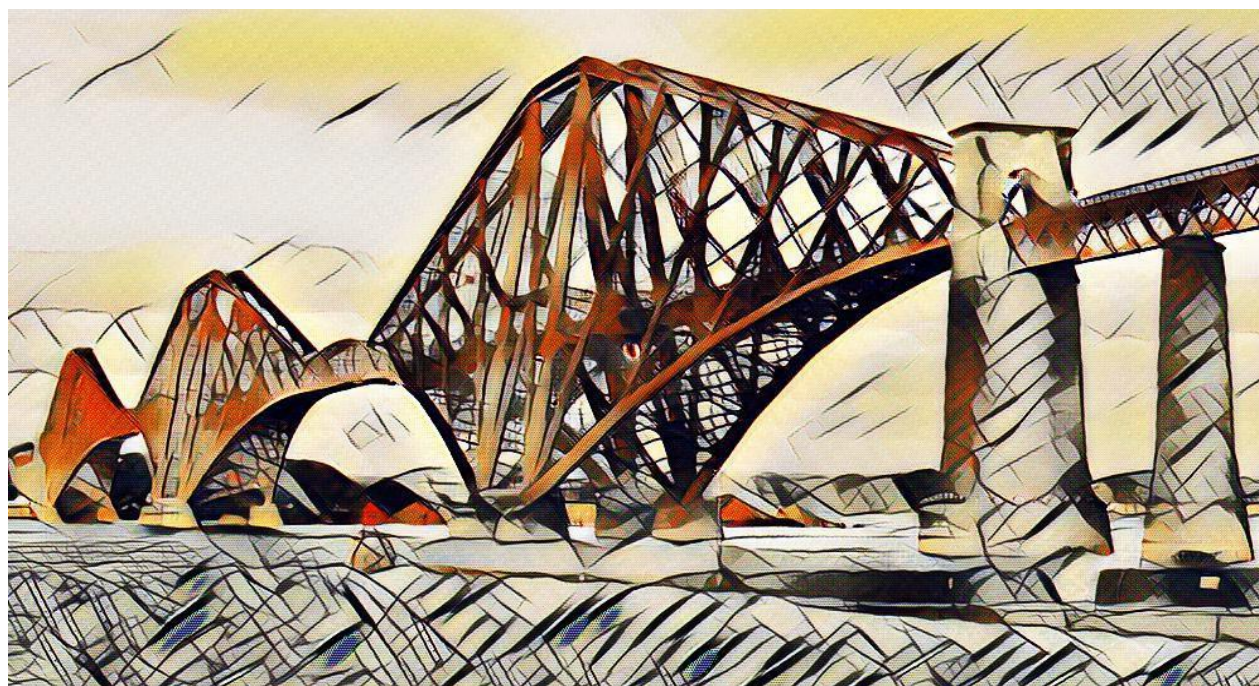


Governance Scheme Part 2:

List of Committee Powers



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Fife Council

List of Committee Powers

1.0 Introduction

This List of Committee Powers sets out:-

- the functions of Fife Council, its Committees and Sub-Committees;
- the number of Committees and Sub-Committees of the Council;
- their terms of reference;
- how their membership is allocated; and
- the scrutiny role of Fife Council and its Committees.

It will be known as the Fife Council List of Committee Powers.

This document lists the 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. The List shall have the same meanings as defined in the Council's Standing Orders.

2.0 Membership of Committees – Political Balance

The membership of Committees and Sub-Committees, other than Area Committees, will be allocated on the basis of party political balance either for the Council as a whole or for any sub-area of the Council to which the remit of the Committee or Sub-Committee relates.

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 following method:

Entitlement to seats on a committee are calculated by 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:

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

Once the 'whole numbers' have been allocated to the parties, the remaining seats are allocated to the parties with the biggest fractional remainder.

Normally, in the event of a by-election, party balance will only be recalculated after that by-election has been held.

3.0 Fife Council – Reserved Powers

Functions

The following functions shall be exercised by the Council meeting in full session and are excluded from delegation to any Committee or Sub-Committee:-

- the election of the Provost, Depute Provost, Conveners and Vice-Conveners of Committees (with the exception of Conveners of Area Committees and Sub-Committees and subject to paragraph 7 in respect of the Planning Committees) and any members holding portfolios for specific areas of Council business ("portfolio holders");
- the approval of the annual budget of (a) revenue expenditure, and (b) capital expenditure;
- the annual fixing and levying of the council tax and annual fixing of housing rents;
- the approval of Fife's Community Plan (Local Outcome Improvement Plan) and the Council's policy and improvement priorities;
- the approval of the Dundee, Perth, Angus and North Fife Strategic Development Plan (TayPlan) and the South East Scotland Strategic Development Plan (SESPlan) for submission to the Scottish Ministers, and its adoption;
- the determination of national planning applications or major applications significantly contrary to the Development Plan;
- the making, substantive amendment or revocation of the List of Committee Powers and any List of Officer Powers;
- the making, substantive amendment or revocation of Standing Orders (including Standing Orders for the making of contracts);
- the making, substantive amendment or revocation of Financial Regulations;
- the promotion of or opposition to private legislation;
- a change of name of the authority;
- the establishment of any Joint Committee or Joint Board to carry out any functions of the Council;
- the appointment of members to (a) Joint Boards, (b) Joint Committees, (c) any body where the Council are obliged or entitled to make an appointment under statutory authority, and (d) the Convention of Scottish Local Authorities (including any Committees thereof);
- 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;
- the granting of the freedom of Fife;

