committee; full livery

advertisements on taxis; the display of Company name and Logos on private hire cars

- Approving vehicles as wheelchair accessible provided they meet the council's specification
- Refusing applications for taxi driver licences where the applicants have failed the topographical test on two occasions, or have failed to attend for examination without reasonable excuse.
- Issuing exemption certificates to taxi/private hire car drivers who have demonstrated a medical condition preventing them from assisting wheelchair bound passengers to enter/exit the taxi/private hire car.
- Authorising street processions except in cases of difficulty or where adverse observations have been received.
- Imposing a temporary ban or restriction on traffic on roads for public safety or convenience (Roads (Scotland) Act 1984 s 62
- Selling council houses to sitting tenants (Housing (Scotland) Act 2001)
- Issuing fixed penalty notices regarding litter, fly tipping and dog fouling and collection of penalties (Environmental Protection Act 1990, Dog Fouling (Scotland) Act 2003)
- Childrens Panels- exercising the functions of the council in respect of the Panels of Persons established under the Panels of Persons to Safeguard the interests of Children (Scotland) Regulations 2001,including arrangements for the training of panel members.
- Children's Panel Advisory Committee- exercising the functions of the council in respect of the Children's Panel Advisory Committee and the Panel or Panels appointed under the Curator ad litem and Reporting Officers (Panel) (Scotland) Regulations 2001, including arrangements for the training of members of the Committee and Panel or Panels.
- Children's Hearings - exercising the function of the Council in respect of the arrangements for the appointment of legal representatives to children under the Children's Hearings (Legal Representation) (Scotland) Rules 2002.
- Community Councils - exercising the functions of the Council in relation to Community Councils (Local Government (Scotland) Act 1973 and all related subordinate legislation.

Corporate Functions -

- Signing missives and other conveyancing documents and subsequent preparation of deeds.
- Signing notices including compulsory purchase and planning orders where not delegated to another officer and notices and orders on road traffic matters
- Starting and defending legal proceedings
- Settling legal actions and claims

- Engaging private legal firms, Sheriff Officers, patent agents, and parliamentary agents and any other appropriate professional or specialist service when required.
- Engaging counsel and obtain counsel's opinion
- Referring reports to the Procurator Fiscal requesting criminal proceedings be raised in connection with matters arising from statutory enforcement or regulatory powers of the council

Statutory Appointments –

- Clerk of the Peace (District Courts (Scotland) Act 1975 section 18)
- *Clerk to the District Court (District Courts (Scotland) Act 1975 section 7)
- *Clerk to the Licensing Board (Licensing (Scotland) Act 1976 section 7)
- Proper Officer for carrying out procedures for making byelaws (Local Government (Scotland) Act 1973 sections 202, and 202 B)
- Proper Officer for certifying as a true copy an entry in the Register of Byelaws (Local Government (Scotland) Act 1973 section 202B(5))
- Proper Officer for producing a certificate of evidence of Byelaws (Local Government (Scotland) Act 1973 section 204)
- Proper Officer for certifying as evidence of copies of Management Rules. (Civic Government (Scotland) Act 1982 section 113)
- Proper Officer to accept service on council of legal proceedings, notices etc (Local Government (Scotland) Act 1973 section 190)
- Proper Officer for the lodging of claims in sequestration and liquidations (Local Government (Scotland) Act 1973 section 191)
- Proper Officer for the service of notices etc by the council except where specifically delegated elsewhere in this scheme (Local Government (Scotland) Act 1973 section 192)
- Proper Officer for the authentication of notices, orders and documents except where specifically delegated elsewhere in this scheme (Local Government (Scotland) Act 1973 section 193)
- Proper Officer for the execution of deeds and use of the council's seal (Local Government (Scotland) Act 1973 section 194, Requirements of Writing (Scotland) Act 1995 Schedule 2, paragraph 4). This authority is also exercisable by the Principal Solicitors and the nominated Senior Solicitor.

11.7 AREA HOUSING MANAGERS

Statutory Appointments -

- Signing tenancy agreements under the Housing (Scotland) Act 2001 (Local Government (Scotland) Act 1973, section 193)

12. DEVELOPMENT AND ENVIRONMENTAL SERVICES

12.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS

The following officers have the delegated responsibilities as shown below –

- The Heads of Development and Regulatory Services, Operational Services and Property Services reporting to the Director of Development and Environmental Services
- The Principal Trading Standards Officer reporting to the Environmental Health and Trading Standards Manager within Development and Regulatory Services
- The Building Standards Manager reporting to the Planning Manager within Development and Regulatory Services.

