

**REPORT TO:** East Lothian Council

**MEETING DATE:** 28 August 2018

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Ratification of Amendments to SESplan Governance Documents

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## **1 PURPOSE**

- 1.1 To request that Council ratifies the decision on 25 June 2018 of the Joint Committee of the South East Scotland Strategic Development Planning Authority (SESplan) to approve amendments to the governance documents of SESplan, specifically the Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1 to this report.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council ratifies the amendments to the SESPlan governance documents in the terms of that decision of the SESplan Joint Committee.

## **3 BACKGROUND**

- 3.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008.
- 3.2 At that time it was agreed to keep these arrangements under review. Any amendments to the documents must be agreed by the six member authorities.
- 3.3 In December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. In December 2015, the Committee agreed

amendments to the Constitution to amend the arrangements for the rotation of the Convener and Vice Convener. This also allowed for other more detailed edits to be made to the suite of governance documents. The Committee also agreed to adopt Standing Orders to assist in the management of the operation of the Joint Committee.

3.4 The current governance documents including the SESplan Constitution, Scheme of Delegation, Financial Rules and Standing Orders as previously approved in December 2015 are available on the SESplan website.

3.5 A SESplan Governance Review was undertaken by Fife Council in March 2018. This included a review of the SESplan governance arrangements (including financial rules) and a high-level overview of other SESplan systems.

3.6 The audit raised five areas where improvement could be made, of which Actions 1, 2 and 3 relate to amendments to the SESplan Constitution and Financial Rules as follows:

**Action 1** - SESplan should formally consider amending its Constitution, and related procedures, to advise complainants that if not satisfied with SESplan's initial response, referral to the Ombudsman (SPSO) is available.

**Action 2** - SESplan should formally consider amending its Constitution for the Joint Committee to approve the budget by December for Member Authorities to ratify in the New Year.

**Action 3** - SESplan should formally consider amending its Financial Rules for it to be the SDP Manager, in consultation with the Treasurer, to submit appropriate financial monitoring reports to the SESplan Joint Committee.

3.7 Appendix 1 of the Background Paper to this report sets out the approved suite of governance documents with amendments to comply with Actions 1, 2 and 3 shown in tracked changes and also highlights some other minor and non-substantive in nature amendments, relating to minor editing and formatting of these documents.

## **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 – No new requirements

6.2 Personnel - None

6.3 Other - None

## **7 BACKGROUND PAPERS**

7.1 Report by Strategic Development Plan Acting SDP Manager to SESplan Joint Committee 26 June 2018.

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<b>DATE</b>	20 July 2018

## ITEM 8 – GOVERNANCE

Report by: Alice Miles, Acting SDP Manager

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### Purpose

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This report sets out proposed amendments to the SESplan governance documents for Joint Committee information.

### Recommendations

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It is recommended that the SESplan Joint Committee:

1. Approve the amended SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1;
2. Note that member authorities will be required to ratify the amended SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders as set out in Appendix 1 at Recommendation 1 of this report; and
3. Remit the SESplan Committee Clerk to prepare a revised SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders for execution by the SESplan member authorities on the amendments being duly ratified.

### Resource Implications

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As set out below.

### Legal and Risk Implications

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All risks are detailed in the SESplan Risk Register and reported to SESplan Joint Committee on an annual basis.

### Policy and Impact Assessment

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No separate impact assessment is required.

#### 1. Background

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- 1.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008.

- 1.2 At that time it was agreed to keep these arrangements under review. Any amendments to the documents must be agreed by the six member authorities.
- 1.3 In December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. In December 2015, the Committee agreed amendments to the Constitution to amend the arrangements for the rotation of the Convener and Vice Convener. This also allowed for other more detailed edits to be made to the suite of governance documents. The Committee also agreed to adopt Standing Orders to assist in the management of the operation of the Joint Committee.
- 1.4 The current governance documents including the [SESplan Constitution, Scheme of Delegation, Financial Rules and Standing Orders](#) as approved in December 2015 are available on the SESplan website.

