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# **SCHEME OF DELEGATION TO COMMITTEES, SUB-COMMITTEES AND OFFICERS**

| This Scheme of Delegation applies and has effect from ~~22 June 2011~~ \*\*\*\*\*  
subject to such amendments as may from time to time be made by the Council.  
(consolidated version)

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## TERMS OF REFERENCE TO COUNCIL

### **The Following Matters Are Reserved to Council:-**

1. To appoint the Provost and Depute Provost.
2. To appoint Conveners and Depute Conveners of ~~Standing~~ Committees and Sub-Committees.
3. To appoint Members to represent the Council on other bodies where such power is not expressly delegated to another Committee or Sub-Committee.
4. To determine a Scheme of Delegation for the discharge of Council functions by ~~Standing~~ Committees, Sub-Committees or Officers and, in particular, to fix the constitution, functions and powers of ~~Standing~~ Committees and Sub-Committees and to amend the same from time to time as Council may decide.
5. To set the Council tax and business rates.
6. To set Council house rents.
7. To make and amend Byelaws and Management Rules.
8. To consider reports from the [Scottish Public Services Ombudsman](#) ~~Commissioner for Local Administration~~ where there has been a finding of maladministration or service failure.
9. To promote or oppose private legislation.
10. To consider statutory reports from the Monitoring Officer, Chief Finance Officer and Head of Paid Service.
11. To approve the management and political structure of the Council.
12. To agree the [Local Development](#) ~~Structure~~ Plan.
13. To agree the Strategic Community Plan
14. To consider Boundary Commission proposals.
15. To delegate new powers and duties and exercise new discretion not already delegated to a Committee or officer.
16. To receive an annual report from the Convener of the Policy and Resources Committee ~~e.e.~~
17. To deal with appropriate matters relating to the election of Councillors.
18. To deal with all matters relating to the Conduct of Members, other than that specifically described elsewhere in these Standing Orders.

19. To appoint a Civic Events Panel.
20. To agree significant policy initiatives which affect the whole of the Council area.
21. Any other matter which is required by statute to be considered by Council.
22. The determination of all Planning applications which fall within [Section 38A\(1\)](#) of the [Town and Country Planning \(Scotland\) Act 1997](#).

## **SCHEME OF DELEGATION TO COMMITTEES**

### **POLICY AND RESOURCES COMMITTEE**

#### **Terms of Reference**

1. To be the Council's main instrument of policy, to give strategic policy direction in relation to all the Council's functions and to have overall responsibility for implementing agreed policies and strategies.
2. To initiate debate and analysis on substantial policy issues which relate to the Council's functions or have a significant impact on the Council area or its residents.
3. To determine such substantial policy issues after debate and analysis by other Council Committees.
4. To decide other policies and strategies to meet the Council's overall objectives.
5. To set the overall policy framework for other Committees, to refer reports and issues for consideration to those Committees and to receive reports from them.
6. To determine all matters relating to capital and revenue financing and borrowing and to recommend to Council an overall financial strategy, the annual revenue and capital budgets and the rate and Council tax to be levied.
7. To ensure that the organisational, administrative and management procedures of the Council are such as to make the most efficient contribution to achieving the Council's objectives and to keep these procedures under review in the light of changing circumstances.
8. To review the effectiveness of the Council's work and policies and the standard and level of services provided.
9. To consider any new policies or changes in policy which materially alter existing Council policy or involve additional resources or changes to the establishment suggested by any other Committee and the effect of these on the policy plans and resources of the Council.
10. To be responsible for all matters relating to employees of the Council and their terms and conditions of employment and terms of service.
11. To monitor budget performance.
12. To set strategies for partnership and influence outside the Council.
13. To deal with service delivery and the discharge of all Council functions.

14. To deal with all matters relating to land and buildings owned, rented or proposed to be acquired by the Council or over which the Council has security.
15. To deal with requests from all sources for grants and loans to voluntary and charitable~~voluntary~~ organisations.
16. To be responsible for the sound stewardship of public funds and, in particular, to monitor and oversee the performance and financial management of the Council's Direct Labour/Service Organisations.

## **Powers**

1. The Policy and Resources Committee is authorised to discharge all the Council's powers and duties except those reserved to Council, on which it can make recommendations, and those specifically delegated to other Committees.
  - ~~(a) Where there is a vote (with the exception of votes on those procedural motions detailed in Standing Order 24.1) and where at least one quarter of those members present and voting at the meeting express dissent against the decision, the decision will be referred to either a special meeting of Council or the next scheduled meeting of Council if, within three working days of the committee meeting, at least one quarter of those members present and voting and who dissented intimate in writing to the Chief Governance OfficerDirector of Law and Administration the desire to follow such a route. If, after three working days have elapsed, there is no such information then the matter will be considered to have been settled by the committee.~~
2. The Committee is responsible for all financial matters, apart from those reserved to Council, on which it can make recommendations. In particular, the Committee has power to discharge all the Council's functions relating to capital and revenue financing and other financial matters, apart from those reserved to Council. This includes:-
  - (i) borrowing policy;
  - (ii) local taxation, including discretionary reliefs;
  - (iii) forecasting resource availability;
  - (iv) monitoring expenditure;
  - (v) approving virements in accordance with financial regulations, and
  - (vi) writing off debts.
3. The Committee has power to approve and oversee the development and implementation of the Council's policies, and to determine policy outwith the remit of Council. This includes programming, ensuring public involvement, monitoring, formulating the corporate plan, performance and service plans and other statutory plans and strategies. It includes deciding the route by which policy

initiatives should be considered, referring matters to other Committees, resolving any differences between them and receiving reports from them. The Committee can agree exceptions to policies for which no other Committee or officer has authority.

