

REPORT TO: East Lothian Council

MEETING DATE: 19 December 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 in order to strengthen the Council's governance arrangements, and to address recommendations made by Audit Scotland in their East Lothian Council 2016/17 Annual Audit Report, which was presented to Council on 31 October 2017.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve the proposed changes to the Council's Scheme of Administration, as set out in Appendix 1 to the report.

3 BACKGROUND

- 3.1 Nominations for membership of Council committees were initially sought from the three political groups at the Council meeting of 23 May 2017, and at that meeting the Council appointed members to the various committees. At that time, the SNP Group indicated that it was not in a position to make nominations to certain committees, most notably the Council's two scrutiny committees. The SNP Group was afforded more time to make its nominations, but to date has not done so.
- 3.2 The Council recognised that this highly unusual and unanticipated situation meant that it was unable to satisfy the governance arrangements set out within the Scheme of Administration to the Standing Orders that requires political balance in the membership of its scrutiny committees. That political balance could not be achieved as a result of the SNP Group's lack of nominations.

- 3.3 As a result of this situation, a report was presented to the Council at its meeting of 12 September 2017 seeking approval of changes to the quorums for the Audit & Governance Committee and Policy & Performance Review Committee, in order to reduce the risk of meetings of these scrutiny committees being inquorate. The proposed changes were approved by the Council.
- 3.4 In addition, in its Annual Audit Report (presented to Council on 31 October 2017), the Council's external auditor, Audit Scotland, highlighted concerns as regards appointments to committees, in particular the membership and quorum of the Council's scrutiny committees. Recommendation 5 of Audit Scotland's Action Plan for the Council states:
- 'The Council should review its Scheme of Administration for the two scrutiny committees to ensure they are fit for purpose. There is a risk that the scrutiny committees may not operate as intended by the Council due to the lack of political balance as members from one of the opposition parties are no longer represented. The result is less effective scrutiny.'
- 3.5 A review of the Scheme of Administration has now been undertaken, and officers have also taken the opportunity to consider the membership and quorum of all committees and sub-committees. Proposed changes to the Scheme of Administration are set out in Appendix 1.
- 3.6 It is anticipated that the proposed changes to the Scheme of Administration will further reduce the risk of meetings being inquorate and will also allow for greater flexibility as regards appointing Members to committees when places have not been taken up by specific political groups.

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 East Lothian Council Standing Orders

7.2 Report to Council, 31 October 2017 – East Lothian Council 2016/17
Annual Audit Report

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DATE	6 December 2017

COUNCIL AND COMMITTEES

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 – Emergencies: Delegation to Members and Chief Officials
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 + 1Six (one quarter of the whole number of members of the Council, as set by the Local Government (Scotland) Act 1973. Note: the Act makes provision for the quorum where there are vacancies.)

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

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 may be advised by an Independent HR Adviser and the Service Manager – HR and Payroll.

Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of the Chief Executive.

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 may be advised by the Chief Executive, an Independent HR Adviser and the Service Manager – HR and Payroll. In the case of a Head of Service appointment, the Panel may also be advised by the Depute Chief Executive of the Service in which the vacancy exists.

Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of Depute Chief Executives and Heads of Service.

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.

Note: only Councillors who have undertaken the Council's Recruitment and Selection training will be eligible to participate in the appointment of Jointly Accountable Officers.

5. As regards the appointment of Head Teachers, the Appointments Sub-Committee will consist of two 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), two Parent Council members from the school to which the appointment is being made* and two 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. All 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. 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. As regards the appointment of Chief Officers, there shall be no substitutes.
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 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.

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. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political

group/independent councillors to the vacant places, although Regardless of the political composition of the Committee, it 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 + 1 of the places filled

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

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

The following business and functions are delegated by the Council to the Cabinet (without prejudice to the Scheme of Delegation):

1. The development, determination and review of Council policy and strategy
2. Financial reporting
3. Partnership working
4. Initiating, confirming and making of statutory orders
5. Funding to external organisations
6. Introducing new charges for Council services

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 Order 4.

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 consist of five councillors – the Leader of the Council (Chair), the Provost (Vice-Chair), the Depute Provost, the Leader of the Opposition, and the Cabinet member for the relevant area. ~~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 Order 4.
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 Employee Appeals Sub-Committee 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. In appointing councillors to the Sub-Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Sub-Committee by way of reducing the number of places on the Sub-Committee or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Sub-Committee, it should act with political neutrality.

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 Order 4.

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 Licensing Sub-Committee 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.

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 Standing Order 4.
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 Homelessness Appeals Sub-Committee for approval.

G Miscellaneous

COMMON GOOD COMMITTEES

A Remit and Powers

1. Common Good Funds are the assets and income of some former Burghs of East Lothian. They represent a substantial portfolio of land, property and investments and by law continue to exist for the Common Good of the inhabitants of the former Burghs to which they relate.
2. East Lothian Council has a wide discretion over the use of its Common Good Funds so long as they are applied for the benefit of the community using reasonable judgement and having regard to the interests of the inhabitants of the former Burgh.
3. Council will approve an annual budget for each of the Common Good Funds that will include provision for the maintenance of assets and any committed items of expenditure.
4. The Common Good Committee for each area will administer its own Common Good Funds with support from officers.
5. Each Common Good Committee has authority to:
 - Award a grant of up to £10,000
 - Approve revenues expenditure of up to £10,000 for the maintenance of the assets of the fund provided that can be met within the approved budget.
6. Each application for a grant will be considered on its own merits. The Committee must consider whether or not it is a reasonable judgement for them to consider making a disbursement of funds from the Common Good Fund for the benefit of the Community. This can, for example, include expenditure on:
 - The expense of civic ceremonies and of the provision of suitable hospitality on appropriate occasions and for appropriate persons and guests
 - Applications from individuals and groups where the grant of the application would benefit the community as a whole
 - Firework displays, where appropriate

Note – this list is representative only and does not preclude other awards that are thought appropriate.
7. The Common Good Committees can make recommendations to the Head of Council Resources in relation to expenditure over £10,000. The Head of Council Resources, on receipt of the recommendation, will prepare a report for Council. Council will make the decision on any matter involving expenditure of more than £10,000.
8. No officer of the Council has delegated power to commit Common Good Funds.