- 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; and
 - any other matter which may not be delegated by the Council under legislation.

4.0 Policy and Co-ordination Committee and Sub-Committees and their Remits

Policy and Co-ordination Committee

To discharge all of the Council's functions except those reserved to the Council and those matters specifically delegated to other Committees, including the following matters:-

- exercising strategic leadership of the Council, co-ordinating the efforts of the Policy and Co-ordination Sub-Committees (hereinafter referred to as 'the Sub-Committees') and, where necessary, resolving any perceived conflicts between Sub-Committee remits or areas of responsibility
- promoting the core values of the Council; in particular, using whatever means are available to the Council to reduce inequality in the Fife area
- all strategic and corporate policy affecting Council functions as a whole; developing and approving new policies consistent with the overall strategic approach of the Council and, in particular, approving and monitoring all strategic and policy decisions in relation to the recovery and reform agenda
- developing community planning by working in partnership with relevant external organisations
- recommending to the Council the budget and strategic policy framework including approval of the draft budget for consultation
- monitoring and control of the Council's overall capital and revenue expenditure
- providing guidance and direction to Committees to ensure overall control of the Council's finances are within approved budgetary limits and financial regulations
- addressing all matters for which have increased financial consequences beyond the currently approved budget
- facilitating and encouraging public participation and consultation and ensuring the effective communication of Council policies and strategies
- taking decisions which relate to the Council's role in membership of, or partnership with, external organisations beyond a single Area
- monitoring the Council's scheme to promote equality and diversity
- providing guidance and direction to Committees in regard to scrutiny and performance management of functions within their remit
- reviewing implementation of the key outcomes and improvement priorities under Fife's Community Plan (Local Outcome Improvement Plan) and the Council's policy and improvement priorities
- implementation of agreed City Deal Plans for Tay Cities and Edinburgh and South East Scotland

- 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
- the overall management and use of all Council assets and resources (insofar as not delegated to the Assets and Corporate Services Sub-Committee) including:-
 - finance (including superannuation fund management)
 - human resources
 - information (including information technology)
 - intellectual property
- workforce matters insofar as not delegated to the Head of Paid Service, including oversight of 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
- 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
- all functions concerning valuation and electoral registration
- Fife's role in European matters including working relationships with the European Commission and the European Parliament
- strategic overview of civic affairs, twinning links and partnerships leading to civic, sporting, economic and cultural exchanges
- strategic decisions relating to the resourcing of, and co-ordination with, the Integrated Joint Board on health and social care matters.

The Committee will also have powers to refer matters to the Sub-Committees, other Committees, including the Scrutiny and Area Committees or to Working Groups, for their consideration.

Policy and Co-ordination Committee membership

The Committee will comprise 21 members, based on political balance calculated as above. The membership of the Committee shall include the Co-Leaders, who shall act as joint Conveners.

Policy and Co-ordination Sub-Committees

The Policy and Co-ordination Committee shall establish the following Sub-Committees:-

Education and Children's Services Sub-Committee

The Education and Children's Services Sub-Committee will deal with the following matters:-

- All matters relating to the provision and regulation of education and services for children, to the extent that these are not within the remit of the Policy and Co-ordination Committee including:-
 - the promotion of children and young people's development and wellbeing as outlined in the Children and Young People's Act (Scotland) 2014
 - the preparation, publication and reporting of a plan for the provision of services for children in Fife to include progress made in Children's Rights as outlined in Children and Young people's Act (Scotland) 2014
 - meeting statutory requirements for strategic planning and reporting as detailed in the Education (Scotland) Act 2016
 - matters relating to other statutory responsibilities of the Council and the Chief Education Officer concerning the attainment, progress and wellbeing of children and young people
 - provision and quality of Early Learning and Childcare, Primary, Secondary, special Schools and Out of School Care
 - parental involvement and participation in their children and young people's education
 - the development and maintenance of links between schools, further and higher educational establishments and employers
 - the support and care for looked after children within the meaning of the Children's (Scotland) Act 1995 and subsequent relevant legislation
 - matters relating to the statutory responsibilities of the Council and the Chief Social Work Officer concerning the care and protection of children
 - the planning and co-ordination of holistic services for children, young people and their families in consultation with other Council Committees and Integrated Joint Board as appropriate
 - all matters relating to the Corporate Parenting Board.