## **2. Amendments to the SESplan Constitution and Financial Rules**

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2.1 As set out under Item 6 (Audit), the SESplan Governance Review was undertaken by Fife Council in March 2018. This included a review of the SESplan governance arrangements (including financial rules) and a high level overview of other SESplan systems.

2.2 The audit raised five areas where improvement could be made. Actions 1, 2 and 3 (set out at Table 1 and Appendix 2 of Item 6 – Audit) relate to amendments to the SESplan Constitution and Financial Rules as follows.

**Action 1** - SESplan should formally consider amending its Constitution, and related procedures to advise complainants that if not satisfied with SESplan’s initial response, referral to the Ombudsman (SPSO) is available.

**Action 2** - SESplan should formally consider amending its Constitution for the Joint Committee to approve the Budget by December for Member Authorities to ratify in the New Year.

**Action 3** - SESplan should formally consider amending its Financial Rules for it to be the SDP Manager, in consultation with the Treasurer, to submit appropriate financial monitoring reports to the SESplan Joint Committee.

2.3 Appendix 1 of this report sets out the approved suite of governance documents with amendments to comply with Actions 1, 2 and 3 shown in tracked changes. Appendix 1 also highlights some other minor and non-substantive in nature amendments, relating to minor editing and formatting of these documents.

### **3. Next Steps**

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- 3.1 An update on the ratification of the SESplan Joint Committee decision to approve the amendments to the SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders will be brought to the next meeting of the Committee in November 2018.

### **Appendices**

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- Appendix 1 SESplan Constitution, Financial Rules, Scheme of Delegation and Standing Orders with Proposed Amendments

### **Report Contact**

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Acting SDP Manager

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## Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Constitution

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### 1. Strategic Development Planning Authority (SDPA) Duties, Objectives and Powers

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1.1 The following planning authorities comprise the Strategic Development Planning Authority (“the Authority”) for the Edinburgh city region: the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council. This group of authorities has a statutory duty under section 4 of the Planning etc. (Scotland) Act 2006 (“the Act”) to work together and prepare, and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.

1.2 The ~~s~~Statutory duties of the Authority are to:

- (a) ~~S~~submit to Scottish Ministers, within a period of three months from designation as an SDPA, a plan showing the proposed boundary of the SDP area, with a justification statement as required by Section 5 of the Act: and
- (b) ~~p~~Prepare, monitor and keep under review a Strategic Development Plan for the strategic development plan area.

1.3 Its other aims shall be to:

- (c) ~~A~~agree programmes of joint working to deal with matters arising from above;
- (d) ~~a~~Advise and make recommendations to the six ~~m~~Member ~~c~~Councils on conformity of ~~L~~ocal ~~D~~evelopment ~~P~~lans (~~LDP~~) with the ~~Strategic Development Plan~~ and on other issues arising from the statutory duties;
- (e) ~~L~~iaise with and make representations to central Government, Scottish Enterprise and other bodies and agencies as necessary on matters of relevant to strategic planning in the SDP area;
- (f) ~~r~~Respond to and comment on development plans, planning applications and other development proposals submitted to the Joint Committee for comment by adjoining non ~~m~~Member ~~c~~Councils;
- (g) ~~r~~Receive reports from ~~m~~Member ~~c~~Councils on development management matters that raise significant issues for the spatial strategy of the SDP, or would have significant cross-boundary impacts; and
- (h) ~~T~~ake such other action as may be necessary from time to time to sustain the policies contained in the SDP.



- 1.4 The Authority is empowered to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of these aims and objectives. Unlike ~~r~~Regional ~~t~~Transport ~~p~~Partnerships, primary and secondary legislation confers no independent powers to SDPAs. Specifically, the ~~SDPA~~Authority has no legal power to borrow money, give grants, employ staff, acquire land or enter into contracts. Where these are necessary, a constituent council will perform these functions on behalf of the ~~SDPA~~Authority.

