



# **Fife Council Governance Scheme Part 2: Committee Powers**

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## **Document version control**

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# Committee Powers

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## 1.0 Introduction

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- 1.1 Fife Council operates a governance framework in several parts. This is Part 2 of the framework – Committee Powers. It sets out:-
- the reserved functions of Fife Council;
  - the terms of reference of the committees and sub-committees;
  - their membership and how members are allocated to the committees and sub-committees; and
  - some additional provisions about how the committee structure will operate in Fife Council.
- 1.2 This document is in accordance with the statutory powers reserved by Fife Council and those delegated to committees under section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation. This List of Committee Powers shall have the same meanings as defined in the Council's Standing Orders.

## 2.0 Membership of Committees - Political Balance

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- 2.1 The membership of committees and sub-committees will be allocated as agreed by Council. If Council decide that membership will be allocated based on political balance, that calculation will be made as follows:-

Dividing the number of a party's seats by the overall number of seats on the Council (75) and multiplying the number of seats on the committee by the resultant fraction. In other words:

$$\frac{\text{Party's total seats on Council}}{75} \times \text{Total number of seats on committee}$$

- 2.2 Once the 'whole numbers' have been allocated to the parties, the remaining seats are allocated to the parties with the biggest fractional remainder.
- 2.3 In the event of a tie of seats, parties will be invited to agree which party a seat will be allocated to. In the event of parties being unable to agree, the matter will be determined by the cutting of cards.
- 2.4 Political balance can be calculated for either the Council as a whole or for any sub-area of the Council to which the remit of the committee or sub-committee relates.
- 2.5 In the event that there is a change to the political balance of the Council, the Chief Executive, in consultation with the Leaders of the political groups, has powers to amend the political balance as required by any such change in accordance with the above method. In the event of a by-election being called, political balance will only be re-calculated after that by-election has been held.

### **3.0 Fife Council – Reserved Powers**

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#### **Functions**

- 3.1 The following functions shall be exercised by the Council meeting in full session and are excluded from delegation to any committee or sub-committee:-
  - 3.1.1 the election of the Provost, Depute Provost/s, Leader of the Council, the appointment of any members holding portfolios for specific areas of Council business ("spokespeople"), Conveners of the Cabinet; Standards, Audit and Risk and Pensions Committees and, unless otherwise delegated, Conveners and Depute Conveners of Area Committees;
  - 3.1.2 the removal of the Provost, Depute Provost/s, Leader, Depute Leader, Convener (excluding Area Committees), Depute Convener or Spokesperson, where a notice of motion is submitted;
  - 3.1.3 the election of members to the Licensing Board;
  - 3.1.4 the annual setting of a balanced budget of (a) revenue expenditure; (b) capital expenditure; and (c) setting of fees and charges;
  - 3.1.5 the fixing of council taxes and charges related to fixing of housing rents;
  - 3.1.6 the approval of the Plan for Fife;
  - 3.1.7 the approval of the Local Development Plan Evidence Report, the Local Development Plan and the Local Development Plan Delivery Programme;
  - 3.1.8 the making, substantive amendment or revocation of the List of Committee Powers and List of Officer Powers;
  - 3.1.9 the making, substantive amendment or revocation of Standing Orders (including Standing Orders for the making of contracts);
  - 3.1.10 the making, substantive amendment or revocation of Financial Regulations;
  - 3.1.11 the promotion of or opposition to private legislation;
  - 3.1.12 the change of name of the authority;
  - 3.1.13 the establishment of any joint committee or joint board to carry out any functions of the Council;
  - 3.1.14 the appointment of members to (a) joint boards; (b) joint committees; (c) any body where the Council is obliged or entitled to make an appointment under statutory authority; and (d) the Convention of Scottish Local Authorities (including any committees thereof);
  - 3.1.15 the consideration of reports by the Head of Paid Service or the Monitoring Officer in terms of sections 4 and 5 respectively of the Local Government and Housing Act 1989;
  - 3.1.16 the granting of civic awards and recognition;

- 3.1.17 the approval of the Scheme for the Establishment of Community Councils in Fife including final determination of boundaries in accordance with the Scheme;
- 3.1.18 formal responses to UK Parliament, Scottish Parliament and local statutory boundary review consultations;
- 3.1.19 the review of parliamentary polling districts and polling places;
- 3.1.20 the consideration of any report which the Controller of Audit may make to the Accounts Commission with respect to the accounts of the Council in terms of section 102 of the Local Government (Scotland) Act 1973 and subsequent report on recommendations which the Accounts Commission may make to Scottish Ministers;
- 3.1.21 the approval of any annual investment strategy or annual investment report required by consent issued by Scottish Ministers under section 40 of the Local Government in Scotland Act 2003;
- 3.1.22 the approval of senior councillor allowances; and
- 3.1.23 any other matter which may not be delegated by Fife Council under legislation.

## **4.0 Committees – General Matters and Membership**

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### **Functions of Committees**

- 4.1 Committees shall be responsible for the matters remitted to them under the terms of reference assigned to them in this List of Committee Powers. Fife Council shall, in addition to the specific functions remitted to it, remain responsible for scrutiny of the major plans affecting Fife and for all council expenditure. The Council shall also be responsible for reviewing the overall performance of the Council's decision making and partnership arrangements.
- 4.2 The Council operates an executive/scrutiny model of governance. The function of the Cabinet Committee (Executive), Scrutiny and other committees as set out in this document.
- 4.3 Where a committee is meeting to undertake a scrutiny role, it shall approve such procedures concerning the gathering and examination of information, the questioning of elected members, officers and other persons and make recommendations, as required, to ensure that scrutiny is undertaken in an efficient, effective and fair manner.
- 4.4 The Council has also established seven Area Committees and their remits are set out in this document.
- 4.5 All committees shall be responsible for financial monitoring and planning for both revenue and capital expenditure in respect of matters falling within their remit. Only Fife Council and the Cabinet Committee can take decisions to allocate additional resources. All other committees and sub-committees can only allocate resources where that power is specifically delegated to them.
- 4.6 Committees have delegated authority for all of the matters in their remit noting that committees have the right to submit comment or recommendations to the Cabinet Committee and/or full Council. Sub-committees may be authorised to act on behalf of the Council or any committee, if given appropriate powers in specific instances by the Council or the relevant committee.

