

**REVIEW OF EAST LoTHIAN COUNCIL'S STANDING ORDERS  
AUGUST 2013**

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## REVIEW OF STANDING ORDERS BRIEFING NOTE

In undertaking the review of Standing Orders and the associated appendices, a number of structural changes have been made.

To assist readers, the key to the revised Standing Orders is as follows:

Text in **black** indicates no or very minor changes to an existing Standing Order

Text in **blue** indicates a significant change to the wording of an existing Standing Order

Text in **green** indicates a new Standing Order

Text in **peach** indicates changes proposed by the Administration

Text in **lilac** indicates changes proposed by the Opposition

Text in **red** indicates a reference to another Standing Order and is marked as such for administrative purposes only (the text will be black in the finalised published version)



## Application of Standing Orders

These Standing Orders will replace any Standing Orders we have previously approved and will take effect from [28 August 2013](#).

These Standing Orders are subject to the provisions of the Acts outlined below, and any other relevant Acts, and may be varied or revoked by the Council in accordance with Standing Order 13.2:

1973 Act	The Local Government (Scotland) Act 1973
1989 Act	The Local Government and Housing Act 1989
1994 Act	The Local Government etc. (Scotland) Act 1994



# EAST LoTHIAN COUNCIL STANDING ORDERS

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## **1 FIRST MEETING OF THE COUNCIL FOLLOWING AN ELECTION**

### **1.1 Convening the Meeting**

In an election year, the Council will hold its first meeting within 21 days from the date of the election. The Chief Executive will set the date and time of this first meeting.

### **1.2 Mandatory Items of Business**

Until the Provost is elected the Returning Officer will chair the meeting.

At this meeting the Council will:

- i. Receive notice of election of Councillors, noting which Councillors have signed the declaration of acceptance of office
- ii. Appoint the Provost, Depute Provost, Leader and Depute Leader of the Council
- iii. Receive notice of the appointments of Leaders of Minority Groups
- iv. Appoint the Cabinet, other Committees and Sub-Committees of the Council and their respective Conveners and Depute Conveners
- v. Appoint portfolio holders
- vi. Appoint representatives to any Joint Boards, Associated Committees and the various other outside bodies the Council is represented on, **provided these appointments can be reasonably made at that meeting and it is considered appropriate to make appointments at that time**
- vii. Set the allowances of the Provost, Depute Provost, Conveners and Vice-Conveners of Committees and other Members in accordance with the relevant statutory provisions and guidance from the Scottish Government
- viii. Appoint the Licensing Board in terms of the Licensing (Scotland) Act 2005
- ix. Deal with any other statutory or urgent competent business

## **2 COUNCILLOR APPOINTMENTS AND REMOVAL FROM OFFICE**

### **2.1 Appointment of Councillors to Office**

- i. When appointing Councillors to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote (see **Standing Order 10**).

- ii. It will not be competent for a Councillor to move or second his/her own election or appointment either as Provost, Depute Provost, Leader or Depute Leader of the Council, or as Convener or Depute Convener of a Committee of the Council.
- iii. Where there is one vacancy and one candidate has an absolute majority of the votes cast, that candidate will be appointed. If no candidate has an absolute majority the candidate with the fewest votes will be eliminated and another vote taken. This process of elimination will continue until one candidate has an absolute majority.
- iv. Where there is an equal number of votes for the candidates with the fewest number of votes, there will be an additional vote to decide which candidate to eliminate. If there are an equal number of votes in the additional vote between two candidates, the elimination will be decided by drawing lots.
- v. Where there is one vacancy and an equal number of votes between two candidates, the appointment will be decided by drawing lots.
- vi. Where there is more than one vacancy, the candidate with the lowest vote will be eliminated and another vote taken. This process of elimination will continue until there are an equal number of candidates to the number of vacancies.

## 2.2 Duration of Appointments

Unless a Councillor resigns from any appointment or is removed by the Council, each of the appointments referred to in **Standing Order 1.2** will stand until the next Council election.

## 2.3 Removing the Provost, Committee Conveners and Committee Members

- i. The Council may remove the Provost, Depute Provost, Leader, Depute Leader, any Convener or Depute Convener of a committee or any member of a committee (this includes appointed members and added members).
- ii. Any motion for removing the Provost, Depute Provost, Leader, Depute Leader, Convener, Depute Convener or any member of a committee may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put.

### **3 COMMITTEES AND SUB-COMMITTEES**

#### **3.1 Committees**

- i. Subject to any statutory provision, the Council may at any time appoint committees to help carry out its functions. The powers and duties of these committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders). In the event that any new committees are appointed, the Council shall determine the membership of those committees and shall ensure that political balance is achieved. This Standing Order should be read in conjunction with the Scheme of Administration.
- ii. The Council may amend the committee structure at any time.
- iii. The Provost's powers in Council meetings will apply to the Convener (or Deputy Convener) of a committee for meetings of that committee and to any member of a committee chairing a committee in the absence of the Convener and Deputy Convener for meetings of that committee.

#### **3.2 Sub-Committees**

The Council may establish any sub-committee of its committees, their remits, delegated powers and number of members, and appoint the conveners and members of these sub-committees. The powers and duties of these sub-committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

#### **3.3 Associated Committees**

The Council may establish any associated committee, their remit, delegated powers and number of members, and appoint the conveners and members of these associated committees. The powers and duties of these associated committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

#### **3.4 Members' Library Service**

The Chief Executive will maintain a Members' Library Service, which will contain:

- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation, or
- (b) background papers linked to specific committee reports, or
- (c) items considered to be of general interest to Councillors.

A summary of all papers lodged in the Members' Library will be presented at the next ordinary meeting of the Council for recording into the proceedings of the Council. Reports to the Members' Library will be made available to the

public except where they contain exempt or confidential information as defined in Schedule 7A of the 1973 Act or Section 50A of the 1973 Act.

## **4 ORDINARY AND SPECIAL MEETINGS OF THE COUNCIL AND COMMITTEES**

### **4.1 Ordinary Meetings**

Ordinary meetings of the Council and its committees will be held according to the schedule agreed by the Council, unless the Council agrees otherwise.

At an ordinary meeting of the Council or a committee no business will be transacted other than:

- i. business required by statute to be transacted at that meeting
- ii. business specified in the Notice of Meeting (see **Standing Order 4.3**)
- iii. any other business considered as a matter of urgency in terms of Section 50B(4)(b) of the 1973 Act and **Standing Order 5.2**.

### **4.2 Additional Meetings**

An additional meeting of the Council or a committee may be called to deal with urgent business:

- i. at any time by the Chief Executive, in consultation with the Convener; or
- ii. by a written request signed by at least 6 Councillors. The additional meeting will be held within 14 days of receipt of the request by the Chief Executive.

The agenda for an additional meeting will be limited to that item/those items of business specified.

### **4.3 Notice of Meetings to Members of the Council and Committees**

- i. At least three clear working days before a meeting of the Council or any committee, notice of the time and place of the meeting will be published. As a matter of practice, seven days notice of meetings will normally be given.
- ii. Where the meeting is called by Councillors in terms of **Standing Order 4.2(ii)**, the notice will include a copy of the request signed by them and will specify the business to be discussed at the meeting.
- iii. The meeting agenda and accompanying papers will be delivered to every Councillor at his/her usual place of residence or their preferred

address. If a notice of meeting is not received by any Councillor, the meeting will still be valid.

- iv. All Councillors will have access to all committee papers, including those containing exempt and confidential information (as defined in Standing Order 5.4).

#### **4.4 Notice of Meetings to the Press and Public**

- i. Copies of the items set out in the Notice of Meeting will be made available on the Council website ([www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)).
- ii. Reports containing exempt or confidential information (as defined in Standing Order 5.4) will not be made available to the press or public.

#### **4.5 Postponing, Continuing and Cancelling Meetings**

- i. In consultation with the Convener, the Chief Executive may postpone any meeting to another day or time.
- ii. Any motion to continue a meeting which has already started to another day or time must be seconded before being put to the vote.
- iii. Where a sub-committee meeting is continued, no member should attend who did not attend the original meeting (see also Standing Order 6.4)
- iv. Scheduled meetings may be cancelled where there is no business to be discussed or with the agreement of the Chief Executive, in consultation with the Convener.

