

# **STIRLING COUNCIL**

## **SCHEME OF DELEGATION**

**Effective from and including 4 October 2019**

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## SCHEME OF DELEGATION

### **1 Introduction**

- 1.1 Like every other Local Authority, Stirling Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council. That is, all decisions no matter how large or how small would need to be taken at meetings of the full Council.
- 1.2 Recognising that this would be unworkable and would detract from the Council's aims and values, the Council has chosen to exercise one of the powers available to it - the power to delegate. There are of course, some powers which the law says cannot be delegated and others which the Council chooses to retain.
- 1.3 Every decision taken under delegated power is considered to be a decision of the Council.
- 1.4 This section of the Scheme describes how decision-making operates within the Council. The remaining sections detail the specific delegations that have been agreed by the Council.

### **2 Extent of Delegation**

- 2.1 The Council can only delegate to a Committee, Sub-Committee, an Officer of the Council or a Joint Committee with another Council(s), which also includes the Clackmannanshire and Stirling Integration Joint Board. Unless the Council states otherwise, Committees may further delegate to Officers. Sub-Committees can also further delegate to Officers.
- 2.2 There is nothing to prevent the Council from dealing with a delegated matter itself or from withdrawing or amending the delegation.
- 2.3 Officers with delegated powers can delegate to other Officers but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When officers further delegate their powers, they have to record this in writing.
- 2.4 Where a responsibility has been further delegated, there is nothing to prevent the person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

### **3 Distribution of Decision-making Powers**

- 3.1 It is virtually impossible to specify all of the powers that are available to the Council and assign them to a variety of delegates. As a result, the Council has decided that except for matters which must be dealt with at the level of the Council itself (as required by Statute or as agreed by Council); all other powers should be delegated.

#### **4 Reservations to the Council**

- 4.1 In terms of the law, full Council must exercise certain responsibilities. However, there are also certain matters that the Council has chosen to deal with itself. These are detailed at Appendix 1 and the Council has decided that these powers will not be delegated.

#### **5 Delegations to Committees and Panels**

- 5.1 The Council wishes to ensure that its decision making occurs in as efficient and effective a way as possible, whilst providing robust mechanisms to ensure transparency and accountability of the decision making process. Consequently, the Council has made provision in its Standing Orders, under Section 57 of the Local Government (Scotland) Act 1973, for the establishment of the following Committees of the Council to discharge functions on its behalf:

- Children & Young People Committee
- Community Planning & Regeneration Committee
- Environment & Housing Committee
- Finance & Economy Committee
- Public Safety Committee

The above committees are collectively known as the Decision Making Committees and their remits are contained in Appendix 2.

- 5.2 The Council has established a Joint Committee with Clackmannanshire Council in terms of sections 56 and 57 of the Local Government (Scotland) Act 1973, known as the Stirling and Clackmannanshire City Region Deal Joint Committee. The Joint Committee is the decision making forum for all City Region Deal matters. The remit of the Joint Committee is contained in Appendix 3.

- 5.3 In addition the Council has established (a) an Audit Committee with responsibility for the promotion of good governance and the establishment and monitoring of sound internal controls and robust financial and risk management arrangements and (b) a Pre-Determination Hearing Committee to conduct pre-determination hearings for planning applications which are national developments or major developments which are significantly contrary to the development plan. The remits of the Audit Committee and Pre-Determination Hearing Committee are contained in Appendix 5.

- 5.4 There are some quasi-judicial roles and other operational responsibilities that the Council has to make alternative arrangements for or has decided to delegate to Committees. The Council has chosen to call these Committees Panels. The delegated powers available to Panels may be altered from time to time by the Council.

- 5.5 The Panels which have been established by the Council are as follows:-

- Adult Social Care Panel
- Appeals Panel
- Appointments Panel
- Chief Executive Appraisal Panel
- Civic Panel
- Grievance and Discipline Panel (Chief Officers)
- Health & Safety Panel

- Local Review Body
- Parental Appeals Panel
- Planning & Regulation Panel

5.6 The terms of reference of the various Panels are set out in Appendix 6.

## **6 Areas of Special Responsibility**

6.1 The Conveners and Depute Conveners of some of the Decision Making Committees and some other members of the Administration have been allocated an area of special responsibility to ensure greater political accountability for decision making. The areas of special responsibility are detailed in Appendix 9.

6.2 Although the information detailed in Appendix 9 is accurate, in any situation of uncertainty it is for the Chief Executive to determine within which area of special responsibility a delegation by the Council lies.

6.3 The areas of special responsibility are as follows:-

- Leader and Depute Leader of the Council
- Convenership and Depute Convenership of the Children & Young People Committee
- Convenership and Depute Convenership of the Community Planning & Regeneration Committee
- Convenership and Depute Convenership of the Environment & Housing Committee
- Convenership and Depute Convenership of the Finance & Economy Committee
- Portfolio and Depute Portfolios for Housing
- Convenership and Depute Convenership of the Public Safety Committee
- Chair and Vice Chair of the Adult Social Care Panel

6.4 Legally the Council cannot delegate powers to individual Members. This means that all decisions on matters delegated to Decision Making Committees must be taken at a properly convened meeting of the relevant Committee.

## **7 Delegations to Officers**

7.1 The Council has reserved very few powers to itself and has agreed extensive delegations to the Chief Executive who in turn is empowered to sub-delegate to other officers.

7.2 The Chief Executive can be granted delegated powers by Council, a Committee, a Panel or another Officer. The Chief Executive will prepare, publish and keep under review a Scheme of Sub-Delegation setting out details of all the powers delegated by him/her to the Chief Operating Officers, Senior Managers or Chief Officers.

7.3 When exercising any delegated authority, the Chief Executive must have regard to a variety of stipulations that the Council has decided should govern and influence the exercise of delegated powers. When sub-delegating any powers to officers, the Chief Executive must ensure that they have regard to the same stipulations.

- 7.4 Details of the rules that apply in exercising these delegated powers are contained in Appendix 7(a). Details of the matters delegated to the Chief Executive are contained in Appendix 7(b).
- 7.5 The only exception to the practice of routing all officer delegations through the Chief Executive arises through statutory appointments. In terms of various statutes, the Council is required to appoint officers for a variety of purposes. Officers appointed to perform these statutory functions are empowered to take the action that is implicit in their roles. The statutory appointments that have been made by the Council are detailed in Appendix 8.
- 7.6 The Council requires officers to publish information about the exercise of certain specified categories of delegated authority, as undernoted:-

Proposed exercise of delegated authority

- Building Standards Information
- Civic Licensing Schedule
- Community Grant and Community Pride Recommendations
- Permanent Traffic Regulation Orders
- Planning Schedule

Action already taken under delegated powers

- Mandatory Discretionary Rates
- Tender Acceptances

Officers may choose to publish information about the exercise of other categories of delegated authority in the Information Bulletin. In addition, Conveners may ask that their Committee receives reports from officers on action taken under delegated authority for the areas in their remit.

- 7.7 The method of publicising this information is through the Council's Information Bulletin, which is published weekly. This Bulletin includes details of decisions either taken or about to be taken by officers under delegated authority. Such decisions include, for example, those relating to certain planning applications, building certificate applications and some decisions relating to licensing and grant applications.

## **8 Clackmannanshire and Stirling Integration Joint Board**

- 8.1 The Public Bodies (Joint Working) (Scotland) Act 2014 ("The 2014 Act") introduced the reform of most health and care services by way of a framework for integrating adult health and social care services. The 2014 Act created new partnerships between local authorities and health boards, with statutory responsibility to co-ordinate local health and social care services.
- 8.2 On 25 June 2015 full Council approved the draft Integration Scheme for the Clackmannanshire and Stirling Health and Social Care Partnership, the purpose of the Integration Scheme being to establish the Health and Social Care Partnership and outline the functions of the Clackmannanshire and Stirling Integration Joint Board ("the IJB"). Subsequent to this the Council was given notification, on 17 September 2015, of the approval of the Integration Scheme and the responsibilities of the Chief Officer by the Cabinet Secretary for Health, Wellbeing and Sport. The Order to establish the IJB was laid in the Scottish Parliament on 4 September 2015 and came

into force on 3 October 2015. This meant that from 3 October 2015, the IJB was legally established.

- 8.3 The 2014 Act set out a broad framework for creating integration authorities. The Act and supporting regulations and guidance gives local authorities and NHS Boards a wide degree of flexibility, allowing the development of integrated services that are best suited to local circumstances. For the Council, the IJB will plan and commission integrated health and social care services in the local authority area. This means that, in respect of the IJB, Stirling Council, NHS Forth Valley and Clackmannanshire Council all delegated budget to the IJB and it is the IJB that will decide how to use these resources to achieve the objectives of its Strategic Plan. The IJB will then, in turn, direct NHS Forth Valley and Stirling and Clackmannanshire Councils to deliver the services in line with this plan.
- 8.4 The functions that have been delegated by the Council to the IJB are set out in Part 1 of Annex 2 of the Integration Scheme which can be accessed via the following link:- <http://nhsforthvalley.com/wp-content/uploads/2015/04/Clackmannanshire-Stirling-Integration-Scheme.pdf>
- 8.5 The services to which these functions relate are set out in Part 2 of Annex 2 of the Integration Scheme.
- 8.6 More information regarding the IJB is contained within Appendix 4.

## **9 Review**

- 9.1 The Council reviews its Scheme periodically (at least annually). Between reviews, arrangements are made for the publication of amendments to the Scheme arising from decisions by Council or made necessary by changes in legislation.

**POWERS RESERVED TO COUNCIL**

The powers reserved to the Council are a mixture of those which must be reserved in terms of statute and those which the Council has chosen to reserve. Powers which are not reserved are delegated in accordance with the provisions of this Scheme, save as the Council otherwise directs.

The Council will normally only consider reports which have first been considered by a Decision Making Committee or the Audit Committee. However reports which are of Council wide strategic importance or in respect of which there is a statutory right to have them considered by full Council or reports dealing with appointments, civic matters and governance arrangements, may be submitted direct to Council. For the avoidance of doubt, reports on the matters specified in paragraphs 1.1, 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 5.1, 6.1, 8.1, 8.2, 9.1, 9.2, 10.1, 11.1 to 11.10 inclusive, and 14.1 of this Appendix 1 may be submitted direct to Council. In exceptional circumstances the Clerk to the Council may, in consultation with the Provost, agree that a report which does not fall within these categories be submitted direct to Council.

The following is a comprehensive list of what is reserved to the Council, categorised as statutory and non-statutory:

**Statutory Reservations****1. Ethical Standards in Public Life etc. (Scotland) Act 2000**

- 1.1. To consider the findings of a Hearing held by the Standards Commission within three months of receiving the findings or within such longer period as the Standards Commission may specify in writing.

**2. Local Government (Scotland) Act 1973**

- 2.1. To change the name of the Council. **(Section 23)**
- 2.2. To set Council Tax. **(Section 56(6))**
- 2.3. To appoint Committees (including Panels). **(Section 57)**
- 2.4. To promote and oppose private legislation. **(Section 82)**

**3. Local Government and Housing Act 1989**

- 3.1. To consider reports by the Head of Paid Service **(Section 4)**
- 3.2. To consider reports by the Monitoring Officer **(Section 5)**

**4. Local Government etc (Scotland) Act 1994**

- 4.1. To appoint the Convener and Depute Convener of the Council and to decide on their titles (currently known as Provost and Depute Convener). **(Section 4)**

## **5. Licensing (Scotland) Act 2005**

- 5.1. To decide whether or not to divide the Council's area into licensing divisions and to appoint Members to the Licensing Board. **(Section 5)**

## **6. Town & Country Planning (Scotland) Act 1997**

- 6.1 To determine planning applications which are (a) national developments or (b) major developments which are significantly contrary to the Development Plan, such applications having first been the subject of consideration by a Pre-Determination Hearing.

## **7. Local Authority Accounts Regulations**

- 7.1 To receive the certified abstract of the Council's accounts.

## **8. General**

- 8.1 Taking any other decisions which cannot by law be delegated to a Committee or an Officer.
- 8.2 Any other functions or matters which may from time to time be reserved to the Council by law.

## **Non Statutory Reservations**

The Council is the main scrutiny and debating forum for issues affecting the Council area and for the provision of democratic leadership. It exercises strategic leadership for the area and promotes the Council's core values.

## **9. Elections**

- 9.1. To consider matters relating to the fixing or amendment of the Council's geographic boundaries, its electoral boundaries and wards or matters relating to the fixing or amendment of the boundaries of the Scottish and Westminster Parliamentary Constituencies lying wholly or partly within the Stirling Council area.
- 9.2. Determining all matters relating to Elections which are not the responsibility of the Returning Officer (the person appointed to administer elections in accordance with the Representation of the People Act 1983).

## **10. Councillors' Allowances**

- 10.1 To determine and keep under review a Scheme of Members' Allowances and to determine the level of Councillors' allowances.

## **11. Committee Structure & Corporate Governance Arrangements**

- 11.1 To appoint the Provost, Depute Convener of Council (if so determined) Leader and Depute Leader of the Council and Bailies.

- 11.2 To fix and amend the constitution, membership and functions of the Committees and Panels, and, to appoint and remove Conveners, Portfolio Holders, Chairs, Deputes, Members of Committees and Spokespersons.
- 11.3 To select and deselect, Members and Officers to serve on and/or to represent the Council on other bodies where such power is not expressly delegated to a Committee.
- 11.4 To fix and amend a programme of Council, Committee and Panel meetings, subject to the provisions of the Council's Standing Orders for the regulation of proceedings and business.
- 11.5 To appoint Members to serve on Joint Committees, Joint Boards and external organisations.
- 11.6 To make and amend a Scheme of Delegation detailing terms of reference for, and delegations to, Committees, Panels and Officers of the Council.
- 11.7 To make and amend Standing Orders for the regulation of proceedings and business.
- 11.8 To make and amend Contract Standing Orders and Financial Regulations.
- 11.9 To delegate a power or duty of the Council to, or to accept a delegated power from, any other local authority.
- 11.10 To determine whether to co-operate or combine with other local authorities in providing services.