- 4.7 In acting in relation to matters remitted to them, all committees shall have regard to lawfulness, efficiency, effectiveness, economy, best value and the need to meet equal opportunity requirements.
- 4.8 Committees can receive reports in relation to relevant legislation, regulations and national guidance.
- 4.9 Decisions of committees which would require the Council to incur expenditure shall only be taken within the authority of committees to incur expenditure as provided for in financial regulations made under section 95 of the Local Government (Scotland) Act 1973 and from within agreed budget or from additional allocations received in year. Committees may not incur expenditure which cannot be met from such amounts as may be allocated to them.
- 4.10 Where there is doubt as to which committee or sub-committee should consider any matter, the Proper Officer, following consultation with the appropriate Executive Director, Spokesperson and relevant Convener or, in their absence, Depute Convener, shall consider and refer the matter to the appropriate committee or sub-committee having regard to this List of Committee Powers.

### **Membership of Committees**

- 4.11 Appendix 1 sets out the membership and allocation of seats for committees.
- Appendix 2 sets out membership and remits of sub-committees.
- 4.12 Members are entitled to serve on committees as directed by Fife Council.
- 4.13 Members are entitled to a seat on the area committee covering the area which they have been elected to represent. The allocation of seats on other committees and sub-committees is as set out in this List of Committee Powers.
- 4.14 Nominated members must hold the relevant PVG membership for certain committees, including Cabinet Committee, Education Scrutiny Committee, Education Appeals Committee and People and Communities Scrutiny Committee.
- 4.15 The Convener of the Standards Audit and Risk Committee and Scrutiny Committees should not be a member of the Administration.

### **Co-option of Members to Committees**

- 4.16 All committees may recommend to Fife Council the co-option of such other persons to the committee who are not members of the Council where it is considered that such co-option would be beneficial to the work of the committee.
- 4.17 Co-opted members shall be non-voting unless otherwise specifically provided for in this scheme.
- 4.18 Prior to accepting membership of a committee, co-opted members shall be bound by the Councillors' Code of Conduct.



# Committees and Terms of Reference

## 5.0 Cabinet Committee

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### Terms of Reference

- 5.1 To discharge all of the Council's functions except those reserved to Fife Council and those matters specifically delegated to other committees or sub-committees, including the following matters:-
  - 5.1.1 exercising strategic leadership of the Council;
  - 5.1.2 promoting community planning and, in particular, "A Fairer Fife" agenda;
  - 5.1.3 developing and approving new policies consistent with the overall strategic approach of the Council and, in particular, approving, setting targets and monitoring all decisions in relation to the Council's strategic priorities;
  - 5.1.4 reviewing and approving the main activities to achieve key outcomes and improvement priorities under the Plan for Fife (Local Outcome Improvement Plan) and the Council's policy and improvement priorities;
  - 5.1.5 monitoring and control of the Council's overall capital and revenue expenditure (including major capital projects and the Housing Revenue Account), taking responsibility for all executive decisions and considering all proposals or business cases for all major projects, and those which have increased financial consequences beyond the currently approved budget;
  - 5.1.6 facilitating and encouraging public participation and consultation and ensuring the effective communication of council policies and strategies;
  - 5.1.7 approve relevant stages of the Local Development Plan and recommending it to Fife Council for adoption;
  - 5.1.8 developing community planning by working in partnership with relevant external organisations;
  - 5.1.9 recommending to Fife Council the budget strategy and strategic policy framework for consultation;
  - 5.1.10 maintaining oversight of the implementation of agreed City Deal Plans for Tay Cities and Edinburgh and South East Scotland;
  - 5.1.11 taking decisions which relate to the Council's role in membership of, or partnership with, external organisations, including Arm's Length External Organisations (ALEOs) beyond a single area and making nominations as appropriate;
  - 5.1.12 approving responses to consultation papers issued by the Scottish or UK Government and outside organisations insofar as these have not been (a) included in the remit of other committees; or (b) delegated to officers;
  - 5.1.13 overseeing the Council's scheme to promote equality and diversity;
  - 5.1.14 providing guidance and direction to committees to ensure overall control of the Council's finances within approved budgetary limits and financial regulations and also in regard to scrutiny and performance management of functions within their remit;

5.1.15 overseeing the management and use of all Council (including common good) assets and resources and the development and implementation of the plans including:-

- Finance and Treasury Management;
- physical assets (including land, buildings and other property) including a Corporate Asset Management Plan;
- human resources (including the development and training strategy for elected members and employees);
- information (including information technology); and
- intellectual property.

5.1.16 monitoring and reviewing the Council's approach to health and safety of council employees and the obligations of the Council under health and safety legislation;

5.1.17 considering any recommendations or report of any investigating committee appointed to investigate any matter in terms of the Scottish Joint Negotiating Committee for Local Authorities Services Disciplinary Procedure for Chief Executives;

5.1.18 oversight of all functions concerning valuation and electoral registration;

5.1.19 maintaining a strategic overview of civic affairs, twinning links and partnerships leading to civic, sporting, economic and cultural exchanges;

5.1.20 with the exception of the Area Settlement Trusts and any other trusts with an impact on only one area, all matters relating to the Council's role as trustees under section 16 of the Local Government etc. (Scotland) Act 1994;

5.1.21 maintaining oversight of workforce matters insofar as not delegated to the Head of Paid Service, including all matters relating to the Fife Pension Fund as regards the Council's role as employer including, for the avoidance of doubt, setting policies on early retirements;

5.1.22 taking strategic decisions relating to the resourcing of, and co-ordination with, the Integrated Joint Board on health and social care matters;

5.1.23 carrying out all matters relating to the Council's statutory responsibilities;

5.1.24 taking responsibility for scrutiny of matters of corporate policy including review of the Council's overall corporate and resource plans; and

5.1.25 approving the creation of a Short-Term Let Control Zone, following the relevant statutory process.

