



SCHEME OF ADMINISTRATION

Council Building
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Perth PH1 5PH

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SCHEME OF ADMINISTRATION

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PART 1

PRELIMINARY

1.0 COMMENCEMENT, INTERPRETATION, DEFINITIONS AND ALTERATION OF THE SCHEME OF ADMINISTRATION

1.1 Commencement

The Scheme shall apply with effect from 1 January 2008.

1.2 Interpretation

The Interpretation Act 1978 shall apply to the interpretation of the Scheme as it would apply to the interpretation of an Act of Parliament.

1.3 Definitions

In the Scheme the following words shall have the meanings assigned to them, that is to say:

“the 1973 Act” means the Local Government (Scotland) Act 1973, as amended;

“the 1994 Act” means the Local Government etc (Scotland) Act 1994;

“Council” means the Perth and Kinross Council incorporated under the 1994 Act.

“Corporate Rules and Standards” means the rules and standards approved by the Council for the appropriate corporate governance of the Council and retained by the Head of Democratic Services.

“Valid planning objections” means only those submitted within the time in which representations must be made.

1.4 Alteration of Scheme

1. Subject to the provisions of the 1973 Act, the Council shall be entitled to amend, vary or revoke the Scheme from time to time.
2. The Chief Executive shall have the power to alter the Scheme to correct any textual or minor errors, or to make any consequential amendments required as a result of a decision of the Council. Any such alteration shall be notified to the Head of Democratic Services and made to the version of the Scheme retained by the Head of Democratic Services.

PART 2

PROVISIONS RELATING TO COMMITTEES

2.0 GENERAL PROVISIONS REGULATING ALL COMMITTEES OF THE COUNCIL

Constitution of Standing Committees

2.1 The provisions of this Section of the Scheme shall apply to the Standing Committees of the Council.

2.2 The following are the Standing Committees:

Community Safety Committee
Development Control Committee
Enterprise and Infrastructure Committee
Environment Committee
Housing and Health Committee
Licensing Committee
Lifelong Learning Committee
Scrutiny Committee
Strategic Policy and Resources Committee

The undernoted Common Good Fund Committees:-

Perth Common Good Fund Committee
Aberfeldy Common Good Fund Committee
Alyth Common Good Fund Committee
Auchterarder Common Good Fund Committee
Blairgowrie Common Good Fund Committee
Coupar Angus Common Good Fund Committee
Crieff Common Good Fund Committee
Kinross Common Good Fund Committee
Pitlochry Common Good Fund Committee

Appointment etc of Committees

2.3 Subject to the provisions of the 1973 Act or any other Act or statutory order relating to the appointment of Committees, the Standing Committees referred to in paragraph 2.2 above shall be appointed at the first meeting of the Council following the ordinary election of Councillors in an election year. Subject to the right of the Council to make changes in the membership of the Standing Committees at any time, on being appointed to a Standing Committee a member shall continue to be a member of that Committee until the day of the next ordinary election of Councillors or until they cease to be a member of the Council. Any member of the Council has the right to resign from any Standing Committee.

2.4 Any person not being a member of the Council, who in terms of this Scheme is appointed as a member of any Standing Committee shall, subject to the right of the Council to make changes in the membership of any Committee, be members of that Committee from the day of their appointment until the day of the next ordinary election of Councillors.

- 2.5 Council members of Committees and Sub-Committees shall be appointed having regard, so far as is reasonably possible, to the political groups represented on the Council. The Head of Democratic Services shall submit a report on membership of the Committees and Sub-Committees to the Council following each election and, in the event of any subsequent change of circumstances affecting the number or nature of the political groups, to the earliest practicable meeting of the Council or Committee thereafter, as the case may be.

Casual Vacancies

- 2.6 Casual vacancies occurring in any Committee shall be filled as soon as may be by the Council after the vacancy takes place.

Appointment of Sub-Committees

- 2.7 A Sub-Committee appointed by a Committee may consist in part of persons not being members of the Committee, but at least two-thirds of the members of any such Sub-Committee shall be members of the Council; provided that a Sub-Committee of the Lifelong Learning Committee, or the Scrutiny Committee when dealing with educational matters may comprise up to one-half of persons who are not members of the Council, and the Social Work Complaints Review Committee of the Scrutiny Committee should comprise all independent persons.
- 2.8 Without prejudice to the foregoing, each Standing Committee, with the exception of the Development Control Committee, the Licensing Committee and the Scrutiny Committee, shall appoint an Executive Sub-Committee with delegated powers to decide any matter which would normally be decided by the Standing Committee but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.

Council's Right of Review

- 2.9 The decisions of the Committees on all functions excluded from delegation under either the general exclusions in paragraph 2.14 below or any specific exclusion in respect of a particular Committee shall be subject to review by the Council in accordance with the provisions of Standing Orders. The Council may at any time review a Committee's Terms of Reference and direct that a function should be specifically excluded from delegation to a Committee.

Power of Council to Refer a Matter to a Committee

- 2.10 Notwithstanding the reference to one Committee of any class of functions, and without prejudice to any statutory provisions, the Council shall have power to refer any one of these functions on a particular occasion specifically to another Committee when by reason of the nature of the question it ought, in the opinion of the Council, to be so referred.

Functions Referred to Two or More Committees

- 2.11 Where any question arises out of or is connected with the functions referred to two or more Committees, the Committees shall confer together and give all necessary mutual assistance and facilities before reporting thereon to the Council either jointly or separately.

Terms of Reference

- 2.12 All functions detailed under the Terms of Reference for a Committee shall stand delegated to that Committee with the exception of those general exclusions detailed in paragraph 2.14 below and any specific exclusion detailed in respect of a particular Committee.
- 2.13 Notwithstanding the foregoing, a Committee or Sub-Committee, not being one referred to in Standing Order 18 of the Council's Standing Orders, may, in making any decision upon a matter which has been delegated to it by the Scheme, agree that the decision should be in the form of a recommendation to the Council for its approval or that the decision should be referred simpliciter to the Council for its decision.

General Exclusions from Delegation to Committees

- 2.14 In addition to any specific exclusion listed in respect of a particular Committee, there shall be excluded from delegation to any Committee the following:
1. formulation of strategic policy objectives and priorities;
 2. any matter requiring co-ordination between Committees or involving determination of differences between Committees;
 3. approval of the annual budget of (a) revenue expenditure and (b) capital expenditure;
 4. **approval of any matter involving the incurring of expenditure not provided for in the annual budget of the Council, other than the specific delegation to the Strategic Policy and Resources Committee under 11.2.7.4;**
 5. fixing and levying of the Council Tax;
 6. adoption, alteration or revocation of Standing Orders, the Scheme of Administration and Bye-Laws; and Structure Plan and Local Plans;
 7. proposals for the promotion of, or opposition to, parliamentary powers;
 8. consideration of the certified version of the Council's accounts and the External Auditor's report;
 9. **determination of applications for planning permission in respect of all major developments which are in the opinion of the Head of Planning significantly contrary to the development plan;**

10. consideration of applications for planning permission in respect of projects designated as national developments in the National Planning Framework for Scotland;

11. making of arrangements in accordance with the CIPFA Code of Practice on Treasury Management and the Council's Financial Regulations for the borrowing of monies required by the Council and the investment of any surplus funds accrued by the Council and to make arrangements for the administration of the Council's Loans Fund to include consideration of Annual Treasury Strategy and policies, the mid-year report and annual report on Treasury Management.

Minutes of Committees

2.15 Items that are marked with an asterisk in the Minutes of Committees or Sub-Committees are items for the approval of the Council and all other items are submitted for the information of the Council.

Reports to Committees or Sub-Committees

2.16 Only those reports which require a decision to be taken by a Committee or Sub-Committee of the Council, or are necessary to enable the Committee or Sub-Committee to discharge its business or exercise its monitoring role, will normally be included on the agenda of any Committee or Sub-Committee. It shall be delegated to the Chief Executive to make the final determination on whether or not an item of business should be included on an agenda. Any reports which are for information only will normally be included in an Information Bulletin prepared by the Head of Democratic Services for issue to all Members of the Council on a regular basis.

Appointment of Working Groups Involving Members

2.17 Working Groups may be set up by the Council, Committees or Sub-Committees to allow members to work with relevant officers, and invited members of the public and other agencies to draft policy, or to monitor a particular activity, or for another reason.

2.18 The Council, Committee or Sub-Committee shall determine the membership of the Working Group.

2.19 The Council, Committee or Sub-Committee shall determine and may adjust, the remit of the Working Group, including its expected life span.

2.20 Any matter may be referred to a Working Group, but no Working Group may take a decision on behalf of the Council, Committee or Sub-Committee.

2.21 If a Working Group identifies or considers a matter which requires a decision, a report shall be submitted to the Council, Committee or Sub-Committee by the lead officer.

2.22 The Convener of a Working Group shall regulate the conduct of business at meetings, and shall ensure that all Members receive a fair hearing. The Standing Orders of the Council shall not apply to Working Groups.

- 2.23 Members of Working Groups may appoint substitute members each time they are unable to attend meetings.

Tenders and Contracts

- 2.24 It shall be delegated to each Committee to consider matters regarding tenders and contracts so far as these relate to the functions referred to that Committee.

3.0 COMMUNITY SAFETY COMMITTEE

Constitution

- 3.1 The Community Safety Committee shall consist of thirteen members of the Council.