12.2 HEAD OF DEVELOPMENT AND REGULATORY SERVICES

Public Services –

(1) Planning

- Carrying out the functions of the council as planning authority in terms of council policy, nationally published policy guidance and best practice advice and the legislative framework set by the relevant acts and regulations including, but not exclusively:
 - Town and Country Planning (Scotland) Act 1997
 - Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
 - Planning (Hazardous Substances) Scotland Act 1997
 - Town and Country Planning (Control of Advertisements) Scotland Regulations 1984
 - Environmental Impact Assessment (Scotland) Regulations 1999
 - Electricity Act 1989
 - Town and Country Planning (General Development Procedure) (Scotland) Order 1992
 - Town and Country Planning (General Permitted Development) (Scotland) Order 1992
 - Town and Country Planning (Use Classes) (Scotland) Order 1997
 - Environment Act 1995
 - Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004
 - Environmental Protection Act 1990

- Countryside (Scotland) Act 1967
 - Land Reform (Scotland) Act 2003
 - Local Government (Scotland) Act 1973
-
- Submitting technical comments to adjoining planning authorities on matters referred to the council for observations.
 - Submitting technical comments and authorisations to statutory undertakers in approving development on operational land.
 - Determining the necessity for planning permission in terms of Part III of the Town and Country Planning (Scotland) Act 1997.
 - Deciding whether the lopping, felling etc. of trees subject to Tree Preservation Orders is necessary in terms of Section 160(6) of the Town and Country Planning (Scotland) Act 1997 and the authorisation of such lopping, felling etc.
 - *Authorising the making of -
 - Emergency Tree Preservation Orders.
 - Building Preservation Notices.
 - Stop Notices and Interim Interdicts.
 - Issuing breach of condition notices and planning contravention notices.
 - Deciding whether to pursue enforcement action except in cases which have been instigated by the local member and that member expressly wishes, after discussion with the Head of Development and Regulatory Services, that action should be taken.
 - Authorising action to remedy an injury to amenity caused by the condition of land or a building.
 - Determining whether an objection to a planning application is a material objection in terms of planning grounds and timescales (as defined by case law and statute) and the determination of whether a planning application accords with the development plan or other Committee approved development control policy.
 - Granting of –
 - (1) Planning permission where applications accord with the development plan and there are no material objections, unless -
 - The Chair or a local member refers the application to the Development Control Committee; or

- the responsible officer refers the application to the Development Control Committee in consultation with the Convener and local member.

(2) Planning permission where applications accord with the development plan and there are material objections numbering less than five, unless: -

- any material objection is made by a statutory consultee, a Community Council or other recognised community group;
- the Chair or a local member refers the application to the Development Control Committee; or
- the responsible officer refers the application to the Development Control Committee in consultation with the Chair and local members.

The powers to grant planning permission in (1) and (2) above include the granting of applications where a section 75 agreement is required if this is in line with council policy and agreement has been reached with the applicant and/or other parties as appropriate.

- Refusing planning permission where applications do not accord with the development plan or other Committee approved development control policy, whether any objection is made or not.
- The powers to grant and refuse planning permission in paragraphs 61 and 62 above shall include granting and refusing applications comprising -
 - advertisement consent.
 - listed building consent.
 - conservation area consent.
 - hazardous substances consent.
 - notices of intention to develop.
 - a certificate of lawfulness of existing use or development.
 - a certificate of lawfulness of proposed use or development.
- The powers to grant and refuse planning permission in paragraphs 61 and 62 above shall include granting and objecting to notices of intention to develop.
- Deciding whether an environmental impact assessment is necessary.
- Deciding the scope of an environmental impact assessment.
- Varying or otherwise of any planning permission, where the variation sought is not material, under Section 64 of the Town and Country Planning (Scotland) Act 1997.
- Advertising applications for planning permission when considered necessary or desirable.