Education and Children's Services Sub-Committee membership

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

When the Sub-Committee meets to discharge its education functions, its voting membership also comprises three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973.

Environment and Protective Services Sub-Committee

The Environment and Protective Services Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy and Co-ordination Committee:-

- environment (including monitoring of the Council's environment protection work)
- coastal protection and flood prevention
- cleansing and waste management, including oversight of the activities and resourcing of Fife Resource solutions and other arm's length external organisations relating to waste management and the like
- grounds maintenance
- assessment and approval of the adequacy and effectiveness of the Fife Local Fire and Rescue Plan in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the Plan
- assessment and approval of the adequacy and effectiveness of the Fife Local Policing Plan in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the Plan and monitoring of custody visits in Fife
- making recommendations on any aspects of the Fife Policing and Fire and Rescue plans
- scrutiny and oversight of Fife Council Protective Services and Emergency Planning and Business Continuity
- consideration of statistical reports on complaints about policing, fire and rescue in Fife
- responding to any consultation documents pertaining to policing, fire and rescue services including making representations on the content of the Strategic Police Plan and the Strategic Fire Plan.

Environment and Protective Services Sub-Committee membership

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

Economy, Tourism, Strategic Planning and Transportation Sub-Committee

The Economy, Tourism, Strategic Planning and Transportation Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy and Co-ordination Committee:-

- sustainable development (including the development, promotion and implementation of policies and strategies to encourage sustainable development in Fife)
- all matters pertaining to City Region Planning (but excluding any matter remitted to the Planning Committees or Area Committees); and having an input to SESPlan and TayPlan
- approval of any Local Development Plan promoted by the Council, and associated Supplementary Planning Guidance
- planning and implementing community infrastructure to support strategic growth and development, and overseeing developer contributions towards strategic transport and educational capacity
- economic development (including vocational training)
- economic regeneration and vacant and derelict land
- overseeing the Council's Employability work
- tourism (insofar as relating to the functions of the Council)
- roads, but excluding all roads matters for which the Area Committees are responsible
- transportation (including strategic transportation schemes and traffic orders required for such strategic schemes and charging orders)
- oversight of the Council's ongoing relationship with South East Scotland Transport Partnership, and any successor body
- provision of transport for educational purposes
- harbours.

Economy, Tourism, Strategic Planning and Transportation Sub-Committee membership

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

Assets and Corporate Services Sub-Committee

The Assets and Corporate Services Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy and Co-ordination Committee:-

- decisions relating to all physical assets (including land, buildings and other property), including common good property
- all matters relating to the acquisition, disposal or other dealings with specific Council (including common good) assets, property and facilities insofar as not within the remit of Policy and Co-ordination or the Area Committees
- the development, maintenance and review of a Corporate Asset Management Plan to ensure that the Council achieves Best Value
- all matters relating to the implementation of a school estate strategy
- the strategic objectives and financial performance of all trading activities
- burial grounds and crematoria
- determining asset transfer requests under the Community Empowerment Act 2015
- monitoring and reviewing policy and all matters concerned with the health and safety of Council employees and the obligations of the Council under Health and Safety legislation
- budget and other monitoring of the Finance and Corporate Services Directorate.

Assets and Corporate Services Sub-Committee membership

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

Community and Housing Services Sub-Committee

The Community and Housing Services Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy and Co-ordination Committee:-

- acting as a point of strategic liaison with the Area Committees, co-ordinating and assisting communication between the Areas and sharing best practice; to further this aim, all Area Conveners are to be members of the Committee
- aiding and promoting public participation in the Council's consultative and decision making functions, and community engagement in general
- aiding and promoting community wellbeing, including community health, local environment, housing and community provision
- ensuring the Council's corporate response to the Community Empowerment Act 2015 is co-ordinated at all levels; dealing with requests to participate in a service
- oversight, and development of, the Council's corporate complaints procedure
- all matters relating to the provision of community services for which the Council are responsible including:-
 - community and further education and adult guidance insofar as within the responsibility of the Council
 - the provision or procurement of leisure, recreational and cultural facilities including parks, sports centres, allotments, the countryside, theatres, museums, art galleries and libraries
 - All matters in connection with the Council's Arm's Length External Organisation partners Fife Cultural Trust, Fife Sports and Leisure Trust, Fife Golf Trust, and Fife Coast and Countryside Trust
 - the promotion of community engagement and wellbeing and the development of initiatives to achieve Community Plan objectives
 - the development, maintenance and review of the Council's community learning and development strategy
 - matters relating to the registration of births, deaths and marriages
 - strategies to regenerate and ensure sustainable communities including use of regeneration funding streams; and development of initiatives and arrangements to improve local service delivery neighbourhood management and quality of the local environment
 - customer contact
 - Scheme for Community Councils
 - Fife wide grant funding.
- all matters relating to the work of the Community Safety Partnership, who shall provide regular reports to the Committee on its work
- all matters relating to the Fife-wide provision of housing services for which the Council are responsible including:-
 - the Council's responsibilities as the statutory housing authority for Fife relating to the construction and acquisition of council housing
 - all matters relating to housing investment and the affordable housing programme

- the provision of council housing
- the development and implementation of housing policy, including the Council's functions as landlord
- all matters relating to the maintenance and development of Council housing

Community and Housing Services Sub-Committee membership

The Sub-Committee will comprise 15 members, based on political balance calculated as above, but, where possible, including all Area Conveners.