Terms of Reference

- 3.2 There shall stand referred to the Community Safety Committee the following:

General

- 3.2.1 Without prejudice to the responsibilities or delegated authority of other Committees, to consider internal and external reports, including Best Value Reviews, on, and to review the performance and effectiveness of aspects of the Council's work and the standards and level of service provided, as far as these are relevant to the work of this Committee.

Specific

3.2.2 **Community Safety**

To determine and implement, in partnership with other agencies, the Council's policy for the enhancement of community safety.

3.2.3 **Crime Prevention**

To determine and implement, in partnership with other agencies, the Council's policy in relation to crime prevention.

3.2.4 **Criminal Justice**

1. To oversee the management of Criminal Justice Services by the Council.
2. To establish and sustain effective liaison with the Tayside Community Justice Authority

3.2.5 **Emergency Planning**

To exercise the functions of the Council in relation to all matters of emergency planning.

3.2.6 **Police and Fire Liaison**

To establish and sustain effective liaison with Tayside Fire & Rescue and Tayside Police.

3.2.7 **Road Safety**

To determine the Council's policy, in partnership with other agencies, on road safety.

3.2.8 **Trading Standards and Environmental Health**

1. To exercise the functions of the Council in terms of the legislation relating to:

Animal Health and Welfare
 Consumer Protection
 Dog Fouling
 Fair Trading
 Food Safety
 Health and Safety at Work
 Petroleum and Explosives
 Public Health
 Water Supplies
 Weights and Measures

2. To determine and implement the Council's policy in relation to the functions referred to in Paragraph 3.2.7 above.
3. To grant, refuse, suspend and revoke licences, registrations or approvals where legally appropriate and set conditions in terms of the following and including all associated legislation:

Approval of Premises

Animal Health Act 1981
 Animal Health & Welfare (Scotland) Act 2006
 Dairy Products (Hygiene) (Scotland) Regulations 1995
 Egg Products Regulations 1993
 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
 Meat Products (Hygiene) Regulations 1994
 Minced Meat and Meat Preparations (Hygiene) Regulations 1995
 Slaughter of Animals (Scotland) Act 1980

Food Safety

General Food Hygiene (Butcher's Shops) Amendment (Scotland) Regulations 2000

Natural Mineral Water Recognitions

Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999

Public Health (Scotland) Act 1897

Registration of Premises

Ice Cream (Scotland) Regulations 1948

Safety Certificates

Safety of Sports Grounds Act 1975

3.2.9 **Byelaws and Management Rules**

1. To consider the promotion of Byelaws for recommendation to the Council
2. To consider the creation of Management Rules

Sub-Committees

3.3 The Committee shall appoint the following Sub-Committee:

Executive Sub-Committee

Comprising five members of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to decide any matter which would normally be decided by the Committee, but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.

4.0 DEVELOPMENT CONTROL COMMITTEE

Constitution

- 4.1 The Development Control Committee shall consist of thirteen members of the Council.

Terms of Reference

- 4.2 There shall stand referred to the Development Control Committee the following:

1. To exercise the development management functions of the Council as Planning Authority under the terms of the Town and Country Planning (Scotland) Act 1997 **as amended by the Planning Etc. (Scotland) Act 2006, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended** and all related subordinate legislation, in relation to major applications **(except as excluded in paragraphs 2.14.9 and 2.14.10 reserved to full Council)** and to local applications where:-
 - (a) the Council is the applicant; or
 - (b) the application relates to land in the ownership of the Council or to land in which the Council has a financial interest; or
 - (c) the applicant is a member or chief officer of the Council; or
 - (d) the recommendation by the Appointed Officer is for approval, but the proposal is significantly contrary to the development plan; or
 - (e) the recommendation by the Appointed Officer is for approval, but the proposal has attracted six or more valid planning objections from a Community Council, household, business address or interest group with multiple letters from the same household, organisation or property counting as one letter of objection; or
 - (f) a similar application at the same site had previously been determined by the Committee.
2. To deal with applications for certificates for appropriate alternative development under the provisions of the Land Compensation (Scotland) Act 1963 and all related subordinate legislation.
3. To exercise the functions of the Council as Building Standards Authority under the terms of the Building (Scotland) Act 2003 and all related subordinate legislation.

Sub-Committees

- 4.3 The Committee shall appoint the following Sub-Committee:

Appeals Sub-Committee

Comprising three members of the Committee, being the Convener and Vice-Convener and one other member of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to hear and determine appeals against the refusal by the Executive Director (Environment) to grant relaxations of the specified Building Standards.

5.0 ENTERPRISE & INFRASTRUCTURE COMMITTEE

Constitution

- 5.1 The Enterprise & Infrastructure Committee shall consist of thirteen members of the Council.

Terms of Reference

- 5.2 There shall stand referred to the Enterprise & Infrastructure Committee the following:

General

- 5.2.1 Without prejudice to the responsibilities or delegated authority of other Committees, to consider internal and external reports, including Best Value Reviews, on, and to review the performance and effectiveness of aspects of the Council's work and the standards and level of service provided, as far as these are relevant to the work of this Committee

Specific

5.2.2 Building Standards

To determine the Council's policy in relation to Building Standards, including the functions of the Council under the Building (Scotland) Act 2003 and all related subordinate legislation.

5.2.3 Land Use Planning

1. To exercise the functions of the Council in relation to **Development Plans**, including functions described in Part II of the Town and Country Planning (Scotland) Act 1997 **as amended by the Planning Etc. (Scotland) Act 2006** and all related subordinate legislation; with the exception of those functions conferred on the Council as a Joint Strategic Development Planning Authority which are subject to the provisions of the Minute of Agreement among Angus, Dundee City, Perth and Kinross, and Fife Councils in relation to the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority.
2. To exercise the functions of the Council, in partnership with other agencies, for land use planning including reclamation, environmental improvement, conservation and archaeological matters;

5.2.4 Economic Development

1. To exercise the functions of the Council in relation to economic development, including the functions provided for in Sections 171A, 171B, 171C and 176 of the 1994 Act, and all related subordinate legislation.
2. To develop measures to support and promote economic activity in the Council's area including the Council's schemes of financial assistance to businesses, trade development initiatives, advice and assistance to businesses and the attraction of inward investment.

3. To determine the Council's economic development policy in relation to the control and management of Perth Harbour.

5.2.5 **Harbours etc.**

To exercise the functions of the Council in relation to harbours, piers, boatslips and jetties Council in terms of Section 154 of the Local Government (Scotland) Act 1973 and all relevant subordinate legislation, including the section of the River Tay over which the Council is Navigation Authority.

5.2.6 **International Links/Initiatives**

1. To consider European Union affairs affecting Perth & Kinross.
2. To oversee applications for and co-ordination and monitoring of funding from European programmes.
3. To consider international links and liaison on economic twinning arrangements

5.2.7 **Public Transport**

To exercise the functions of the Council with regard to public transport and concessionary travel under the Transport Act 1985 and the Transport (Scotland) Act 2001, the Concessionary Travel for Handicapped Persons (Scotland) Act 1980 and the Public Passenger Vehicles Act 1981 and all related subordinate legislation.

5.2.8 **Roads and Traffic**

1. To exercise the functions of the Council as local Roads and Traffic Authority under the following Acts and all related subordinate legislation:

Roads (Scotland) Act 1984;
Road Traffic Regulation Act 1984;
Road Traffic Acts 1988 and 1991; and
New Roads and Street Works Act 1991
2. To exercise the functions of the Council as Roads Authority under any local statutory provisions, insofar as applicable;
3. To exercise the Council in relation to the naming and numbering of streets in terms of the Civic Government (Scotland) Act 1982.

5.2.9 **Tourism**

To work in partnership with the VisitScotland and other agencies to plan and promote tourism and tourism development in Perth & Kinross.

Sub-Committees

5.3 The Committee shall appoint the following Sub-Committee:

Executive Sub-Committee

Comprising five members of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to decide any matter which would normally be decided by the Committee, but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.

6.0 ENVIRONMENT COMMITTEE

Constitution

6.1 The Environment Committee shall consist of thirteen members of the Council.

Terms of Reference

6.2 There shall stand referred to the Environment Committee the following:-

General

6.2.1 Without prejudice to the responsibilities or delegated authority of other Committees, to consider internal and external reports, including Best Value Reviews, on, and to review the performance and effectiveness of aspects of the Council's work and the standards and level of service provided, as far as these are relevant to the work of this Committee

Specific

6.2.2 Bereavement Services

To exercise the functions of the Council in relation to bereavement services in terms of legislation relating to burials and cremations.

6.2.3 Caravan Park Service

To exercise the functions of the Council in relation to Aberfeldy Caravan Park.

6.2.4 Countryside Management

To exercise the functions of the Council, in partnership with other agencies, in relation to access to the countryside, including functions under the Countryside (Scotland) Act 1967, the Wildlife and Countryside Act 1981, the Land Reform (Scotland) Act 2003 and all related subordinate legislation.

6.2.5 Environmental Assessment

To determine and deliver the Council's obligations in relation to environmental assessment of its projects, programmes, plans and strategies as set out in the Environmental Assessment (Scotland) Act 2005 and all related subordinate legislation.