## **5 MEETING AGENDAS**

### **5.1 Order of Business**

- i. The order of business for a Council or committee meeting will be agreed by the Chief Executive and Convener. Any changes to the order of business will be announced by the Convener at the beginning of the meeting. Items containing exempt or confidential information will normally be discussed following public items.
- ii. Unless determined otherwise by the Chief Executive, only business requiring a decision will be specified on the agenda.
- iii. The Convener may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters, unless determined otherwise by the Convener.

## 5.2 Urgent Business

If three clear working days notice are not given for an item of business, it may be dealt with at the meeting as urgent business if:

- i. it is made known at the start of the meeting; and
- ii. the Convener rules that there are reasons why it is urgent and states those reasons.

## 5.3 Written Motions to Council

- i. Written motions intended for inclusion on the agenda for a meeting of the Council will be signed by the Councillor submitting the motion and countersigned by at least one other Councillor. All such notices should be submitted to the Clerk eight clear working days in advance of the meeting date. If this deadline is missed, the motion will not be included on the agenda. Motions will be included on the agenda for the meeting in the order in which they are received.
- ii. Every motion must contain an instruction to Council and be relevant to matters within the Council's powers and duties or involve an issue that will affect East Lothian or a matter of social and political concern.
- iii. Motions may not contain offensive or abusive language and may not contain argument. The Chief Executive, in consultation with other Council officers, may refuse to accept any motion that fails to meet these requirements.
- iv. Every written motion received will be subject to checks to determine their competency, which will include:
  - (a) whether they have been submitted in accordance with Standing Order 5.3(i);
  - (b) the purpose of the motion is within the powers of the Council;
  - (c) the motion is lawful; and
  - (d) whether the purpose of the motion seeks to directly rescind a decision made by the Council within the previous six months (in which case approval of two-thirds of Councillors present and entitled to vote would be required).

## 5.4 Exempt and Confidential Information

- i. Agendas and reports containing exempt information (exempt items) will contain a declaration that the report is 'Not for publication' because it contains exempt information as defined in Schedule 7A of the 1973 Act.
- ii. The press and public will not be admitted during the discussion of exempt items. This Standing Order will not apply to any Councillor.

- iii. If a question arises at a Council or committee meeting where the press or public is present as to (a) the appointment, promotion, salary or conditions of service, or (b) as to the dismissal, conduct, character or reputation of any person(s) employed by the Council, or (c) confidential information as defined in Section 50A of the 1973 Act, it will be considered by the Council or committee in private.

## **6 GENERAL OPERATION OF COUNCIL AND COMMITTEE MEETINGS**

### **6.1 Chairing Meetings**

- i. The Provost, if present, will be the Convener of Council meetings. If the Provost is not present, the Depute Provost will chair the meeting. If neither the Provost nor the Depute Provost is present, the Councillors present will decide who will chair the meeting by means of a simple majority vote.
- ii. The Convener, if present, will chair committee/sub-committee meetings. If the Convener is not present, the Depute Convener will chair the meeting. If neither the Convener nor the Depute Convener is present, the Councillors present will decide who will chair the meeting by means of a simple majority vote.
- iii. If a Convener is required to vacate the chair due to a declaration of interest, the Depute Convener will assume the chair. If the Depute Convener is not present, the Councillors present will decide who will assume the chair by means of a simple majority vote.

### **6.2 Quorum**

- i. No business will be carried out at a meeting unless a quorum of Councillors is present. A quorum is the minimum number of Council/committee members who must be present before the meeting can take place and make valid decisions.
- ii. The quorum of the Council, committees and sub-committees will be detailed in the Council's Scheme of Administration (see Appendix 1).
- iii. If 10 minutes after the time appointed for a meeting the quorum has not been met, the Convener will postpone the meeting until a date and time determined at the time or afterwards. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
- iv. Decisions taken during any part of the meeting where there was a quorum present are valid.

### 6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology.
- ii. All Councillors will have the right to attend meetings of any committee of which they are not members and to make a statement on any matter under consideration, but only committee members will be entitled to vote.

### 6.4 Substitute Members

- i. In respect only of sub-committees of the Council, all members of sub-committees may appoint any other member of the Council as a substitute member to act on their behalf at any meeting which they are unable to attend. This Standing Order should be read in conjunction with Standing Order 4.5(iii).
- ii. Where a member of a sub-committee is unable to attend a meeting and has appointed a substitute, they will advise the Clerk in advance of the name of the Councillor who will act as substitute.

### 6.5 Failure to Attend Meetings

- i. If a Councillor is not able to attend a meeting, he/she should inform the Clerk to the Council or committee in advance of the meeting. The Clerk will advise the meeting of apologies intimated prior to the commencement of business. Only those apologies will be recorded in the minutes.
- ii. If a Councillor fails to attend meetings for six consecutive months of any meeting of the Council or its committees and sub-committees, associated committees or joint boards on which the Councillor represents the Council, the Councillor will no longer be a member of the Council unless the Council grants them prior leave of absence.

### 6.6 Press and Public Attendance at Meetings

- i. Except where Standing Order 5.4 provides otherwise, every meeting of the Council, its committees and sub-committees will be open to the press and public as observers.
- ii. The taking of photographs, use of mobile phones and of other audio visual and recording equipment is not permitted during meetings unless with the express permission of the Convener.
- iii. If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order



that person to be removed from the meeting. If they refuse to leave the meeting, the Convener may call for the Police to remove them.

- iv. If there is a general disturbance during any part of the meeting open to the public, the Convener may order that the public be removed from the meeting.
- v. Members of the public will not be permitted to address any meeting of the Council, its committees or sub-committees, except where they have the prior permission of the Convener. It will be at the discretion of the Convener to permit any member of the public to address any meeting (see also [Standing Order 7.1](#)).

## **7 CONDUCT AT COUNCIL AND COMMITTEE MEETINGS**

### **7.1 Powers and Duties of the Convener**

- i. It is the duty of the Convener to ensure that Standing Orders are followed and to ensure that all Councillors receive a fair hearing.
- ii. When the Convener begins to speak, other Councillors must stop speaking.
- iii. The Convener will decide on the order in which Councillors may speak.
- iv. On all points of order, the ruling of the Convener will be final and not open to discussion.
- v. In the event of disorder arising at any meeting, the Convener will be entitled to adjourn the meeting until a date and time determined by the Convener at the time or afterwards.
- vi. It will be at the discretion of the Convener to permit any member of the public or deputation to address any meeting of the Council, provided that prior permission has been sought and granted by the Convener.
  - a. In respect of any item of business, other than planning applications, the number of persons in a deputation will not exceed three and will be given no more than ten minutes in total to present their case.
  - b. In respect of planning applications, applicants/agents and individuals who have submitted written representations will be invited to attend the Planning Committee and offered the opportunity to address the Committee, in accordance with the procedures outlined in the Scheme of Administration for the Planning Committee (Appendix 1).

- c. Councillors will not interrupt the delivery of a presentation but may ask questions on its conclusion.
- vii. The Convener will have discretion to determine all questions of procedure where no specific provision is made under these Standing Orders. He/she will explain the reasons for the decision and his/her decision will be final and not open to discussion.

## 7.2 Behaviour

All Councillors must behave respectfully at any meeting and should not behave in a manner that is improper or offensive or deliberately obstructs the business of the meeting.

## 7.3 Points of Order

- i. A point of order is a verbal objection given to the Convener, saying that a statement or proposed procedure or action at the meeting may be in breach of the law or Standing Orders or that the meeting is being misled. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- ii. Any Councillor (voting or non-voting) may raise a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a Standing Order or law has been, or is about to be, breached, or on what point the meeting is being misled.
- iii. A Councillor who is addressing the meeting when a point of order is raised will stop until the Clerk has explained whether or not the point raised is a point of order. If the point of order is confirmed by the Clerk as a point of order, the Convener will decide how the point of order should be dealt with. If the point is not confirmed to be a point of order, it will not be accepted and the business will continue.