Powers for Policy and Co-ordination Committee and all Sub-Committees

Policy and Co-ordination Committee and all its Sub-Committees will have the following powers in relation to their specific areas of responsibility:

- to approve all policies which extend beyond the boundaries of a single Area
- to work with officers and partners to implement approved strategies, plans, policies and projects, including approval of spend from budgets allocated to them
- to request or commission research or other studies on matters of policy or service provision
- to set targets for service delivery
- to ensure political accountability for the Council's performance
- oversight of the relevant Community Plan outcomes
- financial monitoring and planning for both revenue and capital expenditure in respect of matters falling within their remit and for taking such decisions as may be necessary or appropriate to ensure that the Council's financial objectives are met
- preparing responses to consultation papers issued by the Scottish or UK Government and outside organisations insofar as these are not included in the remit of other Committees; and insofar as not delegated to officers.

Scrutiny and Performance Review

- scrutiny and review of performance of the functions remitted to them
- 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;
- to require the 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;
- to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice;
- to submit comments and recommendations to the Policy and Co-ordination Committee or the Council.

5.0 Area Committees

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

The terms of reference and functions of Area Committees, having regard to the Council's Scheme of Decentralisation, are to deal with the following matters as they relate to the Committee's area:-

- leadership and promotion of joint working with community plan partners and other statutory and voluntary or not for profit bodies to support the wellbeing of their communities, through the implementation of Local Community and Area Management Plans
- overseeing the delivery and effectiveness of local community planning and partnership arrangements; determining the relevant geographical basis for local community planning
- contributing to the development of, and monitoring the local delivery of the Fife Community Plan
- development of an Area Engagement Plan
- 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
- providing local input as required prior to Council decisions including:-
 - considering the potential impact of strategic policy proposals and making recommendations to the relevant other Committee
 - working with communities to establish priorities and scrutinising the effectiveness of local delivery
- 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
 - considering all matters relating to expenditure from common good funds insofar as not delegated to officers
 - to consider an annual report on the management of the common good
 - to provide a view to the Assets and Corporate Services Sub-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
- produce area asset registers and plans and work within agreed budgets
- establish and maintain partnership arrangements to support local community planning within an area. Furthermore, to establish, agree and implement locality plans to comply with the Community Empowerment Act 2015
- 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
- master plans, site briefs, development briefs and urban design frameworks
- traffic orders where the impact of the proposal would not extend beyond a single Area
- local housing issues specific to an Area
- roads construction consents
- tree related matters and tree preservation orders
- conservation area and conservation management scheme arrangements and reports
- good neighbour agreements
- building standards and safety (insofar as not delegated to officers) including the reporting of dangerous buildings which have potential expenditure implications for the Council
- rights of way, diversion orders and all other matters dealt with in the relevant planning legislation not remitted to the Planning Committees.

Scrutiny and Performance Review

The Committee shall be responsible for the scrutiny and review of performance of the functions remitted to Area Committees, including those delivered by means of Fife-wide Services.

The Area Committees will have the following powers:-

- 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
- to require the Committee Convener 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
- to request other members of the Council, officials, other persons and outside organisations to attend meetings and / or give evidence and advice
- to submit comments and recommendations to the Policy and Co-ordination Committee and the Council.

Area Committee membership

The Committee will comprise all members for the relevant Area.

City of Dunfermline and South and West Fife Area Committees

West Fife Area Common Good Sub-Committee

Membership 6 members comprising 3 members of the South and West Fife Area Committee and 3 members of the 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.

6.0 Scrutiny and Audit Committees

Standards and Audit Committee

Terms of Reference

The terms of reference and functions of the Standards and Audit Committee are to deal with the following matters:-

Standards

- promoting and maintaining high standards of conduct by Councillors and co-opted members
- assisting Councillors and co-opted members to observe the Councillors' Code of Conduct and any Council Code of Conduct or Protocol
- advising the Council on the adoption or revision of any Code of Conduct for Councillors and co-opted members including training or arranging for training to be provided

The Committee shall also be responsible for considering the following matters:-

- 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 for the assistance of members and employees on the registration of interests, gifts and hospitality
- the Council's Code of Conduct for employees
- any protocol to guide members and officers in their relations with one another
- guidelines on standards of conduct required of agents and contractors acting for and on behalf of the Council
- the Council's customer care and complaints policies
- the annual report of the Scottish Public Services Ombudsman
- any report by the Scottish Public Services Ombudsman of mal-administration against the Council
- the annual report of the Scottish Information Commissioner on the Freedom of Information (Scotland) Act 2002
- an annual report on the performance of the Council under the Freedom of Information (Scotland) Act 2002
- an annual report on the performance of the Council under data protection legislation
- any report or recommendation made by Scottish Ministers or the Standards Commission for Scotland in respect of any breach of the Councillors' Code of Conduct, but excluding any report made by the Standards Commission in respect of a member of Fife Council, which reports shall be referred to the full Council in terms of the relevant legislation.