## **12. Policies and Strategic Plans**

- 12.1 To approve, review and amend the Council's Five Year Business Plan, the Stirling Plan, the Workforce Plan and any other major policies that have council wide application and are not otherwise reserved.

## **13. Resources - Financial**

- 13.1 To determine the Council's annual revenue budget and capital programme, and to determine the level of Council house rents and service charges in terms of Part XI of the Housing (Scotland) Act 1987, all following consideration by the Finance & Economy Committee;
- 13.2 To incur revenue or capital expenditure which is not contained within the overall budgetary provision of the Council and which requires supplementary estimates.
- 13.3 To approve the use of Prudential Borrowing of £500,000 or more per request.
- 13.4 To approve individual revenue virement (diverting funds from one budget heading to another) greater than £250,000 and any proposal for virement involving a new policy or variation of existing policy which may have a significant impact upon the corporate priorities and service plans of the Council.
- 13.5 To approve individual capital virement within the overall HRA and Non HRA Capital Programmes (diverting funds from one budget heading to another) greater than £250,000 and any proposal for virement involving a new policy or variation of an existing policy which may have a significant impact upon the corporate priorities and service plans of the Council.

#### **14. Appointments**

- 14.1 To determine the process of selection and appointment of the Chief Executive, Chief Operating Officers, Senior Managers and Chief Officers.

#### **15. Management Rules & Statutory Orders etc.**

- 15.1 To make and as necessary, revoke or amend, Byelaws, Management Rules, Compulsory Purchase Orders and Exclusion Orders.
- 15.2 To consider and respond to any statutory report from the Controller of Audit or from the Council's external auditor.

#### **16. Common Good Funds and Civic Matters**

- 16.1 To approve recommendations from the Civic Panel for expenditure from the Stirling Burgh Common Good Fund, the Bridge of Allan Common Good Fund, the Callander Common Good Fund and the Dunblane Common Good Fund in excess of £10,000.
- 16.2 To approve recommendations from the Civic Panel for expenditure of a civic nature in excess of £10,000.

#### **17. Bidding for National Events**

- 17.1 To approve all bids or expressions of interest to host national events, to receive national recognition, to locate national facilities and the like where the opportunity in question may commit the Council to expenditure in excess of £50,000 and to remit oversight of such bids to an appropriate committee. All such bids will have a budgetary limit, a bid project board and/or working group and the requirement for regular reporting of progress.

## DELEGATIONS TO THE DECISION MAKING COMMITTEES

### THE DECISION MAKING COMMITTEES – PRINCIPLES OF OPERATION

Except for powers that have been reserved to the Council and powers that have been delegated to the Audit Committee, Panels, the Stirling and Clackmannanshire City Region Deal Joint Committee, Joint Boards, the IJB or Officers, all other powers have been delegated to the Decision Making Committees. That is, any powers which are available to the Council but which are not specified in Appendices 1, 2, 3, 4, 5, 6, 7 and 8 of this Scheme, are exercisable by the appropriate Decision Making Committee as determined with reference to the general and specific delegations set out below and the areas of special responsibility detailed in Appendix 9.

In any situation of uncertainty, the Chief Executive will determine where and in what circumstances the Decision Making Committees are empowered to exercise authority which has been delegated to them by the Council.

The Decision Making Committees may choose not to discharge a particular function but to make a recommendation on the matter to the Council. The Decision Making Committees may report, with recommendations, to the Council with regard to functions that the Council has reserved to itself.

Each of the Decision Making Committees will have responsibility for the Council's key priorities as set out below in relation to the remit of the Committee.

#### Priority A

We will look after all of our citizens, from early years through to adulthood, by providing quality education and social care services, to allow everybody to lead their lives to their full potential.

#### Priority B

We will target all forms of poverty across our communities and mitigate the impact of austerity and welfare cuts on those hit the hardest.

#### Priority C

We will create more affordable housing and social housing in all of Stirling's communities. We will lead by example as an organisation in setting exceptional standards in building practice, environmental practice, employer practice, tenant relations and homelessness prevention.

#### Priority D

We will deliver inclusive economic growth and promote prosperity. We will deliver a City Region Deal and pursue policies and solutions that encourage high quality, high paying jobs into all of Stirling's communities.

#### Priority E

We will create and implement environment and infrastructure improvements. We will deliver new ownership and delivery methods around energy generation, public transport and internet access, ensuring profits and services work to community, not commercial priorities.

#### Priority F

We will commit and coordinate our resources to ensuring Stirling becomes a must visit destination; with heritage, culture, environment and economic strategies working hand in hand to encourage tourists to stay for a minimum of three days and two nights.

## GENERAL DELEGATIONS TO THE DECISION MAKING COMMITTEES

Each Decision Making Committee is empowered to perform the following in relation to its remit insofar as not limited by reservation to the Council itself:

- (1) Developing and approving policies in line with the Council's key priorities, the Stirling Plan and the Five Year Business Plan, subject to new policies of major significance with Council wide implication being referred to Council with or without recommendations.
- (2) Exercising strategic leadership and promoting the Council's core values, ensuring the effective communication of Council policies.
- (3) Taking all decisions within the budget framework approved by the Council.
- (4) Co-ordinating the development, monitoring and review of the functions and Services contained within each Committee remit, in terms of this Scheme, and making recommendations to Council for the adoption or alteration of Council Policies which are not specifically delegated to the Decision Making Committee.
- (5) Undertaking such surveys of communities' and citizens' opinions as they consider necessary in connection with each Committee remit in order to inform policy development, implementation, monitoring and review.
- (6) Establishing such Short Life Working Groups as they consider necessary to give detailed consideration to the development of a policy or revising an existing policy within the Committee's remit. The formation of a Short Life Working Group will only be appropriate where the matter can be dealt with and reported on within three cycles of meetings. A Committee should not establish more than one Short Life Working Group at any one time. Short Life Working Groups will have no delegated authority to take decisions and will meet in private. Guidance on the establishment of Short Life Working Groups is set out in Appendix 2a.
- (7) Establishing Ad-hoc Scrutiny Panels to investigate an aspect of service delivery or area of concern within the particular Committee's remit. Ad-hoc Scrutiny Panels are not decision making bodies and will be expected to submit a final report within three cycles of meetings setting out the findings of the Panel for consideration by the appropriate Decision Making Committee. Ad-hoc Scrutiny Panels are expected to work cross-party and will meet in public. Decision Making Committees should not establish more than one Ad-hoc Scrutiny Panel at any one time. Guidance on the establishment of Ad-hoc Scrutiny Panels is set out in Appendix 2b.
- (8) Receiving, scrutinising and approving Services' plans for implementation of the Council's policies and priorities for service delivery and establishing appropriate service targets and performance indicators for policies and services within each Committee remit.
- (9) Receiving, scrutinising and approving Services' arrangements for the management of risk.
- (10) Securing overall Best Value in the performance of Services by ensuring continuous improvement and by maintaining a balance between the quality of the outcome of services delivered and the cost of these services. This should always be undertaken with regard to the efficiency, effectiveness, and economy of Service's actions, how well those actions comply with the requirements of equalities legislation and their potential to contribute to the achievement of sustainable development.
- (11) Co-ordinating, guiding, monitoring and reviewing the discharge of the functions within each Committee remit, by Officers, in terms of this Scheme of Delegation.
- (12) Approving, for legal acceptance by the relevant Chief Operating Officer /relevant Senior Manager all contracts to be awarded where the total aggregated value is £1,500,000 and above.

- (13) Taking decisions that are contrary to or not wholly in accordance with the approved revenue budget, provided that any associated spend must not exceed £100,000 and must be offset by additional income or savings from elsewhere within the budget.
- (14) Taking decisions to increase the costs of individual projects in the capital programme to cover an overspend, subject to these costs not exceeding 10% of the total project cost or £100,000 (whichever is the lesser) but only if this can be offset elsewhere in the approved capital programme.
- (15) Reporting any areas of concern to Council including those that may require further scrutiny by a Committee.
- (16) Carrying out detailed reviews of service delivery, undertaking scrutiny of Service budgets and operations and examining actions being carried out by Services in response to Inspections and Annual Reports.
- (17) Ensuring compliance with the public sector equality duty by paying due regard to the need to eliminate discrimination, advance equality, and foster good relations between people who share a relevant protected characteristic and those who do not.
- (18) The consideration of petitions submitted to the Council in accordance with the Council's approved petitions procedure and determination of the appropriate action to be taken within the terms of the procedure.
- (19) The Decision Making Committees will meet as follows:

Public Safety Committee	Thursday	Week 2	All cycles
Community Planning & Regeneration Committee	Thursday	Week 4	All cycles
Environment & Housing Committee	Thursday	Week 5	All cycles
Finance & Economy Committee	Thursday	Week 6	All cycles
Children & Young People Committee (in 2018/2019) (see note below)	Thursday	Week 7 Week 1	Cycles 1, 2, 4 & 5 Cycle 3

Note - The Chief Officer – Governance has the delegated authority, in consultation with the Convener and Vice Convener of the Children & Young People Committee (and any other Conveners and Vice Conveners whose committees might be effected by school term time dates), to make additional changes to the programme of meetings up to 2022 in relation to the Children & Young People Committee as necessary.

## **SPECIFIC DELEGATIONS TO THE DECISION MAKING COMMITTEES**

### **The Children & Young People Committee**

Exercising all the functions of the Council as Education Authority in respect of children of and below school age within the terms of the relevant legislation, insofar as these are not limited by reservation to the Council itself.

- (1) Exercising the functions as Social Work Authority in relation to children and young people within the terms of the relevant legislation, insofar as these are not limited by reservation to the Council itself or functions within the operational remit of the Clackmannanshire and Stirling Integration Joint Board.
- (2) Overseeing all matters relating to:
  - Nursery, Primary and Secondary School provision and provision for children with Additional Support Needs;
  - Creche, Play and Out of School Care;
  - Educational Attainment;
  - Curriculum and In-service Training;
  - Psychology Service;
  - Gaelic Medium Education;
  - Community Learning and Development (CLD);
  - Children's Services Planning;
  - Skills Development and Training;
  - School Catering;
  - Interaction with Stirling Youth Forum;
  - Youth Support;
  - Youth Justice;
  - Community Justice (so far as relates to children and young people);
  - Criminal Justice (so far as relates to children and young people);
  - Social Work Service (children and young people);
  - Adoption and Fostering;
  - Looked After and Accommodated Children;
  - Care and Protection of Children;
  - Through Care/after Care;
  - Scrutiny of performance reports for Education, Children and Families and Criminal Justice
- (3) Where a new policy is of major significance with council wide application, the Committee should refer it to Council for approval with or without recommendations.
- (4) The Children & Young People Committee will be appointed by Council and will comprise nine Members, to include five Members of the Administration and four Members of the Opposition. At every meeting of the Children & Young People Committee in addition to discharging ordinary business, the Children & Young People Committee will discharge education functions on the Council's behalf, at which point, the membership of the Children & Young People Committee will include:-
  - (a) three representatives of religious bodies appointed under Section 124 of the Local Government (Scotland) Act 1973. These Members will be counted for the purpose of establishing a quorum and will have the same voting rights as Elected Members on Education Authority items of business. They will not be able to appoint substitutes;

- (a) one/two teachers elected by teaching staff employed by the Council. These members will not be able to vote. Substitution will be permitted from within a named pool only with no requirement for prior notification;
- (c) two secondary school pupils selected from a pool of seven, comprising one representative from each of the Council's secondary schools. These members will not be able to vote. Substitution will be permitted from within the pool only with no requirement for prior notification.

### **The Community Planning & Regeneration Committee**

- (1) The Community Planning & Regeneration Committee oversees the community planning processes and deals with the voluntary sector, advice services and community engagement, sport and recreation, culture, libraries and archives.
- (2) The Committee oversees all matters relating to:
  - Community Planning Partnership;
  - Community Engagement;
  - Community Empowerment;
  - Community Councils;
  - Area Community Planning;
  - Community Development;
  - European Funding;
  - Cultural Services;
  - Libraries and Archives;
  - Sport and Physical Activity;
  - Advice Services;
  - Urban, social and rural regeneration;
  - Council's equality duties;
  - Combating violence against women;
  - Community Justice (in so far as it relates to adults);
  - Criminal Justice (in so far as it relates to adults).
- (3) The Community Planning & Regeneration Committee is empowered to perform the following insofar as not limited by reservation to the Council itself:
  - (a) Formulating, examining and approving policies relating to its areas of responsibility.
  - (b) Formulating, examining and approving policies relating to the Council's Equality duties.
- (4) Where a new policy is of major significance with council wide application, the Committee should refer it to Council for approval with or without recommendations.
- (5) The Community Planning & Regeneration Committee will be appointed by Council and will comprise six Members, to include four Members of the Administration and two Members of the Opposition.

### **The Environment & Housing Committee**

- (1) The Environment & Housing Committee has responsibility for planning policy and the built environment, roads, parks and open space, waste, housing and the enforcement

and sustainability agendas (liaising with the Public Safety Committee on matters of common interest).

(2) The Committee oversees all matters relating to:

Road Traffic Regulation;  
Public Transportation;  
Road Network Management;  
Housing;  
Building Standards;  
Consumer Protection;  
Environmental Health;  
Trading Standards;  
Transportation Planning;  
Planning Policy;  
Roads Network Maintenance and Construction;  
Street Cleansing;  
Waste Management;  
Flood Prevention;  
Fleet Management and Maintenance;  
National Park;  
Public access to the outdoors;  
Cemeteries, Churchyards etc;  
Grounds Maintenance;  
Facilities Management;  
Fisheries Management;  
CCTV

(3) The Environment & Housing Committee is empowered to formulate, examine and approve policies relating to its areas of responsibility.