6.2.6 Environmental Health and Trading Standards

1. To exercise the functions of the Council in terms of the legislation relating to:-

Control of Pollution

2. To determine and implement the Council's policy in relation to the functions referred to in paragraph 6.2.5. above.

6.2.7 **Flood Prevention and Reservoirs**

1. To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:

Flood Prevention (Scotland) Act 1961;
Flood Prevention and Land Drainage (Scotland) Act 1997;
Part VI of the Agriculture Act 1970 (Flood Warning Systems)

2. To exercise the functions of the Council in terms of the Reservoirs Act 1975 and all related subordinate legislation.

6.2.8 **Sustainable Development and Environmental Policy**

To determine the Council's Environmental Policy in partnership with other agencies to ensure that the Council meets its environmental and sustainable development obligations under international, UK and Scottish Law.

6.2.9 **Environmental Protection and Enhancement**

To exercise the functions of the Council and to determine and deliver the Council's obligations in relation to Environmental Protection and Enhancement under the Environmental Protection Act 1990; European Air Quality Directive; Environment Act 1995; Clean Air Act 1993; The Environmental Assessment Act 2005; Nature Conservation (Scotland) Act 2004; Water Environment and Water Services (Scotland) Act 2003 and all related subordinate legislation.

6.2.10 **Parks and Open Spaces**

To exercise the functions of the Council in relation to parks and open spaces (urban, rural and countryside) under Section 14 of the Local Government and Planning (Scotland) Act 1982.

6.2.11 **Trees and Woodlands**

To provide, maintain and develop the Council's tree and woodland service in terms of the Town and Country Planning (Scotland) Act 1997, the Local Government and Planning (Scotland) Act 1982; and the Roads (Scotland) Act 1984.

6.2.12 **Waste Management**

To exercise the functions of the Council in relation to waste management.

Sub-Committees

- 6.3 The Committee shall appoint the following Sub-Committee:

Executive Sub-Committee

Comprising five members of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to decide any matter which would normally be decided by the Committee, but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.

7.0 HOUSING AND HEALTH COMMITTEE

Constitution

- 7.1 The Housing and Health Committee shall consist of thirteen members of the Council, but in addition, when dealing with housing matters, the Committee shall also consist of two representatives from the Perth and Kinross Tenants' Federation in a non-voting capacity, nominated in such a manner as may be determined by the Council.

Terms of Reference

- 7.2 There shall stand referred to the Housing and Health Committee the following:

General

- 7.2.1 Without prejudice to the responsibilities or delegated authority of other Committees, to consider internal and external reports, including Best Value Reviews, on, and to review the performance and effectiveness of aspects of the Council's work and the standards and level of service provided, as far as these are relevant to the work of this Committee

7.2.2 Adult Care Services

To exercise the functions of the Council as Social Work Authority in respect of Adult Care in terms of the following Acts and all related subordinate legislation:

Community Care

Carers (Recognition and Services) Act 1995
Community Care and Health (Scotland) Act 2002
Community Care (Direct Payments) Act 1996
Health and Social Services and Social Security Adjudications Act 1983
Health and Social Care Act 2001
Housing (Scotland) Act 1987
Housing (Scotland) Act 2001
Immigration and Asylum Act 1996
National Assistance Act 1948
National Assistance (Amendment) Act 1951
National Health Service (Scotland) Act 1978
Regulation of Care (Scotland) Act 2001
Social Work (Scotland) Act 1968

Chronic Sickness and Disability

Chronically Sick and Disabled Persons Act 1970
Chronically Sick and Disabled Persons (Scotland) Act 1972
Concessionary Travel for Handicapped Persons (Scotland) Act 1980
Disability Discrimination Act 1995
Disability (Grants) Act 1993
Disabled Persons (Employment) Act 1944
Disabled Persons (Employment) Act 1958
Disabled Persons (Services, Consultation and Representatives) Act 1986
Disability Rights Commission Act 1999

Mental Health

Adults with Incapacity (Scotland) Act 2000

Criminal Procedure (Scotland) Act 1995

Mental Health (Scotland) Act 1984

7.2.3 Health

1. To promote and develop relationships with local health and social care agencies and to work in partnership to ensure the provision of health services for people living in Perth and Kinross.
2. To monitor and respond to the activities and policies of Tayside Health and other agencies as they affect health services for people living in Perth and Kinross.
3. To exercise the functions of the Council in terms Part 1 of the Smoking Health and Social Care (Scotland) Act 2005 and all related subordinate legislation.

7.2.4 Housing

1. To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:-

Anti Social Behaviour etc Act 2003
Council Tax (General) Regulations 1992
Housing Act 1988
Housing Benefit (General) Regulations 1987
Housing (Scotland) Acts 1987, 1988 and 2001
Land Compensation (Scotland) Act 1973
Leasehold Reform Housing and Urban Development Act 1993 including
 - (i) assessment of housing need and the approval of the Local Housing Strategy to address the needs identified
 - (ii) Scheme of Allocation of Council houses
 - (iii) addressing the needs of the homeless
 - (iv) management and maintenance of the Council's housing stock
 - (v) establishing Sub-Committees/review boards to consider housing benefit appeals, Council Tax Benefit appeals and housing grant appeals
 - (vi) determining the rent levels of the Council's housing stock and associated properties
2. To exercise the duties and functions of the Council contained in legislation relating to Housing Standards.
3. To approve the future plans for the use of the Council Tax Fund for Affordable Housing.

Sub-Committees

7.3 The Committee shall appoint the following Sub-Committee:

Executive Sub-Committee

Comprising five members of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee:-

1. To decide any matter which would normally be decided by the Committee, but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.
2. To consider reports on inspections carried out by the Scottish Commission for the Regulation of Care where these relate to the provision of services to adults.

8.0 LICENSING COMMITTEE

Constitution

8.1 The Licensing Committee shall consist of seven members of the Council.

Terms of Reference

8.2 There shall stand referred to the Licensing Committee the following:-

1. To determine applications for licences, permits and registrations in terms of the following Acts and all related subordinate legislation and to exercise discretion in terms of any condition attached to such licences, permits or registrations where the approval of the Council as Licensing Authority is required:

Animal Boarding Establishments Act 1963;
 Breeding of Dogs Act 1973
 Breeding and Sale of Dogs (Welfare) Act 1999;
 Caravan Site and Control of Development Act 1960;
 Cinemas Act 1985;
 Civic Government (Scotland) Act 1982;
 Dangerous Wild Animals Act 1976;
 Deer (Scotland) Act 1996;
 Explosives Act 1875;
 Fireworks Act 2003;
 Game Licences Act 1860
 Game Acts 1831 and 1980;
 Gaming Act 1968;
 Hypnotism Act 1952;
 Lotteries and Amusements Act 1976;
 Marriage (Scotland) Act 2002
 Pet Animals Act 1951;
 Petroleum Regulation Act 1928 and 1936;
 Petroleum (Consolidation) Act 1928;
 Poisons Act 1972;
 Police, Public Order and Criminal Justice (Scotland) Act 2006
 Riding Establishments Act 1964 and 1970;
 Theatres Act 1968;
 Zoo Licensing Act 1981;

2. To otherwise exercise the powers and duties of the Council under the Civic Government (Scotland) Act 1982.
3. To determine, implement and monitor the Council's policy in relation to those functions referred to in Paragraph 8.2.1 above.
4. To set fees and charges for those licences, registrations and permits referred to in Paragraph 8.2.1 above.
5. **To exercise powers under Anti-Social Behaviour (etc) (Scotland) Act 2004 Part 8.**

9.0 LIFELONG LEARNING COMMITTEE

Constitution

9.1 The Lifelong Learning Committee shall consist of thirteen members of the Council, but in addition, when dealing with educational matters, the Committee shall also consist of:

1. Three persons interested in the promotion of Religious Education, and the persons appointed in terms of this paragraph shall include:
 - a. one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of the Church;
 - b. one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
 - c. one person in the selection of whom the Council shall have regard (taking account of the representation of Churches under sub-paragraphs a. and b. above) to the comparative strength within the area of all Churches and Denominational Bodies having duly constituted charges or other regularly appointed places of worship there;
2. Two teachers employed in educational establishments under the management of the Council, nominated in such manner as may be determined by the Council.
3. One parent representative from Secondary Parent Councils and one parent representative from Primary Parent Councils, both in a non-voting capacity, nominated in such manner as may be determined by the Council.

Terms of Reference

9.2 There shall stand referred to the Lifelong Learning Committee the following:

General

9.2.1 Without prejudice to the responsibilities or delegated authority of other Committees, to consider internal and external reports, including Best Value Reviews, on, and to review the performance and effectiveness of aspects of the Council's work and the standards and level of service provided, as far as these are relevant to the work of this Committee

Specific

9.2.2 **Schools Education**

To exercise the functions of the Council as Education Authority in terms of the following Acts and all related subordinate legislation:-

Children and Young Persons (Scotland) Act 1937
Children (Scotland) Act 1995
Education (Additional Support for Learning) (Scotland) Act 2004
Education (Scotland) Act 1980
Road Traffic Regulation Act 1984
School Boards (Scotland) Act 1988
Scottish Schools (Parental Involvement) Act 2006
Self-Governing Schools etc. (Scotland) Act 1989
Standards in Scotland's Schools etc. Act 2000

9.2.3 **Early Years Services**

1. To determine and implement the Council's policy in relation to Early Years Services.
2. To enter into partnerships on behalf of the Council to ensure the provision of quality Early Years Services.

