



# **SCHEME OF ADMINISTRATION**

**All changes up to and including 24 September 2024**

(Document history at the end)

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**A. THE COUNCIL**

**WEST LOTHIAN COUNCIL**

**A REMIT AND POWERS**

1 The following matters are reserved to the Council, and only the Council may lawfully and competently make decisions on these matters, or arrange for decisions to be made, which are binding on the Council:-

- (a) To change the name of the Council. (S)
- (b) To appoint the Convener and Depute Convener of the Council and to decide on their titles. (S)
- (c) To appoint the Leader of the Council, and the Depute Leader, if so advised.
- (d) To appoint Committees (S) and the Chairs and Vice-Chairs of those Committees.
- (e) To appoint other bodies in the council's decision-making structure, and their Chairs and Vice-Chairs.
- (f) To make and amend the councils Standing Orders for the Regulation of Meetings and Scheme of Administration
- (g) To decide whether or not to divide the Council's area into licensing divisions and to appoint Members to the Licensing Board. (S)
- (h) To set the Council's revenue budget (S), and deleting or making substantial changes to revenue budget reduction measures approved at the annual budget-setting meeting each year, except for their implementation without substantial change, either by officers under delegated powers or by consideration of delivery proposals through PDSP and committee
- (i) To set the council tax. (S)
- (j) To set the Council's Prudential Indicators. (S)
- (k) Capital Strategy under the CIPFA Prudential Code for Capital Finance in Local Authorities (2017) (applied by the Local Government in Scotland Act 2003)
- (l) Treasury management reporting under the CIPFA Treasury Management in the Public Services - Code of Practice and Cross-Sectoral Guidance Notes (2017) (applied by the Local Government in Scotland Act 2003)
- (m) To approve the level of council house rents.
- (n) To borrow money.
- (o) To receive the certified abstract of the Council's accounts. (S)

- (p) To promote, amend and revoke byelaws (S) and management rules.
  - (q) To promote and oppose private legislation. (S)
  - (r) To consider reports by:-
    - The Head of the Paid Service (S)
    - The Monitoring Officer (S).
  - (s) To appoint the Chief Executive, Depute Chief Executives and Heads of Service (subject to the arrangements for the Senior Officers Appointment Committee made in terms of this Scheme of Administration).
  - (t) The consideration by the Council of findings of the Accounts Commission following a hearing under section 103D of the Local Government (Scotland) Act 1973, in terms of section 103E of that Act. (S)
  - (u) The consideration of findings of the Standards Commission following a hearing under section 16(b) of the Ethical Standards in Public Life etc (Scotland) Act 2000, in terms of section 18 (3) of that Act. (S)
  - (v) The determination of applications for planning permission for major developments with other related applications which are significantly contrary to the development plan in terms of section 38A of the Town and Country Planning (Scotland) Act 1997. (S)
  - (w) Approval of any annual investment strategy or annual investment report required by any consent issued by the Scottish Ministers by virtue of section 40 of the Local Government in Scotland Act 2003 and the Local Government Investments (Scotland) Regulations 2010. (S)
  - (x) Determination of applications for planning permission and of applications for review of planning decisions for local developments made under delegated powers, in each case where referred by the Chief Solicitor under paragraph G.7 for Development Management Committee and paragraph G.11 for the Local Review Body
  - (y) Local development plan – constitution, modification and amendment of the Local Development Plan, and approval of the Evidence Report and the Local Development Plan Delivery Report (S) (Town & Country Planning (Scotland) Act 1997, sections 16B(6), 18(1C), 21(4C))
  - (z) Educational endowment organisation schemes (S) (Education (Scotland) Act 1980, section 112(3A))
- 2 Despite having delegated powers to officers, Committees and/or Sub-Committees, the Council retains the right to take action within the area of any such delegation, always subject to Standing Orders relating to changing a decision.
  - 3 Notwithstanding the reservation of matters to the Council as a matter of council policy, it shall be competent for the Council to delegate the discharge of any of those functions to a council Committee or Sub-Committee, a Joint Committee, or to

officers.

**B MEMBERSHIP**

- 1 All Elected Members of the Council.

**C QUORUM AND VOTING**

- 1 Statutory – one fourth of the whole number of Members of the Council.
- 2 In the event that there are at any time vacancies in the case of more than one third of the Members of the Council, then different statutory rules apply for determining the quorum.
- 3 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Not applicable.

**E MEETINGS (SUBJECT TO STANDING ORDER 4)**

- 1 For business other than the determination of applications for planning permission for major developments which are significantly contrary to the development plan, once in each eight-week cycle of meetings, in the last week of the meeting cycle.
- 2 For the determination of applications for planning permission for major developments which are significantly contrary to the development plan, at least one meeting in each calendar month, which meetings shall only be called and take place if there is business to be transacted.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO4.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting

**F REPORTING ARRANGEMENTS**

- 1 Minutes of meetings to be reported to the next available meeting for approval.

**G MISCELLANEOUS**

- 1 The Provost shall chair meetings of the Council. In his absence, the Depute Provost shall preside. Should neither be present, the Members present shall choose one of their number to take the chair.
- 2 Those matters reserved to meetings of the Council by law are marked "(S)" in section A, above. The rest of those reserved matters are reserved to the Council as a matter of policy. Council may not delegate the discharge of those functions marked as statutory in section A, above.
- 3 Meetings called for the determination of applications for planning permission for major developments which are significantly contrary to the development plan shall be designated as "West Lothian Council (Planning)".
- 4 No deputations, items of business, formal questions or motions shall be competent at meetings called for the determination of applications for planning permission for major developments which are significantly contrary to the development plan except for such applications requiring determination and motions and items of business in relation to and directly arising from the consideration and determination of such applications.

**B. THE COMMITTEES**

**COUNCIL EXECUTIVE**

**A REMIT AND POWERS**

- 1 All of the Council's policy-making, decision-making and statutory functions, powers and duties whatsoever, other than:-
  - (a) those matters reserved to full council by law or by council policy in terms of this Scheme of Administration,
  - (b) those matters delegated to other Committees or Sub-Committees of the Council in terms of this Scheme of Administration, and
  - (c) those matters delegated by the Council to a Joint Committee or Joint board.

**B MEMBERSHIP**

- 1 13 members (7 Labour, 3 SNP, 2 Conservative, 1 Liberal Democrat).
- 2 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

**C QUORUM AND VOTING**

- 1 5 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from all Elected Members of the Council (subject to B.2, above).

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings to take place twice in each eight-week cycle of meetings.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle.
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.

**G MISCELLANEOUS**

- 1 The Council shall appoint such Executive Councillors as it thinks fit from time to time to be responsible for a specified area of the Council's functions, to be called a "portfolio". Those Executive Councillors shall, unless the Council decides to the contrary, act as the Council's spokespersons for their respective portfolios.
- 2 Each portfolio holder shall be the Chair of the Policy Development and Scrutiny Panel for that portfolio. The Chair of each such Policy Development and Scrutiny Panel shall, in consultation with the relevant Depute Chief Executive and the Lead Officer, be responsible for convening and conducting of meetings of that Policy Development and Scrutiny Panel in an open, efficient, effective way and in accordance with Standing Orders.
- 3 Where a Policy Development and Scrutiny Panel regularly deals with business which falls within the functions of the Council as education authority in terms of section 124 of the Local Government (Scotland) Act 1973, the Members appointed to that Panel shall include at least one of the six appointed members of the Education Executive established in terms of this Scheme of Administration.
- 4 Where an item of business or a motion or a question deals with a matter which falls within the functions of the Council as education authority, in terms of section 124 of the Local Government (Scotland) Act 1973, it shall be dealt with by, and if



necessary remitted to, the Education Executive.

- 5 The decision as to whether or not an item of business or a motion or a question or a Policy Development and Scrutiny Panel deals with a matter which falls within the functions of the Council as education authority shall be determined by the Clerk in consultation with the Chair.

## **EDUCATION EXECUTIVE**

### **A REMIT AND POWERS**

- 1 All of the Council's policy-making, decision-making and statutory functions, powers and duties which are functions of the Council as education authority in terms of section 124 of the Local Government (Scotland) Act 1973, other than:-

(a) those matters reserved to full Council by law or by council policy in terms of this Scheme of Administration,

(b) those matters delegated to other Committees or Sub-Committees of the Council in terms of this Scheme of Administration, and

(c) those matters delegated by the Council to a Joint Committee or statutory board.

### **B MEMBERSHIP**

- 1 18 elected members (9 Labour, 5 SNP, 2 Conservative, 1 Liberal Democrat, 1 Independent), together with the six appointed members in terms of section 124 of the Local Government (Scotland) Act 1973 (see G.5-G.10, below).
- 2 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive

### **C QUORUM AND VOTING**

- 1 5 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

### **D SUBSTITUTES**

- 1 Substitutes for Elected Members allowed, drawn from all Elected Members of the Council (subject to B.3, above).
- 2 No substitutes are allowed for any of the six appointed members.

### **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings to take place once in each eight-week cycle of meetings.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the

maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle.

- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle.
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.

#### **G MISCELLANEOUS**

- 1 The Committee is a “relevant Committee” in terms of section 124 of the Local Government (Scotland) Act 1973 for advising the Council on the discharge of its functions as education authority.
- 2 Where a Policy Development and Scrutiny Panel of the Council Executive established in terms of this Scheme of Administration has within its remit business which falls within the functions of the Council as education authority in terms of section 124 of the Local Government (Scotland) Act 1973, the members appointed to that Panel shall include at least one of the six appointed members of this Committee.
- 3 Where an item of business or a motion or a question deals with a matter which falls within the functions of the Council as education authority, in terms of section 124 of the Local Government (Scotland) Act 1973, it shall be dealt with by, and if necessary remitted to, this Committee.
- 4 The decision as to whether or not an item of business or a motion or a question or a Policy Development and Scrutiny Panel deals with a matter which falls within the functions of the Council as education authority shall be determined by the Clerk in consultation with the Chair.
- 5 The Clerk shall, prior to each local government election, secure the nomination of the religious representatives from the Church of Scotland and the Roman Catholic Church in Scotland, and shall report their nomination and secure their appointment to this Committee at the first meeting of the Council following the election.
- 6 The Clerk shall, prior to each local government election, secure the election of a third religious representative by way of an electoral college of all religions registered with the Council and having places of worship in West Lothian, and shall report his or her election and secure his or her appointment to this Committee at the first meeting of the full council following the election.

