



Shetland Islands Council

14 May 2014

Chair's Report – Licensing Committee – Review of Late Hours Catering Terminal Hours

Report No. SIC-0514-ES02

1.0 Summary

- 1.1 The purpose of this report is to consider the recommendations from the Chair of the Licensing Committee in relation to a report requiring a decision of the Council.

2.0 Decision Required

- 2.1 The Licensing Committee recommend that the Council RESOLVE that the current terminal hour policy should not be changed.

3.0 Report

- 3.1 The Licensing Committee considered whether to change their late hours catering policy on terminal hours which currently allows premises to remain open until 3am on weekend nights. The review is requested to reflect demand from late hours catering premises following the decision to extend alcohol licensing hours for night clubs from 2am until 3am on weekend nights, and sought to remain open one hour later than alcohol licensing hours.
- 3.2 During consideration of the report and its appendices Members were concerned about the likely impact that an additional hour of late hours catering, to 4am, would have on Police Scotland's resources and their ability to respond to incidents elsewhere in Shetland.
- 3.3 Members were advised that the general policy across the North Division is that catering establishment close before licensed premises normally 12 midnight, with one catering establishment in Orkney staying open to 2am. In the wider Scottish community the late hours catering and nightclub premises close at the same time namely 3am and this appears to be national policy now.
- 3.4 Copies of the report have been previously circulated, or can be accessed via the Council's website at the link shown, or by contacting Committee Services.
- 3.5 The Chair will present information to the Council as to any debate or issues that the Committee considered.

4.0 Implications

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.

For further information please contact:

Mr G Smith, Chair of Licensing Committee
28 April 2014

List of Appendices

None

Background documents:

Licensing Committee – 15 April 2014

<http://www.shetland.gov.uk/coins/Agenda.asp?meetingid=4385>

END



Shetland Islands Council

14 May 2014

Chairs' Report – Social Services Committee – 1 May 2014
Executive Committee – 5 May 2014

Mental Health Strategy
Report No. SIC-0514-CC12

1.0 Summary

- 1.1 The purpose of this report is to consider the recommendations from the Chairs of the Social Services Committee and the Executive Committee in relation to a report requiring a Council decision.
- 1.2 Social Services Committee on 1 May 2014 (Min Ref: 19/14) and the Executive Committee on 5 May 2014 (Min Ref: 23/14) considered a report by the Director of Community Health and Social Care which presented the Shetland Mental Health Strategy.
- 1.3 The Social Services Committee and the Executive Committee recommended that the Council approve the Mental Health Strategy.

2.0 Decision Required

- 2.1 That the Council **RESOLVES** to adopt the recommendations from the Social Services Committee and the Executive Committee, namely to:
 1. Adopt the Shetland Mental Health Strategy; and
 2. Agree to its inclusion within the Council's Strategic Policy Framework.

3.0 Report

- 3.1 The Shetland Mental Health Strategy for Shetland is written to reflect Shetland's needs and priorities on mental health, to give a vision for mental health and wellbeing and the development of mental health services in Shetland over the next 10 years.
- 3.2 The Shetland Mental Health Strategy provides direction in the way forward for mental health services in Shetland. It provides a vehicle for developing Shetland as a place that is free from stigma and disadvantage in relation to mental health issues; that promotes positive mental health and increases our resilience as individuals, families and communities to live positively and free from mental illness wherever

possible; to deal sensitively and effectively with mental illness when it does occur, working with people living with mental illness towards recovery.

- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the link shown, or by contacting Committee Services.
- 3.4 The Chairs will present information to the Council as to any debate or issues that the Committees considered.

4.0 Implications

- 4.1 Detailed information concerning the proposals is contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

For further information please contact:

Mr C Smith, Chair of Social Services Committee
Mr G Robinson, Chair of Executive Committee
6 May 2014

List of Appendices

None

Background documents:

Social Services Committee – 1 May 2014

<http://www.shetland.gov.uk/coins/allBodyMeetings.asp?bodyid=395&bodytitle=Social+Services+Committee&MeetingYear=2014>

Executive Committee – 5 May 2014

<http://www.shetland.gov.uk/coins/Agenda.asp?meetingid=4486>

END



Shetland Islands Council

14 May 2014

**Chairs' Report – Environment and Transport Committee - 23 April 2014
Executive Committee - 5 May 2014**

Provision of Refuse Sacks to Householders
Report No. SIC-0505-ISD08

1.0 Summary

- 1.1 The purpose of this report is to consider the recommendations from the Chairs of the Environment and Transport Committee and the Executive Committee in relation to a report requiring a decision of the Council.

2.0 Decision Required

- 2.1 The Council **RESOLVES** to adopt the recommendations from the Environment and Transport Committee and the Executive Committee, that the charge for a box of refuse sacks be reduced from £11 to £3.50.

3.0 Report

- 3.1 The Environment and Transport Committee, at its meeting on 23 April 2014 (Min. Ref. 16/14) made the decision to no longer provide householders with an annual supply of refuse sacks free of charge for the collection of household waste, and recommended to Executive Committee that it recommend to the Council that the charge for a box of refuse sacks be reduced from £11 to £3.50.
- 3.2 The Executive Committee, at its meeting on 5 May 2014 (Min. Ref. 21/14) resolved to approve the recommendation of the Environment and Transport Committee. A Member questioned why the reduced charging of £3.50 for a bag of refuse sacks could not be implemented from this point forward. The Director of Infrastructure Services has since confirmed that the implementation of the reduced charge will occur immediately should the Council's adopt the recommendations of the Chairs on 14 May 2014.
- 3.3 A roll of 50 refuse sacks from the supermarkets in Shetland costs between £1.20-£6.00 depending on the quality of the bags purchased. The Council charge for a box of 52 is currently £11 and it is proposed that the charge be reduced to £3.50 as this would cover the purchase, shipping, storage and administration costs.

- 3.4 As Environmental Services will continue to order refuse bags for its own use, it is proposed that refuse bags will continue to be made available for purchase at various Council locations. It is also proposed that these refuse sacks could be purchased in bulk by rural and small Lerwick shops to stock and sell at the same price. This would ensure that everyone can purchase these refuse sacks at convenient locations across Shetland.
- 3.5 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.6 The Chairs will present information to the Council as to any debate or issues that the Committees considered.

4.0 Implications

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Committee, other than those set out in the report.

For further information please contact:

Mr A Wishart, Chair of Environment and Transport Committee
Mr G Robinson, Chair of Executive Committee
6 May 2014

List of Appendices

None

Background documents:

Environment and Transport Committee – 23 April 2014

<http://www.shetland.gov.uk/coins/allBodyMeetings.asp?bodyid=396&bodytitle=Environment+and+Transport+Committee&MeetingYear=2014>

Executive Committee – 5 May 2014

<http://www.shetland.gov.uk/coins/allBodyMeetings.asp?bodyid=390&bodytitle=Executive+Committee&MeetingYear=2014>

END

**Shetland Islands Council****14 May 2014****Review of Governance Arrangements**

GL-04-F

**Report Presented by Executive Manager –
Governance and Law****Corporate Services Department****1.0 Summary**

- 1.1 The purpose of this report is to provide the Council with the means of achieving a revised Committee structure that is agreed by the Council as being fit for purpose, that provides clarity in the role, remit and responsibilities of Committees, and where possible removes inconsistency and duplication. This in turn will lead to subsequent provision of a revised Scheme of Administration and Delegations for approval.

2.0 Decision Required

- 2.1 That the Council considers the issues raised as part of the Review of Governance Arrangements, and RESOLVES to adopt the proposals set out in Sections 6 and 7 of this report.

3.0 Background

- 3.1 During the term of the 2007-2012 Council, a major overhaul of the political management arrangements, and the constitutional documents required to support those changes, was identified as a key priority in the Council's Improvement Programme.
- 3.2 In May 2011 the present structure was approved on the basis that the changes provided the "best chance to leave a strong legacy for the Council to be elected in May 2012 and to build on the good working relations between Councillors and Officers that will maximise efficiencies with overall benefits to the Shetland Community as a whole."
- 3.3 At both Member and Officer level it was understood that these arrangements were new and the introduction of changed ways of working would take some time to fully and properly embed.

- 3.4 The current Council, elected in May 2012, has continued to operate under this structure for nearly two years. During this time, it has been recognised that further refinement is required and, as an improving Council, it is recognised that now would be an opportune time to make those refinements and have in place an agreed, fit for purpose, structure

4.0 Scope of the Review

- 4.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are accessible, transparent and accountable to local people. The constitution comprises a number of parts and these parts set out the basic rules governing the way the Council conducts business.