4. The Committee can authorise departures from all the Council's Standing Orders and Financial Regulations apart from those which are mandatory by law and those which regulate the conduct of Council or its own meetings.
5. The Committee is authorised to refer any matter within its own ~~remit~~ terms of reference to a Scrutiny Committee for consideration. In doing so, the Committee will determine the terms of reference of the Scrutiny Committee in relation to the matter, and may determine their procedural rules and programme of work.
6. The Committee is authorised to delegate decision-making on any matter within its ~~competence~~ terms of reference to any Scrutiny Committee provided, however, that in so delegating, the Committee will clearly specify the relevant Scrutiny Committee and the extent to which such delegated decision-making power may be exercised by the Committee.
7. The Committee will receive reports from Scrutiny Committees on matters referred to them and, to the extent that the Scrutiny Committee has not been delegated authority to decide the issue, will take decisions on the matter referred.
8. The Committee is responsible for all matters relating to land and buildings owned, rented or proposed to be acquired by the Council, or over which the Council has a security. It can take decisions about these matters and exercise all the Council's powers (except those reserved to Council) including:-
  - (i) to acquire or dispose of an interest in property, or to grant or take rights over property;
  - (ii) to appropriate property for a statutory purpose;
  - (iii) authorising all further action in connection with an acquisition or disposal or granting or taking rights;
  - (iv) managing property; and
  - (v) determining energy management policy in relation to Council buildings.
9. The Committee is authorised to establish working groups within the Council or with outside bodies and/or individuals.
10. Without prejudice, the Committee will receive reports from the ~~Chief Director of Finance~~ Officer on matters relating to the financial administration of the Council that are causing him/her concern and from the Chief Executive on any matters of which s(he) considers the Committee should be made aware.

### Calling In Provisions

11. Where there is a vote (with the exception of votes on those procedural motions detailed in Standing Order 24.1) and where at least one quarter of those members present and voting at the meeting express dissent against the decision, the decision will be referred to either a special meeting of Council or the next scheduled meeting of Council if, within three working days of the committee meeting, at least one quarter of those members present and voting and who dissented intimate in writing to the Chief Governance Officer the desire to follow such a route. If, after three working days have elapsed, there is no such information then the matter will be considered to have been settled by the committee.

## **SCRUTINY COMMITTEES**

1. The Council has appointed 5 Scrutiny Committees as follows:

- (i) **Education Committee**
- (ii) **Environment and Community Safety Committee**
- (iii) **Economic Strategy and Development Committee**
- (iv) **Leisure, Tourism and Community Committee**
- (v) **Housing and Social Care Committee**

### **Terms of Reference**

2. The Scrutiny Committees will advise the Policy and Resources Committee on policy matters relating to the following areas ~~which would be considered as their remit:-~~

Committee	Policy areas
<b>Education</b> <del>(Where required for any statutory purposes, this Committee will be the Council's Education Committee)</del>	<ul style="list-style-type: none"> <li>• The Council's education functions;</li> <li>• Early years' education;</li> <li>• Lifelong learning;</li> <li>• Other education matters referred from Policy and Resources Committee;</li> </ul>
<b>Environment and Community Safety</b>	<ul style="list-style-type: none"> <li>• Community health, safety and wellbeing;</li> <li>• Crime reduction and criminal justice;</li> <li>• Consumer protection, environment health and trading standards;</li> <li>• Road safety, traffic management and lighting</li> <li>• Sustainability</li> <li>• Waste</li> <li>• Other environment and community safety matters referred from Policy and Resources Committee;</li> </ul>
<b>Economic Strategy and Development</b>	<ul style="list-style-type: none"> <li>• Economic regeneration and development;</li> <li>• Strategic transport and infrastructure planning;</li> <li>• Business advice;</li> <li>• Inward investment;</li> <li>• Employment training;</li> <li>• Town centre commercial and</li> </ul>

	<p>economic development;</p> <ul style="list-style-type: none"> <li>• Development of <u>local development structure and local plans</u> and planning policy, generally;</li> <li>• Other economic strategy and development matters referred from Policy and Resources Committee</li> </ul>
<b>Leisure, Tourism and Community</b>	<ul style="list-style-type: none"> <li>• Libraries, museums, arts and community festivals;</li> <li>• Parks, open spaces and countryside;</li> <li>• Community development, support, regeneration and investment;</li> <li>• Sport, community and leisure facilities and participation;</li> <li>• Conservation and built heritage;</li> <li>• Tourism;</li> <li>• Cemeteries and crematoria;</li> <li>• Other leisure, tourism and community matters referred from Policy and Resources Committee;</li> </ul>
<p><b>Housing and Social Care</b></p> <p><del>(Where required for any statutory purpose, this Committee will be the Council's Social Work Committee)</del></p>	<ul style="list-style-type: none"> <li>• Housing;</li> <li>• Social policy;</li> <li>• Community care;</li> <li>• Welfare and social services;</li> <li>• Child care;</li> <li>• Equal opportunities;</li> <li>• Opportunities and services for older people;</li> <li>• Other housing and social care matters referred to it by the Policy and Resources Committee.</li> </ul>

## Powers

~~13.~~ The Scrutiny Committees will authorise appropriate responses to consultation documents submitted to the Council in accordance with the terms of reference remit of each Scrutiny Committee.