## 7.4 Declarations of Interest – Councillors

- i. Any Councillor who has an interest (financial and/or non-financial), as defined in the Councillors' Code of Conduct (see Appendix 4), in any matter and is present at a meeting of the Council at which that matter is under consideration, will act in accordance with the Councillors' Code of Conduct. He/she should seek the advice of the Monitoring Officer and take account of legal advice, where appropriate, on the terms of the Code and how it may affect them.
- ii. Applications to the Council for any grant, approval or permission in which any Member has a personal or financial interest will be considered only by the Council or the appropriate committee or sub-committee.

## **7.5 Declarations of Interest – Council Officers**

Any officer who has an interest (financial and/or non-financial) in any matter and is present at a meeting of the Council at which that matter is under consideration, will disclose his/her interest and, at the discretion of the Council, may be excluded from the meeting while that matter is under consideration.

## **7.6 Adjournments and Breaks**

- i. The Convener may adjourn a meeting at any time for any reason, and will determine the length of the adjournment.
- ii. Subject to the Convener's effective management of the meeting, there will be a 30 minute break after approximately three hours of sitting.

## **8 INTRODUCING REPORTS**

- i. Reports to the Council will be introduced, without interruption, by the officer who has responsibility for the report.
- ii. Unless the Convener agrees otherwise, an officer will take no more than five minutes to present a report and will highlight the salient points to Councillors.
- iii. The Convener will then give Councillors the opportunity to ask questions and request explanations or more information from that officer or from any other officer at the meeting who holds information that is relevant to the matter under consideration. To promote the effective management of the meeting, Councillors should seek clarification on any points from officers in advance of the meeting.
- iv. Once the report has been introduced and when, in the opinion of the Convener, Councillors have had a reasonable opportunity to ask questions and request explanations or more information, the Convener will move to the debate.

## **9 DISCUSSION AND DEBATING RULES**

### **9.1 Reports to Council and Committee**

Motions for approval of a report's recommendations will be considered as the original motion. Any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment.

## 9.2 Written Motions

- i. Motions submitted in accordance with Standing Order 5.3 must be set out in writing before they can be debated or put to a vote.
- ii. Motions must be moved and seconded before they are debated or put to a vote.
- iii. Individuals present at a meeting who do not have voting rights may not move or second a motion.

## 9.3 Amendments

- i. Amendments must relate to the report or motion under discussion.
- ii. Other than in exceptional circumstances, amendments should be submitted to the Clerk by noon on the day prior to the meeting. Amendments will be collated by the Clerk and circulated to Councillors in advance of or at the meeting.
- iii. The Convener has the power to rule out of order any amendment he/she considers irrelevant or substantially similar to the motion or to any previous amendment.
- iv. Amendments must be moved and seconded before they can be debated or put to a vote.
- v. Individuals present at a meeting who do not have voting rights may not move or second an amendment.
- vi. Only one amendment may be debated at the one time.
- vii. Notice of any second or subsequent amendments must be given before the end of the debate on the current amendment. If notice is not given at the right time, the amendment(s) will not be accepted.
- viii. Where more than one amendment is moved and seconded, the Convener will determine the order in which they are put to the vote. However, where an amendment is the 'direct negative' of the original motion, the vote on this direct negative amendment will be taken first. If the direct negative amendment is carried, any remaining amendments and the original motion will therefore fall.

## 9.4 Speaking on a Motion or Amendment

- i. A Councillor moving a motion or an amendment may speak for no more than ten minutes.
- ii. Other Councillors taking part in the discussion, including those who second motions or amendments, will speak for no more than five minutes.

- iii. A Councillor who has spoken on a motion or has formally seconded a motion will not speak again during the debate on the motion, unless:
  - by using the right of reply, in which case the proposer of the original motion will be limited to five minutes and that the reply will be limited to answering matters raised in the debate; or
  - by making a point of order that the Convener has agreed to take.

## 9.5 Withdrawing a Motion or Amendment

A motion or amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

## 9.6 Putting a Motion to Council

The Convener will put the motion to the Council after the mover of a motion (or motion as amended) has exercised their right of reply. There will be no further debate on the motion.

# 10 VOTING AT COUNCIL AND COMMITTEE MEETINGS

## 10.1 General Information

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided by a show of hands of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. If a Councillor immediately challenges the accuracy of the count, the Convener will rule on whether the vote should be repeated and a recount taken.
- iv. The Convener will ask firstly for votes on any amendment(s) and then for votes on the motion, in accordance with Standing Order 9.3(viii). The Convener will then announce the result of the vote.
- v. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.

## 10.2 Roll Call Vote

- i. Any Councillor (whether or not eligible to vote) can ask for a roll call vote on any question coming to or arising at a meeting.
- ii. If a vote is taken by roll call, the names of those Councillors voting for or against the motion or amendment will be included as part of the minutes for the meeting.

## 10.3 Entitlement to Vote

- i. Councillors who have withdrawn from the meeting following a declaration of interest may not vote on the item concerned.
- ii. Councillors attending committees of which they are not members will not be entitled to vote.
- iii. The Convener will not have a casting vote in relation to filling of posts held by Councillors or other representatives and in the appointment of employees

## 10.4 Recording Votes in the Minutes

- i. The minutes of the meeting will record the vote, including any abstentions.
- ii. A Councillor may ask that the minutes of the meeting record a note of his/her disagreement with a decision of the meeting.

## 11 PROCEDURAL MOTIONS

The following procedural motions may be moved during the discussion of an item of business. If the motions have been moved and seconded, they will be put to the vote without being discussed beforehand. The outcome of the vote will be recorded in the minutes of the meeting:

- i. Moving to the next item of business
- ii. Putting the matter to the vote
- iii. Postponing the debate
- iv. Continuing an item of business

## 12 RESCINDING DECISIONS

Any motion that would directly rescind a previous Council decision within a period of six months from the date of the original decision can only be approved if two-thirds of Councillors present and entitled to vote agree to do so. This Standing Order does not apply to decisions taken under powers delegated to officers.

## **13 SUSPENDING AND AMENDING STANDING ORDERS**

### **13.1 Suspending Standing Orders**

Standing Orders may be suspended at any meeting of the Council. This can only take effect where at least two-thirds of the Councillors present and entitled to vote approve such a motion. Any such suspension of Standing Orders cannot override a legal duty or requirement of the Council.

### **13.2 Amending and Removing Standing Orders**

- i. Any proposal to add, alter or remove any Standing Order can only be approved where at least two-thirds of the Councillors present and entitled to vote agree to do so. A motion to this effect can only be considered at a meeting of the Council and not at any committee or sub-committee.
- ii. Any proposal to add, alter or remove any appendix to the Standing Orders will require a simple majority voting in favour of the proposal. The exception to this is the removal of any committee or sub-committee from the Scheme of Administration, which will require the approval of two-thirds of Councillors present and entitled to vote.

## **14 MINUTES OF COUNCIL AND COMMITTEE MEETINGS**

### **14.1 Approval of Minutes**

- i. The reporting arrangements for committees, sub-committees and associated committees will be as contained in the Council's Scheme of Administration (Appendix 1)
- ii. If a meeting agrees that minutes submitted for approval are a correct record, the appropriate Convener will sign the principal copy of the minutes.
- iii. Where the meeting agrees to amend any part of a minute submitted for approval, the Convener will sign the corrected principal copy of the minutes.

### **14.2 Publication of Minutes**

Subject to the provisions of Schedule 7A and of Sections 50A of the 1973 Act (concerning exempt and confidential information), once approved, minutes will be published on the Council's website.

## **15 DELEGATION**

### **15.1 Delegation Arrangements**

The Council will make a Scheme of Delegation to committees and officers to carry out certain functions. The Scheme of Delegation will form an appendix to these Standing Orders (see Appendix 2)

### **15.2 Delegation of Business to Councillors and Officers**

In addition to the delegations specified in the Scheme of Delegation, business may be delegated to a specific chief officer to act in consultation with any two of the Provost, Depute Provost, Leader, Depute Leader or Convener, or to a specific chief officer acting alone. The outcome of the deliberation under such delegation will be subject to a report to the Members' Library Service.

