

FALKIRK COUNCIL

Subject: IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 – PROPOSED PROCEDURES FOR LOCAL REVIEW BODY MEETINGS
Meeting: PLANNING COMMITTEE
Date: 23 September 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION AND CONTEXT

- 1.1 The purpose of this report is to seek approval of proposed administrative procedures for the undertaking of local reviews by the Council's Planning Review Committee.
- 1.2 The Planning etc. (Scotland) Act 2006 made provision for major changes to the delivery of planning services across Scotland, including a new development management system. Central to this new system is a more proportionate way of processing and determining applications, based on a new hierarchy of development comprising national, major and local developments.
- 1.3 The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 require local authorities to implement a number of key actions as part of the new development management system. These include:
 - The preparation and submission to Scottish Ministers of a scheme of delegation for their approval, which sets out which applications will be determined by an appointed officer. The appointed officer is authorised to determine any application delegated under the scheme.
 - The establishment of a local review body to determine requests by applicants to review a decision of the appointed officer in respect of an application for a local development or the failure of the appointed officer to determine an application for a local development.
 - The introduction of procedures for conducting reviews.
- 1.4 An officer's report on local review bodies and schemes of delegation was considered by the Council at its meeting on 24 June 2009. This report is attached as Appendix 1. At this meeting, proposed amendments to the existing Scheme of Delegation were agreed. The agreed scheme was subsequently submitted for the approval of Scottish Ministers in respect of the delegation of powers for the determination of applications for local developments. Written approval of the scheme by Scottish Ministers was received on 29 July 2009 and it came into force on 3 August 2009.

- 1.5 Proposed amendments to the Council's existing Standing Orders were also agreed at the Council's meeting on 24 June, in order to establish a Planning Review Committee to implement the Council's new local review body function. The agreed amendment provides for a 5 member Planning Review Committee comprising the Convener and Depute Convener of the Planning Committee and three other members drawn from the Planning Committee on a rota basis. The agreed quorum for each Planning Review Committee meeting is 3.
- 1.6 It was agreed at the Council's meeting on 24 June that approval of the administrative procedures for the Council's local review body process would be delegated to the Planning Committee. Accordingly, this report to the Planning Committee seeks approval in respect of these procedures.
- 1.7 The officer's report prepared for the Council's meeting on 24 June considered the legal, financial and personnel implications for the Council arising from the introduction of a local review body.

2. LOCAL REVIEW BODIES

- 2.1 The new Act provides for an applicant for planning permission to seek a review of the decision taken by the appointed officer under the new Scheme of Delegation for local development, or of the failure of the appointed officer to determine an application for local development within the specified time period (deemed refusal). This replaces the existing appeal process to the Scottish Government for applications which are now described as local developments. The regulations require a request for a review to be conducted by a local review body, which will operate as a Committee of the Council comprising a minimum of three elected members. The purpose of the review is to consider those matters that were before the appointed officer at the time of the initial determination. Additional matters shall not be raised unless it can be demonstrated that they could not have been raised before that time or that exceptional circumstances prevail.
- 2.2 The administrative procedures for the review process are outlined to an extent in the regulations. The regulations set out procedures on the steps to be taken by the applicant in requiring a review and by the local review body in notifying interested parties of the review and in determining the review. The regulations provide the local review body with discretion over a number of matters in relation to the procedure to be followed and the manner in which the review is to be conducted.
- 2.3 An applicant, in requiring a review, must serve a notice on the local review body. Having been so notified, the local review body must carry out certain administrative functions within 14 days including acknowledging the application, giving notice of the review to interested parties and inviting representations within a further 14 days. Committee are asked to authorise Council officers to carry out all necessary administrative functions on behalf of the Planning Review Committee in connection with any review request prior to its initial meeting to consider the review.
- 2.4 When the Planning Review Committee first meets to consider a review, it may decide that the review documents provide sufficient information to determine the review without further procedure in which case it may determine the review there and then. It may, however, consider that it requires further information or representations (beyond the review documents) and it may require this by means of written submissions, the holding of one or more hearing sessions, an inspection of the land or a combination of these. The Planning Review Committee may make an unaccompanied or accompanied site inspection and may request further representations or information at any stage of the review.