Audit and Risk Management

- to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes
- reviewing with management the adequacy and effectiveness of the following matters:-
 - internal control environment
 - policies and practices to ensure compliance with relevant statutes, directions, guidance and policies
 - financial information presented to the Council
 - risk management arrangements and procedures
 - arrangements for delivering value for money (best value)
 - anti-fraud arrangements
 - anti-corruption arrangements including the Council's whistle-blowing strategy.
- reviewing with management the Council's financial statements, external audit opinion and report to members, management letters or reports and compliance with codes of corporate governance
- reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations
- reviewing the authority's assurance statements, including the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the authority's objectives
- ensuring that the internal audit and risk management division has adequate skills and resources to provide an effective internal audit and risk management function
- supporting the Chief Audit Executive, enabling them to carry out their role effectively, ensuring the effectiveness of the internal audit process
- promoting the effective use of internal audit within the assurance framework
- ensuring internal audit and risk management have appropriate standing within the Council
- reviewing the activities of the internal audit and risk management function including approving its overall strategy and annual work programme, and reviewing the annual report against agreed actions
- supporting effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encouraging the active promotion of the value of the audit process
- considering the reports and recommendations of internal audit, external audit and inspection agencies and their implications for governance, risk management or control and monitoring management action in response to the issues raised

- reporting regularly on their work and at least annually reporting an assessment of their performance
- the consideration of the unaudited annual accounts of the Council (excluding those of the Pension Fund) as made up at the end of the financial year and approval of the audited accounts (excluding those of the Pension Fund from 2020 onwards) for signature together with the external auditor's annual report on the accounts; (subject to other elected members who are not members of the Committee being given an opportunity to attend the Committee and provide further input).

Scrutiny

- The Committee shall also scrutinise and investigate any particular matter referred to the committee by any member of the Council relating to audit and risk or standards issues and which the Committee consider requires further examination. The Committee shall also have the option of referring matters not within its remit to the relevant Scrutiny Committee.

Standards and Audit Committee membership

The Committee will comprise 10 members, based on political balance calculated as above, but including, where possible, the Convener of the Superannuation Fund and Pensions Committee.

Scrutiny Committees

1. The Council will appoint two Scrutiny Committees with the following titles:-
 - (a) Education and Children's Services, Health and Social Care
 - (b) Environment, Finance and Communities
2. The two Scrutiny Committees will have responsibility for scrutiny of the following areas:-

Education and Children's Services, Health and Social Care

- Education and Children's Services
- Health and Social Care

Environment, Finance, and Communities

- Finance and Corporate Services
- Communities
- Fife Sports and Leisure Trust
- Fife Coast and Countryside Trust
- Fife Golf Trust
- Fife Cultural Trust
- Enterprise and Environment

3. The Scrutiny Committees will undertake the following functions, insofar as these lie outwith the remit of the Standards and Audit Committee:-
 - monitor overall performance results and undertake specific scrutiny to highlight improvement areas
 - commission reviews
 - consider matters remitted to them by the Council or other Committees
 - scrutinise and, in doing so, review, decisions of the Policy and Co-ordination Committee and its Sub-Committees, called in by at least seven elected members in line with Standing Orders.
4. The Scrutiny Committees will have the following powers:-
 - 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;
 - to require the Strategic Convener 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;
 - to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice;
 - to submit comments and recommendations to the Council.
5. The Scrutiny Committees will submit a report on their activities to the Council periodically.

6. When the Education and Children's Services, Health and Social Care Scrutiny Committee meets to advise the Council on the discharge of its education functions, its voting membership shall also comprise three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973 subject to the restrictions on voting during the call in process set out in Standing Orders.
7. Where members of the relevant Scrutiny Committee are also members of the relevant Committee or Sub-committee, they shall not be entitled to vote on the Scrutiny Committee when it considers the subject matter called in.

Membership

The Committees will each comprise 15 members, based on political balance calculated as above.

7.0 Regulatory Committees and Boards

Planning Committees (Central and West and North East Fife)

There shall be two Planning Committees for the North East, and Central and West parts of Fife. Their boundaries shall be those of North East Fife Area; and Levenmouth, Kirkcaldy, Glenrothes, Cowdenbeath, Dunfermline and South and West Fife Areas respectively.

