



## ***West Lothian Council***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

6 May 2022

A virtual meeting of West Lothian Council will be held within the **MSTeams Meeting Room** on **Thursday 12 May 2022** at **10:00am**.

For Chief Executive

### **BUSINESS**

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Election Return and Declarations of Acceptance of Office - Report by Returning Officer (herewith)
5. Election of Provost and Depute Provost - Report by Chief Executive (herewith)
6. Election of Leader and Depute Leader - Report by Chief Executive (herewith)

### **Public Session**

7. Decision-Making Structure - Scheme of Administration - Report by Chief

DATA LABEL: Public

Executive (herewith)

8. Appointment to Committees and other Internal Bodies - Report by Chief Executive (herewith)
9. Appointments to Outside Bodies - Report by Chief Executive (herewith )
10. Members' Remuneration, Allowances and Expenses - Report by Head of Corporate Services (herewith )

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NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

## **CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)**

**This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.**

**Interests must be declared at the meeting, in public.**

**Look at every item of business and consider if there is a connection.**

**If you see a connection, decide if it amounts to an interest by applying the objective test.**

**The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.**

**If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.**

**If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.**

**When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.**

**Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.**

**More detailed information is on the next page.**

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)
- Committee Services Team, 01506 281604, 01506 281621  
[committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

January 2022

DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **ELECTION RETURN AND DECLARATIONS OF ACCEPTANCE OF OFFICE**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To advise the council of the councillors elected to West Lothian Council and of progress in the completion and return of members' Declarations of Acceptance of Office.

##### **B. RECOMMENDATIONS**

1. To note the councillors elected to the council as set out in the appendix to this report.
2. To note that members are required to complete and return a statutory Declaration of Acceptance of Office to the council's Governance Manager by 5 July 2022
3. To note that until they do so members may not carry out any of their duties and responsibilities as councillors, including participation in meetings of the council and the other bodies in the Scheme of Administration.
4. To note the number of returns of completed Declarations at the date of this meeting, which will be advised verbally

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Standing Orders for the Regulation of Meetings; Scheme of Administration; Local Government (Scotland) Act 1973; Local Authorities (Councillors) (Declarations of Acceptance of Office) (Scotland) Order 1990
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a

**VII Consideration at PDSP**

None required

**VIII Other consultations**

Returning Officer; Governance Manager

**D. TERMS OF REPORT**

- 1 Local government elections were held in Scotland on Thursday 5 May 2022. The appendix details the election return for West Lothian Council as declared and published by the Returning Officer. In the event that full details are not available when the agenda for this meeting is sent to members, a fully completed version will be circulated by email and included in the online agenda pack.
- 2 On being elected as councillors, members must complete and return to the council's Governance Manager a statutory Declaration of Acceptance of Office. If that is not done on or before 5 July 2022 then the member concerned ceases to be a councillor and a by-election is required. Until that Declaration is returned members cannot do anything as councillors, including participating at council, committee and other meetings. Council will be informed verbally during the meeting of how many members have complied and so are entitled to take part.

**E. CONCLUSION**

- 1 The information provided will give assurance to the council and to the public of the members elected and their ability to take part in this meeting and perform their other duties as councillors.

**F. BACKGROUND REFERENCES**

- 1 [Notice of elections results](#)

Appendices/Attachments: 1. Election return

**Contact Person:** James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Graham Hope, Chief Executive

Date of meeting: 12 May 2022

## APPENDIX 1

## West Lothian Council Elections – 5 May 2022

## Election Return

WARD	COUNCILLOR	PARTY
Linlithgow (1)		
Broxburn, Uphall (2) and Winchburgh		
Livingston North (3)		
Livingston South (4)		
East Livingston and East Calder (5)		
Fauldhouse and The Breich Valley (6)		
Whitburn and Blackburn (7)		
Bathgate (8)		
Armadale and Blackridge (9)		

<b>PARTY OR INDEPENDENT</b>	<b>NUMBER ELECTED</b>
Alba Party	
Conservative and Unionist Party	
Independence for Scotland Party	
Independent	
Labour Party	
Labour Party and Co-operative Party	
Liberal Democrats	
Scottish Family Party	
Scottish Green Party	
Scottish National Party (SNP)	

DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **ELECTION OF PROVOST AND DEPUTE PROVOST**

#### **REPORT BY CHIEF EXECUTIVE**

#### **A. PURPOSE OF REPORT**

To secure the election of members as Provost and Depute Provost

#### **B. RECOMMENDATIONS**

1. To note that the council must elect its Convener (Provost) at the first meeting of the council following the local government election, or at any adjournment of it
2. To note that the council may elect a Depute Convener (Depute Provost) and that must be considered at the first meeting of the council following the local government election, or at any adjournment of it
3. To elect a member to each of the positions of Provost and Depute Provost

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Environmental Assessment, Health or Risk Assessment) Strategic Equality or Risk</b>	The Local Government etc. (Scotland) Act 1994; Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007; Local Government (Allowances and Expenses) (Scotland) Regulations 2007
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	None required
<b>VIII</b>	<b>Other consultations</b>	None

**D. TERMS OF REPORT**

- 1 The council must elect a Convener, or Provost. That must be the first substantive item of business at the first meeting of the council following each local government election. The Provost is the council's Civic Head and chairs meetings of full council. The position carries statutory remuneration, presently £29,361, and a maximum amount of £3,000 for civic expenses incurred. No other remuneration can be paid.
- 2 The council may elect a Depute Convener, or Depute Provost. Standing Orders require that to be on the agenda at that first meeting. Filling the position is not compulsory. The Depute Provost chairs meetings of full council in the absence of the Provost. There is no automatic right to a higher level of remuneration. They may however receive a Senior Councillor payment if the council so determines.
- 3 The chair of a meeting has no casting vote when making councillor appointments. Tied votes are resolved by lot, using a method determined by the Clerk (Chief Executive). The voting procedure is as follows:-
  - A mover and a seconder are required for each candidate
  - Any vote takes place amongst all candidates at the same time
  - Where one candidate has an absolute majority of the votes cast that candidate is appointed
  - If not, the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
  - Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot
  - A tie between the last two candidates remaining is decided by lot
  - Voting is by electronic voting where available, which failing by roll call vote or show of hands
- 4 There are no issues in relation to connections and interests. Councillors may vote for themselves.

**E. CONCLUSION**

- 1 Election of members to the positions of Provost, and Depute Provost (if desired), will ensure compliance with the law and Standing Orders.

**F. BACKGROUND REFERENCES**

- 1 None

Appendices/Attachments: None

**Contact Person:** James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **ELECTION OF LEADER AND DEPUTE LEADER**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To secure the election of members as Leader of the Council and Depute Leader

##### **B. RECOMMENDATIONS**

1. To note that the council must elect its Leader of the Council at the first meeting of the council following the local government election, or at any adjournment of it
2. To note that the council may elect a Depute Leader of the Council and that must be considered at the first meeting of the council following the local government election, or at any adjournment of it
3. To elect a member to each of the positions of Leader and Depute Leader of the Council
4. To note that opposition parties or groups may designate members, now or later, to be shadow Leader of the Council and shadow Depute Leader of the Council

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Local Government etc. (Scotland) Act 1994; Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007; Local Government (Allowances and Expenses) (Scotland) Regulations 2007
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a

**VII Consideration at PDSP** None required

**VIII Other consultations** None

#### **D. TERMS OF REPORT**

- 1 The council must elect a Leader of the Council. Standing Orders require that to be on the agenda for the first meeting of the council following each local government election. The Leader is the council's political head and participates in meetings of COSLA's Leaders Group. The position carries statutory remuneration, presently £39,148. No other remuneration can be paid.
- 2 The council may elect a Deputy Leader of the Council. Standing Orders require that to be on the agenda at that first meeting. Filling the position is not compulsory. There is no automatic right to a higher level of remuneration. They may however receive a Senior Councillor payment if council so determines.
- 3 The chair of a meeting has no casting vote when making councillor appointments. Tied votes are resolved by lot, using a method determined by the Clerk (Chief Executive). The voting procedure is as follows:-
  - A mover and a seconder are required for each candidate
  - Any vote takes place amongst all candidates at the same time
  - Where one candidate has an absolute majority of the votes cast that candidate is appointed
  - If not, the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
  - Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot
  - A tie between the last two candidates remaining is decided by lot
  - Voting is by electronic voting where available, which failing by roll call vote or show of hands
- 4 There are no issues in relation to connections and interests. Councillors may vote for themselves.