- 7 The Clerk shall, prior to each local government election, secure the election of two representatives of teachers employed by the Council by way of a ballot of all teachers employed or expected to be employed in West Lothian Educational establishments. One representative shall be from the Primary/Early Years sector and one from Secondary/Special Education. All such teachers shall be entitled to vote for both positions. The election shall be conducted with a first-past-the-post voting system. The Clerk shall report the results and secure their appointment to this Committee at the first meeting of the Council following the election.
- 8 The Clerk shall, prior to each local government election, secure the nomination of a representative of the West Lothian Parent Councils' Representative Forum and shall report the nomination and secure the appointment to this Committee at the first meeting of the Council following the election.
- 9 The Depute Chief Executive may appoint mid-term replacements for the appointed members after following the relevant means of identification, nomination, election and appointment for each. Appointments should be reported to full council for information.
- 10 The six appointed members shall be appointed subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

### **ASSET TRANSFER COMMITTEE**

#### **A REMIT AND POWERS**

- 1 Determination of valid asset transfer requests made under the Community Empowerment (Scotland) Act 2015 and regulations made thereunder.

#### **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative).
- 2 Members must not also be members of the Asset Transfer Review Body.
- 3 All members require to undergo induction and regular refresher training as arranged by the Head of Finance & Property Services, and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

#### **C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

#### **D SUBSTITUTES**

- 1 Substitutes are not allowed.

#### **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every calendar month throughout the calendar year, excluding the Christmas holiday period and the summer recess.

- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting.

#### **G MISCELLANEOUS**

- 1 Site visits may be required by a decision of the committee or, prior to the committee's first consideration of a case, by a decision of the Clerk in consultation with the Chair. Where required, site visits arrangements are determined by the Clerk in consultation with the Chair. Not all sites will be visited, and attendance at site visits is not compulsory for members of the Committee.
- 2 The committee will consider a report and appropriate recommendations and property and financial advice by the Head of Finance & Property Services as as Chair of the officer Community Asset Transfer Board.
- 3 Legal advice is to be made available on request to the committee at its meetings through the Chief Solicitor.
- 4 If required, and where not provided by legislation, procedures at meetings of the committee are to be set by the Chief Solicitor in consultation with the Chair.
- 5 Subject to any over-riding legal requirements, the committee is bound by council policy in its decision-making.
- 6 Where members move a position against officers' recommendations then those who move and second the motion shall state reasons for that position, with reference to the relevant statutory and policy criteria, before a vote is taken, and the Clerk shall note and minute those reasons.

- 7 Decision letters and other correspondence required by a decision of the committee are framed and sent by the Head of Finance & Property Services in consultation, in relation to legal matters, with the Chief Solicitor.

### **ASSET TRANSFER REVIEW BODY**

#### **A REMIT AND POWERS**

- 1 Determination of valid requests for review of decisions made by the Asset Transfer Committee on asset transfer requests made under the Community Empowerment (Scotland) Act 2015 and regulations made thereunder.
- 2 Considering and approving appeal submissions in cases where a decision was previously made contrary to officers' recommendations.

#### **B MEMBERSHIP**

- 1 5 members (2 Labour, 2 SNP, 1 Conservative).
- 2 Members must not also be members of the Asset Transfer Committee.
- 3 All members require to undergo induction and regular refresher training as arranged by the Head of Finance & Property Services, and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

#### **C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

#### **D SUBSTITUTES**

- 1 Substitutes are not allowed.

#### **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every calendar month throughout the calendar year, excluding the Christmas holiday period and the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting.

## **G MISCELLANEOUS**

- 1 The Asset Transfer Review Body is a committee required by statute to deal with requests for review of asset transfer decisions made by another council committee. Its procedures are governed by the Community Empowerment (Scotland) Act 2015 and associated regulations.
- 2 To be able to take part in the decision-making process, members require to have attended all stages of the committee's consideration of an application, including site visits.
- 3 Site visits may be required by a decision of the committee or, prior to the committee's first consideration of a case, by a decision of the Clerk in consultation with the Chair. Where required, site visits arrangements are determined by the Clerk in consultation with the Chair.
- 4 The clerking and administration of the committee's business, including preparation of reports and supporting documents, is to be carried out by Committee Services.
- 5 Legal advice is to be made available to the committee at its meetings through the Chief Solicitor.
- 6 Property and financial advice is to be made available to the committee at its meetings by the Head of Finance & Property Services. The officer providing that advice must not have been involved in the case at any earlier stage. No opinion shall be expressed on the merits of the case.
- 7 Decision letters and other correspondence required by a decision of the committee are framed and sent by the Chief Solicitor.
- 8 If required, and where not provided by legislation, procedures at meetings of the committee are to be set by the Chief Solicitor in consultation with the Chair.
- 9 Subject to any over-riding legal requirements, the committee is bound by council policy in its decision-making.
- 10 For appeal submissions in cases where the decision was contrary to officers' recommendation, the Head of Finance & Property Services, in consultation with the

Chief Solicitor, shall prepare, or procure the preparation of, the appeal submission. If required, the submission may be made through the use of Standing Order 31.

### **AUDIT COMMITTEE**

#### **A REMIT AND POWERS**

- 1 (a) To undertake a corporate overview of the Council's control environment, including financial and non-financial controls.
  - (b) To develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability.
  - (c) To commission special investigations on the Committee's behalf on matters of particular concern relating to internal controls.
  - (d) To evaluate the arrangements in place for securing the economical, efficient and effective management of the Council's resources.
  - (e) To approve the annual internal audit plan and the annual counter fraud plan, and to consider the annual external audit plan.
  - (f) To give consideration to internal audit, counter fraud and external audit reports which identify deficiencies in relation to the internal controls in operation and ensure that management implement the recommendations incorporated within the audit report action plans by the agreed date.
  - (g) To redirect internal audit resources as and when deemed appropriate.
  - (h) To monitor the overall performance of the internal audit and counter fraud services in terms of productivity, effectiveness, customers' satisfaction etc.
  - (i) To consider the internal audit annual report including reviewing the effectiveness of the system of internal control.
  - (j) To consider the unaudited annual accounts, the audited annual accounts, the external auditor's annual report and management's response.
  - (k) To maintain an effective working relationship with external audit and with the council's Governance & Risk Committee.
- 2 In pursuing its remit the Committee has the following powers:-
    - (a) To require Internal Audit to obtain documents and information relevant to the Committee's role and remit.
    - (b) To have the right to call any Elected Member or officer before the Committee.
    - (c) To take decisions in relation to all aspects of the Committee's remit, subject to the Committee not taking decisions which will change or conflict with council

policy or commit the Council to significant expenditure, although the Committee may make recommendations to the Council on policy matters or expenditure.

**B MEMBERSHIP**

- 1 5 elected members (2 Labour, 2 SNP, 1 Conservative), with the Chair to be a member from outwith the administration group or groups.
- 2 1 lay member to be appointed by the Council after a recommendation from an interview panel chaired by the Chair of this Committee.
- 3 The lay member shall not be entitled to move or second motions or amendments and shall not be entitled to vote.

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed for elected members, drawn from all Elected Members of the Council.
- 2 No substitute is allowed for the lay member.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Four scheduled meetings per year.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.



- 2 Approved minutes to be reported to the Council for noting.

**G MISCELLANEOUS**

- 1 The Committee's role is to review and monitor all of the Council's activities in relation to:-
  - (a) Reviewing and promoting the Council's system of internal control, both financial and otherwise, aimed at ensuring that the Council's activities are carried out in an orderly and efficient manner, and that its assets are safeguarded,
  - (b) Evaluation of the Council's control environment, including measures to prevent and detect fraud,
  - (c) Monitoring the independence and effectiveness of internal and external audit.
- 2 Issues will be referred to the Committee by the Council, a Committee or an appropriate officer for due consideration. The Committee shall refer any relevant aspects of its business to the council's Governance & Risk Committee for consideration.
- 3 The Committee shall cooperate with the Governance & Risk Committee in ensuring efficient and effective arrangements for the conduct of business where the interests of the two committees are shared.
- 4 The lay (non-councillor) member is to be appointed at a meeting of full council following a recommendation from a recruitment panel comprised of the Chair (whom failing the Vice-Chair) of this Committee, a senior officer, and a member of the committee from a different party to the Chair (or Vice-Chair as the case may be). The lay member is a non-voting member with a period of appointment of three years, and is required to agree to be bound by the principles of the Councillors' Code of Conduct. At the end of the three year period, council will be asked to offer to extend the appointment for another three years or to re-advertise. If necessary for any reason, the council will terminate the appointment early.

**AVOIDANCE OF DISPUTES COMMITTEE**

**A REMIT AND POWERS**

- 1 To hear and determine industrial disputes with recognised Trades Unions in terms of existing collective agreements for the avoidance of industrial disputes for single status staff and craft workers.

**B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative) to be appointed by the Council.

**C QUORUM AND VOTING**

- 1 3 members.

- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from all Elected Members of the Council.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 *Ad hoc* meetings as required to dispose of business arising, arranged by the Clerk in consultation with relevant Depute Chief Executive and the Chair.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.
- 2 Minutes to be reported to the Council for noting.

**G MISCELLANEOUS**

- 1 The Committee deals with business referred to it under the Council's Procedure for the Avoidance of Disputes.
- 2 Business is conducted as agreed amongst those in attendance at a meeting, which failing in accordance with the Committee's standard rules of procedure.
- 3 The Committee cannot make decisions which are at variance with council policy.

**DEVELOPMENT MANAGEMENT COMMITTEE**

**A REMIT AND POWERS**

- 1 With the exceptions of applications referred to the West Lothian Planning Committee and the council's functions under the High Hedges (Scotland) Act

2013, in relation to matters which are the responsibility of the council's Planning Service:-

- a) Determination of planning and other regulatory applications
  - b) Issuing of notices, certificates and orders
  - c) Taking enforcement action, including emergency or urgent action, in relation to allegations of breach of consent, permission or other controls
- 2 Considering and approving appeal submissions in cases where a decision was previously made by the committee contrary to officers' recommendations.
  - 3 Authorising the making of representations, including objections, on behalf of the council in relation to applications in neighbouring council areas where the council has been consulted.
  - 4 Responding on behalf of the council to statutory consultations and notifications of licence applications for electricity generating station developments.