- 2.5 It is also open to the Planning Review Committee to hold a pre-examination meeting to consider the manner in which the review or any stage of the review is to be conducted. It is expected that a pre-examination meeting should only be necessary in the most complex cases when possibly more than one method of information gathering is likely to be employed in the review process.
- 2.6 It is anticipated that in the majority of cases there will be no requirement for further procedure beyond the initial review documents, unless the review deals with a deemed refusal or refusal on the grounds of insufficient information. There will be situations, however, where it may be advantageous to request written submissions while a hearing procedure may be beneficial in technical and complex cases where disputes of fact cannot be readily resolved by written exchanges. A hearing may also be beneficial for controversial cases incurring large numbers of objectors. It is likely that, in many cases, a site visit, whether accompanied or unaccompanied will be appropriate in connection with a review.
- 2.7 The Scottish Ministers expect the determination arrangements put in place to follow a process that is demonstrably fair and transparent. All meetings of the local review body are required to be held in public. Any member having expressed a prior view on an application would be prohibited from determining the review. It will be important for members of the Planning Committee to receive appropriate training before sitting on the Planning Review Committee.
- 2.8 Suitable arrangements will need to be made for legal, technical and administrative support to the Planning Review Committee. It is suggested that Law and Administration Services administer the meetings of the Planning Review Committee as is currently done for other committees while Development Services carry out the administrative functions mentioned in 2.3. Additionally, it is suggested that there should be support from Development Services at an appropriate level and that the officer(s) concerned should not have had any involvement in the delegated decision process for that application, so that the advice is seen as independent and impartial. Alternatively, there is scope for establishing reciprocal agreements with neighbouring planning authorities or retaining an external consultant(s).
- 2.9 The regulations make provision for the appointment of an assessor to sit with the local review body at a hearing session to advise them on matters which may arise. It may be appropriate to consider the retention of external consultants in certain fields with a view to providing factual and technical advice when required.
- 2.10 A proposed procedure for the Council's Planning Review Committee is attached as Appendix 2. It reflects the procedures set out in the regulations and seeks to strike a balance between dealing with the review in an efficient manner and providing all parties with a reasonable opportunity for participation, where appropriate. For example, relevant parties will normally be required to make further representation or submit further information within 14 days of being requested to do so by the Planning Review Committee and a review decision notice will normally be issued within 21 days of the review, however it is recognised that longer timescales may be required depending on the circumstances. In addition and when appropriate, in order to minimise the need for further procedure, an inspection of the site by the Planning Review Committee will normally occur in advance of the initial review meeting.

3. CONCLUSION

- 3.1 This report considers the administrative procedures for the local review process as informed by regulation and sets out proposals for procedure at the Council's Planning Review Committee meeting. It is considered that the proposals should reflect an interim position subject to a six monthly review.

4. RECOMMENDATION

4.1 It is recommended that the Planning Committee:

- (a) Authorise Council officers to carry out all necessary administrative functions on behalf of the Planning Review Committee in connection with any review request prior to its initial meeting to consider the review.
- (b) Agree the procedural guidelines for the Planning Review Committee set out in Appendix 2 to this report (as an interim position).
- (c) Note that a report reviewing the first six months of operation of the Planning Review Committee will be brought back to the Committee in March 2010.

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Director of Development Services

Date: 15 September 2009

LIST OF BACKGROUND PAPERS

- 1. The Planning etc (Scotland) Act 2006
- 2. The Town and Country Planning (Schemes of Delegation and Local Review Proecture) (Scotland) Regulations 2008

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

FALKIRK COUNCIL

**Subject: IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 –
LOCAL REVIEW BODIES AND SCHEMES OF DELEGATION**
Meeting: FALKIRK COUNCIL
Date: 24 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION AND CONTEXT

1.1 The purpose of this report is to:

- (a) consider the detailed provisions contained in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- (b) seek approval for amendments to the existing Standing Orders, particularly the Scheme of Delegation for general planning matters.

1.2 The Planning etc (Scotland) Act 2006 made provision for major changes to the delivery of planning services across Scotland including a new Development Management system. These changes are part of the modernising planning agenda which seeks to improve the delivery of planning services and make the system fit for purpose and more open, transparent and efficient.

1.3 Central to this system is a more proportionate way of processing and determining applications based on a new hierarchy of developments comprising:

- **National developments**, set out in the National Planning Framework all of which fall to be determined by full Council;
- **Major developments**, determined by local authorities and subject to enhanced consultation and scrutiny, including a requirement in certain instances to be determined by Council rather than a committee of the Council where the recommendation, if approved, would result in significant departure from the Development Plan; and
- **Local developments**, determined by local authorities with significant delegation to an 'appointed officer'.