### **Cabinet Committee Powers**

5.2 The Cabinet Committee shall have the following powers:

5.2.1 to request or commission research or other studies on matters of policy or service provision;

5.2.2 to establish working groups; and

5.2.3 to refer matters to other committees, including scrutiny and area committees, for their consideration.

## 6.0 Scrutiny Committees

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### Terms of Reference

6.1 The Council will appoint four scrutiny committees with the following titles:-

- (a) Education;
- (b) People and Communities;
- (c) Finance, Economy and Corporate Services; and
- (d) Environment, Transportation and Climate Change.

### Education

#### Services

- Education and Children's Services
- Education (Early Years and Primary)
- Education (Secondary and Specialist Services)

### People and Communities (including social care, children's services and housing)

#### Services

- Housing and Safer Communities
- Customer and Online Services
- Communities and Neighbourhoods
- Justice Social Work Service
- Children and Families Social Work
- Health and Social Care

### Finance, Economy and Corporate Services

- Assessor Service
- Business and Employability
- Business Technology Solutions
- Finance Services
- HR Service
- Legal and Democratic Services
- Planning
- Revenue and Commercial Services

### Environment, Transportation and Climate Change

- Planning (**Climate Change and Zero Waste**)
- Environment and Building Services
- Roads and Transportation
- Protective Services
- Property Services
- Bereavement Services
- Facilities Management Services

- 6.2 The scrutiny committees will undertake the following functions in relation to their respective remits:-
- 6.2.1 monitoring the performance of services and funded third party organisations against service delivery and financial targets and make recommendations to the relevant committee;
  - 6.2.2 considering decisions of the Cabinet Committee which have been called in under Standing Order No. 34;
  - 6.2.3 considering matters remitted to them by the Cabinet Committee or other committees; and
  - 6.2.4 scrutinising and investigating any particular matter as determined by the committee or as referred to it in terms of this List of Committee Powers and which the committee considers requires further examination.

### **Scrutiny Committee Powers**

- 6.3 The scrutiny committees will have the following powers:-
- 6.3.1 to invite individuals and/or representatives of organisations with expertise or interest in aspects of their remit to attend and/or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
  - 6.3.2 to request the attendance of a spokesperson with relevant responsibility and / or relevant Executive Director / Head of Service to respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
  - 6.3.3 to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice relevant to the committee's area of scrutiny;
  - 6.3.4 where required, developing a scoping process in accordance with any guidance issued on scrutiny activity.
  - 6.3.5 to submit comments and recommendations to the Cabinet Committee and Fife Council and submit a report on their activities to Fife Council periodically.

## **7.0 Area Committees**

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- 7.1 Area committees are an integral part of Fife Council's decision making and governance framework. As part of the Council's commitment to decentralisation, they ensure that policies and services are responsive to the needs and wishes of communities. In addition to specific local decision-making responsibilities, area committees can scrutinise local delivery of services and shape wider priorities, policies and programmes.
- 7.2 There shall be Area committees for each of the following areas of Fife:-
- **Cowdenbeath** (Electoral Wards 7 and 8 inclusive)
  - **Dunfermline** (Electoral Wards 2, 3 and 4 inclusive)
  - **Glenrothes** (Electoral Wards 13, 14 and 15 inclusive)
  - **Kirkcaldy** (Electoral Wards 9 - 12 inclusive)

- **Levenmouth** (Electoral Wards 21 and 22 inclusive)
- **North East Fife** (Electoral Wards 16 – 20 inclusive)
- **South and West Fife** (Electoral Wards 1, 5 and 6 inclusive).

### **Terms of Reference**

- 7.3 The terms of reference and functions of Area Committees are to deal with the following matters as they relate to the provision of council services in their committee's area:-
- 7.3.1 leadership and promotion of joint working with community planning partners and other statutory and voluntary or not for profit bodies to support the wellbeing of their communities;
- 7.3.2 establishing, agreeing and overseeing the delivery and effectiveness of local community planning and partnership arrangements; determining the relevant geographical basis for local community;
- 7.3.3 receiving an annual report of progress against the local community plan as a basis for continuing dialogue with communities, partners and services on challenges and priorities;
- 7.3.4 considering asset transfer requests under the Community Empowerment Act 2015 and submitting recommendations to the Cabinet Committee to assist its determination;
- 7.3.5 providing local input as required prior to Council decisions including:-
- considering the potential impact of strategic policy proposals and making recommendations to relevant committees;
  - working with communities to establish priorities; and
  - scrutinising the effectiveness of local delivery of council services.
- 7.3.6 taking decisions on matters within their local area insofar as these have been remitted by Council or other committees including:-
- the allocation of budgets and the approval of revenue and capital expenditure - insofar as these have been delegated to the committee or area; considering all matters relating to expenditure from common good funds insofar as not delegated to officers;
  - to consider the performance of Police Scotland and the Scottish Fire and Rescue Service for its area and to make any necessary recommendations to the appropriate committee or governing body;
  - to provide an overview on complaints received for the specific area;
  - to establish working groups;
  - to consider an annual report on the management of the common good;
  - to provide a view to the Cabinet Committee on proposed changes of use and disposal of common good assets within the boundary of the area committee and not covered by other policy;
  - consider periodic reports on disposals where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied;
  - review area asset registers and plans and work within agreed budgets;
  - the approval of grants to local organisations;

- assessing and awarding discretionary rates relief to businesses in the area;
- acting as trustees in relation to the council's Area Settlement Trusts and all other trusts which do not have an impact beyond one area;
- appointment of members to local organisations;
- overview of master plans, site briefs, development briefs and urban design frameworks to help shape local places;
- traffic orders where the impact of the proposal would not extend beyond a single area;
- local housing issues specific to an area;
- tree related matters and tree preservation orders;
- conservation area and conservation management scheme arrangements and reports;
- building standards and safety (insofar as not delegated to officers) including the reporting of dangerous buildings which have potential expenditure implications for the council;
- designate an area as a Firework Control Zone following the appropriate consultation process;
- determining road and footpath orders under section 207 and 208 of the Town and Country Planning (Scotland) Act 1997 (as amended);
- recommend to the Cabinet Committee the designation of an area as a Short-Term Let Control Zone; and
- agree approval of a street name, where ward members do not reach a unanimous decision.