- 4.2 This report covers the following parts of the Constitution:

Council Constitution – Part A Governance – Section 7 – Senior Office Bearers;

Council Constitution – Part A Governance – Section 8 – Political Management Framework; and

Council Constitution – Part C Scheme of Administration and Delegations (sections 1 and 2 - Committees)

The remaining parts of the Constitution do not form part of the decisions required in this report, and their current status is as follows:

- 4.3 Council Constitution – Part A Governance – except Sections 7 & 8
- The remaining sections of Part A refer to the Council's general governance arrangements, the policy framework, rights of the citizen and officer functions. Unless other issues are identified during debate, there is no requirement to review any of the remaining sections at this time.
- 4.4 Council Constitution – Part B Standing Orders for Meetings
- The Standing Orders for Meetings has received universal support in its content and application, and unless other issues are identified in debate, there is no requirement to review its terms at this time.
- 4.5 Council Constitution – Part C Scheme of Administration and Delegations (section 3 – Officers)
- Section 3 of the Scheme of Delegations in relation to Officers is acknowledged as being incomplete, and requires updating as a result of management changes over the past 2 years. This will be progressed as a separate task for Governance and Law, with completion by the end of March 2015.
- 4.6 Council Constitution – Parts D – H

- The remaining parts of the Constitution are not subject to any current reviews, although certain aspects may require review and updating as a result of any changes made to Parts A-C of the Constitution:
 - Part D – Finance and Security Regulations
 - Part E – Contract Standing Orders
 - Part F – Ethical Framework
 - Part G – Scheme of Remuneration and Approved Duties
 - Part H – Code of Corporate Governance

4.7 In addition, matters relating to the Health and Social Care Integration project are outwith the scope of this review. It is, however, recognised that the Health and Social Care Integration project will impact on the decision making process in relation to the current remit for community care, community health and wellbeing and offender services. Any revised committee structure will inevitably be further impacted upon by the statutory transition to integration with the Community Health and Care Partnership and NHS Shetland, expected by April 2015.

4.8 The Council has also commissioned a review of the Shetland Tertiary Education, Research and Training (STERT) sector, with a view to establishing a single independent entity for those functions in Shetland. This will have, as yet unknown, implications for the Council's College Board. Decisions in that regard can only be taken when the outcome of the review has been evaluated by Members. In the meantime, proposals for how the College Board business is brought into the mainstream of Council decision making are addressed below at paragraph 6.3.3.

5.0 Council Constitution – Part A Governance – Section 7 – Senior Office Bearers

5.1 This section of the Constitution states:

“Convener

The Convener and, if appointed, the Vice Convener are elected by the Council and will normally hold office for the life of the Council unless s/he is removed from office in accordance with the provisions of the Local Government etc. (Scotland) Act 1994 and the provisions set out in the Scheme of Administration and Delegations at Part C of the Constitution.

Leader

The Leader of the Council will be a councillor elected to the position of Leader by the Council, and will normally hold office during the life of the Council unless s/he is removed from office by resolution of the Council.

Senior Councillor Chairs

There will be four Chairs appointed by the Council who will lead and be accountable for the following areas at political level within the Council –

Education and Families
Social Services
Development
Environment and Transport”

A detailed description of the role and duties of the Convener, Leader and Chairs is contained in Appendix 1 of Part A.

- 5.2 During the review process, the positions of a Depute Convener and Depute Leader have been discussed. The perceived role and functions of these positions, which would not be remunerated, could be, in the case of the Depute Convener, in support of the Convener’s civic functions and deputising for him as chair of Council meetings in his absence. The Depute Leader could be in support of the Leader’s responsibilities in relation to political direction and leadership, and would act as Chair of the Executive (Policy and Resources) Committee in the absence of the Leader. If the Council agrees that these positions are established, their appointments will be dealt with in the appointments report, later on this agenda today. Also, if agreed, the Council will later consider whether these appointments should form part of the membership of the Executive Committee, if the person so appointed is not already a member of the Executive Committee in some other role.

Proposal #1 – that the Council give consideration to the establishment of new, unremunerated positions of Depute Convener and Depute Leader.

6.0 Council Constitution – Part A Governance – Section 8 – Political Management Framework

- 6.1 This section of the Constitution states:

“For the purpose of this Constitution the following bodies will be part of the Council’s Political Management Framework which is set out in full in the Scheme of Administration and Delegations at Part C of the Constitution–

Executive Committee
Education and Families Committee
Social Services Committee
Development Committee
Environment and Transport Committee

Planning Committee
Licensing Committee
Audit and Standards Committee
Harbour Board
Shetland College Board
Review and Appeals Committees as specified in Part C

The Council may alter the framework at any time by the addition, removal or adjustment of bodies which form part of the framework.”

- 6.2 During the review process, various topics have been discussed informally with Members, with a view to reaching an understanding on how the constitution was supporting their decision making roles, and what required review in order to maintain good practice and sustain continuing improvement.
- 6.3 The following is a summary of the outcome of those discussions in relation to the number, name and type of Committees to be included in the political management framework, along with proposals, or recommendations as appropriate, for Members to consider and reach a conclusion on. The membership and remit of Committees is dealt with in the next section.

There is a final proposal for a seminar or seminars for all Members to discuss any of the proposals agreed today which require further discussion and refinement before final approval in a further report to Council on 2 July 2014.

6.3.1 Executive Committee

The main suggestion in relation to the current Executive Committee is that it be renamed the Policy and Resources Committee in order to better reflect its strategic and functional roles, but that there be a strengthening of its strategic remit to take more delegated decisions, with the provision of a 'call-in' type, or 'negative resolution' procedure for the Council. This would allow a period of time between a decision of the Committee being made and its implementation, allowing the opportunity for Councillors to 'recall' the decision to Council. This proposal would appear to have found a degree of support amongst Councillors.

Proposal #2 – that the Council give consideration to the change in name and remit of the Executive Committee to Policy and Resources Committee, and if so, to agree that a further report should be presented to the Council setting out its revised remit, and 'call in' procedure.

6.3.2 Assets and Treasury Sub-Committee

This suggestion has been discussed on a few occasions by Members, with a view to establishing a Sub-Committee that would take responsibility for matters relating to external fund manager investments (Council and Pension Fund), local Council investments, the Council's fixed assets and Treasury policies. It is accepted that this proposal needs further discussion informally with Members to ascertain if the remit and placement within the structure is appropriate, as well as its membership and delegated functions.

Proposal #3 – that the Council agrees that a further report should be presented to the Executive Committee in the first instance, setting out the possible role, remit and membership of an Assets and Treasury Sub-Committee.

6.3.3 Shetland College Board

There is agreement amongst most Members that the reporting structure for the Shetland College should have regard to the Education and Families Committee remit for Lifelong Learning.

Proposal #4A – that the Council give consideration to the re-establishment of the Shetland College Board, as a sub-committee of the Education and Families Committee, with its current remit and membership.

Proposal #4B – if proposal #3A is agreed, it is recommended that the Council resolve to agree that a further report should be presented to the Education and Families Committee to consider the delegation of any of the functions within its remit for lifelong learning, to the College Sub-Committee

6.3.4 Audit and Standards Committee

Again, there is a general agreement that the Audit and Standards Committee be renamed the Audit Committee, and that its role in scrutiny be better defined.

Proposal #5 – that the Council agrees that the Audit and Standards Committee be renamed the Audit Committee, and that a further report be presented to the Council setting out a revised remit for the Audit Committee.

7.0 Council Constitution – Part C Scheme of Administration and Delegation (Sections 1 and 2 - Committees)

- 7.1 The current committee framework is attached as **Appendix 1**, which sets out the strategic and functional responsibilities as currently delegated.
- 7.2 The following is a summary of the outcome of discussions in relation to the functions and membership of Committees along with proposals for Members to consider and reach a conclusion on, as appropriate.

7.2.1 Social Services Committee

Bearing in mind the Health and Social Care Integration project, as referred to in paragraph 4.7 above, there remains some confusion as to the relevance of certain functions reporting to the Social Services Committee.

The first issue relates to sports and leisure, which some Members have consistently mentioned should be reporting the Education and Families Committee because of its management reporting through the Children's Services Directorate. However, the strategic responsibility for Community Health and Well-Being is referred to the Social Services Committee, hence its functional responsibility for Sports and Leisure. Nevertheless, it is recognised that the reporting line remains an anomaly for some Members, and officers, and so it may be an area that Members wish to resolve by a change in the remit. The suggestion is that while this concern be noted at this stage, the time for a change of

this nature would be when the Social Services Committee governance is being considered as part of the integration review.

A further issue is the functional responsibility for community planning and development. This is a more complex area, as there are sub-functions within the Community Planning and Development Service whose reporting lines cut across Education and Families, Social Services and Development Committees. However, as discussions with Members have developed, a case has emerged for all community planning and development functions, with the exception of Adult Learning, being placed within the remit of the Executive (Policy and Resources) Committee. That Committee already retains the co-ordination role for cross-cutting community planning partnership issues and Council finances, and in a strengthened Policy and Resources Committee, this could include the specific remit for community safety, community involvement and community development grants.