#### **E. CONCLUSION**

- 1 Election of members to the positions of Leader of the Council and Deputy Leader of the Council (if desired) will ensure compliance with the law and Standing Orders.

#### **F. BACKGROUND REFERENCES**

- 1 None

Appendices/Attachments: None

**Contact Person:** James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **DECISION-MAKING STRUCTURE - SCHEME OF ADMINISTRATION**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To determine the bodies and their remits in the council's decision-making structure in the Scheme of Administration

##### **B. RECOMMENDATIONS**

1. To note that for the council to carry on its business it requires as a minimum to appoint the bodies listed in paragraph D5, or their equivalents
2. To note the current decision-making structure in the Scheme of Administration, that the Scheme can only be changed at a meeting of full council with notice given in the agenda, and that changes to it may result from decisions made on this report and other items on today's agenda
3. To retain and adopt the current decision-making structure and related calendar of meetings previously agreed
4. To instruct any action to be taken to review these arrangements and bring forward proposals for change

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Scheme of Administration
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	N/a

**VIII Other consultations**

None

**D. TERMS OF REPORT**

- 1 The council's decision-making structure is set out in the Scheme of Administration. The overall structure has been in place since June 2007. It has been re-adopted after successive council elections. Additions and changes have been made to it from time to time. It was subject to a wide review process instructed by council on 13 February 2018. That led to a series of changes being brought forward and approved. The last set of changes was approved at council on 28 September 2021. They apply to all meetings called on or after 1 May 2022. It has been expressly stated and noted by council that changes may be made following the May elections.
- 2 Standing Orders require the bodies in the council's Scheme of Administration, and their remits and delegated powers, to be determined at the first meeting of the council after the council elections, or at any adjournment of it. Changes may only be made to these documents at a meeting of full council where notice is given on the agenda.
- 3 The current version of the Scheme of Administration is in Appendix 1. It is recommended that the present structure, and the calendar of meetings associated with it, are retained. That will ensure consistency and the smoothest possible transition into the new administrative term. There is disagreement from time to time over political composition and membership, but the structure is familiar, well-understood and effective. There are risks in making significant or substantial changes without full advice and careful consideration. If council adopts the current arrangements then it can instruct officers to bring forward proposals for changes to a future council meeting.
- 4 The composition and membership of the bodies in the Scheme of Administration, and the appointment of their Chairs and Vice-Chairs, will be dealt with when considering the later report on Appointments to Committees and Other Internal Bodies
- 5 In considering if changes should be made to the current structure, council should note that to ensure the council can function lawfully and carry on its business effectively and efficiently, the following bodies, or their equivalents, are required as a minimum:-
  - Council and Education Executives (policy-making functions)
  - Development Management Committee (planning applications)
  - Planning Committee (hearings on major planning applications judged to be significantly contrary to the development plan)
  - Local Review Body (review of planning decisions made under delegated powers)
  - Employee Appeals Committee (disciplinary and grievance appeal hearings)
  - Licensing Committee (civic licensing, processions and parades)
  - Audit Committee and Governance & Risk Committee (internal and external audit reports, risk and corporate governance)
  - Asset Transfer Committee and Asset Transfer Review Body (community asset transfers)
- 6 Whilst desirable and serving a valuable purpose, other bodies in the Scheme of Administration or their equivalents, including Policy Development & Scrutiny Panels and Local Area Committees, are not essential in law or in the short term.

**E. CONCLUSION**

- 1 The council is invited to adopt a committee structure which will enable the council to act lawfully and which will facilitate the conduct of business for both councillors and officers.