## **2. The Joint Committee**

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- 2.1 The duties of the Authority will be carried out by a joint committee of members representing the constituent authorities. This will be called the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (“the Joint Committee”). The following provisions set out a constitution for the Joint Committee.

## **3. Joint Committee Constitution**

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- 3.1 The Joint Committee shall have twelve members, to be appointed from the members of the six ~~m~~Member ~~c~~Councils. Each ~~m~~Member ~~c~~Council shall appoint two members to the Joint Committee.
- 3.2 The “constituent authorities” means the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

## **4. Appointment of Members by Member Councils**

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- 4.1 Each of the ~~m~~Member ~~c~~Councils shall appoint members to the Joint Committee and such members shall stay in office until re-appointed or replaced by the ~~m~~Member ~~c~~Councils. Each of the ~~m~~Member ~~c~~Councils, following an Ordinary Election, shall as soon as practicable appoint or re-appoint members.
- 4.2 A local authority member shall cease to be a member of the Joint Committee when he or she ceases to be a member of the constituent council which appointed him/her or on the appointment of another member in his/her place.
- 4.3 The Joint Committee shall have the ability to co-opt additional non-voting members to represent other interests or provide specialist expertise, for example a representative from the regional transport partnership.

## **5. Appointment of Convener and Vice Convener**

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- 5.1 The Joint Committee shall be convened and chaired by one authority, which said role will commence on January 1 of the relevant year. The role will rotate every two years. The sequence of rotation of this role will be alphabetical by ~~c~~Council, unless otherwise determined by the Joint Committee.

5.2 The Joint Committee shall, at its final meeting in the second year of the Convenor's term of office appoint a Convener from the Committee members representing the authority which will next convene and chair the Joint Committee, to hold office for two years. The Joint Committee shall appoint a Vice-Convenor from the Committee members representing the authority to next take on the role of convening and chairing the Joint Committee, to hold office for two years.

5.3 The Convenor, (or in his/her absence, the Vice-Convenor) shall preside at any meeting. In the absence of (both) the Convenor and the Vice-Convenor, the members shall appoint another member to chair the meeting.

5.4 The administration of the Joint Committee will be the responsibility of the authority convening and chairing the Joint Committee.

## **6. Substitution**

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6.1 Any member of the Joint Committee may be represented by another member of the same authority.

6.2 A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

## **7. Vacancies**

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7.1 Where a casual vacancy occurs the ~~m~~Member ~~c~~Council shall appoint a new member.

7.2 Where a vacancy occurs in the case of the Convenor, the Vice-Convenor shall assume the office of Convenor until the anticipated expiry of the outgoing Convenor's term of office.

7.3 Where a vacancy occurs in the case of the Vice-Convenor, the Joint Committee shall appoint a replacement until the anticipated expiry of the outgoing Vice-Convenor's term of office.

7.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or vacancies amongst members or any defects in the method of appointment of any of its members.

## **8. Quorum**

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8.1 The quorum of the Joint Committee shall be four, provided that not less than three ~~m~~Member ~~c~~Councils are represented.

## **9. Meetings**

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9.1 The Joint Committee shall meet not less than 2 times per year.

- 9.2 The Convener, in consultation with senior officers of the Member Councils shall fix the date, time and place of meetings, subject to any previous agreement by the Joint Committee.
- 9.3 A member council can request a special meeting in exceptional circumstances where a matter requires to be considered by the Joint Committee sooner than the schedule permits.
- 9.4 Meetings shall be held in public and the Local Government (Access to Information) Act 1985 shall apply.
- 9.5 All matters coming before the Joint Committee shall be decided by the majority of members present and voting thereon. In the case of equality of votes, the person presiding at the meeting will have a second or casting vote, except in the case of appointment of members, in which case the decision shall be by lot.
- 9.6 The Joint Committee, on simple majority, shall have the power to make representation on strategic planning matters and related issues to mMember Ccouncils or, where appropriate, the Scottish Government and other organisations. Documents can be published, and evidence given, in the name of the Joint Committee with the agreement of all mMember cCouncils. Individual councils have the right to separately put forward contrary views.
- 9.7 The Joint Committee shall have the power to adopt standing orders regulating its business.
- 9.8 Senior officers of each authority will have the right to submit individual reports and recommendations to the Joint Committee.