Some Members were of the view that removing the above functional responsibilities from the remit of the Social Services Committee would remove existing anomalies, and leave it in a better position for taking forward as part of the health and social care integration project.

However, some Members have also recognised that whilst there is a strong case for these functional responsibilities being moved, as the Council has not yet got an answer on the Health and Social Care Integration project, it may be regarded as premature to resolve any such issues at this time.

Proposal #6A – that the Council RESOLVES to refer consideration of the remit of the Social Services Committee to the work being done on the proposals for a governance model for a Health and Social Care Partnership in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

7.2.2 Development Committee

During discussions with Members a consistent message being given is that the functional responsibility for Transport Planning should be transferred to the Environment and Transport Committee, so that both planning and operational responsibilities have single reporting route.

Although not a part of the Council's Constitution or the political management framework, it has become clear in discussions with some Members that the separation of responsibilities of the Council and the Shetland Transport Partnership [ZetTrans] require clarification and refinement. This has been accepted as a piece of work that can be taken forward over the next few months.

Proposal #7A - that the Council gives consideration to transport planning being transferred to the Environment and Transport Committee.

Proposal #7B - that the Council RESOLVES to call for a report from the Executive Manager – Governance and Law, on the future governance arrangements of the Council and ZetTrans in relation to their transport functions.

7.2.3 Environment and Transport Committee

No other changes proposed, other than taking on the functional responsibility for Transport Planning.

7.2.4 Planning Committee

A revised Planning Scheme of Delegations, as an Appendix to the main Scheme, is attached as Appendix 2, for approval. The amendments, shown in the document, are largely in relation to new legislation, and once approved, will require submission to the Scottish Ministers for endorsement.

Proposal #8 - it is recommended that the Council RESOLVES to adopt the revised Planning Scheme of Delegations.

7.2.5 Membership of Committees

Functional Committees:

Each of the functional committees has a vacancy for an Additional Council Member. This vacancy has not come up in discussions as requiring to be filled, and therefore no proposal to change the composition at this time has emerged during this review. Therefore, leaving the vacancy in place for the remainder of the term of this Council is proposed and it should be a matter for the next Council as to whether it remains a requirement.

Planning Committee

The Planning Committee has vacancies for two additional Councillor Members. Again, these vacancies have not come up in discussions as requiring to be filled, and therefore there is no proposal to change the composition at this time, thereby leaving the vacancies in place for the remainder of this term, and a matter for the next Council as to whether they remain a requirement.

Audit and Standards Committee

The Audit and Standards Committee has vacancies for two independent people to be selected by the Council. As with other vacancies, these have not come up in discussions as requiring to be filled, and therefore there is no proposal to change the composition at this time, thereby leaving the vacancies in place for the remainder of this term, and a matter for the next Council as to whether they remain a requirement.

Executive Committee:

If agreed at Proposal #1 above, the Council should give consideration as to whether the appointment of Vice-Convener and/or Depute Leader, should form part of the membership of the Executive Committee, if the person so appointed is not already a member of the Executive Committee by virtue of another role or appointment.

The only other issue of Committee membership that has come up in many discussions, and indeed has been a discussion point for some time, is the membership of Executive Committee, and its lack of equality in terms of Ward representation. The only proposal that has

emerged from discussions, and has widespread support, is that the Executive Committee membership, in its present or future form, be given the ability for additional Council Members to be appointed (as many as may be required), in order to achieve representation for all seven wards.

Proposal #9A- if Proposal #1 is agreed, that the Council RESOLVES whether the appointment of Depute Convener and/or Depute Leader, should form part of the membership of the Executive Committee, if the person so appointed is not already a member of the Executive Committee by virtue or another other role or appointment.

Proposal #9B - it is recommended that the Council RESOLVES to adopt a revised membership of the Executive Committee membership, in its present or future form, to permit the appointment of additional Council Members as are required, in order to achieve representation for all seven wards.

7.3 Policy setting

During discussion with Members, the role of Members in policy-making and driving the business of the Council has come up in nearly all meetings. To this end, there is an emerging proposal for a Policy Forum to be formed, which would comprise of all Members, and address issues such as emerging legislation and national drivers for policy changes. Its work would feed into the business of the Executive Committee, and from there into the political framework either at Council or Committee level. The detail of how this would work is still being discussed, and therefore the proposals would be to bring forward points for discussion at a Members' seminar in early course.

7.4 Next Steps

Proposal #10 - In all cases above, where a further report is proposed, it is recommended that the Council RESOLVE to agree that seminars for all Members be convened as required, to discuss the requirements in more detail prior to formal presentation of the reports to the Council on 2 July 2014 for final resolution.

A provisional date has been set for the first seminar on 4 June 2014 at 2 p.m.

8.0 **Implications**

Strategic

- 8.1 Delivery On Corporate Priorities – Adapting the Council's committee structure to one that is agreed and understood, will ensure that the Council continues to review its governance arrangements, and meet its corporate and service objectives, as an improving authority.

Corporate Plan Priority

- Being a properly led and well managed Council, dealing the challenges of the present and the future, and doing that within our means.

Directorate Plan Objective:

- We ensure the Council exhibits good governance and maintains strong internal accountability

Service Plan Objective:

- Ensure that decision making processes are open and transparent and evidence based.

8.2 Community /Stakeholder Issues – As main stakeholders in the Council's governance arrangements, the Executive Manager – Governance and Law and the Team Leader – Administration have met with the majority of Councillors individually with a view to capturing emerging themes and points for consideration as part of the review process.

8.3 Policy And/or Delegated Authority – The making, alteration or revocation of any part of any document which forms part of the Council's Constitution stands referred to the Council [Part C - Scheme of Administration and Delegations – Section 2.1.3[7].

The Council may alter its political management framework at any time by the addition, removal or adjustment of bodies which form part of the framework. [Part A – Governance – Article 8].

None of the Articles of the Constitution can be rescinded or altered, nor additional Articles created, unless: A resolution to do so is passed after notice is given at a previous ordinary meeting of the Council; or a report is made to the Council by the Executive Committee or by the Chief Executive [Part A – Governance – Article 12].

8.4 Risk Management – There are no direct risks involved in the proposals contained in this report.

8.5 Equalities, Health And Human Rights – None.

8.6 Environmental – None.

Resources

8.7 Financial – There are no financial implications arising from the terms of this report.

8.8 Legal – No implications for Legal Services will arise from the proposals in this report.

8.9 Human Resources – there are no inputs required from Human Resources into this process as it relates only to the Committee structure.

8.10 Assets And Property – none.

9.0 Conclusions

- 9.1 The Council identified a major overhaul of its political management arrangements early in 2011 and the constitutional documents required to support those changes were a key priority in the Council's improvement programme. Many other projects, and those now being undertaken within the Council's Change Programme, are dependent upon the political arrangements now in place, and support is given to that by the constitutional arrangements in place today.
- 9.2 However, whilst the constitutional and governance arrangements for the Council and its Committees are regarded as fit for purpose, Members have agreed that there would be benefit in some changes to the role and remit of some Committees, and other changes that will build upon the input and support that Councillors provide in promoting and leading change in the provision and improvement of the Council and its services.

For further information please contact:

Jan Riise, Executive Manager – Governance and Law

01595 744551 jan.riise@shetland.gov.uk

8 May 2014

List of Appendices

Appendix 1 – Committee Framework

Appendix 2 – Revised Planning Scheme of Delegations.

Background documents:

Council's Constitution - Parts A to H

http://www.shetland.gov.uk/about_how_we_work/constitutionandgovernance.asp

END

Education and Families Committee

Strategic overview of functions relating to children, families and learning

Responsibility for functional areas relating to children and families, school, pre-school, child protection, young people, community learning and development, and lifelong learning.

Strategic Reporting: Director of Children's Services; Director of Development Services

Functional Services Reporting: Children and Families; Children's Resources; Quality Improvement; Schools; Shetland Library. Community Planning and Development

Social Services Committee

Strategic overview of functions relating to communities, health and well-being.

Responsibility for functional areas relating to community care, community health and well-being, offender services, housing, poverty, community regeneration/development, community safety, voluntary sector, leisure and sport.

Strategic Reporting: Director of Community Care Services; Director of Children's Services; Director of Development Services

Functional Services Reporting: Sport and Leisure; Adult Services; Community Care Resources; Criminal Justice; Mental Health; Occupational Therapy; Housing; Community Planning and Development.

Development Committee

Strategic overview of functions relating to economic matters and planning for infrastructure developments

Responsibility for functional areas relating to strategic regeneration, development and transport planning, economy and business, energy, telecommunications, agriculture, fisheries, arts, culture, and tourism.

