

REPORT TO: East Lothian Council

MEETING DATE: 31 October 2017

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Amendments to Standing Orders – Scheme of Administration

1 PURPOSE

- 1.1 To seek approval of proposed changes to the Scheme of Administration for the Petitions Committee, to incorporate community asset transfer reviews.

2 RECOMMENDATIONS

Council is asked to:

- 2.1 approve that the community assets transfer reviews should be incorporated into the Petitions Committee.
- 2.2 approve the proposed change to the Scheme of Administration for the Petitions Committee, as attached at appendix 1.
- 2.3 approve changing the name of the Petitions Committee to the Petitions and Community Empowerment Committee.

3 BACKGROUND

- 3.1 At its meeting of 12 September 2017, Cabinet approved a policy and guidance on Community Asset Transfer, in accordance with the requirements of the Community Empowerment (Scotland) Act 2015. In approving this policy and guidance, the Council is now required to establish how community asset transfer requests will be reviewed in cases where the applicant is not satisfied with the decision taken as regards their application.

- 3.2 It is recommended that community asset transfer reviews be incorporated into the existing Petitions Committee. The benefit of this approach is East Lothian Council already has an established membership and scheduled meeting dates for the Petitions Committee.
- 3.3 The attached Scheme of Administration (Appendix 1), which covers both the Petitions remit and the Community Asset Transfer remit, has been drafted for members' consideration (proposed changes to the existing Scheme of Administration are tracked for ease of reference). It is proposed that the name of the Petitions Committee is changed to the Petitions and Community Empowerment Review Committee.
- 3.4 The Service Manager – Licensing, Administration and Democratic Services will develop internal procedures to support community asset transfer reviews over the coming weeks.

4 POLICY IMPLICATIONS

- 4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the wellbeing 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 Cabinet on 12 September 2017 – Community Empowerment (Scotland) Act 2015

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DATE	18 October 2017

PETITIONS AND COMMUNITY EMPOWERMENT REVIEW COMMITTEE

A Remit and Powers

Petitions

1. The remit of the ~~Petitions~~ Committee in respect of petitions 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. Petitions shall be referred to the Committee if the issue has not been resolved by any other means. The Committee shall consider the merits of each petition received. Where the Committee considers that action should be taken in respect of a petition, it shall refer the matter to the appropriate 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 and Community Empowerment Review Committee.

Community Asset Transfer Reviews

3. The remit of the Committee in respect of community asset transfer reviews shall be to consider requests for reviews of asset transfer decisions submitted by community transfer bodies where:
 - (i) the Council has refused the request;
 - (ii) the request has been agreed, but the terms and conditions in the decision notice are significantly different from those in the request; or
 - (iii) no decision notice has been issued by the Council within the required period.
4. Requests for reviews shall be referred to the Committee where they have been submitted in accordance with Appendix 2 of the East Lothian Council Community Asset Transfer Policy and Guidance. The Committee shall determine the terms of the decision notice issued following the review.

B Membership

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

C Quorum

1. Half the membership + 1

D Substitutes

1. Members of the Petitions and Community Empowerment Review Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the ~~Petitions~~ Committee (in accordance with Standing Order 6.4).

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.
6. Where a community asset transfer review is to be carried out by the Committee, further information may be sought from interested parties in advance of the meeting; this information will be published on the Council's website. The Committee may invite interested parties to the meeting, if required. Invitations will be sent no later than the date the agenda is issued.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Petitions and Community Empowerment Review Committee.
2. Minutes shall be presented to the Petitions and Community Empowerment Review 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.
4. The terms of the decision notice for a community asset transfer review shall be determined by the Committee and reported to the community asset transfer body. It shall also be published on the Council's website.

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.
2. As regards community asset transfers, appeals can be submitted to Scottish Ministers by community asset transfer bodies where:
 - (i) they are unhappy with the outcome of the Council's review; or
 - (ii) following agreement to an asset transfer request, the Council has not concluded the contract within the agreed time period, as set out in Appendix 3 of the East Lothian Council Community Asset Transfer Policy and Guidance.

Requests for appeals must be made in writing to Scottish Ministers within 20 working days from the date of the decision notice of the review. The procedures for appeals are set out in Section 20 of the Asset Transfer Guidance for Community Transfer Bodies.

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