1.4 The Schemes of Delegation and Local Review Procedure Regulations 2008 require local authorities to implement a number of key actions. These include:

- The preparation and submission to Scottish Ministers of a scheme of delegation for their approval, which sets out which applications will be determined by an appointed officer;

- The means of identification of an appointed officer authorised to determine any application delegated under the scheme;
 - The establishment of a Local Review Body to determine requests by applicants to review a decision of the appointed officer in respect of an application for a local development or the failure of the appointed officer to determine an application for a local development;
 - The introduction of procedures for conducting reviews, whether by written submission or hearing, and consideration of whether an assessor is required in any case to advise the Local Review Body and how such an assessor is appointed.
- 1.5 The changes set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 are currently being phased in. The regulations relating to production of a scheme of delegation for local development came into force on 6 April 2009. It is expected that local authorities should submit a scheme of delegation to Scottish Ministers by 30 June 2009. The remaining changes under the regulations, including the creation of a Local Review Body, come into force on 3 August 2009.
- 1.6 The classes of major development and the related thresholds and criteria are set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The schedule describing major developments is attached to this report as Appendix 1. All development other than national developments and major developments belong to the category of local developments.

2. EXISTING SITUATION

- 2.1 Planning authorities currently operate schemes of delegation under provisions of the Local Government (Scotland) Act 1973. These schemes delegate authority from Members to enable officers to take decisions on planning applications and a wider range of other planning matters such as determining applications for listed building consent and conservation area consent as well as decisions on a range of other administrative processes which may include enforcement action. These existing powers for delegation of decisions in relation to other applications will remain largely unaffected by the modernising proposals.
- 2.2 The Council's existing Scheme of Delegation delegates authority to the Director of Development Services to take a variety of planning decisions. This scheme is an interim one following changes in October 2007 to the then existing Scheme of Delegation and pending introduction of the new regulations. The interim scheme sought to address concerns by Members over what might be perceived as a subjective judgement as to what applications might be deemed as 'controversial'. The previous scheme had provided for those applications deemed by the Director of Development Services to be controversial to be determined by the Planning Committee. Provision within the interim scheme for Members to refer any application to the Planning Committee was intended to give Members a more defined role in the decision making on applications considered of public interest.

3. PROPOSALS

Scheme of Delegation

- 3.1 The 2006 Act provides for planning authorities to adopt a scheme of delegation that describes the circumstances in which officers can take decisions in respect of planning applications within the category of 'local developments'. It is proposed by the Scottish Government that officers will take the full range of decisions on applications for local developments: approval; approval with conditions; and refusals. The scheme will be required to be revised every 5 years.
- 3.2 The regulations provide scope for planning authorities to draft schemes of delegation that are appropriate for their circumstances, and only prohibits from delegation applications by or in which planning authorities or their Members have a financial or ownership interest. Beyond these matters it is for the planning authority to make a judgment on the extent to which delegation to officers is permitted.
- 3.3 The Scottish Government considers that the new provisions are central to the modernising planning agenda and are designed to ensure that the process is more efficient and proportionate. It is envisaged that Members will, in terms of the development management function, focus on determining major development proposals of strategic importance or proposals which raise significant controversy or policy issues. It should be noted that the Planning Committee would maintain a decision-making interest in applications for local development in terms of those items excepted from delegation to officers and further, should there be any request by the applicant for the decision of the appointed officer to be reviewed this review would be undertaken by a Local Review Body comprising, it is proposed, Planning Committee Members.
- 3.4 It is proposed that the existing Scheme of Delegation be amended to detail the circumstances where delegated powers will not apply in relation to both major and local developments with reference to the new hierarchy of developments. The proposed amended Scheme of Delegation is attached as Appendix 2. The circumstances where delegated powers will not apply are listed as circumstances (i) to (vii). Circumstances (i), (ii) (insofar as it relates to applications by a member of the planning authority) and (iii) reflect the matters that are prohibited under the regulations from being delegated, at least in relation to local developments. Circumstances (iv) (vi) and (vii) are retained from the existing Scheme of Delegation. Circumstance (v) is a new provision. Circumstance (vi) retains the existing provision to enable individual Members to request referral of an application to the Planning Committee for consideration. A new proposal is that the Member would be required to include a statement of reasons for the request. It is considered that this requirement would accord with the modernising planning agenda to make the delivery of planning services more open and transparent and would ensure conformity with S43A (7) of the 1997 Act.