~~24.~~ Scrutiny Committees will decide upon any matter within their terms of referenceremit providing that the decision does not ~~change or~~ materially alter any Council policy, or involve additional resources, or changes to the establishment.

5. The Scrutiny Committees will develop policy proposals referred to them by the Policy and Resources Committee or by Council, within their own terms of reference. The Scrutiny Committees will:-

- (i) Receive policy proposals from the Policy and Resources Committee;
  - (ii) Identify the main issues to be addressed;
  - (iii) Identify the primary ~~primary~~ means by which they should be addressed;
  - (iv) Identify the appropriate financial implications;
  - (v) Report back to the Policy and Resources Committee or, if appropriate and agreed by the relevant Scrutiny Committee, Council as appropriate;
  - (vi) Propose policy objectives to the Policy and Resources Committee~~tee~~;
  - (vii) Review, monitor and make determinations on specific policy and service delivery issues referred to it by the Policy and Resources Committee for such purposes;
  - (viii) Investigate, monitor, oversee and comment on how Council services are delivered and any other matters where the Council has powers or duties or which affect the Council area or its residents and which have been referred to it by Policy and Resources Committee for such purposes.
6. ~~As part of this process, I~~ the Committees may undertake public consultation to influence the development of the policy proposals. They will have the power to agree appropriate mechanisms for this process, such as holding public meetings, setting up focus groups or panels, or inviting persons with particular expertise in areas being considered by Committee to address the Committee or to take part in meetings.
7. The Scrutiny Committees:-
- ~~(a) Where a Scrutiny Committee has been granted decision making powers in respect of any item of business and is exercising these powers (i.e., where the committee is not reporting back to Policy and Resources Committee or Council) and where there is a vote (with the exception of those votes on procedural motions defined in Standing Order 24.1) and where at least one quarter of those members present and voting dissent against the decision, the decision will be referred to either a special meeting of the Council or the next scheduled meeting of the Council if, within three working days of the committee meeting, at least one quarter of those present and voting and who dissented intimate in writing to the Chief Governance Officer/Director of Law and Administration the desire to follow such a route. If, after three working days have elapsed there is no such intimation then the matter will be considered to have been settled by the Committee.~~
- (i) will receive policy development proposals or policy issues within their terms of reference from the Policy and Resources Committee;2
  - (ii) will consider the proposals or issues and report on them to the Policy and Resources Committee within the timescale set by Policy and Resources;2

- (iii) will have those decision making powers specifically delegated to them by Council or by Policy and Resources Committee;
  - (iv) will have power to regulate their own proceedings.
8. In considering ~~the~~the proposal or issue, the Scrutiny Committee:-
- (i) will identify the main issues to be addressed, the primary means by which they should be addressed and any financial implications;
  - (ii) may work in partnership with outside bodies in the public, voluntary and private sectors;
  - (iii) may establish working groups, and joint working groups with outside bodies, and consider their reports; and
  - (iv) may consult the public or sections of the public, and establish mechanisms for this purpose.
9. In reporting on ~~the~~the a proposal or issue, the Committee should comment on it and may propose amendments.
10. No member of the Policy and Resources Committee may be a standing Member of a Scrutiny Committee.
11. The Scrutiny Committees may not establish Sub-Committees of the Council nor delegate decisions to officers of the Council, unless authorised by Council or the Policy and Resources Committee.
12. Without prejudice to any other power, to the extent that any of the respective areas of remit of the Scrutiny Committees cover any of the client functions of the Council's Direct Labour/Service Organisations, each of the Scrutiny Committees so involved will be responsible directly to Council for monitoring and reviewing the performance of the Direct Labour/Service Organisations within the respective terms of reference of the Committees.

### Calling In Provisions

13. Where a Scrutiny Committee has been granted decision making powers in respect of any item of business and is exercising these powers (i.e., where the committee is not reporting back to Policy and Resources Committee or Council) and where there is a vote (with the exception of those votes on procedural motions defined in Standing Order 24.1) and where at least one quarter of those members present and voting dissent against the decision, the decision will be referred to either a special meeting of the Council or the next scheduled meeting of the Council if, within three working days of the committee meeting, at least one quarter of those present and voting and who dissented intimate in writing to the Chief Governance Officer the desire to follow such a route. If, after three working days have elapsed there is no such intimation then the matter will be considered to have been settled by the Committee.

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## **PLANNING COMMITTEE**

For the avoidance of doubt, under [Section 56–\(6A\)](#) of the 1973 Act, there is reserved to full Council, the determination of all applications which fall within [Section 38A–\(1\)](#) of the Town and Country Planning (Scotland) Act 1997. These are applications which require a mandatory pre-determination hearing prior to determination and include “national developments” as set out in a National Planning Framework and major developments which are significantly contrary to the development plan.

Applications for modification or discharge of planning obligations or good neighbourhood agreements where the application was determined by full Council shall also be determined by full Council.