- Determining whether an application for planning permission is of wider public interest resulting in the application requiring to be submitted to the Development Control Committee for decision.
- Determining applications made by the council (notices of intention to develop) or applications in which the council has a financial interest, and which have attracted no objections.
- Submitting the council's case on appeals to the Scottish Ministers on -
 - refusal of planning permission.
 - non-determination of planning permission.
 - the imposition of a condition.
 - enforcement notices and notices requiring the proper maintenance of land.
- Determining whether the council would wish an appeal to the Scottish Ministers to be held on the basis of a public hearing or written submissions.
- Issuing certificates for development control and building control under Section 23 of the Licensing (Scotland) Act 1976.
- Lodging objections on behalf of the council on development control and building control matters under Section 16 of the Licensing (Scotland) Act 1976.
- Authenticating documents in respect of all delegated decisions relating to development control (Section 193 of Local Government (Scotland Act 1973).
- Exercising rights of entry to land for the purposes of general planning control and enforcement under Parts VI and XIV of the Town and Country Planning (Scotland) Act 1997.
- Processing applications for and issue of property enquiry certificates.

(2) Public Transport

- Carrying out the public transport functions of the council in terms of council policy, nationally published policy guidance and best practice advice and the legislative framework set by the relevant acts and regulations including, but not exclusively:
 - Transport Act 1985
 - Transport (Scotland) Act 2001
 - Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958
 - Licensing (Scotland) Act 1976
 - Local Government (Scotland) Act 1973

- Making arrangements for supported bus services.
- Assessing whether people are eligible for all forms of concessionary travel including, as appropriate, national schemes and schemes approved by the council.
- Providing transport for pupils and students (other than those with special needs) in accordance with the council's agreed scheme.
- Erecting bus stops, shelters and information panels.

(3) Environmental Health and Trading Standards

- Exercising all powers and duties of the council including the issue and service of notices as environmental health authority, trading standards authority, food authority, enforcement authority, local authority or appropriate authority under legislation relating to environmental health (including food safety), and trading standards matters (including weights and measures, consumer protection, consumer credit, trade descriptions, and animal health), within the legislative framework set by the relevant acts and regulations including, but not exclusively:
 - Agricultural Product (Grading & Marking) Acts 1928 & 1931
 - Agriculture (Miscellaneous Provisions) Act 1968
 - Agriculture Act 1970
 - Animal Boarding Establishment Act 1963
 - Animal Health Act 1981
 - Antisocial Behaviour etc (Scotland) Act 2004
 - Breeding of Dogs Act 1973-91
 - Burgh Police (Scotland) Act 1892-1911
 - Caravan Sites and Control of Development Act 1960
 - Children & Young Persons (Protection From Tobacco) Act 1991
 - Cinematography Acts 1909-1952
 - Civic Government (Scotland) Act 1982
 - Clean Air Act 1993
 - Consumer Credit Act 1974
 - Consumer Protection Act 1987
 - Control of Pollution (Amendment) Act 1989
 - Control of Pollution Act 1974
 - Control of Smoke Pollution Act 1989
 - Dangerous Wild Animals Act 1976
 - Deer (Scotland) Act 1959
 - Development of Tourism Act 1969
 - Dog Fouling (Scotland) Act 2003
 - Education Reform Act 1988

- Energy Act 1976
- Energy Conservation Act 1981
- Enterprise Act 2002
- Environment Act 1995
- Environmental Protection Act 1990
- Estate Agents Act 1979
- European Communities Act 1972
- Explosives Act 1875
- Explosives (Age of Purchase) Act 1976
- Factories Act 1961
- Fair Trading Act 1973
- Food and Environment Protection Act 1985
- Food Safety Act 1990
- Fireworks Act 2003
- Food and Environmental Protection Act 1985
- Hallmarking Act 1973
- Health & Safety at Work Act 1974
- Health Services and Public Health Act 1968
- Housing (Scotland) Act 1987
- Licensing (Scotland) Act 1976
- Litter Act 1983
- Mines and Quarries Act 1954
- Motor Cycle Noise Act 1987
- National Health Service Amendment Act 1986
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Official Feed and Food Controls (Scotland) Regulations 2005
- Olympic Symbol (Protection) Act 1995
- Pesticides (Fees and Enforcement) Act 1989
- Pet Animals Act 1951
- Petroleum (Consolidation) Act 1928
- Public Health (Scotland) Acts 1897-1945.
- Petroleum (Transfer of Licences) Act 1936
- Poisons Act 1972
- Prevention of Damage by Pests Act 1949
- Price Acts 1974 & 1975
- Private Water Supplies (Scotland) Regulations 2006
- Property Misdemeanors Act 1991
- Refuse Disposal (Amenity) Act 1978
- Riding Establishments Acts 1964-70
- Sewerage (Scotland) Act 1968
- Smoking, Health and Social Care (Scotland) Act 2005
- Telecommunications Act 1984
- The Meat (Enhanced Enforcement Powers) (Scotland) Regulations 2000