(4) Where a new policy is of major significance with council wide application, the Committee should refer it to Council for approval with or without recommendations.

(5) The Environment & Housing Committee will be appointed by Council and will comprise nine Members, to include five Members of the Administration, and four Members of the Opposition.

### **The Finance & Economy Committee**

(1) The Finance & Economy Committee has powers in relation to the Council's financial resources, its revenue and capital budgets, and economic development and support.

(2) The Committee oversees all matters relating to:

Economic Development;  
Business Support;  
Audit and Review Services (Internal and External);  
Corporate Accounting and Accounting Services;  
Council Tax and Benefits;  
Freedom of Information and Records Management;  
Human Resources and Industrial Relations;  
Treasury Management;  
Procurement;  
Property Management;

Customer and Related Services;  
Credit Unions;  
Wi-Fi and Broadband Delivery;  
Tourism

- (3) The Finance & Economy Committee is empowered to perform the following insofar as these are not limited by reservation to the Council itself:
- (a) advising the Council on the allocation of its financial resources and regulating and controlling them within the terms of the Council's policies;
  - (b) preparing for the approval of the Council and reviewing from time to time such Financial Regulations as may be necessary;
  - (c) monitoring and reviewing expenditure within the allocations provided for in the Council's approved Revenue and Capital budgets and, where the sums involved are material or there are significant policy considerations, making recommendations to the Council on requests for supplementary estimates;
  - (d) without prejudice to the duties and responsibilities of the Council's other Committees, establishing a monitoring group, consisting of Members and Officers, to assist in the preparation of the Council's Revenue Budget and in ensuring that the expenditure of the Council's Committees remains within approved levels;
  - (e) overseeing all technical matters relating to:-
    - the cost of capital projects and included in the Capital Programme approved by the Council;
    - the manner in which capital expenditure is defrayed;
    - the borrowing and re-borrowing of money and the raising and repayment of loans within such borrowing limits as may be approved by the Council;
    - the keeping of accounts for the proper recording and auditing of all transactions of the Council;
    - the temporary investment or utilisation of revenue balances;
    - banking arrangements and the negotiation of banking terms;
    - arrangements for insurance cover in respect of the Council's risks and the management of the insurance fund;
    - fixing of charges, rebates and allowances not being those linked to or associated with the functions referred to any other Committee;
    - determining appeals against assessments and the disposal under any enactment of all other claims or applications for relief from or payment of taxes;
    - considering all applications for loans, grants, donations and subscriptions, not being applications which are linked to or associated with the functions referred to any other Committee, and which are included in the budget;
    - making proposals for incurring expenditure or making grants or loans under the powers contained in Section 84 of the Local Government (Scotland) Act 1973, with respect to any emergency or disaster which the Committee deems likely to affect the whole or part of the Council's area or all or some of its inhabitants.
    - the task of meeting budget reduction targets.
  - (f) agreeing the allocation of proceeds from asset sales up to a value of £100,000 where the Council's agreed revenue budget is not dependent on the capital receipt.

- (g) formulating, examining and approving policies relating to Human Resources matters.
- (h) Hearing any request for a review of a refusal by the Council to agree to an asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015, which hearing will be conducted in accordance with the Standing Orders and the Scheme of Delegation and any regulations made pursuant to the said 2015 Act in respect of such hearings
- (4) Where a new policy is of major significance with council wide application, the Committee should refer it to Council for approval with or without recommendations.
- (5) The Finance & Economy Committee will be appointed by Council and will comprise six Members, to include four Members of the Administration, and two Members of the Opposition.

### **The Public Safety Committee**

- (1) The Public Safety Committee deals with all matters concerning:-
  - (a) the scrutiny of and engagement with the police service and fire and rescue services in terms of the Police & Fire Reform (Scotland) Act 2012 and the Fire (Scotland) Act 2005;
  - (b) the scrutiny of approaches to combat violence against women; and
  - (c) the scrutiny of the multi-agency Incident Response Team in relation to emergency management incidents.
- (2) The Public Safety Committee is empowered to perform the following insofar as not limited by reservation to the Council itself:-
  - (i) Assessing the adequacy and effectiveness of Local Policing Plans in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation.
  - (j) Assessing the adequacy and effectiveness of Local Fire and Rescue Services Plans in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation.
  - (k) Considering statistical reports on complaints on policing and fire and rescue services in the Council area.
  - (l) Formulating, examining and approving policies relating to its areas of responsibility.
- (3) Where a new policy is of major significance with council wide application, the Committee should refer it to Council for approval with or without recommendations.
- (4) The Public Safety Committee will be appointed by Council and will comprise seven members being one from each Council ward.

## **GUIDANCE ON THE ESTABLISHMENT AND OPERATION OF SHORT LIFE WORKING GROUPS**

Although the Council has established a number of long standing Member/Officer Groups it is important that there is a mechanism for Members to be involved in developing new areas of policy or revising existing areas of policy in a time limited manner. This process can be conducted through the establishment of cross-party Short Life Member/Officer Groups which report their findings to the Council or appropriate Decision Making Committee.

1. Short Life Member Officer Groups can be established by the Council or Decision Making Committees to develop new policies/revise existing policy areas within the remit of the decision making body.
2. Decision Making Committees can only have one Short Life Working Group operating at any one time.
3. The Council or appropriate Decision Making Committee will determine:-
  - the remit of the Short Life Working Group;
  - its membership which should be cross-party (minimum of 3 and maximum of 6 members, with a quorum of 3);
  - the appointment of a Chair.
4. A Short Life Working Group will also include officers and a note taker from the relevant service(s), all appointed by the Chief Executive.
5. Short Life Working Groups will be time limited “task and finish” groups with a specific, remit and report back within three cycles of meetings.
6. Short Life Working Groups are not decision making and any recommendations will require to be reported to the Council or appropriate Decision Making Committee for approval.
7. Meetings of Short Life Working Groups will be held in private.
8. Meetings will be held on the days and at the times and in the places fixed by the Short Life Working Group.
9. The work of Short Life Working Groups may be informed by citizens, communities, service users and employees, through co-option or evidence taking.

## **GUIDANCE ON THE ESTABLISHMENT AND OPERATION OF AD HOC SCRUTINY PANELS**

Best Value is about ensuring that there is good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public. Securing Best Value is a statutory duty for all local authorities in Scotland.

The overriding purpose of scrutiny is to ensure continuous improvement. Scrutiny of performance will be a concern of all Members in their representative role.

Ad-hoc Scrutiny Panels are set up to investigate an aspect of performance or area of concern. They can be established by Council in respect of a council wide matter, by the Decision Making Committees in relation to a matter within the particular Committee's remit or by the Audit Committee.

1. Ad-hoc Scrutiny Panels are expected to work cross party;
2. Ad-hoc Scrutiny Panels are not decision-making bodies but influencing bodies. In reporting back to the parent body on their findings they are expected to make reflective, reasoned and evidence-based recommendations where action could be taken to improve performance in the area under scrutiny;
3. The Council, appropriate Decision Making Committee or the Audit Committee will determine:-
  - the remit of the Ad-hoc Scrutiny Panel;
  - its membership which should be cross-party (minimum of 3 and maximum of 6 members, with a quorum of 3);
  - the appointment of a Chair;
4. Decision Making Committees and the Audit Committee can only have one Ad-hoc Scrutiny Panel operating at any one time.
5. Officer support for Ad-hoc Scrutiny Panels will be determined by the Chief Executive. This will include:-
  - an independent lead officer (not directly linked to the service area) who will support the Chair, the Panel and project manage the work of the Panel including drafting the final report of the Panel's findings;
  - a senior officer from the service area which is the subject of scrutiny who will be responsible for facilitating the work of the Panel;
  - A note taker who will make the necessary arrangements for meetings and produce an action note following each meeting;
  - The independent lead officer should ensure that the support for the Scrutiny Panel does not become a substantial additional workload for officers;
6. Ad-hoc Scrutiny Panels should work in an open, transparent, accountable and inclusive manner. Meetings should be held in public (except when dealing with "exempt information" as defined in legislation);

7. Ad-hoc Scrutiny Panels will develop a workplan to include tasks, allocation of responsibilities, visits and identify a date by which the final report will be produced. Scrutiny Panels should be in a position to produce a final report within three cycles of meetings;
8. The work of Ad-hoc Scrutiny Panels may be informed by citizens, communities, service users and employees, through co-option or evidence taking;
9. The findings and recommendations of Ad-hoc Scrutiny Panels will be set out in a final report which will be submitted to the parent body for consideration.

**STIRLING AND CLACKMANNANSHIRE CITY REGION DEAL JOINT COMMITTEE**

The Council has established a Joint Committee with Clackmannanshire Council in terms of sections 56 and 57 of the Local Government (Scotland) Act 1973, known as the Stirling and Clackmannanshire City Region Deal Joint Committee. The Joint Committee is the decision making forum for all City Region Deal matters.

The Council and Clackmannanshire Council have delegated full power and authority to the Joint Committee to take all actions and decisions the Joint Committee considers necessary to oversee and direct the implementation and delivery of the City Region Deal, to the extent the Joint Committee has been allocated funding for the same, with each of the Council and Clackmannanshire Council (as the case may be) to then implement and deliver the approved projects.

The specific Terms of Reference for the Joint Committee include:-

- The Joint Committee will approve City Region Deal strategic and policy plans;
- The Joint Committee will approve City Region Deal project business cases and oversee the implementation and monitoring of the same, all in accordance with a framework to be approved by the Joint Committee;
- The Joint Committee will approve (i) the overall programme funding for the City Region Deal, (ii) the detailed breakdown and use of the Council and Clackmannanshire Council financial contributions to the City Region Deal in relation to the approved overall programme funding for the City Region Deal and (iii) the distribution of funding to approved City Region Deal projects, which funding may be direct to the Council, Clackmannanshire Council or other approved partner organisations;
- As stated above, the Council will be the lead authority, and will hold/distribute City Region Deal funding on behalf of the Joint Committee;
- The Joint Committee will prioritise City Region Deal projects;
- The Joint Committee will receive updates from and provide feedback to the UK and Scottish Governments in connection with the City Region Deal, and any strategic, economic or infrastructure activities associated with the City Region Deal, and act as the strategic point of contact with the UK and Scottish Governments;
- The Joint Committee will collaborate and work in partnership with the Stirling and Clackmannanshire Regional Economic Advisory Board, which it will also establish and the Stirling City Commission and Clackmannanshire Commission, to deliver a shared vision of improving the economy within the Council and Clackmannanshire Council areas, and building and supporting inclusive growth focusing on the needs of the areas and strengthening the partnership between public, private and third sectors;
- The Joint Committee will make recommendations to the Council and Clackmannanshire Council, and other partners who are committing funding, on the setting of budgets as they relate to City Region Deal implementation;

- The Joint Committee will make suitable arrangements, in consultation with the Council, Clackmannanshire Council and the Stirling and Clackmannanshire Regional Economic Advisory Board for the independent review and audit of its activities; and
- The Joint Committee will approve/delegate the approval of operational expenditure allocated by the Council, Clackmannanshire Council and/or other partner organisations to further the aims of the City Region Deal and implement the same, within agreed City Region Deal Joint Committee budgets.

Membership of the Joint Committee comprises three elected members of the Council, three elected members from Clackmannanshire Council, two private sector members and one representative of the University of Stirling, all of whom are voting members.

The Joint Committee has its own Standing Orders which can be viewed at:

<https://www.stirling.gov.uk/media/5784/standing-orders-dec-2018.pdf>

**THE CLACKMANNANSHIRE AND STIRLING INTEGRATION JOINT BOARD  
("THE IJB")**

The Clackmannanshire & Stirling Health and Social Care Integration Scheme can be accessed via the following link:-

<http://nhsforthvalley.com/wp-content/uploads/2015/04/Clackmannanshire-Stirling-Integration-Scheme.pdf>

As a separate legal entity, the IJB has full autonomy and capacity to act on its own behalf and can accordingly make decisions about the exercise of its functions and responsibilities as it sees fit. However, the voting and non-voting membership arrangements are set out in the Integration Scheme.

The IJB is responsible for the strategic planning of the functions delegated to it and for ensuring the delivery of its functions through the locally agreed operational arrangements set out within the Integration Scheme in Section 4.

### **Delegation of Functions**

Full details of the functions delegated to the IJB can be found within the Integration Scheme.

The functions that have been delegated by the Council to the IJB are set out in Part 1 of Annex 2 of the Integration Scheme. The services to which these functions relate which are to be integrated, are set out in Part 2 of Annex 2. The Integration Scheme has further detail on the delegation of functions, and the duties of the Council.

### **Chief Officer**

The Integration Joint Board is obliged to appoint a Chief Officer, in accordance with Section 10 of the 2014 Act. The Chief Officer is accountable to the Integration Joint Board, and as a member of the senior management team of each of the constituent parties, the Chief Officer has an integrated role in respect of the planning and delivery of the Integration Functions. The specific provisions relating to the role are as detailed in section 6 of the Integration Scheme.

The key functions of the Chief Officer are to:-

- I. oversee the development and implementation of the Strategic plan;
- II. direct and oversee the operational delivery of the integrated functions; and
- III. monitor and report performance in respect of the same to the IJB and the parties.

The Chief Officer shall sit as a member of the senior management team of each of the parties and as such shall use the existing governance and management structures of the parties to direct, monitor and report upon implementation of the IJB's strategic plan and delivery of the integration functions.