### **Terms of Reference**

1. To discharge the Council's regulatory and enforcement functions, in accordance with Council policy and so far as not delegated to the Planning Review Committee or any other Committee or Officer, which relate (but not exclusively) to:-
  - (i) Town and Country Planning;
  - (ii) Roads and Transportation;
  - (iii) Building Control;
  - (iv) Other matters of a regulatory or enforcement nature.

### **Powers**

2. In relation to development control matters, to determine applications for:
  - (i) listed building and conservation area consent
  - (ii) discharge, amendment or deletion of conditions
  - (iii) certificates of lawfulness of existing or proposed development
  - (iv) advertisement consent
  - (v) hazardous substances consent
  - (vi) decisions on permitted development, and
  - (vii) planning permission in relation to major and local developments in terms of [Section 26A\(1\)](#) subsections (b) and (c) respectively of the Town and Country Planning (Scotland) Act 1997, ~~other than those which require to be determined by the Council in terms of the provisions of [S56\(6A\)](#) of the 1973 Act~~, in circumstances where:-

- (a) the application has been made by the Council;
- (b) the application has been made by a member of the Council or by an officer involved in the statutory planning process;
- (c) the application relates to land in the ownership of the Council or to land in which the Council has a financial interest;
- (d) determining the application (whether by grant or refusal) would result in a contravention of the development plan or a contravention of the Council's policies, whether or not objections have been made;
- (e) it is proposed to approve the application and there is a formal objection from a statutory consultee which would trigger referral of the application to Scottish Ministers;
- (f) there has been a request from an elected member to refer any matter to committee within 7 days of the periodical recommendations list being issued, in which case reasons must be stated; or
- (g) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers

Notwithstanding the foregoing generality, it is noted, for the avoidance of doubt, that the determination of all applications which fall within Section 38A(1) of the Town and Country Planning (Scotland) Act 1997 is reserved to Council under Section 56(6A) of the 1973 Act.

(viii) modification or discharge of planning obligations or good neighbour agreements other than in circumstances where:-

- (a) the original application was determined by full Council in which case full Council shall determine the application for modification or discharge;
- (b) the original application was determined by the Planning Committee solely by reasons of 2(vii)(a), (b) or (c) in which case the Director of Development Services shall have delegated power to determine the application for modification or discharge unless, for any reason, she the Director of Development Services considers it inappropriate to consider the application for modification or discharge under delegated powers and refers the matter back to Planning Committee for determination; or
- (c) the original application was determined by the Director of Development Services in which case the Director of Development Services shall have delegated power to determine the application for modification or discharge unless her decision on the original application was subject to review by the Planning Review Committee and/or ~~and~~, for any reason, she considers it inappropriate to consider the application for modification or discharge under delegated powers.

3. To hear and determine unresolved objections to any order proposed for the regulation of traffic and the implementation of traffic management schemes under the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984 and the Local ~~Roads~~ Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1989~~97~~, and to conduct any hearings required under those Acts and Regulations.
4. To consider and determine any of the regulatory and enforcement matters relating to the Council's functions as Roads Authority, in terms of the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the Town and Country Planning (Scotland) Act 1997 or any other relevant Acts or Regulations, where the nature of the matter has been deemed controversial by the Director of Development Services.
5. To conduct hearings under the Building (Scotland) Act 2003 and to make appropriate determinations.
6. To agree the procedures relating to conduct of any review carried out by the Planning Review Committee, other than those already set out in regulations or a development order.
7. In carrying out any of their powers hereunder, the Committee may:-
  - (i) conduct hearings in such manner as they consider appropriate, having regard to the subject matter under consideration and the requirements of law;
  - (ii) visit any site connected with a matter under consideration if it would assist the Committee in the discharge of their functions;
  - (iii) authorise the institution, entering appearance in or defending of any proceedings before any Court, Tribunal or Inquiry (where not authorised elsewhere in these Schemes of Delegation) where Council involvement is necessary to protect or uphold the interests of the Council and its community in respect of any matter within the remit of the Committee, provided that it will remain open to any Chief Officer to provide the foregoing authority where time limits or an emergency situation requires immediate action to ensure the Council's participation in the proceedings.

#### Regulatory and Enforcement Powers Delegated to Chief Officer

8. Any regulatory or enforcement powers or duties conferred or imposed on the Council in terms of law, apart from those detailed herein as being within the remit of the Council, the Planning Committee or the Planning Review Committee will be executed by the Chief Officer for the relevant Service and, in the event of there being any conflict as to which is the relevant Service, the Chief Executive will be entitled to decide. Without prejudice to the generality of the foregoing, it is specifically acknowledged that the Director of Development Services will have power to:-

- (i) vary or otherwise any planning permission where the variation sought is not material, under Section 64 of the Town and Country Planning (Scotland) Act 1997;
- (ii) advertise applications for planning permission when considered necessary or desirable;
- (iii) decide whether the topping, lopping or felling of trees subject to Tree Preservation Orders is necessary in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997 and the authorisation of such activities;
- (iv) make emergency Tree Preservation Orders;
- (v) issue stop notices and instruct action for interim interdicts;
- (vi) issue breach of condition and planning contravention notices;
- (vii) pursue enforcement action;
- (viii) issue statutory notices in terms of the Building (Scotland) Act 2003 and any Regulations made there under or any amendment thereof;
- (ixviii) determine whether the prior approval of the Planning Authority is required.

