Item 4

12th December 2024

Glasgow City Council

Report by: Mairi Millar, Director of Legal and Administration

Contact: Deborah Henderson, Head of Legal and Democratic Services Ext: 75895

PROPOSED CHANGES TO THE SCHEME OF DELEGATED FUNCTIONS

Purpose of Report:

To submit for approval the Scheme of Delegated Functions.

Recommendations:

It is recommended that the Council approves the proposed changes to the Scheme of Delegated Functions as detailed in this report.

Ward No(s):	Citywide: ✓
Local member(s) advised: Yes ☐ No ☐	consulted: Yes ☐ No x☐

1. Introduction

The attached Scheme of Delegated Functions are submitted for approval. The existing Scheme of Delegated Functions have been amended to take account of revised management structures and changes in legislation as well as some minor clarifications. The amendments are as follows:-

Existing Delegation	Reason for amendment	Proposed Amendment
Page 9 **General** **No. 12** *"12 To declare land or property surplus to the requirements of his/her department and, following consultation with local members, to refer such land or property to the Director of City Development for appropriate action relating to the future use or disposal of that land or property."*	Delete *"Director of City Development"* and replace with *"Director of Service Delivery"* to reflect update to the officer job title.	**Page 9** **General** **No. 12** *"12 To declare land or property surplus to the requirements of his/her department and, following consultation with local members, to refer such land or property to the Director of Service Delivery for appropriate action relating to the future use or disposal of that land or property."*
Page 16 **Chief Executive** **No. 47** *"47 To approve, in consultation with the appropriate Area Partnership chair, grant awards from the Integrated Grant Fund Area Budget up to a maximum of £500, subject to the application fitting with local priorities as determined by the Area Partnership and to reporting such awards to the first available meeting of the Area Partnership."*	Delete *"Integrated Grant Fund"* to reflect the fact that this fund is no longer in use.	**Page 16** **Chief Executive** **No. 47** *"47 To approve, in consultation with the appropriate Area Partnership chair, grant awards from the Area Budget up to a maximum of £500, subject to the application fitting with local priorities as determined by the Area Partnership and to reporting such awards to the first available meeting of the Area Partnership."*
Page 24 **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)** *"44. In terms of the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning (Hazardous Substances) (Scotland) Act 1997 and associated legislation:-* *(a) to grant unconditionally, or subject to conditions, applications for planning permission; for planning*	Delete *"for reserved matters"* because this refers to types of 'outline' planning applications that have been replaced by *"matters specified in conditions"* which the delegation covers.	**Page 24** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)** *"44. In terms of the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning (Hazardous Substances) (Scotland) Act 1997 and associated legislation:-* *(a) to grant unconditionally, or subject to conditions, applications for planning permission; for planning*

permission in principle; for matters specified in conditions; for listed building and conservation area consent; for reserved matters; for amendments and other consents, including material and non- material variations; for advertisement consent; for discharge, amendment or deletion of conditions including those imposed by committee; for certificates of lawfulness; for hazardous substances consent; for notice of intent to develop by Government departments and for certificates of appropriate alternative development, unless"		*permission in principle; for matters specified in conditions; for listed building and conservation area consent; for amendments and other consents, including material and non- material variations; for advertisement consent; for discharge, amendment or deletion of conditions including those imposed by committee; for certificates of lawfulness; for hazardous substances consent; for notice of intent to develop by Government departments and for certificates of appropriate alternative development, unless"*
<u>Page 24</u> **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)(i)** *"(i) the planning application is, in terms of the planning hierarchy, a national planning application or a major planning application significantly contrary to the development plan; or"*	Update delegation to refer to *"a national or a major planning application"* to ensure national and major applications are treated the same following the NPF4 recently promoting all major applications within 500 metres of the Clyde to national status.	**<u>Page 24</u>** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)(i)** *"(i) the planning application is, in terms of the planning hierarchy, a national or a major planning application significantly contrary to the development plan; or"*
<u>Page 24</u> **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)(iv)** *"(iv) there is a material contravention of the Council's policies; or"*	Delete paragraph (a)(iv) entirely because the point is covered in paragraph (a)(i).	**<u>Page 24</u>** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (a)(iv)** ~~*"(iv) there is a material contravention of the Council's policies; or"*~~
<u>Page 25</u> **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (b)(i)** *"(b) to refuse applications as detailed in (a) above where there is a material breach of the development plan, unless* *(i) the application is, in terms of the planning hierarchy, a national planning application or major planning application significantly contrary to the development plan; or* *(ii) there are material representations of support for the proposals received in writing by the end of*	Delete paragraph (b)(i) entirely to reflect the amendments made to the hierarchy of planning applications referred to in paragraph (a)(i).	**<u>Page 25</u>** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (b)(i)** *"(b) to refuse applications as detailed in (a) above where there is a material breach of the development plan, unless there are material representations of support for the proposals received in writing by the end of the overall expiry date from one or more Councillors to a national or major application, from 2 or more Councillors or the local community council to any other type of application, or from 6 or more third parties to any type of application;"*