**B MEMBERSHIP**

- 1 9 members (3 Labour, 3 SNP, 2 Conservative, 1 Independent).
- 2 All members require to undergo induction and regular refresher training as arranged by the relevant Depute Chief Executive, and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

**C QUORUM AND VOTING**

- 1 3 members
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes are not allowed.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every 4 weeks, or as near thereto as is practicable, throughout the calendar year, including the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Additional meetings may be arranged by the Clerk, in consultation with the Chair, in the circumstances described in G7, below.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.

- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.

#### **G MISCELLANEOUS**

- 1 Site visits for members of the Committee are to be arranged by the Depute Chief Executive (Education & Planning Services) in consultation with the Chair. Not all sites will be visited, and attendance at site visits is not compulsory for members of the Committee.
- 2 The Scheme of Delegations to Officers confers on the Depute Chief Executive for Education and Planning and the Head of Planning, Economic Development & Regeneration a power to determine applications in certain circumstances. Decisions proposed to be made by officers shall, where required by the Scheme of Delegation, be circulated to members on a weekly list, and items of business will only be brought to the Committee when called to committee or in other circumstances where those delegated powers do not apply.
- 3 The Depute Chief Executive (Education & Planning Services) is responsible for issuing Advice Notes to applicants and objectors explaining the rules about objections and hearings at meetings of the Committee, advising interested parties of the date of the meeting when their case will be brought to Committee, and for preparing a list of those who desire to, and who are entitled to, appear at those meetings.
- 4 Hearings at meetings of the Committee are conducted in accordance with a standard procedure. The procedure will be notified to interested parties in advance of and at meetings of the Committee by the Depute Chief Executive (Education & Planning Services).
- 5 Where Members move a position against officers' recommendations or against the terms of the development plan then those who move and second the motion shall provide a statement of their planning reasons for that position before a vote is taken, and the Clerk shall note and minute those reasons.
- 6 For appeal submissions in cases where the decision was contrary to officers'

recommendation the Depute Chief Executive (Education & Planning Services), in consultation with the Chief Solicitor, shall prepare, or procure the preparation of, the appeal submission. Prior to submitting the statement of the Council's case, the Chair and ward Members shall be consulted. If required, the submission may be made through the use of Standing Order 31.

- 7 On occasion, a quorum may not be available due to the withdrawal of members under the Councillors' Code of Conduct. Where an item of business cannot be transacted in those circumstances it shall, as determined by the Chief Solicitor, be referred to full council for determination.

## **EMPLOYEES APPEALS COMMITTEE**

### **A REMIT AND POWERS**

#### **1 Appeals (Non-Teaching Staff)**

To hear and determine disciplinary, sickness absence and grievance appeals by non-teaching staff employees in terms of the Council's policies and procedures, subject to the following:-

(a) Grievances shall be restricted to the interpretation and application of council policy and council, committee and sub-committee decisions. Grievances which challenge council policy or council, committee or sub-committee decisions will be treated as disputes, and will not be referred to the Committee. (In this case the Council's Procedure for the Avoidance of Disputes will apply. The Council, or relevant Committee or Sub-Committee shall be the final arbiter of the dispute, following appropriate consideration and negotiation).

(b) Grievances which refer to areas where there is no or unclear council policy or council, committee or sub-committee decision, will be referred by the Committee to the Council or relevant Committee or Sub-Committee for decision or clarification. The Committee will decide whether to hold the appeal or grievance in abeyance in the meantime, or to deal with it without prejudice to the later decision of the Council or appropriate Committee or Sub-Committee and in the recognition that when determined or clarified council policy or council, committee or sub-committee decisions may be applied from that date regardless of the decision of the Appeals Committee.

#### **2 Appeals (Teaching Staff)**

To hear and determine disciplinary, sickness absence and grievance appeals by teaching staff in terms of the Council's policies and procedures, and other appeals where required by the terms of the terms and conditions of employment of teaching staff, subject to the following:-

(a) Grievances shall be restricted to the interpretation and application of council policy and council, committee and sub-committee decisions. Grievances, which challenge council policy or council, committee or sub-committee decisions will be treated as disputes, and will not be referred to the Committee.

(b) Grievances which refer to areas where there is no or unclear council policy or council, committee or sub-committee decision, will be referred by the Committee to

the Council or relevant Committee or Sub-Committee for decision or clarification. The Committee will decide whether to hold the appeal or grievance in abeyance in the meantime, or to deal with it without prejudice to the later decision of the Council or appropriate Committee or Sub-Committee and in the recognition that when determined or clarified council policy or council, committee or sub-committee decisions may be applied from that date regardless of the decisions of the Appeals Committee.

**B MEMBERSHIP**

- 1 A panel consisting of 8 Elected Members (5 Labour, 2 SNP, 1 Conservative) and 1 of the four appointed members under section 124 of the Local Government (Scotland) Act 1973.
- 2 The panel of members is to be appointed by full council and members are to undergo appropriate training arranged by the Clerk.
- 3 5 members of the panel are to be called to each meeting of the Committee (subject to G.2, below).
- 4 Where the Committee is convened to deal with business under its Appeals (Teaching Staff) functions, the members called by the Clerk shall include the appointed member under section 124 of the Local Government (Scotland) Act 1973 and those members of the panel who are also members of the Education Executive.
- 5 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from the panel of Members appointed by the Council.
- 2 For meetings at which the attendance of the non-elected member of the Committee is required (see B.4, above), a substitute is allowed drawn from the other three appointed members under section 124 of the Local Government (Scotland) Act 1973 (subject to B.2 and B.5 above).
- 3 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings on one day in each calendar month, except for the month of July, in each year.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in

consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.

- 3 Other meetings as are required to deal with business arising shall be arranged by the Clerk in consultation with the relevant Depute Chief Executive and the Chair.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.
- 2 Minutes to be reported to full council.
- 3 Where the Committee as part of its decision makes recommendations to full council or a Committee, or remits any matter of policy for consideration to full council or a Committee, the relevant Depute Chief Executive shall submit a report to the appropriate body as soon as practicable.

#### **G MISCELLANEOUS**

- 1 The Committee has one meeting per month scheduled to deal with business arising, and additional or adjourned meetings can be arranged as and when required.
- 2 Members of the panel will be called to meetings on a rota system to be organised by the Clerk.

### **EDUCATION (QUALITY ASSURANCE) COMMITTEE**

#### **A REMIT AND POWERS**

- 1 (a) To consider reports from HMIE in relation to the council's education establishments.

(b) To consider internal school reviews carried out by council officers in relation to the council's education establishments.

(c) To consider matters referred to it from time to time by full council or by the Education Executive.

(d) To determine an annual work-plan for the Committee.

(e) To maintain an effective working relationship with other council Committees and Policy Development and Scrutiny Panels.

2 In pursuing its remit the Committee has the following powers:-

(a) To require Education Services to provide documents and information relevant to items of business within the Committee's role and remit.

(b) To require relevant officers of Education Services to attend meetings of the committee to assist the committee in dealing with an item or items of business.

(c) To make recommendations to officers or the Education Executive as appropriate on all matters within the Committee's remit. The Committee shall not have power to take decisions which will change or conflict with council policy or commit the Council to additional expenditure.

## **B MEMBERSHIP**

1 7 elected members (2 Labour, 2 SNP, 1 Conservative, 1 Liberal Democrat, 1 Independent), together with 4 of the 6 appointed members in terms of section 124 of the Local Government (Scotland) Act 1973 (see G.2, below).

2 Council to appoint members of the committee to be its Chair and Vice-Chair.

3 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

## **C QUORUM AND VOTING**

1 3 members.

2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

## **D SUBSTITUTES**

1 Substitutes for Elected Members are allowed, drawn from all Elected Members of the Council (subject to B.3, above).

2 No substitutes are allowed for any of the appointed members.

## **E MEETINGS (SUBJECT TO STANDING ORDER 41)**



- 1 Scheduled meetings once in each eight-week cycle of meetings.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.
- 2 Minutes of the Committee will be reported to the Council for noting.

#### **G MISCELLANEOUS**

- 1 Issues will be referred to the Committee by the Council, Education Executive or an appropriate officer for due consideration.
- 2 The Committee is a “relevant Committee” in terms of section 124 of the Local Government (Scotland) Act 1973 for advising the Council on the discharge of its functions as education authority. The provisions of the Scheme of Administration for the Education Executive (G.5 to G.9) in relation to the election and appointment of appointed members shall apply to this committee.
- 3 The relevant Depute Chief Executive shall have the power, in consultation with the Chair, to invite persons or organisations from outwith the council to attend and take part in its business.
- 4 The extent to which such invited persons or organisations shall be permitted to participate in the item of business shall be determined by the Chair, having regard to the Council’s Standing Orders for the Regulation of Meetings and Scheme of Administration.
- 5 Where the Committee resolves to deal with an item or items of business in private in terms of sections 50A to 50K of the Local Government (Scotland) Act 1973, such invited persons or organisations shall be entitled to attend the meeting to deal only

with the items of business for which they were invited, and no other.

## **GOVERNANCE & RISK COMMITTEE**

### **A REMIT AND POWERS**

- 1 (a) To undertake a corporate overview of the Council's corporate governance and risk management arrangements, and, in conjunction with the Audit Committee, the council's system of internal control.
- (b) To review with management and in conjunction with the Audit Committee the adequacy of the policies and practices in operation to ensure compliance with relevant governance statutes, directions, standards and codes.
- (c) To develop a culture within the council of good corporate governance and to promote awareness of and compliance with the principles of good corporate governance within the council.
- (d) To consider and approve the council's annual governance statement.
- (e) To review the external auditor's annual report and management's response in relation to matters of governance and risk.
- (e) To review, scrutinise and monitor on an ongoing basis the council's compliance with the Local Code of Corporate Governance, in particular to identify areas of weakness or concern and the steps taken by management to address those.
- (f) To review and monitor the council's systems for the management of the Local Code of Corporate Governance and reporting arrangements and ensure they are adequate and cost effective.
- (g) To give consideration to internal and external reports which identify issues in relation to corporate governance, to scrutinise action plans for compliance, and to ensure that such action plans are implemented by management.
- (h) To consider on referral from time to time by any council body, including the Audit Committee, any other matters relating to corporate governance and the council's compliance with its principles and own Local Code
- (i) To make recommendations to full council, council committee or management in relation to any of the matters within its remit in relation to corporate governance.
- (j) To develop a culture within the council of risk awareness and risk management.
- (k) To review and monitor the council's strategy and systems for the management of risk and relevant reporting arrangements and ensure they are adequate and cost effective.