## **PLANNING REVIEW COMMITTEE**

### **Terms of reference**

- 1 To discharge the planning authority's functions in terms of Section 43A (8) of the Town and Country Planning (Scotland) Act 1997 in connection with the review of any planning decision taken by an officer appointed for that purpose in terms of Section 43A (1) of the said Act.

### **Powers**

- 2. When required to do so by the applicant to review any application which has been dealt with by an officer appointed in terms of Section 43A (1) above where;-
  - (i) the application has been refused;
  - (ii) the application has been granted subject to conditions; or
  - (iii) the application has not been determined within such period as may be prescribed by regulations or a development order.
- 3. To uphold, reverse or vary any determination made in terms of 2(i) or 2(ii) above.

4. To determine any application which has not already been determined in terms of 2(iii) above.
5. To conduct any review in accordance with regulations or a development order made in terms of Section 43A (10) of the said Act or as decided by the Planning Committee, which shall, without prejudice to the foregoing include the power to:-
  - (i) hold pre-examination meetings to determine the manner in which the review is to be conducted;
  - (ii) invite written submissions;
  - (iii) hold hearing sessions;
  - (iv) undertake site visits.

### **PART 3**

#### **SCHEME OF DELEGATION TO OFFICERS**

- ~~1. The Council's chief officers may authorise other officers to exercise powers delegated to them, including for the avoidance of doubt, in the case of a chief officer dealing with planning matters, to appoint persons to determine planning applications in terms of Section 43A (1) of the Town and Country Planning (Scotland) (Act) 1997. However, actions taken under that authority must be taken in the name of the chief officer concerned, and remain his or her responsibility.~~

### **CIVIC LICENSING COMMITTEE**

#### **Terms of Reference**

1. To discharge the Council's regulatory and enforcement functions, in accordance with Council policy with the exception of those matters delegated to the Chief Governance Officer~~Director of Law and Administration~~ and listed in paragraph 2 hereunder, ~~and~~ to the Director of Corporate and Neighbourhood Services ~~and~~ listed in paragraph 3 hereunder ~~and~~ to the Director of Development Services and listed in paragraph 4 hereunder so far as not delegated to any other Committee or officer which relate (but not exclusively) to:
  - (i) the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board), including ~~licences and permits in respect of cinemas and theatres, betting, gaming and lotteries, taxis, charitable collections, animal boarding establishments, riding establishments, second hand dealers and boat hirers, and places of public entertainment and the registration of landlords.~~ animal boarding establishments, boat hirers, booking offices, caravan sites, cinemas,

charitable collections, house in multiple occupation, hypnotism, indoor sports entertainment, knife dealers, landlords registration, late hours caterers, market operators, marriage (approval of places), metal dealers, places of public entertainment, raised structures, riding establishments, second hand dealers, ~~street traders,~~ skin piercing and tattooing, ~~street traders,~~ taxis and private hire vehicles and drivers, theatres, venison dealers and zoos.

(ii) the functions of the Council under the Safety of Sports Grounds Act 1975.

2. The ~~Chief Governance Officer~~Director of Law and Administration is authorised to determine the following licensing matters:

### Taxi/Private Hire

(i) to grant taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, ~~on advice from the Chief Constable~~where ~~that~~ there are no current convictions and where there ~~have been~~are ~~no~~ objections; provided that applications for second or subsequent licences for the same applicant will be referred to the Civic Licensing Committee;

(ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, where ~~if~~ there are no new convictions and where there have been no objections since the ~~Civic Licensing Committee's~~ last consideration of the matter ~~(whether in connection with a grant, renewal or default report);;~~

~~(iii)~~(iii) ~~to consider taxi driver and private hire car driver licence applications (both new applications and renewal applications) where an adverse medical report has been received (suspensions on medical grounds recommended during the currency of a licence must be referred to the Civic Licensing Committee unless an immediate suspension is required);~~

(iv) to issue exemption certificates to taxi/private hire car drivers who have demonstrated a medical condition that prevents them from assisting wheelchair bound passengers to enter/ exit the taxi/ private hire car or from carrying animals;

~~to grant licences for second-hand dealers, window cleaners and street traders, on advice from the Chief Constable that there are no current convictions, and no objections; provided that applications for second or subsequent licences for the same applicant will be referred to the Civic Licensing Committee;~~

### Other

~~(iv)~~(iv) to grant licences for boat hirers, booking office, caravan sites, cinema, house in multiple occupation, hypnotism, indoor sports entertainment, knife dealers, late hours caterers, market operators, metal dealers, public entertainment, second-hand dealers, skin piercing and tattooing, street traders, theatres, venison dealers, and window cleaners, and zoos, where there are no current convictions and where no objections have been received~~to renew licences for second hand dealers, window cleaners,~~

~~street traders, market operators and late hours caterers, if there are no new convictions or adverse information received since the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;~~