- The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002
 - The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
 - Theatres Act 1968
 - Timeshare Act 1992
 - Tobacco Advertising and Promotion Act 2002
 - Trade Descriptions Act 1968
 - Trade Marks Act 1994
 - Transmissible Spongiform Encephalopathies (Scotland) Regulations 2002
 - Unsolicited Goods and Services Acts 1971 & 1975
 - Video Recordings Act 1984
 - Water (Scotland) Act 1980
 - Water Act 1989
 - Weights and Measures Act 1985
 - Wildlife and Countryside Act 1981
 - Young Persons (Employment) Act 1938
 - Zoo Licensing Act 1981.
- Granting conditionally or otherwise, refusing or suspending where legally appropriate, and designating officers to grant conditionally or otherwise, refuse or suspend where legally appropriate, licenses, registrations, recognitions or approvals in terms of the legislation referred to above.
 - Issuing fixed penalty notices under the Dog Fouling (Scotland) Act 2003
 - Issuing fixed penalty notices under the Smoking, Health and Social Care (Scotland) Act 2005
 - Appointing a Public Analyst and a Food Examiner in terms of the Food Safety Act 1990, section 27.
 - Appointing an Agriculture Analyst in terms of the Agriculture Act 1970, section 67.

(4) Transportation

- Carrying out the transport functions of the council in terms of council policy, nationally published policy guidance and best practice advice and the legislative framework set by the relevant acts and regulations including, but not exclusively:
 - Roads (Scotland) Act 1984
 - Road Traffic Regulation Act 1984
 - Road Traffic Act 1987
 - Construction (Design and Management) Regulations 1994
 - Town and Country Planning (Scotland) Act 1997

- Planning (Hazardous Substances) Scotland Act 1997
- Environmental Impact Assessment (Scotland) Regulations 1999

- Developing and implementing transportation policies
- Maintaining the council's list of public roads
- Promoting road safety
- Developing and implementing traffic management policies
- Authorising orders and experimental orders to be prepared and made to give effect to Council Executive decisions on regulating traffic, and setting up traffic management schemes and other powers. All these must be reported back to the Council Executive if there are unresolved objections. The Head of Development and Regulatory Services may also give comments to other authorities on their proposed orders.
- Exercising the council's functions as roads authority in relation to new developments
- Granting all road construction applications except -
 - where there are unresolved objections;
 - where the application is recommended for refusal; and
 - when an applicant wishes to be heard by the Council Executive in connection with a conditional consent or refusal that has been recommended.
- Designing new roads projects
- Construction and maintenance of highways structures
- Submitting technical comments to other authorities on matters referred to the council for observations.

- Consulting on, preparing and publishing appropriate performance information including statutory performance indicators.

Corporate Functions -

- Negotiating agreements under sections 69 and 75 of the Town and Country Planning (Scotland) Act 1997 where such agreements are necessary to address issues resulting from development proposals and where such issues cannot reasonably be dealt with by way of a condition on the planning permission.
- Providing advice to the West Lothian Licensing Board.
- Issuing Improvement and Prohibition Notices under the Health & Safety at Work Act 1974.
- Inspecting of houses in multiple occupation.
- Advising Legal Services on licensing of various functions including, but not exclusively, traders, late hours catering, children certificates, houses in multiple occupation, taxis and second hand dealers.

- Carrying out actions necessary to achieve implementation of relevant projects on the council's General Services Capital Programme.
- Providing mapping services.
- Providing information and statistics particularly, but not exclusively, on demographics.
- Co-ordinating Strategic Environmental Assessment procedures within the council.
- Delivering the council's responsibilities under land reform legislation.
- Representing the council's interest in structure plan processes.
- Representing the council's interest in SESTRAN.
- Representing the council's interest in the regional transport strategy process.
- Membership of the Forth Estuary Transport Authority (FETA).