(l) To give consideration to internal and external reports which identify issues in relation to risk and risk management, to scrutinise action plans for compliance, and to ensure that such action plans are implemented by management.

(m) To make recommendations to full council, council committee or management in relation to any of the matters within its remit in relation to risk and risk management.

2 In pursuing its remit the Committee has the following powers:-

(a) To require services to provide documents and information relevant to the Committee's role and remit.

(b) To require relevant officers to attend meetings of the committee to assist in dealing with an item or items of business.

(c) To take decisions in relation to all aspects of the Committee's remit, subject to the Committee not taking decisions which will change or conflict with council policy or commit the Council to significant expenditure, although the Committee may make recommendations to the Council on policy matters or expenditure.

## **B MEMBERSHIP**

1 5 elected members (2 Labour, 2 SNP, 1 Conservative), with the Chair to be a member from outwith the administration group or groups.

2 1 lay member to be appointed by the Council after a recommendation from an interview panel chaired by the Chair of this Committee.

3 The lay member shall not be entitled to move or second motions or amendments and shall not be entitled to vote.

## **C QUORUM AND VOTING**

1 3 members

2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

## **D SUBSTITUTES**

1 Substitutes allowed for elected members, drawn from all Elected Members of the Council.

## **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

1 Four scheduled meetings per year.

2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.

3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2

Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.  
Approved minutes to be reported to the Council for noting.

#### **G MISCELLANEOUS**

- 1 The Committee's role is to review and monitor all of the Council's activities in relation to corporate governance and risk
- 2 Issues will be referred to the Committee by the Council, a Committee, especially the Audit Committee, or an appropriate officer for due consideration.
- 3 The Committee shall cooperate with the Audit Committee in ensuring efficient and effective arrangements for the conduct of business where the interests of the two committees are shared.
- 4 The lay (non-councillor) member is to be appointed at a meeting of full council following a recommendation from a recruitment panel comprised of the Chair (whom failing the Vice-Chair) of this Committee, a senior officer, and a member of the committee from a different party to the Chair (or Vice-Chair as the case may be). The lay member is a non-voting member with a period of appointment of three years, and is required to agree to be bound by the principles of the Councillors' Code of Conduct. At the end of the three year period, council will be asked to offer to extend the appointment for another three years or to re-advertise. If necessary for any reason, the council will terminate the appointment early.

### **LICENSING COMMITTEE**

#### **A REMIT AND POWERS**

- 1 To dispose of applications for non-liquor licences where there is contravention of established council policy, or where objections have been raised by officers, advisers, or members of the general public.
- 2 To consider where appropriate the suspension of such licences granted by the

Council.

- 3 To grant or refuse permission for parades and marches and to determine the conditions to be attached to any such permission granted, all in accordance with council policy.
- 4 To grant or refuse applications to the register of private landlords under the Antisocial Behaviour (Scotland) Act 2004, and dispose of other decisions required in the administration of the Council's registration scheme.
- 5 To vary or refuse to vary conditions attached to non-liquor licences in accordance with council policy.

**B MEMBERSHIP**

- 1 7 members (3 Labour, 2 SNP, 2 Conservative).

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from all Elected Members of the Council.
- 2 All members, including substitutes, require to undergo appropriate training to be arranged by the Clerk.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Every four weeks.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Other meetings as are required to deal with business arising shall be arranged by the Clerk in consultation with the relevant Depute Chief Executive and the Chair.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the

maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.

## **G MISCELLANEOUS**

- 1 Hearings of cases by the Committee shall be conducted in accordance with standard rules of procedure. The Clerk shall be responsible for the issuing of those rules of procedure to interested parties before and at meetings of the Committee.
- 2 The Clerk shall be responsible for lawfully citing parties to attend at meetings of the Committee, and shall report to the Committee any failure in such citation before its consideration of each case.
- 3 The Council's Scheme of Delegations to Officers confers powers on officers to grant licences and other applications, and cases are referred to the Committee for decision where those powers do not apply.

## **LOCAL REVIEW BODY**

### **A REMIT AND POWERS**

- 1 Determination of requests for review of decisions by the Council's Appointed Person to refuse, or grant subject to conditions, applications for planning permission for local developments covered by the Council's statutory Scheme of Delegations, and for the non-determination by the Appointed Person of such applications, all under the Planning etc. (Scotland) Act 2006 and regulations made thereunder.

### **B MEMBERSHIP**

- 1 7 members (3 Labour, 2 SNP, 1 Conservative, 1 Independent).
- 2 All members require to undergo induction and regular refresher training as arranged by the relevant Depute Chief Executive and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

### **C QUORUM AND VOTING**

- 1 3 members
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing

Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes are not allowed.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every 4 weeks, or as near thereto as is practicable, throughout the calendar year, excluding the Christmas holiday period and the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Additional meetings may be arranged by the Clerk, in consultation with the Chair, in the circumstances described in G11, below.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.

**G MISCELLANEOUS**

- 1 The Local Review Body is a Committee required by statute to deal with requests for review of certain decisions made under delegated powers to the Council's "Appointed Person". Its procedures are governed by the Town and Country Planning (Schemes of Delegations and Local Review Procedure) (Scotland) Regulations 2008, as amended.
- 2 To be able to take part in the decision-making process, members require to have attended all stages of the committee's consideration of an application, including site visits. (See also G.3, below).
- 3 In terms of a decision of the committee on 10 November 2021, the Local Review

Body will make unaccompanied inspections of the land to which review applications relate in advance of the first consideration of all review applications, attendance at unaccompanied inspections being mandatory, and that any member not attending is unable to take any further part in the determination of the review application.

- 4 The administration of the Local Review Body's business is to be carried out by the Committee Services Manager.
- 5 Legal advice is to be made available to the Local Review Body at its meetings by the Chief Solicitor, and the officer providing that advice must not have been involved in the case at any earlier stage.
- 6 Planning advice is to be made available to the Local Review Body at its meetings by the relevant Depute Chief Executive, and the officer providing that advice must not have been involved in the case at any earlier stage. The advice provided is to be limited to advising on the content of the development plan, national planning advice and guidance, council Supplementary Planning Guidance and council policies, and not on the merits of the case.
- 7 Training for Members is to be organised by the relevant Depute Chief Executive.
- 8 Decision letters are framed and sent by the Clerk, and, where required by a decision of the Local Review Body, the Clerk shall sign and issue planning permission.
- 9 Where a section 75 or other legal agreement is required, the Clerk shall instruct the Chief Solicitor to take the appropriate action before planning permission is issued.
- 10 If required, and where not provided by legislation, procedures at meetings of the Local Review Body are to be set by the Chief Solicitor in consultation with the Chair.
- 11 On occasion, a quorum may not be available due to the withdrawal of members under the Councillors' Code of Conduct. Where an item of business cannot be transacted in those circumstances it shall, as determined by the Chief Solicitor, be referred to full council for determination.

### **MISCELLANEOUS APPEALS COMMITTEE**

#### **A REMIT AND POWERS**

##### **1 Housing Appeals**

To act with powers to determine appeals in relation to the provision of housing services, subject to the following:-

- (a) In exercising its powers the Committee shall not depart from the Council's housing policy or policies.



**2 Client Affairs and Appeals**

(a) To act with powers in considering and disposing of applications for section 12 payments where these relate to payment of rent arrears.

(b) To deal with problems of clients and families affected by homelessness legislation with particular reference to the care of children.

(c) To consider ex gratia payments to foster parents for damage to property while caring for children.

(d) Any other function relating to the affairs of individual social work services clients, etc. as the Council may, from time to time, determine.

**3 Additional Learning Needs Review**

(a) To hear cases where dissatisfaction is expressed by a parent of a child with Additional Learning Needs or by a young person with Additional Learning Needs with a decision relating to Additional Learning Needs service provision, and where the process of mediation and officer review has not produced a decision which is acceptable to the parent or young person concerned.

(b) The Committee shall consider the manner in which the decision was taken and the decision itself which will have been taken on the basis of council policy and the professional judgment of officers.

(c) The Committee shall only consider a case where no statutory right of appeal exists, and where the prior stages of mediation and officer review have been followed without a successful resolution.

(d) The powers of the Committee shall be restricted to making recommendations, if so advised, in the form of a report to the Education Executive.

**4 Smoking Fixed Penalty Hearings**

(a) To hear and determine requests for a hearing made in respect of fixed penalty notices issued under section 6 of the Smoking Health and Social Care (Scotland) Act 2005 in respect of offences under sections 1, 2 or 3 of that Act;

(b) Disposals are either to uphold the appeal and withdraw the fixed penalty notice, or to refuse the appeal; and

(c) The hearing is to be conducted in accordance with a procedure set by the Chief Solicitor under delegated powers.

**5 Business Improvement District Levy Appeals**

(a) To hear and determine appeals brought against the imposition of a Business Improvement District levy under paragraph 8 of the Schedule to the Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007;

(b) Disposals are to uphold the appeal in full and cancel the levy made on the appellant and the demand notice sent to him; or to uphold the appeal in part and adjust the amount of liability of the appellant for payment of the levy; or to refuse the appeal; and

(c) The hearing is to be conducted in accordance with a procedure set by the Chief Solicitor under delegated powers.