<b>REMIT OF AND DELEGATIONS TO THE AUDIT COMMITTEE</b>
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1. The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non- financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment and to oversee the financial reporting process.
2. To fulfil this purpose the Audit Committee will:-
  - Consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
  - Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
  - Be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
  - Approve (but not direct) internal audit's strategy and plan, and monitor performance.
  - Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
  - Receive the annual report of the Council's Audit Manager.
  - Consider the reports of external audit and inspection agencies.
  - Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
  - Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
  - Consider the work and reports of the Council's Benefit Fraud Team.
  - Receive and consider periodic reports on fraud, theft and irregular use of Council funds. monitor compliance with decisions taken by the Council's Decision Making Committees;
  - Oversee the development and implementation of frameworks for the management of the Council's resources which fully reflect the Council's Corporate Plan, and promote a sound internal control framework in accordance with audit principles;
  - Keep under review the Council's Local Code of Corporate Governance and ensure arrangements for its review and continuing relevance and the publication of an annual statement in the Council's Annual Report confirming how well the Council is complying with the framework which underpins the Code;
  - Undertake scrutiny of corporate monitoring reports on the Revenue Budget and the Capital Investment Programme and on the Council's overall performance against the approved budget for any year following consideration of these by the Finance & Economy Committee;
  - Oversee the development and implementation of the Council's Asset Management Strategy and receive corporate monitoring reports on the Council's asset management;
  - Ensure that areas of concern are reported to Council including those that may require further scrutiny either by a Committee or Council;
  - Undertake regular scrutiny of the Council's risk register and challenge the effectiveness of the risk treatments put in place by risk owners to reduce the risks in line with the Council's risk tolerance: and

- Consider such issues which are referred to it by the Council for detailed scrutiny.
  - Establishing Ad-hoc Scrutiny Panels to investigate an aspect of service delivery within the remit of the Committee. Such Ad-hoc Scrutiny Panels are not decision making bodies and will be expected to submit a final report within three cycles of meetings setting out the findings of the Panel for consideration by the Committee in the first instance and thereafter to Council if appropriate. Ad-hoc Scrutiny Panels are expected to work cross-party and will meet in public. The Committee should not establish more than one Ad-hoc Scrutiny Panel at any one time.
3. The following functions and activities are remitted to the Audit Committee:-

#### Audit Activity

- To consider the Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- To consider summaries of specific internal audit reports as requested.
- To consider reports dealing with the management and performance of internal audit services.
- To consider periodic summary reports from internal audit on the progress of implementing agreed audit recommendations
- To consider the external auditor's annual report, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with Audit Scotland over the appointment of the Council's external auditor.
- To commission work from internal and external audit.

#### Regulatory Frameworks

- To maintain an overview of the Council's contract standing orders, financial regulations, Local Code of Corporate Governance and Code of Conduct for Employees.
- To review any issue referred to it by the Chief Executive, or any Decision Making Committee.
- To monitor the effective development and operation of risk management and corporate governance in the Council.
- To monitor Council policies on whistle-blowing and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.
- To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- To consider the Council's compliance with its own and other published standards and controls.

#### Accounts

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

- To approve for signature the audited Accounts of Stirling Council for each financial year, in line with the requirements of the Local Authority Accounts (Scotland) Regulations 2014.
  - To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (4) The Audit Committee will be appointed by Council and will comprise six Members, to include three Members of the Opposition Group, two Members of the Administration and the Green Party Member.

**REMIT OF AND DELEGATIONS TO THE PRE-DETERMINATION HEARING  
COMMITTEE**

The purpose of the Pre-Determination Hearing Committee is to conduct pre-determination hearings for planning applications which are national developments or major developments which are significantly contrary to the development plan, up to but not including taking a decision in respect of the application (which is a matter reserved for full Council), all in accordance with the Town and Country Planning (Scotland) Act 1997.

The procedures for arranging and conducting a hearing will be as determined by the Council's Service Manager - Planning and Building Standards in consultation with the Convener and Vice-Convener of the Committee.

<b>TERMS OF REFERENCE AND DELEGATIONS TO PANELS</b>
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In order to allow the Decision Making Committees to concentrate on strategy, a number of Committees of the Council, known as Panels, have been established with delegated powers to deal with a specific range of functional and operational responsibilities.

The terms of reference of Panels, in respect of which they have been granted delegated powers, are as follows:

<b>Panel</b>	<b>Remit</b>
Adult Social Care Panel	<p>Decisions regarding the strategic direction and funding of all functions and services listed in Annex 2 to the <a href="#">Clackmannanshire &amp; Stirling Health and Social Care Integration Scheme</a> are delegated to the Clackmannanshire &amp; Stirling Integration Joint Board (IJB). The Council (and this Panel) has no decision making powers in relation to those integrated functions and services.</p> <p>The Panel's primary function is to scrutinise the Council's compliance with Directions issued to it by the IJB.</p> <p>It may also have a role in considering relevant matters arising from the Council's implementation of those Directions (for example, in its role as an employer).</p> <p>Membership of the Adult Social Care Panel will be determined by Council on the basis of seven Members (four Members of the Administration and three Members of the Opposition). The Panel will meet every four months.</p>
Appeals Panel	<p>The determination of appeals in terms of the Council's approved Disciplinary and Grievance Procedures.</p> <p>Membership of the Appeals Panel will be determined by Council on the basis of a pool of 9 Members with 3 Members serving on the Panel for each meeting. Membership must exclude any Members who have been party to, or associated with, the decisions being appealed.</p>
Appointments Panel	<p>The appointment of the Chief Executive, Chief Operating Officers, Senior Managers and Chief Officers.</p> <p>Membership of the Appointments Panel will be determined by Council on the basis of the Leader of Council, Depute Leader of Council, Leader of the Opposition and one further Member from the Administration relevant to the post under appointment.</p> <p>A Member or substitute Member of the Appointments Panel must attend the entire appointment process, including shortlisting (but excluding any hospitality).</p>

Chief Executive Appraisal Panel	<p>To undertake annual performance appraisals of (i) the Chief Executive and (ii) the Chief Operating Officers, the latter being undertaken in conjunction with the Chief Executive.</p> <p>Membership of the Chief Executive Appraisal Panel will be determined by Council on the basis of the Leader of Council, Depute Leader of Council and the Leader of the Opposition.</p>
Civic Panel	<p>To oversee the management and administration of the Stirling Burgh Common Good Fund on behalf of the Council up to a limit of £10,000.</p> <p>To oversee the management and administration of the Bridge of Allan Common Good Fund on behalf of the Council up to a limit of £10,000, ensuring that Bridge of Allan Community Council is consulted on the disbursement of any funds.</p> <p>To oversee the management and administration of the Callander Common Good Fund on behalf of the Council up to a limit of £10,000, ensuring that Callander Community Council or Callander Partnership is consulted on the disbursement of any funds.</p> <p>To oversee the management and administration of the Dunblane Common Good Fund on behalf of the Council up to a limit of £10,000, ensuring that Dunblane Community Council is consulted on the disbursement of any funds.</p> <p>To authorise the attendance of Members at conferences, seminars etc. or other business outwith the UK.</p> <p>To determine expenditure on matters of a civic nature in excess of £500 and up to a limit of £10,000.</p> <p>To approve all appointments to the Stirling Local Licensing Forum, Panel of Reporting Officers/Curators ad Litem and Stirling Area Local Access Forum, following recommendations from the relevant senior officers.</p> <p>Membership of the Panel will be determined by Council on the basis of the Provost, Depute Convener and Bailies. Substitution is not permitted.</p> <p>The Panel will meet five times a year.</p>
Grievance and Discipline Panel (Chief Officers)	<p>The determination of disciplinary action to be taken against a Chief Officer, where this involves a final written warning, or dismissal.</p> <p>Membership of the Panel will be determined by Council on the basis of two appropriate Administration Members and a</p>

relevant Opposition Member. The current Convener/ Portfolio Holder relating to the post before the Panel are not permitted to be Members of the Panel.

Health and Safety Panel

The principal forum for consultation between the Council, Services and Trades Unions on all corporate health and safety issues and any health and safety issues referred from Services. The Panel will review progress in relation to implementation of the Council's Health and Safety Policy, provide ongoing assurance in relation to health and safety performance, consider and make suggestions on health and safety matters, evaluate safety policies, champion health and safety communication within the Council and share best practice on health and safety matters.

Membership of the Panel will be determined by Council on the basis of four Members, Trade Union Health and Safety representatives and representation from Services. The Panel will meet quarterly.

Local Review Body

To review the planning decisions of Appointed Officers on "local developments" as that term is defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Membership of the Panel will be determined by Council on the basis of a pool of ten Members, with three Members from the pool serving on the Panel at each meeting. The Group will operate in accordance with the guidelines set out in Appendix 6a

Parental Appeals Panel

The determination of Appeals from parents and young persons in relation to the Refusal of Placing Requests, the refusal of access to pupil records, exclusions from school and certain other aspects of additional support plans, particularly the nomination of a school in a record of needs.

Membership of the Panel will be determined by Council on the basis of three Members from a pool of people to be drawn from the following categories:-

- (a) four Members appointed by the Council;
- (b) parents of children of school age;
- (c) persons with experience in education and acquainted with educational conditions in the Council's area, nominated by the Senior Manager – Schools & Learning (Chief Education Officer)

Comprising one Member from each of the above categories.

Planning & Regulation  
Panel

The determination of Planning Applications and other matters under Planning Legislation insofar as not delegated to Officers, including all Planning Applications where an Elected Member has or may have a declarable interest, unless the Application is one that requires by law to be considered by full Council.

The exercise of the Council's functions under the Civic Government (Scotland) Act 1982, Building Standards, Environmental Health and Road Traffic Regulation Legislation, insofar as not delegated to Officers.

The exercise of the Council's functions in relation to the approval of venues for civil weddings under the Marriage (Scotland) Act 1977 insofar as not delegated to Officers.

The exercise of the Council's functions in relation to dispensations from the prohibition on the use of fireworks at night and in relation to fireworks suppliers' licences in terms of the Fireworks Act 2003, insofar as not delegated to officers.

The exercise of the Council's powers under Sections 11, 13, 14, 15, 17, 18, 20, 23 and 28 of the Land Reform (Scotland) Act 2003, insofar as not delegated to officers.

Setting the annual fishing permit prices for the Council's Fisheries.

The hearing of appeals against the issue of Fixed Penalty Notices for road works offences in accordance with the Transport (Scotland) Act 2005

The hearing of appeals against refusal of an application for a "Blue Badge" under The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

The Panel may continue the determination of a planning application pending a site inspection, provided that reasons are given for the site specific information that is sought from the site visit.

The applicant, any person that has submitted a competent written objection or representation in support of a non-householder planning application, or a local ward Member may request a Hearing on that application, provided that the request for a Hearing is made no later than 15 days before the scheduled Planning & Regulation Panel for which the application request relates.

The applicant, objectors or other interested parties will be afforded an equal an opportunity as the Member to be heard by the Panel.

At any Hearing, a local Elected Ward Member who wishes to make representation to the Panel on a planning application, is required to declare their interest in the

application under consideration and to retire from the meeting room after making their representation.

Where the Panel agrees to continue determination of a planning application, pending a site inspection, only, and where there is discussion prior to the decision to continue the application, only the Members/Substitute Members of the Panel present at the original meeting who attend the site inspection only shall take part in the final determination.

Where the Panel agrees to continue determination of an application pending a site inspection only, and where there is no discussion prior to the decision to continue the application, only the Members/Substitute Members of the Panel present at the site inspection only shall take part in the final determination.

Members must attend site visits as a group, and not individually, at a date and time organised by the Clerk to the Panel.

Membership of the Planning and Regulation Panel is determined by Council on the basis of nine Members (five Administration Members and four Opposition Members).

## **PROCEDURES OF LOCAL REVIEW BODY**

### **INTRODUCTION**

The Local Review Body is constituted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the 2013 Regulations).

The following procedures should be read in conjunction with the 1997 Act and the 2013 Regulations and Planning Circular 7/2009 Schemes of Delegation and Local Reviews and other relevant guidance issued by the Scottish Ministers from time to time.

### **LOCAL REVIEW BODY- GENERAL**

#### **Purpose**

The Local Review Body (LRB) shall review the planning decisions of appointed officers on “local developments” as that term is defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Where the appointed officer has either refused an application, granted it subject to conditions or has not determined it within the prescribed two-month period, the applicant may seek a review by the LRB of the refusal, the conditions attached to the grant or the non-determination of the application.

#### **Membership of the Local Review Body**

The LRB will comprise three Members of Stirling Council taken from a pool of Members with relevant training and experience.

#### **Appointment of Chair of the Local Review Body**

The Chair of the Planning & Regulation Panel will not chair the LRB. A Chair of the LRB will be appointed for each review on a rotational basis and be drawn from the remaining Members of the pool.

#### **Councillors' Code of Conduct**

The legal responsibility for LRB Members complying with Sections 5, 6 and 7 of the Councillors' Code of Conduct lies with LRB Members.

#### **Clerk to the Local Review Body**

The administrative functions of the Review process shall be supported by Democratic Support and undertaken by the Clerk to the Local Review Body (Clerk).

#### **Meetings of the Local Review Body**

LRB meetings will be scheduled as and when required.

All Meetings of the LRB will be held at the Council Offices, Viewforth, Stirling unless otherwise specified by the LRB.

All meetings of the LRB will be held in public.

At those meetings the LRB shall be supported by the Clerk. The LRB may also be assisted by a Planning Adviser and Legal Adviser as required. The Planning Adviser and Legal Adviser shall be persons not currently involved with the Council's Development Management function.

From time to time the LRB may appoint Advisers to sit with the LRB to advise on such specialist or technical matters as the LRB may specify or to provide written reports to the LRB as required. Any such Advisers shall be persons not currently involved with the Council's Development Management function.

Equal courtesy will be given to all parties appearing before the LRB.

### **Access to Information**

Copies of all Review Documents and Procedure Notices (as those terms are defined in the 2013 Regulations) and other notices are to be made available for public inspection on request to the Clerk until such time as the Review is determined.