Appointed Officer

- 3.5 The appointed officer as referred to in Regulation 3 is the person who is to determine all applications specified in terms of the Scheme of Delegation. It is suggested that the "appointed officer" could be the Director of Development Service who has power, in terms of the Council's Standing Orders, to authorise others to act on her behalf and this can be replicated in the new arrangements. However, there is no requirement to explain in the new Scheme of Delegation which officers would be appointed to determine individual applications.

Local Review Body

- 3.6 The new Act provides for an applicant for planning permission to seek a review of the decision taken by the appointed officer under the new scheme of delegation for local development, or of the failure of the appointed officer to determine an application for local development within the specified time period. This replaces the existing appeal process to the Scottish Government for applications which are now described as local developments. The regulations require a request for a review to be conducted by a Local Review Body, which will operate as a Committee of the Council comprising a minimum of three elected members. The purpose of the review is to consider those matters that were before the appointed officer at the time of the initial determination. Additional matters shall not be raised unless it can be demonstrated that the matter could not have been raised before that time or that exceptional circumstances prevail.
- 3.7 The administrative procedures for the review process are outlined to an extent in the regulations. It is proposed that the procedures to be adopted for the Council's review process should be drafted by Law and Administration Services in liaison with Development Services, and that approval of these procedures should be delegated to the Planning Committee.
- 3.8 A proposed revisal of the existing Standing Orders to establish a Planning Review Committee to undertake the new local development review function is attached as Appendix 3. It is proposed that the Planning Review Committee comprise the Convener and Depute Convener of the Planning Committee and three other members drawn from the Planning Committee on a rota basis, all members of the Planning Committee being eligible to be members of this committee from time to time.
- 3.9 Suitable arrangements will need to be made for legal, technical and administrative support to the Local Review Body. It is suggested that Law and Administration Services administer the meetings of the Local Review Body as is currently done for committees. Additionally, it is suggested that there should be support from officer(s) within Development Services at an appropriate level and that the officer(s) should not have had any involvement in the delegated decision process for that application, so that the advice is seen as independent and impartial. Other options for providing factual and technical advice include use of external consultants and investigation of the opportunities for establishing reciprocal agreements with neighbouring planning authorities.

4. IMPLICATIONS

Legal

- 4.1 The Local Review Body procedure is an entirely new concept and has not been trialed elsewhere in the UK. The potential for legal challenge of decisions taken by the Local Review Body is similarly untested. Any concern that the Local Review Body has not made a fair and impartial decision or that it has insufficient expertise to make the decision could invite challenge under Human Rights legislation. Review decisions will be open to challenge in the courts (as can happen at present), continued care will be needed in drafting the decision.

Financial

- 4.2 There will be financial implications arising from the changes outlined in this report. Additional costs will be incurred in provision of the legal, technical and administrative support required to carry out the review function by the Local Review Body, which will include the conducting of hearings and site visits. Balanced against this, it is anticipated there would be savings in the legal, technical and administrative costs associated with preparing and reviewing Committee reports and attending Committee meetings, if Committee workload is reduced. Costs associated with appeals to the Scottish Government will also reduce as a consequence of decisions on local developments now being subject to Local Review Body procedures. The cost implications cannot be quantified until the new procedures are in practice.

Personnel

- 4.3 There will also be personnel implications arising from the changes outlined in this report. Additional personnel resourcing will be incurred in the provision of legal, technical and administrative support required to carry out the review function by the Local Review Body. However, this would be offset to some extent if the Committee workload reduced. The overall workload may, however, increase with neighbour notification of applications to be carried out by the Planning Authority and depending on the outcome of the review of permitted development rights for householder applications. In addition, the requirement for major developments where the proposed disposal is significantly contrary to the development plan to be determined by full Council will have personnel implications and a need for training of all Members.

5. CONCLUSION

- 5.1 This report considers the new regulations for Schemes of Delegation and Local Review procedures and sets out proposals for a revised Scheme of Delegation for dealing with planning applications, the establishment and form of a Local Review Body, in order to implement these regulations and consequential amendments to the existing Standing Orders. The new regulations are part of the modernising planning agenda which seeks to improve the delivery of planning services and make the system fit for purpose and more open, transparent and efficient.
- 5.2 The proposals will enable the Council to meet its obligations in terms of the Government's aspiration for delivering planning reform. The proposals have the potential to enable an improvement in performance whilst ensuring continuing democratic involvement in the decision making process where appropriate and proportionate to the nature of the development.
- 5.3 The report notes that Council procedures will need to be drafted in relation to the Local Review Body process and recommends that approval of these procedures be delegated to the Planning Committee.