**B MEMBERSHIP**

- 1 A panel consisting of 4 Elected Members (3 Labour, 1 Conservative) and 1 of the 4 appointed members under section 124 of the Local Government (Scotland) Act 1973.
- 2 The panel of members is to be appointed by full council and members are to undergo appropriate training arranged by the Clerk.
- 3 5 members of the panel are to be called to each meeting of the Committee (subject to G.3, below).
- 4 Where the Committee is convened to deal with business under its Additional Learning Needs Review functions, the members called by the Clerk shall include the appointed member under section 124 of the Local Government (Scotland) Act 1973 and those members of the panel who are also members of the Education Executive.
- 5 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from the panel of members appointed by the Council.
- 2 For meetings at which the attendance of the non-elected member of the Committee is required (see B.4, above), a substitute is allowed drawn from the other three appointed members under section 124 of the Local Government (Scotland) Act 1973 (subject to B.2 and B.5 above).
- 3 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 *Ad hoc* meetings as required to dispose of business arising, arranged by the Clerk in consultation with the Chair.
- 2 Minutes to be reported to full council for information.
- 3 Where the Committee as part of its decision makes recommendations to full Council or a Committee, or remits any matter of policy for consideration to full

council or a Committee, the relevant Depute Chief Executive shall submit a report to the appropriate body as soon as practicable.

- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**G MISCELLANEOUS**

- 1 The Committee is convened as and when required to dispose of its business.
- 2 Members of the panel will be called to meetings on a rota system to be organised by the Clerk.
- 3 Where the Committee is convened in relation to its Additional Learning Needs Review function, the Clerk shall take all reasonable steps to have only three members in attendance, in order to ensure as far as possible an informal and non-threatening environment for those seeking the review.

**PERFORMANCE COMMITTEE**

**A REMIT AND POWERS**

- 1 (a) To undertake a corporate overview of performance across the Council.  
  
(b) To develop a performance culture within the Council which will drive continuous improvement.  
  
(c) To review with management the performance management and performance reporting arrangements and ensure that they are both adequate and cost effective.  
  
(d) To commission special investigations on the Committee's behalf on matters of particular concern relating to performance management, reporting, target setting or benchmarking.  
  
(e) To ensure that performance management arrangements cover Best Value

considerations.

(f) To determine an annual work-plan for the Committee.

(g) To give consideration to internal and external reports, including Best Value reviews, which identify issues in relation to performance management, measurement or reporting and ensure that management implement the recommendations incorporated within the reports by dates agreed in covering action plans.

(h) To maintain an effective working relationship with other council Committees.

2 In pursuing its remit the Committee has the following powers:-

(a) To require services to provide documents and information relevant to the Committee's role and remit.

(b) To have the right to call any Elected Member or officer before the Committee.

(c) To make recommendations as appropriate on all aspects of the Committee's remit. The Committee shall not have power to take decisions which will change or conflict with council policy or commit the Council to significant expenditure, although the Committee may make recommendations to the Council or other Committees on policy matters or expenditure.

**B MEMBERSHIP**

1 5 members (2 SNP, 2 Labour, 1 Conservative).

**C QUORUM AND VOTING**

1 3 members.

2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

1 Substitutes allowed, drawn from all Elected Members of the Council.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

1 Scheduled meetings once in each eight-week cycle of meetings.

2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.

3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or

hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.
- 2 Minutes of the Committee will be reported to the Council for noting.

**G MISCELLANEOUS**

- 1 The Committee's role is to monitor, review and challenge the Council's services and activities, at both corporate and service level, to ensure that:

(a) Appropriate performance measures are in place and applied systematically across the Council in accordance with council strategies such as WLAM;

(b) The requirement for the Council to demonstrate Best Value in the use of its resources is met; and

(c) Continuous improvement in the delivery of services is achieved.

- 2 In relation to other council Committees, the role of the Committee will be to provide a challenge to service and corporate performance that will add value to the considerations of these Committees and result in improved performance management and attainment.
- 3 Issues will be referred to the Committee by the Council, another Committee or an appropriate officer for due consideration.
- 4 The Committee may generate its own items for consideration based on the performance information it reviews.
- 5 The Committee has no powers or remit in relation to the business delegated to the Education (Quality Assurance) Committee.

**PLANNING COMMITTEE**

**A REMIT AND POWERS**

- 1 The provision of a pre-determination hearing for "major" applications for planning permission for developments which are determined to be and are referred to the Committee by the Head of Planning, Economic Development & Regeneration as being significantly contrary to the development plan (Section 38A of the Town and Country Planning (Scotland) Act 1997), together with other related applications deemed by the Head of Service to be appropriate for determination at the same time.

- 2 The Committee shall not have the power to determine that an application before it is not significantly contrary to the development plan.

**B MEMBERSHIP**

- 1 All Elected Members of the Council.
- 2 Before being able to sit at meetings of the Committee, Members must have attended training sessions on development management to the satisfaction of the Clerk to the Council which will be arranged from time to time by the relevant Depute Chief Executive.
- 3 The Chair and Vice-Chair are appointed by the Council.

**C QUORUM AND VOTING**

- 1 One fourth of the whole number of Members of the Council.
- 2 In the event that there are at any time vacancies in the case of more than one third of the Members of the Council, then the statutory rules which apply for determining the quorum for meetings of full council shall be used.
- 3 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 **Not applicable.**

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 One meeting in each calendar month, which meetings shall only be called and take place if there is business to be transacted.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.

**G MISCELLANEOUS**

- 1 Business is referred to the Committee by the Head of Planning, Economic Development & regeneration who holds the delegated power to determine if an major application for planning permission is significantly contrary to the development plan. That decision cannot be questioned or overturned except by a decision of full council.
- 2 If there is no business to be transacted at a scheduled meeting then the meeting shall not be called and shall not take place.
- 3 The Head of Planning, Economic & Regeneration Services shall, where he deems it appropriate, make arrangements for a site visit to be offered to all members, but attendance at the site visit, whilst advised, shall not be compulsory
- 4 The procedure to be followed in inviting the interested parties to the meeting and in conducting the hearings before the Committee are to be determined, and may be changed from time to time, by the Chief Solicitor in consultation with the Chair of the Committee.

**SENIOR OFFICER APPOINTMENT COMMITTEE**

**A REMIT AND POWERS**

- 1 To select, interview and appoint candidates to vacancies for the posts of Chief Executive, Depute Chief Executive and Head of Service, and in particular:-
  - to select a long leet of candidates for assessment,
  - from the long leet, to select a short leet for interview,
  - to conduct interviews of short leet candidates, and
  - to select and appoint the successful candidate.

**B MEMBERSHIP**

- 1 5 members (3 Labour, 1 SNP, 1 Conservative).
- 2 Members require to undergo appropriate training arranged by the Clerk.

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from all Elected Members of the Council who have undergone appropriate training arranged by the Clerk.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 *Ad hoc* meetings when required to deal with appointments referred to it by the Council.

- 2 Meetings of the Committee take place on dates fixed by the Clerk, in consultation with the Chair, or on dates fixed by the Committee at its earlier meetings.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.
- 2 Appointments made by the Committee are to be reported to the next available meeting of the Council by the relevant Depute Chief Executive.

**G MISCELLANEOUS**

- 1 The Chief Executive, as Head of Paid Service, has delegated powers to appoint employees up to but not including Heads of Service.
- 2 The appointments of Chief Executive, Depute Chief Executive and Heads of Service are reserved to the Council, but the Council may choose to delegate that power to this Committee, or to officers.
- 3 The Committee conducts the business referred to it by the Council through one meeting, albeit that meeting will be adjourned from time to time. Substitutes are allowed at any stage in the procedure (subject to B.2 and D, above), notwithstanding that the Committee may re-convene with different members in attendance. All reasonable efforts should be made however to have continuity of membership throughout the process for each appointment.
- 4 The Chief Executive or his nominee(s) shall attend meetings of the Committee for all appointments, and the relevant Depute Chief Executive shall attend meetings of the Committee for appointments of Head of Service. They shall be entitled to participate in discussions at meetings of the Committee (other than in the interview process itself) when invited to do so by the Chair.
- 4 At or prior to the first stage meeting of the Committee, copies of the application forms for all candidates shall be issued to members.



- 5 At the first stage meeting the Committee shall:-
  - consider the procedure and process to be followed, including the need for a second stage meeting, fixing of a timetable and the assessment and interview processes, and
  - agree the long or short list of candidates for assessment and reserve candidates if so advised.
- 6 At the second stage meeting (if required) the Committee shall:-
  - hear a verbal report from the Chief Executive or his nominee(s) on the outcome of the assessment process,
  - agree the short list of candidates for interview, and
  - agree a presentation topic for candidates selected for interview, as recommended by the Chief Executive or his nominee(s).
- 7 At the final stage meeting the Committee shall:-
  - agree questions for each member to ask each candidate from a list supplied by the Chief Executive or his nominee(s)
  - conduct interviews
  - appraise the performance of each candidate at interview
  - cast a vote for one of the candidates, with the Chair having a casting vote in the event of a tie
  - select the successful candidate and instruct the Chief Executive to secure his or her appointment to the post.
- 8 Notwithstanding the votes cast, the members of the Committee shall support the appointed candidate as if the vote had been unanimous.

### **WEST LOTHIAN LEISURE ADVISORY COMMITTEE**

#### **A REMIT AND POWERS**

- 1 To provide a forum for consultation and engagement between the council and West Lothian Leisure.
- 2 To assist the council in securing best value through achieving economy, effectiveness and efficiency in its operations and expenditure and its management and use of council resources.
- 3 To monitor the implementation by West Lothian Leisure of its Business Plan.
- 4 To review performance, financial management and reporting arrangements and ensure that they are adequate and cost effective.
- 5 To scrutinise the service performance of West Lothian Leisure in relation to its achievement of agreed outcomes and performance indicators.
- 6 To scrutinise the financial performance of West Lothian Leisure against the funding arrangements with the council.

- 7 To give consideration to internal and external reports, including Best Value reviews, which identify issues in relation to the council's relationship with West Lothian Leisure.
- 8 To review the place and role of West Lothian Leisure in the fulfilment of the council's statutory duties and delivery of its strategy, outcomes and priorities.
- 9 To consider West Lothian Leisure's annual report each year and its implications for the ongoing relationship between the council and West Lothian Leisure and make appropriate recommendations to Council Executive.
- 10 In pursuing its remit the committee has the following powers:-
  - a) To call for the provision of documents and information relevant to the committee's role and remit
  - b) To call for council officers and officers of West Lothian Leisure to attend meetings of the committee
  - c) To make recommendations to council, its committees, council officers and West Lothian Leisure on all aspects of the committee's remit.