The Convener of North East Fife Area Committee shall be the Convener of North East Planning Committee. The Conveners of the remaining Area Committees shall, if possible, be members of the Planning Committee for their Area. One of the Area Conveners shall normally be the Convener of the Central and West Planning Committee. Both Planning Committees shall nominate their own Vice-Conveners if required.

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) which are to be determined by the full Council
- determining all planning and other development applications which can be determined by a Committee
- responding on behalf of the Council to all planning and other development applications of whatever nature lodged with other planning authorities which have an impact on Fife
- planning enforcement matters, reports and the serving of notices insofar as not delegated.

Where any application has an impact beyond the geographical boundary of a single Planning Committee, the Proper Officer shall determine (in consultation with the Executive Director (Enterprise and Environment) and the relevant Convener(s)), which Committee should determine the application. Normally, this will be the Committee within which all or the majority of an application site is located. Provision shall be made, as necessary, for the views of other Committees to be sought.

Planning Committee membership

The North East Planning Committee will consist of all members of North East Fife Area.

The Central and West Planning Committee will comprise 15 members, based on political balance within the constituent areas calculated as above.

Fife Planning Review Body

Terms of Reference

Where an applicant requires it:-

- 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.
- to uphold, reverse or vary any determination by virtue of the preceding paragraph.

The 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 Vice-Convener. Normally, a meeting of the Review Body will consist of 5 members. The quorum shall be 3.

Community Empowerment Act Review Committee

To review, in line with the provisions of the Community Empowerment Act 2015, refusals of asset transfer requests by the Assets and Corporate Services Committee. Normally, a meeting of the Review Committee will consist of 5 members. The quorum shall be 3.

The Committee will comprise the same membership as the Fife Planning Review Body.

Regulation and Licensing Committee

Terms of Reference

The terms of reference and functions of the Regulation and Licensing Committee are to deal with the following matters:-

- the Council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982 including:-
 - the grant, suspension or cancellation of licences
 - the holding of statutory hearings and appeals
 - the development, maintenance and review of policy
- the Council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982, including:-
 - the determination of applications for street parades and processions but only in those cases where a written objection has been submitted to the Council. To make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982.
- the Council's functions as statutory licensing authority under the Housing (Scotland) Act 2006 including:-

- the grant, suspension or cancellation of licences
- the holding of statutory hearings and appeals
- the determination of all other licensing matters except where these are delegated to officers
- the consideration of police reports which may lead to suspension of a licence.

Scrutiny and Performance Review

The Committee shall be responsible for the scrutiny and review of performance of the functions remitted to it.

Membership

The Committee will comprise 15 members, based on political balance calculated as above.

Fife Licensing Board

In terms of the Licensing (Scotland) Act 2005, the Council has appointed a Licensing Board for Fife as an independent regulatory body. 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 ten members reflecting the political balance of the Council.

Rates Appeal Committee

Terms of Reference

To consider, and determine, (a) appeals from ratepayers against rates claimed from them on the ground 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.

The Committee will comprise 7 members, based on political balance calculated as above.

8.0 Other Committees

Superannuation Fund and Pensions Committee (9 members)

Terms of Reference

The remit of the Superannuation Fund and Pensions Committee shall be:-

- to arrange for the supervision of the management and administration of the investments of the Superannuation Fund and to make decisions in regard to the appointment of fund managers in that regard
- 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 effect of "strains on the fund" costs as defined in the Accounts Commission's report "Bye Now, Pay Later"
 - 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 Superannuation Fund under the Superannuation 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 thereto
 - best value/service efficiency reviews in regard to areas within its remit
 - review of contribution rates and admission of new employees to the Fife Council Superannuation Scheme.

Audit and Risk Management

- to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes in relation to the Fife Pension Fund.
- reviewing with management the adequacy and effectiveness of the following matters:-
 - internal control environment
 - policies and practices to ensure compliance with relevant statutes, directions, guidance and policies
 - financial information presented to the Council
 - risk management arrangements and procedures
 - arrangements for delivering value for money (best value)
 - anti-fraud arrangements
 - anti-corruption arrangements including the Council's whistle-blowing strategy.
- reviewing with management Fife Pension Fund's financial statements, external audit opinion and report to members, management letters or reports and compliance with codes of corporate governance

- reviewing the risk profile of the Fund and assurances that action is being taken on risk-related issues, including partnerships with other organisations
- reviewing the Fund's assurance statements, including the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it and demonstrate how governance supports the achievements of the authority's objectives
- promoting the effective use of internal audit within the assurance framework
- reviewing the overall strategy and annual work programme in relation to the Fund and reviewing the annual report against agreed actions
- considering the reports and recommendations of internal audit, external audit and inspection agencies and their implications for governance, risk management or control and monitoring management action in response to the issues raised
- the consideration of the unaudited annual accounts of the Fife Pension Fund as made up at the end of the financial year and approval of the audited accounts for signature together with the external auditor's annual report on the accounts; (subject to other elected members who are not members of the committee being given an opportunity to attend the committee and provide further input).