B Membership

1. Each Common Good Committee will consist of all the Councillors for those areas, namely:

Musselburgh – all 4 Musselburgh Councillors

Haddington – all 4 Haddington and Lammermuir Councillors
North Berwick – all 3 North Berwick Coastal Councillors
Dunbar – all 3 Dunbar and East Linton Councillors

C Quorum

1. For the Musselburgh and Haddington Common Good Committees the quorum is 3. For the North Berwick and Dunbar Common Good Committees the quorum is 2.

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Each Common Good Committee will meet quarterly, although it may meet more or less frequently as business dictates.

~~2. Meetings of the Common Good Committees will generally be held in a venue located within the area to which the Common Good Fund relates, but may be held elsewhere.~~

F Reporting Arrangements

1. A six-monthly report detailing all discretionary grant awards for each fund will be prepared by the Head of Council Resources and will be lodged in the Members' Library and made available electronically to all Members of the appropriate Common Good Committee.

G Miscellaneous

1. The Chair will be appointed by a vote at the start of the first meeting following the local government election and will hold that post until the next local government election.
2. Decisions of the Committee will be taken by a simple majority of those present following a show of hands. In the event of a tie, the Chair will have a casting vote.

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.~~ In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places.

C Quorum

1. Half ~~the membership~~ + 1 of the places filled.
- ~~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 Order 4..

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 Order 4.
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 Service Manager - Planning 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 up to 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

D Substitutes

1. Substitutes (from among the members of the Planning Committee) shall be permitted.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
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.

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 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.
 - (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 AND COMMUNITY EMPOWERMENT REVIEW COMMITTEE

A Remit and Powers

Petitions

1. The remit of the 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.

B Membership

1. The membership of the Petitions and Community Empowerment Review Committee shall consist of the Provost (Convener) and the leaders of all political groups. ~~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 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 Committee, the organiser of the petition will be invited to attend and be 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 three 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.

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. *Pre-application Discussions of Major Applications*
 - (a) The holding of formal pre-application discussions of major and national applications, in accordance with Scottish Government/CoSLA guidance and the Council's procedures for these.
4. *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. In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality, 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 of the places filled

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.
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.
9. Pre-application discussions of major applications will include representation from applicants. Site visits will be held as part of the normal site visit schedule. Councillors will discuss proposals in accordance with the terms of the Councillors' Code of Conduct.

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.

POLICE, FIRE AND COMMUNITY SAFETY SCRUTINY COMMITTEE

A Remit and Powers

1. The following business and functions are delegated by the Council to the Police, Fire and Community Safety Scrutiny Committee:
 - To carry out scrutiny of the performance of the Police and Fire & Rescue Services in East Lothian, with specific reference to each organisation's Local Plan
 - To receive and comment on local quarterly performance reports from Police Scotland and the Scottish Fire & Rescue Service
 - To engage in the development of Police Scotland and the Scottish Fire & Rescue Service Local Plans and joint working with the Police and Fire & Rescue Services
 - To consider and respond to national and local level strategies and policies of Police Scotland and the Scottish Fire & Rescue Service
 - To scrutinise and monitor the Service Level Agreement between the Council and Police Scotland
 - To receive and comment on reports on the performance of any other services performing a community safety function in East Lothian.

B Membership

1. The membership of the Police, Fire and Community Services Scrutiny Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Police, Fire and Community Services Scrutiny Committee. In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places., ensuring that the membership reflects the political balance of the Council.
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 of the places filled

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the meetings of the Police, Fire and Community Services Scrutiny Committee.
2. Minutes shall be presented to the Police, Fire and Community Services Scrutiny Committee for approval.
3. The Committee can refer any item of business to the Council, in which case a report shall be placed on the agenda of the next appropriate meeting.

G Miscellaneous

1. The Police, Fire and Community Services Scrutiny 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 relating to Community Safety matters, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of any Cabinet Spokespersons and/or officials of the Council on any matter relevant to the issue under consideration by them.
2. 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.
3. The Committee will have the power to comment on, and make recommendations on matters insofar as relevant to its authorised remit, where appropriate, to the Council.

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. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it 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 + 1 of the places filled

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Meetings shall take place in accordance with Standing Order 4.

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

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 14 representatives (who shall be employees of the Council) of the Trades Unions recognised by the Council as follows: Unison – 7; Unite – 1; GMB – 1; UCATT – 1; EIS – 3; NASUWT/SSTA – 1.
3. The Council shall determine the councillor membership of the JCC. In appointing councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of appointing members of any political group/independent councillors to the vacant places.
4. 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.

54. Any vacancy on the JCC shall be filled by the appointing organisation.

65. 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 Order 4.
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.