## 10. Professional Support

- 10.1 Professional support for the work of the Joint Committee shall be provided by an Strategic SDevelopment Plan Manager and a small dedicated team of officers. The SDP Manager will be managed by a project board comprising senior officers from each of the mMember councils. Its duties shall include agreeing reports to be presented to the Joint Committee.
- 10.2 From time to time, planning officers and technicians in the mMember cCouncils may be required to provide professional and technical support to the work of the small dedicated team.
- 10.3 The mMember cCouncils shall use their reasonable endeavours to meet any request from the Joint Committee or the SDP Manager for the secondment of appropriate/relevant staff to help prepare, monitor and review the SDP. Any such secondment will be on terms as may be agreed between the mMember cCouncil and the Joint Committee.

## 11. Financial Arrangements

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- 11.1 The Joint Committee shall have no dedicated budget of its own. Financial support will be provided by the ~~m~~Member ~~c~~Councils on the basis of an equal, one-sixth share of all costs incurred in relation to the Joint Committee and its operations.
- 11.2 The level of financial devolution will be kept under review by the Joint Committee and can be amended with the agreement of all ~~m~~Member ~~c~~Councils.
- 11.3 For employment law purposes and to aid financial accountability, one SDPA ~~m~~Member ~~c~~Council will act as the employing authority, to be agreed by the ~~m~~Member ~~c~~Councils. The ~~m~~Member ~~c~~Councils will pay to that council one-sixth of the total costs reasonably incurred by it in connection with employing the dedicated team.
- 11.4 Financial contributions from the constituent authorities to the work of the Joint Committee generally, not including dedicated team staff costs, will be channelled through one council, to be agreed by the ~~m~~Member ~~c~~Councils.

## 12. Scheme of Delegation

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- 12.1 The Joint Committee will agree a Scheme of Delegation with the ~~m~~Member ~~c~~Councils. This will define the nature and amount of authority delegated from those councils to the Joint Committee, and from the Joint Committee to officers.
- 12.2 All major decisions, for example about the content of the ~~Strategic Development Plan~~, but with the exception of submission of the Proposed Plan to Scottish Ministers when no ~~m~~Modifications are proposed, will require to be ratified by each of the six constituent member authorities. The level of delegated authority to the Joint Committee from Member Councils, and from the Joint Committee to officers, shall be governed by a separate Scheme of Delegation to be agreed by the councils.
- 12.3 The Scheme of Delegation will be kept under review by the Joint Committee and can only be amended with the agreement of all the ~~m~~Member ~~c~~Councils.

## 13. Commencement and Variation

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- 13.1 This constitution shall be deemed to have commenced on ~~2 September 2016~~ 10 October 2016 and may be varied only by the agreement of all the ~~m~~Member ~~c~~Councils.

## 14. Consulting on Planning Proposals

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- 14.1 The Joint Committee shall have an advisory role in relation to planning proposals referred to it by ~~m~~Member ~~c~~Councils.

## 15. Annual Report

15.1 The Joint Committee will prepare an annual report on its work to each of the ~~m~~Member ~~c~~Councils and present this within the annual Planning Performance Framework on or around the 31 July each year. ~~on or around 31 August each year.~~

## 16. Complaints

16.1 If after the submission of a complaint, any person(s) is not satisfied with the outcome of any investigation undertaken and / or the information contained in the response by the Authority, they have the right to contact the Scottish Public Services Ombudsman at:

SPSO, 4 Melville Street, Edinburgh, EH3 7NS

SPSO, Freepost EH641, Edinburgh, EH3 0BR

Freephone: 0800 377 7330

[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

<http://m.spsso.org.uk>



The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## Edinburgh and South East Scotland Strategic Development Plan Joint Committee: SESplan Financial Rules

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### General

These rules apply to the operation of SESplan's finances. SESplan is the strategic development planning authority for Edinburgh and South East Scotland. Its membership comprises East Lothian Council, City of Edinburgh Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council ("the member councils").