Strategic Reporting: Director of Development Services;

Functional Services Reporting: Economic Development; Planning; Transport Planning.

Environment and Transport Committee

Strategic overview of functions relating to the environment and the provision of transport services.

Responsibility for functional areas relating to the natural environment, roads transport and ferry services, building services and environmental services.

Strategic Reporting: Director of Infrastructure Services

Functional Services Reporting: Environmental Health and Trading Standards; Ferry operations, Roads Maintenance; Environment and Transport Operations.

Planning Committee

No strategic responsibilities.

Responsibility for regulatory functions relating to planning applications, etc. as set out in the Scheme of Delegations – Appendix 1.

Strategic Reporting: None

Functional Services Reporting: Planning

Strategic and Functional Reporting Structures

Licensing Committee

No strategic responsibilities.

Responsibility for regulatory functions relating to licensing, etc. as set out in the Scheme of Delegations – Appendix 2.

Strategic Reporting: None.

Functional Services Reporting: Governance and Law; Environmental Health and Trading Standards; Transport Planning.

Audit and Standards Committee

Strategic overview of functions relating to the governance of the Council.

Responsibility for functional areas relating to internal control, financial management, risk, governance and performance management,

Strategic Reporting: Chief Executive; Director of Corporate Services

Functional Services Reporting: Governance and Law; Finance; Internal Audit; Improvement and Performance.

Harbour Board

Strategic overview of functions relating to the harbour undertaking.

Responsibility for functional areas relating to management and operational mechanisms and service levels within the harbour undertaking.

Strategic Reporting: Director of Infrastructure Services

Functional Services Reporting: Port Operations.

Shetland College Board

Strategic overview of functions relating to the operation of Shetland College.

Responsibility for functional areas relating to relating to support of the Principal of Shetland College in carrying out their role and to monitor progress against Council objectives.

Strategic Reporting: Director of Development Services

Functional Services Reporting: Shetland College

Executive Committee

Strategic overview of functions relating to developing the Council as an organisation, its processes, procedures and staff, policy development and the planning and performance management framework.

Responsibility for functional areas relating to the Council's resources, including its finances, staff, and assets.

Strategic Reporting: Chief Executive; Director of Corporate Services

Functional Services Reporting: Finance; Capital Programmes; Governance and Law; Human Resources; ICT; Improvement and Performance.

Shetland Islands Council

Planning Scheme of Delegations

???May 2014~~1~~

Scheme of Delegation

Land Based Planning and Marine Aquaculture

Notes:

1. Officer Interest

The Planning Committee or the Council must determine any application involving the direct interests of a member of the Planning Service section involved in the assessing of the merits of an application.

The Planning Committee or the Council, on the advice of the Director of Development Services, must determine any application involving the interests of the Executive Manager - Planning.

2. Notification Requirements

The Council must notify the Scottish Ministers where it proposes to grant planning permission for a development where:

- a) the Council has an interest in the development and the proposed development would be significantly contrary to the development plan for the area;
- b) there is an objection by a government agency; and/or
- c) the development is an opencast coal or mining operation within 500m from an existing community or sensitive establishment.

See the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 for further detail.

3. Appointed Person

For the purposes of section 43A(1) of the Town and Country Planning (Scotland) Act 1997, the Executive Manager - Planning will appoint a suitable officer to carry out the Council's statutory functions in accordance with this scheme.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(and other legislation where indicated)

Development Management

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|-------------------------------------|-----|--|---------------------|-----------------------|---------|
| Town and Country Planning (Scotland) Act 1997 | Ss 32, 32A, 34, 36, 36A, 39, & 43. | 1 | Decisions relating to the procedures to be applied in handling applications, pre-applications, appeals and negotiations under the Planning and related Acts under relevant regulations including decisions to modify the design, content or layout of application forms, a decision to decline to determine an application, the methods of payment acceptable, the completeness or otherwise of any application, the notification, publicity and consultation arrangements to be made, the need for environmental assessment, the maintenance of the Planning Register and expenditure on any advice or survey necessary to the making of any decision or the preparation of any recommendation in relation to a planning application, planning consent, high hedge notice application or high hedge notice , provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2 (a) and (b). | x | | |
| High Hedges (Scotland) Act 2013 | Ss 5, 23, 33 | | | | | |
| Various inc. Town and Country Planning (Scotland) Act 1997 | Ss 46, 47, 47A, 48, 130, 131 & 169. | 2 | All decisions relating to the handling of: planning appeals; appeals relating to Listed Building Consent and Conservation Area Consent; appeals against Enforcement Notices; hazardous substances consent appeals; appeals against Notices issued under S 168; appeals made against decisions or high hedge notices, appeals relating to Certificates of Appropriate Alternative Development , negotiations; or the calling in of applications including: | x | | |
| Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 | Ss 6, 9, 17, 66 & 68. | | (a) the preparation and presentation of the authority's case; and (b) the procedure to be adopted (written representations, hearing or public inquiry) | | | |
| Planning (Hazardous Substances) (Scotland) Act 1997 | Ss 18 & 19. | | except where, in relation to the handling of a call-in or appeal, the Executive Manager - Planning or his staff cannot be involved for professional reasons, i.e. where the Council wish to pursue a case which, in the opinion of the Executive Manager – Planning, is not defensible in terms of sound planning. In such cases an external consultant may be engaged to act for the Council. | | | |
| High Hedges (Scotland) Act 2013 | Ss 12 | | | | | |

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| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|--|-----|---|---------------------|-----------------------|---------|
| Town and Country Planning (Scotland) Act 1997 | Ss 37,38, 39,41, 42, 43A & Part 1 of Schedule 3. | 4 | Local Developments - determination of applications for planning permission: | | | |
| | | | <ul style="list-style-type: none">All determinations (other than the exceptions). | x | | |
| | | | <ul style="list-style-type: none">The exceptions:<ul style="list-style-type: none">(a) where application is made by the planning authority or a member of the planning authority;(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or(c) (a) _____ Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council, the Crofting Commission or sportscotland) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval. | | x | |
| Town and Country Planning (Scotland) Act 1997 | | 5 | Determination of applications for consent, agreement or approval as required by conditions attached to consents. | x | | |
| Planning (Listed Buildings and Conservation Areas) (Scotland) Act | | | | | | |

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| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------------|-----|---|---------------------|-----------------------|---------|
| 1997 | | | | | | |
| Town and Country Planning (General Permitted Development) (S) Order 1992 | | 6 | Discharge of conditions requiring the submission and approval of schemes and details in respect of permitted development. | x | | |
| Local Review Body | S43A | 7 | The Planning Committee will sit as the Local Review Body to determine appeals by applicants against decisions taken by the Appointed Person on proposals that are classed as Local Developments. | | Local Review Body | |
| Town and Country Planning (Scotland) Act 1997 | | | | | | |
| Decision Notice following Local Review | | 8 | Issue of decision notices on reviews determined by a Local Review Body under the terms of the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ⁹⁸ . | x | | |
| Pre- Application Consultations (Major Developments) | Ss 35A & 35B. | 9 | Response to statutory pre-application consultation. | x | | |
| Scheme of Delegation | S43A | 10 | Approval of the Scheme of Delegation to be put before the Scottish Ministers. | | | x |
| Section 75 Agreement | | 11 | Refusal of an application which is the subject of a Section 75 Agreement where the applicant has not concluded the Section 75 Agreement within 4 months of being notified of the requirement to do so. | x | | |
| Good Neighbour Agreements | S75D | 12 | Participation in the promotion and development of good neighbour agreements. | x | | |

Enforcement

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|--------------------|-----|---|---------------------|-----------------------|---------|
| Enforcement Town and Country Planning (Scotland) Act 1997 | S 61 | 13 | Decision to serve or withdraw a completion notice where in the opinion of the planning authority the development will not be completed within a reasonable period. | x | | |
| Fixed Penalty Notices Town and Country Planning (Scotland) Act 1997 | Ss 136A & 145A. | 14 | Decision to serve Fixed Penalty Notice | x | | |
| Temporary Stop Notices | Ss 144A – D. | 15 | Decision to serve Temporary Stop Notice | x | | |
| Enforcement Charters | S158A | 16 | Decision to adopt enforcement charter | x | | |
| Town and Country Planning (Scotland) Act 1997 | S64 | 17 | Decisions to permit non-material variations of planning permissions, i.e., which do not depart significantly from the proposal, originally approved. | x | | |
| | S65 & 66. | 18 | Decision to make an order to revoke or modify planning permission where the owner, lessee or occupier of land affected or such other person who in the opinion of the Appointed Person will be affected by the order has objected to the order. | | x | |
| | S65 & 67. | 19 | Decision to make an order to revoke or modify planning permission where the owner, lessee and occupier of the land affected and all persons who, in the opinion of the Appointed Person will be affected by the decision, have notified the planning authority in writing that they do not object to the order. | x | | |