**B MEMBERSHIP**

- 1 5 members (3 Labour, 1 Conservative, 1 SNP).
- 2 Councillors who are directors or employees of West Lothian Leisure may not be appointed as members of the committee.

**C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

**D SUBSTITUTES**

- 1 Substitutes allowed, drawn from all Elected Members of the council other than councillors who are directors or employees of West Lothian Leisure.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Six scheduled meetings per year.
- 2 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 3 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 4 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or

hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 5 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to the next meeting of the Committee.

Minutes of the committee to be reported to council for noting.

Officers to report each year to Council Executive providing a copy of West Lothian Leisure's annual report, a summary of the council's relationship with West Lothian Leisure during the reporting year, and any recommendations made by the committee.

## **G MISCELLANEOUS**

- 1 West Lothian Leisure shall provide information for inclusion in reports on the committee's agenda in relation to service and financial performance in a format and containing information specified by council officers.
- 2 The General Manager of West Lothian Leisure and, at the discretion of the Chair, other representatives, are able to attend meetings of the committee and to take part in a manner determined by the Chair.
- 3 The committee shall not make decisions which change or conflict with council policy or commit the council to expenditure.
- 4 Subject to sections 50A-50K of the Local Government (Scotland) Act 1973, reports and meetings shall as far as practicable be accessible to the public.
- 5 In at least every third year after 2017/18 officers shall carry out a full review of West Lothian Leisure's contribution to securing best value and the continuing effectiveness and fitness for purpose of the model for delivery of services through West Lothian Leisure. The outcome of that review shall be reported, with appropriate recommendations, to Council Executive.

## **LOCAL AREA COMMITTEES**

### **LOCAL AREA COMMITTEES (ONE PER ELECTORAL WARD)**

#### **A REMIT**

- 1 (a) To be a forum for the discussion of ward issues, and  
  
(b) To facilitate community engagement at the ward level;
- 2 To act as a focus for frontline council staff;
- 3 To scrutinise council policies at ward level;
- 4 To make representations and comments on ward issues to the Council; and
- 5 To take decisions binding on the Council and to exercise powers and responsibilities in policy areas and within limits and guidelines delegated from time to time by Council, Council or Education Executives.

#### **B MEMBERSHIP**

- 1 The three or four Elected Members for the relevant electoral ward.
- 2 The Chair and Vice-Chair shall be appointed by the Council.
- 3 Every community council in West Lothian is entitled to send one representative to meetings of the Local Area Committee for the ward or wards in which their community is situated. In addition, each Local Area Committee is able to invite such other parties (including additional community council representatives) as it deems appropriate to attend its meetings or send representatives, either on a regular or an *ad hoc* basis. Representatives of community councils and those attending at the Committee's invitation are not entitled to move motions or amendments or to vote, and the extent to which they are to be permitted to participate in the business of the Committee is to be determined by the Chair.

#### **C QUORUM AND VOTING**

- 1 The quorum for all Local Area Committees shall be three Members, regardless of the number of Members in the ward.
- 2 In the event that a quorum is not present then so long as two Members are present, the meeting may proceed and its business may be transacted, but the resolutions made at the meeting shall require to be reported by the Lead Officer to the Council Executive for ratification before becoming effective.
- 3 No meeting shall take place and no business shall be transacted at a meeting of a Local Area Committee if only one Member is present.
- 4 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

#### **D SUBSTITUTES**

- 1 Substitutes are not permitted at meetings of Local Area Committees.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Arrangements are to be made for initial meetings by Council at its first meeting after each local government election. At those initial meetings each Local Area Committee shall agree a schedule of regular meetings for the following calendar year and submit those arrangements to the Council Executive for approval. In each succeeding year, each Local Area Committee shall on or before 30 April agree a schedule of regular meetings for the succeeding twelve months and shall submit those arrangements to the Council Executive for approval.
- 2 In addition to the schedule of regular meetings, each Local Area Committee shall have the power to fix such additional meetings as it shall deem appropriate from time to time.
- 3 The Chair shall have the power to call a special meeting, which shall be convened and shall be governed by the terms of Standing Order 5. Other Members have no right to call a special meeting.
- 4 The preparation of the agenda for each meeting shall be carried out by the Lead Officer in consultation with the Chair, and the arrangements for doing so, including any pre-meeting, shall be as determined by the Chair in consultation with the Lead Officer and the Clerk.
- 5 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41. Local Area Committees may resolve that the physical location of meetings convened as hybrid or physical meetings shall be elsewhere than the council chamber, subject to the agreement of the Clerk.
- 6 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 7 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 8 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**D REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of each Local Area Committee for approval in accordance with Standing Order 12.
- 2 Any recommendation or representation to be made to Council, or Council or Education Executives, shall be noted and reported or communicated as appropriate by the Lead Officer on behalf of the Committee.

**E MISCELLANEOUS**

- 1 Local Area Committees were established as a specific type of working group, without decision-making powers, with a general consultative and advisory remit. Subsequently, they were reconstituted as Committees of the Council, retaining their initial remit but acquiring decision-making powers in specified areas from Council or Council or Education Executives.
- 2 Except where specific powers are delegated from time to time, Local Area Committees do not have power to make decisions for or on behalf of the Council, nor to speak for or make representations on behalf of the Council. Their actions and decisions are always subject to Standing Order 35.
- 3 Each Local Area Committee has a Lead Officer appointed by the Chief Executive. The Lead Officer's role is:-
  - to assist in the planning of the Committee's work and meetings
  - to build and prepare agendas in conjunction with the Chair and Clerk
  - to arrange for the preparation and submission of reports and other papers for meetings
  - to carry out routine correspondence on behalf of the Committee in connection with its meetings and business
  - to co-ordinate discussion
  - to submit reports as required to Council or Council or Education Executives on behalf of the Committee
  - to assist in the implementation of its business
  - to advise the Chair and Members, in conjunction with the Clerk, of the Committee's powers and remit and the limitations on them
- 4 Through the Lead Officers, the Committee is able to call on the services of officers of the Council to attend its meetings and provide reports, comment or advice on its business.
- 5 In exercising any aspect of its scrutiny function, Local Area Committees should have regard to the scrutiny functions of the Performance and Audit and Governance Committees and the Policy Development and Scrutiny Panels and should plan their business in a way which avoids duplication of the work of those bodies.
- 6 Local Area Committees should take steps to ensure the most effective and efficient conduct of their business, and in particular should have regard to the pressures of time on council officers and whether their attendance at meetings is always required.

**C. SUB-COMMITTEES**

(None)

**D. WORKING GROUPS**

**JOINT CONSULTATIVE GROUP (JCG)**

**A REMIT**

- 1 (a) To provide a means of regular consultation and to facilitate negotiations between the Council and its employees in order to prevent differences and to adjust them should they arise, always provided that no question of an individual's pay, wage, grading, discipline, promotion or efficiency shall be within the scope of the Group.  
  
(b) To consider and offer observations on any proposals made by the Council involving substantial administrative re-organisation to the extent to which it affects the pay and conditions of employment of the employees of the Council.  
  
(c) To consider and report on any matter which may be referred to the Group by West Lothian Council or by any of the Trade Unions and in this connection the Group shall have the right to invite the attendance of any official of the Council or any other person or persons to act in an advisory capacity at any meeting of the Group.  
  
(d) It shall be within the discretion of either side to refer to the National Joint Council for Local Authorities' Services (Scottish Councils) or other negotiating body, for advice and guidance, any matter brought before the Group.

**B MEMBERSHIP**

- 1 6 Elected members (4 Labour, 1 Conservative, 1 SNP), one of whom shall be the member of the Executive Committee holding the Partnership and Resources Portfolio.
- 2 12 representatives of the Single Status and Craft Staff of the Council appointed by Unison, Transport and General Workers Union, Amalgamated Electrical and Engineering Union, General, Municipal and Boilermakers' Union and the Union of Construction Allied trades and Technicians.
- 3 The group shall appoint a Chair and Vice-Chair from amongst its members. The offices of Chair and Vice-Chair shall alternate annually between each side, and those offices shall not be held by the same side in any year.

**C QUORUM**

- 1 3 Elected members and 3 staff-side members.

**D SUBSTITUTES**

- 1 Substitutes for Elected Members to be allowed, drawn from all Elected Members of

the Council.

- 2 Substitutes on the staff side are allowed, and shall represent the trade union making the substitution.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Four meetings each year fixed by the Council.
- 2 After consultation with both sides, if it emerges that a meeting is not required then the Clerk shall, in consultation with both sides, be entitled to cancel the meeting.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings in the same manner as are committee meetings
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Members of the public and appointed members must participate by remote-access whenever there are physical distancing arrangements in the Civic Centre, unless otherwise required by law.
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes of the Group shall be reported to the next meeting of the group.
- 2 Minutes of the Group shall be reported to full council for noting.

**G MISCELLANEOUS**

- 1 The JCG is a working group of the Council.

**JOINT CONSULTATIVE GROUP (TEACHING STAFF)**

**A REMIT**

- 1 (a) To provide a means of regular consultation and facilitate negotiations between the Council and teaching staff employees, always provided that no question of an individual's pay, grading, discipline, promotion or efficiency shall be within the scope of the Group.



(b) To consider matters specifically raised by the teaching staff representatives, which they wish to draw to the attention of the Council.

(c) To consider and report on any matter, which may be referred by the Council for the views of the Group.

**B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), one of whom shall be the member of the Council Executive holding the portfolio for Education.
- 2 The teachers' representatives appointed to the relevant Committee in terms of section 124 of the Local Government (Scotland) Act 1973 shall be members.
- 3 8 members being nominated representatives of the teaching staff of the Council appointed by the trade unions as follows:-
  - 5 members of the Educational Institute for Scotland
  - 2 members of the Scottish Secondary teachers Association
  - 1 member of the National Association of School teachers.
- 4 The Group shall be chaired by the member of the Council Executive holding the portfolio for Education.

**QUORUM**

- 1 3 members from the Council and 4 members from the other representatives.

