

Introduction

Like every other Local Authority, Falkirk Council's process of making decisions and actually carrying out its business is done in a variety of ways. In order to be as effective as possible in delivering services to members of the public or in responding to external parties engaged in dealings with it, the Council delegates these tasks to Committees or Officers. This is permitted in terms of the Law and allows for a speedier and more efficient delivery of Council business, as well as allowing those engaging with the Council to do so in the knowledge that the interaction will not be hampered by a lack of authority on the part of their relevant Council contacts.

Whilst there are some decisions reserved exclusively to the Council as a whole, where delegation does take place it is important to remember that every decision taken under delegated power, whether by a committee or an officer, is considered to be a decision of the Council.

This section of the Scheme describes how decision-making operates within the Council. The remaining sections detail some specific delegations that have been agreed by the Council.

Extent of Delegation

The Council can only delegate to a Committee or an Officer of the Council or any other local authority in Scotland. Unless the Council states otherwise, Committees may delegate further to Officers and it may be that such delegations are contained in reports on particular topics dealt with from time to time by the Council. As regards Officer delegation, broadly speaking matters are delegated in the first instance to Chief Officers.

Chief Officers may delegate any matter delegated to them with the expectation that day to day decisions should be delegated as close to the point of service delivery as possible. Any action or decision taken in these circumstances remains the responsibility of the Chief Officer. Chief Officers should keep a written record of this delegation.

Where a responsibility has been further delegated there is nothing to prevent the person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

51. PLANNING COMMITTEE

Reservation to Council

1. It is important to note, prior to detailing the Terms of Reference and Powers of the Planning Committee, that under section 56(6A) of the 1973 Act, there is reserved to 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. This reservation to Council is noted at paragraph 1(4) of this Scheme of Delegation to Committees.

Terms of Reference

2. To discharge the Council’s regulatory and enforcement functions as detailed at paragraphs 3 to 9 below.

Powers of the Planning Committee

3. In relation to development control matters, to determine applications for:-
 - (i) 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,
 - (ii) listed building and conservation area consent,
 - (iii) discharge, amendment or deletion of conditions,
 - (iv) certificates of lawfulness of existing or proposed development,
 - (v) advertisement consent,
 - (vi) hazardous substances consent, and
 - (vii) decisions on permitted development,all in circumstances where:-

- (a) the application has been made by a member of the Council or by an officer involved in the statutory planning process;
 - (b) 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;
 - (c) 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;
 - (d) 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
 - (e) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers.

- 4. In relation to development control matters, to conduct pre-determination hearings required by section 38A of the Town and Country Planning (Scotland) Act 1997.

- 5. In relation to development control matters, to determine applications for modification or discharge of planning obligations or good neighbour agreements other than in circumstances where:-
 - (a) the original application was determined by Council in which case Council shall determine the application for modification or discharge;
 - (b) the original application was determined by the Planning Committee solely by reason of 3(a) above 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.

- 6. 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, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and any other relevant Acts or Regulations, and to conduct any hearings required under those Acts and Regulations.

7. 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.
8. To conduct hearings under the Building (Scotland) Act 2003 and to make consequential determinations.
9. 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.
10. 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.

Powers Delegated to Chief Officer

11. Paragraphs 15 and 16 of the Scheme of Delegation to Officers detail the powers delegated to the relevant Chief Officer.

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 of the Planning Review Committee

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 and Powers of the Civic Licensing Committee

1. To discharge the Council's regulatory and enforcement functions in relation to all licensing matters under the Civic Government (Scotland) Act 1982 or other relevant Acts or Regulations covering personal or other licences, certificates, permits and the regulation of public processions so far as not delegated to another committee or a Chief Officer. In carrying out its powers the committee may:-

- (i) conduct hearings, in such a manner as it considers appropriate having regard to the subject matter under consideration and the requirements of law, in relation to the determination, suspension or revocation, as appropriate, of applications for licences, certificates, permits or orders;
- (ii) visit any site connected with a matter under consideration if this would assist the discharge of functions; and
- (iii) institute, become involved in, or defend, any proceedings before a Court, Tribunal or Inquiry where the Council's involvement is deemed necessary to protect or uphold Council or community interests. This is on the condition that it remains open to a 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.

