

**REPORT TO:** East Lothian Council

**MEETING DATE:** 16 December 2014

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

**SUBJECT:** Standing Orders – Annual Review 2014

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## **1 PURPOSE**

- 1.1 To seek approval of proposed amendments to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation) of the Council's Standing Orders.

## **2 RECOMMENDATIONS**

- 2.1 That Council approves the proposed changes to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation) of the Council's Standing Orders, as set out in Sections 3.2–3.3 and Appendices 1 and 2 of the report.

## **3 BACKGROUND**

- 3.1 At its meeting on 27 August 2013 the Council approved revised Standing Orders and associated appendices. In order to ensure that Standing Orders are kept up to date, an annual review will be carried out, with any proposed amendments being submitted to Council for approval. The Standing Orders Working Group recently met and is proposing amendments to Appendix 1 (Scheme of Administration) and Appendix 2 (Scheme of Delegation), as outlined below.

### **3.2 Scheme of Administration**

The following changes are proposed to the Scheme of Administration.

#### **3.2.1 Cabinet**

It is proposed that the remit and powers of Cabinet be extended to include:

- Initiating, confirming and making of statutory orders
- Funding to external organisations
- Introducing new charges for Council services

### 3.2.2 *Chief Officer and Head Teacher Appointments Sub-Committee*

Proposed changes to the Scheme of Administration are set out in Appendix 1.

### 3.2.3 *Petitions Committee*

Proposed changes to the Scheme of Administration are set out in Appendix 2.

### 3.2.4 *Sub-Committees*

The minutes of the Employee Appeals Sub-Committee, Homelessness Appeals Sub-Committee, Licensing Sub-Committee, and Social Work Appeals Sub-Committee are currently submitted to the Cabinet for approval. It is proposed that in future minutes are approved by the sub-committees themselves and that the principal copies of the approved minutes are signed by the Chair and included in the Council's official minute book along with the minutes of the Council's other committees.

## 3.3 **Scheme of Delegation**

The following changes are proposed to the Scheme of Delegation:

### 3.3.1 *Section 1 (General Duties and Responsibilities Delegated to Officers)*

- Add: Notwithstanding the duties and responsibilities delegated to officers as set out in this Scheme of Delegation, Councillors retain the right to request a report to Council or Committee on any issue deemed to be of significant interest to Councillors and/or the wider public

### 3.3.2 *Section 4 (General Delegations to Heads of Service)*

- Amend 4.6(j): Setting and reviewing existing charges and fees for Council services to make sure the needs of the budget are met (with the introduction of new charges being the responsibility of Cabinet).

### 3.3.3 *Section 6 (Specific Duties and Responsibilities Delegated to the Head of Communities and Partnerships)*

- Amend 6.1: Registering births, deaths, marriages and civil partnerships

### 3.3.4 *Section 9 (Specific Duties and Responsibilities Delegated to the Head of Education)*

- Add: Carrying out the Council's duties and responsibilities under the Children and Young People Act 2014 by providing a named person

service for nursery and school-age children, publishing information about the operation of the named person service, and helping the named person, including sharing information with them.

- Add: Ensuring the provision of free school lunches to those children entitled to them.

### 3.3.5 *Section 10 (Specific Duties and Responsibilities Delegated to the Head of Children's Wellbeing)*

- Add: Carrying out the Council's duties and responsibilities under the Children and Young People Act 2014 by: providing continuing care to formerly looked after children, providing services to children at risk of becoming accommodated, making arrangements to secure that kinship care assistance is available; and meeting the duties as an adoption agency.

## **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, 27 August 2013 – Revisions to the Council's Standing Orders

7.2 East Lothian Council Standing Orders

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Democratic Services Manager
<b>CONTACT INFO</b>	lgillingwater@eastlothian.gov.uk
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**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~~Service Manager – HR and Payroll.
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~~may be advised by the Chief Executive, an Independent HR Adviser and the ~~HR Manager, Operational Services~~Service Manager – HR and Payroll. In the case of a Head of Service appointment, the Panel ~~will~~may 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 Convener or Depute Convener of the Education Committee (Chair)), and, usually, 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). Where the appointment relates to a Roman Catholic school, a representative of the Catholic Church (who sits on the Education Committee) will be appointed to the panel in addition to those groups listed above. 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.

\* Should there be no Parent Council member(s) interested in participating in the process, the Parent Council may nominate a representative to participate on their behalf from outwith the Parent Council, but their nominee must have undertaken the Council's Recruitment and Selection Training for Head Teacher Appointments. Should the Parent Council decline the offer to participate, the recruitment process will continue in their absence.

In the event of a shared Headship, one Parent Council member from each school will be eligible to participate.

## **C Quorum**

1. As set out in Section B, above. The quorum for the appointment of Chief Officers is set out in B1-4.
2. The quorum for the appointment of Head Teachers shall be four for non-denominational schools, and five for Roman Catholic schools.

## **D Substitutes**

1. 4.—As regards the appointment of Chief Officers, there shall be no substitutes.
- 4.2. As regards the appointment of Head Teachers, substitutes shall be permitted, on a like-for-like basis.

## **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 in relation to the appointment of Chief Officers shall be presented to the Council for noting.
2. Minutes of the meetings in relation to the appointment of Head Teachers shall be presented to the Education Committee 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.

## PETITIONS COMMITTEE

## Appendix 2

### 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 ~~that action should be taken in respect of a petition, a petition to be well-founded,~~ it shall refer the matter to the appropriate ~~portfolio holder(s) committee or Chief Officer~~ 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 Order 4..
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~~ Petitions Committee for approval.
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.