**F. BACKGROUND REFERENCES**

- 1 Changes to Standing Orders and Scheme of Administration – West Lothian Council, 28 September 2021 and 15 March 2022
- 2 Timetable of meetings, Council Executive, 22 March 2022

Appendices/Attachments: Appendix 1 – Scheme of Administration

**Contact Person:** James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613  
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**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

APPENDIX 1



**SCHEME  
OF  
ADMINISTRATION**

**With effect for all meetings called on or after 1 May 2022**

(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)

- 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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, 4 Conservative, 2 SNP).

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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 (10 Labour, 4 SNP, 3 Conservative, 1 Independent), together with the six appointed members in terms of section 124 of the Local Government (Scotland) Act 1973 (see G.5-G.9, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 six appointed members shall be appointed subject to them confirming that they agree to abide by the terms of the Councillors' Code of Conduct.

### **WEST LOTHIAN COUNCIL 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 Development and Regulatory 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.

**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 Core membership of 9 members (3 Labour, 3 SNP, 2 Conservative, 1 Independent).
- 2 Auxiliary membership of 5 members (2 Labour, 2 SNP and 1 Conservative) to be called on in the circumstances described in G11, below.
- 3 All members (core and auxiliary) 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, whether core or auxiliary.
- 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.
- 3 Where required by a decision of the Local Review Body, or under delegated powers, site visits for Members of the Committee are to be arranged by the Clerk in consultation with the Chair.
- 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 of core members 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 be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The auxiliary members shall be summoned to that meeting along with those core members who indicate to the Clerk that they are able to take part. The meeting shall only deal with such an adjourned item or items of business.

## **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 Conservative, 1 SNP), 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

## **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 Conservative, 1 SNP), 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

### **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 13 elected members (4 Labour, 4 SNP, 4 Conservative, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

## **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 Labour, 1 Conservative, 1 SNP, 1 Independent).

**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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

**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, 1 SNP, 2 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 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 (3 Labour, 1 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 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.

## **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 12 Elected Members (6 Labour, 3 Conservative, 3 SNP) 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

## **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 9 Elected Members (5 Labour, 2 Conservative, 2 SNP) 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

**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 (5 Labour, 1 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 windfarm developments.

**B MEMBERSHIP**

- 1 Core membership of 9 members (3 Labour, 3 SNP, 2 Conservative, 1 Independent).
- 2 Auxiliary membership of 5 members (2 Labour, 2 SNP and 1 Conservative) to be called on in the circumstances described in G7, below.
- 3 All members (core and auxiliary) 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, whether core or auxiliary.
- 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 for Education, Regulatory and Area 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 for Education, Regulatory and Area 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 for Education, Regulatory and Area 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 for Education, Regulatory and Area 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 of core members 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 be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The auxiliary members shall be summoned to that meeting along with those core members who indicate to the Clerk that they are able to take part. The meeting shall only deal with such an adjourned item or items of business.

## 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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.

## **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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 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 7 members (4 Labour, 2 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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. THE SUB-COMMITTEES**

(None)

## **D. THE 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 7 Elected members (4 Labour, 2 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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 Conservative, 1 SNP), 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent member, 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. THE POLICY DEVELOPMENT AND SCRUTINY PANELS**

### **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

#### **A REMIT**

1 The remit of the Executive Councillor holding the Partnership and Resources Portfolio, as follows:-

(a) Financial resources of the Council - capital plan; prudential indicators; revenue budget,

(b) Financial functions of the Council – valuation, rates and council tax; treasury management; external audit; Council’s accounts; financial regulations and Standing Orders,

(c) Strategic property resources - corporate asset management planning; property disposal programme,

(d) Human resource policies relating to all employees (including teaching staff),

(e) Standing Orders and Codes of Conduct,

(f) Council’s political and management structures,

(g) Information technology policies and services,

(h) Council-wide services - registration of births, deaths and marriages; customer access and information; public relations, publicity and corporate communications; procurement,

(i) Community Planning and Development - community councils; community development; Community Planning Partnership,

(j) Partnership, co-operation and liaison with other public bodies,

(l) Best value and competitive services,

(m) Democratic renewal,

(n) Parliamentary and electoral affairs,

(o) Social justice, equal opportunities, race relations, and Council’s equality policies and duties,

(p) Anti-poverty strategies, including the Advice Shop, and

(q) Emergency planning.