- ~~(vi) to renew licences (as per (v) above) where there are no new convictions and where there have been no objections, since the last consideration of the matter to grant and renew boat hirers, public entertainment, indoor sports entertainment and houses in multiple occupation licences, subject to no objections;~~
- ~~(vi) to grant and renew permits for amusements with prizes machines in premises other than hotel and public houses, where they are outwith the class of premises specified in the Council's resolution and there are no objections or adverse comments received;~~
- ~~(vii) to grant or renew permits to install all cash amusements with prizes machines in amusement arcades where there are no objections or adverse comments received;~~
- ~~(viii) to grant and renew licences for pet animals, dangerous wild animals, game dealers, venison dealers, riding establishments, animal boarding establishments, breeding of dogs, methylated/surgical spirits and film exhibitions subject to no objections or adverse comments being received from the Chief Constable, Chief Fire Officer or Head of Environmental and Consumer Protection;~~
- ~~(vii) to consider renewal applications under the 1982 Act which are submitted late (but within 28 days of the licence expiry date); (ix) to determine applications to licence caravan sites where there are no objections or adverse comments received;~~
- ~~(xi) to determine applications for permission to hold public processions~~
- ~~(viii) to determine applications for approval of premises under the Marriage (Scotland) Act 1977~~2002~~ and any associated Regulations; and~~
- ~~(ix) to consider applications to vary any licence;~~
- ~~(x) to order the suspension of a licence under the Civic Government (Scotland) Act 1982;~~
- ~~(xi) to issue permits and licences for cinema, public charitable collections and raised structures subject to no objections; and~~
- ~~(xii) to grant metal dealer exemption warrants if satisfied the applicant has met the financial threshold required.~~
- ~~(xii) to approve applications for the registration of society lotteries in accordance with the Lotteries and Amusements Act 1976 where there are no current convictions and no objections.~~

3. ~~3.~~—The Director of Corporate and Neighbourhood Services is authorised to exercise all decisions relating to the registration of Private Landlords except for the refusal of applications for registration and the- revocation of registration which will be reserved to the Civic Licensing Committee.
4. The Director of Development Services is authorised to determine applications for licences for animal boarding establishments, breeding of dogs, dangerous wild animals, pet animals and riding establishments.

Provided that if, for any reason, the ~~Chief Governance Officer~~~~Director of Law and Administration,~~ or the Director of Corporate and Neighbourhood Services or the Director of Development Services considers it inappropriate to determine an application under delegated powers, the application will be referred for determination to the Civic Licensing Committee.

### **Powers**

54. To conduct hearings, so far as provided for by law or the Council's policy, in respect of the granting, suspension or revocation of licences or permits and parade notifications, under the following Acts, and under any other current relevant legislation or legislation which is introduced in the future, and to make appropriate determinations:-

- (i) Animal Boarding Establishments Act 1963
- (ii) Animal Health and Welfare (Scotland) Act 2006
- (iii) Breeding of Dogs Act 1973
- (iv) Caravan Sites and Control of Development Act 1960
- (v) Cinemas Act 1985
- (vi) Civic Government (Scotland) Act 1982
- (vii) Dangerous Wild Animals Act 1976
- (viii) Deer (Scotland) Act 1996
- (ix) Housing (Scotland) Act 2006
- (x) Hypnotism Act 1952
- (xi) Marriage (Scotland) Act 1977
- (xii) Performing Animals (Regulation) Act 1925
- (xiii) Pet Animals Act 1951
- (xiv) Reservoirs Act 1975
- (xv) Riding Establishments Act 1964
- (xvi) Theatres Act 1968
- (xvii) Zoo Licensing Act 1981
- (i) ~~Caravan Sites and Control of Development Act 1960~~
- (ii) ~~Cinemas Act 1985~~
- (iii) ~~Civic Government (Scotland) Act 1982~~
- (iv) ~~Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000~~
- (v) ~~Deer (Scotland) Act 1996~~
- (vi) ~~Gaming Act 1968~~
- (vii) ~~Reservoirs Act 1975~~

- ~~(viii) Zoo Licensing Act 1981~~
- ~~(ix) Gambling Act 2005~~
- ~~(x) Animal Boarding Establishments Act 1963~~
- ~~(xi) Breeding of Dogs Act 1973~~
- ~~(xii) Dangerous Wild Animals Act 1976~~
- ~~(xiii) Game Licences and Game Dealers' Licences (Scotland) Order 1967~~
- ~~(xiv) Hypnotism Act 1952~~
- ~~(xv) Ice Cream (Scotland) Regulations 1948-63~~
- ~~(xvi) Pet Animals Act 1951~~
- ~~(xvii) Riding Establishments Act 1964~~
- ~~(xviii) Performing Animals (Regulation) Act 1925~~
- ~~(xix) Theatres Act 1968~~

**65.** In carrying out any of their powers hereunder, the Committee may:-

- (i) conduct hearings in such manner as they consider appropriate, having regard to the subject matter under consideration and the requirements of law;
- (ii) visit any site connected with a matter under consideration if it would assist the Committee in the discharge of their functions;
- (iii) authorise the institution, entering appearance in or defending of any proceedings before any Court, Tribunal or Inquiry (where not authorised elsewhere in these Schemes of Delegation) where Council involvement is necessary to protect or uphold the interests of the Council and its community in respect of any matter within the remit of the Committee, provided that it will remain open to any Chief Officer to provide the foregoing authority where time limits or an emergency situation require immediate action to ensure the Council's participation in the proceedings.