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| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|------------------------|-----|--|---------------------|-----------------------|---------|
| Town and Country Planning (Scotland) Act 1997 | S71 & Schedule 8. | 20 | Decision to serve an order requiring the discontinuance of a use, the compliance with conditions on the continuance of a use, or the removal of buildings or structures (see Note 1). | x | | |
| | Ss88-99 | 21 | Decisions in response to a Purchase Notice | | x | |
| | Ss101-122 | 22 | Decisions in response to a Blight Notice | | x | |
| | S125 | 23 | Decision to serve a Planning Contravention Notice | x | | |
| | S126 | 24 | Decision to report any alleged offence in connection with a Planning Contravention Notice to the Procurator Fiscal. | x | | |
| | Ss127-129 | 25 | Decision to serve an Enforcement Notice, within policy or where the Planning Committee or Council have made a decision to refuse a proposal. | x | | |
| | Ss135,136 & 170. | 26 | Decision, following a failure to comply with an Enforcement Notice, or a Notice issued under S.168, to enter land, take action required by the Enforcement Notice or Notice issued under S.168 and attempt to recover costs reasonably incurred in so doing. | x | | |
| | S136 | 27 | Decision to report to the Procurator Fiscal any instance of non-compliance with an Enforcement Notice. | x | | |
| | Ss140 & 141. | 28 | Decision to serve a Stop Notice (following, or at the same time as, service of an Enforcement Notice) (see Note 1). | x | | |
| | S144 | 29 | Decision to report to the Procurator-Fiscal any instance of non-compliance with a Stop Notice | x | | |
| | S145 | 30 | Decision to serve a Breach of Condition Notice | x | | |
| | S145 | 31 | Decision to report to the Procurator-Fiscal any instance of non-compliance with a Breach of Condition Notice | x | | |
| | S146 | 32 | Decision to seek interdict to restrain a breach of planning control. | x | | |

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| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|--------------------------|-----|--|---------------------|-----------------------|---------|
| Town and Country Planning (Scotland) Act 1997 | Ss148 & 149. | 33 | Decision to report to the Procurator-Fiscal any instance of failure to comply with an order under S.71 and Schedule 8 of the Act requiring the discontinuance of a use, compliance with conditions on the continuance of a use, or the removal of a building or structure. | x | | |
| | S150 | 34 | Decision to issue, or to refuse to issue, a Certificate of Lawfulness of Existing Use or Development, or to issue a letter of comfort. | x | | |
| | S151 | 35 | Decision to issue or to refuse to issue a Certificate of Lawfulness of Proposed Use or Development. | x | | |
| | S153 | 36 | Decision to report to the Procurator Fiscal any instance of the making knowingly of false or misleading statements in connection with any application for the foregoing Certificates. | x | | |
| | Ss156, 161A & 176. | 37 | Decision to authorise any person to enter land without a warrant in the circumstances specified by the Act. | x | | |
| | Ss157 & 177. | 38 | Decision to apply to the Sheriff for a warrant to enter land. | x | | |

Miscellaneous & Other Provisions

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|-------------------------|-----|---|---------------------|-----------------------|---------|
| Town and Country Planning (Scotland) Act 1997 | Ss 202,207 & 208. | 39 | Decision to promote the stopping up or diversion of a road, footpath or bridleway. | x | | |
| | S269 | 40 | Decision to authorise any person to enter land for the purposes specified in the Act. | x | | |
| | S272 | 41 | Decision to serve notice on an occupier or on a person who receives rent in respect of any land requiring information about the land. | x | | |
| | S272 | 42 | Decision to report to the Procurator Fiscal any instance of failure to provide information in response to a notice under S.272, or of knowingly or recklessly making a mis-statement. | x | | |
| Licensing (Scotland) Act 2005 | S50 | 43 | Authority to issue certificates under section 50 of the Licensing (Scotland) Act 2005. | x | | |
| Land Compensation Act 1963 | S25 | | Determinations of applications for Certificate of Appropriate Alternative Development | x | | |

Hazardous Substances

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|---------------------------|-----|--|---------------------|-----------------------|---------|
| Planning (Hazardous Substances) (Scotland) Act 1997 | Ss 7,8,11- 14,16 & 17. | 44 | Decision to grant, to refuse to grant, to revoke or to modify Hazardous Substances Consent. | x | | |
| | S21 | 45 | Decision to report to the Procurator Fiscal any contravention of hazardous substances control. | x | | |
| | S25 | 46 | Decision to seek interdict to restrain a breach of hazardous substances control. | x | | |
| | S33 | 47 | Decision to authorise any person to enter land for the purposes specified in the Act | x | | |

Advertisements

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------|-----|--|---------------------|-----------------------|---------|
| Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 | Reg. 5 | 48 | Determination of applications for consent to display advertisements: | | | |
| | | | • All determinations (other than the exceptions). | x | | |
| | | | • The exceptions: | | | |
| | | | (a) where application is made by the planning authority or a member of the planning authority; | | * | |
| | | | (b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or | | * | |
| Town and Country Planning (Scotland) Act 1997 | S186 | 49 | (ae) where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water, or the Community Council, the Crofting Commission or sportscotland) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or | | x | |
| | | | (be) where the Appointed Person proposes to refuse an application. | | x | |
| | | | Decision to report to the Procurator Fiscal any instance of an advertisement displayed in contravention of the Advertisement Regulations. | x | | |
| | | | Decision to serve a discontinuance notice in respect of an existing advertisement displayed with deemed consent. | x | | |
| | | | Decision to remove or obliterate any placard or poster displayed in contravention of Advertisement Regulations. | x | | |
| | S186 | 52 | Decision to take enforcement action in respect of an advertisement | x | | |

displayed without consent.

Coast Protection

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|-------------------------------------|------------|-----|---|---------------------|-----------------------|---------|
| The Coast Protection Act 1949 | S4 | 53 | To enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council have the power to carry out. | x | | |
| | S5 | 54 | To arrange for the publication of notices relating to proposed works in local newspapers and the serving of notices on affected harbour authorities. | x | | |
| | S8 | 55 | To arrange for the publishing of notices relating to works schemes and the serving of Notices on affected harbour authorities. | x | | |
| | S12 | 56 | Any decision to serve a notice requiring the owner to maintain or repair coast protection works. | x | | |
| | S12 | 57 | Any decision to carry out urgent works in the circumstances specified in the Act following approval of the action by the Director of Development Services. | x | | |
| | S13 | 58 | Any decision to recover from the landowner the cost of repair or maintenance work carried out by the Authority in the circumstances specified in the Act. | x | | |
| | S16 | 59 | Decision to serve a notice requiring the removal of unauthorised coast protection works. | x | | |
| | S16 | 60 | Decision to recover expenses from an owner when the Council has removed unauthorised works on his or her land. | x | | |
| | S16 | 61 | Decisions to permit the undertaking of coast protection works by persons other than the Council where the proposed works are in accordance with Council policy. | x | | |
| | S16 | 62 | Decision to report to the Procurator Fiscal the carrying out of any coast protection work without the written consent of the Council. | x | | |

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| | S25 | 63 | To authorise persons to enter land for the purposes specified in section 25. | x | | |
|-------------------------------------|------------|-----|---|---------------------|-----------------------|---------|
| | S26 | 64 | Decision to require occupiers of land to provide information about their interest in land. | x | | |
| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
| The Coast Protection Act 1949 | S27 | 65 | Decision to obtain compulsorily a right of passage over land in connection with coast protection work. | | x | |
| | S27 | 66 | Decision to obtain by agreement a right of passage over land in connection with coast protection functions. | x | | |

Environmental Impact Assessments

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|--|-----|--|---------------------|------------------------------|---------|
| The Environmental Impact Assessment (Scotland) Regulations <u>2011</u> 1999 | Reg. 5 | 67 | Decision on the opinion to be given, on receipt of a request in writing, as to whether a proposed development would require an environmental impact assessment and as to the content of an environmental statement, and all other decisions ancillary thereto. | x | | |
| | Reg. <u>8 & 9</u> 7 | 68 | Decision that an application for planning permission cannot be granted until the Council has considered environmental information. | x | | |
| | <u>Reg. 13</u> | | <u>Issue of notification to applicant requiring submission of an environmental statement on consideration of a review under Section 43A(8) (right to review of planning decisions and failure to take such decisions).</u> | | <u>Local Review Body</u> | |
| | <u>Regs. 14, 17, 18, 19, 23 & 24</u> 10, 13, 14 & 19. | 69 | Decisions relating to the scope of environmental information, procedures to be applied in response to the submission of environmental information accompanying an application for planning permission, including decisions relating to the publicity and consultation arrangements to be made, expenditure within an approved budget and of no more than the amounts prescribed by Standing Orders H2 (a) and (b) on any advice necessary to judge the environmental information; and decisions relating to completeness, or otherwise, of the environmental information; and decisions relating to changes to be made for providing copies of an environmental statement. | x | | |

