

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 February 2014

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Amendments to Standing Orders – Scheme of Administration and Scheme of Delegation

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## **1 PURPOSE**

- 1.1 To seek approval of the proposed revisions to the Scheme of Administration and Scheme of Delegation.

## **2 RECOMMENDATIONS**

The Council is asked:

- 2.1 to approve the proposed amendments to the Scheme of Administration, as outlined in Appendices 1 and 2 of the report;
- 2.2 to approve the proposed additions to the Scheme of Delegation, as outlined in Appendix 3 of the report
- 2.1.6 to note that the revised Scheme of Administration and Scheme of Delegation will be published on the Council website as soon as practicable.

## **3 BACKGROUND**

- 3.1 Members will recall that the Council approved a revised Scheme of Delegation in June 2013 and approved revised Standing Orders and a revised Scheme of Administration in August 2013.
- 3.2 A number of amendments now require to be made to the Scheme of Administration, including the incorporation of a Scheme of Administration for the Shadow Health & Social Care Partnership (see Appendix 1) and some minor changes to the Schemes of Administration for the Local Review Body and the Joint Consultative Committee (see Appendix 2).

- 3.3 The Shadow Health & Social Care Partnership held its first full meeting on 22 January 2014 and agreed to approve a draft Scheme of Administration, which is now presented to Council for approval and incorporation into the Council's Standing Orders (see Appendix 1). The draft Scheme of Administration was approved by NHS Lothian on 5 February. Members are asked to note that, during developmental meetings, the Shadow Partnership agreed and implemented a process to appoint five additional non-voting members, one from each of the following sectors: patient/user; third sector; carers; independent; and independent contractor. The additional members have now been appointed and will serve for an initial period of six months, with membership being reviewed prior to the establishment of the Integration Joint Board.
- 3.4 As a result of the recent realignment of Council services, the Scheme of Delegation has been updated, under powers delegated to the Chief Executive. However, a number of additions/amendments to the Scheme of Delegation are now proposed, as outlined in Appendix 3.
- 3.7 If approved, the revisions to Scheme of Administration and Scheme of Delegation will be incorporated into Standing Orders and published on the Council website.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none
- 6.2 Personnel – none
- 6.3 Other – none

#### **7 BACKGROUND PAPERS**

- 7.1 Report to Council, 25 June 2013 – Review of East Lothian Council Standing Orders
- 7.2 East Lothian Council Standing Orders

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## **Scheme of Administration for the Shadow East Lothian Health and Social Care Partnership**

### **A Remit and Powers**

The Shadow Partnership will focus on rethinking the model of health and social care services in East Lothian, taking account of the changing demographic profile of the area, financial restraint on the Council, the NHS and other partners, and opportunities to improve the health and wellbeing of the community.

Specifically, the Shadow Partnership will:

1. create a shared vision for the future model of health and social care in East Lothian
2. plan towards the formation of a Health and Social Care Partnership
3. approve a workplan containing the workstreams outlined below and seek updates from workstream leads at regular intervals
  - finance and IT
  - governance
  - outcomes
  - strategic commissioning
  - HR and workforce development
4. ensure that its plans for the establishment of a Health and Social Care Partnership are consistent with emerging legislation and guidance
5. create opportunities to work in partnership with families, carers, service users, communities and non-statutory partners to deliver the partners' shared vision
6. create the climate for excellent service delivery building on best practice and feedback from service users
7. ensure that the Health and Social Care Partnership is founded upon a robust financial framework supported by first class service delivery and performance management systems
8. oversee the delivery of key aspects of East Lothian's Single Outcome Agreement
9. ensure delivery of the national outcomes for health and social care integration.

### **B Membership**

1. There shall be eight members of the Shadow Partnership, comprising four Non-Executive NHS Board Members (one of whom shall be the Partnership representative) and four Elected Members of East Lothian Council (three Councillors from the Administration and one Councillor from the Opposition). These eight members shall have full voting rights. All Council representatives shall operate in accordance with the Councillors' Code of Conduct; all NHS representatives shall operate in accordance with the NHS Lothian Code of Conduct.