6. RECOMMENDATION

6.1 It is recommended that Council:

- (a) **Note the implications for the Council's processing and determining of planning applications arising from the Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2008 as detailed in this report;**

- (b) Agree to the terms of the proposed amendments to the existing Scheme of Delegation set out in Appendix 2 and for submission of this Scheme to Scottish Ministers by their deadline of 30 June 2009, for their consideration in relation to the delegation of powers for the determination of applications for local developments;
- (c) Agree to the proposed amendments to the existing Standing Orders set out in Appendix 3 in order to establish a Planning Review Committee to implement the Council's new local review body function;
- (d) Agree that approval of the administrative procedures for the Council's Local Review Body process be delegated to the Planning Committee;
- (e) Agree that the effective date for implementation of the amended Standing Orders, including the Scheme of Delegation and the establishment of the Falkirk Council Planning Review Committee will be 3 August 2009 or on such later date on which the Council's amended Scheme of Delegation is approved by Scottish Ministers.

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Director of Development Services

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Date: 16 June 2009

LIST OF BACKGROUND PAPERS

- The Planning etc (Scotland) Act 2006
- Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulation 2009

SCHEDULE

Regulation 2(1)

Major Developments

<i>Description of development</i>	<i>Threshold or criterion</i>
1. Schedule 1 development	
Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).	All development.
2. Housing	
Construction of buildings, structures or erections for use as residential accommodation.	(a) The development comprises 50 or more dwellings; or (b) The area of the site is or exceeds 2 hectares.
3. Business & General Industry, Storage and Distribution	
Construction of a building, structure or other erection for use for any of the following purposes—	(a) The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or
(a) as an office;	(b) The area of the site is or exceeds 2 hectares.
(b) for research and development of products or processes;	
(c) for any industrial process; or	
(d) for use for storage or as a distribution centre.	
4. Electricity Generation	
Construction of an electricity generating station.	The capacity of the generating station is or exceeds 20 megawatts.
5. Waste Management Facilities	
Construction of facilities for use for the purpose of waste management or disposal.	The capacity of the facility is or exceeds 25,000 tonnes per annum. In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.

(a) S.S.I. 1999/1, as amended by S.S.I. 2006/614, regulation 3.

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURES) (SCOTLAND) REGULATIONS 2008
("the regulations")**

PROCEDURE FOR PLANNING REVIEW COMMITTEE MEETINGS

1. General

- 1.1 All meetings of the Review Committee will be held in public. All decisions taken by the Review Committee, and the giving of advice to it, will take place in public.
- 1.2 To comply with the requirement that the Review Committee acts freely and openly, Review Committee members will not be able to engage in conversation or correspondence about any case before them with any of the parties. Other than when the Review Committee is in session, there will not be an opportunity for them to engage with members of the Review Committee in conversation or in writing.
- 1.3 The Review Committee at any meeting will be drawn from the Planning Committee. A quorum of the same Members will be requested to attend second and subsequent meetings dealing with a particular case.
- 1.4 Meetings of the Review Committee will normally be arranged to follow each meeting of the Planning Committee. Additional meetings may be scheduled as required.
- 1.5 The Review Committee will be advised by a solicitor from the Council's Law and Administration Service.
- 1.6 The Review Committee will also be advised by a Chartered Planner. This Adviser will have had no direct involvement in the application which is the subject of a review.

2. Initial Procedure

- 2.1 On receipt of a notice of review compliant with regulation 9, the notification procedure referred to in regulation 10 will take place after which time the relevant papers will be issued for the next available meeting of the Review Committee. The papers will also be published in terms of regulation 11.
- 2.2 In line with regulation 12, the Review Committee may determine at the first meeting that the review documents provide sufficient information to enable them to determine the review, whereupon they may determine the review without further procedure.
- 2.3 In the event that the Review Committee decide that they require further procedure, then they will consider at the first meeting what further procedure is required.

3. Subsequent Procedure

- 3.1 Where further procedure is required, the Review Committee may decide to hold a pre-examination meeting in terms of regulation 14, or to seek further representations or further information by means of the procedures set out in regulation 13.