Electricity Act 1989

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|-------------------|------------|---|-----------------------------|-------------------------------|----------------|
| Electricity Act 1989 | | 70 | Decisions relating to the procedures to be applied in handling applications, notifications and pre-applications under relevant regulations, the notification, publicity and consultation arrangements to be made, and expenditure on any advice or survey necessary to the making of any decision or the preparation of any recommendation provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2 (a) and (b). | x | | |
| | | 71 | Decision on content of response to an application to the Scottish Ministers for consent. | | x | |

Building Standards

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------|-----|---|---------------------|-----------------------|---------|
| The Building (Scotland) Acts 1959 and 1970 | S9 | 72 | Decision to refer to the provisions and standards of the repealed Act when considering applications for letter of comfort in respect of works completed prior to 1 st May 2005. | x | | |
| The Building (Scotland) Act 2003 and amendments | S2 | 73 | Imposition of such continuing requirements as the Scottish Ministers consider appropriate for securing that the purposes of any designated provision of the regulations are not frustrated. | x | | |
| | S3 | 74 | Forwarding of applications for relaxation of Building Regulations to the Scottish Ministers for their consideration. | x | | |
| | S4 & S5 | 75 | Consideration of information which is in accordance with/ at variance with the Guidance provided by the Scottish Ministers | x | | |
| | S6 | 76 | Carrying out of Building Assessments if requested to do so by the owner of a building. | x | | |
| | S7 | 77 | Carrying out the duties of verifier as appointed/directed by the Scottish Ministers | x | | |
| | S8 | 78 | Requirement for building warrant to be sought in relation to work which is classified as requiring a building warrant | x | | |
| | S9 | 79 | Decision to grant, or refuse to grant, a building warrant. | x | | |
| | S11 | 80 | Processing of certificates of design | x | | |

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------|-----|---|---------------------|-----------------------|---------|
| The Building (Scotland) Act 2003 and amendments | S12 | 81 | Decision to refer an application to the Scottish Ministers for a View. | x | | |
| | S13 | 82 | Further provisions for Building Warrants | x | | |
| | S14 | 83 | Actions to be taken regarding limited life buildings | x | | |
| | S15 | 84 | Consideration of Late Application for building warrant prior to acceptance of a completion certificate | x | | |
| | S16 & S20 | 85 | Liability relating to offence of knowingly or recklessly submitting or verifying information which is known to be false or misleading in a material fact. | | | x |
| | S17 | 86 | Requirement to submit completion certificates | x | | |
| | S18 | 87 | Decision to accept, or to reject the submission of a completion certificate. | x | | |
| | S19 | 88 | Handling of Certificates of construction | x | | |
| | S21 | 89 | Consideration of the granting of a period of temporary occupancy where a completion certificate is unavailable | x | | |
| | Ss22 & 23 | 90 | Decision to impose, discharge or vary continuing requirements and discharge of such requirements. | x | | |
| | S24 | 91 | Maintenance of the Building Standards Register | x | | |
| | S25 | 92 | Decision to serve, withdraw or vary a building regulations compliance notice. | x | | |
| | S26 | 93 | Decision to serve, withdraw or vary a building continuing requirement enforcement notice. | x | | |

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|---------------|----|--|---|
| S27 | 94 | Decision to serve, withdraw or vary a building warrant enforcement notice. | x |
| Ss28, 29 & 30 | 95 | Decision to serve, withdraw or vary a defective or dangerous building notice | x |
| S29 | 96 | Decision to carry out urgent work to prevent access and reduce or remove the danger. | x |

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|--------------------------|-----|---|---------------------|-----------------------|---------|
| The Building (Scotland) Act 2003 and amendments | Ss25, 26, 27, 28 & 30 | 97 | Decision to carry out the work necessary when a notice has not been complied with. | | x | |
| | S32 | 98 | Exercise of Local Authority functions under the direction of the Scottish Ministers | x | | |
| | S33 | 99 | Adherence to Procedural Regulations | x | | |
| | S35 | 100 | Decisions on issue of Notice/s on scheduled monuments, buildings which are classified under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46), included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9), subject to a building preservation notice under section 3 of that Act, or one to which section 66 of that Act (control of demolition in conservation areas) applies. | x | | |
| | S37 | 101 | Decision to serve Notice on an owner, occupier, or any other person appearing to the local authority to have an interest in the building. | x | | |
| | S39 & S41 | 102 | Decision to exercise power of entry for the purpose of inspection and/or testing and testing of materials for compliance with building standards.. | x | | |
| | S42 | 103 | Decision to evacuate dangerous buildings and advise occupants of the requirement to vacate the property immediately. | x | | |
| | S44 | 104 | Decision to seek recovery of expenses associated with the carrying out of works under section 25(7)(b), 26(3)(b), 27(7)(b), 28(10)(b), 29(2) or (3) or 30(4)(b). | x | | |
| | S45 | 105 | Decision to exercise power of compulsory purchase of property. | x | | |

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|-----|-----|--|---|
| S46 | 106 | Decision to sell materials from demolished buildings, and, to account to the owner or other person for the surplus should the sum raised exceed that due to the local authority. | x |
|-----|-----|--|---|

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------|-----|---|---------------------|-----------------------|---------|
| The Building (Scotland) Act 2003 and amendments | S47 | 107 | Appeals under Section 47(1) (a) Decision under s.3 refusing a dispensation or relaxation. (b) Decision under s.9 refusing to grant a building warrant or amendment. (c) Decision under s.14 refusing to extend the period of a limited life building. (d) Decision under s.18 rejecting a completion certificate. (e) Decision under s.22 imposing continuing requirements. (f) Decision under s.23 refusing to discharge or vary a continuing requirement. (g) A building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice and a dangerous building notice. | x | | |
| | S48 | 108 | Decision to report to the Procurator Fiscal any contravention of the Building Acts. | x | | |
| Building (Scotland) Regulations 2004 and amendments | | 109 | Discharge of duties under the Building (Scotland) Regulations 2004 to ensure the health safety and well-being of people in and around buildings and to ensure accessibility for all. | x | | |
| Building (Procedure) (Scotland) Regulations 2004 and amendments | | 110 | Decision to implement procedural regulations in connection with all applications for building warrant approval. | x | | |
| Building (Fees) (Scotland) | | 111 | Decision to apply building warrant application fees set by the Scottish | x | | |

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Regulations
2004 and
amendments

Ministers

The Energy
Performance of
Buildings
(Scotland)
Regulations
2008

112

Discharge of duties under the Energy Performance of Buildings
(Scotland) Regulations in respect of new buildings.

x

Special Controls (including trees, high hedges and waste land)

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|------------------|-----|--|---------------------|-----------------------|----------|
| Town and Country Planning (Scotland) Act 1997 | Ss160-162 | 113 | Decision to make a Tree Preservation Order | x | | |
| | Ss160-162 | 114 | Decision to confirm, vary or revoke a Tree Preservation Order | | x | |
| | Ss168 | 115 | Decision to serve a notice requiring the replacement of trees. | x | | |
| | (Ss171 & 172) | 116 | Decision to report to Procurator Fiscal any offence with respect to a Tree Preservation Order or any tree in a Conservation Area. | x | | |
| | Ss160 | 117 | Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is in accordance with policy and there have been no objections. | x | | |
| | Ss160 | 118 | Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is in accordance with policy but there has been an objection. | | x | |
| | Ss160 | 119 | Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is not in accordance with policy. | | x | |
| | Ss172-175 | 120 | Decision, following notification by a person wishing to undertake the cutting down, topping, lopping or uprooting of a tree in a Conservation Area, to advise the person that the Council consents to the act in question. | x | | |
| | Ss172-175 | 121 | Decision to report to the Procurator-Fiscal any act resulting in the cutting down, topping, lopping, uprooting or willful damage or destruction of trees within a Conservation Area. | x | | |
| <u>High Hedges (Scotland) Act 2013</u> | <u>Ss 6</u> | | <u>Determination of applications for high hedge notices:</u> | | <u>_____</u> | <u>x</u> |

| | | | | | | |
|--|----------------------|-----|--|----------|----------|--|
| | <u>Ss 10</u> | | <u>Decision to vary or withdraw a high hedge notice.</u> | | <u>x</u> | |
| | <u>Ss 18, 19</u> | | <u>Decision to enter land where hedge subject of a high hedge notice application is growing in order that the local authority can carry out its functions, and requirements so that the purpose for which entry is taken can be fulfilled.</u> | <u>x</u> | | |
| | <u>Ss 20, 23</u> | | <u>Decision to seek a warrant authorising entry to neighbouring land so that the local authority can carry out its functions.</u> | | | |
| | <u>Ss 21</u> | | <u>Decision to report to Procurator Fiscal any offence with respect to intentional prevention or obstruction of entry by an authorised person to the land where a high hedge is growing.</u> | <u>x</u> | | |
| | <u>Ss 22, 25, 27</u> | | <u>Decision to enter land to carry out works required by a high hedge notice, and recover expenses incurred.</u> | <u>x</u> | | |
| | <u>Ss 26</u> | | <u>Decision to apply for a 'notice of liability for expenses' in relation to expenses incurred by local authority carrying out works required by a high hedge notice.</u> | <u>x</u> | | |
| | <u>Ss 29</u> | | <u>Decision to apply for a 'notice of discharge' in relation to expenses incurred by local authority carrying out works required by a high hedge notice.</u> | <u>x</u> | | |
| <u>Town and Country Planning (Scotland) Act 1997</u> | S179 | 122 | Decision to serve a Waste Land Notice, within policy. | x | | |