9.0 Partnership and Statutory Boards

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 Co-Leaders of the Administration and the Leader of the Opposition.

Community Safety Partnership

The Community Safety Partnership shall include in its membership 7 elected members based on political balance and shall report on a regular basis to the Community and Housing Services Committee.

Its remit shall include:-

- assessment of the adequacy and effectiveness of the Making Fife's Communities Safer strategy in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the strategy
- making recommendations on any aspects of the Making Fife's Communities Safer strategy
- scrutiny and oversight of Fife Council community safety services, including Criminal Justice Services
- scrutiny and oversight of the Reducing Offending and Reoffending Group as required under the Community Justice (Scotland) Act 2016, including the oversight and agreement of allocated Social Work (Scotland) Act 1968 section 27 funding, and any other funding available for the purposes of local community justice provision;
- consideration of statistical reports on complaints about safer communities in Fife
- responding to any consultation documents pertaining to safer communities
- scrutiny and oversight of the work of the Chief Officers Public Safety Group.

Integrated Joint Board

The Council at its meeting on 19th February 2015, approved the Joint Health and Social Care Integration Scheme for Fife, and appoints eight members to the Board, on the basis of political balance.

Pensions Board

The Council has appointed a Pensions 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 one each from the scheduled and admitted bodies.

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.

10.0 Membership and Remits of Sub-Committees

Policy and Co-ordination Committee

1. Appeals Sub-Committee (6 members)

Terms of Reference

(The Sub-Committee shall be drawn from a panel comprising twenty-four elected members.)

- except as otherwise provided for in this Scheme of Committee Powers 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 the Council).

2. Appointments Sub-Committee

(9 members in the case of the Chief Executive, 8 members in the case of first tier posts and 4 members in the case of second tier posts and all other Chief Officers)

(The Sub-Committee shall be drawn from a panel comprising twenty-four elected members.)

The appropriate Committee Convener for the relevant subject area 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.

3. Investigating Committee (4 members)

Terms of Reference

- to investigate and make recommendations on any matter requiring investigation in terms of the Scottish Joint Negotiating Committee for Local Authorities Services Disciplinary Procedure for Chief Executives.

4. Emergency Sub-Committee

(4 members comprising the Provost, Co-Leaders of the Administration 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.

5. Common Good and Trusts Investment Sub-Committee

(9 members, the membership to be the same as that of the Superannuation Fund and 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 in regard to the appointment of fund managers in that regard.

Education and Children's Services Sub-Committees

1. Education Appeal Committee (5 members)

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 seventeen members of the Council 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.

2. Education Appointment Committees (6 members)

Note - The Council members of the Education Appointment Committees will be drawn from the same panel as the Education Appeal Committee, i.e. comprising seventeen members of the Council (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 Children's Services) and two nominees of the parent council of the school); and

The Appointment Committee for posts of Depute Headteacher 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 and Children's Services) for appointment in terms of the Parental Involvement Act 2006.

Community and Housing Services Sub-Committee

1. Housing Homeless Appeals Sub-Committee (4 members)

Members of the Housing Homeless Appeals Sub-Committee shall comprise four members of the Council.

Terms of Reference

- to consider appeals on the grounds of omission, mal-administration, failure to comply with Council policy or statutory obligations (homeless or threatened with homelessness, priority need, intentionality or local connection).

11.0 Explanatory Notes

Functions of Committees

Committees shall be responsible for the matters remitted to them under the terms of reference assigned to them in this List of Committee Powers.

Committees are authorised to act fully on behalf of the Council in relation to matters remitted to them without prejudice to their right to remit matters to the full Council for determination. 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.

In acting in relation to matters remitted to them, Committees shall seek to secure Best Value and continuous improvement and shall maintain an appropriate balance among (a) the quality of its performance of its functions; (b) the cost to the authority of that performance; and (c) the cost to persons of any service provided wholly or partly on a rechargeable basis. In striking that balance, the Committee shall have regard to efficiency, effectiveness, economy and the need to meet equal opportunity requirements. Committees shall perform their functions in a way which contributes to the achievement of sustainable development.

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. Committees may not incur expenditure which cannot be met from such amounts as may be allocated to them.

Where there is doubt as to which Committee or Sub-Committee should consider any matter, the Proper Officer, in consultation with the appropriate Head of Service, shall determine the issue and refer the matter to the appropriate committee or sub-committee having regard to this List of Committee Powers.

In order that members can identify which items in the minutes are subject to the approval of the Council or another Committee, as the case may be, minuted decisions will be marked as follows:-

C = subject to approval of the Council

S = subject to approval of the Strategic Committee or any other Sub-committee

Members are entitled to serve on Committees as approved by the Council.