### **15.3 Emergencies – Delegation of Business to Councillors and Officers**

Power will be delegated to the Chief Executive and all chief officers to take any action with regard to any emergency involving serious danger to life, property, or public welfare, or in accordance with the Council's Emergency Plan. Any action taken under this Standing Order will be reported to the Provost or Leader and the appropriate committee Convener as soon as possible and thereafter to the Council.

### **15.4 Delegation of Business to Committees**

- i. The Council will make a Scheme of Administration setting out the functions and remit of any committee and sub-committee. The proper decisions of committees will be regarded as decisions of the Council.
- ii. Decisions of a committee on functions delegated to them will be reported to the Council for information only unless the committee resolves that a particular item of business should be referred to the Council for decision or requires amendments to the Council's approved budget.

### **15.5 Recess Business Arrangements**

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader, together with the Convener/Depute Convener of the appropriate committee, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.



## Standing Orders Glossary

Chief Finance Officer	Also known as the Section 95 Officer, the Chief Finance Officer has responsibility for the Council's financial affairs. The Council's Chief Finance Officer is currently the Head of Council Resources.
Chief Officer	The Chief Executive, Depute Chief Executives and Heads of Service are designated as Chief Officers.
Chief Social Work Officer	This person is responsible for making sure the Council is providing all social work services properly. The Head of Adult Wellbeing is currently the Council's Chief Social Work Officer.
Convener	Unless the context provides otherwise, this includes the Provost, Depute Provost, Depute Convener or any other Councillor when chairing any meeting of the Council or a committee.
Councillors' Code of Conduct	The Councillors' Code of Conduct is the framework by which all Councillors are expected to abide.
Delegate	When the Council delegates duties or responsibilities it is giving someone else the authority to act on its behalf. The Council can arrange to delegate functions to a committee, sub-committee or Council officer(s).
Development Plan	A plan made up of the Strategic Development Plan and the Local Development Plan. The Strategic Development Plan sets out the Council's policy and general proposals for how land in East Lothian can be used. The Local Development Plan sets out in more detail the Council's proposals for developing and using land in East Lothian.
Elected Member	Councillor
Financial Regulations	The Council's set of rules to make sure it protects the public money it handles and spends it correctly and responsibly. The Regulations also help and protect staff dealing with financial business.
Head of Paid Service	The most senior Council officer is the Chief Executive, who is also the Head of Paid Service. This person is the senior adviser responsible for

	the smooth running and co-ordination of Council services.
Monitoring Officer	Every council has to appoint a Monitoring Officer who will investigate any proposal, decision or failure to act where Council, a committee or an officer may have broken an Act of Parliament, a law or any code of practice. The Monitoring Officer may have to prepare a report to Council. The Council's Monitoring Officer is currently the Depute Chief Executive (Partnership and Services for Communities).
Portfolio	The area of responsibility allocated by the Council to a Councillor; portfolio holder will be interpreted accordingly.
Procurement Procedures	The Council's set of rules for procuring services and goods, and paying for building work, building maintenance and engineering work.
Procuring (procurement)	The process of buying goods and services, and paying for building work, building maintenance and engineering work. The main steps in procurement include planning, locating, purchasing, ordering, managing suppliers, and using and disposing of the product, service or asset.
Proper Officers	Employees appointed to deal with formal functions the Council must perform by law.
Ratification	A way of approving, at a higher level, a decision taken earlier if there is some doubt over the authority of the original decision maker.
Returning Officer	The officer responsible for conducting elections. The Council's Returning Officer is the Chief Executive.
Scheme of Administration	The remit, powers, membership and reporting arrangements in relation to the Council, its committees, sub-committees and associated committees.
Scheme of Delegation	The duties and responsibilities delegated to the Chief Executive and Chief Officers.
Scottish Public Services Ombudsman	The Scottish Public Services Ombudsman provides an open, accountable and accessible complaint system. The organisation offers free, independent advice for members of the public making complaints about public services. You can phone them on 0870 011 5378 or send an email to <a href="mailto:enquiries@scottishombudsman.org.uk">enquiries@scottishombudsman.org.uk</a> .

Standing Orders

The Council's set of rules to make sure that Council and committee meetings are conducted properly and that decisions are made in an open and accountable way (that is, in a way that the Council can justify).

Ward

Part of the local authority area for the purpose of electing councillors. East Lothian Council is divided into seven electoral wards. There are two wards with four councillors and five wards with three councillors (23 councillors in total).



## EAST LoTHIAN COUNCIL SCHEME OF ADMINISTRATION

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## COUNCIL AND COMMITTEES

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### EAST LOTHIAN COUNCIL

#### A Remit and Powers

Business shall be delegated to Committees, as specified in the Scheme of Administration. However, the Council alone shall have power to decide upon the following items of business, which are excluded from delegation to any Committee.

1. The setting of a budget and determination of any local tax or rate
2. The setting of rent levels for property held on the Housing Revenue Account
3. Agreeing the Single Outcome Agreement
4. Agreeing East Lothian Council's Council Plan
5. Expenditure, either capital or revenue, not included in the current revenue estimates, except in cases of urgency or emergency under Standing Order 15 – Delegation to Members and Chief Officials: Emergencies
6. Standing Orders of the Council or other procedural matters regarding the organisation and discharge of the Council's business
7. Licensing, registrations and so on under various statutory terms which are not the responsibility of any committee
8. The functions of the Council under the Representation of the People Acts
9. The committee structure of the Council
10. Consideration, amendment and approval of the Local Development Plan and Strategic Development Plan, as specified under the Town and Country Planning (Scotland) Act 1997
11. The appointment of all Statutory Officers
12. The approval and monitoring of Police and Fire & Rescue Service Plans, in accordance with the Police and Fire Reform (Scotland) Act 2012.

#### B Membership

1. The membership of the Council shall include a Convener and a Depute Convener. The Council shall determine the membership of the Council.

#### C Quorum

1. Half the membership + 1

#### D Substitutes

1. There shall be no substitutes.

**E Meetings**

1. Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.

**F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Council.
2. Minutes shall be presented to the Council for approval.

**G Miscellaneous**

1. As set out in Standing Order 3 – Committees, Sub-Committees and Associated Committees, the Council may:
  - (a) appoint other Committees, Sub-Committees or Associated Committees and amend the structure of Committees
  - (b) appoint special member groups to report and advise on matters specified by remit
  - (c) subject to the provisions of the Acts of 1973, 1989 and 1994, and any other relevant Acts, appoint persons who are not Members of the Council to Committees, other than Committees regulating and controlling the finances of the Council, provided that at least two-thirds of the Members of each Committee are Members of the Council
  - (d) subject to the provisions of the Acts of 1973, 1989 and 1994, and any other relevant Acts, appoint Advisory Committees on any matter relating to the discharge of their functions, of such persons (whether Members of the Council or not) and for such term as the Council determines.



## CHIEF OFFICER AND HEAD TEACHER APPOINTMENTS SUB-COMMITTEE

### A Remit and Powers

1. The Chief Officer and Head Teacher Appointments Sub-Committee shall have the authority to appoint to the positions of Chief Executive, Depute Chief Executive, Head of Service, Jointly Accountable Officer and Head Teacher.