2. The Shadow Partnership shall appoint from amongst its members a Chairperson and Vice-Chairperson. If the Chairperson appointed is one of the NHS's representatives, the Vice-Chairperson shall be one of the Council's representatives, and vice versa. For the first two years, 2013-2015, the Chairperson shall be selected from the NHS Lothian Members, whilst the Vice-Chairperson shall be selected from the Council Elected Members. These positions will alternate annually thereafter, with a Member of the Council assuming the Chair in 2015.
3. All Members of the Shadow Partnership 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. Members of the Shadow Partnership are bound by the decisions of the Shadow Partnership. Members can request that individual views are recorded in the minutes of the Shadow Partnership.
4. Any motion to remove a member of the Shadow Partnership may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put. In the event of an NHS representative being removed from the Shadow Partnership, the Health Board would be requested to nominate a replacement member; in the event of a Council representative being removed, the Council would be requested to nominate a replacement member; in the event of a non-voting member being removed, the Partnership will seek a replacement in the same way as the original appointment was made.
5. The Shadow Partnership shall also include membership from individuals covering NHS Independent Contractor, Third Sector, Independent Sector, Carer, service user/member of the public. These members shall have no voting rights. The non-voting members will be bound by the code of conduct for non-NHS members of the CHP Sub-Committee.
6. The Shadow Partnership shall be supported by the Chief Executive of NHS Lothian and the Chief Executive of East Lothian Council. The Chief Executives shall have no voting rights, but shall attend meetings and provide advice and oversight.
7. The following Officers will regularly attend meetings of the Shadow Partnership: the Chief Officer (Director of Health and Social Care Partnership), Head of Adult Wellbeing/Chief Social Work Officer, Head of Health/Chief Nurse, Clinical Director.

## **C Quorum**

1. Half the voting membership + 1, with at least 2 members from among the Council representatives and 2 members from among the NHS representatives.
2. No business shall be carried out at a meeting unless a quorum is present. If, 10 minutes after the time appointed for a meeting, the quorum has not been met, the Chairperson shall postpone the meeting until a date and time determined at the time or afterwards. The minute of the meeting will record that no business was carried out due to the lack of a quorum.

## **D Substitutes**

1. There shall be no substitutes.

**E Meetings**

1. Meetings of the Shadow Partnership shall be held in conjunction with meetings of the East Lothian Partnership, East Lothian Council and NHS Lothian.

**F Reporting Arrangements**

1. During the period when the Shadow Partnership is chaired by the NHS (2013-2015), the NHS shall provide a clerk to take minutes of the meetings. When it is chaired by the Council, the Council shall provide a clerk.
2. Minutes of the Shadow Partnership shall be presented to the NHS and to the Council for noting.

**G Miscellaneous**

1. Meetings of the Shadow Partnership will be held in private.
2. Decisions of the Shadow Partnership will normally be reached by consensus. Where consensus cannot be reached, the vote shall be taken by roll call. In the event of a tied vote, the Chairperson shall have the casting vote.

## Proposed Amendments to the Scheme of Administration

The proposed changes to the Scheme of Administration are indicated in red.

### Local Review Body

#### *Section A – Remit and Powers*

1. To conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997, where the ~~Executive Director of Environment Service Manager – Planning~~ as the appointed person ...

#### *Section B – Membership*

1. The membership of the Local Review Body shall comprise **up to** five members of the Council...

#### *Section G – Miscellaneous*

1. (d) Appellants and interested parties who have submitted individual written representations ~~will be able~~ **may be invited** to attend the site visit, **where appropriate**, 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.

### Joint Consultative Committee

#### *Section B – Membership*

1. The membership of the JCC shall be 8 representatives appointed by the Council and ~~42~~ **13** representatives (who shall be employees of the Council) of the Trades Unions ...

**Note:** this change has come as a result of an error in the current Scheme of Administration.

## **Proposed Amendments to the Scheme of Delegation**

### **Section 5: Specific Duties and Responsibilities Delegated to the Head of Council Resources**

Add: Appointing curators ad litem and reporting officers

Add: Providing records management and archive services

### **Section 7: Specific Duties and Responsibilities Delegated to the Head of Development**

Add: Leading, managing and carrying out the Council's duties and responsibilities in relation to economic development and housing investment

Add: Taking decisions on new build housing location and costs

Add: Taking decisions in relation to grants for economic development activities, to both the private and third sectors

Add: Provide the following services: Development Management; Development Planning; Environmental Protection; Food Standards; Trading Standards

Amend: Agreeing terms for granting, taking or renewing leases and tenancies of land or buildings, **or such other agreements relating to the use of land and buildings**, within the limits of the relevant budget

### **Section 8: Specific Duties and Responsibilities Delegated to the Head of Infrastructure**

Add: Managing mailroom and security services

Add: Delivering waste services

Add: Managing the maintenance of harbours

Add: Providing landscape and countryside services

Add: Managing the sports development service

### **Section 11: Statutory Appointments of Officers**

Local Government (Scotland) Act 1973, Section 194: Proper officer for signing deeds and using the Council's seal – add: Licensing, Administration and Democratic Services Manager as a Proper Officer (function currently delegated to the Chief Executive and Legal Services Manager only)

### **Section 12: Scheme of Delegation for Planning Applications**

Amend: all references to the Service Manager – Development Management to be changed to Service Manager – Planning.