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|-------------------|------------|--|-----------------------------|-------------------------------|----------------|
| Town and Country Planning (Scotland) Act 1997 | S179 & S135 | 123 | Decision following a failure to comply with the terms of a notice served under S179, to enter land, take action required by the Notice and attempt to recover costs reasonably incurred in so doing, provided that the estimated costs are within a budget approved for such purposes or available through delegated virement. | x | | |
| | S179 & S135 | 124 | Decision, following a failure to comply with the terms of a notice served under S179, to enter land, take action required by the Notice and attempt to recover reasonable costs, reasonably incurred in so doing when the estimated costs exceed the approved budget. | | x | |

Listed Buildings and Conservation

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|------------|-----|---|---------------------|-----------------------|---------|
| Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 | Ss 21 & 23 | 125 | Decision to make an order to revoke or modify Listed Building Consent or Conservation Area Consent where the owner, lessee or occupier of land affected and all persons who, in the opinion of the Appointed Person will be affected by the decision, have notified the planning authority in writing that they do not object to the order. | x | | |
| | Ss 28-30 | 126 | Decisions in response to a Listed Building Purchase Notice. | | | x |
| | S34 | 127 | Decision to serve Listed Building Enforcement Notice. | x | | |
| | S34 | 128 | Decision to serve Listed Building Enforcement Notice in cases of urgency following approval of the action by the Director of Development Services. | x | | |

APPENDIX 1

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| S38 | 129 | Decision to enter land, carry out works required by a Listed Building Enforcement Notice and attempt to recover costs. | x | | |
| S39 | 130 | Decision to report to the Procurator Fiscal any instance of non-compliance with a Listed Building Enforcement Notice. | x | | |
| Ss 42,54 & 55 | 131 | Decision to acquire compulsorily a Listed Building in need of repair (subject to authorisation from the Secretary of State). | | | x |
| S43 | 132 | Decision to serve a Repairs Notice as preliminary to compulsory acquisition. | | | x |
| S45 | 133 | Decision to make a direction for minimum compensation in the case of a building deliberately left derelict. | | | x |
| Ss 48 & 59 | 134 | Decision to develop or manage land held for planning purposes. | | | x |
| Ss 49,54, 55 & 68 | 135 | Decision to carry out urgent works for the preservation of unoccupied listed buildings and unoccupied buildings in a conservation area where the expenditure involved exceeds the amounts prescribed by Standing Orders H2 (a) and (b) but is within the approved budget following approval of the action by the Director of Development Services. | x | | |

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|-------------------------|-----|--|---------------------|-----------------------|---------|
| Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 | Ss 3,4,5, 54,55 & 67 | 136 | Decision to serve a Building Preservation Notice when the decision to do so is outwith Council policy. | | x | |
| | Ss 3,4,5, 54,55 & 67 | 137 | Decision to serve a Building Preservation Notice when the decision to do so is within Council policy. | x | | |
| | Ss 3,4,5, 54,55 & 67 | 138 | Decision to serve a Building Preservation Notice in a case of urgency, following approval of the action by the Director of Development Services. | x | | |
| | Ss 6,7,9 & 66 | 139 | Decisions relating to the procedures to be applied in handling applications relating to Listed Building Consent and Conservation Area Consent, including decisions to modify the design, content or layout of application forms, the completeness or otherwise of any application, the publicity and consultation arrangements to be made and expenditure on any advice or survey necessary to the making of any decision or the | x | | |

preparation of any recommendation in relation to such an application, provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2(a) and (b).

| | | | | | |
|------------------|-----|---|---|--|--|
| S8 | 140 | Decision to refer cases of unauthorised works to a listed building to the Procurator Fiscal. | x | | |
| Ss 6, 9, 17 & 66 | 141 | Determination of applications (subject, in appropriate cases, to confirmation by the Scottish Ministers) for Listed Building Consent (including consent for demolition), Conservation Area Consent for demolition, or to vary or discharge conditions attached to a Listed Building Consent or Conservation Area Consent. <ul style="list-style-type: none">All determinations (other than the exceptions).The exceptions:<ul style="list-style-type: none">(a) where application is made by the planning authority or a member of the planning authority;(b) where the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; | x | | |

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| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|------------------|-----|---|---------------------|-----------------------|---------|
| Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 | Ss 6, 9, 17 & 66 | 141 | (a) where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water, or the Community Council, <u>the Crofting Commission or sportscotland</u>) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or | | x | |
| | | | | | x | |
| | | | (d) <u>(b)</u> where the Appointed Person proposes to refuse an application. | | | |
| | Ss 21 & 22 | 142 | Decision to make an order to revoke or modify Listed Building Consent or Conservation Area Consent where the owner, lessee or occupier of land affected or such other person who in the opinion of the Appointed Person will be affected by the order has objected to the order. | | x | |

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APPENDIX 1

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| Ss 49, 54, 55 & 68 | 143 | Decision to carry out urgent works for the preservation of unoccupied listed buildings where the expenditure involved is within the approved budget and does not exceed the amounts prescribed by Standing Orders H2 (a) and (b). | x | | |
| S50 | 144 | Decision to seek recovery of expenses incurred in the carrying out of urgent works under S.49 of the Act. | x | | |
| Ss 51, 52 & 81(6) | 145 | The making or alteration of policy in connection with grant assistance for historic buildings or areas (including the development of projects or schemes of works to improve areas and associated grant schemes). | | x | |
| Ss 51, 52 & 81(6) | 146 | Decision as to whether a proposal is eligible for Conservation Grant. | x | | |
| Ss 51, 52 & 81(6) | 147 | Decision to offer Conservation Grant which fall within policy. | x | | |
| Ss 51, 52 & 81(6) | 148 | Decisions on applications for Conservation Grant which are contrary to policy. | | x | |
| Ss 61,62 & 64 | 149 | Decision to carry out survey work in connection with the designation of Conservation Areas. | x | | |
| Ss 61,62 & 64 | 150 | Decision to designate, vary or cancel the designation of a Conservation Area). | | | x |

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|---|------------|-----|---|---------------------|-----------------------|---------|
| Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 | S63 | 151 | Decision to formulate proposals for the preservation or enhancement of any Conservation Area. | x | | |
| | S63 | 152 | Decision to publish proposals for the preservation or enhancement of any Conservation Area. | | x | |
| | S63 | 153 | Decision to adopt, following a public meeting, proposals for the enhancement of Conservation Areas. | | x | |
| | Ss 60 & 65 | 154 | Decision as to whether proposal would affect the character or appearance of a Conservation Area or the setting of a Listed Building, thus determining the arrangements for publicity and representations. | x | | |

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| S76 | 155 | Decision to authorise any person to enter land for the purposes specified in the Act. | x |
| S79 | 156 | Decision to seek interdict to restrain a breach of listed building or conservation area control. | x |
| S79 | 157 | Decision to seek interdict to restrain a breach of listed building or conservation area control in a case of urgency following approval of the action by the Director of Development Services. | x |

Marine Based Development

| Legislation/ Subject Matter | Section(s) | No. | Decision | Appointed Person | Planning Committee | Council |
|--|------------|-----|--|---------------------|-----------------------|---------|
| The Zetland County Council Act 1974 (as amended*) (powers in connection with Works Licences) | S11 | 158 | <p><u>Subject to the exceptions, a decision to approve or refuse the granting of a Works Licence or any variation or transfer of an existing licence.</u></p> <p><u>The exceptions:</u></p> <p><u>(a) where application is made by the planning authority or a member of the planning authority;</u> <u>(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or</u> <u>(c) Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.</u></p> <p><u>Subject to the exception, a decision to approve or refuse the granting of a Works Licence or any variation or transfer of an existing licence.</u></p> <p><u>The Exception:</u></p> <p><u>Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address these issues, and the recommendation is for approval.</u></p> | x | | |
| | S12 | 159 | <p><u>Subject to the exceptions, a decision to approve or refuse the granting of a Licence to Dredge or any variation or transfer of an existing licence.</u></p> <p><u>The exceptions:</u></p> <p><u>(a) where application is made by the planning authority or a member of the planning authority;</u> <u>(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or</u> <u>(c) Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic</u></p> | x | | |

Scotland or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.