### B Membership

1. An Appointments Sub-Committee will be drawn from a cross-section of Councillors for all Chief Officer and Head Teacher appointments.
2. As regards the appointment of the Chief Executive, the Appointments Sub-Committee will consist of the Council Leader, Provost and three cross-party Councillor members (at least one of which should be from the largest Minority Group). The Sub-Committee will be advised by an Independent HR Adviser and the HR Manager, Operational Services.
3. As regards the appointment of Depute Chief Executives and Heads of Service, the Appointments Sub-Committee will consist of three Councillors, i.e. two Councillors from the Administration and one Councillor from the largest Minority Group. The Sub-Committee will be advised by the Chief Executive, an Independent HR Adviser and the HR Manager, Operational Services. In the case of a Head of Service appointment, the Panel will also be advised by the Depute Chief Executive of the Service in which the vacancy exists.
4. As regards the appointment of Jointly Accountable Chief Officers, the Appointments Sub-Committee will consist of the Council members and partner members of the (Shadow) Board. The Sub-Committee will be advised by the Chief Executives of the organisations involved, HR advisers from those organisations and, where appropriate, an independent external adviser.
5. As regards the appointment of Head Teachers, the Appointments Sub-Committee will consist of 2 Elected Members (including the Chair, and at least one from the Ward in which the vacancy arises), 2 Parent Council members from the school to which the appointment is being made and 2 officers nominated by the Depute Chief Executive (Resources and People Services). An Elected Member, usually the Cabinet Spokesperson for Education & Children's Services, will chair the Appointments Sub-Committee. All ward Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to take part in the appointment of Head Teachers.

### C Quorum

1. As set out in Section B, above.

### D Substitutes

1. There shall be no substitutes.

### E Meetings

1. Meetings shall be called by Notice issued by the Chief Executive. The Notice shall specify the agenda for the meeting and shall be accompanied by the relative documentation to be discussed at the meeting.
2. The agenda shall, whenever possible, be issued seven days prior to the meeting.
3. Meetings of the Chief Officer and Head Teacher Appointments Sub-Committee will be held in private.

**F Reporting Arrangements**

1. Minutes of the meetings shall be presented to the Council for noting.

**G Miscellaneous**

1. All permanent vacancies will be advertised publicly and in accordance with the Council's Recruitment and Selection Policy and Procedures applicable at that time, unless arising as a result of an internal restructure.

## AUDIT & GOVERNANCE COMMITTEE

### A Remit and Powers

The following business and functions are delegated by the Council to the Audit & Governance Committee:

1. *Risk and Internal Controls*
  - (a) promote Council policy on risk management by reviewing the delivery of the Risk Management Strategy, reviewing the business and strategic risk assessment arrangements and procedures and the Corporate Risk Register;
  - (b) promote, review and monitor internal controls, financial and otherwise, within the Council in order to provide reasonable assurance of the effectiveness and efficiency of operations and compliance with relevant statutes, directions, guidelines and policies;
  - (c) develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
  - (d) approve the annual Internal Audit assurance report and the statement of internal controls for inclusion in the annual accounts;
  - (e) [approve Internal Audit's Terms of Reference.](#)
2. *Review of Audit Functions*
  - (a) determine the scope of the annual audit plan and ensure it is directed in accordance with the approved business risk assessment;
  - (b) examine and review the External Audit Planning Memorandum and review the overall performance with regard to quality, productivity and the fees charged;
  - (c) review the activities of the Internal Audit function and monitor overall performance in terms of quality, productivity and effectiveness;
  - (d) ensure that the Internal Audit function is sufficiently resourced to provide a systematic review of internal controls and a full assessment of significant investigations;
  - (e) examine Internal and External Audit reports, and ensure weaknesses identified are adequately addressed by management and recommendations are actioned;
  - (f) ensure that there are effective relationships between Internal and External Audit and inspection agencies, and that the value of the audit process is actively promoted.
3. *Financial Matters*
  - (a) review the Council's financial performance as contained in the annual statement of accounts;

- (b) review the audit certificate/wording of any matters reported;
  - (c) review the annual report to Members from the External Auditor;
  - (d) review the implementation of audit recommendations;
  - (e) ensure that issues raised in previous financial years have been addressed; and
  - (f) review and monitor treasury management arrangements.
4. *All matters relating to the performance of the Departments and Council as a whole, including, but not limited to:*

#### Community

- Strategic vision and direction setting by Members
- Integration of strategic vision, direction and community planning priorities and actions into internal planning mechanisms
- Public performance reporting and public accountability
- Transparency of decision-making processes
- Consultation and communication with communities

#### Service Delivery Arrangements

- Corporate planning approach and performance against corporate actions and targets, including financial position and performance and asset management
- Performance management system and corporate performance information monitoring
- External scrutiny/assessment recommendations and resulting action planning
- Management of joint working
- Best Value reviews and option appraisal
- Contracting issues

#### Structures and Processes

- Monitoring of decision-making structures and mechanisms
- Monitoring of policy development and implementation
- Clarity of key roles and responsibilities

#### Governance

- Corporate Governance
- Annual Governance Statement

## **B Membership**

1. The membership of the Audit & Governance Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Audit & Governance Committee. Membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing Members to the Committee, the Council shall seek to achieve political balance, **although the Committee should act with political neutrality.**

2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.

**C Quorum**

1. [Half the membership + 1](#)

**D Substitutes**

1. There shall be no substitutes.

**E Meetings**

1. There shall be a minimum of six scheduled meetings in each committee session.
2. [Meetings shall take place in accordance with \*\*Standing Orders 4.1 – 4.3.\*\*](#)

**F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Audit & Governance Committee.
2. [Minutes shall be presented to the Audit & Governance Committee for approval.](#)

**G Miscellaneous**

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolved that a particular item of business should be referred to the council for decision.
2. The External Auditor will have the right to request that items of business are presented to the Committee.

## CABINET

### A Remit and Powers

1. The development, determination and review of Council policy and strategy, financial reporting and partnership working (without prejudice to the Scheme of Delegation).

### B Membership

1. The membership of the Cabinet shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Cabinet.

### C Quorum

1. Half the membership + 1

### D Substitutes

1. There shall be no substitutes.

### E Meetings

1. Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.

### F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Cabinet.
2. Minutes shall be presented to the Cabinet for approval.

### G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.

## **EMPLOYEE APPEALS SUB-COMMITTEE**

### **A Remit and Powers**

1. The Employee Appeals Sub-Committee shall consider:
  - i. Stage 3 Disciplinary and Grievance cases and shall determine accordingly, in accordance with the Council's Discipline and Grievance Policies; and
  - ii. Appeals against dismissal of employees not related to discipline/grievance appeals.

### **B Membership**

1. The membership of the Employee Appeals Sub-Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Employee Appeals Sub-Committee.

### **C Quorum**

1. 3 Members

### **D Substitutes**

1. Members of the Employee Appeals Sub-Committee shall be entitled to nominate substitute members to attend any meeting of the Employees Appeals Sub-Committee (in accordance with **Standing Order 6.4**).

### **E Meetings**

1. Meetings shall take place in accordance with **Standing Orders 4.1 – 4.3**.
2. Meetings of the Employee Appeals Sub-Committee shall be held in private, due to the confidential nature of the business.

### **F Reporting Arrangements**

1. The Clerk shall be responsible for taking minutes of the meetings of the Employee Appeals Sub-Committee.
2. Minutes shall be presented to the Cabinet for approval.

### **G Miscellaneous**

## LICENSING SUB-COMMITTEE

### A Remit and Powers

1. The Licensing Sub-Committee shall consider all matters in relation to Civic Government Licensing, Licensing of matters other than where covered by the Licensing (Scotland) Act 2005 and the Gambling Act 2005, Houses of Multiple Occupation and Registration of Private Landlords.

### B Membership

1. The membership of the Licensing Sub-Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Licensing Sub-Committee.

### C Quorum

1. 3 Members

### D Substitutes

1. Members of the Licensing Sub-Committee shall be entitled to nominate substitute members to attend any meeting of the Licensing Sub-Committee (in accordance with [Standing Order 6.4](#)).

### E Meetings

1. [Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.](#)

### F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Licensing Sub-Committee.
2. Minutes shall be presented to the Cabinet for approval.

### G Miscellaneous

1. The Licensing Sub-Committee shall be entitled to adopt a scheme of delegation to officers in respect of licensing matters within its remit.



## **SOCIAL WORK APPEALS SUB-COMMITTEE**

### **A Remit and Powers**

1. The Social Work Appeals Sub-Committee shall consider recommendations presented by the Social Work Complaints Review Committee and shall determine accordingly, in accordance with the Statutory Social Work Complaints Procedure.

