

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

- 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.