**76.** Any regulatory or enforcement powers or duties conferred or imposed upon the Council in terms of law, apart from those detailed herein as being within the remit of the Civic Licensing Committee or the Planning Committee referred to in the immediately preceding paragraph, will be executed by the Chief Officer for the relevant Service and, in the event of there being any conflict as to which is the relevant Service, the Chief Executive will be entitled to decide.

## **INVESTMENT PENSIONS COMMITTEE**

### **Terms of Reference**

~~The functions delegated to this Committee are:-~~

### **Terms of Reference**

1. The Pensions Committee will:-

- (1) exercise responsibility for the administration of the Superannuation Fund;
- (2) monitor and review investment activity and Fund performance;
- (3) establish policies in relation to investment management and administration;
- (4) present an annual report to the full Council on the state of the Fund and on the investment activities during the preceding year.

2. The functions delegated to this Committee are:-

- (i) to oversee the Council's role as an Administering Authority in terms of the Local Government etc (Scotland) Act 1994 and the Superannuation Act 1972;
  - (ii) to supervise the administration of the Fund in accordance with relevant legislation and codes of practice;
  - (iii) to formulate and monitor policies in respect of the administration of the Fund;
  - (iv) to manage the investments of the Fund in accordance with relevant legislation and codes of practice;
  - (v) to formulate and monitor an investment policy and strategy for the Fund, including an asset allocation strategy;
  - (vi) to formulate and monitor a funding policy for the Fund;
  - (vii) to ensure that a Statement of Investment Principles, Funding Strategy Statement, Administration Strategy and Governance Compliance Statement are maintained in accordance with strategy and policy;
  - (viii) to ensure that the Fund is subject to actuarial valuations as required;
  - (ix) to approving the Pension Fund Annual Report and Accounts;
  - (x) to set a training policy on pensions matters for Committee and Panel members;
  - (xi) to appoint external advisers, investment managers and custodians, as required; and
  - (xii) to ensuring appropriate communication and consultation with Fund stakeholders.
- (i) The management and investment of the Superannuation Fund.

## **APPEALS COMMITTEE**

### **Terms of reference**

The functions delegated to this Committee are:-

- (i) The consideration of appeals by individual employees or groups of employees on decisions of Chief Officers on disciplinary grievance and grading issues and the determination of appropriate action in accordance with statutory, national and local arrangements.

## **APPOINTMENTS COMMITTEE**

### **Terms of reference**

The functions delegated to this Committee are:-

- (i) To recommend to the Council, the appointment of the Chief Executive, Chief Officers and their Heads of Service.

## **AUDIT COMMITTEE**

### **Terms of reference**

(1) The Audit Committee will provide:-

- (i) independent assurance on the adequacy of the risk management framework and the associated control environment within the authority;
- (ii) independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment; and
- (iii) assurance that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with.

(2) The Functions delegated to this Committee are:-

- (i) to consider the Council's governance and business management arrangements;
- (ii) to consider the Council's risk management arrangements and action being taken to address risk related issues identified by auditors and inspectors, including consideration of periodic reports from the Corporate Risk Management Group;
- (iii) to consider the adequacy of the Council's control environment;
- (iv) to approve (but not direct) Internal Audit's strategy;
- (v) to consider and agree Internal Audit Plans, ensuring that work is planned with due regard to risk, materiality and coverage;
- (vi) to review summary Internal Audit reports and seek assurances that action has been taken to address issues identified;
- (vii) to consider an Annual Assurance report from the Internal Audit Manager;
- (viii) to consider the reports of External Audit and other inspection agencies and seek assurances that recommendations made are addressed;
- (ix) to ensure there are effective relationships between Internal and External Audit;

- (xv) to review the Authority's assurance statements, including the statement on the System of Internal Financial Control or equivalent, to ensure they properly reflect the risk environment.

### **COMMON GOOD FUND COMMITTEE**

#### **Terms of reference**

The functions delegated to this Committee are:-

- (i) To consider and determine applications for grants and donations from organisations from Common Good Funds held by the Council as Trustees.

### **CIVIC EVENTS PANEL**

#### **Terms of Reference**

The functions delegated to this Committee are:-

- (i) To determine ceremonial matters and hospitality in accordance with the policy of the Council.

### **EMERGENCY COMMITTEE**

#### **Terms of reference**

The functions delegated to this Committee are:-

- (i) — To take such immediate action as may be necessary (including consultation with such individuals or organisations as the Committee may consider appropriate) to protect the interests of the Council in relation to:-

(ai) Emergencies arising from industrial action by employees of the Council;  
and

(bii) Any other emergency the implications of which, in the opinion of the Convener or the Chief Executive, require to be referred to the Committee.

A Meeting of the Emergency Committee may be called with 24 hours notice.