All transactions will be conducted in accordance with Fife Council's regulations, schemes and procedures.

### Partner Liability

Fife Council, as Lead Authority, will adopt the role of "Partnership Banker" and will pay all legitimate approved expenditure including staffing & premises costs and hold all partnership balances which will be carried forward to the next financial year, unless agreed otherwise by the Joint Committee.

Fife Council will ensure that any monies that it receives on behalf of SESplan under its role as 'Partnership Banker' are clearly identified within its accounts and recorded separately from the rest of the Council's finances. Interest charged/accrued on any credit or debit on the SESplan budget will be retained within the identified SESplan accounts.

All partner authorities are liable equally for all legitimate approved expenditure and any other liabilities incurred. All partner authorities also have equal ownership over any SESplan assets.

Fife Council will invoice the ~~other Partner Authorities~~ member councils at the beginning of each financial year to obtain their total annual contribution to the agreed SESplan budget.

This invoice will include VAT at the appropriate rate.

In the event that another ~~partner authority~~ member council incurs legitimate approved expenditure directly then they must invoice Fife Council, with VAT, to recover this. This expenditure will then be included in SESplan's costs.

## **Budget Setting**

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Operating Budgets for the next financial year should be proposed by the Strategic Development Plan (SDP) Manager, approved by the SESplan Joint Committee ~~and ratified by the member councils~~ by the end of December and that decision ratified by the member councils as soon as practicable thereafter.

## **Authorising Expenditure**

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All expenditure relating to the SESplan budget is the responsibility of the ~~Strategic Development Plan~~DP Manager and must be within budgets agreed by the Project Board.

No official may incur any expenditure beyond the agreed SESplan budget unless it has firstly been approved by the Project Board, in accordance with the SESplan Scheme of Delegation.

## **Suppliers' Invoices**

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The ~~Strategic Development Plan~~ Manager will be responsible for ensuring that invoices are properly certified for payment and for approving other officers who may authorise invoices and the limits of their authority.

All ~~h~~invoices must be made out to Fife Council, to ensure payment. Any ~~h~~invoices that are made out to the partnership directly or any other authority cannot be paid by Fife Council.

## **External Funding**

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Any external funding received in connection to the project from Central Government, Local Government and any other sources will be held by Fife Council.

## **Salaries and Wages**

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Appointments of all employees shall be made in accordance with the procedures approved by Joint Committee through the SESplan scheme of delegation and accord with the approved establishment, grade and rates of pay.

The processing and payment of salaries and wages shall be done through Fife Council's bureau payroll system.

Legitimate travel, hospitality and other expenses incurred in the course of duty, shall be reimbursed through Fife Council's bureau payroll system.

## **Audit**

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Expenditure & income will be recorded within Fife Council's financial ledger and will be audited by an independent auditor under Part VII of the Local Government (Scotland) Act 1973. Fife Council's internal audit service will act as SESplan's internal auditors.

## Reporting Requirements

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Every SESplan Joint Committee report is required to include the financial consequences of proposals for the current and future years to be stated.

The SDP Manager in conjunction with the Treasurer, who will be an identified employee of Fife Council, ~~in conjunction with the Strategic Development Plan Manager,~~ is required to submit detailed monitoring reports to the SESplan Joint Committee twice a year, with one occasion being at the end of each financial year. These reports will compare actual expenditure to date and projected/final outturn expenditure with the budget position.

## Further Information

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For further information regarding these Financial Rules, please contact Jackie Johnstone (Accountant – Economy, Planning & Employability Services, Enterprise & Environment Business Partner Team) ~~Lesley Burnie (Finance),~~ Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. Telephone - 03451 555 555 extension 44~~4128~~0959. Email ~~—~~ jackie.johnstonelesley.burnie@fife.gov.uk.