### **B Membership**

1. The membership of the Social Work Appeals Sub-Committee shall include a Convener, to be appointed at each meeting. The membership of the Social Work Appeals Sub-Committee shall reflect the membership of the Council and shall ensure that the Panels hearing appeals have a different composition from the Committees determining matters in the first instance.

### **C Quorum**

1. 3 Members

### **D Substitutes**

1. Members of the Social Work Appeals Sub-Committee shall be entitled to nominate substitute members to attend any meeting of the Social Work Appeals Sub-Committee (in accordance with [Standing Order 6.4](#)).

### **E Meetings**

1. [Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.](#)
2. Meetings of the Social Work Appeals Sub-Committee shall be held in private, due to the confidential nature of the business.

### **F Reporting Arrangements**

1. The Clerk shall be responsible for taking minutes of the meetings of the Social Work Appeals Sub-Committee.
2. Minutes shall be presented to the Cabinet for approval.

### **G Miscellaneous**

## **SOCIAL WORK COMPLAINTS REVIEW COMMITTEE**

### **A Remit and Powers**

1. Where the Council's complaints procedure in relation to the provision of social work services has been exhausted and a complainant requests it in order to pursue the complaint, the Social Work Complaints Review Committee (SWCRC) shall be convened to review decisions of the relevant Service in terms of the Social Work (Representations Procedure) (Scotland) Directions 1996.
2. The SWCRC will consider matters only in relation to social care assessments; service decisions; and the way in which matters have been handled.
3. The SWCRC is a sub-committee of the Social Work Appeals Sub-Committee and shall make recommendations in writing to the Council as soon as reasonably practicable after a review and within 56 days of receiving a request for a SWCRC hearing.

### **B Membership**

1. The membership of the Social Work Complaints Review Committee shall include an independent, external Chairperson, drawn from a panel of persons appointed by the Council in accordance with the Social Work (Representations Procedure (Scotland)) Directions 1996. The independent persons will have knowledge of Social Work matters and the conduct of proceedings before a review body or tribunal. The remaining members shall reflect the membership of the Council.
2. The Social Work Complaints Review Committee shall ensure that the Panels hearing the complaints have a different composition from the Social Work Appeals Sub-Committee.

### **C Quorum**

1. The quorum will be 3, 1 x independent Chairperson and 2 x Councillors.

### **D Substitutes**

1. Substitutes shall be permitted, but the Chairperson must be an independent, external person (as outlined in B, above).

### **E Meetings**

1. Meetings will be held as required.
2. Meetings shall be called by Notice issued by the Chief Executive. The Notice shall specify the agenda for the meeting and shall be accompanied by the relative reports to be discussed at the meeting. No additional business shall be discussed.
3. The agenda shall, whenever possible, be issued seven days prior to the meeting.

4. Meetings of the SWCRC shall be held in private, due to the confidential nature of the business.

**F Reporting Arrangements**

1. The recommendations of the SWCRC shall be reported to the Social Work Appeals Sub-Committee at the earliest opportunity and within 56 days after the complainant has requested reference to the SWCRC.

**G Miscellaneous**

## HOMELESSNESS APPEALS SUB-COMMITTEE

### A Remit and Powers

1. The [Homelessness Appeals](#) Sub-Committee shall deal with the determination of appeals against decisions of the Council relating to homelessness.

### B Membership

1. The membership of the [Homelessness Appeals](#) Sub-Committee shall include a Convener, to be appointed at each meeting. The membership of the [Homelessness Appeals](#) Sub-Committee shall reflect the membership of the Council and shall ensure that the Panels hearing appeals have a different composition from the Committees determining matters in the first instance.

### C Quorum

1. 3 Members

### D Substitutes

1. Members of the [Homelessness Appeals](#) Sub-Committee shall be entitled to nominate substitute members to attend any meeting of the [Homelessness Appeals](#) Sub-Committee (in accordance with [Standing Order 6.4](#)).

### E Meetings

1. Meetings shall take place in accordance with the approved Schedule of Meetings.
2. Meetings shall be called by Notice issued by the Chief Executive. The Notice shall specify the agenda for the meeting and shall be accompanied by the relative reports to be discussed at the meeting. No additional business shall be discussed.
3. The agenda shall, whenever possible, be issued seven days prior to the meeting.
4. Meetings of the [Homelessness Appeals](#) Sub-Committee shall be held in private, due to the confidential nature of the business.

### F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Homelessness Appeals Sub-Committee.
2. Minutes shall be presented to the Cabinet for approval.

### G Miscellaneous

## EDUCATION COMMITTEE

### A Remit and Powers

1. The development, determination and review of policy and associated matters relating to Education.

### B Membership

1. The membership of the Education Committee shall include a Convener and, if desired, a Depute Convener. It shall also include religious representatives and a trades union representative, **who shall have full voting rights**. The Council shall determine the membership of the Education Committee, **ensuring that the membership reflects the political balance of the Council**.

### C Quorum

1. **Half + 1 of the Councillor Members + 2 External Members**
2. 9 Councillor Members where a resolution to dismiss a teacher is to be considered

### D Substitutes

1. There shall be no substitutes.

### E Meetings

1. **Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.**

### F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Education Committee.
2. Minutes shall be presented to the **Education Committee** for approval.

### G Miscellaneous

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.

## EDUCATION APPEALS COMMITTEE

### A Remit and Powers

1. The Education (Scotland) Act 1980 set a duty on local authorities to set up and maintain Education Appeals Committees to consider:
  - (i) appeals from parents who have had their placing requests for a specific school for their children refused; and
  - (ii) appeals from parents whose child has been excluded from school.

### B Membership

1. The membership of the Education Appeals Committee shall comprise one Elected Member from among the Membership of the Council (but usually the Cabinet Spokesperson for Education & Children's Services), one person from a list comprising parents with pupils of school age nominated by the Parent Councils, and one person selected from a list comprising persons with experience in education or who are acquainted with educational conditions in East Lothian, nominated by the Depute Chief Executive (Resources and People Services).

### C Quorum

1. 3 Members

### D Substitutes

1. Members of the Education Appeals Committee shall be entitled to nominate substitute members provided that they are eligible in terms of (B) above, and in accordance with [Standing Order 6.4](#).

### E Meetings

1. [Meetings shall take place in accordance with Standing Orders 4.1 – 4.3](#).
2. Meetings of the Education Appeals Committee shall be held in private, due to the confidential nature of the business.

### F Reporting Arrangements

1. The Clerk shall be responsible for taking minutes of the meetings of the Education Appeals Committee.
2. Minutes shall be presented to the Education Committee for noting.

### G Miscellaneous

## LOCAL REVIEW BODY (PLANNING)

### A Remit and Powers

1. *The following business and functions are delegated by the Council to the Local Review Body.*

To conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997, where the Executive Director of Environment as the appointed person for the purpose of determining applications for 'Local Developments' as defined under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008:

- (a) Has refused an application for planning permission or for consent, agreement or approval,
- (b) Has granted it subject to conditions, or
- (c) Has not determined it within such period as may be prescribed by regulations or a development order

The Local Review Body shall at all times conduct its affairs in accordance with the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

### B Membership

1. The membership of the Local Review Body shall comprise five members of the Council drawn from the Planning Committee who have not expressed a prior view on the application. Local Members shall be permitted to sit on a Local Review Body that is considering an application affecting land in their Ward.
2. Where a Local Review Body considers an application on more than one occasion, the same members must make up the Local Review Body each time the application is considered.

