

Agenda Item	19
Report No	HC/43/15

3 September 2015

**SCHEME OF DELEGATION AND ADMINISTRATION TO COMMITTEES AND SUB COMMITTEES AND TO OFFICERS**

**Report by the Depute Chief Executive/Director of Corporate Development**

**Summary**

This report outlines proposals for amendment to the Council's Scheme of Delegation and Administration to Committees and Sub Committees and to Officers. Annual Review of the Scheme is a requirement of the Council's Code of Corporate Governance.

**1. Main Amendments**

The main changes to the Scheme of Delegation – which are highlighted below – are in relation to:-

Part III – Functions Referred/Powers and Duties Delegated to Planning Application Committees, Highland Licensing Committee, Planning Review Body, City/Area Committees and the Gaelic Implementation Group from the Council and Headquarters Committees

Part IV – Powers Delegated to Officers

**1.1 Part III – Functions Referred/Powers and Duties Delegated**

**Planning Review Body**

**Amend** wording as follows –

**Current Version** – To exercise full delegated powers on behalf of the Council in fulfilment of the provisions of the Planning etc (Scotland) Act 2006 to review at the request of the applicant:

1. Any application (as defined in Regulation 2(2) of the Town & Country Planning (Hierarchy of Developments)(Scotland) Regulations (2009) refused by the appointed Officer;
2. Any condition attached to an application (as defined above) approved by the appointed Officer; or
3. Any application (as defined above) that has not been determined by the appointed Officer within the period allowed for determination of the application.

**Proposed Version** – To exercise full delegated powers on behalf of the Council in fulfilment of the provisions of *s43A of the Town and Country Planning (Scotland) Act 1997 as amended and regulations made thereunder* to review at the request of the applicant:

1. Any application *belonging to the category of local developments* (as defined in Regulation 2(2) of the *Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009* refused by the appointed Officer;
2. Any condition attached to an application *belonging to the category of local developments* (as defined above) approved by the appointed Officer; or
3. Any application *belonging to the category of local developments* (as defined above) that has not been determined by the appointed Officer within the period allowed for determination of the application.

### **City/Area Committees**

**Amend** wording as follows –

Current Version – To allocate and monitor expenditure from agreed funds e.g. Community Challenge Fund, Deprived Area Fund and Community Landfill Fund.

Proposed Version – To allocate and monitor expenditure from agreed funds e.g. Deprived Area Fund.

## 1.2 **Part IV – Powers Delegated to Officers**

### **Corporate Development**

**Include** wording as follows -

Fireworks (Scotland) Regulations 2004 – to grant, but not refuse, applications for dispensation where:- (a) the application has attracted no relevant objection or relevant adverse representation, (b) no Member of the Council has requested that the application be decided by a Committee and (c) the application is one which the Officer concerned considers should be granted, either without conditions or with conditions which are of a straightforward nature – delegated to the Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services).

Civic Government (Scotland) Act 1982 – to agree, in consultation with the Chair of the Highland Licensing Committee, the specific dates over the Christmas and New Year period which comprise the festive period for the purposes of applications, dispensations, exemptions or variations of licences – delegated to the Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services).

Civic Government (Scotland) Act 1982 – Sections 24-27 and Schedule 1 – to approve requests, subject to any additional conditions deemed appropriate, from licensed second hand dealers seeking to operate as both a pawnbroker and a second hand dealer, provided there are no relevant objections or adverse representations – delegated to the Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services).

Civic Government (Scotland) Act 1982 – Section 42 – to approve requests for either exemption from the requirement to hold a licence, or variation of licence in respect of hours either within or outwith policy, in relation to festive periods and for the period of any other significant event or occasion – delegated to the Head of Corporate Governance, Legal Manager (Regulatory Services) and Principal Solicitor (Regulatory Services).

## **2. Other Administrative Changes**

2.1 A number of minor administrative changes have also been made to remove duplication and to clarify existing arrangements.

## **3. Implications Arising from the Report**

3.1 There are no resource, legal, climate change/carbon clever, equalities, Gaelic or rural risk implications arising from these proposals.

## **4. Recommendation**

4.1 The Council is asked to approve the proposed amendments to the Scheme of Delegation and Administration to Committees and Sub Committees and to Officers as detailed and to note that an updated copy will be circulated to all Members following the meeting.

Designation: Depute Chief Executive/Director of Corporate Development

Date: 19 August 2015