### **Awarding expenses**

The LRB has no power to award expenses for or against any party. Everyone taking part in a Review must pay his or her own expenses.

### **Complaints**

Applicants or Interested Parties dissatisfied with any parts of the Review process should contact the Clerk in the first instance.

## **REVIEW PROCESS**

### **Application for Review**

The application form for requesting a Review (Notice of Review) will be issued to Applicants with all Decisions made by the Appointed Officers.

The Notice of Review should be submitted to the Chief Officer - Governance, Stirling Council, Viewforth, Stirling FK8 2ET within the prescribed time limits.

The Notice of Review must include sufficient information to allow the LRB to review the case. All matters that the Applicant intends to raise in the Review should be set out in or accompany the Notice of Review as should all documents, material, and evidence upon which the Applicant intends to rely.

Applicants should note that there are only limited circumstances in which they may raise new matters not stated in the Notice of Review or submit further documents that did not accompany the Notice or raise matters not previously placed before the Appointed Officers. In particular Applicants' attention is drawn to Section 43B of the 1997 Act.

### **Withdrawing an Application for Review**

An Application for Review may at any time be withdrawn before the decision is made.

**It is not possible to reinstate the Review once it has been withdrawn.**

### **Receipt of the Notice of Review**

The Clerk will acknowledge receipt of the Notice of Review within **14** days.

The Clerk will advise the Planning Service of the Notice of Review and ask the Planning Service to provide:

- (a) a copy of the Planning Application and any plans or drawings lodged with the Application;
- (b) a copy of the Appointed Officer's decision;
- (c) a copy of the Report on Handling and copies of any documents referred to in that Report;
- (d) written confirmation that there has been compliance with Development Management Procedures in terms of Regulation 19 of the 2013 Regulations;
- (e) names and addresses of any Interested Parties; and
- (f) a set of proposed planning conditions that would be attached to any consent in the event that the Local Review Body upholds the Review.

### **Notice to Interested Parties**

Interested Parties are defined in the 2013 Regulations and include any statutory consultees or other parties who have made and not withdrawn representations in connection with the Application.

The Clerk shall notify any Interested Parties of the Review within **14** days of the receipt of the Notice of Review.

The Clerk shall advise Interested Parties that their previous objections will be sent to the Applicant and considered by the LRB and also indicate to Interested Parties that they have **14** days within which to submit further representations to the LRB.

Any further representations received from an Interested Party will be copied to the Applicant and the Applicant will have **14** days in which to respond to these further representations.

### **First Meeting of the Local Review Body**

The Clerk will prepare an agenda for the LRB that will include the Review Documents and Procedure Notices and any additional written submissions from the Applicant and the Interested Parties.

At the first meeting on any Review, the LRB will determine if there is sufficient information to enable them to determine the Review.

Where the LRB considers that the documents provide sufficient information to enable the LRB to determine the Review the LRB may determine the Review and the Clerk will issue the Decision Notice to the Applicant and the Planning Service -see below.

Where the LRB considers that the documents provide insufficient information to enable the LRB to determine the Review, the first meeting of the LRB shall be a Pre-examination meeting.

### **Pre-examination Meeting**

The purpose of the Pre-examination Meeting is for the LRB to consider the manner in which the Review or any part of the Review is to be handled and help ensure that the Review is conducted efficiently and expeditiously.

The procedures which the LRB may adopt are one of or a combination of one of the following:

- (a) Written Submissions;
- (b) a Site Inspection; and
- (c) Hearing Sessions;

The LRB shall ensure that the choice of procedure that they select is appropriate for the application under review.

### **Written Submissions**

Where the LRB requires further information, the LRB may request information from the Applicant or any other body or person from whom they wish to receive information by sending a written notice to that effect.

The written notice shall set out the matters on which further information is required, specify the date when it is required and explain who else has been asked to provide additional information.

The additional information provided shall also be sent to any other parties as the LRB require. Those other parties shall have a period of 14 days in which to comment on the additional information.

### **Site Inspections**

At any point in the Review Process, the LRB may inspect the land subject of the review. They may do this either **unaccompanied** or **accompanied** by the Applicant and any other party the LRB considers should attend.

**All (three) members of the LRB must attend a Site Inspection.**

If at the Pre-examination Meeting the LRB agrees the need for a Site Inspection the Inspection shall take place prior to a Hearing Session.

Where the LRB agrees to an unaccompanied Site Inspection the Clerk shall advise the Applicant of this.

Where the LRB agrees an accompanied Site Inspection the Clerk shall advise the Applicant; and any other Parties whom the LRB requests to be in attendance of the date and time of the Site Inspection.

While the LRB is required to give reasonable notice of the date and time of the Site Inspection, the LRB is not required to defer an inspection if any person to whom notice was given is not present at the appointed date and time.

## **Hearing Session and Determination of the Review**

Where the LRB decide that a Hearing Session is appropriate the Clerk shall give notice of the Hearing Session to the Applicant, any Interested Party and any other body or person from whom the LRB wish to receive further representations or to provide further information at the Hearing Session.

Such notice shall also specify the matters to be considered at the Hearing Session.

Those persons who intend to appear at the Hearing Session must give notice to the LRB of their intention to appear.

They must provide to all other parties in advance of the Hearing Session a Hearing Statement outlining the case they intend to put forward.

They must provide to all other parties in advance of the Hearing Session copies or extracts of all other documents upon which they intend to rely in presenting their case.

It is for the LRB to set the timescale for submitting this information or for requesting further information from the parties following submission of their Hearing Statements.

The Hearing Session shall take the form of a discussion led by the LRB. Cross-examination shall not be permitted unless the LRB consider it necessary to ensure a thorough examination of the issues.

The LRB is entitled to refuse to allow evidence to be given, cross-examination or presentation of other issues, which it considers to be irrelevant or repetitious.

The LRB may from time to time adjourn the hearing session, giving such notice of the adjourned hearing session as may appear to the LRB to be reasonable in the circumstances.

At the conclusion of the Hearing Session and unless further procedures and information are required, the LRB shall determine the Review.

## **Decision Notice**

On determining the Review, the LRB shall direct the Decision Notice with Statement of Reasons to be prepared in the form required by the Regulations.

The Decision Notice will be issued as soon as is practicable following the determination of the Review, and normally within 21 days.

In complex cases or those which involve the Parties entering into a legal agreement, the LRB may on request issue a letter indicating that it is minded to grant planning permission.

## **Issue of Decision Notice**

The Clerk will issue the Decision Notice to the Applicant and the Planning Service.

The Clerk will also notify every person who has made (and not subsequently withdrawn) representations in respect of the review that a decision on the review has been made and where a copy of the Decision Notice is available for inspection.

The Clerk will report the Decision Notice in the Council's Planning Schedule.

**Right to Appeal the Decision of the LRB**

Where the Decision of the LRB is to Refuse the Planning Application or Approve the Planning Application subject to Conditions the Applicant will be advised of their right of appeal and the timescales, which apply as set out in the Regulations.

## Process for Public Petitions

### 1. Introduction

Stirling Council aims to make the Council as accessible as possible and to deliver quality and best value by providing good quality services, which meet the needs of communities.

The public petitions process is one way that a community, individuals, groups or businesses can be involved in what the Council does. The submission of a petition can have a positive outcome by creating informed debate which may result in the Council taking action to address the concerns raised in a petition.

### 2. Issues that can be considered

Petitions may be lodged in relation to services provided by Stirling Council. Petitioners may freely disagree with the Council and/or call for changes in policy. There will be no attempt to exclude views as long as they meet the criteria for submission of a petition.

In addition, petitions may be lodged on matters which are outwith the remit of Stirling Council but within the remit of the Council's Community Planning Partners (Scottish Fire and Rescue Service, NHS Forth Valley, Police Scotland, Stirlingshire Voluntary Enterprise, Forth Valley College and the Loch Lomond and the Trossachs National Park Authority) and Central Scotland Valuation Joint Board. However, petitioners should be aware that whilst such petitions may be considered, the Council may not have the authority to take a decision on such matters in a way that may meet the petitioners' concerns.

Whilst petitions may be considered on matters involving policy, strategy, plans or similar documents which are published only after extensive public consultation and are subject to programmed periodic review, it may be that the Council may not have the authority to take a specific decision on such matters. Where such documents are already scheduled for periodic review it may be more appropriate for petitioners' views to be considered through the public consultation process rather than through the petitions process.

### 3. Issues that may not be considered

The Council is **unable to accept** petitions about:

- Matters which are the subject of individual planning, licensing or other similar regulatory processes where there are already procedures in place to consider objections and an appeal against a decision.
- Matters which are the subject of current court proceedings.
- Matters which have already been dealt with under the Council's complaints procedure, including those raised with the Scottish Public Services Ombudsman.
- Matters relating to employees' terms and conditions of employment.
- Individual personal issues such as housing allocation or neighbour dispute.

- Issues affecting an individual business interest.
- Individual Councillors, Council staff or other individuals who may be easily identified.
- An allegation that an individual or organisation has broken the law.
- Matters which have not been discussed in detail with relevant Council Officers.
- Matters in relation to which the local Community Council has not been consulted.
- Matters which have been the subject of a decision taken by the Council, a Committee, or a Panel within the past 6 months.
- A matter which is identical or similar to another petition considered during the preceding 12 months.

#### **4. Content of Petitions**

Once a petition has been submitted, checked and acknowledged, the name of the principal petitioner and the subject matter of the petition will be made available for public access on the Council's website. In exceptional circumstances, the Chief Officer - Governance may agree that the name of the principal petitioner is not made publicly available. Petitioners must ensure that information is submitted in good faith and does not include:-

- false or defamatory statements
- information which is protected by an interdict or court order
- material which is commercially sensitive, confidential or which may cause personal distress or loss
- the names of individual officers of public bodies
- the names of other individuals or information whereby they may be easily identified.

Petitioners can read the Council's privacy policy to find out what is done with their data at [https://www.stirling.gov.uk/documents/decision\\_making.pdf](https://www.stirling.gov.uk/documents/decision_making.pdf)

#### **5. Action before Submitting a Petition**

Before a petition is submitted, petitioners must, in the first instance, have taken reasonable steps in attempting to resolve the issues with the appropriate Council Officer/organisation. Copies of relevant correspondence should be appended to the petition. As well as contacting relevant Council Officers, Petitioners may also consider other routes such as the Council's complaints procedure or by raising the issue with and attempting to obtain the support of the relevant Local Elected Member, Member of Parliament, Member of the Scottish Parliament and Area Community Planning Forum. If petitioners have explored these routes copies of any correspondence should be included as supporting information and submitted with the main petition.

Petitioners should also contact the relevant Community Council prior to submitting the petition. The Community Council may be pursuing the same issue with the Council.

## 6. Format of Petitions

A template for petitions is included as an Appendix to these Guidance Notes and the form can be downloaded from the Council's website or completed online (prior to signature). Copies are also available from libraries and other public buildings.

The petition should be titled and include a short, clear and concise statement (no more than 250 words) which covers the main subject of the petition and details of action which the petitioner wishes the Council to take.

The petition **must** include the following:-

- (a) the **name** of the **Principal Petitioner** who **must** be on the Register of **Electors** for the **Stirling Council Area or a secondary school pupil on the roll of a secondary school in the Stirling Council Area** or in the case of a Local Business Petitioner be on the Valuation Roll for the Stirling Council Area;
  - (b) the **contact address** of the **Principal Petitioner** to which all communications should be sent;
  - (c) the **name, address and signature** of any person(s) supporting the petition.
- It would be helpful if petitions were typewritten or completed in black ink to facilitate checking, scanning and reproduction. If petitioners have any special requirements, they should email [petitions@stirling.gov.uk](mailto:petitions@stirling.gov.uk).

A petition **must** be supported by:-

- a. **Petition from Citizens** - at least 40 signatures from people who live in the Council Ward/Community Council area in which the petition matter has been raised and are on the Register of Electors and/or school pupils on the school roll of secondary schools within the Stirling Council Area **OR** have the support of the relevant Community Council (evidenced by the countersignature of a Community Council Office Bearer and a copy of the relevant Community Council minutes). Fewer signatories may be accepted where the issue concerns a small community which could not reasonably be expected to raise 40 signatories. This discretion may be exercised by the Chief Officer – Governance.
- b. **Petition from Local Business(es)** - support from at least 5 other businesses on the Valuation Roll **OR** have the support of the relevant Community Council (evidenced by the countersignature of a Community Council Office Bearer and a copy of the relevant Community Council minutes).

Councillors may not submit a petition as they have other methods to progress an issue on behalf of a constituent(s) such as submitting a Notice of Motion for consideration at Council/Committees or submitting a written question. In addition, in signing a petition a Councillor may create a conflict of interest for themselves if they sit on the Council Committee which will hear the petition.

## 7. How to Submit a Petition

When the principal petitioner is satisfied that it meets the criteria outlined in this guidance, he/she should submit the petition to the Chief Officer - Governance. Petitions can be submitted by post or handed in, clearly marked for the attention of the Chief Officer - Governance, Room 54, Old Viewforth, Stirling, FK8 2ET.

A written acknowledgement will be sent to the principal petitioner upon receipt of the petition.

## 8. Validation of Petitions

During validation the petition is checked to:-

- Ensure completeness
- Confirm the number of signatories and their residence/electoral registration/secondary school roll qualification
- Ensure meets the criteria set out in this guidance.

The Chief Officer - Governance will also consult the relevant Senior Manager/Chief Officer to clarify any potential issues as to validity.

**If the petition is valid** then the next steps in the process are outlined in Section 9 below.

**If the petition is not valid**, the Chief Officer - Governance will outline the reasons for the rejection and return the petition to the principal petitioner.