3.2 Accordingly, the Review Committee may decide to seek further representations or further information by one or more of the following methods:

- by means of written submissions;
- by the holding of one or more hearing sessions; and
- by means of an inspection of the land which the review relates.

3.3 Further procedures will be carried out in terms of the regulations and as set out in the following procedural notes.

4. Written Submissions

4.1 Where the Review Committee decide that the review should proceed by means of written submissions, written notice will be sent to the relevant parties requesting further representations or information. Parties will normally be given fourteen days to respond with the written submissions.

4.2 In the event that the written submissions are not received or are received outwith the relevant time limit, the Review Committee may decide to determine the review without the representations or information or otherwise as it deems fit. Persons who have good reason for not complying with the time limit are asked to communicate with the clerk to the Review Committee in advance.

4.3 Persons submitting written submissions will be required in terms of the written notice to serve copies on the other parties as specified in that notice. Proof of posting or electronic transmission will be required in advance of the next meeting.

4.4 Other parties will be deemed to have received the written submissions within two working days (if by post) or within twelve hours (if by electronic transmission). They will then require to submit any further comments in terms of regulation 15(4) within a further period of fourteen days, to the Review Committee.

4.5 The Review Committee shall at its next available meeting either determine the review or decide that further procedure is needed.

5. Hearings

5.1 Where the Review Committee decide that they wish to hold a hearing session, this will be fixed for as early a date is practicable.

5.2 The procedure for hearing sessions shall be as set out in the Hearing Session Rules in Schedule 1 to the regulations.

5.3 Each person appearing at the hearing session shall be afforded an appropriate amount of time in which to present their case. In the interests of efficient dispatch of business, the Convener may limit the time available to each person appearing to five minutes or such other time as he or she considers appropriate. Thereafter members of the Review Committee shall, through the Convener, ask such questions of any parties as they deem appropriate in relation to the review.

5.4 Cross-examination or further statements or contributions by parties will not normally be permitted except (a) where new evidence has been introduced in terms of regulation 17 or (b) in exceptional circumstances as deemed appropriate by the Review Committee.

- 5.5 On conclusion of hearing all parties, the Review Committee shall either determine the review or decide that further procedure is needed.

6. Site Inspections

- 6.1 If appropriate, in the interests of efficient dispatch of the review, a site inspection will normally be held in advance of the meeting at which the review is to be considered for the first time. The site inspection shall normally be attended by the review Members and a planning officer familiar with the site and normally arranged for the same day as site visits by the Planning Committee. The purpose of the site visit will be to inspect the site and its surroundings. The provisions of regulation 16 will apply.
- 6.2 The Review Committee may at any other time determine that a site inspection is necessary.

7. Post Determination Procedures

- 7.1 Following determination of the review, the Review Committee shall issue a decision notice compliant with regulation 21. The detail of the notice shall normally be delegated to the appropriate officers acting in consultation with the Convener.
- 7.2 The decision notice will be issued as soon as is practicable following the determination of the review, and normally within 21 days. In complex cases or those which involve the parties entering into a legal agreement, a longer time period may be required. Where there is a legal agreement, the decision notice will indicate that the Review Committee is minded to grant planning permission. The detail of the legal agreement shall normally be delegated to the appropriate officer acting in consultation with the Convener.
- 7.3 All decisions of the Review Committee will be reported to the Planning Committee, for information purposes. Decisions will also be made available on the Falkirk Council website (www.falkirk.org.uk) as soon as practicable.

STANDING ORDERS RELATING TO MEETINGS

These Standing Orders Relating to Meetings apply and have effect on and from 23 June 1999 subject to such amendments as may from time to time be made by the Council. (Consolidated Version)

SECTION 4

CONSTITUTION, MEETINGS AND PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES

34. COMMITTEES

34.1 At its Statutory Meeting, the Council will appoint:-

- (i) Standing Committees, together with any other bodies required for statutory purposes. The powers of the Committees will be set out in their terms of reference,
- (ii) A Convener, Depute Convener and Members for each.