Powers Delegated to Chief Officers

- 2.. Paragraphs 17, 18 19 and 20 of the Scheme of Delegation to Officers detail the powers delegated to the relevant Chief Officers.

54. PENSIONS COMMITTEE

Terms of Reference

1. The Pensions Committee will:-

- (1) exercise responsibility for the administration of the Superannuation Pension 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 Council on the state of the Fund and on the investment activities during the preceding year.

Powers of the Pensions Committee

2. The functions delegated to and powers of 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 oversee the Council's role as scheme manager in terms of the Public Service Pensions Act 2013;
- (iii) to supervise the administration of the Fund in accordance with relevant legislation and codes of practice;
- (iv) to formulate and monitor policies in respect of the administration of the Fund;
- (v) to manage the investments of the Fund in accordance with relevant legislation and codes of practice;
- (vi) to formulate and monitor an investment policy and strategy for the Fund, including an asset allocation strategy;
- (vii) to formulate and monitor a funding policy for the Fund;
- (viii) 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;
- (ix) to ensure that a risk register is maintained;
- (x) to ensure that the Fund is subject to actuarial valuations as required;
- (xi) to approve the Pension Fund Annual report and Accounts;
- (xii) to set a training policy on pensions matters for committee and Panel members;
- (xiii) to appoint external advisers, investment managers and custodians, as required;
- (xiv) to receive, consider and, as appropriate, make determinations in relation to reports from officers on matters of relevance to the running of the pension fund; and
- (xv) to ensure appropriate communication and consultation with Fund stakeholders.

55. APPEALS COMMITTEE

Terms of Reference and Powers of the Appeals Committee

1. The functions delegated to this committee are the consideration of appeals by individual employees on decisions of Chief Officers to dismiss, or issue a final written warning, following proceedings under the Disciplinary or Capability Procedures. In addition, the committee will exercise an appellate role in relation to grievances where required by any national terms and conditions to which the Council is a party.

56. APPOINTMENTS COMMITTEE

Terms of Reference of the Appointments Committee

1. The function delegated to this committee is to recommend to the Council, the appointment of the Chief Executive and Chief Officers.

57. AUDIT COMMITTEE

Terms of Reference

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.
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.

Powers of the Audit 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 significant changes in accounting policy.
- 7.2 To review and recommend approval to the Council of the Annual Accounts.

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

58. COMMON GOOD FUND COMMITTEES

Terms of Reference and Powers of the Common Good Fund Committees

- 1. The functions delegated to and powers of these committees are to consider and determine applications for grants and donations from organisations from Common Good Funds held by the Council as Trustees.

59. NOT USED

60. EMERGENCY COMMITTEE

Terms of Reference and Powers of the Emergency Committee

1. The functions delegated to and powers of 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.

SECTION 8

SCHEME OF DELEGATION TO OFFICERS

61. The Scheme of Delegation to officers is as follows:-

1. Chief Officers 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 Paragraph 2 above, 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 operational decisions:-
 - (i) discharging any of the functions of the Council except for any matters specifically reserved to Council or Committee and provided that any such decision does not alter or depart from any Council policy or any procedure which has been approved by Council or any of its Committees and is consistent with the Budget;
 - (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, Contract 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) ensure that decisions taken are compliant with agreed revenue and capital budgets;
 - (iv) have regard to the Corporate Plans;
 - (v) ensure the implementation of corporate policies and strategies, both at an area wide and local level;
 - (vi) ensure that the performance of their Service across the Council area in relation to agreed standards is reported appropriately;
 - (vii) ensure that Local Members are informed about the performance of their service in the ward; and
 - (viii) consult, as appropriate, with the Portfolio Holder for the service area involved and the Local Members.