9.2.4 **Children's Services**

To exercise the functions of the Council as Social Work Authority in relation to child care in terms of the following Acts and all related subordinate legislation:-

Adoption (Intercountry Aspects) Act 1999
Adoption (Scotland) Act 1978
Adults with Incapacity (Scotland) Act 2000
Anti-Social Behaviour etc. (Scotland) Act 2003
Carers (Recognition and Services) Act 1995
Children (Scotland) Act 1995
Children Act 1975
Children and Young Persons (Scotland) Act 1937
Chronically Sick and Disabled Persons Act 1970
Chronically Sick and Disabled Persons Act 1972
Community Care (Direct Payments) Act 1996
Disabled Persons (Services, Consultation and Representatives) Act 1986
Education (Additional Support for Learning) (Scotland) Act 2004
Foster Children (Scotland) Act 1984
Immigration and Asylum Act 1999
Mental Health (Care and Treatment) (Scotland) Act 2003
Protection of Children (Scotland) Act 2003
Self Governing Schools etc. (Scotland) Act 1989
Social Work (Scotland) Act 1968

9.2.5 **Community Learning and Development**

To determine and implement the Council's policy in relation to Community Learning and Development.

9.2.6 **Sport and Leisure**

1. To provide, maintain and develop, including through working in partnership with Perth and Kinross Leisure, the provision of sport and leisure facilities and the maximisation of community use of these.
2. To monitor the provision of all Perth and Kinross Leisure facilities.

9.2.7 **Arts and Cultural Services**

1. To determine and implement the Council's policy in relation to Arts and Cultural Services.
2. To provide, maintain and develop museums and galleries and related facilities.

9.2.8 **Library and Archive Services**

1. To provide, maintain and develop a comprehensive Library and Archive Service for Perth and Kinross.

Sub-Committees

9.3 The Committee shall appoint the following Sub-Committees:

1. **Executive Sub-Committee**

Comprising five members of the Council and three non-Council members when considering educational matters.

Terms of Reference

It shall be delegated to the Sub-Committee:-

1. to decide any matter which would normally be decided by the Committee, but which, be reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.
2. To consider HM Inspectorate (HMI) and Quality Management in Education (QMIE) reports on individual schools, pre-school partner providers and community learning;
3. To consider HM Inspectorate (HMI) reports on general aspects of education provision, including learning and teaching, the curriculum, and care and welfare;
4. To consider reports on inspections carried out by the Scottish Commission for the Regulation of Care where these relate to the provision of services to children;

2. **Attendance Sub-Committee**

Comprising three members of the Council, not being the Convener or a Vice-Convener of the Committee, and one non-Council member.

Terms of Reference

It shall be remitted to the Sub-Committee to discharge the functions of the Council under Sections 34-43 of the Education (Scotland) Act 1980 (except the appointment of a person to institute proceedings in terms of Section 43(2)), being the consideration and determination of requests for exemption from school attendance and cases of school attendance default, as referred to the Sub-Committee by the Executive Director (Education and Children's Services).

3. School Estate Sub-Committee

Comprising six members of the Council, including the Convener of the Strategic Policy and Resources Committee, and three non-Council members

Terms of Reference

It shall be remitted to the Sub-Committee to oversee the entire school estate, including the business change process in relation to the Investment in Learning programme.

4. Review Sub-Committee

Comprising three members of the Council, not being the Convener or a Vice-Convener of the Committee, and two non-Council members.

Terms of Reference

It shall be delegated to the Sub-Committee to consider and decide upon:-

- a. Applications from teachers in educational establishments for premature retirement or continued employment after the age of 65 years.
- b. Requests for review of decisions made in terms of Regulation 4(1) or Regulation 10(1) of the School Pupil Records (Scotland) Regulations 1990.
- c. Applications for bursaries, allowances and other financial aid to assist persons to take advantage of educational facilities.
- d. **Appeals on safety grounds against the refusal or the withdrawal of education transport.**
- e. Appeals against decisions of the Executive Director (Education and Children's Services) in respect of the early admission of children to primary school education.

5. **Appointment Panels** (Constituted in terms of The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007)

Terms of Reference

It shall be remitted to the Panels to interview and appoint persons for the posts of headteacher or deputy headteacher of a school subject to the appropriate Parent Council, where one has been established, having been invited to participate in the preparation of both long and short lists, where both are required, and to be represented on the Panel.

6. **Perth and Kinross Educational Trust Committee**

Comprising in accordance with the terms of The Perth and Kinross Educational Trust Scheme 1964:-

11 members of the Lifelong Learning Committee;
 1 person from the Church of Scotland Presbytery of Dunkeld;
 1 person from the Church of Scotland Presbytery of Perth;
 1 person from the Church of Scotland Presbytery of Auchterarder;
 2 persons from the Perth and Kinross local association of the Educational Institute of Scotland;
 1 person from the Governors of the McLaren Educational Trust from their own number as a life member, to be succeeded by one person to be nominated by the Church of Scotland Presbytery of Stirling and Dunblane, who shall be the Minister of St Kessog's Church, Callander or the Minister of St Bride's Church, Callander; and
 1 person from the Senatus Academicus of the University of St Andrews.

Terms of Reference

It shall be delegated to the Committee to undertake the functions of the Council under The Perth and Kinross Educational Trust Scheme 1964.

Education Appeal Committee

- 9.4 In terms of Section 28D of the Education (Scotland) Act 1980 and in accordance with Schedule A1 to that Act, the Committee shall appoint an Education Appeal Committee comprising three persons being one member of the Council also being a member of the Lifelong Learning Committee, one parent representative nominated by Parent Councils in Perth and Kinross, and one person from the Perth and Kinross area with experience in education or acquainted with the educational conditions in the area, who shall be the Convener of the Committee.

Terms of Reference

In terms of the Education (Scotland) Act 1980 as amended, it is remitted to the Education Appeal Committee to consider appeals against decisions of the Education Authority:-

- a. to refuse requests for places in schools;
- b. to exclude a pupil from school; and
- c. in relation to pupils with additional support needs.

10.0 SCRUTINY COMMITTEE

Constitution

10.1 The Scrutiny Committee shall consist of seven members of the Council, and three non-Council members to include one church representative; one teacher representative and one parent representative (in a non-voting capacity) when considering educational matters.

Terms of Reference

10.2 There shall stand referred to the Scrutiny Committee the following:

10.2.1 **External Audit**

1. To consider reports (including the annual management letter) by the Council's External Auditors across the full range of Council activities, other than the report accompanying the certified version of the Council's accounts;

10.2.2 **Internal Audit**

1. To consider reports by the Council's Chief Internal Auditor across the full range of Council activities.

10.2.3 **Continuous Improvement**

1. To consider the Best Value Review Implementation Plan

10.2.4 **Scrutiny of Service Delivery**

1. Without prejudice to the responsibilities or delegated authority of other Committees, to review the performance and effectiveness of all of the Council's work and the standards and level of service provided, particularly in relation to the promotion of equality of opportunity subject to performance reports being submitted to the relevant Committee in the first instance;
2. To commission and receive reports from officers, on any aspect of service delivery and to call before the Committee any officer or appropriate Convener/Vice-Convener to answer questions thereon and make recommendations to the relevant Committee;
3. To undertake an agreed annual programme of reviews on any aspect of service delivery or on any policy or the implementation thereof, and may call before the Committee any officers or members of the Council, expert witnesses or members of the public to give evidence, answer questions or provide written reports, and thereafter to make recommendations to the relevant Committee;
4. To consider trends in (a) HM Inspectorate of Education (HMIE) and Quality Management in Education (QMIE) reports on individual schools, pre-school partner providers and community learning and (b) HM Inspectorate of Education (HMIE) reports on general aspects of

education provision, including learning and teaching, the curriculum, and care and welfare;

5. To consider trends in reports on inspections carried out by the Scottish Commission for the Regulation of Care;
6. To consider reports on external inspections of any aspects of the Council's work and the standards and level of service provided, subject to the reports being submitted to the relevant Committee in the first instance.

10.2.5 **Scrutiny of Policy**

1. To commission and receive reports on any policy to be submitted to or having been approved by the Council and the implementation thereof and may call before the Committee any officer or appropriate Convener/Vice-Convener to answer questions thereon and make recommendations to the relevant Committee; and
2. To consider and report on suggestions from the public for policy review or substantive policy changes.

10.2.6 **Corporate Governance**

1. To review the adequacy of the arrangements and procedures, policies and practices in operation in relation to corporate governance.

10.2.7 **Complaints**

1. To review and oversee the operation of the Council's complaints procedures.

10.2.8 **Scottish Public Services Ombudsman**

1. To consider any report by the Scottish Public Services Ombudsman in respect of any finding of maladministration against the Council.
2. To consider the annual reports of the Scottish Public Services Ombudsman.

10.2.9 **Risk Management**

1. To review the adequacy of the arrangements and procedures in operation in relation to the assessment and management of risk.

Sub-Committees

10.3 The Committee shall appoint the following Sub-Committees:

1. **Audit Sub-Committee**

Comprising five members of the Scrutiny Committee, together with one non-Council member appointed by the Council on the basis of that person's financial expertise and to be nominated in such a manner as may be determined by the Council.

Terms of Reference

It shall be remitted to the Sub Committee to consider any matter contained at Paragraphs 10.2.1 and 10.2.2 above.

2. **Social Work Complaints Review Committee**

Comprising three independent persons, at least one of whom will have experience in social work matters and the conduct of proceedings before a review body or tribunal.

NOTE: Independent persons should not currently be, or have been in the one year prior to being appointed to the Sub-Committee, a member or official of any local authority. Persons who are employed by organisations to which the local authority has delegated any of its social work functions cannot act as independent persons and the spouses of such members, officials or employees are similarly restricted.