Statutory Appointment –

- Authenticating documents in respect of all delegated decisions relating to environmental health and development control (Local Government (Scotland) Act 1973, section 193)

12.3 PRINCIPAL TRADING STANDARDS OFFICER

Statutory Appointment –

- *Chief Inspector of Weights and Measures (Weights and Measures Act 1985, section 72)

12.4 BUILDING STANDARDS MANAGER

Public Services -

- *Carrying out the functions of the council as building standards authority in terms of council policy, nationally published policy guidance and best practice advice and within the legislative framework set by the relevant acts and regulations including, but not exclusively:
 - Building (Scotland) Acts 1959 & 1970
 - Building (Scotland) Act 2003
 - Housing (Scotland) Act 2006
 - Civic Government (Scotland) Act 1982

- Licensing (Scotland) Act 1976
- Safety of Sports Grounds Act 1975
- Fire Safety and Safety of Places of Sport Act 1987.
- Providing pre application advice on building warrant applications.
- Processing of applications for letters of comfort for unauthorised works.
- Inspecting and licensing of houses in multiple occupation.
- Inspecting and licensing of public entertainment and general licensing.
- *Instructing direct action and recovery of costs in the case of a Dangerous Building Notice.
- *Instructing direct action and recovery of costs in the case of a Defective Building Notice.
- Submitting technical comments to other authorities on matters referred to the council for observations.
- Consulting on, preparing and publishing appropriate performance information including statutory performance indicators.

Corporate Functions -

- Advising the West Lothian Licensing Board.
- Notices under the Housing (Scotland) Act 2006.

Statutory Appointment –

- Authenticating documents in relation to building control (Local Government (Scotland) Act 1973, section 193)

12.5 HEAD OF OPERATIONAL SERVICES

(1) Domestic Services

Carrying out the services set out below in terms of the following legislation -

- Health and Safety at Work Act 1974

- Food Safety Act 1990
- Food Hygiene (General Food Hygiene) Scotland Regulations 1995
- Food Safety (Temp control) Regulations 1995
- Food Labelling Regulations 1996
- Food Premises (Registration) Regulations 1991

Public Services: -

- Providing a catering service to schools and other organisations.
- Providing a building cleaning service to schools and other organisations.

Corporate Functions: -

- Catering for meetings
- Catering for civic events
- Providing a special cleaning service following building or renovation work.

(2) Fleet and Community Transport Services

Carrying out the services set out below in terms of the following legislation –

- Health and Safety at Work Act 1974
- Noise at Work Regulations 1989
- Road Traffic Act
- Drivers Hours & Tachograph Regulations
- Construction & Use Regulations

Public Services: -

- Operating an MOT station.

Corporate Functions: -

- Providing a vehicle maintenance service for the council's fleet.
- Managing the council's fleet portfolio
- Administering the hire pool
- Transporting clients to various locations throughout West Lothian.
- Delivering lunch club and meals from production centres to local units.
- Collecting and delivering internal mail.

(3) Inprint

Carrying out the service set out below in terms of the following legislation –

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Provision and Use of Work Equipment Regulations 1998

- Manual Handling Operations Regulations 1992
- Health and Safety (Display Screen Equipment) Regulations 1992
- The Control of Substances Hazardous to Health 1998
- Health and Safety (First Aid) Regulations 1981
- Electricity at Work Regulations 1989
- Personal Protective Equipment at Work Regulations 2002
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Safety Signs and Signals Regulations 1996
- Fire Precautions (Workplace) Regulations 1997
- Workplace Health Safety and Welfare Regulations 1992
- Control of Noise at Work Regulations 1989

Corporate Functions:-

- Providing a full printing and reprographics service from design to delivery.