# SESplan

The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## 1. **Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Scheme of Delegation**

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Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

### 1.1 **Commencement of the Scheme**

The scheme shall commence and have effect as from ~~2 September 2016~~ **10 October 2018**.

### 1.2 **The Interpretation of the Scheme**

In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member ~~c~~Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority (~~SDPA~~) for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

### 1.3 **Alteration of Scheme**

This scheme of delegation will be kept under review and can be amended with the agreement of all ~~m~~Member ~~c~~Councils.

## 2. **Delegation from Member Councils to SESplan**

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2.1 Member ~~c~~Councils delegate to the joint committee (“SESplan”) the power to discharge the following functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

2.3 Delegation covers:

- (a) Approving responses to relevant consultations from other bodies;
- (b) Managing work on Strategic Development Plan (SDP) preparation, monitoring and review;
- (c) Initiating public consultation and stakeholder engagement;
- (d) Setting a programme for relevant studies to assist in the preparation of the SDP;
- (e) Recruiting and managing staff in the SDP project team;
- (f) Arrangements for team premises;
- (g) Authorising spending within the financial parameters set out by the separate agreement on finance;
- (h) Advising on planning proposals referred to the Joint Committee by member councils;
- (i) Advising and making recommendations to the mMember cCouncils on conformity of local development plans (LDP) with the strategic development plan;SDP;
- (j) Approving background documents to the Strategic Development Plan including background technical papers, Equalities Impact Assessment, sSchedule of rResponses to the Main Issues Report, Monitoring Statement and the Development Plan Scheme;
- (k) Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation; and
- (l) Adopting and updating the Action Programme.

2.4 Reports will be submitted to individual mMember cCouncils, for information only, on substantive decisions taken and action authorised under delegated authority.

2.5 At the stage of submitting the pProposed pPlan to Scottish Ministers the Joint Committee can decide, following consideration of representations received during the statutory period for representations, to submit the pProposed pPlan without making any modifications. In addition to those functions listed at 2.3 above, where, and only where, the Joint Committee decide to make no changes, then the Joint Committee is authorised under delegated authority to submit the pProposed pPlan and sSummary of uUnresolved iIssues directly to Scottish Ministers without requiring the decision to be ratified by the mMember cCouncils.

2.6 Other than those matters detailed in 2.3 and 2.5 above, and that matter detailed in 2.6A below, all other major decisions on SDP content will require to be ratified by all six Member Councils.

2.6A When the proposed plan is to be submitted to Scottish Ministers, the 2006 Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives. Therefore when the proposed plan is being submitted to Ministers (otherwise than in accordance with paragraph 2.5 above) ratification by at least four out of the six ~~m~~Member ~~c~~Councils will be required to allow the proposed plan to be submitted to Ministers

### 2.7 **Urgent Matters**

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

### 2.8 **Disputes**

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual ~~m~~Member ~~c~~Councils. This provision does not apply in the circumstances of paragraph 2.5 above.

## 3. **Delegation from SESplan to Officers**

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3.1 SESplan delegates to officers:

(a) Recruitment of the ~~Strategic Development Plan~~ manager and project team, so long as such posts are within the approved structure and budget;

(b) Day to day management of staff in the SDP project team;

(c) Liaison with and representation of SESplan to ~~central the Scottish g~~overnment and other bodies as necessary on matters relating to the SDP area;

(d) Implementation of financial resources as authorised by SESplan;

(e) Preparation of SDP up to drafting main stage outputs:

i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all ~~m~~Member ~~c~~Councils.

ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by ~~m~~Member ~~c~~Councils.

iii. Modification of proposed plan – subject to approval by SESplan and ratification by all mMember  
cCouncils

(f) Initiation and management of consultation exercises subject to agreement of SESplan;

(g) Responding to relevant consultations from other bodies; and

(h) Commissioning studies to assist in the preparation of the SDP.