Terms of Reference

The function of the Panel shall be to review, at the request of a complainer, the written response made by Social Work Services to any complaint in relation to the Authority's discharge or failure to discharge any of their functions under the Social Work (Scotland) Act 1968 or any other enactment referred to in Section 2(2) of the 1968 Act and to recommend any appropriate action.

Constitution

- 11.1 The Strategic Policy and Resources Committee shall consist of fifteen members of the Council and the Convener of the Council in an ex-officio capacity.

Terms of Reference

- 11.2 There shall stand referred to the Strategic Policy and Resources Committee the following functions:

11.2.1 General

1. To determine strategic policy objectives and priorities for the Council.
2. To determine and implement the Council's policies in relation to communication.
3. To consider matters arising from or in connection with any local government associations.
4. To exercise the functions of the Council in relation to Community Councils.
5. To exercise the functions of the Council as local Registration Authority for the purposes of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, and all associated legislation.
6. To consider all other matters not specifically referred to any other Committee.

11.2.2 Voluntary Organisations

1. To develop co-operation between the Council and the voluntary sector and to assist and promote the work undertaken by the voluntary sector.

11.2.3 Financial Assistance

To consider recommendations for requests from the Financial Assistance Panel above £50,000 and implement the Code of Guidance on External Bodies and Following the Public Pound.

11.2.4 Social Justice

To determine and implement the Council's policy in relation to Social Justice.

11.2.5 Equalities & Diversity

To determine and implement the Council's policies in relation to the promotion of equality of opportunity, in relation to both the functions of the Council and the wider community in Perth and Kinross and to promote initiatives to combat discrimination.

11.2.6 **Information Systems and Technology**

To oversee the management of information systems and technology in the Council.

11.2.7 **Financial Resources**

1. To oversee the management of the Council's financial resources.
2. To advise the Council on the Revenue Budget, Capital Plan and Council Tax.
3. To consider the draft version of the Council's accounts.
4. **To approve adjustments to Management budgets in excess of £100,000.**
5. **To ensure effective scrutiny of Treasury Management activities, strategy and policies.**
6. To make arrangements for the collection of the Council Tax and other monies due to the Council
7. To oversee the arrangements for all insurances.
8. To oversee the arrangements for risk management.

11.2.8 **Property Resources**

1. To determine and implement the Council's policies in relation to the strategic management of its property holdings.
2. To develop and implement the Council's Asset Management Plan.
3. To consider the acquisition by compulsory purchase of property or rights in property.
4. To consider the disposal by sale or lease of rights in property belonging to the Council.
5. To oversee the management of the Council's property portfolio.
6. To provide all other relevant central property services.

11.2.9 **Human Resources**

1. To oversee the management of the Council's human resources.
2. To be responsible for the establishment and conduct of appropriate machinery for dealing with employee appeals.

11.2.10 **Civic Services**

To deal with all matters relating to civic heritage and ceremony (including town twinning) and hospitality.

11.2.11 **Community Planning**

To determine and implement the Council's policies in relation to its statutory role in relation to Community Planning.

11.2.12 **Continuous Improvement**

1. To determine and implement the Council's policies in relation to the achievement of Best Value.
2. To consider the Best Value Review and Inspection Programme.
3. To consider Best Value Reviews from Services as appropriate.
4. Without prejudice to the duties and responsibilities and delegated authority of other Committees, to review the performance and effectiveness of all the Council's work and the standards and level of service provided; to review the need to retain existing services; and to co-ordinate where necessary all the matters referred to in this subparagraph in respect of the Committees and Services of the Council.
5. To ensure that the organisation and management processes of the Council make the most effective contribution to the achievement of the Council's objectives; to keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the Committee or management structure, or the distribution of functions and responsibilities.

11.2.13 **Scrutiny of Service Delivery**

To consider reports on external inspections of relevant aspects of the Council's work and the standards and level of service provided.

11.2.14 **Fleet Management**

To oversee the control and supervision of the Council's fleet management service.

Sub-Committees

11.3 The Committee shall appoint the following Sub-Committees:

1. **Executive Sub-Committee**

Comprising five members of the Committee.

Terms of Reference

- (i) It shall be delegated to the Sub-Committee to decide any matter which would normally be decided by the Committee, but which, by reason of urgency, requires to be decided prior to the next scheduled meeting of the Committee.
- (ii) **To determine requests from Chief Officers for flexible retirement, voluntary early retirement on grounds of efficiency of the Service or redundancy.**

2. **Executive Directors Appointments Sub-Committee**

Comprising four members of the Committee and the Convener of the appropriate Committee, together with the Chief Executive.

Terms of Reference

It shall be delegated to the Sub-Committee to consider applications for and make appointments to posts of Executive Director.

3. **Provost's Sub-Committee**

Comprising four Members of the Committee and the Convener of the Council.

Terms of Reference

It shall be delegated to the Sub-Committee to determine all matters referred to in paragraph 11.2.10 above.

4. **Appeals Sub-Committee**

Comprising three members of the Council, drawn from the Lifelong Learning Committee when considering appeals by teaching staff.

Terms of Reference

It shall be delegated to the Sub-Committee to hear, consider and determine appeals by employees.

5. **Supporting People Appeals Sub-Committee**

Comprising three members of the Council, not being members of the Housing and Health Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to hear, consider and determine appeals by Service Providers in receipt of Supporting People Funding against recommendations by the Supporting People Core Co- ordination Group that funding be withdrawn.

6. **Property Sub Committee**

Comprising five members of the Committee.

Terms of Reference

It shall be delegated to the Sub-Committee to determine all matters referred to in Paragraph 11.2.8 of the Scheme.

12.0 COMMON GOOD FUND COMMITTEES

Constitution

12.1 The Common Good Fund Committees shall consist of the Convener and one of the Vice-Conveners of the Strategic Policy and Resources Committee and the local members for the appropriate Common Good Fund area.

Terms of Reference

12.2 There shall stand referred to the Common Good Fund Committees the following functions:-

1. To determine all matters involving the disbursement of Common Good Fund monies; and,
3. To determine all matters relating to property or land or other assets held by the Common Good Funds.

13. LOCAL REVIEW BODY

Constitution

- 13.1 The Local Review Body shall consist of three elected members drawn from a pool of elected members of the Development Control Committee; and one substitute member from that pool for each meeting.**

Terms of Reference

- 13.2 To consider and determine applications for review of decisions made by officers under delegated powers in respect of planning applications for local developments in accordance with Section 43(a)(8) of the Town and Country Planning (Scotland) Act 1997 as amended and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.**

14. PRE-DETERMINATION COMMITTEE

Constitution

14.1 The Pre-Determination Committee shall consist of all elected members of the Council.

Terms of Reference

14.2 There shall stand referred to the Pre-Determination Committee the following:-

The holding of Pre-Determination hearings prior to determination of the application by full Council in terms of Section 38A of the Town and Country Planning (Scotland) Act 1997 as amended and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

PART 3

**DELEGATION TO OFFICIALS
(AS REQUIRED BY SECTION 50G (2) OF THE LOCAL GOVERNMENT
(SCOTLAND) ACT 1973)**

15.0 GENERAL PROVISIONS REGARDING DELEGATION TO ALL OFFICIALS

1. Where statutory powers are delegated to the Chief Executive, Executive Directors or any other officer, those powers are to be exercised (i) subject to the Council or the relevant Committee retaining overall control of general policy matters and (ii) subject to the power contained in Section 56(4) of the Local Government (Scotland) Act 1973 allowing the Council or the relevant Committee to exercise those statutory powers.
2. The Chief Executive, Executive Directors or any other officer possessing delegated powers in terms of this Scheme may, unless otherwise stated, authorise any other officer to exercise that delegated power. A record should be kept of such further delegation.
3. The Chief Executive or any Executive Director is authorised to take, or make arrangements for, any action required to implement any decision of the Council, its Committees or any decision taken in the exercise of delegated powers.
4. The Chief Executive or any Executive Director is authorised to take all necessary actions in order to effect the delivery of their services and the management of their staff.
5. The Chief Executive or any Executive Director is authorised to take such measures as may be required in emergency situations, subject to reporting to Council or the relevant Committee as soon as possible on any items for which approval would normally be necessary.
6. In exercising the authority hereby delegated to them, officers must act in accordance with the Council's Corporate Rules and Standards as listed in Appendix 1 to this Scheme.
7. In exercising the authority hereby delegated to them, officers must act in accordance with the policies and procedures of the Council, its Committees and Sub-Committees.
8. The Chief Executive or any Executive Director is authorised to enter into contracts on behalf of the Council in accordance with the Council's Contract Rules.
9. **The Chief Executive or any Executive Director, in consultation with the Head of Finance may determine ex-gratia payments in respect of claims against the Council of up to £10,000.**