~~Subject to the exception, a decision to approve or refuse the granting of a Licence to Dredge or any variation or transfer of an existing licence.~~

~~The Exception:~~

~~Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address these issues, and the recommendation is for approval.~~

| | | | |
|-----|-----|---|---|
| S14 | 160 | Decision to report to the Procurator Fiscal any alleged breach or contravention of the provisions of the Act. | x |
| S11 | 161 | Decision to revoke a Works Licence or to confirm the forfeiture of a Works Licence. | x |
| S13 | 162 | Give effect to any requirement made by Scottish Ministers under subsection 4 following appeal of Council decision on works licence application. | x |

The Town and Country Planning (Marine Fish farming)(Scotland) Order 2007 amends the ZCC Act such that works licences shall not be granted for fish farm developments. For such developments the Scheme of Delegation in relation to planning applications shall apply with any necessary modifications in light of the 2007 Order.

*As amended by the Town and Country Planning (Marine Fish Farming) (Scotland) Order. Preparation of guidance notes and additional information will be delegated to the Appointed Person.

**Shetland Islands Council****14 May 2014**

| Confirmation of Office Bearer Appointments | |
|---|--------------------------------------|
| GL-05-14-F | |
| Report Presented by Executive Manager – Governance and Law | Corporate Services Department |

1.0 Introduction

- 1.1 In May 2011 a series of meetings of the Council were held to determine the Council's committee decision making structures and make appointments to those committees in line with the Scheme of Administrations and Delegations which were also approved by the Council at that time. The new committee structure was described as the Council's political management framework. The business of the Council was allocated to 4 principal committees, Education & Families, Social Services, Development and Environment and Transport with other regulatory or oversight responsibilities passed to subordinate committees. Along with those changes the designation of certain posts as Senior Office Bearers were identified and their function and role are applied throughout the constitutional documents. The term "Senior Office Bearer" was identified and under section 1.3.2(1) of the Scheme of Delegation was taken to mean the Convenor, Leader of the Council, and Chair of one of the principal committees and the relevant Vice-Chair.
- 1.2 This part of the Scheme of Delegations also introduced two new procedures as follows:-
- (a) Bringing to an end a senior office bearer's term of office (normally the term would extend until the next ordinary election of Councillors) if a formal proposal was included as an item on any formal agenda of the Council;
 - (b) The term of the Senior Office Bearers would, otherwise, extend until the next ordinary election of Councillors (in this case until 2017) "provided that the Council has confirmed those appointments for the remaining period following a review conducted midway through the life of the Council".
- 1.3 The appointment of Chairs and Vice-Chairs of the Subordinate Committees and Boards comprising Planning Committee, Licensing

Committee, Audit & Standards Committee, Harbour Board and Shetland College Board by virtue of also being part of the political management framework similarly require their terms of office to be confirmed as part of the midterm review, (Standing Order 5.3.3(3)).

- 1.4 The remunerated positions other than the Convenor and the Leader of the Council comprise the Chairs of the 4 principal Committees and the Chairs of the 5 Subordinate Committees.

2.0 Background

- 2.1 The Council's Scheme of Delegations is silent on the nature of the "review to be conducted". There could on any occasion be externally prompted considerations for the Council to take into account in the consideration of its review such as the application of censure, suspension or disqualification by the Standards Commission for Scotland. There have been no cases presented to the Standards Commission in the term of this Council and therefore no such matters exist to report to Members.
- 2.2 The purpose, therefore, of this report is to ask the Council to confirm that the duration in office of the Convenor, Leader, Senior-Office bearers, and each of its appointed Chairmen and Vice-Chairmen of other Boards and Subordinate Committees should continue for the duration specified at sections 1.3.2(3) and section 1.3.3(3). The positions are listed in Appendix A.

3.0 Decision Required

- 3.1 In order to complete the midterm review and confirmation of terms of office of the Council's Convener, Leader, and its appointed Chairs and Vice-Chairs, the Council is asked **TO RESOLVE** either:-
 - (a) To confirm the duration of all positions held and as listed in Appendix A until the date of the next ordinary election of Councillors in May 2017; or
 - (b) To proceed to confirm each position individually [Members may wish to use the order of appointments as they appear in the Constitution – the same ordering is given in Appendix A].
- 3.2 And subject to decisions taken in relation to amendments of the Council's constitution at this same meeting, **TO RESOLVE** to appoint those additional positions listed in Appendix B.

4.0 Detail

- 4.1 No issues regarding nomination/election procedures arise where any position is reconfirmed because the duration is already determined by the Council's Standing Orders.
- 4.2 In the event of a challenge to a position already held resulting in the need for a new appointment, the method of election is set out in section 10 of the Council's Standing Orders which describes the method of appointment of Office Bearers. In such an instance where there occurs more than one nomination the appointment will be determined by a vote which will be taken by a show of hands unless the Council resolves in the case of any particular appointments that they take the votes by secret ballot. Advice on the procedure to be followed will be available at the meeting and subject to determination by the Council and/or ruling by the Convenor. In all matters of appointment in the event of equalities of votes as between two candidates, the Convenor will not carry a casting vote and the determination will be by lot.
- 4.3 In relation to the need for the appointment of a Depute Convenor and Depute Leader, subject to approval of those positions, Council Members may wish to apply the protocol of inviting the Convenor and the Leader respectively to apply their nomination in the first instance. Any additional nominations will be pursued thereafter resulting in a vote if more than one candidate emerges.
- 4.4 As Appendix B also identifies there may be a need in order to achieve geographic representation for each ward, for the Council to appoint one or more Members for any ward not adequately represented by appointments of Chairs and Vice-Chairs of the functional Committees.

5.0 Implications

Strategic

- 5.1 The purpose of this report is to enable the Council to update appointments required under its Constitution and to confirm positions following its midterm review.
- 5.2 Community/Stakeholder Issues – NONE.
- 5.3 Policy and/or Delegated Authority – the appointments listed in this report are, by virtue of the Council's Constitution, only to be made by the Council and have not otherwise been delegated to any other Committee.

- 5.4 Risk Management – There are no risks inherent from simply meeting an objective the Council had set for itself within its Constitution for a midterm review and confirmation of appointments.
- 5.5 Equality, Health and Human Rights – Under the Council's previous Constitution (prior to May 2011) there was no provision for consideration of the term of office of an appointed Councillor. Under the new Constitution this is specifically provided for and it is a matter for the Council to determine the extent of that period as promulgated through this report by virtue of the Council reaching its midterm.
- 5.6 Environmental – NONE.

Resources

- 5.7 Financial – The Council's available remunerated positions have already been determined and no proposal brought forward under the Governance review has suggested a change to those remunerated positions. The appointments listed in Appendix B if made, would not be intended to attract additional remuneration.
- 5.8 Legal and Administration – NONE.
- 5.9 Human Resources – NONE.
- 5.10 Asset and Properties – NONE.

6.0 Conclusions

- 6.1 This report meets the Council's requirement to address a provision within its Standing Orders requiring confirmation to the end of the term of the Council of the appointments made at its statutory meeting in May 2012 and also the making of additional appointments, to extend for the same duration, arising from any changes made to the Council's constitution.

For further information please contact:
Jan Riise – Executive Manager – Governance & Law
01595 744551, jan.riise@shetland.gov.uk
08/05/14

Appendix A – Terms of Office to be confirmed
Appendix B – Revised Constitutional Arrangements

END

Terms of Office to be Confirmed

1. Convener

2. Leader

3. Functional Committees

| | | |
|-------------------------------------|------------|--|
| Education and Families Committee | Chair | |
| | Vice Chair | |
| Social Services Committee | Chair | |
| | Vice Chair | |
| Development Committee | Chair | |
| | Vice Chair | |
| Environment and Transport Committee | Chair | |
| | Vice Chair | |

4. Subordinate Committees

| | | |
|-------------------------------|------------|--|
| Planning Committee | Chair | |
| | Vice Chair | |
| Licensing Committee | Chair | |
| | Vice Chair | |
| Audit and Standards Committee | Chair | |
| | Vice Chair | |
| Harbour Board | Chair | |
| | Vice Chair | |
| Shetland College Board | Chair | |
| | Vice Chair | |

Revised Constitutional Arrangements

Position of:-

- Depute Convener
- Depute Leader
- Extra Ward Members on Policy and Resources Committee