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

3.3 **Urgent Matters**

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.

**STANDING ORDERS**

**of**

**THE EDINBURGH AND SOUTH EAST SCOTLAND  
STRATEGIC DEVELOPMENT PLANNING AUTHORITY  
JOINT COMMITTEE**

These Standing Orders shall apply and have effect on and from the day they are adopted by the Joint Committee with such amendments as may be made by the Joint Committee from time to time. These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

## **PART I**

### **MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE**

#### **Days and Times of the Meetings**

1. (1) The ordinary meetings of the Joint Committee shall be held in accordance with the timetable to be determined by the Joint Committee.
- (2) All other meetings of the Joint Committee shall be held at such place and on such date and at such hour as the Joint Committee may, from time to time, direct.
2. The Convener, or, in his or her absence, the Vice-Convener, may in special circumstances (of which the Convener or the Vice-Convener, as the case may be, shall be the sole judge) alter the date of any ordinary meeting of the Joint Committee.

#### **Special Meetings**

3. The Clerk shall call a meeting of the Joint Committee at any time on being required to do so by the Convener or, in his or her absence, the Vice-Convener, or on receiving a requisition in writing for that purpose signed by at least three members of the Joint Committee specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.

#### **Calling of Meetings**

4. (1) Notice of all meetings of the Joint Committee shall be given by the Clerk and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) Not less than three clear days before a meeting of the Joint Committee a summons to attend the meeting, specifying the business to be transacted there at and signed by the Clerk shall be left at or sent by post either to the usual place of residence of every member of the Joint Committee or Sub-Committee thereof or (if a member gives notice in writing to the Clerk that he or she desires summonses to be sent to some address specified in the notice other than his place of residence) to that other address.

- (3) Want of service of a summons on any member of the Joint Committee shall not affect the validity of a meeting of the Joint Committee.

#### **Quorum**

5. No business shall be transacted at a meeting of the Joint Committee unless four members representing no less than three of the ~~four~~six constituent Councils are present.

#### **Order of Business**

6. The business of the Joint Committee at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
- (a) Minutes of the Joint Committee and Committees and Sub-Committees thereof.
  - (b) Ordinary business including business on agenda at the request of members.
  - (c) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 7.

#### **Matter of Urgency**

7. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
- (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973) is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

#### **Convener / Vice Convener**

8. A Convener and a Vice-Convener shall be appointed by the members of the Joint Committee at its first meeting. The Convener and Vice-Convener shall not both be persons appointed by the same Council. The Convener, if present, shall preside at meetings of the Joint Committee and in his or her absence the Vice-Convener shall preside. If both are absent another member of the Joint Committee, chosen by the members present, shall preside.

### **Powers and Duties of Convener**

9. It shall be the duty of the Convener:-
- (a) to preserve order, and to ensure that every member of the Joint Committee shall have a fair hearing;
  - (b) to decide all matters of order, competency and relevancy;
  - (c) to decide between two or more members of the Joint Committee wishing to speak by calling on the member who has first caught his or her [eyeattention](#); and
  - (d) to ensure that due and sufficient opportunity is given to members of the Joint Committee who wish to speak to express their views on the subject under discussion, [and at the request of Members, the Chair of the SESplan Project Board](#).
10. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
11. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption.

### **Membership**

12. (1) With regard to the allocation of places on the Joint Committee, should it be necessary or expedient for any of the constituent authorities to change their nominated representatives at any time, other than at the meeting of the Joint Committee immediately following an election, it shall be competent for such changes to be intimated to the Joint Committee and the change shall have effect from the next meeting of the Joint Committee.
- (2) Notwithstanding the provisions of any Standing Order, it shall be competent for substitutions to be intimated and effected for individual meetings of the Joint Committee.

### **Suspension of Members**

13. If any member of the Joint Committee disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Joint Committee so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the



Convener be removed from the meeting by a Joint Committee officer or by any other person authorised by the Convener to remove him/her.

