

Agenda Item	20
Report No	HC/34/14

30 October 2014

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

Report by the Depute Chief Executive/Director of Corporate Development

Summary

This report outlines proposals for further amendment to the Council's Scheme of Delegation and Administration to Committees and Sub Committees and to Officers.

1. Main Amendments

The changes to the Scheme of Delegation which are highlighted below are in relation to Part II (Terms of Reference to Headquarters Committees) and Part IV (Powers Delegated to Officers).

1.1 Part II – Terms of Reference to Headquarters Committees

Planning, Development and Infrastructure Committee

The following to now be delegated to the Community Services Committee -

Coast Protection (Paras 1.1/2.7)

Airstrips (Paras 1.2/2.8)

Approval of the scale of charges for car parking (Para 2.5.5)

Approval of the scheme for concessionary fares (Para 2.5.6)

Flood Risk Management –

Amend wording as follows –

Current Version –

To set policy for the inspection and maintenance of watercourses

To promote Flood Prevention Orders

To approve the Council's Statutory Flood Plans

Proposed Version –

To manage and reduce flood risk

To assess all bodies of water with respect to flood risk and create a schedule of clearance and/or repair works to reduce flood risk

To prepare Local Flood Risk Management Plans

To investigate flood problems and alleviate where possible

To implement Flood Alleviation Schemes

1.2 Part IV – Powers Delegated to Officers

Development and Infrastructure

Enforcement –

Delegated to Head of Planning and Building Standards, Area Planning Manager, Development Management Team Leader and Principal Planning Officer -

Amend wording as follows –

Current Version – to take enforcement action under s186 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure:

- (i) the removal of any advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 (as amended); or
- (ii) the discontinuance of any site for the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 (as amended);

and to exercise all statutory powers consequent upon the taking of any such action.

Proposed Version – to take enforcement action *and, where necessary, 'direct action'* under s186 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure:

- (i) the removal, *repositioning and/or reconfiguring* of any advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 (as amended); or
- (ii) the discontinuance of any site for the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended);

and to exercise all statutory powers consequent upon the taking of any such action.

Include wording as follows –

To serve stop notices under Regulation 26A of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) and to exercise all statutory powers consequent upon the serving of such a notice – delegated to the Head of Planning and Building Standards, Area Planning Manager, Development Management Team Leader and Principal Planning Officer.

To authorise the recovery of expenses/costs related to the taking of Direct Action under the Planning Acts and to exercise all statutory powers consequent upon the recovery of such expenses/costs – delegated to the Head of Planning and Building Standards, Area Planning Manager, Development Management Team Leader and Principal Planning Officer.

Applications, Notifications and Opinions –

Delegated to the Head of Planning and Building Standards, Area Planning Manager, Development Management Team Leader and Principal Planning Officer –

Amend wording as follows –

Current Version – c) applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which relate to developments falling within the category of ‘national development’ or ‘major developments’.

Proposed Version – c) applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which relate to developments falling within the category of (i) ‘national development’ or (ii) ‘major developments’ *which are recommended for approval or irrespective of the recommendation are significantly contrary** to the development plan.*

High Hedges

Amend wording as follows –

Current Version – to authorise the recovery of expenses under Section 25 of the High Hedges (Scotland) Act 2013 and to exercise all statutory powers consequent upon the issuing of such a notice – delegated to the Head of Planning and Building Standards, Area Planning Manager and Development Management Team Leader.

Proposed Version – to authorise the recovery of expenses under Section 25 of the High Hedges (Scotland) Act 2013 and to exercise all statutory powers consequent upon the issuing of such a notice – delegated to the Head of Planning and Building Standards, Area Planning Manager, Development Management Team Leader *and Principal Planning Officer.*

Flood Risk Management

Include additional delegation in relation to the Flood Risk Management Act as attached as Appendix 1 to this report.

2. Other Administrative Changes

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

3. Implications Arising from the Report

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

4. Recommendation

4.1 The Council is asked to approve the proposed further amendments to the Scheme of Delegation and Administration to Committees and Sub Committees as detailed.

Designation: Depute Chief Executive/Director of Corporate Development

Date: 17 October 2014

Flood Risk Management Act to be inserted page 114

Flood Risk Management		
Flood Risk Management (Scotland) Act 2009	S (1) Responsible Authorities must exercise their flood risk functions (under Part 3) with a view to reducing the overall flood risk.	Hol
	S17 (1) Duty to prepare maps of bodies of water etc	PE/SE
	S17 (4) Make available such maps for public inspection	Hol
	S18 (1a) Duty to assess relevant bodies of water to determine where it gives rise to flood risk and prepare a schedule of clearance and repair works.	PE/SE/E/ST/T/I
	S18 (4) Duty to make available for public inspection the schedule of clearance and repair works.	Hol
	S18 (5) Duty to notify neighbouring authorities of flood risks outwith its area.	PE/SE
	S34 (1) Duty to prepare Local Flood Risk Management Plans	PE/SE
	S35 (1) Duty to publicise and make publicly available the LFRMP for consultation	Hol
	S43 (2) Duty to gather and provide information to SEPA	PE/SE/E/ST/T/I

	relating to flood risk.	
	S44 Power to request information it may reasonably require, to exercise its functions under S34-38.	PE/SE
	S56 (1ba) General power to reduce flood risk which is likely to occur imminently and have serious adverse consequences	PE/SE
	S56 (2a) Power to carry out operations which relates to a flood scheme	PE/SE
	S56 (2b) Power to carry out any other flood protection work	PE/SE
	S56 (2c) Power to carry out temporary works relating to a flood scheme	PE/SE
	S56 (2di) Power to enter into agreements/ arrangements with any other person where they do work.	Hol
	S56 (2dii) Power to enter into agreements/ arrangements with any other person which assists in retention of flood waters.	Hol
	S56 (2e) Power to make contributions towards 3 rd party expenditure	Hol
	S56 (2f) Power to pay compensation relating to 2d	Hol
	S56 (g) Power to receive contributions towards expenditure incurred by the	Hol

	Authority.	
	S59 Duty to carry out clearance and repair works	PE/SE
	S60 Power to implement Flood Protection Schemes	Hol
	S62 (1) Duty to keep a register of flood protection schemes	PE/SE
	S67 Power to recover expenses from 3 rd parties where work has been carried out.	PE/SE
	S68 Power to request land ownership details from 3 rd parties	PE/SE
	S69 Power to initiate proceedings against persons who intentionally or recklessly damages any flood defences/ works.	PE/SE
	S79 (2) Power to enter land for any works required under the Act	PE/SE
	S81 (3) Duty to provide owner/ occupier of land to be entered with adequate notice period.	PE/SE/E/ST/T/I
	S82 (2) Power to compensate any persons who has sustained damage by the Authority	Hol
	S84 Duty to supply SEPA with all relevant information for their role as Reservoirs Enforcement Authority.	PE/SE/E/ST/T/I