10. The Chief Executive or any Executive Director may in accordance with Council's recruitment policies and recruitment procedures, appoint Heads of Service or equivalent and all employees below the level of Head of Service or equivalent.
11. The Chief Executive or any Executive Director may amend the establishment of their Service in respect of the number and grading of posts, **provided the Executive Director (Corporate Services)** has been consulted.
12. The Chief Executive or any Executive Director may attend or may authorise any employee in their Service to attend conferences, meetings (including appropriate professional associations) or undertake visits, both within and outwith the United Kingdom relating to the duties of such employee.
13. The Chief Executive or any Executive Director may attend, and may authorise any employee in their service to attend, meetings of appropriate professional associations, both within and outwith and United Kingdom.
14. The Chief Executive or any Executive Director may, in **consultation with the Executive Director (Corporate Services)**, approve applications to leave the employment of the Council on grounds of redundancy and/or early retirement by any employee in their Service.
15. The Chief Executive or any Executive Director may declare any property held by their Service surplus to operational requirements.
16. **The Chief Executive or any Executive Director may approve requests to work beyond planned retirement age or to work under flexible retirement provisions where there is no cost to the pension fund.**

16. **CHIEF EXECUTIVE**

16.1 The Chief Executive is authorised:

1. To give a direction in special circumstances that any official shall not exercise a delegated function, or to exercise that delegated function, always subject to reporting to the next meeting of the Council or the relevant Committee.
2. To act as Returning Officer for all elections and referenda.
3. To suspend any Executive Director from duty, subject to any appropriate statutory provisions and to reporting the suspension to the Strategic Policy and Resources Committee as soon as practicable.
4. To approve applications by Executive Directors to leave the employment of the Council on grounds of redundancy and/or early retirement.
5. Form P41 re civic services.
6. In consultation with the Provost, to grant civic hospitality up to a maximum cost of £1,000.
7. **To approve requests from Chief Officers to work beyond planned retirement age.**

17. **DEPUTE CHIEF EXECUTIVE**

17.1 In the absence of the Chief Executive, the Depute Chief Executive is authorised to do anything delegated to the Chief Executive other than to act as a Proper Officer or Returning Officer.

17.2 **The Depute Chief Executive be designated as the Senior Information Risk Officer.**

18. HEAD OF DEMOCRATIC SERVICES

18.1 The Head of Democratic Services is authorised:

General

1. To exercise the functions of the Council in respect of the Panels of Persons established under the Panels of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001, including arrangements for training of members of the Panels.
2. To exercise the functions of the Council in respect of the Children's Panel Advisory Committee and the Panel or Panels appointed under the Curator ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Committee and Panel or Panels.
3. To exercise the functions of the Council in respect of the arrangements for the appointment of legal representatives to children under the Children's Hearings (Legal Representation) (Scotland) Rules 2002.
4. To receive notifications of public processions and to either approve or make orders imposing conditions on the holding of such processions under Section 63(1) of the Civic Government (Scotland) Act 1982.
5. To exercise the functions of the Council in relation to Community Councils in terms of the Local Government (Scotland) Act 1973 and all related subordinate legislation.
6. **To exercise the functions of the Council in relation to the Local Licensing Forum in terms of the Licensing (Scotland) Act 2005 and all related subordinate legislation.**

Licensing Under the Marriage (Scotland) Act 2002

1. To exercise the functions of the Council in terms of the above Act and all related subordinate legislation.
2. To approve applications for licences and to impose conditions.

Registration of Births, Deaths and Marriages (Scotland) Act 1965

1. To exercise the functions of the Council in terms of the above Act and all related subordinate legislation.

19. HEAD OF LEGAL SERVICES

19.1 The Head of Legal Services is authorised:

General

1. To make orders for the prohibition, restriction etc of traffic in terms of the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984 or any amending or superseding legislation.
2. To make orders for the temporary prohibition or restriction of traffic in terms of Section 14(1) of the Road Traffic Regulation Act 1984 and Section 62 of the Roads (Scotland) Act 1984 or any amending or superseding legislation.
3. To institute, defend or appear in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority).
4. To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under any Act or any regulation or order made thereunder.

Licensing Under the Civic Government (Scotland) Act 1982

To exercise the functions of the Council under the above Act except:-

1. The approval of an application for a licence or variation of the terms of a licence where an objection or unfavourable representation has been received in relation to the application, and
2. The suspension of a licence under paragraph 11 of Schedule 1 of the Act.

Permits under the Lotteries and Amusements Act 1976

1. To approve applications for permits in terms of the Lotteries and Amusements Act 1976.

Permits under the Gaming Act 1968

1. To approve applications for the grant and renewal of permits for gaming machines in terms of the Gaming Act 1968, subject to satisfactory reports being obtained from the appropriate consultees.

Byelaws and Management Rules

1. To maintain (a) the Register of Byelaws and (b) a Register of Management Rules.
2. To initiate reviews of current Byelaws and Management Rules.

Anti-Social Behaviour etc (Scotland) Act 2004 – Private Landlord Registration

1. To register landlords where there are no adverse reports and to issue rent penalty notices under Section 94 and notice of relocation under Section 95.

20. **HEAD OF FINANCE**

20.1 The **Head of Finance** is authorised:

Finance

1. To make the necessary arrangements in accordance with the CIPFA Code of Practice on Treasury Management for duly authorised borrowing and lending in terms of Schedule 3 to the Local Government (Scotland) Act 1975.
2. **In relation to the Local Government Pension Scheme (Benefit, Membership and Contributions) (Scotland) Regulations 2008 to determine pension discretions other than those contained in Appendix 1 to Report 09/434.**

General

3. To exercise the functions of the Council in terms of the following Acts and all relevant subordinate legislation:

Regulation of Investigatory Powers Act 2000
Regulation of Investigatory Powers (Scotland) Act 2000

21. **EXECUTIVE DIRECTOR (EDUCATION AND CHILDREN'S SERVICES)**

21.1 The Executive Director (Education and Children's Services) is authorised:

Children's Services

1. To carry out the functions of the Council to enable it to fulfil its duties in relation to child care in terms of the following Acts and all related subordinate legislation:-

Adoption (Intercountry Aspects) Act 1999
Adoption and Children (Scotland) Act 2007
Adults with Incapacity (Scotland) Act 2000
Anti-Social Behaviour etc. (Scotland) Act 2003
Carers (Recognition and Services) Act 1995
Children (Scotland) Act 1995
Children Act 1975
Children and Young Persons (Scotland) Act 1937
Chronically Sick and Disabled Persons Act 1970
Chronically Sick and Disabled Persons Act 1972
Community Care (Direct Payments) Act 1996
Immigration and Asylum Act 1999
Disabled Persons (Services, Consultation and Representatives) Act 1986
Foster Children (Scotland) Act 1984
Mental Health (Care and Treatment) (Scotland) Act 2003
Self Governing Schools etc. (Scotland) Act 1989
Social Work (Scotland) Act 1968
Education (Additional Support for Learning) (Scotland) Act 2004
Protection of Children (Scotland) Act 2003

2. To act as Agency Decision Maker in connection with the approval, amendment or rejection of recommendations made by the Fostering and Permanence Panel.

Support Assistance for Young People Leaving Care (Scotland) Regulations 2003

(i) To provide the minimum level of Financial Support to young people leaving care at age 16.

(ii) Approve individual payments in consultation with Convener and Vice-Conveners

Cultural and Community

4. To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:-
 - Public Libraries Consolidation (Scotland) Act 1887
 - Local Government (Scotland) Act 1973
 - Local Government and Planning (Scotland) Act 1982
5. To accept or reject material offered as donations, loans, sponsorship or bequests in respect of Education and Children's Services.

Schools Education

6. To carry out the functions of the Council as Education Authority in terms of the Acts set out at paragraph (i) below and all related subordinate legislation, subject to the qualification in paragraph (ii) below and under the exception of the specific provisions of the Education (Scotland) Act 1980 set out in paragraph (iii):-
 - (i) Children and Young Persons (Scotland) Act 1937
Children (Scotland) Act 1995
Education (Additional Support for Learning) (Scotland) Act 2004
Education (Scotland) Act 1980
Road Traffic Regulation Act 1984
School Boards (Scotland) Act 1988
Scottish Schools (Parental Involvement) Act 2006
Self-Governing Schools etc. (Scotland) Act 1989
Standards in Scotland's Schools etc. Act 2000
 - (ii) In respect of exclusions of pupils, the power to exclude may be exercised by the Head Teacher and in the absence of the Head Teacher by a Depute Head Teacher. Where neither Head Teacher nor the Depute Head Teacher is available to consider a possible exclusion, the Head of Education Services or a Service Manager, School Improvement Services, may exercise the power to exclude.

In respect of a referral that a pupil be removed from the school register, only the Head of Education Services may make such a decision.
 - (iii) Section 20 - Acquisition of land and execution of works
Section 22 - Discontinuance and moves of educational establishments
Section 22A - Any proposals requiring consultation under this Section
Section 79 - Receiving and administering bequests
Section 105 - Schemes for management of endowments
7. To determine requests for lets, including free lets or lets at reduced charge of educational facilities.
8. To determine applications for the employment of children in terms of the Perth and Kinross Council Bye-laws on the Employment of Children 1999.