#### **Adjournment**

14. (1) In the event of disorder arising at any meeting of the Joint Committee, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Joint Committee may afterwards fix, and the quitting of the chair by the Convener shall be the signal that the meeting is adjourned.
- (2) The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Joint Committee or, in his or her absence, the Vice-Convener, may thereafter fix.
- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

#### **Reception of Deputations**

15. (1) All applications requesting the Joint Committee to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Clerk at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.
- (2) An application requesting the Joint Committee to receive a deputation shall in the first instance be submitted to the Joint Committee and the deputation shall, if so resolved, be received and heard by the Joint Committee.
- (3) No deputation exceeding ten in number shall be received by the Joint Committee.
- (4) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (5) Any member of the Joint Committee may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Joint Committee discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

### **Order of Debate**

16. (1) Any member of the Joint Committee desiring to speak at any meeting of the Joint Committee shall indicate accordingly and when called upon shall address the Convener, and direct his/her speech:-
  - (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
  - (b) to a point of order; or
  - (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

### **Motions and Amendments**

17. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.

### **Closure of Debate**

18. A motion that the debate be adjourned, or that the question be now put, may be made at any stage of the debate, (not being in the course of a speech), and such motion, if seconded, shall be the subject of a vote without further debate.

### **Method of Voting**

19. (1) The vote of the Joint Committee shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Clerk has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.
- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Clerk is directed to the return of such member before the result of the division has been intimated.

### **Casting Vote**

9. Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Joint Committee shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Joint Committee to any particular office or Committee, in which case the decision shall be by lot.

### **Points of Order**

20. (1) Any member of the Joint Committee may, at any meeting of the Joint Committee, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they are making a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Joint Committee shall cease speaking, and the member who makes the point of order shall, when he/she has concluded, also cease speaking. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Joint Committee at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

### **Inclusion of Business on Joint Committee Agenda at the Request of Members**

21. Subject to the provisions of the Local Government (Scotland) Act 1973 any Member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the Clerk in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

### **Alteration or Revocation of Previous Resolution**

22. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Joint Committee shall be altered or revoked except by a subsequent resolution made by the Joint Committee and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Joint Committee. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) The alteration or revocation of any resolution of the Joint Committee shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

### **Admission of Press and Public**

23. (1) Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Joint Committee shall be open to the public and press.
- (2) The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act.
- (3) The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and

(b) state, in terms of the Act the category or categories of exempt information concerned.

#### **Suspension of Standing Orders**

24. It shall be competent, subject to the provisions of Standing Order 32(2), for a member of the Joint Committee at any time to move the suspension of any Standing Order as far as applicable which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

#### **The Ethical Standards in Public Life Etc. (Scotland) Act 2000**

25. All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.

## PART II

### CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

#### Appointment of Sub-Committees

26. The Joint Committee may, as they shall deem necessary from time to time, appoint Sub-Committees for the fulfilment of any of the functions of the Joint Committee.
27. The Constitution of Standing Sub-Committees shall, so far as is practicable, reflect the geographical balance of the Joint Committee's membership.

#### Membership of Sub-Committees

#### Delegation to Sub-Committees

28. Subject to the provisions of the constitution, any enactment and of any Statutory Order, Instrument, or Scheme, the Joint Committee may at any time delegate any function to a Sub-Committee or a [Chair of the SESplan Project Board and his / her nominee](#)~~Principal Officer of the Joint Committee~~.

#### Quorum of Sub-Committees

29. Unless otherwise stipulated by the Joint Committee the quorum of all Sub-Committees shall be four.

## **PART III**

### **REVISION OF STANDING ORDERS**

- (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders may be altered or revoked at any ordinary meeting of the Joint Committee, if at least seven days prior notice of the motion is given to the Clerk and the motion for alteration or revocation is supported by a majority of the Joint Committee present and voting.
  
- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Joint Committee.