

UPDATES TO SCHEME OF ADMINISTRATION

Part 2 – Provisions Relating to Committees

Kinross-shire Local Committee

Following the decision of Council (6 October 2021) to agree a Scheme of Administration for a 12 month pilot Kinross-shire Local Committee, the Head of Legal and Governance to make the necessary amendments to the Perth and Kinross Council Scheme of Administration.

3. Strategic Policy and Resources Committee

Land Use Planning

- 3.15 To exercise the functions of the Council in relation to Development Plans, including functions described in Part II of the Town and Country Planning (Scotland) Act 1997 ~~as amended by the Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019 and all related subordinate legislation; with the exception of those functions conferred on the Council as a Joint Strategic Development Planning Authority which are subject to the provisions of the Minute of Agreement among Angus, Dundee City, Perth and Kinross, and Fife Councils in relation to the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority.

10. Planning and Development Management Committee

Terms of Reference

- 10.4 In accordance with the ~~Scheme of Delegation~~ Scheme of Delegation approved by Scottish Ministers in ~~October 2016~~ January 2020 (or as may subsequently be approved), to exercise the development management functions of the Council as Planning Authority under the terms of the Town and Country Planning (Scotland) Act 1997 ~~as amended by the Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019, ~~the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended~~ and all related ~~subordinate~~ legislation, in relation to:-
- (i) applications for both planning permission for major developments and approval of matters specified in conditions associated to major developments which are not significantly contrary to the development plan, unless the Executive Director (Communities) intends to refuse solely on the ground of inadequate information to enable determination; and

12. Local Review Body

Terms of Reference

- 12.3 To consider and determine applications for review of decisions made by officers under delegated powers in respect of planning applications for local developments in accordance with Section 43(a)(8) of the Town and Country Planning (Scotland) Act 1997 ~~as amended~~ and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 ~~(both as amended).~~

13. Pre-Determination Committee

Terms of Reference

- 13.3 To hold pre-determination hearings prior to determination of the application by full Council in terms of Section 38A of the Town and Country Planning (Scotland) Act 1997 ~~(as amended)~~ and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 ~~(as amended).~~

Part 3 – Delegation to Officials

18 – Chief Operating Officer

18.1

Property

- To act as the Council's agent in all property matters.
- To dispose of any property or right in property valued ~~by the Head of Property~~ at £100,000 or less either by negotiation or advertisement and subject to section 74 of the Local Government (Scotland) Act 1974 (the duty to obtain best reasonable consideration), as amended by Section 11 of the Local Government in Scotland Act 2003 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
- To acquire any property or right in property in respect of which there is a relevant project or programme and budget provision and instructions have been received from the relevant Executive Director.

~~Energy Management and Conservation~~

- ~~• To undertake carbon trading in consultation with the Head of Finance and the Head of Legal and Governance Services in accordance with the Carbon Reduction Commitment Energy Efficiency Scheme.~~

Section 23 - Executive Director (Communities)

23.1

Environment

Town and Country Planning (Scotland) Act 1997 (as amended), including all other powers and duties, not hereby specified, arising in terms of the 1997 act, except ~~in~~ so far as provided for ~~in relation to~~ section 43A Scheme of Delegation as set out below;

Development Planning

- In accordance with the ~~Scheme of Delegation~~ Scheme of Delegation approved by Scottish Ministers in ~~October 2016 to January 2020~~ (or may subsequently be approved) exercise the functions of the Council as Planning Authority in terms of the Town and Country Planning (Scotland) Act 1997 as amended by the ~~Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) and all related subordinate legislation.

Property

- To manage the Council's leasehold portfolio including, without prejudice to the generality, agreeing tenancies, rentals, rent reviews, assignments, sub-tenancies, terminations and renewals.

25 - Statutory Appointments of Officers

25.1

STATUTORY PROVISION

PURPOSE / ROLE

OFFICER

**Town and Country
Planning (Scotland) Act
1997**

All other powers and
duties, not hereby
specified, arising in terms
of the 1997 act are
hereby delegated to:

Executive Director
(Communities) Head of
Planning and
Development; Service
Manager: Development
Management and Building
Standards, Planning and
Housing Strategy;
Development Management
Team Leaders; and
Development Plans Team
Leader.

S43A

Delegated authority in
respect of planning
applications for local
development

Executive Director
(Communities); Head of
Planning and
Development;
Development Management
and Building Standards
Service Manager;
Development Management
Team Leaders; and (for
certain applications only)
Development Management
Planning Officers who have
membership of the Royal
Town Planning Institute
and 2 years post-qualifying
experience