**If the petition is placed 'on hold'**, the Chief Officer – Governance will outline the reasons and advise the principal petitioner of steps they may require to take in order for the petition to be deemed valid.

## 9. Consideration of Petitions

Once the petition has been verified as having been correctly completed and submitted, it will be considered at the next meeting of the relevant Decision Making Committee.

If however the petition is received **within 4 weeks** of the next meeting of the Decision Making Committee, consideration of the petition will be deferred to the next meeting of the Committee after that.

The Chair of the Committee **may** invite petitioners to appear before the Committee to speak in support of their petition if it is considered this would be useful in assisting the Committee reach a decision. Petitioners should indicate on the form whether or not they wish to have the opportunity to make a statement before the Committee. Due to pressure of business, no guarantee can be given that petitioners will automatically be invited to address the Committee.

The relevant Governance Officer/Committee Officer will advise the principal petitioner of the time, date and format of the meeting of the Decision Making Committee.

The relevant Senior Manager/Chief Officer will also prepare a briefing report for the Committee outlining the issues raised in the petition and the preliminary service response to these issues. This report will be included in the agenda for the Committee meeting and the principal petitioner will be provided with a copy of this report as soon as the agenda papers are issued.

Where particularly complicated issues are involved, that may require further investigation or consultation with officers or third parties, the Clerk may contact the principal petitioner to discuss deferring the consideration of the petition to a future meeting to allow all relevant information to be presented.

**10. The Committee Meeting**

During the meeting the Chair, at the appropriate time, may ask the principal petitioner to come forward to introduce their petition with a time limit of 10 minutes, extendable at the discretion of the Chair. If the principal petitioner is not present, or does not wish to address the meeting, then the Chair will briefly outline the content of the petition.

Once the principal petitioner has spoken, the appropriate officer will be invited to address the meeting on the basis of the content of the briefing report, with a time limit of 10 minutes, again extendable at the discretion of the Committee.

Any Local Member in attendance, who is not a member of the Committee, may also be invited to speak at the discretion of the Chair, if that Local Member wishes to speak and is able to do so.

The Committee will discuss the merit of the petition and decide:-

- (a) To agree that the issues raised do not merit further action.
- (b) To refer the petition to the relevant Senior Manager/Chief Officer, in consultation with the Chair of the Committee and the Convener, Vice Convener and Opposition Spokesperson of the relevant decision making Committee, to consider the petition with or without specific direction as to action.
- (c) To refer consideration of the petition to another Committee or Council.
- (d) To continue consideration of the petition at the next meeting of the Committee, pending the submission of further information.

The principal petitioner will be advised in writing of the Committee's decision.

**11. The Petitions Log**

A petition whether accepted as valid or rejected will be added to the Petitions Log on the Council's website. A valid petition will also have its status identified as live (actively being pursued) or closed. The principal petitioner will be kept advised of the progress of the petition throughout the process. The Petitions Log will be updated as appropriate.

**12. Contact Information**

All correspondence and enquiries should be directed to:-

Chief Officer - Governance  
Stirling Council  
Room 54  
Old Viewforth  
Stirling  
FK8 2ET  
e-mail: [petitions@stirling.gov.uk](mailto:petitions@stirling.gov.uk)

<b>POWERS DELEGATED TO OFFICERS</b>
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**Delegation of powers to Chief Executive, Stirling Council**

Under exception of the delegated powers which arise from certain statutory appointments (see Appendix 7), all powers delegated to Officers of the Council are delegated to the Chief Executive.

When exercising any delegated power the Chief Executive must do so in full compliance with a number of requirements that have been laid down by the Council. On the pages that follow are details of:

- (a) The rules governing the exercise of powers delegated to the Chief Executive;
- (b) Powers delegated to the Chief Executive

**(a) “RULES” GOVERNING THE EXERCISE OF POWERS BY THE CHIEF EXECUTIVE**

- 1 Before exercising any authority the Chief Executive must satisfy himself/herself that:
  - (a) he/she has the necessary delegated powers as specified in this Scheme; and
  - (b) that any power expressed in this Scheme has not been modified by a more recent decision by the Council.
- 2 The Chief Executive must use the authority delegated to him/her:
  - (a) in the interests of Stirling Council and in accordance with the provisions of this Scheme, Financial Regulations and Contract Standing Orders; and
  - (b) in accordance with the policies of the Council and its Committees and with any procedural guidelines which the Council and its Committees may make to regulate the exercise of delegated powers.
- 3 In exercising the authority delegated to them, the Chief Executive must consult:
  - (a) the Chief Officer – Governance and/or the Chief Officer – Finance as appropriate, in respect of matters which are sensitive or complex, or where legal, administrative, financial or other advice or guidance is necessary;
  - (b) the relevant Convener(s)/ Portfolio holder in respect of matters which are sensitive or complex or otherwise warrant such consultation;
  - (c) the recognised spokesperson in respect of any sensitive or complex matters which fall within the remit of the spokesperson; and
  - (d) local Members whenever a decision or action is likely to have a direct effect on the constituency interests of one or more local Members (but this will not be necessary where the proposed decision or action will have general effect throughout the Council’s area).

- 4 Where an applicant for a service provided by the Council (except one which is available to the general public for a set fee) is a Member of the Council or an employee, the Chief Executive will, before exercising that authority, give consideration to the need to refer the application to the appropriate Committee or Panel, as appropriate, for determination.
- 5 Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the Chief Executive will, before exercising that authority, consult with the Chief Officer – HR.
- 6 The Chief Executive must publish, at such frequency and in such form as may be prescribed from time to time by the Council, a Committee or a Panel, details of decisions taken and actions authorised by him/her in exercise of delegated powers.

## **(b) DELEGATIONS TO THE CHIEF EXECUTIVE**

The following is a list of the powers, which have been delegated to the Chief Executive. It should be noted that expressions such as "to serve", "to issue" etc. include the delegated power to sign, on behalf of the Council, the documents concerned and to take all other steps necessary to ensure that these documents are appropriately delivered.

Nothing in this section or any other part of the Scheme empowers the Chief Executive to alter national or local conditions of employment which, for the avoidance of doubt, includes bonus schemes.

### **CONTRACTS**

#### **CE1 Consultants and Consultancies**

To appoint (in consultation with the appropriate Convener(s)/ Portfolio Holder and Spokesperson(s)) consultants to provide advice or services and to approve the acceptance of payment of fees for Officers involved in lecturing to outside bodies.

#### **CE2 Contracts**

To approve, for legal acceptance by the relevant Chief Operating Officer/ relevant Senior Manager/ Chief Officer, contracts to be awarded to the lowest tenderer to the value of up to £1,499,999.99, following the conclusion of the procedure for awarding contracts set out in the Council's Contract Standing Orders.

#### **CE3 Contract Standing Orders**

To exercise any general delegations contained in the Council's Contract Standing Orders.

#### **CE4 List of Tenderers**

To select, from the Council's approved list, tenderers to receive tender documents following payment of any appropriate fee.

#### **CE5 Proper Officer**

To act as Proper Officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the common seal of the Council or are binding on the Council.

## **EMPLOYEES**

### **ALLOWANCES ETC**

#### **CE6 Acting Up Allowances**

To approve payment of "Acting Up" Allowances for staff taking on more senior duties on a temporary basis.

#### **CE7 Car Allowances**

To determine the payment of car allowances, within the terms of Council policy.

#### **CE8 Excessive Wear and Tear**

To determine applications for additional allowances under the car allowance scheme in respect of excessive wear and tear to vehicles.

#### **CE9 Overtime**

To approve overtime within the terms of Council policy and subject to finance being available within approved budgets.

#### **CE10 Relocation Expenses and Allowances**

To authorise payment of relocation/removal expenses and allowances within the Council's Conditions of Service.

#### **CE11 Telephone Allowances**

To determine, within the terms of Council policy, the provision of telephone allowances to employees.

### **APPOINTMENTS/TERMINATION**

#### **CE12 Acting Head of Paid Service**

To appoint an Acting Head of Paid Service to cover periods when the Chief Executive, as Head of Paid Service, is absent. When the Chief Executive is absent one of the Chief Operating Officers will act as the Head of Paid Service and have all the delegated authority of the Chief Executive.

#### **CE13 Appointments/External Organisations**

To appoint employees within the approved establishment up to, Service Manager level. (The Council may direct that other arrangements for making an appointment should apply). To appoint officers to serve on external organisations.

#### **CE14 Discipline**

To conduct disciplinary proceedings in respect of employees, within the terms of the Council's approved disciplinary procedures and to take decisions, in accordance with the Council's Conditions of Service and any consultations with the Chief Officer – HR, with regard to the dismissal of employees due to gross misconduct.

#### **CE15 Termination of Employment**

To retire permanent employees on compassionate grounds and to terminate the employment of any employee not in the permanent employment of the Council.

#### **CE16 Early Retirements**

To determine applications for early retirement from a Chief Operating Officer, in consultation with the appropriate Convener(s)/ Portfolio holder or Spokesperson(s), and within the approved regulations and policies of the Council.

**CE17 Early Retirement/Voluntary Severance**

To determine applications for early retirement and voluntary severance for Officers below Chief Operating Officer level, within the approved regulations and policy direction of the Council.

**CE18 Payment in Lieu of Notice**

To approve payments in lieu of notice, only where satisfied that it is not appropriate for an employee to continue in employment during the period of notice.

**CE19 Starting Salaries**

To place employees on appointment on a salary point within the grade or grades applicable to posts.

**CE20 Temporary Posts**

To establish temporary posts for not more than two years, providing that there is adequate funding within the approved budget for the Service concerned.

**EMPLOYMENT TERMS AND CONDITIONS**

**CE21 Changes in Post Titles**

To determine changes in titles of jobs.

**CE22 Merit Increments/Salary Progression**

To make awards under the merit increment scheme, subject to any policy directions on assessment criteria and in consultation with the appropriate Convener(s)/ Portfolio Holder and Spokesperson(s) and to progress the salaries of employees following relevant exam success.

**CE23 National Salary Awards**

To implement National Pay Awards for employees.

**CE24 Preserved Salaries**

To approve the preservation of pay within the terms of Council policy, for any member of staff who has been transferred to another post at the instigation of management.

**CE25 Re-gradings**

To agree the grading and re-grading of posts below Chief Operating Officer level provided such determinations are based on an agreed job evaluation scheme or on gradings prescribed within national conditions of Service.

**CE26 Secondment**

To determine the secondment of employees to external agencies or for training purposes.

**LEAVE AND ABSENCES**

**CE27 Annual Leave**

To determine requests for the transfer of annual leave across consecutive leave years in cases where an employee's entitlement is affected by occurrence of sick leave or in the best interests of the Service.

**CE28 Sick Leave**

To approve payments in lieu of annual leave, such payments to be made only in exceptional cases where satisfied with the reasons for an employee being unable to take annual leave and provided the budgetary allocation is not exceeded.

**CE29 Special Leave**

To place an employee on special leave pending medical opinion, where it is considered inappropriate for the employee to remain at work.

**CE30 Leave of Absence**

To determine applications for leave of absence for special purposes and to absent herself/himself, or to permit any member of her/his staff to absent herself/himself occasionally and temporarily during business hours in order to attend to duties or services of a civic, honorary, charitable or social nature, provided that these are in accordance with any policy directions of the Council and do not interfere with the efficient discharge of her/his duties to the Council.

**CE31 Sickness Allowance**

To extend the period for which sickness allowance is payable.

**SPECIAL PAYMENTS**

**CE32 Claims for Loss/Damage to Personal Property of Employees**

To determine claims of up to £250 for damage to or loss of personal property of employees, in consultation with the Chief Officer – HR.

**CE33 Ex Gratia Payments**

To determine, in exceptional circumstance, in accordance with any policy directions of the Council, and in consultation with the relevant Convener(s)/ Portfolio holder, the level of any ex gratia payments to be made to Officers.

**CE34 Payments for Lecturing etc**

To approve the acceptance of payment to Officers who have undertaken approved lecturing, etc, to outside bodies.

**TRAINING**

**CE35 Conferences, Seminars, etc**

To determine applications for the attendance of employees at conferences, seminars or other business (not including the approval of teacher exchanges or school trips which have been delegated to the Senior Manager – Schools & Learning (Chief Education Officer)).

**CE36 Training**

To authorise employees' attendance at training courses and events within the approved training budget.

**FINANCE/BUDGETS**

**CE37 Capital Programme Virement**

To exercise virement within the overall HRA and Non-HRA Capital Programmes, subject to any procedures agreed by the Management Team which may be prescribed and provided that:

- (a) the amount of the virement does not exceed £250,000 or 10% of the approved capital expenditure whichever is the lesser sum;
- (b) there has been consultation with the appropriate Convener(s)/ Portfolio Holder and Spokesperson(s) and a report has been prepared for inclusion in the weekly Council Information Bulletin;
- (c) the Chief Officer - Finance has been notified in writing; and

- (d) the virement of expenditure is to a project within the same approved Capital Expenditure Programme.

**CE38 Financial Instructions**

To issue financial instructions relative to the functions of his Service, which the Chief Officer - Finance has approved.

**CE39 Grants and Donations**

To determine grants of financial assistance to a maximum limit of £5,000 in accordance with any policy directions given by the Council.

**CE40 Issue Sundry Debtor Accounts**

To render accounts for all work done, goods supplied, services provided, and all other amounts due, such accounts to be rendered (unless otherwise agreed with the Chief Officer - Finance) at such times and at such frequencies as may be determined by the Chief Officer - Finance and in accordance with the Council's Financial Regulations.

**CE41 Prudential Borrowing**

To approve the use of Prudential Borrowing of less than £500,000 per request subject to the provision of a sustainable business case.