**7.3.7** To determine the council's voting intention in any ballot relating to a Business Improvement District (BID).

### **Area Committee Powers**

7.4 The area committees will have the following powers:-

- 7.4.1 to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
- 7.4.2 to invite the spokesperson with relevant responsibility and / or relevant Executive Director / Head of Service to attend meetings and respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
- 7.4.3 to request other members of the council, officials, other persons and outside organisations to attend meetings and / or give evidence and advice;
- 7.4.4 to consider motions brought forward by members of the area committee inviting the area committee to discuss and express a view on matters of concern in their local communities;
- 7.4.5 to submit comments and recommendations to the Cabinet Committee and relevant scrutiny committee(s) and to Fife Council; and
- 7.4.6 for the City of Dunfermline Area Committee, to determine the award of Freedom of the City subject to ratification by two thirds of Fife Council, having followed the agreed protocol adopted for the granting of the Freedom of the City of Dunfermline. See Appendix 4 - Fife Council Protocol - Honorary Freeman and Freewomen of Dunfermline.

## **8.0 Standards, Audit and Risk Committee**

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### **Terms of Reference**

- 8.1 The purpose of the Standards, Audit and Risk Committee is to support the Council in its responsibilities for risk management, governance and control. It will seek assurance that an effective system of internal control is maintained. The committee also has a role in the application of standards matters across the council and the council's performance in complaints and freedom of information.
- 8.2 The main objectives of the committee are to provide:
  - 8.2.1 independent assurance on the adequacy of the risk management framework and associated control environment within Fife Council;
  - 8.2.2 independent scrutiny of the council's financial and non-financial performance to the extent that it affects Fife Council's exposure to risk and weakens the control environment;
  - 8.2.3 assurance that any issues arising from the process of drawing up, auditing and certifying the annual accounts are properly dealt with;
  - 8.2.4 promoting high standards of conduct of councillors and co-opted members;
  - 8.2.5 approve the Corporate Governance Statement for the Council ensuring compliance with the CIPFA Code of Corporate Governance;
  - 8.2.6 consider the council and charitable trusts unaudited annual accounts prior to submission to External Audit;
  - 8.2.7 review significant changes in accounting policy;
  - 8.2.8 consider and approve the council's audited annual accounts; and
  - 8.2.9 consider matters remitted by the Cabinet Committee or other committees

### **Responsibilities of the Standards, Audit and Risk Committee**

#### **Internal Audit**

- 8.3 To review and approve the Internal Audit Strategy and Annual Audit Plan ensuring that the process has due regard to risk and coverage;
- 8.4 To monitor progress towards delivering the Annual Audit Plan, review audit reports submitted by the Service Manager - Audit and Risk Management and monitor management action taken in response to audit recommendations;
- 8.5 To consider the Service Manager - Audit and Risk Management's annual report, including opinion on the council's framework of governance, risk management and control;

- 8.6 To review the operational effectiveness of Internal Audit by considering its standards, resources, staffing, technical competency, performance measures and output from the External Quality Assessment;
- 8.7 To ensure there is direct contact between the committee and Internal Audit;
- 8.8 To take account of the implications of publications detailing best practice for audit, risk management, governance and control and assess their relevance to Fife Council;
- 8.9 To take account of recommendations contained in the relevant reports / minutes of external scrutiny agencies and Arm's Length Organisations (ALEOs);
- 8.10 To review the effectiveness of the council's anti-fraud and corruption arrangements, including relevant local and national reports.

### **Risk Management**

- 8.11 To approve the council's Risk Management Policy and Strategy and any subsequent significant amendments.
- 8.12 To approve the council's Strategic Risk Register.
- 8.13 To receive and consider relevant update reports on the council's risk management arrangements.

### **External Audit**

- 8.14 To review the External Audit Strategy and Plan;
- 8.15 To consider all statutory audit material, including:-
  - relevant national reports (including Local Government in Scotland Overview Reports);
  - annual reports; and
  - management letters.
- 8.16 To monitor management action taken in response to External Audit recommendations.
- 8.17 To review the extent of co-operation between external and internal audit.
- 8.18 To note the appointment and remuneration of External Auditors.

### **Annual Accounts**

- 8.19 Approve the Fife Council Annual Governance Statement.
- 8.20 Consider the Fife Council draft annual accounts for submission to External Audit.
- 8.21 Review significant changes in accounting policy.
- 8.22 To consider and approve the Council's audited annual accounts.



## **Standards**

- 8.23 To consider all matters concerning the establishment, maintenance and public availability of a register of interests that have been declared by members or employees of the authority including guidance on the same.
- 8.24 To approve any protocol to guide members and officers in their relations with one another.
- 8.25 To receive any report or recommendation made by Scottish Ministers or the Standards Commission for Scotland but excluding any report made by the Standards Commission in respect of a member of Fife Council, which reports shall be referred to Fife Council in terms of the relevant legislation.
- 8.26 To approve the Council's Customer Care and Complaints Policies.
- 8.27 To approve the Council's Code of Conduct for Employees.
- 8.28 To receive the annual report of the Scottish Public Services Ombudsman and any report by the Scottish Public Services Ombudsman of mal-administration against the Council.
- 8.29 To receive the annual report of the Scottish Information Commissioner on the Freedom of Information (Scotland) Act 2002.