34.2 The number of Members on each Committee and the quorum for each will be as set out below:-

STANDING COMMITTEES

Committee	Membership	Quorum
Policy and Resources Committee	8	3
Education Committee	12 plus 3 representatives of denominational bodies as required by Section 124 of the 1994 Act; 2 parental, non- voting representatives and 2 non-voting young people to be nominated by the Falkirk Schools' Council	4 elected Members
Environment and Community Safety Committee	12	4
Economic Strategy and Development Committee	12	4
Leisure, Tourism and Community Committee	12	4
Housing and Social Care Committee	12	4
Planning Committee	12	4

Planning Review Committee	5 The Convener and Depute Convener of the Planning Committee with 3 others drawn from the remaining members of the Planning Committee on a rota basis	3
Civic Licensing Committee	10	4
Audit Committee	6	4
Appeals Committee	8	3
Investment Committee	6	3
Appointments Committee	6 Plus the Convener of the relevant Scrutiny Committee on an ad hoc basis where he/she is not already a Member of the Committee; where there is more than one Scrutiny Committee to which the appointee would principally report, the Conveners should agree amongst themselves which Member will attend.	3
Consultative Committee	6	3
Emergency Committee	The Members of the Policy and Resources Committee	3
Bo'ness Common Good Fund Committee	The Provost, Depute Provost and Members of	3

	the former Burghal area	
Denny and Dunipace Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3

Falkirk Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3
Grangemouth Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3

- 34.3 The Education Committee, the Environment and Community Safety Committee, the Economic Strategy and Development Committee, the Leisure, Tourism and Community Committee and the Housing and Social Care Committee are collectively referred to as the Council's 'Scrutiny Committees'.
- 34.4 (i)The Convener of the Policy and Resources Committee will be the Convener of the Emergency Committee.
(ii)The Convener and Depute Convener of the Planning Committee will be the Convener and Depute Convener of the Planning Review Committee
- 34.5 The Council may appoint special Committees for such purposes as it may from time to time consider expedient.
- 34.6 The Policy and Resources Committee may at any time appoint Sub-Committees or panels and may authorise the appointment of such Sub-Committees and panels by any of the Scrutiny Committees. Such bodies' terms of reference and the delegation of any powers to them must be explicit and within the appointing Committee's terms of reference.
- 34.7 A Member of a Sub-Committee or panel must be a Member of the Committee appointing it.
- 34.8 With the exception of the Common Good Fund Committees and from time to time the Planning Review Committee, Membership of all Committees and Sub-Committees will reflect the political balance of the Council. Seats allocated to Political Groups will be as resolved by the Council at the Statutory Meeting or at any other meeting of the Council as required to comply with the provisions of the 1989 Act or any Regulations made thereunder.

34.9 The Director of Law and Administration is authorised to appoint, nominate and convene Committees, boards and panels for specific statutory purposes. These include:-

- (i) Council Tax and Housing Benefit Review Boards;
- (ii) Access to Personal Files Review Boards (Education, Housing and Social Work);
- (iii) Complaints Review Committee (Social Work);
- (iv) Education Appeals Committee;
- (v) Appointments Committee (Education);
- (vi) Attendance Committee (Education).

34.10 The Council is the lead Council among Falkirk, Stirling and Clackmannanshire Councils in respect of the following statutory Committees:-

- (i) Joint Advisory Committee on the Inspection of Residential Care Establishments,
- (ii) Joint Children's Panel Advisory Committee.

The Director of Law and Administration is authorised to appoint, nominate and convene these Committees or to liaise with the other two Councils in so doing.

34.11 The Director of Law and Administration will appoint, nominate and convene the bodies referred to in Standing Orders 34.9 and 34.10, and like bodies, in accordance with their statutory framework. These bodies will follow the procedure that is suitable to the subject matter being considered and will not otherwise be bound by the procedures for meetings set out in these Standing Orders. They will usually be required to observe the principles of natural justice and to follow a set procedure.

34.12 Meetings of the Appeals Committee and the Appointments Committee will follow procedures which are set out by the Director of Law and Administration and which will conform to the principles of good employment practice. Those Committees will not otherwise be bound by the procedures for meetings set out in these Standing Orders.

34.13 The Council and its Committees and Sub-Committees can establish other informal advisory or consultative bodies, which are not Council Committees or Sub-Committees. They may also establish working groups which may include both officer and Member representation.

34.14 With exception of the Planning Review Committee, the Members of each Committee referred to in Standing Order 34.2 and the Conveners and Depute Conveners thereof:-

- (i) will be appointed by the Council at the Statutory Meeting of the Council in terms of Standing Order 5, and
- (ii) will hold office until the date of the next election of Councillors, unless:-
 - (a) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 28, or
 - (b) an individual Councillor delivers to the Chief Executive a letter of resignation specifying the particular office from which (s)he is resigning and the date on which such resignation will take effect.