**CE42 Revenue Budget Virement**

To exercise virement within the overall Revenue Budget for the Service, provided that:-

- (a) the amount of any individual virement does not exceed £250,000;
- (b) where the virement is for more than £100,000 there has been consultation with the appropriate Convener(s)/ Portfolio Holder and Spokesperson(s) on the matter and that a report has been prepared for inclusion in the weekly Council Information Bulletin;
- (c) the Chief Officer - Finance has been notified in writing; and
- (d) the virement does not create an additional financial commitment into the following financial year.

**CE43 Special Payments made from Imprest Accounts**

To determine arrangements to enable items of minor expenditure which are considered reasonable and appropriate by the Chief Officer - Finance, to be paid from Imprest Accounts, in accordance with the Council's Imprest Guidelines. Receipted vouchers will support such payments wherever possible.

**CE44 Write-Off of Debt**

To approve the write-off of outstanding debts due to the Council of less than £10,000 for each debtor, where there are good and sufficient reasons for so doing, in accordance with the Council's Financial Regulations.

**GENERAL**

**CE45 Additional Powers during Recess Periods**

To determine urgent matters, during periods when the Council is in recess, in accordance with the following:

- (a) in respect of urgent matters where a policy decision has already been taken by Council and where budget or other financial provision exists, the Chief Executive/appropriate Chief Operating Officer will consult the Provost/Depute

Convener of Council, relevant Portfolio Holder and Convener of the appropriate Committee, a relevant Opposition Member, and, as appropriate, the Leader of the Council before a decision is taken. Where possible, a meeting comprising the appropriate persons will be arranged through Democratic Services and a note of the meeting will be recorded; and details of decisions taken will be submitted for the information of Council/Committees (as appropriate) following the recess;

(b) in respect of urgent matters where a decision is required which involves new policy or a change to existing policy, or incurring expenditure not already provided for, the Chief Executive/appropriate Chief Operating Officer will consult the Clerk to the Council and, if required, the Provost/Depute Convener of Council or Convener of the appropriate Committee and a relevant Opposition Member will agree a special meeting of Council or the Committee concerned.

**CE46 Bids**

To submit bids for or expressions of interest in opportunities to host events, to receive recognition, to locate facilities and the like where the opportunity in question does not commit the Council to expenditure in excess of £50,000.

**CE47 Complaints**

To authorise the payment of appropriate compensation (not exceeding £500 to any one person) to persons, who have a valid complaint, who have pursued this to the final stage of the Council's Complaints Procedure and who may be satisfied by the payment of appropriate compensation.

**CE48 Closure of Council Offices**

To close down Council Offices early due to the festive timetable/bad weather/emergency situations.

**CE49 Delegations**

To authorise other Officers to exercise any delegated powers which have been granted, unless prohibited from doing so by the law, or by the Council.

**CE50 Emergencies**

To implement such measures as may be required in emergency situations, subject to a subsequent reporting of any items (for which Committee/Council approval would normally be necessary) to the appropriate Committee/Council as soon as possible after the measures have been taken.

**CE51 Health and Safety**

To carry out the Occupational Health and Safety Policy arrangements and to take whatever measures are deemed reasonable and necessary in order that these are properly implemented.

**CE52 Hospitality**

To provide, subject to appropriate provision within existing budgets, reasonable hospitality to representatives of other authorities and outside bodies.

**CE53 Management**

To take such operational management decisions as are necessary for the routine planning, organisation, operation and provision of Council Services and facilities.

**CE54 Planning and Budgeting Processes**

To co-ordinate and integrate the Stirling Plan (Local Outcome Improvement Plan), strategic planning, service planning and resource planning, including budgeting processes.

**CE55 Policy Development and Implementation**

To co-ordinate arrangements for policy development and implementation across the Council.

**CE56 Research**

To authorise and co-ordinate such research as necessary to support the effective delivery of Council Services and to ensure that the Council performs its community governance role effectively.

**CE57 Services' Establishments**

To approve changes to Services' employee establishments below Service Manager level, provided always that no such change will result in additional expenditure beyond the approved revenue budget for the Service in question.

**CE58 Strategies, Policies and Procedures**

To carry out investigations and research and enter into discussions with a view to proposing new or revised strategies, policies or procedures.

**PROPERTY**

**CE59 Acquisition of Land and Property**

To approve any terms and conditions recommended by the appropriate Chief Operating Officer for the acquisition of land and property for a relevant service project contained within the approved capital programme, subject to a maximum value of £500,000 in any particular case.

**CE60 Disposal of Surplus Land and Property**

To approve any terms and conditions recommended by the appropriate Chief Operating Officer for the disposal of land and property which is surplus to the requirements of any of the Council's functions subject to a maximum value of £500,000 in any particular case and subject to there being notification in writing with the appropriate Local Member/s and provided that there are no objections from the Local Member/s to the recommendations which will also require to be published in the weekly Council Information Bulletin.

**CE61 Leasing of Land, Property and Rights**

To approve any terms and conditions recommended by the relevant Chief Operating Officer, for the initial granting and accepting of leases relating to land, buildings and other heritable property or real estate and other rights in and to land, buildings and other heritable property or real estate where the capital value of the land, buildings or other property or right concerned does not exceed £500,000 and the proposed lease does not exceed 20 years in length in any particular case.

**CE62 Long Leases of Land, Property and Rights**

To approve any terms and conditions recommended by the relevant Chief Operating Officer, for the initial granting and accepting of long leases relating to land, buildings and other heritable property or real estate and other rights in and to land, buildings and other heritable property or real estate where the capital value of the land, buildings or other property or right concerned does not exceed £500,000 and the proposed lease is for an excess of 20 years in length in any particular case, and subject to there being appropriate consultation with relevant Local Member/s and which recommendations will also require to be published in the weekly Council Information Bulletin.

## **STATUTORY POWERS AND DUTIES OF THE COUNCIL**

**CE63** To exercise the statutory powers of the Council under the following Acts and all other legislation, together with any regulations made pursuant to the same, dealing with operational matters in respect of the Council's functions –

Abandonment of Animals Act 1960  
Abolition of Domestic Rates Etc. (Scotland) Act 1987  
Accommodation Agencies Act 1953  
Adoption and Children (Scotland) Act 2007  
Adult Support and Protection (Scotland) Act 2007  
Adults with Incapacity (Scotland) Act 2000  
Agricultural (Miscellaneous Provisions) Act 1972  
Agriculture Act 1970  
Agriculture Produce (Grading and Marking) Acts 1928 and 1931  
Air Weapons and Licensing (Scotland) Act 2015  
Animal Boarding Establishments Act 1963  
Animal Health & Welfare (Scotland) Act 2006  
Animal Health Act 1981  
Antisocial Behaviour etc (Scotland) Act 2004  
Breeding and Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973 and 1991  
British Telecommunications Act 1981  
Broadcasting Act 1981  
Building (Scotland) Acts 1959, 1970 and 2003  
Burial and Cremation (Scotland) Act 2016  
Burial Grounds (Scotland) Act 1885  
Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011  
Business Protection from Misleading Marketing Regulations 2008  
Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008  
Caravan Sites and Control of Development Act 1960  
Carers (Scotland) Act 2016  
Child Poverty (Scotland) Act 2017  
Children (Scotland) Act 1995  
Children Acts 1975 and 1989  
Children and Young People (Scotland) Act 2014  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1963  
Children's Hearing (Scotland) Act 2011  
Chronically Sick and Disabled Persons Act 1970  
Church of Scotland (Property and Endowments) Acts 1925 & 1933  
Cinemas Act 1985  
Civic Government (Scotland) Act 1982  
Civil Contingencies Act 2004  
Civil Partnership Act 2004  
Clean Air Act 1993  
Coast Protection Act 1949  
Community Care and Health (Scotland) Act 2002  
Community Empowerment (Scotland) Act 2015  
Community Justice (Scotland) Act 2016  
Competition Act 1998  
Construction (Design and Management) Regulations 2015  
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013  
Consumer Credit Act 1974

Consumer Protection (Distance Selling) Regulations 2000  
Consumer Protection Act 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Consumer Rights (Payment Surcharges) Regulations 2012  
Control of Dogs (Scotland) Act 2010  
Control of Pollution Act 1974  
Copyright (Visually Impaired Persons) Act 2002  
Copyright Etc. and Trade Marks (Offences & Enforcement) Act 2002  
Copyright, Designs and Patents Act 1988  
Council Tax (Administration and Enforcement) (Scotland) Regulations 1992  
Council Tax Reduction (Scotland) Regulations 2012  
Counter-Terrorism Act 2008  
Countryside (Scotland) Act 1967  
Courts and Legal Services Act 1990  
Cremation (Scotland) Amendment Regulations 2003  
Cremation Acts 1902 and 1952  
Crime and Disorder Act 1998  
Criminal Justice (Scotland) Act 2016  
Criminal Procedure (Scotland) Act 1995  
Crossbows Act 1987  
Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001  
Dangerous Wild Animals Act 1976  
Data Protection Act 2018  
Deer (Scotland) Act 1996  
Development of Tourism Act 1969  
Disability Discrimination Act 2005  
Disabled Persons (Employment) Act 1958  
Disabled Persons (Services, Consultation and Representation) Act 1986  
Disabled Persons Parking Places (Scotland) Act 2009  
Dog Fouling (Scotland) Act 2003  
Dogs Act 1906 and 1928  
Dutch Elm Disease (Amendment) (Local Authorities) Order 1976  
Education (Additional Support for Learning) (Scotland) Act 2004  
Education (Scotland) Act 1980 and 2016  
Education Reform Act 1988  
Electricity Act 1989  
Electronic Commerce (EC Directive) Regulations 2002  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environment Act 1995  
Environment and Safety Information Act 1988  
Environmental Assessment (Scotland) Act 2005  
Environmental Information (Scotland) Regulations 2004  
Environmental Protection Act 1990  
Equality (Scotland) Act 2010  
Equality Acts 2006 and 2010  
Estate Agents Act 1979  
Ethical Standards in Public Life etc. (Scotland) Act 2000  
European Communities Act 1972  
European Parliamentary Elections Act 2002  
European Union (Withdrawal) Act 2018  
Explosives (Age of Purchase) Act 1976  
Explosives Acts 1875 and 1923  
Factories Act 1961  
Fair Trading Act 1973  
Financial Services (Distance Marketing) Regulations 2004

Financial Services Act 2012  
Financial Services and Markets Act 2000  
Fire Safety and Safety of Places of Sports Act 1987  
Fireworks Acts 1951, 1964 and 2003  
Flood Prevention (Scotland) Act 1961  
Flood Prevention and Land Drainage (Scotland) Act 1997  
Flood Risk Management (Scotland) Act 2009  
Food and Environmental Protection Act 1985  
Food Hygiene (Scotland) Regulations 2006  
Food Safety Act 1990  
Foster Children (Scotland) Act 1984  
Freedom of Information (Scotland) Act 2002  
Gambling Act 2005  
Game (Scotland) Act 1832  
Game Licences Act 1860  
Gaming Act 1968  
General Data Protection Regulation 2016/679  
Goods Vehicles (Licensing of Operators) Act 1995  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Harbours Act 1964  
Health and Safety at Work Etc. Act 1974  
Health and Social Services and Social Security Adjudications Act 1983  
High Hedges (Scotland) Act 2013  
Homelessness Etc. (Scotland) Act 2003  
Housing (Scotland) Acts 1987, 1988, 2001, 2006, 2010 & 2014  
Hypnotism Act 1952  
Immigration Act 2016  
Immigration and Asylum Act 1999  
INSPIRE (Scotland) Regulations 2009  
International Health Regulations 2005  
Investigatory Powers Act 2016  
Knives Act 1997  
Land Compensation (Scotland) Act 1973  
Land Reform (Scotland) Act 2003  
Licensing (Scotland) Acts 1976 & 2005  
Local Government (Access to Information) Act 1985  
Local Government (Access to Information) Act 1985  
Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958  
Local Government (Scotland) Acts 1947, 1973 and 1975  
Local Government and Housing Act 1989  
Local Government and Planning (Scotland) Act 1982  
Local Government etc (Scotland) Act 1994  
Local Government Finance Act 1992  
Local Government in Scotland Act 2003  
Lotteries and Amusements Act 1976  
Management of Offenders etc. (Scotland) Act 2005  
Marriage (Approval of Places) (Scotland) Regulations 2002  
Marriage (Scotland) Act 1977  
Matrimonial Proceedings (Children) Act 1958  
Medicines Act 1968  
Mental Health (Care and Treatment) (Scotland) Act 2003  
Methylated Spirits (Sale by Retail) (Scotland) Act 1937  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Assistance Act 1948  
National Health Service and Community Care Act 1990

National Parks (Scotland) Act 2000  
National Parks and Access to the Countryside Act 1949  
Nature Conservation (Scotland) Act 2004  
New Roads and Street Works Act 1991  
Noise and Statutory Nuisances Act 1993  
Offices, Shops and Railway Premises Act 1963  
Olympic Symbol etc. (Protection) Act 1995  
Parties, Elections and Referendums Act 2000  
Patents, Designs and Marks Act 1986  
Performing Animals (Regulation) Act 1925  
Pesticides (Fees and Enforcement) Act 1989  
Pet Animals Act 1951  
Petroleum (Consolidation) Act 1928  
Petroleum (Regulations) Acts 1928 and 1936  
Petroleum (Transfer of Licences) Act 1936  
Petroleum Acts 1928 and 1936  
Pharmacy and Poisons Act 1933  
Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997  
Planning etc (Scotland) Act 2006  
Planning (Scotland) Act 2019  
Plant Health Act 1967  
Poisons Act 1972  
Political Parties, Elections and Referendums Act 2000  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 and 1975  
Private Housing (Tenancies) Scotland Act 2016  
Private Rented Housing (Scotland) Act 2011  
Private Water Supplies (Scotland) Regulations 1992  
Proceeds of Crime Act 2002  
Procurement Reform (Scotland) Act 2014  
Property Factors (Scotland) Act 2011  
Property Misdemeanors Act 1991  
Protection from Harassment Act 1997  
Protection of Animals (Scotland) Acts 1912 and 1988  
Public Bodies (Joint Working) (Scotland) Act 2014  
Public Health (Aircraft) (Scotland) Regulations 1971  
Public Health (Scotland) Acts 1897 and 1945  
Public Health (Ships) (Scotland) Regulations 1971  
Public Health etc. (Scotland) Act 2008  
Public Libraries (Scotland) Act 1955  
Public Libraries Consolidation (Scotland) Act 1887  
Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003  
Public Records (Scotland) Act 2011  
Public Services Reform (Scotland) Act 2010  
Race Relations Act 2000  
Refuse Disposal (Amenity) Act 1978  
Registered Designs Act 1949  
Registration of Births, Deaths and Marriages (Scotland) Act 1965  
Regulation of Investigatory Powers (Scotland) Act 2000  
Regulation of Investigatory Powers Act 2000  
Rent (Scotland) Acts 1984 & 1987  
Representation of the People Acts 1867, 1868, 1981, 1983, 1985, 1989, 1991, 1993 & 2000  
Reservoirs (Scotland) Act 2011  
Reservoirs Act 1975  
Riding Establishments Acts 1964 and 1970  
Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003