7. The Council's Chief Officers may authorise other officers to exercise powers delegated to them. 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 Chief Officers will have full legal authority under Paragraph 4 above 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 Paragraph 10 below is followed.
10. The procedure referred to in Paragraph 9(iii) above is as follows:-

The Chief Executive or Chief Officer concerned will:-

 - (i) consult the Convener of the relevant Committee or relevant Portfolio Holder as appropriate before exercising the delegated power;
 - (ii) consult the Chief Governance Officer, the Chief Finance Officer and any other Chief Officer 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 Executive 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 Corporate and 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 this Scheme of Delegation. The statutory appointments which the Council is obliged to make are listed at clause 24 below.

Specific Delegation to Chief Officers

Notwithstanding the general nature of the delegations detailed above, relevant Chief Officers will have the following specific delegated powers:-

14. **Civic Events**

The Chief Executive and/or the Chief Governance Officer in consultation with the Provost will have authority to approve expenditure and determine ceremonial matters and hospitality in accordance with the policy of the Council.

15. **Regulatory and Enforcement Matters**

Any regulatory or enforcement powers or duties conferred or imposed on the Council in terms of law, apart from those in relation to Civic Licensing and 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.

16. Without prejudice to the generality of the foregoing, it is specifically acknowledged that the Director of Development Services will have power to:-

- (i) appoint persons to determine planning applications in terms of section 43(A)(i) of the Town and Country Planning (Scotland) Act 1997
- (ii) 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;
- (iii) advertise applications for planning permission when required by law or otherwise deemed desirable;
- (iv) make Tree Preservation Orders and 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;
- (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 including those in relation to environmental protection matters, food safety, trading standards, planning, building standards and roads;
- (ix) determine whether the prior approval of the Planning Authority is required.

Regulatory and Enforcement matters- Civic Licensing

17. 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 operators 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 Notice of 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,, 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/or 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 or revocation of a licence ;
- (xi) to issue permits and licences for cinema, public charitable collections and raised structures subject to no objections;
- (xii) to grant metal dealer exemption warrants if satisfied the applicant has met the financial threshold required; and
- (xiii) to make an order in relation to public processions where time does not allow for consideration of the matter at committee;

18. 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.

19. The Director of Development Services is authorised to determine applications for licences for animal boarding establishments, breeding of dogs, caravan sites dangerous wild animals, performing animals pet animals, reservoirs and riding establishments.
20. The Chief Governance Officer, Director of Corporate and Neighbourhood Services and the Director of Development Services are authorised to undertake any necessary enforcement actions available to them under the appropriate legislation in the discharge of their functions detailed in paragraphs 17, 18 and 19.

21. **Local Government Pension Scheme (LGPS)**

- (i) The Chief Finance Officer will have authority to exercise all employer discretions available to the Council under the LGPS
- (ii) The Chief Finance Officer will have authority to determine the recipient of any death grant in circumstances where the scheme member has made a nomination and the payment is made to the nominee and in the absence of a nomination where the payment is made in accordance with a will, and in the absence of a will in accordance with the rules of intestate succession. In all other cases, the Chief Finance Officer and the Chief Governance Officer will have the authority to make the decision.

22. **Property Matters**

(i) **Land and Property surplus to Operational requirements**

Chief Officers will have the authority to make the decision on removal from operational service land and property no longer required for operational purposes for internal transfer or for disposal either on the open market or on a negotiated basis where the value of the asset is assessed to be less than £5,000.

Before any land or property is declared surplus by Chief Officers, they will consult the relevant Portfolio Holder and Local members and may, where deemed appropriate consult with any other Council Service.

(ii) **Disposal of Surplus Land and Property**

The Director of Development Services, in consultation with the relevant Chief Officer, will have authority to agree terms for the disposal or internal transfer of land and property, which has been declared surplus (whether in terms of paragraph 22(i) above or by the Executive), subject to a maximum value of £350,000 in any particular case.

(iii) **Leases and other Property Transactions**

The Director of Development Services will have authority:-

- (a) to agree terms for leases up to 25 years duration and up to an annual rental value of £100,000.
- (b) to agree terms for ground leases for a duration of up to 125 years with a capital value of up to £350,000 or equivalent rental value
- (c) to agree the terms of other property transactions eg assignments, subleases, licences, servitudes, wayleaves and the like subject to and consistent with the financial values detailed above.