(4) Neighbourhood Environmental Teams (NET's) and Land Services

Carrying out the services set out below in terms of the following legislation –

- Burial Grounds (Scotland) Acts
- Property and Endowments Acts
- Births Deaths and Marriages (Scotland) Acts
- Roads (Scotland) Acts
- Wildlife and Countryside Acts
- Road Traffic Acts
- Employment Acts
- Planning and Conservation Acts
- Financial Governance Acts
- Local Government (Scotland) Acts
- Freedom of Information Act
- Environmental Information Regulations
- Health and Safety at Work Act 1974
- Road Traffic Act
- Health and Safety at Work Act 1974
- Civic Government (Scotland) Act 1982
- Control of Pollution Act 1974
- Control of Pollution (Amendment) Act 1989
- Dog Fouling (Scotland) Act 2003
- Environmental Protection Act 1990
- Environment Act 1995
- Litter Act 1983
- Public Health (Scotland) Acts 1897-1945
- Refuse Disposal (Amenity) Act 1978

- Roads (Scotland) Act 1984
- Road Traffic Regulation Act 1984
- Anti-Social Behaviour etc (Scotland) Act 2004
- Town and Country Planning (Scotland) Act 1997

Public Services: -

- Managing, developing and maintaining –
 - parks and open spaces
 - play areas
 - woodlands and street trees
 - cemeteries, including the provision of bereavement services.
- Managing and maintaining war memorials and other public sites for commemoration of those who died in the service of their country.
- Managing and delivering -
 - Neighbourhood Environment Teams.
 - the council's garden maintenance scheme for the elderly and disabled.
 - street cleansing service applied to all adopted roads, footpaths, civic centres, hard surfaces and rural roadside verges.
 - Environmental Wardens Service.
- Issuing fixed penalty notices in terms of the Dog Fouling (Scotland) Act 2003
- Providing clean and accessible public toilets
- Providing support and grants for public events including the provision of bunting for gala days and public events

Corporate Functions: -

- Developing policies, strategies and systems to support the management of assets.
- Open Space Strategy
- Open Space Asset Management Plan

(5) Roads Services

Carrying out the services set out below in terms of the following legislation –

- Health and Safety at Work Act 1974 and associated regulations
- Roads (Scotland) Act 1984
- Road Traffic Regulation Act 1984
- New Roads and Street Works Act 1991
- Road Traffic Reduction Act 1997
- The Road Traffic Reduction (National Targets) Act 1998
- Transport (Scotland) Act 2004
- Coast Protection Act 1949
- Reservoirs Act 1975
- Flood Prevention (Scotland) Act 1961
- Water Environment and Water Services Act 2003
- Local Government in Scotland Act 2003
- Electricity Supply Act 1988
- Railways and Transport Safety Act 2003
- Public Service Vehicles Act 1981
- Transport (Scotland) Act 2001
- Vehicle Excise and Registration Act 1994
- Transport Act 1968
- Vehicles (Crime) Act 2001

Public Services: -

- Managing and maintaining the –
 - public roads network.
 - public footpath network.
- Delivering flood prevention works to non-agricultural land.
- Managing and maintaining -
 - the winter maintenance service on public roads and footpaths.
 - all grit bins.
- Maintaining -
 - street and traffic lighting.
 - illuminated signs and bollards.
- Installing and maintaining nameplates in West Lothian.
- Providing a street crossing patrol service for all locations which meet guidelines.
- Co-ordinating roadworks with statutory undertakers and contractors in West Lothian.
- Issuing road permits for the occupation and opening up of roads.

Corporate Functions: -

- Providing Christmas and festive lighting
- Providing bunting for gala days and public events

(6) Waste Management Services

Carrying out the services set out below in terms of the following legislation –

EU Directives –

- Waste Framework Directive (75/442/EEC)
- Hazardous Waste Directive (91/689/EEC)
- Landfill Directive 99/31/EC 1999 -
- Incineration of Waste Directive (2000/76/EEC)
- Batteries and Accumulator Directive (91/157/EEC)
- Restriction of Use of Hazardous Substances Directive (2000/95/EEC)
- Waste Electrical and Electronic Equipment Directive (2002/96/EEC)
- Integrated Pollution Prevention and Control Directive ((96/61/EEC)