### C Quorum

1. 3 Members

### E Meetings

1. Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.
2. A Planning Adviser and a Legal Adviser shall attend all meetings of the Local Review Body to provide planning and legal advice relevant to the business before the Local Review Body. The Planning and Legal Advisers should not have had direct prior involvement with the application that is subject to review.
3. The Local Review Body may appoint an 'assessor' to sit with it at any meeting in order to advise it on any specialist matters arising.
4. The Local Review Body may, other than where they consider that the review documents provide sufficient information to enable them to determine the review without further procedure, determine the review by:

- a. means of written submissions,
  - b. holding one or more hearing sessions
  - c. means of a site inspection, or
  - d. a combination of these procedures
5. The purpose of the review by the Local Review Body is to reassess the decision on the application taken by the 'Appointed Person'. Normally reviews will be undertaken and completed by means of considering only the material available and considered by the appointed officer who determined the application and the statement submitted by the Appellant setting out reasons for requesting the review. New material will only be allowed at the discretion of the Local Review Body and then only in exceptional circumstances.
  6. The Local Review Body may decide to hold a Hearing if this is required, but in such event this will only be to consider those matters upon which the Local Review Body requires further information.
  7. Other than at a hearing, there shall be no automatic right for the Appellant or interested parties to address the Local Review Body, ~~but this may be allowed at the discretion of the Convener.~~

## **F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Local Review Body.
2. Minutes shall be presented to the Council for noting.

## **G Miscellaneous**

1. *Site Visits*
  - (a) Site visits will be held as standard for all applications and will take place prior to the Local Review Body considering the application.
  - (b) The purpose of site visits is to provide Members with an opportunity to make themselves aware of the land and/or buildings subject of the application or which might be affected by the application – there will be no presentation by the parties or discussion of the merits of the application.
  - (c) All members of the Local Review Body must attend the site visit. A minute will not be taken.
  - (d) Appellants and interested parties who have submitted individual written representations will be able to attend the site visit on the understanding they do so solely to point out to Members relevant features of the application site or the land/buildings which might be affected by the application.
  - (e) Where a petition has been submitted the organiser of the petition will be advised of the site visit – individual signatories will not be advised.



## PETITIONS COMMITTEE

### A Remit and Powers

1. The remit of the Petitions Committee shall be to consider petitions raised by local residents or organisations, which relate to either:
  - (i) Council services or activities, or
  - (ii) the general well-being of the East Lothian community
2. The Committee shall consider the merits of each petition received. Where the Committee considers a petition to be well-founded, it shall refer the matter to the appropriate portfolio holder(s) for further consideration and possible implementation. In such cases the outcome of the matter shall be reported back to the next meeting of the Petitions Committee.

### B Membership

1. The membership of the Petitions Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Petitions Committee.

### C Quorum

1. [Half the membership + 1](#)

### D Substitutes

1. There shall be no substitutes.

### E Meetings

1. [Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.](#)
2. Where a petition is to be considered by the Petitions Committee, the organiser of the petition will be invited to attend and offered the opportunity to address the Committee – individual signatories will not be invited. Invitations will be sent no later than the date the agenda is issued.
3. Anyone wishing to address the Committee should advise the Clerk no later than 3 working days before the meeting so that seating, timetable and other arrangements can be made.
4. Petitioners will be allowed five minutes to address the Committee – this period may be extended at the discretion of the Convener.
5. Where a petition is continued until a future meeting of the Committee the same rights to attend and speak at the meeting shall apply.

### F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Petitions Committee.
2. Minutes shall be presented to the Council for noting.

3. Where a petition has been accepted, the outcome shall be reported to the organiser of the petition on approval of the minutes.

**G Miscellaneous**

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council or another committee for decision.

## PLANNING COMMITTEE

### A Remit and Powers

The following business and functions are delegated by the Council to the Planning Committee.

The development, determination and implementation of policy and associated matters relating to:-

1. *Planning Applications*
  - (a) determination of planning applications and related consents and the taking of any actions required for the enforcement of planning control as provided for under the Town and Country Planning Acts and related legislation;
  - (b) hearing of appeals against a refusal to grant a Relaxation under the Building (Scotland) Acts;
  - (c) confirmation of orders under Section 10 and 13 of the Building (Scotland) Acts.
2. *Pre-Determination Hearings*
  - (a) The holding of Pre-Determination Hearings where required in terms of S38A of the Town and Country Planning (Scotland) Act 1997 and associated regulations.
3. *Tree Preservation*
  - (a) determination of confirmation of Tree Preservation Orders where there are outstanding objections.

### B Membership

1. The membership of the Planning Committee shall include a Convener and, if desired, a Depute Convener. The Council shall determine the membership of the Planning Committee, ensuring that the membership reflects the political balance of the Council.
2. For the purposes of carrying out Pre-Determination Hearings, the Planning Committee shall comprise all Members of the Council.

### C Quorum

1. Half the membership + 1

### D Substitutes

1. There shall be no substitutes.

## **E Meetings**

1. Meetings shall take place in accordance with **Standing Orders 4.1 – 4.3**.
2. All letters of representation will be made available to all Councillors in advance of an application being submitted to Committee.
3. Where an application has been referred to Committee, applicants/agents and third parties who have submitted individual written representations will be advised that they are welcome to attend the Committee meeting, but restrictions on addressing the Committee will apply, as set out below:
  - There will be a maximum of three representatives speaking in favour of an application, including the applicant/agent (who will get priority)
  - There will be a maximum of three representatives speaking in opposition to an application. A 'first come, first served' approach will be adopted, with all those who have submitted representations being advised that they will need to call the clerk at a certain time on a certain day to register their intention to address the committee. The first three requests received will be granted\*, and any subsequent requests will be refused.

\* In addition to the representations outlined above, Community Councils will be given the opportunity to address the Committee, where they have made a request to do so.
4. Those applicants/agents and third parties who have been invited to address the Committee will be allowed five minutes to address the Committee – this period may be extended at the discretion of the Convener.
5. Where several parties share a view on an application they will be invited to elect a single representative to speak on their behalf.
6. Applicants will be invited to make a single presentation rather than calling a sequence of professional advisers.
7. Where an application is continued until a future meeting of the Committee the same rights to attend and speak at the meeting shall apply.
8. Pre-determination hearings, which consider major developments, will continue to include representations from applicants, agents and individuals as this is a statutory part of that particular process.

## **F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Planning Committee.
2. Minutes shall be presented to the Planning Committee for approval.

## **G Miscellaneous**

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.

## 2. *Site Visits*

- (a) Site visits will be held in advance of the meeting of the Planning Committee.
- (b) The purpose of site visits is to provide Members with an opportunity to make themselves aware of the land and/or buildings subject of the application or which might be affected by the application – there will be no presentation by the Appointed Officer or staff or discussion of the merits of the application.
- (c) Site visits will not form part of the formal business of the Committee, i.e. there will be no requirement for a quorum nor will a minute be taken.
- (d) Applicants/agents will be invited to attend the site visit, but only for the purpose of answering questions from Members.
- (e) Third parties who have submitted individual written representations will be advised that site visit will be taking place for the purpose of Members familiarising themselves with the site, but those individuals/groups will not be invited to attend the site visit.
- (f) It will be assumed that Members who do not attend the site visit will be familiar with the site or will take other steps to ensure they have sufficient knowledge to make an informed decision.

## **POLICY & PERFORMANCE REVIEW COMMITTEE**

### **A Remit and Powers**

The following business and functions are delegated by the Council to the Policy & Performance Review Committee:

1. *All matters relating to the performance of all the Council's services including, but not limited to:*
  - Vision and direction setting by Members
  - Integration of vision, direction and community planning priorities and actions into internal mechanisms (including service plans)
  - Mechanisms and initiatives for improvement (e.g. benchmarking)
  - Public performance reporting and public accountability
  - Consultation and communication with communities
  - Planning and performance against actions and targets including financial position and performance, priority/risk based resource management and asset management
  - Mainstreaming of equality issues and sustainable development
  - External scrutiny/assessment recommendations and resulting action planning
  - Management of joint working
  - Best Value reviews and option appraisal
  - Contracting issues
  - Scrutiny of policies identified through an annual work plan or other aspect of its work

### **B Membership**

1. The membership of the Policy & Performance Review Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Policy & Performance Review Committee. Membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing Members to the Committee, the Council shall seek to achieve political balance.
2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.

### **C Quorum**

1. [Half the membership + 1](#)

### **D Substitutes**

1. There shall be no substitutes.

### **E Meetings**

1. There shall be a minimum of six scheduled meetings in each committee session.

2. Meetings shall take place in accordance with Standing Orders 4.1 – 4.3.

## **F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Policy & Performance Review Committee.
2. Minutes shall be presented to the Policy & Performance Review Committee for approval.
3. The Committee can refer any item of business to the Council, Cabinet or the relevant Committee, in which case a report shall be prepared by the relevant officer and placed on the agenda of the next appropriate meeting.