the overall expiry date from one or more Councillors to a national or major application, from 2 or more Councillors or the local community council to any other type of application, or from 6 or more third parties to any type of application;"		
Page 25 **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (d)** *"(d)to respond on behalf of the Council where the Council's observations have been sought in respect of developments of adjoining planning authorities;"*	Insert reference to *"the Energy Consents Unit"* to cover circumstances whereby the Scottish Government's Energy Consents Unit seeks the Council's observations in relation to planning applications.	**Page 25** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (d)** *"(d) to respond on behalf of the Council where the Council's observations have been sought in respect of developments of adjoining planning authorities or by the Energy Consents Unit;"*
Page 25 **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (j)** *"(j) to revoke permission for applications approved under delegated powers;"*	Insert *"promote an order to"* ahead of *"revoke permission"* to update the delegation with accurate procedural terminology for the revocation of planning applications.	**Page 25** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (j)** *"(j) to promote an order to revoke permission for applications approved under delegated powers;"*
Page 26 **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (o)** *"(o) to respond to prior notifications for agricultural development and demolition and as otherwise required;"*	Insert reference to "*prior approvals"* and delete reference to the types of notifications listed *"agricultural development and demolition"* to allow the delegation to cover the full scope of notifications and approvals received for planning applications.	**Page 26** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 44 (o)** *"(o) to respond to prior notifications and prior approvals as otherwise required;"*
Page 26 **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 50** *"50 To approve planning grants to voluntary organisations up to a value of £20,000."*	Increase threshold value for planning grants that can be approved by the Executive Director of NRS to voluntary organisations from *"up to a value of £20,000"* to *"up to a value of £50,000"* in line with other grant thresholds set out in the scheme.	**Page 26** **Executive Director of Neighbourhoods, Regeneration and Sustainability** **No. 50** *"50 To approve planning grants to voluntary organisations up to a value of £50,000."*

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Appendix – List of officers by whom delegated powers are exercisable

Chief Executive

<table>
<tr><td>No 3</td><td>Director of Legal and Administration
Head of Legal and Democratic Services
Executive Legal Manager
Contract Review and Service Reform Manager
Legal Manager</td></tr>
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<td>Allow the “Head of Information and Data Protection Officer”, as a senior legal officer, to act as a proper officer of the Council as detailed in paragraph 3 of the delegations to the Chief Executive.</td>
<td><u>Page 30</u>

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2. Policy and Resource Implications

Resource Implications: N/A

Financial: N/A

Legal: N/A

Personnel: N/A

Procurement:

Council Strategic Plan: N/A

Equality and Socio-Economic Impacts: N/A

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. N/A

What are the potential equality impacts as a result of this report? N/A

Please highlight if the policy/proposal will help address socio-economic disadvantage. N/A

Climate Impacts: N/A

Does the proposal support any Climate Plan actions? Please specify: N/A

What are the potential climate impacts as a result of this proposal? N/A

Will the proposal contribute to N/A

Glasgow's net zero carbon target?

Privacy and Data Protection Impacts: N/A

Are there any potential data protection impacts as a result of this report Y/N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out.

3. Recommendations

It is recommended that the Council approves the proposed changes to the Scheme of Delegated Functions as detailed in this report.