## **Powers**

- 8.30 The committee will have the power:
  - 8.30.1 to hold meetings with the Service Manager - Audit and Risk Management and external auditors at least once per year without the presence of the Executive Directors;
  - 8.30.2 to invite such persons with particular expertise in areas being considered by the committee to address the committee or to take part in meetings; and
  - 8.30.3 to review its own performance, effectiveness and terms of reference on an annual basis and report on the roles and responsibilities of the committee and actions taken to discharge those, including submitting an annual report of the work of the committee to Fife Council.

## **Scrutiny**

- 8.31 The committee shall scrutinise and investigate any particular matter within its remit as determined by the committee, or any particular matter referred to the committee by the Chief Executive, Executive Directors, Heads of Service or the Service Manager - Audit and Risk Management relating to standards, audit or risk management matters and which the committee considers requires further examination. Any committee referring a matter to the Standards, Audit and Risk Committee shall set out the precise scope of the matter to be considered. The committee shall also have the option of referring matters not within its remit to the relevant scrutiny committee.

## **9.0 Planning Committees**

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- 9.1 There shall be two regular planning committees. One for North East Fife and another for West and Central Fife. Their boundaries will be the same as those of North East Fife Area Committee (North East Planning Committee); and Levenmouth, Kirkcaldy, Glenrothes, Cowdenbeath, City of Dunfermline and South and West Fife Area Committees (West and Central Planning Committee). In addition, the Fife Planning Committee will be established in accordance with paragraph 9.4 below.
- 9.2 The terms of reference and functions of the planning committees are to deal, in respect of their geographical extent, with the following matters:-
- considering all planning applications (including the holding of pre-determination hearings for applications) which are to be determined by the Fife Planning Committee;
  - determining all planning and other development applications, including road construction consents, which can be determined by a committee; and
  - planning enforcement matters, reports and the serving of notices insofar as not delegated.
- 9.3 For any application which raises a compelling reason to do so, the Proper Officer shall decide which committee should determine the application, in consultation with the Executive Director (Place) and the relevant Convener(s). Examples of compelling reasons would include (but not be limited to):
- an application which has an impact beyond the geographical boundary of a single planning committee;
  - where a member of the planning committee or a close family member has submitted the planning application; and
  - where the application proposal has already been considered by North East Fife Area Committee.
- In these instances, provision shall be made, as necessary, for the views of the other committee to be sought.
- 9.4 Fife Planning Committee may also be established from time to time and as required, to consider the determination of national planning applications or major applications significantly contrary to the Development Plan only.

### **Planning Committee Membership and Convener**

- 9.5 The North East Planning Committee will consist of all members of the North East Fife Area Committee and the Convener of North East Fife Area Committee shall be the Convener of North East Planning Committee.
- 9.6 The West and Central Planning Committee will comprise 16 members, based on political balance. The Conveners of the area committees covered by West and Central Planning Committee shall, if possible, be members of the planning committee for their area. One of the area Conveners shall normally, subject to the

provisions of Standing Order No. 5.1, be the Convener of the West and Central Planning Committee.

- 9.7 Fife Planning Committee will comprise 21 elected members, who are members of the North East Planning Committee, West and Central Planning Committee or the Fife Planning Review Body, based on the political balance of the Council as a whole. Consideration of a report for a relevant application will be chaired by the Convener of the North East Planning Committee or the West and Central Planning Committee. Which Convener will chair consideration of an application will be determined by the Proper Officer (in consultation with the Executive Director (Place) and the relevant Conveners). Normally, this will be the committee Convener within which all or the majority of an application site is located.

## **10.0 Fife Planning Review Body**

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### **Terms of Reference**

- 10.1 To conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997, as amended and regulated by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 10.2 To review any decision by a person appointed to consider applications relating to local developments where the person has:-
- been refused an application for planning permission or for consent, agreement or approval;
  - been granted it subject to conditions; or
  - failed to determine it within the prescribed period.
- 10.3 to consider and determine an application for the review of a decision by the Executive Director Communities to refuse a community request for a Firework Control Zone.
- 10.4 To uphold, reverse or vary any determination by virtue of the preceding paragraph.

## **11.0 Community Empowerment Act Review Committee**

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### **Terms of Reference**

- 11.1 To review, in line with the provisions of the Community Empowerment Act 2015, refusals of asset transfer requests considered by the relevant area committee and determined by the Cabinet Committee.

## **12.0 Regulation and Licensing Committee**

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### **Terms of Reference**

- 12.1 The terms of reference and functions of the Regulation and Licensing Committee are to deal with the following matters (unless otherwise delegated to officers):-
- 12.1.1 the council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982 including:-

- the granting, refusal, suspension or revocation of licences (unless a decision is required as a matter of urgency or emergency in accordance with the criteria in the List of Officer Powers);
- the holding of statutory hearings and appeals; and
- the development, maintenance and review of policy.

#### 12.1.2 other matters under the Civic Government (Scotland) Act 1982, including:-

- the consideration of notification of street parades and processions but only in those cases where a written objection has been submitted to the council; and
- the making of orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982.

#### 12.1.3 the council's functions as statutory licensing authority under the Housing (Scotland) Act 2006 including:-

- the grant, suspension or revocation of licences; and
- the holding of statutory hearings and appeals.

### 13.0 Rates Appeal Committee

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#### Terms of Reference

- 13.1 To consider and determine (a) appeals from ratepayers against rates claimed from them on the grounds that the ratepayers are being improperly charged in terms of section 238 of the Local Government (Scotland) Act 1947; and (b) appeals from businesses in business improvement districts under the Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007; in accordance with such rules relating to the lodging and hearing of appeals as the committee may from time to time determine.