### PART 3

#### SCHEME OF DELEGATION TO OFFICERS

1. The Chief Executive, the Directors of Services and other officers holding posts recognised by the Council as having chief officer status, including Heads of Service and Depute Chief Officers, are referred to as “the Council’s Chief Officers” for the purposes of in this part of Standing Order the Scheme of Delegation to Officers. They are the only officers specifically empowered to act and take decisions in the name of the Council.
2. The Chief Executive is the Head of Paid Service and has authority over all other Chief Officers so far as is necessary for efficient management and for carrying out the Council’s functions. His or her principal responsibilities are:-
  - (i) to be the Council’s principal adviser on general policy, and to ensure that all proposals are consistent with policy;
  - (ii) to make long term assessments of resources, needs and commitments and to co-ordinate advice on forward planning;
  - (iii) to ensure that the Council’s policies and programmes are implemented and that the Council’s staff is managed effectively having regard to statutory responsibilities,
  - (iv) to be responsible for management of the Council’s operational buildings.
3. Subject to Standing Order Paragraph 2 above to this Scheme of Delegation to Officers, the Council’s Chief Officers are answerable to the Council for the efficient management of the services provided by their staff and due performance of their statutory functions.
4. The Council’s Chief Officers are hereby empowered to take decisions:-
  - (i) discharging the functions of the Council except for any matters specifically reserved to Council or Committee;
  - (ii) on all managerial and professional matters incidental or ancillary to the discharge of functions delegated under (i) above or relating to lawful requirements imposed on them or their staff by third parties;
  - (iii) without exception, where an emergency requires that a decision under (i) above be taken without reference to Council or Committee .

5. The Council's Chief Officers may use whatever means they consider appropriate to discharge the functions of the Council allocated to or dealt with by them or their staff, including:-
- (i) incurring expenditure;
  - (ii) engaging and deploying staff provided that there shall be no increase in agreed staffing levels unless the increase is necessary to implement any decision of Council;
  - (iii) deploying other resources within their control;
  - (iv) placing contracts and procuring other resources within or outside the Council;
  - (v) determining any matter which is necessary to enable the Council to provide any service, to comply with any duty or requirement in the provision or management of any service, to assist the efficient and effective management of the Council or a function thereof or to implement any decision of the Council.
6. In exercising their delegated powers the Council's Chief Officers must:-
- (i) act within the law and the Council's Standing Orders and Financial Regulations and any Code of Conduct or Practice adopted by the Council from time to time;
  - (ii) ensure that no decision taken by them would impact significantly on service delivery across the whole of the council area;
  - (iii) have regard to the approved Strategic and Local Community Plans;
  - (iv) ensure the implementation of corporate policies and strategies, both at an area wide and local level;
  - (v) ensure that the performance of their Service across the Council area in relation to agreed standards is reported appropriately;
  - (vi) ensure that Local Members, ~~Area Forums~~ and other bodies, where appropriate, are informed about the performance of their service in the local area; and
  - (vii) consult, as appropriate, with the Lead Member for the service area involved and the Local Member(s).
7. The Council's Chief Officers may authorise other officers to exercise powers delegated to them, including for the avoidance of doubt, in the case of a Chief Officer dealing with Planning matters, to appoint persons to determine planning applications in terms of s.43(A)(i) of the Town and Country Planning (Scotland)

- Act 1997, However, actions taken under that authority must be taken in the name of the chief officer concerned, and remain his or her responsibility.
8. Emergency action taken under delegated powers must be reported to the next meeting of the appropriate Committee.
  9. The Council's ~~C~~chief ~~O~~officers will have full legal authority under ~~Standing Order Paragraph~~ 4 above ~~of this Scheme or Delegation to Officers~~ to take or authorise actions, decisions, expenditure and commitments on behalf of the Council. However, without qualifying that legal authority, conformance with Council policy should be assured in one of the following ways:-
    - (i) the matter involves the implementation of a Council policy approved by Committee; or
    - (ii) the matter was approved by Committee as part of the annual service plan and budget; or
    - (iii) the procedure set out in ~~Standing Order Paragraph~~ 10 below is followed.
  10. The procedure referred to in ~~Standing Order Paragraph~~ 9 above is as follows:-
 

The Chief Executive ~~or~~ Director ~~or~~ Chief Officer concerned will:-

    - (i) consult the Convener of the relevant Committee before exercising the delegated power;
    - (ii) consult the ~~Chief Governance Officer, Director of Law and Administration,~~ the ~~Director of~~ Chief Finance Officer and any other Director involved as a matter of good ~~administrative~~ practice before exercising the delegated power;
    - (iii) keep a record of the exercise of the delegated power; and
    - (iv) make this record available to the Members of the relevant ~~Committee~~.
  11. Approval of the budget by Council provides authorisation for Chief Officers to incur expenditure and collect income in respect of revenue and capital budgets, subject to:-
    - (i) any restrictions or conditions included in service plans;
    - (ii) further approval from the Policy and Resources Committee where sufficient detail has not been included in service plans;
    - (iii) compliance with the financial limits set from time to time.

12. All Directors, the Chief Finance Officer and the Chief Governance Officer must ensure to the satisfaction of the Chief Executive and the Chief Finance Officer~~Director of Finance~~/Director of Corporate and Commercial-Neighbourhood Services that:-
- (i) appropriate systems for planning, monitoring, evaluating and reviewing performance are in operation for the Services for which they are responsible;
  - (ii) capital expenditure is planned and monitored continually to ensure that the Council's plans are actioned, including the prompt implementation of associated revenue elements;
  - (iii) revenue expenditure is planned and monitored continually to ensure that it is within approved estimates and continues to be justified by Service performance.
13. Where specific powers and duties are imposed upon specific Officers of the Council by operation of law, those powers and duties will be undertaken by the Officer so empowered having regard to the procedures set out by law, the Council's policies and ~~these Standing Orders~~this Scheme of Delegation.