9. To determine applications for licences in respect of children taking part in public performances in terms of the Children (Performances) Regulations 1968.
10. **To approve requests from teachers to leave between the ages of 50 and 59 or to wind down and to take phased retirement, where there are no costs to the Council.**

22. EXECUTIVE DIRECTOR (ENVIRONMENT)

22.1 The Executive Director (Environment) is authorised:-

Environment

1. To exercise the Council's functions in relation to Environment Services as contained in the following Acts and all related subordinate legislation:-

Agriculture Act 1970;
 Animal Boarding Establishments Act 1963;
 Animal Health Act 1981;
 Animal Health and Welfare (Scotland) Act 2006;
 Anti-social Behaviour Act 2004 (ASP 8);
 Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999;
 Burial Grounds (Scotland) Act 1855 and Amendment Acts 1881 and 1886;
 Caravan Site and Control of Development Act 1960;
Carbon Production Commitment Energy Efficiency Scheme Order 2010
 Cinemas Act 1985;
 Civic Government (Scotland) Act 1982 (Section 45);
Climate Change Scotland Act 2009
 Consumer Credit Act 1974;
Consumer, Estate Agents and Redress Act 2007;
 Consumer Protection Act 1987;
 Control of Pollution Act 1974;
 Cremation Act 1902;
 Dangerous Wild Animals Act 1976;
 Deer (Scotland) Act 1996;
 Dog Fouling (Scotland) Act 2003;
 Environment Act 1995;
 Environmental Assessment (Scotland) Act 2005;
 Environmental Protection Act 1990;
 European Communities Act 1972;
 Explosive Act 1875;
 Fair Trading Act 1973;
 Food Safety Act 1990;
 Game Licenses Act 1860 and the Games Acts 1831 and 1980);
 Health and Safety at Work Etc Act 1974;
 Housing Acts 1969 – 2001;
Housing (Scotland) Act 2006 Part 3 and Associated Prescribed Documents Regulations;
 Local Government (Scotland) Acts 1929-1981;
 Local Government in Scotland Act 2003;
 Local Government and Planning (Scotland) Act 1982;
 National Assistance Act 1948 (Burials and Cremation Only);
 Nature Conservation (Scotland) Act 2004;
 Performing Animals (Regulation) Act 1925;
 Pet Animals Act 1951;
 Petroleum Regulation Act 1928 and 1936;
 Petroleum (Consolidation) Act 1928;
 Poisons Act 1972;

Public Health (Scotland) Act 1897;
 Refuse Disposal Amenity Act 1978;
 Riding Establishments Act 1964 and 1970;
 Sewerage (Scotland) Act 1968;
 Theatres Act 1968;
 Town and Country Planning (Scotland) Act 1997 (Chapter 8);
 Trade Descriptions Act 1968;
 Water Environment and Water Services Act 2003;
 Water (Scotland) Act 1980;
 Weights and Measures Act 1985;
 Zoo Licensing Act 1981;

2. To grant conditionally or otherwise, refuse or suspend where legally appropriate, and to designate officers to grant conditionally or otherwise, refuse or suspend where legally appropriate, licences, registrations, recognitions or approvals in terms of the legislation referred to above.
3. To administer the Council's Housing Grant Scheme in terms of the Housing (Scotland) Act 1987 and the Civic Government (Scotland) Act 1982.
4. To exercise the functions of the Council in terms Part 1 of the Smoking Health and Social Care (Scotland) Act 2005 and all related subordinate legislation.
 - (i) The consideration of representations and the hearing of appeals relative to Part 1 of the Smoking, Health and Social Care (Scotland) Act 2005 be delegated to the Executive Director (Environment) and the Head of Environmental and Consumer Services.
 - (ii) Arrangements for administration of Fixed Penalties be delegated to the Executive Director (Environment).
5. To negotiate with potential partners to provide toilet facilities for the public in connection with the Perth and Kinross Comfort Scheme and enter into Minutes of Agreement therefor.
6. **To set the charges for the range of recycling and composting skip hire services to be offered.**
7. **To appoint competent persons in terms of Part 1 of the Public Health (Scotland) Act 2008, and to maintain a list of such competent persons.**

Planning

8. To exercise the functions of the Council as Planning Authority in terms of the Town and Country Planning (Scotland) Act 1997 **as amended by the Planning Etc. (Scotland) Act 2006, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended** and all related subordinate legislation.

- 8.1 The Executive Director (Environment) and other appointed officers (listed in 24.2.7) exercise delegated powers under Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and the Local Government Act (Scotland) 1973 determine –

All applications for planning permission in respect of local developments, except those which have to be referred to the Development Control Committee as set out in 4.2.1; and

All other applications for permission or consent required under the Town and Country Planning (Scotland) Act 1997 as amended, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, and all other related and subsidiary legislation, including for Listed Building, Conservation Area, Hazardous Substances and Advertisement Consents, except those which have to be referred to the Development Control Committee as listed.

- 8.2 Nothing in the above clauses shall prohibit the Executive Director (Environment) from refusing any planning application on the grounds of inadequate information to enable its determination.
- 8.3 Nothing in the above clauses shall prohibit the Executive Director (Environment) from approving any planning application for a development which already has a valid planning consent where the Development Plan and land use circumstances are unchanged from the time of the grant of planning permission.

Building Standards

9. To exercise functions of the Council in terms of the Building (Scotland) Act 2003 and all related subordinate legislation.
10. To determine applications for licences in terms of the following and all related subordinate legislation:-
- Raised Platforms (Civic Government (Scotland) Act 1982)
Safety Certificates (Safety of Sports Grounds Act 1975)
11. To issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975 as amended by Section 23 of the Fire Safety and Safety of Places of Sport Act 1987 restricting the admission of spectators to a sport ground, or any part of it, if that admission would involve a serious risk to spectators.

Countryside

12. To exercise the functions of the Council in terms of the Countryside (Scotland) Act 1967 and all related subordinate legislation, but with the following exceptions:
- Section 24 - Acquisition of land for public access
Section 31 - Creation of public paths by compulsion

Sections 34 -38 - Closure and diversion of public paths
Section 54 - Byelaws

13. To exercise functions of the Council in terms of the Land Reform (Scotland) Act 2003 and all related subordinate legislation, but with the following exceptions:

Section 11 - Power to exempt land from the right of access for 6 days or longer

Section 12 – Making Byelaws

Section 16 - Acquisition of land to enable or facilitate access rights

Section 18 - Core paths plan: further procedure - giving notice of the plan, formal consultation, adopting it etc.

Section 22 - Path orders

Section 25 - Appointments to local access forum

14. To agree terms and conditions for access agreements to the countryside provided that any consideration, exclusive of fees and costs, does not exceed £5,000.

Roads and Traffic

15. To exercise the functions of the Council as roads authority in terms of the Roads (Scotland) Act 1984 and all related subordinate legislation, but with the following exceptions:

Part III where the applicant objects to proposed conditions in respect of consents

Section 97 - Permitting trading on A class roads.

16. To exercise the functions of the Council as road traffic authority in terms of Road Traffic Regulation Act 1984, except in respect of the promotion of traffic regulation and parking places orders where changes to the proposed order are suggested which the Executive Director (Planning and Transportation) requires, to be considered by the Council or the relevant committee.

17. To exercise the functions of the Council in terms of the Road Traffic Acts 1988 and 1991 and all related subordinate legislation.

18. To exercise the functions of the Council in terms of the New Roads and Street Works Act 1991 and all related subordinate legislation.

- 19. To exercise the functions under the Transport (Scotland) Act 2005.**

20. To carry out the naming and numbering of streets in terms of the Civic Government (Scotland) Act 1982.

Public Transport

21. To exercise the functions of the Council in terms of the Transport Act 1985 and the Transport (Scotland) Act 2001, and all related subordinate legislation.

22. To carry out the management and administration of the day to day operation of school and special education transport on behalf of the Executive Director (Education and Children's Services), and client transport on behalf of the Executive Director (Housing and Community Care), including the specification, tendering and award of conveyance contracts.

Flood Prevention and Reservoirs

23. To exercise the functions of the Council in terms of the following and all related subordinate legislation.

Flood Prevention (Scotland) Act 1961
 Flood Prevention and Land Drainage (Scotland) Act 1997
 Part VI of the Agriculture Act 1970 (Flood Warning Systems)

24. To exercise the functions of the Council in terms of the Reservoirs Act 1975, and all related subordinate legislation.

Economic Development

25. To exercise the functions of the Council in terms of Section 154 of the Local Government (Scotland) Act 1973 and all relevant subordinate legislation in relation to Perth Harbour.

26. To approve event funding applications up to £10,000.

Public Order

27. To make Orders under Section 14A of the Public Order Act 1986.

Affordable Housing Developer Contributions

28. In consultation with the Executive Director (Housing and Community Care), to determine the tenure of affordable housing required in accordance with the decision of the Enterprise and Infrastructure Committee on 17 January 2007.

29. In consultation with the Convener of the Enterprise and Infrastructure Committee, to approve grants of up to a maximum of £200,000 per site to meet the need for affordable housing as agreed by the Enterprise and Infrastructure Committee on 17 January 2007.

- 30. In consultation with Local Members and the Conveners of the Enterprise and Infrastructure Committee and Housing and Health Committee:-**

- (i) to agree to proposals from developers to build up affordable housing credits on particular sites;**
- (ii) to agree to the use of accrued affordable credits to offset the affordable requirements on other sites within the same housing market area; and**

- (iii) to extend the period for which credits can be held, up to a maximum period of 10 years.

Financial Assistance

31. In conjunction with the Financial Assistance Panel to determine requests between £2,001 and £50,000 under the Financial Assistance to the Voluntary Sector Revenue Budget heading.

Property

32. To act as the Council's agent in all property matters.
33. To dispose of any property or right in property valued by the Head of Property Management at £100,000 or less either by negotiation or advertisement and subject to obtaining best value.
34. To acquire any property or right in property in respect of which there is a relevant project or programme and budget provision and instructions have been received from the relevant Executive Director.
35. To manage the Council's leasehold portfolio including, without prejudice to the generality, agreeing tenancies, rentals, rent reviews, assignments, sub-tenancies, terminations and renewals.