### 14.0 Pensions Committee

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#### Terms of Reference

- 14.1 The remit of the Pensions Committee shall be:-
- 14.1.1 to determine the overall policy objectives of the pension fund in accordance with the best interests of fund members and employers within all applicable legislation;
- 14.1.2 to determine the strategy for the investment of pension fund assets, including the variety and suitability of investments taking cognisance of proper advice and to review and monitor investment arrangements and performance;
- 14.1.3 to consider and determine (except insofar as delegated to the Executive Director (Finance and Corporate Services) or any other officer) all matters relating to the council's functions in regard to pensions administered by the council including:-
- the implications, including financial implications arising from any legal matter relating to the council's responsibilities for pensions or resulting from any government policy initiative;
  - any matter relating to the council as administering authority for the Pension Fund under the LGPS Regulations;
  - actuarial valuation reports and any matter arising therefrom;

- consideration of any government proposals or consultation papers relating to pension issues and responses on behalf of the council as administering authority;
- best value/service efficiency reviews in regard to areas within its remit; and
- review of contribution rates and admission of new employers to the Fife Council LGPS Scheme;

14.1.4 to establish and maintain arrangements for the effective management and administration of the pension fund; and

14.1.5 to appoint members to the Pension Board.

### **Audit and Risk Management function**

14.2 The Pensions Committee will:-

#### **Audit activity**

14.2.1 review and approve the Audit Plan ensuring that the process has due regard to risk and coverage;

14.2.2 monitor progress towards delivering the Audit Plan, review audit reports submitted by the Service Manager - Audit and Risk Management and monitor management action taken in response to audit recommendations;

14.2.3 consider the Service Manager - Audit and Risk Management's Annual Report and opinion;

14.2.4 ensure there is direct contact between the committee and Internal Audit and the opportunity for discussions to take place (including planning discussions) with the Service Manager - Audit and Risk Management (as required) without the presence of Executive Directors;

14.2.5 take account of the implications of publications detailing best practice for audit, risk management, governance and control and assess their relevance to the Pension Fund; and

14.2.6 review the effectiveness of anti-fraud and corruption arrangements, including relevant local and national reports.

#### **Risk Management activity**

14.2.7 approve the Pension Fund's Risk Management Policy and Strategy;

14.2.8 approve the Pension Fund's Risk Register; and

14.2.9 receive and consider relevant update reports on the Pension Fund's risk management arrangements.

#### **External Audit activity**

14.2.10 review the External Audit Strategy and Plan and note the appointment and remuneration of external auditors;

- 14.2.11 consider all statutory audit material, including:
- relevant national reports;
  - annual reports; and
  - management letters.
- 14.2.12 monitor management action taken in response to External Audit recommendations; and
- 14.2.13 hold meetings with the external auditors at least once per year without the presence of the Executive Directors and review the extent of co-operation between external and internal audit.

#### **Annual Accounts activity**

- 14.2.14 approve the Pension Fund's Annual Governance Statement;
- 14.2.15 consider the Pension Fund's draft annual accounts for submission to external audit;
- 14.2.16 review significant changes in accounting policy; and
- 14.2.17 consider and approve the Pension Fund's annual audited accounts.

### **15.0 Commencement and Review**

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- 15.1 The Committee Powers will come into force on 8 May 2025.
- 15.2 The Committee Powers will be kept under review at least once during every Council term and proposed amendments submitted for consideration by Fife Council, as appropriate.

## General provisions – Committee Membership

1. When the Cabinet Committee or Education Scrutiny Committee meet to discharge education functions, its membership also comprises three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973.
2. Any member who participated in the original decision at Cabinet Committee (either as a substantive member or substitute) will not be able to participate or vote at a Scrutiny Committee on any matter that has been called in.
3. The Fife Planning Review Body shall consist of 10 members, based on political balance calculated as above, all of whom will normally also be members of a planning committee or have previous experience of planning committee decisions. The Review Body will be chaired by a single Convener or, in the Convener's absence, by a Depute Convener. Normally, a meeting of the Review Body will consist of five members. The quorum shall be three.
4. Normally, a meeting of the Community Empowerment Act Review Committee will consist of five members. The quorum shall be three. The committee will comprise the same membership as the Fife Planning Review Body. Where the committee is considering a review, it will not include any members from the area committee that made the initial decision.
5. The Pensions Committee shall invite members of the Pension Board to act as observers, in a non-voting capacity.

## Allocation of committee seats on basis of political balance

	Labour	S.N.P.	Lib Dem	Cons	Indep.	Total
Cabinet (made up of 6 spokespersons and 16 ordinary members) + Council Leader	6	10	4	2	0	22+ Council Leader *
Education Scrutiny	4	7	3	2	0	16
People and Communities Scrutiny	4	7	3	2	0	16
Finance, Economy and Corporate Services Scrutiny	4	7	3	2	0	16
Environment, Transportation and Climate Change Scrutiny	4	7	3	2	0	16
Standards, Audit and Risk	3	4	2	1	0	10
Regulation and Licensing	4	7	3	2	0	16
West and Central Planning	5	8	1	2	0	16
Fife Planning Review Body	3	4	2	1	0	10

	Labour	S.N.P.	Lib Dem	Cons	Indep.	Total
Fife Planning Committee (includes Conveners of both North East Planning and West and Central Planning Committees in allocation)	6	9	4	2	0	21
Rates Appeal Committee	2	3	1	1	0	7
Pensions Committee	2	4	2	1	0	9

**Note\*:** Fife Council at its meeting on 19 May 2022 (FC4 Para.7 Refers) agreed that membership of the Cabinet will be the Leader of the Council (Chair), six strategic spokespersons and ordinary members up to a total of 21 members (including the spokespeople but excluding the Chair). The ordinary members will be appointed on the basis of political balance. Should the number of strategic spokespeople from one party exceed that party's politically balanced allocation on the Cabinet then those spokespeople will be additional members of the Cabinet (over and above the 21 noted above) and with full voting rights.

With effect from 7 June 2024 membership of the Cabinet Committee increased to 22 members to reflect the change in political balance.

### **Allocation of Area Committee seats**

#### **Area Committee membership**

The committee will comprise all members for the relevant area.