UK Legislation –

- Health and Safety at Work Act 1974
- Environmental Protection Act 1990 – chapter 43 Part II, and in particular -
 - section 33 - prohibiting the harmful deposit etc of waste on land
 - section 35 - requiring waste management licences
 - section 45 – collection, disposal or treatment of controlled waste
 - sections 46 and 47 - receptacles for wastes and the frequency of collection
 - section 51 – functions of waste disposal authorities
- Environment Act 1995 - schedule 12
- Waste and Emissions Trading Act 2003
- Landfill Allowance Scheme (Scotland) Regulations 2005
- Animal By-Products (Amendment) (Scotland) Order 2001
- Animal By-Products (Scotland) Regulations 2003
- Controlled Waste Regulations 1992
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
- Environmental Protection (Duty of Care) Regulations 1991
- Transfrontier Shipment of Waste Regulations 1994
- Landfill (Scotland) Regulations 2003
- Litter (Fixed Penalty Notices) (Scotland) Order 2004
- Special Waste Regulations 1996
- Special Waste Amendment (Scotland) Regulations 2004

- Waste Incineration (Scotland) Regulations 2003
- Waste Management Licensing Regulations 1994
- Waste Management Regulations 1996
- Waste (Scotland) Regulations 2005

Public Services: -

- Collecting refuse from all domestic and commercial properties on request.
- Recycling, from households, bring sites, Community Recycling Centres, internal council services and commercial premises
- Providing community uplifts.
- Providing a waste disposal service.

Corporate Functions: -

- Recycling waste material from council offices
- Organising Waste Forums to raise awareness of recycling within council buildings
- Providing education and awareness sessions on waste management and recycling for -
 - council employees
 - school children, and
 - community groups.

12.6 HEAD OF PROPERTY SERVICES

Public Services -

- Managing and developing Country Parks
- Managing the council's portfolio of commercial property
- Developing tourism
- Managing town centres
- Developing an economic strategy for West Lothian
- Managing small businesses grants and loans
- Maintaining a West Lothian Business Directory
- Providing business advisory services
- Delivering employment initiatives.
- Issuing fixed penalty notices in terms of the Dog Fouling (Scotland) Act 2003

Corporate Functions -

- Acquiring land and buildings for the council, and disposing of such surplus property in accordance with the Standing Orders for Contracts, as follows –

- (1) signing all offers on behalf of the council to let or take on lease properties where: -
 - the length of the lease is between one month and five years and the exclusive rent is no more than £20,000 a year or
 - length of the lease is no more than one month and the rent is no more than £3,000 a month
- (2) negotiating and obtaining any waiver, indemnity or superiority rights, for no more than £10,000 which might be necessary in connection with disposing of property or the council's use of property.
- (3) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties.
- (4) negotiating rent reviews of up to £20,000 a year.
- (5) negotiating the buying and selling of small portions of land, property and property rights to help with the council's use of, or proposals for, their property portfolio up to £20,000.
- (6) Issuing notices to quit regarding short term lets
- (7) agreeing to proposed transfers of leases where the council is landlord.
- (8) negotiating the buying of land and property as long as it has been specifically budgeted for.
- (9) deciding how to market surplus property and whether to dispose of it by sale or lease, and instructing the Chief Solicitor to accept the highest offer. (If an offer other than the highest is recommended the matter must be considered by committee).
- (10) authorising the assignation of leases (regardless of the terms of the lease), provided satisfactory bankers' references are available.
- (11) granting of consent to applications for alteration of leases to extend the user class, provided such extension is regarded as being of a minor nature and not likely to be controversial.
- (12) authorising the sale or lease of small areas of land for public utility purposes and the granting of wayleaves, in consultation with the local member.

(13) agreeing to alterations in the names of purchasers or lessees of council property in instances where the original transaction was approved by the council, provided that there is no change in the principal terms and objectives of the transaction.

- Developing the corporate Asset Management Plan
- Co-ordinating an Energy and Water Strategy
- Managing council headquarter buildings
- Advising on construction and maintenance of all council buildings
- Providing services to ensure statutory compliance of all Council buildings
- Appointing consultants in connection with building and engineering works

13. EDUCATION AND CULTURAL SERVICES

13.1 DELEGATED RESPONSIBILITIES AND REPORTING LINKS

The following officers have the delegated responsibilities as shown below –

- the Heads of Education Development, Education Quality Assurance, and Cultural Services, and the Headteachers reporting to the Director of Education and Cultural Services.