(iv) **Acquisition of Land and Property**

- (a) The Director of Development Services, in consultation with the relevant Chief Officer, will have authority to approve any terms and conditions for the acquisition or internal transfer of land and property subject to a maximum value of £350,000 in any particular case provided that he or she is satisfied that the acquisition or transfer is consistent with the provisions of Paragraph 9 in relation to conformance with Council Policy, is contained within the approved capital programme or is otherwise approved by reference to a decision of the Executive or Council.
- (b) The Director of Development Services will have authority to instruct the Chief Governance Officer to conclude any relevant property transaction.

(v) **Demolition of Buildings**

Chief Officers, in consultation with the relevant Portfolio Holder, will have the authority to instruct the demolition of any building held under their operational remit in circumstances where the building is an imminent danger to health and safety or is beyond economic repair

23. **Statutory Appointments**

In terms of various Statutes the Council is obliged to appoint designated officers to certain roles as follows :-

- (i) The Chief Executive is appointed as the Head of Paid Service in terms of section 4 of the 1989 Act
- (ii) The Chief Governance Officer is appointed as the Monitoring Officer in terms of section 5 of the 1989 Act
- (iii) The Chief Finance Officer is appointed as the officer with responsibility for the financial affairs of the Council in terms of section 95 of the 1973 Act
- (iv) The Director of Social Work Services is appointed as the Chief Social Work Officer in terms of section 3 of the Social Work (Scotland) Act 1968
- (v) The Chief Executive is appointed as the Returning Officer in terms of section 41 of the Representation of the People Act 1983
- (vi) The Chief Governance Officer is appointed in respect of all other references to Proper Officer in legislation relating to elections
- (vii) The Chief Executive is appointed as Proper Officer for purposes in connection with Declarations of Acceptance of Office by Councillors in terms of section 33A of the 1973 Act
- (viii) The Chief Executive is appointed as Proper Officer for receipt of Councillors' resignations in terms of section 34 of the 1973 Act
- (ix) The Chief Governance Officer is appointed as Proper Officer for purposes in connection with meetings and proceedings of the Council, Committees and Sub Committees in terms of section 43 and schedule 7 of the 1973 Act
- (x) The Chief Governance Officer is appointed as Proper Officer for purposes in connection with access to agendas, reports and background papers of the Council, Committees and Sub Committees in terms of sections 50B-F of the 1973 Act
- (x) The Chief Governance Officer is appointed as Proper Officer for various purposes in connection with legal proceedings and service of notices etc on the Council in terms of section 190 of the 1973 Act
- (xi) The Chief Finance Officer is appointed as Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations in terms of section 191 of the 1973 Act
- (xii) The Chief Governance Officer is appointed as Proper Officer in respect of the authentication of documents in terms of section 193 of the 1973 Act
- (xiii) The Chief Executive, the Chief Governance Officer, the Depute Chief Governance Officer and the Legal Managers are appointed as Proper Officers in respect of execution of deeds and use of the Council Seal in terms of section 194 of the 1973 Act

(xiv) The Chief Governance Officer is appointed as Proper Officer for various purposes in connection with byelaws in terms of sections 202-204 of the 1973 Act

(xv) The Head of Human Resources is appointed as Proper Officer in respect of politically restricted postholders in terms of section 2 of the 1989 Act

(xvi) The Chief Governance Officer is appointed as Proper Officer in respect of management rules in terms of sections 112-113 of the Civic Government (Scotland) Act 1982

(xvii) The Chief Governance Officer is appointed as Proper Officer in respect of maintaining the register of members' interests in terms of The Ethical Standards in Public Life etc (Scotland) Act (Register of Interests) Regulations 2003

For the avoidance of doubt, any reference to the Chief Governance Officer and the Chief Finance Officer is deemed to include reference to their deputies.

24. In relation to the foregoing delegations, in the event that the relevant Chief Officer considers it inappropriate to deal with a matter under delegated powers, the matter may be referred by him or her for a decision to the relevant Committee.