	Labour	SNP	Lib Dem	Cons	Indep.	TOTAL
City of Dunfermline	3	5	2	1	0	11
Cowdenbeath	3	4	0	1	0	8
Glenrothes	3	6	0	1	0	10
Kirkcaldy	4	5	0	2	1	12
Levenmouth	3	4	1	0	0	8
North East Fife	0	5	10	0	1	16
South West Fife	3	5	0	2	0	10
<b>TOTAL</b>	<b>19</b>	<b>34</b>	<b>13</b>	<b>8</b>	<b>1</b>	<b>75</b>



# Membership and Remits of Cabinet Sub-Committees

## Cabinet Committee Sub-Committees

(i) **Appeals Sub-Committee (6 members)**

**Terms of Reference**

(The sub-committee shall be drawn from a panel comprising 24 elected members, based on political balance).

- except as otherwise provided for in this Committee Powers' document, to consider and determine, with powers, appeals submitted by any employee who is entitled to appeal to the Council under any statutory provision contract of employment, condition of service or any Council policy or procedure on employment; and
- to act as the disputes sub-committee of the Council in determining, with powers, the Council's position on any matter which is the subject of a formal dispute (except insofar as a decision has already been taken by Fife Council).

(ii) **Appointments Sub-Committee (9 members in the case of the Chief Executive, 9 members in the case of first tier posts and 4 members in the case of second tier posts)**

(The sub-committee shall be drawn from a panel comprising 24 elected members, based on political balance.)

The appropriate spokesperson shall be given the option of a place on the Appointments Sub-Committee whether or not they are a member of the Panel.

**Terms of Reference**

- With powers, to consider arrangements, undertake shortlisting, interview and appoint candidates for first and second tier posts including the post of Head of Paid Service.

(iii) **Hearing Committee (4 members)**

**Terms of Reference**

- To determine the outcome of any matter formally investigated under the Scottish Joint Negotiating Committee for Chief Officials Chief Executive Disciplinary Framework.

(iv) **Emergency Sub-Committee (3 members comprising the Provost, Leader of the Council and Leader of the Opposition or designated deputies or nominees)**

**Terms of Reference**

To consider with powers:-

- such action as may be necessary with respect to any emergency or disaster (involving actual or apprehended destruction of or danger to life or property) or to any matter of special urgency.

(v) **Education Appeal Committee (5 members)**

**All members can vote**

The membership of the Education Appeal Committee comprises three members of Council, one parent member and one person with an educational background.

(The committee shall be appointed from a panel comprising 17 members of Fife Council, based on political balance, plus three religious representatives, up to a maximum of five parents of school age children and up to a maximum of five persons with experience of education and who are acquainted with the educational conditions in the area.)

**Terms of Reference**

To consider, with powers, appeals of decisions relating to:-

- the refusal of placing requests; and
- exclusion of pupils from schools.

(vi) **Education Appointment Committees (6 members)**

**All members can vote**

**Note** - The Council members of the Education Appointment Committees will be drawn from a panel comprising 17 members of Fife Council, based on political balance (plus three religious interest representatives).

The Appointment Committee for posts of headteachers will comprise six members (two elected members, one of whom will chair the meeting), two nominees of the Executive Director (Education) and two nominees of the parent council of the school); and

The Appointment Committee for posts of depute headteachers will comprise officers and nominees of the parent council.

**Terms of Reference**

- To interview for posts of headteacher and depute headteacher and to make recommendations to the Executive Director (Education) for appointment in terms of the Parental Involvement Act 2006;

**Common Good and Trusts Investment Sub-Committee**

**(9 members, the membership to be the same as that of the Pensions Committee)**

**Terms of Reference**

The remit of the Common Good and Trusts Investment Sub-Committee shall be:-

- To arrange for the supervision of the management and administration of the investments of the common good fund and all trust funds and to make decisions relating to the appointment of fund managers in that regard.

Sub-Committee	Labour	SNP	Lib Dem	Cons	Indep	TOTAL
Appeals (Panel)	6	11	4	2	1	24
Appointments (Panel)	6	11	4	2	1	24
Hearing Committee	1	2	1	0	0	4
Emergency	2	1	0	0	0	3
Education Appeals Panel	4	8	3	2	0	17
Education Appointment Panel	4	8	3	2	0	17
Common Good	2	4	2	1	0	9

## City of Dunfermline and South and West Fife Area Committees

### West Fife Area Common Good Sub-Committee

#### Membership

Six members, comprising three members from South and West Fife Area Committee and three members from City of Dunfermline Area Committee, based on political balance as calculated above.

#### Terms of Reference

- To consider the disbursement of monies from the common good fund.

Should the membership be nominated on the basis of political balance, there would be the following allocation to each group:

Sub-Committee	Labour	SNP	Lib Dem	Con	Indep	TOTAL
City of Dunfermline	1	1	1	0	0	3
South and West Fife Area	1	1	0	1	0	3
<b>TOTAL</b>						<b>6</b>

## Partnership and Statutory Bodies

### Fife Partnership

Fife Council has a statutory duty to lead community planning for the Fife area. This is carried out by the Fife Partnership. The Council's representatives on the Partnership comprise the Leader of the Council, the Leader of the Opposition and the Spokesperson for Communities and Leisure Services.

### Integrated Joint Board

The Council appoints eight members to the Board, based on political balance.

### Community Safety Partnership

The Council appoints four members to the Partnership, based on political balance. The Partnership will report on a regular basis to the People and Communities Scrutiny Committee regarding the delivery of shared outcomes, with a particular focus on prevention and intervention in relation to emerging national and local community safety trends.

### Licensing Board

In terms of the Licensing (Scotland) Act 2005, the Council has appointed a licensing board for Fife. The main function of the Board is to regulate premises selling alcohol to the public. The Board also regulates certain gambling functions.

The membership of the Licensing Board comprises 10 members reflecting the political balance of the Council.

Fife Licensing Board	3 Lab	4 SNP	2 Lib Dem	1 Cons	0 Indep	10 Total
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### Fife Pensions Board

The Council has appointed a Pension Board under the Pensions Act 2013. Its membership consists of four trade union representatives and four employer representatives, the latter comprising two elected members (one each from the Administration and Opposition) and two members from either the scheduled or admitted bodies.

The Pension Board is the body responsible for assisting the Scheme Manager in relation to compliance with scheme regulations and the requirements of the Pensions Regulator.