13.2 DIRECTOR OF EDUCATION AND CULTURAL SERVICES

Corporate Functions –

- Appointing Headteachers in accordance with the decision of each Appointment Panel (Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007)

13.3 HEAD OF EDUCATION DEVELOPMENT

Public Services –

- Consulting on, preparing and publishing the annual statement of education improvement objectives

- Carrying out the functions of the council as Education Authority in terms of council policy, the National Priorities for Education, and the legislative framework set by the following Acts: -
 - Children' and Young Persons (Scotland) Act 1937
 - Education (Scotland) Act 1980
 - Road Traffic Regulation Act 1984
 - Self-Governing Schools etc. (Scotland) Act 1989
 - Children (Scotland) Act 1995
 - Standards in Scotland's Schools etc. Act 2000
 - Education (Additional Support for Learning) Act 2004
 - Scottish Schools (Parental Involvement) Act 2006

subject to the council's Scheme of Devolution of School Management.

- Maintaining and improving school infrastructure and environment.
- Admitting pupils to schools and pre-school establishments and transferring pupils between primary and secondary schools.
- Determining the removal of places granted for admission to all stages of education provision.
- Planning the provision of pre-school and school education.
- Planning and providing wraparound care.
- Supporting the election, operation and training of school representative bodies.
- Providing education maintenance allowances, free school meals, clothing grants and bursaries.
- Determining: -
 - requests for lets of educational premises, where not otherwise delegated
 - requests for licensed functions in education premises
 - requests for the employment of children
 - applications for licences for stage or theatrical performances by children

13.4 HEAD OF EDUCATION QUALITY ASSURANCE

Public Services –

- Consulting on, defining and publishing measures and standards of performance for schools; reviewing the quality of education in schools; and taking appropriate action to ensure that performance in schools is satisfactory.
- Consulting on, preparing and publishing the annual statement of education improvement objectives.
- Carrying out the functions of the council as Education Authority in terms of council policy, the National Priorities for Education, and the legislative framework set by the following Acts: -
 - Children' and Young Persons (Scotland) Act 1937
 - Education (Scotland) Act 1980
 - Road Traffic Regulation Act 1984
 - Self-Governing Schools etc. (Scotland) Act 1989
 - Children (Scotland) Act 1995
 - Standards in Scotland's Schools etc. Act 2000
 - Education (Additional Support for Learning) Act 2004
 - Scottish Schools (Parental Involvement) Act 2006

subject to the council's Scheme of Devolution of School Management.

- Providing an additional learning needs service including transport.
- Providing a psychological service.
- Providing an extended curriculum service (study support, enterprise education and vocational studies).

Corporate Functions –

- Negotiating on behalf of the council at the Local Negotiating Committee for Teaching Staff, determining any matters arising within the scope of delegated powers, and implementing agreements reached.
- Providing continuous personal development for school staff.

13.5 HEAD OF CULTURAL SERVICES

Public Services –

- Consulting on, preparing and publishing the annual statement of education improvement objectives, in relation to the contribution of the cultural services.
- Exercising the functions of the council in terms of the following Acts and all related subordinate legislation:-
 - Public Libraries Consolidation (Scotland) Act 1887
 - Local Government (Scotland) Act 1973
 - Local Government and Planning (Scotland) Act 1982
- Providing libraries, museums, archives and local history service.
- Providing an arts and music service.
- Providing a sports and leisure service.
- Providing an outdoor education service.
- Providing a community learning and development service.

Corporate Functions –

- Providing an Archives and Records Management service.

13.6 HEAD TEACHERS (including ACTING HEAD TEACHERS)

Corporate Functions –

- Appointing Depute Headteachers in accordance with the decision of each Appointment Panel (Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007)

Public Services

- Providing school education.
- Carrying out the functions of the council as Education Authority in terms of council policy, the National Priorities for Education, and the legislative framework set by the following Acts –
 - Children’s and Young Person’s (Scotland) Act 1937
 - Education (Scotland) Act 1980
 - Road Traffic Regulation Act 1984
 - Self-Governing Schools etc (Scotland) Act 1989
 - Children (Scotland) Act 1995
 - Standards in Scotland’s Schools etc Act 2000
 - Educational (Additional Support for Learning) (Scotland) Act 2004
 - Scottish Schools (Parental Involvement) Act 2006

subject to the council’s Scheme of Devolution of School Management.