**D SUBSTITUTES**

- 1 Substitutes for Elected Members to be allowed, drawn from all Elected Members of the Council.

**E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Four meetings in each year on dates fixed by the Council.
- 2 After consultation with both sides, if it emerges that a meeting is not required then the Clerk shall, in consultation with both sides, be entitled to cancel the meeting.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings in the same manner as are committee meetings
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 6 Members of the public and appointed members must participate by remote-access whenever there are physical distancing arrangements in the Civic Centre, unless otherwise required by law.
- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

**F REPORTING ARRANGEMENTS**

- 1 Minutes of the Group shall be reported to the next meeting of the group.
- 2 Minutes of the group shall be reported to the Council for noting.

**G MISCELLANEOUS**

- 1 The JCG (Teaching Staff) is a working group of the Council.

The Appointed Members of the Education Executive may be invited to attend meetings, at the discretion of the Depute Chief Executive in consultation with the Chair.

Arrangements shall be made for the attendance of advisers as are appropriate, but in all cases arrangements shall be made for the attendance of one Primary Head Teacher Adviser and one Secondary Head Teacher Adviser.

**E. POLICY DEVELOPMENT AND SCRUTINY PANELS**

**CORPORATE POLICY & RESOURCES**

**A REMIT**

- 1 The remit of the Executive Councillor holding the Corporate Policy & Resources Portfolio, as follows:-
  - (1) Capital and revenue financial resources, asset management, planning, income, budgeting, audit and counter fraud (other than HRA and housing capital)
  - (2) Land and property strategic planning, development and management
  - (3) Corporate plan, supporting corporate strategies (other than the Raising Attainment Strategy), priorities, modernisation, digital transformation, shared services and best value
  - (4) Corporate governance, decision-making, Standing Orders, ethical standards, complaints, and risk management and continuity planning
  - (5) Electoral and parliamentary affairs and democratic renewal
  - (6) Public sector equality duty
  - (7) Corporate services

- (8) Customer Services
- (9) Community Services
- (10) Community planning, community councils and local disbursements fund
- (11) Anti-Poverty Strategy and related funding, and welfare grants and benefits

## **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), but one of whom is to be the Executive Councillor holding the Corporate Policy & Resources Portfolio.
- 2 Others may be appointed by the Council to participate, or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 3 The Executive Councillor holding the Corporate Policy & Resources Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of the Youth Congress
  - One representative of any recognised umbrella organisation representing the interests of community councils
  - One representative of the recognised voluntary sector interface in West Lothian

## **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

## **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.

## DATA LABEL: PUBLIC

- 2 Meetings are to be publicised and open to the public, and agendas and reports are to be published and available to the public, as they would be if they were committee meetings (see Standing Order 50).
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, as they would be if they were committee meetings.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

## **F MISCELLANEOUS**

- 1 The panel is a form of working group of the Council.
- 2 Its role is:-
  - (a) to develop policies with a view to making recommendations for their adoption by the Council Executive or the Education Executive,
  - (b) to review the working of existing policies of the Council, and to make recommendations about their working, amendment or replacement to the Council Executive or to the Education Executive,
  - (c) to consider and review periodic service performance reports and make recommendations to officers for improvements or actions to be taken, and
  - (d) to prepare and follow insofar as practicable a forward work plan to assist the continuous flow of policy and the best use of council resources, and

- 3 The panel shall also consider business referred to it by the Council Executive, the Education Executive, the Council or a Committee of the Council.
- 4 The panel has a Lead Officer appointed by the Chief Executive, and the Lead Officer's role is to liaise with officers and Members, to assist the panel in its work and to guide it in the conduct of its business.
- 5 The panel is able to call on the services of officers of the Council to attend its meetings and provide comment or advice on its business.
- 6 The Council has chosen as a matter of policy to apply the same rules to information before the panels as apply as a matter of law to council Committees (sections 50A to 50 K and Schedule 7A to the Local Government (Scotland) Act 1973). Some information may therefore be denied to the public, and the public may be excluded from parts of certain meetings of the panels. The agenda will specify where that is likely to happen and it will be for the panel to make an appropriate resolution to that effect.
- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.
- 8 In addition to those council services and functions specifically within its remit, the Panel may also deal with any other council business determined by the Chief Executive, in consultation with the Chair, to be of significance to the overall operation of the council or the well-being of the council area.

## **ECONOMY, COMMUNITY EMPOWERMENT & WEALTH BUILDING**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Economy, Community Empowerment & Wealth Building Portfolio, as follows:-
  - (1) Economic Development, growth, employment, community wealth building, and related funding
  - (2) Strategic and local spatial and development planning
  - (3) Town centre and villages improvement and development
  - (4) Tourism
  - (5) Voluntary organisations strategy, promotion and development, and related funding
  - (6) Liaison with and scrutiny of Voluntary Sector Gateway and West Lothian Social Enterprise Network
  - (7) Community empowerment – participation requests, participatory budgeting, and asset transfer

- (8) Arts, cultural, sports and leisure facilities, twinning links, gala days and local fairs

## **B MEMBERSHIP**

- 1 7 members (3 Labour, 1 SNP, 1 Conservative, 1 Liberal Democrat, 1 Independent), but one of whom is to be the Executive Councillor holding the Economy, Community Empowerment & Wealth Building Portfolio.
- 2 Such other members as may be appointed by the Council Others may be appointed by the Council to participate, or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 3 The Executive Councillor holding the Economy, Community Empowerment & Wealth Building Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of the Youth Congress
  - One representative of any recognised umbrella organisation representing the interests of community councils
  - One representative of the recognised third sector interface for West Lothian

## **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

## **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.
- 2 Meetings are to be publicised and open to the public, and agendas and reports are to be published and available to the public, as they would be if they were committee meetings (see Standing Order 50).

- 3 Meetings shall be held as physical, hybrid or remote-access meetings, as they would be if they were committee meetings.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

## **F MISCELLANEOUS**

- 1 The panel is a form of working group of the Council.
- 2 Its role is:-
  - (a) to develop policies with a view to making recommendations for their adoption by the Council Executive or the Education Executive,
  - (b) to review the working of existing policies of the Council, and to make recommendations about their working, amendment or replacement to the Council Executive or to the Education Executive,
  - (c) to consider and review periodic service performance reports and make recommendations to officers for improvements or actions to be taken, and
  - (d) to prepare and follow insofar as practicable a forward work plan to assist the continuous flow of policy and the best use of council resources, and
- 3 The panel shall also consider business referred to it by the Council Executive, the Education Executive, the Council or a Committee of the Council.
- 4 The panel has a Lead Officer appointed by the Chief Executive, and the Lead

Officer's role is to liaise with officers and Members, to assist the panel in its work and to guide it in the conduct of its business.

- 5 The panel is able to call on the services of officers of the Council to attend its meetings and provide comment or advice on its business.
- 6 The Council has chosen as a matter of policy to apply the same rules to information before the panels as apply as a matter of law to council Committees (sections 50A to 50 K and Schedule 7A to the Local Government (Scotland) Act 1973). Some information may therefore be denied to the public, and the public may be excluded from parts of certain meetings of the panels. The agenda will specify where that is likely to happen and it will be for the panel to make an appropriate resolution to that effect.
- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

## **EDUCATION**

### **A REMIT**

- 1 With the exception of matters delegated to the Education (Quality Assurance) Committee, the remit of the Executive Councillor holding the Education Portfolio, as follows:-
  - (1) Early years, school and additional support for learning needs education
  - (2) School capacity planning
  - (3) Pupil equity funding
  - (4) Regional Improvement Collaborative
  - (5) Positive destinations, youth strategy, Further and Higher Education
  - (6) Community learning and development and adult and community education
  - (7) School transport policy
  - (8) Educational psychology service
  - (9) Schemes of Devolved Schools Management
  - (10) Monitoring performance and success of the Raising Attainment Strategy

### **B MEMBERSHIP**

- 1 7 Elected Members (3 Labour, 2 SNP, 1 Conservative, 1 Independent), but one of whom is to be the Executive Councillor holding the Education Portfolio. and



- 2 The appointed members in terms of section 124 of the Local Government (Scotland) Act 1973, as determined by the Depute Chief Executive.
- 3 Others may be appointed by the Council to participate, or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - other non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 4 The Executive Councillor holding the Education Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 5 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of the Youth Congress
  - One representative of any umbrella organisation representing the interests of community councils
  - One representative of the recognised voluntary sector interface in West Lothian
  - the Appointed Member of the Education Executive representing the West Lothian Parent Councils' Forum

## **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.
- 2 For the appointed member, a substitute is allowed from the other three appointed members under section 124 of the Local Government (Scotland) Act 1973.

## **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.
- 2 Meetings are to be publicised and open to the public, and agendas and reports are to be published and available to the public, as they would be if they were committee meetings (see Standing Order 50).
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, as they would be if they were committee meetings.

- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

## **F MISCELLANEOUS**

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  - (c) to consider and review periodic service performance reports and make recommendations to officers for improvements or actions to be taken, and
  - (d) to prepare and follow insofar as practicable a forward work plan to assist the continuous flow of policy and the best use of council resources, and
- 3 The panel shall also consider business referred to it by the Council Executive, the Education Executive, the Council or a Committee of the Council.
- 4 The panel has a Lead Officer appointed by the Chief Executive, and the Lead Officer's role is to liaise with officers and Members, to assist the panel in its work and to guide it in the conduct of its business.