## **G Miscellaneous**

1. The Policy & Performance Review Committee will be entitled to debate the terms of reports insofar as relevant to its authorised remit. No formal votes will be taken and the Committee will attempt to reach a consensus, or failing that, a majority view.
2. The Committee will be entitled to appoint ad hoc (short life) sub-committees. The Committee or its sub-committees will be entitled to undertake reviews of policies and/or performance, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of Committee Conveners and/or Depute Conveners and/or Cabinet Spokespersons and/or officials of the Council on any matter relevant to the issue under consideration by them.
3. The Committee will be entitled to invite representatives of other public agencies, local communities, the private and voluntary sectors, trade unions and academic institutions to assist with reviews of policies and/or performance. Also, it will be entitled to call appropriate expert witnesses, commission appropriate research and hold evidence gathering meetings.
4. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit to the relevant Committee, the Cabinet or, where appropriate, to the Council.
5. The Convener or other nominated representative of the Committee will be entitled to speak to reports of the Committee submitted to the relevant Committee, the Cabinet or, as appropriate, the Council.

## ASSOCIATED COMMITTEES

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### JOINT CONSULTATIVE COMMITTEE

#### A Remit and Powers

The functions of the Joint Consultative Committee (JCC) shall be:

1. to provide a means of regular consultation between the Council and employees, providing a forum for the discussion of matters of mutual interest provided that no question of an individual's pay, wage, grading, discipline, promotion or efficiency shall be within the scope of the JCC;
2. to consider and offer observations on any proposals made by the Council involving substantial administration re-organisation on the extent to which it affects the pay and conditions of employment of the employees of the Council;
3. to consider reports on any matter, which may be referred to the JCC by the Council or by any employee organisation. The Committee shall have the right to invite the attendance of any officer of the Council, or any other person or persons to act in an advisory capacity to any meeting of the Committee. It shall be within the discretion of either side to refer to the appropriate National Joint Council or other negotiating body for advice and guidance on any matter brought before the Committee;
4. to act as a consultative forum on matters pertaining to equal opportunities in employment insofar as they concern the Council's HR Policies and Procedures and its statutory duties, taking advice and guidance from the appropriate statutory bodies as required.

#### B Membership

1. The Joint Consultative Committee shall appoint from amongst its members a Convener and Depute Convener who will alternate their duties on an annual basis. If the Convener appointed is one of the Council's representatives, the Depute Convener shall be one of the employee representatives and vice versa. The Convener and, in his/her absence, the Depute Convener shall preside at the meetings of the JCC. In the absence of both, the members present shall elect one of the members to preside. The Convener of the meeting shall not have a casting vote.
2. The membership of the JCC shall be 8 representatives appointed by the Council and 12 representatives (who shall be employees of the Council) of the Trades Unions recognised by the Council as follows: Unison – 7; Unite/GMB/UCATT/AMICUS – 2; EIS – 3; NASUWT/SSTA – 1.
3. The members representing the staff shall be appointed amongst the employees of the Council in accordance with the rules of the participating Trades Unions for the making of such appointments. All staff representative members of the JCC shall cease to hold office on leaving the employment of the Council.
4. Any vacancy on the JCC shall be filled by the appointing organisation.



5. The employee representatives shall appoint an Employee Side Secretary to the JCC from amongst their members.

#### **C Quorum**

1. 3 members from the Council side  
3 members from the Union side from not less than 2 Unions

#### **D Substitutes**

1. Members of the JCC shall be entitled to nominate substitute members to attend any meeting of the JCC. Substitute members representing the Council must be members of the Cabinet. Substitute members representing the Staff Side must be from the relevant Trades Union and be a Council employee. Substitute members shall be identified at the beginning of any meeting they attend.

#### **E Meetings**

1. Meetings shall take place in accordance with [Standing Orders 4.1 – 4.3](#).
2. An Agenda Sub-Committee, at Officer/Trades Union level, shall be established to facilitate the work of the JCC.
3. The JCC may establish sub-committees to facilitate consideration of specific matters.
4. Meetings of the Joint Consultative Committee shall be held in private, due to the confidential nature of the business.

#### **F Reporting Arrangements**

1. The Clerk shall be responsible for taking minutes of the meetings of the Joint Consultative Committee.
2. Minutes shall be presented to the JCC for approval.

#### **G Miscellaneous**

1. Matters relating to Local and National agreements/procedures which are specific to a group or groups of employees must, at the request of the Trades Union(s) concerned, be considered by a sub-committee of the JCC, with the Trades Union side consisting only of the Trades Union(s) recognised and represented on the relevant National Joint Council. Agreements made at such sub-committees shall be a matter only of reporting to the JCC prior to reporting to the Council or relevant Committee.
2. Employee members of East Lothian JCC will be granted paid leave for meetings of the JCC and for pre-meetings of the Staff Side. Where required, cover will be in addition to the 'Policy for Time-Off for Trades Unions Duties and Activities'. The Council shall provide the necessary accommodation for meetings of the JCC, JCC sub-committees and Staff Side pre-meetings of the JCC.
3. The Council shall provide the necessary accommodation for meetings of the JCC and also facilities for requests for time off work from employee representatives of the JCC.

## MUSSELBURGH JOINT RACING COMMITTEE

### A Remit and Powers

To provide, organise, safeguard, maintain, develop and improve, or assist in the provision, organisation, safeguarding, maintenance, development and improvement of horse racing and facilities for horseracing at Musselburgh Links and the adjoining reclaimed land, to manage and organise horseracing on that land, and to carry out other related and ancillary functions, as appropriate, including:

1. fixing dates of race meetings to be held on Musselburgh Racecourse (subject to the approval of British Horse Racing Authority);
2. fixing prize money amounts to be paid in respect of racing events at Musselburgh Racecourse;
3. supervising the collection of income and the disbursement of expenditure in connection with race meetings;
4. fixing admission and parking charges on land in the control of the Committee at times when race meetings are held;
5. agreeing the recruitment and remuneration to be paid to employees in connection with race meetings and generally in the operation of Musselburgh Racecourse;
6. making arrangements for the provision of catering, the letting and hiring of sales stances and the display of advertisements within the enclosure and for general publicity;
7. making arrangements for carrying out improvements to land managed by the Committee and for general maintenance and upkeep of the land and buildings, stands, rails, posts, fences and other apparatus erected on the land; and
8. seeking to maximise use of the buildings used for the purposes of the Racecourse, and associated income, for non-racing purposes, except where this would detract from or interfere with the operation of the Racecourse for its primary purpose.

### B Membership

1. The membership of the Musselburgh Joint Racing Committee shall comprise 4 members appointed by the Council and 3 members appointed by the Lothian Racing Syndicate Ltd. The Chair of the Committee will be appointed by the Council.

### C Quorum

1. 4 members, including any 3 Council representatives

### D Substitutes

1. There shall be no substitutes.

**E Meetings**

1. Meetings shall be called by the Chief Executive of the Council. The notice shall specify the agenda for the meeting and shall be accompanied by the reports to be discussed at the meeting. Meetings may also be called by the Syndicate, by means of a written request to the Chief Executive.
2. The agenda shall, whenever possible, be issued seven days prior to the meeting.
3. Meetings of the Musselburgh Joint Racing Committee will be held in private.

**F Reporting Arrangements**

1. An official of the Council shall be responsible for taking minutes of the meetings of the Musselburgh Joint Racing Committee.
2. Minutes shall be presented to the Musselburgh Joint Racing Committee for approval.

**G Miscellaneous**

1. In the event of a tied vote, the Chairperson will have a casting vote.
2. The constitution and remit of the Committee shall not be amended without the agreement of at least five of the members of the Committee. Any such amendment shall also require the approval of the Council.
3. In the absence of the Chairperson at a meeting, the Council members of the Committee will nominate a substitute Chairperson from among the remaining Council members present.