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 all other Committees is based on overall party political balance as determined by the Council.

Members may take up seats on Committees, including Area Committees, after the first Council meeting occurring after the date of their election to the Council.

Members are entitled to change Committees within the group allocations having first notified, by noon on the working day before the meeting, the Proper Officer.

Political Groups shall be entitled (but not obliged) to nominate one substitute for the Policy & Co-ordination Committee, each Policy & Co-ordination Sub-Committee and Scrutiny Committees who shall, no later than noon on the working day before the relevant meeting, be entitled to act as a substitute for that single meeting of the Committee for any member of that Group who is a member of that Committee.

The Council has responsibility for the appointment of Conveners and Vice-Conveners of Committees (other than Area Committees) and the following Sub-Committees:

- Education & Children's Services Sub-Committee
- Environment and Protective Services Sub-Committee
- Economy, Tourism, Strategic Planning and Transportation Sub-Committee
- Assets and Corporate Services Sub-Committee
- Community and Housing Services Sub-Committee

All other Sub-Committees have responsibility for the appointment of Conveners and Vice-Conveners. Conveners and Vice-Conveners of Area Committees shall be appointed by the Area Committee.

The Council Leaders and the appropriate strategic Spokespersons shall be entitled to attend Area Committees in a non-voting capacity but with the right to speak in relation to items within their portfolio where they are not otherwise a member of the Committee.

Co-option of Members to Committees

All Committees may recommend to the 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.

Co-opted members shall be non-voting unless otherwise specifically provided for in this Scheme.

Prior to accepting membership of a Committee, co-opted members shall be bound by the Councillors' Code of Conduct.

Committees may appoint non-voting observers or advisers to them and may determine the terms of such appointments, including whether such persons can remain in the committee room to discuss confidential items and whether they should be bound by the Councillors' Code of Conduct.

Commencement and Review

This version of the List of Committee Powers will come into force on 12th November 2020 and shall function as the Council's Scheme of Administration, replacing all previous documents of either name.

The List of Committee Powers will be kept under review at least once during every Council term and proposed amendments submitted for consideration by the Council, as appropriate.

Allocation of Committee seats on basis of political balance

Committee	SNP	Labour	Conser- vative	Liberal Democrats	Independ- ent	Total
Policy and Co-ordination Committee	8	6	4	2	1	21
Education and Children's Services Sub-committee	6	5	3	1	0	15
Environment and Protective Services Sub-committee	6	5	3	1	0	15
Economy, Tourism, Planning and Transportation Sub-committee	6	5	3	1	0	15
Assets and Corporate Services Sub-committee	6	5	3	1	0	15
Community and Housing Services Sub-committee	6	5	3	1	0	15
Standards and Audit Committee	4	3	2	1	0	10
Education and Children's Services, Health and Social Care Scrutiny Committee	6	5	3	1	0	15
Environment, Finance and Communities Scrutiny Committee	6	5	3	1	0	15
Regulation and Licensing Committee	6	5	3	1	0	15
Fife Licensing Board Committee	4	3	2	1	0	10
Fife Planning Review Body Committee	4	3	2	1	0	10
Community Empowerment Act Review Committee	4	3	2	1	0	10
Rates Appeal Committee	3	2	1	1	0	7
Superannuation Fund and Pensions Committee	3	3	2	1	0	9

Community Safety Partnership	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
	3	2	1	1	0	7

Allocation of Committee seats on geographic basis

Area Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
North East Fife	5	1	3	6	1	16
Levenmouth	4	3	1	0	0	8
Glenrothes	6	3	1	0	0	10
Kirkcaldy	4	6	2	0	0	12
Cowdenbeath	3	4	1	0	0	8
Dunfermline	4	4	2	1	0	11
South and West Fife	3	2	4	0	1	10

Planning Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
North East Fife	5	1	3	6	1	16
Central and West	6	6	3	0	0	15

Allocation of Sub-Committees on basis of political balance

Sub-Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
Appeals (Panel)	9	7	5	2	1	24
Appointments (Panel)	9	7	5	2	1	24
Education Appointments (Panel)	7	5	3	2	0	17
Education Appeal (Panel)	7	5	3	2	0	17
Investigating	2	1	1	0	0	4
Common Good and Trusts Investment Sub-Committee	3	3	2	1	0	9
Housing Homeless	2	1	1	0	0	4

Note

Allocation of Seats on Appointments and Appeals Sub-Committees

The membership for individual meetings of each of the Appointments Sub-Committee and the Appeals Sub-Committee will be drawn from a panel of 24 members based on party political balance as indicated above.

West Area Common Good Sub-Committee

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

2 SNP, 2 Labour, 1 Conservative and 1 Liberal Democrat.

Common Good and Trusts Investment Sub-Committee

Membership to be the same as Superannuation Fund and Pensions Committee.