23. **EXECUTIVE DIRECTOR (HOUSING AND COMMUNITY CARE)**

23.1 The Executive Director (Housing and Community Care) is authorised:

Adult Care

1. To exercise the functions of the Council in relation to adult care in terms of the following Acts and all related subordinate legislation:-

Community Care

The Adult Support and Protection Act 2007

Carers (Recognition and Services) Act 1995

Community Care and Health (Scotland) Act 2002

Community Care (Direct Payments) Act 1996

Health and Social Care Act 2001

Health and Social Services and Social Security Adjudications Act 1983

Housing (Scotland) Act 1987

Housing (Scotland) Act 2001

Immigration and Asylum Act 1996

NHS & Community Care Act 1990

National Assistance Act 1948

National Assistance (Amendment) Act 1951

National Health Services (Scotland) Act 1978

Regulation of Care (Scotland) Act 2001

Social Work (Scotland) Act 1968

Chronic Sickness and Disability

Chronically Sick and Disabled Persons Act 1970

Chronically Sick and Disabled Persons (Scotland) Act 1972

Concessionary Travel for Handicapped Persons (Scotland) Act 1980

Disability Discrimination Act 1995

Disability (Grants) Act 1993

Disabled Persons (Employment) Act 1944

Disabled Persons (Employment) Act 1958

Disabled Persons (Services, Consultation and Representatives) Act 1986

Disability Rights Commission Act 1999

Mental Health

Adults with Incapacity (Scotland) Act 2000

Criminal Procedure (Scotland) Act 1995

Mental Health (Scotland) Act 1984

Mental Health (Care and Treatment) Scotland Act 2003

Housing

2. To exercise the functions of the Council in terms of the following Acts and all related subordinate legislation:-

Anti Social Behaviour etc Act 2003

Council Tax (General) Regulations 1992

Crime & Disorder Act (Chapter ii), and Anti-Social Behaviour etc (Scotland) Act 2004

Housing Act 1988

Housing Benefit (General) Regulations 1987
 Housing (Scotland) Acts 1987, 1988 and 2001
 Land Compensation (Scotland) Act 1973
 Leasehold Reform Housing and Urban Development Act 1993
**Local Government Finance Act 1992, Local Government etc
 (Scotland) Act 1994**
**The Non Domestic Rating (Payment of Interest) (Scotland)
 Regulations 1992**
Regulation of Investigatory Powers Act 2000

3. To implement, determine and vary conditions of let for Council house tenants, including, eviction, where appropriate.
4. To allocate Council houses in accordance with the scheme approved by the Council.
5. **To approve future payments from the Council Tax Income on Second Homes Earmarked Reserve, in accordance with the policy for the use of the fund detailed in Report 08/131 (and previously approved by Housing and Health Committee on 23 February 2005) (Art. 135) (Report No. 05/108), up to a limit of £100,000.**
6. **To agree fee rates in excess of the approved rate in circumstances where:-**
 - (a) **the placement was in a care home managed directly by another local authority; or**
 - (b) **the placement was in a care home whose fee levels had been set by the host local authority in terms of the CoSLA agreement on this matter; or**
 - (c) **the levels of disability of the individual concerned were so severe that a specialist establishment was the only appropriate placement possible.**
7. **To decide whether to reduce rates payable to care homes, per the National Care Home Contract, should they fail to meet the 2008/09 Quality Standards.**

Criminal Justice

8. To carry out the functions of the Council in relation to criminal justice services in terms of the following Acts and all related subordinate legislation:-

**Bail etc (Scotland) Act 1980 as amended by Criminal Procedure
 (Scotland) Act 1995**
 Sexual Offences Act 2003
 Crime and Disorder Act 1998
 Criminal Justice (Scotland) Act 2003
 Criminal Procedure (Scotland) Act 1995
Management of Offenders (Scotland) Act 2005
Mental Health (Scotland) Act 1993
Prisons (Scotland) Act 1993

Prisoners and Criminal Proceedings (Scotland) Act 1993
Social Work (Scotland) Act 1968

24. PROPER OFFICERS AND STATUTORY APPOINTEES

24.1 Proper Officers

The undernoted individuals are appointed to act as Proper Officer for the following purposes:-

1. Local Government (Scotland) Act 1973, Section 33A
(Declaration of acceptance of office as a Councillor)
 - (a) Chief Executive
 - (b) Head of Democratic Services
2. Local Government (Scotland) Act 1973, Section 34
(Receipt of Resignations of Councillors)
 - (a) Chief Executive
 - (b) Head of Democratic Services
3. Local Government (Scotland) Act 1973, Section 50B, C, D and F
(Access to information)
 - (a) Chief Executive
 - (b) Head of Democratic Services
4. Local Government (Scotland) Act 1973, Section 92
(Transfer of securities on alteration of area etc)
 - (a) Head of Finance
5. Local Government (Scotland) Act 1973, Section 95
(Administration of the financial affairs of the Council)

Head of Finance
6. Local Government (Scotland) Act 1973, Section 190
(Service of legal proceedings, notices on the local authority, etc)
 - (a) Chief Executive
 - (b) Head of Democratic Services
 - (c) Head of Legal Services
 - (d) **Legal Managers**
7. Local Government (Scotland) Act 1973, Section 191
(Claims in sequestrations and liquidations)
 - (a) Head of Finance
 - (b) Head of Legal Services

8. Local Government (Scotland) Act 1973, Section 192
(Service of notices etc by local authority)
 - (a) Head of Democratic Services
 - (b) Head of Legal Services
 - (c) **Legal Managers**

9. Local Government (Scotland) Act 1973, Sections 192 and 193, for the purpose of the execution of Notices of Proceedings under the Housing (Scotland) Act 2001.

Executive Director (Housing and Community Care)

10. Local Government (Scotland) Act 1973, Section 192 and 193 for the purposes of signing tenancy agreements under the Housing (Scotland) Act 2001.
 - (a) Executive Director (Housing and Community Care)
 - (b) Area Housing Managers

11. Local Government (Scotland) Act 1973, Section 197
(Inspection and deposit of documents)
 - (a) Chief Executive
 - (b) Head of Democratic Services
 - (c) Head of Legal Services

12. Local Government (Scotland) Act 1973, Section 202 and 202B
(Procedure etc for and register of bye-laws)
 - (a) Head of Legal Services

13. Local Government (Scotland) Act 1973, Section 204
(Evidence of bye-laws)
 - (a) Head of Legal Services

14. Local Government etc (Scotland) Act 1994, Section 16
(Property held on trust)

Head of Legal Services

15. Local Government etc (Scotland) Act 1994, Schedule 7, paragraph 2(2) (Receipt of summonses to meetings)
 - (a) Head of Democratic Services
 - (b) Head of Legal Services

16. Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003, Regulation 3 (Members' Interests)
 - (a) Chief Executive
 - (b) Head of Democratic Services
17. Civic Government (Scotland) Act 1982, Section 113 (Evidence of management rules)

Head of Legal Services
18. Requirements of Writing (Scotland) Act 1995, Schedule 2, paragraph 4 (signing of documents)
 - (a) Chief Executive
 - (b) Head of Democratic Services
 - (c) Head of Legal Services
 - (d) **Legal Managers**

24.2 Statutory Appointees

The following appointments are made in terms of the undernoted legislation:

1. Chief Social Work Officer

Head of Children and Families, Education and Children's Services – Social Work (Scotland) Act 1968, Section 3
2. Clerk to the Licensing Board

Head of Legal Services – Licensing (Scotland) Act **2005 Schedule 1, Paragraph 8**
3. **Competent Objector/Representations to the Licensing Board**

Chief Executive and/or Executive Director (Education and Children's Services) and/or Executive Director (Environment) and/or Executive Director (Housing and Community Care) – Licensing (Scotland) Act 2005
4. **Applying for a Review of a Premises Licence to the Licensing Board**

Chief Executive and/or Executive Director (Education and Children's Services) and/or Executive Director (Environment) and/or Executive Director (Housing and Community Care) – Licensing (Scotland) Act 2005
5. Head of Paid Service

Chief Executive – Local Government and Housing Act 1989, Section 4
6. Monitoring Officer

Head of Legal Services – Local Government and Housing Act 1989,
Section 5

7. **The Appointed Officers in respect of Local Developments in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 are:-**

**The Executive Director (Environment) or
The Head of Planning or
The Development Quality Manager or
The Development Management Team Leaders of
The Development Management Planning Officers who have
MRTP1 and 2 years post qualifying experience.**

The Appointed Officers may exercise delegated powers under Section 43A of the 1997 Act to determine (i) all applications for planning permission in respect of development within the category of local development; and (ii) all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within the category of local development, except those which have to be referred to the Development Control Committee.

PERTH AND KINROSS COUNCIL
CORPORATE RULES AND STANDARDS

<u>Document</u>	<u>Lead Officer</u>
Code of Corporate Governance	Chief Executive
Standing Orders	Head of Democratic Services
Scheme of Administration	Head of Democratic Services
Contract Rules and Guidance	Head of Legal Services
Financial Regulations	Head of Finance
Code of Guidance on Following the Public Pound	Head of Legal Services
Councillors' Code of Conduct	Head of Legal Services
Employees' Code of Conduct	Head of Human Resources
Fraud and Irregularity Procedures	Head of Finance
Whistleblowing Procedures	Head of Finance