- 5 The panel is able to call on the services of officers of the Council to attend its meetings and provide comment or advice on its business.
- 6 The Council has chosen as a matter of policy to apply the same rules to information before the panels as apply as a matter of law to council Committees (sections 50A to 50 K and Schedule 7A to the Local Government (Scotland) Act 1973). Some information may therefore be denied to the public, and the public may be excluded from parts of certain meetings of the panels. The agenda will specify where that is likely to happen and it will be for the panel to make an appropriate resolution to that effect.
- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

## **ENVIRONMENT & SUSTAINABILITY**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Environment & Sustainability Portfolio, as follows:-
  - (1) Climate emergency and carbon management
  - (2) Roads network and maintenance, including road safety, winter service plan, street and festive lighting and internal fleet management
  - (3) Public transport and regional and local transportation planning
  - (4) External environment, including parks, open spaces, flood prevention, cemeteries and crematoria, street cleansing and public toilets
  - (5) Waste and recycling
  - (6) School meals catering and FM and cleaning services for council premises

### **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), but one of whom is to be the Executive Councillor holding the Environment & Sustainability Portfolio.
- 2 , Others may be appointed by the Council to participate or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary

- organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 3 The Executive Councillor holding the Environment & Sustainability Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
  - 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
    - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
    - One representative of the Senior Peoples Forum
    - One representative of the Youth Congress
    - One representative of any recognised umbrella organisation representing the interests of community councils
    - One representative of the recognised voluntary sector interface in West Lothian

#### **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

#### **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

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- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

## **F MISCELLANEOUS**

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- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

## **HOUSING SERVICES**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Housing Services Portfolio, as follows:-
  - (1) Council and social housing strategy, delivery, allocations, repairs and improvement
  - (2) Homelessness, temporary and supported accommodation
  - (3) Housing advice, information, aids and adaptations
  - (4) Tenant participation
  - (5) Housing Revenue Account and housing capital planning, budgeting and control and council house rents
  - (6) Private sector and registered social landlord engagement and regulation
  - (7) Refugee support and resettlement

### **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), but one of whom is to be the Executive Councillor holding the Housing Services Portfolio.
- 2 Others may be appointed by the Council to participate, or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 3 The Executive Councillor holding the Housing Services Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of the Youth Congress
  - One representative of any recognised umbrella organisation representing

- the interests of community councils
- One representative of the recognised voluntary sector interface in West Lothian

### **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

### **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.
- 2 Meetings are to be publicised and open to the public, and agendas and reports are to be published and available to the public, as they would be if they were committee meetings (see Standing Order 50).
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, as they would be if they were committee meetings.
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- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

### **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

### **F MISCELLANEOUS**

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- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

## **PUBLIC & COMMUNITY SAFETY**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Public & Community Safety Portfolio, as follows:-
  - (1) Liaison with and scrutiny of Police Scotland and the Scottish Fire & Rescue Service, antisocial behaviour and community safety
  - (2) Criminal Justice, management of offenders, gender-based violence
  - (3) Trading Standards
  - (4) Environmental Health Services



- (5) Emergency planning
- (6) Building Standards
- (7) RIPSA
- (8) Counter-terrorism
- (9) Civic and miscellaneous licensing
- (10) Alcohol and gambling licensing

## **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), but one of whom is to be the Executive Councillor holding the Public & Community Safety Portfolio.
- 2 Others may be appointed by the Council to participate, or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors
- 3 The Executive Councillor holding the Public & Community Safety Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of any recognised umbrella organisation representing the interests of community councils
  - One representative of the recognised voluntary sector interface in West Lothian
  - One representative of the Youth Congress

## **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

## **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

## DATA LABEL: PUBLIC

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.
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- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

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## **F MISCELLANEOUS**

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  - (c) to consider and review periodic service performance reports and make recommendations to officers for improvements or actions to be taken, and

- (d) to prepare and follow insofar as practicable a forward work plan to assist the continuous flow of policy and the best use of council resources, and
- 3 The panel shall also consider business referred to it by the Council Executive, the Education Executive, the Council or a Committee of the Council.
  - 4 The panel has a Lead Officer appointed by the Chief Executive, and the Lead Officer's role is to liaise with officers and Members, to assist the panel in its work and to guide it in the conduct of its business.
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  - 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

## **SOCIAL WORK & HEALTH**

### **A REMIT**

- 1 The remit of the Executive Councillor holding Social Work & Health Portfolio, as follows:-
  - (1) Social work services for children, young people, adults and older people
  - (2) Community, residential, respite and day social care services, including charging for services
  - (3) Mental health, addiction, substance misuse services and suicide prevention
  - (4) Community health development and improvement
  - (5) Liaison with and monitoring relationships with and amongst the Health & Social Care Partnership, Integration Joint Board and NHS Lothian
  - (6) Monitoring progress towards the National Care Service and impacts on council services

### **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 SNP, 1 Conservative), but one of whom is to be the Executive Councillor holding the Social Work & Health Portfolio.
- 2 Others may be appointed by the Council to participate or invited to participate by resolution of the panel from time to time, to be drawn from, for example:-
  - other Elected Members
  - non-elected members appointed under section 124 of the Local Government (Scotland) Act 1973
  - officers
  - representatives of partner bodies, public bodies and agencies, voluntary organisations, community councils, licensing forums, Local Area Committees, town centre management groups, etc.
  - experts, consultants and advisers from both private and public sectors.
- 3 The Executive Councillor holding the Social Work & Health Portfolio shall be the Chair, and the Council shall appoint a Vice-Chair.
- 4 The following organisations are entitled to nominate the following number of representatives who are entitled to attend and take part in PDSP meetings:-
  - Two representatives from the recognised trade unions (to be agreed between the teaching and non-teaching staff unions)
  - One representative of the Senior Peoples Forum
  - One representative of the Youth Congress
  - One representative of any recognised umbrella organisation representing the interests of community councils
  - One representative of the recognised voluntary sector interface in West Lothian

## **C SUBSTITUTES**

- 1 Substitutes to be allowed, drawn from all Elected Members of the Council.

## **D MEETINGS (SUBJECT TO STANDING ORDER 50)**

- 1 Meetings to be arranged by the Clerk in consultation with the Chair and the Lead Officer for the panel.
- 2 Meetings are to be publicised and open to the public, and agendas and reports are to be published and available to the public, as they would be if they were committee meetings (see Standing Order 50).
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, as they would be if they were committee meetings.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **E REPORTING ARRANGEMENTS**

- 1 Minutes will be reported to the next meeting of the panel.
- 2 Any recommendation made by the panel shall be noted by the Clerk, finalised by the Clerk in consultation with the Chair and Lead Officer, and reported by the relevant Depute Chief Executive to (as the case may be) the Council Executive or to the Education Executive as soon as practicable.

## **F MISCELLANEOUS**

- 1 The panel is a form of working group of the Council.
- 2 Its role is:-
  - (a) to develop policies with a view to making recommendations for their adoption by the Council Executive or the Education Executive,
  - (b) to review the working of existing policies of the Council, and to make recommendations about their working, amendment or replacement to the Council Executive or to the Education Executive,
  - (c) to consider and review periodic service performance reports and make recommendations to officers for improvements or actions to be taken, and
  - (d) to prepare and follow insofar as practicable a forward work plan to assist the continuous flow of policy and the best use of council resources, and
- 3 The panel shall also consider business referred to it by the Council Executive, the Education Executive, the Council or a Committee of the Council.
- 4 The panel has a Lead Officer appointed by the Chief Executive, and the Lead Officer's role is to liaise with officers and Members, to assist the panel in its work and to guide it in the conduct of its business.
- 5 The panel is able to call on the services of officers of the Council to attend its meetings and provide comment or advice on its business.
- 6 The Council has chosen as a matter of policy to apply the same rules to information before the panels as apply as a matter of law to council Committees (sections 50A

to 50 K and Schedule 7A to the Local Government (Scotland) Act 1973). Some information may therefore be denied to the public, and the public may be excluded from parts of certain meetings of the panels. The agenda will specify where that is likely to happen and it will be for the panel to make an appropriate resolution to that effect.

- 7 The nominated representatives shall be entitled to take part subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

<b>DOCUMENT HISTORY</b>		
1 January 2017	Fully revised Scheme in place following mid-term review	Council Executive, 22 November 2016
23 June 2017	Audit & Governance Committee replaced by Audit Committee and Governance & Risk Committee	West Lothian Council, 7 June 2017
	Changes made to number of members and political composition for some bodies	West Lothian Council, 25 May 2017 and 7 June 2017
15 August 2017	Change to political composition of Education PDSP	West Lothian Council, 15 August 2017
21 November 2017	Cycle, dates and times of ordinary meetings; Chairs of Audit Committee and Governance & Risk Committee	West Lothian Council, 7 November 2017
4 May 2018	Addition of Asset Transfer Committee and Asset Transfer Review Body	West Lothian Council, 20 March 2018
24 May 2018	New remit and powers for West Lothian Leisure Advisory Committee	West Lothian Council, 22 May 2018
26 November 2018	Auxiliary membership and related procedure added for Development Management Committee and Local Review Body	West Lothian Council, 20 November 2018
27 March 2019	Additions to list of matters reserved to council (A(h), (k) and (l))	West Lothian Council, 19 March 2019
26 September 2019	Amendment to B.3 for Local Area Committees on attendance of community council (and other) representatives	West Lothian Council, 24 September 2019
19 November 2019	Changes to E.3 of Licensing Committee; B.3 of Employee Appeals Committee; G.4 of Audit Committee; B.2, B.3 and G.4 of Governance & Risk Committee	West Lothian Council, 19 November 2019
	Social Work Complaints Review Committee deleted	West Lothian Council, 19 November 2019

DATA LABEL: PUBLIC

1 May 2022	Changes to rules on meetings and attendance in the chamber as a result of moves to hybrid meetings, implementation date agreed at West Lothian Council on 15 March 2022	West Lothian Council, 28 September 2021
23 June 2022	Following local government elections, changes to membership of committees and PDSPs and attendance at them, effective on 24 May 2022	West Lothian Council, 12 and 24 May 2022
23 June 2022	Further post-elections changes, to reduce PDSPs from 9 to 7 and add new and adjusted remits for them	West Lothian Council, 22 June 2022
11 October 2022	Removal of auxiliary membership for Development Management Committee and Local Review Body and provision for referrals of problem cases to full council. New power for Depute Chief Executive to make mid-term replacement appointments of appointed members of Education Executive	West Lothian Council, 27 September 2022
9 February 2023	Change to numbers/composition of Licensing Committee, Employee Appeals Committee, and Performance Committee	West Lothian Council, 24 January 2023
14 May 2024	Additions (y) and (z) to matters reserved to full council	West Lothian Council, 14 May 2024
24 September 2024	Development Management Committee remit – extension to cover all electricity generating developments instead of previous restriction to windfarms	West Lothian Council, 24 September 2024
3 October 2024	Bodies coming after Education Executive re-ordered alphabetically	N/A – no substantive changes, administrative update