

51. 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, 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 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 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 Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, 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;
 - (ix) determine whether the prior approval of the Planning Authority is required.

52. 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.

53. 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 and listed in paragraph 2 hereunder, 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 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, 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 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, where there are no current convictions and where there have been 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 there are no new convictions and where there have been no objections since the last consideration of the matter;
- (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;

Other

- (v) 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, window cleaners and zoos, where there are no current convictions and where no objections have been received;

- (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;
 - (vii) to consider renewal applications under the 1982 Act which are submitted late (but within 28 days of the licence expiry date);
 - (viii) to determine applications for approval of premises under the Marriage (Scotland) Act 1977 and any associated Regulations;
 - (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.
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, 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

5. 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

6. 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.
7. 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.

54. PENSIONS COMMITTEE

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 approve 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 ensure appropriate communication and consultation with Fund stakeholders.

55. APPEALS COMMITTEE

Terms of reference

1. 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.

56. APPOINTMENTS COMMITTEE

Terms of reference

1. 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.

57. AUDIT COMMITTEE

Purpose

1. The purpose of the Audit Committee is to support the Council in its responsibilities for risk management, governance, and control. It does this by seeking assurance that an effective system of internal control is maintained, and that reasonable arrangements have been established to ensure that assets are safeguarded, waste or inefficiency is avoided, reliable financial information is produced, value for money is continuously sought, and that Council activities are within the law.

Objectives

2. The main objectives of the Committee are to provide:
 - (i) independent assurance on the adequacy of the risk management framework and associated control environment within Falkirk Council;
 - (ii) independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects Falkirk Council'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 Annual Accounts are properly dealt with.

Functions delegated to the Committee

3. Risk Management, Governance, and Control

- 3.1 To review and seek assurance on the framework of risk management, governance, and control.
- 3.2 To review and seek assurance on the system of internal financial control.
- 3.3 To review the Authority's Assurance Statements to ensure they properly reflect the risk environment, and to produce an annual report on the above to support these statements.
- 3.4 To take account of the implications of publications detailing best practice for audit, risk management, governance, and control.
- 3.5 To take account of recommendations contained in the relevant reports / minutes of external scrutiny agencies.

4. Internal Audit

- 4.1 To review and approve the Internal Audit Strategy and Plans ensuring that the process has due regard to risk materiality and coverage.
- 4.2 To monitor progress and review audit reports from the Internal Audit Manager.
- 4.3 To monitor management action taken in response to audit recommendations.
- 4.4 To consider the Internal Audit Manager's Annual Assurance Report.
- 4.5 To review the operational effectiveness of Internal Audit by considering its standards, resources, staffing, technical competency, and performance measures.
- 4.6 To ensure there is direct contact between the Audit Committee and Internal Audit, and the opportunity is given for discussions with the Internal Audit Manager (as required) without the presence of Executive Officers.

5. External Audit

- 5.1 To review the Audit Strategy and Plan, including the Performance Audit Programme.
- 5.2 To consider all statutory audit material, in particular:
 - Audit Reports (including Performance Audit Studies);

- Annual Reports; and
- Management Letters.

5.3 To monitor management action taken in response to External Audit recommendations, including Performance Audit Studies.

5.4 To have the ability to hold meetings with the External Auditors at least once per year without the presence of the Executive Directors.

5.5 To review the extent of co-operation between External and Internal Audit.

5.6 To note the appointment and remuneration of External Auditors.

6. Standing Orders and Financial Regulations

6.1 To periodically review Standing Orders and Financial Regulations.

7. Annual Accounts

7.1 To review changes in accounting policy.

7.2 To review and recommend approval to the Council of the Annual Accounts.

7.3 To report on the roles and responsibilities of the Audit Committee and actions taken to discharge those.

8. Other

8.1 The Committee has a duty to review its own performance, effectiveness, and terms of reference on an annual basis.

8.2 The Committee shall keep up-to-date with changes to topical laws and regulations.

8.3 An Annual Report of the work of the Committee shall be submitted to the Full Council (by the Convener of the Audit Committee).

8.4 The Committee has the power invite such persons with particular expertise in areas being considered by the Committee to address the Committee or to take part in meetings

58. COMMON GOOD FUND COMMITTEES

Terms of reference

1. The functions delegated to these committees are:-

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

59. CIVIC EVENTS PANEL

Terms of Reference

1. The functions delegated to this committee are:-
 - (i) To determine ceremonial matters and hospitality in accordance with the policy of the Council.

60. EMERGENCY COMMITTEE

Terms of reference

1. The functions delegated to this committee are:-

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:-

 - (i) Emergencies arising from industrial action by employees of the Council; and
 - (ii) 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.