Road Traffic Act 1988 and 1991  
Road Traffic Regulation Act 1984  
Roads (Scotland) Act 1984  
Roads (Traffic Calming) (Scotland) Regulations 1994  
Safety of Places of Sports Regulations 1988  
Safety of Sports Grounds Act 1975  
Schools (Consultation) (Scotland) Act 2010  
Scotch Whisky Act 1988  
Sewerage (Scotland) Act 1968  
Shops Act 1950  
Single Use Carrier Bags Charge (Scotland) Regulations 2014  
Slaughter of Animals (Scotland) Act 1980  
Slaughter of Poultry Act 1967  
Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016  
Smoking, Health and Social Care (Scotland) Act 2005  
Social Care (Self-Directed Support) (Scotland) Act 2013  
Social Security (Scotland) Act 2018  
Social Security Administration Act 1992  
Social Security Contributions and Benefits Act 1992  
Social Work (Scotland) Act 1968  
Space Industry Act 2018  
Standards in Scotland's Schools etc. Act 2000  
Telecommunications Act 1984  
Tenements (Scotland) Act 2004  
The Stopping Up of Roads and Private Accesses and the Redetermination of  
Public Rights of Passage (Procedure) (Scotland) Regulations 1986  
Theatres Act 1968  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Tobacco and Primary Medical Services (Scotland) Act 2010  
Town and Country Planning (Control of Advertisements) (Scotland) Regulations  
1984  
Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland)  
Act 1997  
Town and Country Planning (Scotland) Acts 1959 & 1997  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Schemes Act 1996  
Traffic Signs Regulations and General Directions 2002  
Transport (Scotland) Act 2001  
Transport Acts 1968, 1985 and 1993  
War Memorials (Local Authorities' Powers) Act 1923  
Water (Scotland) Act 1980  
Water Services etc. (Scotland) Act 2005  
Weights and Measures Act 1985  
Wild Animals in Travelling Circuses (Scotland) Act 2018  
Wildlife and Countryside (Scotland) Act 1981  
Wildlife and Natural Environment (Scotland) Act 2011  
Zoo Licensing Act 1981

<b>STATUTORY APPOINTMENTS OF OFFICERS</b>
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In terms of various statutes, the Council is required to appoint Officers for a variety of particular purposes. Officers so appointed are empowered to take such action as is implicit in their role. The statutory appointments agreed by the Council are as follows:

<b><u>STATUTORY PROVISION</u></b>	<b><u>PURPOSE/ROLE</u></b>	<b><u>OFFICER</u></b>
<b>Social Work (Scotland) Act 1968</b>		
s.3	Chief Officer of Social Work.	Senior Manager – Children & Families
<b>Education Scotland (Act) 1980</b>		
s.78	Chief Education Officer	Senior Manager – Schools, & Learning
<b>Local Government (Scotland) Act 1973</b>		
s.33A	Proper Officer for various purposes in connection with Councillors' declaration of acceptance of office.	Chief Officer - Governance
s.34	Proper Officer for receipt of Councillors' resignations.	Chief Officer - Governance
s.43 and Sch.7	Proper Officer for various purposes in connection with meetings and proceedings of the Council, Committees and Sub-Committees.	Chief Officer - Governance
ss.50A-50K	Proper Officer for various purposes in connection with access to meetings and documents of the Council, Committees and Sub-Committees.	Chief Officer - Governance
s.92	Proper Officer for dealing with the transfer of securities.	Chief Officer - Finance
s.95	Proper Officer for the administration of the Council's financial affairs.	Chief Officer - Finance
s.145	Proper Officer in respect of Ordnance Survey applications.	Chief Operating Officer Infrastructure & Environment
s.190	Proper Officer for service of legal proceedings, notices, etc. on the Council.	Chief Officer - Governance
s.191	Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations.	Chief Officer - Governance
s.193-194	Proper Officer in respect of authentication of documents.	Chief Officer - Governance

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s.197	Proper Officer in respect of arrangements for the inspection and depositing of documents.	Chief Officer - Governance
ss.202-204	Proper Officer for various purposes in connection with byelaws.	Chief Officer - Governance
s.206	Proper Officer in respect of the keeping of a register of persons admitted as freemen of the Council's area.	Chief Officer – Governance
Parties, Elections and Referendums Act 2000	Counting Officer	Chief Executive
<b>Licensing (Scotland) Act 2005</b>		
Para 8, Schedule 1	Clerk to the Licensing Board.	Chief Officer - Governance
<b>Civic Government (Scotland) Act 1982</b>		
s.113	Proper Officer in respect of evidence of management rules.	Chief Officer - Governance
<b>Representation of the People Act 1983</b>		
s.25 and s.41	Returning Officer.	Chief Executive
<b>Local Government and Housing Act 1989</b>		
s.2	Proper Officer in respect of lists of politically restricted posts.	Chief Officer - Governance
s.4	Head of Paid Service.	Chief Executive
s.5 and 5A	Monitoring Officer.	Chief Officer - Governance
<b>Requirements of Writing (Scotland) Act 1995 Para 4, Schedule 2</b>		
	Proper Officer in respect of execution of Deeds and use of the Council's seal.	Chief Officer - Governance
<b>Ethical Standards in Public Life etc. (Scotland) Act 2000 s.7 and The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003</b>		
	Proper Officer for all purposes in connection with registration of Members' interests and other related purposes under the Councillors' Code of Conduct.	Chief Officer - Governance
<b>Data Protection Act 2018</b>		
s.69	Statutory Officer for data protection matters	Audit Service Manager

### AREAS OF SPECIAL RESPONSIBILITY

To ensure greater political accountability for the decisions taken by the Decision Making Committees, their Conveners, Depute Conveners and some other Councillors, known as Portfolio Holders, will be allocated an area of special responsibility.

**The Leader and Depute Leader of the Council**, in addition to responsibility for their own portfolio if any, will exercise strategic leadership of the Council and promote the Council's core values, ensuring the effective communication of Council policies and strategies. The Leader and Depute Leader will carry overall political accountability for the co-ordination of Council business and the achievement of the Council's key priorities and the outcomes identified in the Stirling Plan. The role of Leader and Depute Leader of the Council can operate across all Committee remits as and when appropriate. This might, for example, include chairing a Group working on an area not directly under their remit but one which requires specific expertise or strategic political direction.

**The areas of special responsibility** are detailed below. In any situation of uncertainty, it is for the Chief Executive to determine within which area of special responsibility a matter lies. For the avoidance of doubt, there is no delegation to any individual member of the Council.

**The Convener and Depute Convener of the Children & Young People Committee** will exercise strategic and political leadership in relation to the Council's key priorities within the remit of the Committee.

The Convener and Depute Convener will oversee the following services/functions to ensure their effective management and continuous improvement:

- Management of education system;
- Early Years;
- Additional Support for Learning;
- Parental Involvement;
- Adult & Continuing Education;
- Skills Development & Training;
- Schools Catering;
- Play & Out of School Care;
- Getting It Right For Every Child;
- Psychology Service;
- Interaction with the Stirling Youth Forum;
- Youth Support;
- Youth Justice;

- Social Work Services (children and young people);
- Community Justice (so far as it relates to children and young people);
- Criminal Justice (so far as it relates to children and young people);
- Care and protection of children;
- Looked after and accommodated children.

**The Convener and Depute Convener of the Community Planning & Regeneration Committee** will exercise strategic and political leadership in relation to the Council's key priorities within the remit of the Committee.

In pursuit of this remit the Convener and Depute Convener will oversee the following services/functions to ensure their effective management and continuous improvement:

- Ensuring strategic and political leadership of the Community Planning Partnership which meets twice annually to review the achievement of Community Planning objectives and the preparation of revised/new Community Plans;
- Monitoring and review of the Stirling Plan (LOIP);
- Ensuring strategic and political leadership of the Community Planning Steering Group which meets to:-
  - (a) review the achievement of Community Planning objectives;
  - (b) ensure collaborative planning between agencies to tackle cross-cutting issues;
  - (c) ensure continued improvement in services through collaborative working; and
  - (d) monitor and review the activities of the Critical Partnerships established by the Community Planning Partnership to ensure delivery of its strategic directives.
- Monitoring and review of the Council's Community Governance Strategy;
- Community Councils;
- Area Community Planning;
- Community Development;
- Europe;
- Cultural Services;
- Libraries and Archives;
- Sport and Physical Activity;

- Advice Services;
- Urban Regeneration;
- Rural Development;
- Social regeneration;
- Community Facilities;
- Community Engagement;
- Community Empowerment;
- Combating Violence Against Women;
- Community Justice (so far as it relates to adults);
- Criminal Justice (so far as it relates to adults).

**The Convener and Depute Convener of the Environment & Housing Committee** will exercise strategic and political leadership in relation to the Council's key priorities within the remit of the Committee.

The Convener and Depute Convener will oversee the following services/functions to ensure their effective management and continuous improvement:

- Road Traffic Regulation;
- Public Transportation;
- Road Network Management;
- Building Standards;
- Consumer Protection;
- Environmental Health;
- Trading Standards;
- Transportation Planning;
- Planning Policy;
- Roads Network Maintenance & Construction;
- Street Cleansing;
- Waste Management;
- Flood Prevention;
- Fleet Management & Maintenance;

- National Park;
- Public access to the outdoors;
- Cemeteries, Churchyards etc;
- Grounds Maintenance;
- Facilities Management;
- Fisheries Management;
- Housing (in liaison with Housing Portfolio Holder);
- CCTV.

**The Convener and Depute Convener of the Finance & Economy Committee** will exercise strategic and political leadership in relation to the Council's key priorities within the remit of the Committee

The Convener and Depute Convener will oversee the following services/functions to ensure their effective management and continuous improvement:

- Ensuring the development and ongoing monitoring and review of a cross-council integrated planning, budgeting and performance management framework (applicable to all corporate and service planning processes);
- Ensuring the development and ongoing monitoring of a cross-council corporate strategy in relation to the Council's powers and duties in pursuit of Best Value as contained in the Local Government in Scotland Act 2003;
- Monitoring and review of arrangements for the management, regulation and control of the finances of the Council to ensure their effective and efficient utilisation;
- Monitoring and reviewing expenditure and ensuring final out-turns within the allocations provided for in the Council's approved revenue and capital budgets;
- Receiving, scrutinising and approving Services' bids for resources for new service initiatives within the remit of each of the Portfolios and making appropriate recommendations to Council - in particular to approve Services' Annual Capital Programme bids as regards project priorities within the remit of each of the Portfolios;
- Ensuring compliance with the Council's corporate governance regime, and both national and local corporate governance frameworks;
- Ensuring compliance with the Council's approved cross-council corporate strategies including Asset Management, Human Resources, Information Technology and their associated policies and procedures in all areas for which the Decision Making Committees have responsibility;
- Audit and review services (Internal & External);

- Corporate Accounting and accounting services;
- Council Tax & Benefits;
- Freedom of Information and Records Management;
- Human resources and industrial relations;
- Treasury Management/Service Arrangements;
- Payments and Administration;
- Procurement & Central Purchasing (including all contracts);
- Property management (including all acquisitions and disposals);
- Customer & Related Services (Registration of Births, Deaths & Marriages; Local Offices, Contact Centre; Mail Room; Reprographics);
- Customer Service Improvement Agenda;
- Economic development;
- Tourism;
- WI-Fi and Broadband Delivery.

**The Portfolio Holder and Depute Portfolio Holders for Housing** will exercise strategic and political leadership in relation to the Council's key priorities on housing matters. The Portfolio and Depute Portfolio Holders will work closely with the Conveners and Depute Conveners of the Community Planning & Regeneration Committee and the Environment & Housing Committee to ensure the effective management and continuous improvement of all housing functions undertaken by the Council.

**The Convener and Depute Convener of the Public Safety Committee** will exercise strategic and political leadership in respect of the scrutiny of and engagement with the police service and fire and rescue services in terms of the Police and Fire Reform (Scotland) Act 2012 and the Fire (Scotland) Act 2005, the scrutiny of approaches to combat violence against women and the scrutiny of the multi-agency Incident Response Team in relation to emergency management incidents.

The Convener and Depute Convener will work closely with the Conveners and Depute Conveners of the Community Planning & Regeneration Committee and the Environment & Housing Committee to ensure that public safety considerations are highlighted wherever appropriate.

**The Chair and Vice Chair of the Adult Social Care Panel** will exercise strategic and political leadership in respect of the Council's functions relating to the social care of adults, including older people's care, learning and physical disabilities and mental health support (adults) where the same are within the operational remit of the Clackmannanshire and Stirling Integration Joint Board.