The Pension Board will determine the areas they wish to consider including, amongst others:

- reports produced for the Pensions Committee;
- seek reports from the scheme managers on any aspect of the fund;
- monitor investments and the investment principles/strategy/guidance;

- the fund annual report;
- external voting and engagement provisions;
- fund performance and administration;
- actuarial reports and valuations;
- funding strategy; and
- any other matter that the Pension Board deem appropriate.

## **Fife Educational Trust Scheme 1958 - East and West Fife Committees**

The Council has constituted East and West Fife Committees as required by the Fife Educational Trust Scheme 1958. Appointees include eight elected members on East Committee and nine elected members on the West Committee, allocated by areas as specified in the Trust Scheme.

Fife Educational Trust Scheme 1958 – East Fife Committee  2 SNP, 0 LAB, 5 LIB DEM, 1 CONS	8 Members from East Area – to be determined on the basis of political balance (and a suitable geographical spread) within the North East Area
Fife Educational Trust Scheme 1958 – West Fife Committee  4 SNP, 3 LAB, 1 LIB DEM, 1 CONS	9 Members from West Area - to be determined on the basis of political balance (and a suitable geographical spread) within the 6 Council Areas other than North East Fife.

## **St Andrews Links Trust and St Andrews Links Trust Management Committee**

The Council appoints elected members and non-elected members to St Andrews Links Trust and St Andrews Links Trust Management Committee. The protocol for appointments to both organisations is detailed below:

### **Fife Council Protocol for Appointments to the St Andrews Links Trust and St Andrews Links Trust Management Committee**

#### St Andrews Links Trust (The Trust)

The Order is clear that terms of appointments to the Trust run for 3 years. The period of appointment runs from 01/01/year to 31/12/year (end of third year from appointment). This term of appointment will govern appointments regardless of the electoral cycle.

The Order is also clear that Appointees can resign within their three-year appointment. In that case the Council will appoint another elected member to serve the remainder of the term of the original Appointee. The Council agrees that the same person can be re-appointed to a subsequent term in their own right, after serving a period covering the remainder of the term of another elected member.

The Council agrees that if an Appointee is no longer a Councillor they will be deemed to have resigned from the Trust and Council will be invited to appoint to the remainder of that term at its next meeting.

Council agrees that Appointees should serve no more than 2 terms, in their own right, for this particular appointment, reflecting the governance arrangements agreed by the Trust

for other appointing organisations. Council will consider recommendations from the Trust as to the background/skillset that would be complementary to other board members on the Trust but will not be bound by it.

The same Councillor cannot be appointed to the Trust and the Management Committee at the same time and Council agrees that members should not move from the Trust to the Management Committee (and vice versa) in sequential terms of appointment.

The Order is clear that a Council Appointee to the Trust cannot be a member of the Royal and Ancient Golf Club of St Andrews.

Members must act in the interests of the Trust when appointed and not the interest of the Council.

#### St Andrews Links Trust Management Committee (The Committee)

The Order is clear that terms of appointment to the Committee run for 4 years. The period of appointment covers the period 01/01/year to 31/12/year (end of fourth year from appointment). This term of appointment will govern appointments regardless of the electoral cycle.

The Order is also clear that Appointees can resign within this time and Council will appoint another member to serve the remainder of the time. The Council agrees that the same person can be re-appointed to a subsequent term, in their own right, after serving a period covering the remainder of the term of another member.

Council agrees that Appointees should serve no more than 2 terms, in their own right, for this particular appointment, reflecting the governance arrangements agreed by the Trust for other appointing organisations. Council will consider recommendations from the Trust as to the background/skillset that would be complementary to other members on the Committee but will not be bound by it. The Order is clear that appointments to the Committee require a close connection with St Andrews and golfing.

The Order is silent on whether a Council appointee to the Committee can also be a member of the Royal and Ancient Golf Club of St Andrews but Council agrees that they should not be for reasons of good governance.

The same Councillor cannot be appointed to the Trust and the Committee at the same time and Council agrees that elected members should not move from the Trust to the Committee (and vice versa) in sequential terms of appointment.

The Council agrees that if a member is no longer a Councillor they will be deemed to have resigned and Council will be invited to appoint to the remainder of the term at its next meeting.

Members must act in the interests of the Committee when appointed and not the interest of the Council.

## **Fife Council Protocol Honorary Freeman and Freewomen of Dunfermline**

### **Criteria**

1. The Fife Council, on receipt of a recommendation from the City of Dunfermline Area Committee will consider admitting as Honorary Freeman or Freewomen of Dunfermline, Persons of distinction or persons who have rendered eminent service to Dunfermline. In this connection, regard will be paid to the following criteria, namely persons who have:-
  - Given outstanding service, either in a public or private capacity, to the community of Dunfermline over a considerable period of time.
  - Provided exceptional service or made an exceptional contribution to:-
    - Good or charitable causes
    - Academic, scientific or educational interests
    - The arts, culture or sport
    - The Government
    - The military or other service on behalf of His Majesty

Thereby enhancing the good name of Dunfermline, nationally or internationally.

- Undertaken acts of heroism in Dunfermline or in respect of Dunfermline citizens
- Made an exceptional contribution to international peace or democracy, worthy of recognition on behalf of the people of Dunfermline.

### **Title**

2. The Title to be bestowed on persons being admitted will be 'Honorary Freeman/ Freewoman of the City of Dunfermline' as the case may be.

### **Approval**

3. The formal approval of the Council is by resolution passed by not less than two-thirds of the members voting thereon at a meeting of Fife Council, the notice which specifies the proposed admission as an item of business. Before formal resolution of the Area Committee recommendation is sought, it will be essential for any nominations to be discussed on a confidential basis with the Provost/ Convenor of the City of Dunfermline Area Committee who shall take advice from Civic Services and the Monitoring Officer.

### **Roll**

4. A roll will be kept listing the persons admitted as Honorary Freeman/Freewomen.

### **Presentation**

5. The Freedom of Dunfermline will be presented at a civic reception for invited guests.