#### **B MEMBERSHIP**

1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Partnership and 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 Partnership and 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.
- 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

#### **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.

## **CULTURE AND LEISURE POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Culture and Leisure Portfolio, as follows:-
  - (a) Sport and leisure facilities including community use,
  - (b) Sport and leisure participation,

- (c) West Lothian Leisure Limited,
- (d) Arts and Cultural Services - music making, arts and cultural developments, arts development,
- (e) Museums and related facilities,
- (f) Library Service, including schools library service,
- (g) Local festivals and pageants,
- (h) Councillors' Local Disbursement Fund,
- (i) Civic twinning, and
- (j) Community education.

**B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Culture and Leisure 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 Culture and Leisure 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
  - One representative of West Lothian Leisure Limited

**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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

#### **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.

## **DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Development and Transport Portfolio, as follows:-
  - (a) Economic Development - creating and maintaining employment, business development, research, development and training relevant to the needs of business, providing loans, grants and support packages,
  - (b) Strategic planning - strategic planning framework, strategic development plan and city/region planning,
  - (c) Local planning - development control, enforcement action, local development plan, supplementary planning guidance and planning policy,
  - (d) Transportation planning – strategic transportation framework, local and regional transport strategies,
  - (e) Public transport and concessionary travel,
  - (f) Building Standards including dangerous buildings and improvement and repairs grants,
  - (g) Property management including rents and charges for non-operational properties,
  - (h) Property development and land management,
  - (i) Tourism,
  - (j) Town Centre strategy, improvements and management,
  - (k) Village strategy, improvements and links,
  - (l) International links and Initiatives,
  - (m) Economic growth, development twinning, and
  - (n) Employability and employability initiatives (in conjunction with services within the

remit of Education PDSP)

(n) Funding from European and other economic growth programmes.

## **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Development and Transport 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 Development and Transport 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

## **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 POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **A REMIT**

- 1 (a) With the exception of matters delegated to the Education (Quality Assurance) Committee, the remit of the Executive Councillor holding the Education Portfolio, as follows:-
  - (b) Primary education,
  - (c) Secondary education,
  - (d) Placing in schools,
  - (e) Catchment areas,
  - (f) Additional Support for Learning,
  - (g) Early Years services including nursery education and Wraparound Care,
  - (h) Lifelong Learning,
  - (i) Education for Work,
  - (j) School transport
  - (k) Liaison with further education providers, and
  - (l) Youth strategy.

### **B MEMBERSHIP**

- 1 7 Elected Members (3 Labour, 2 Conservative, 1 SNP, 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

### **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.

### **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

#### **A REMIT**

- 1 The remit of the Executive Councillor holding the Environment Portfolio, as follows:-
  - (a) Public roads and path network,
  - (b) Traffic management, traffic lights, road signs and pedestrian crossings,
  - (c) Road Safety,
  - (d) Street naming and nameplates, and street lighting,
  - (e) Festive lighting,
  - (f) Environmental Health,
  - (g) Food hygiene,
  - (h) Refuse and waste collection and disposal and abandoned vehicles,
  - (i) Pest control and dog warden services,
  - (j) Public toilets,

- (k) Disposal of the dead,
- (l) Trading Standards,
- (m) Weights and Measures,
- (n) Safety of consumer goods,
- (o) Credit industry,
- (p) Fair trading and trade descriptions,
- (q) Enterprise Act functions,
- (r) Animal health and welfare,
- (s) Hazardous/polluting substances,
- (t) Sustainability and Local Agenda 21,
- (u) External environment - public open spaces, countryside parks, children's play areas,
- (v) NETS, and
- (w) Licensing – miscellaneous licensing functions, street parades.

**B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP) , but one of whom is to be the Executive Councillor holding the Environment 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 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

**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.

### **HEALTH AND CARE POLICY DEVELOPMENT AND SCRUTINY PANEL**

#### **A REMIT**

- 1 The remit of the Executive Councillor holding the Health and Care Portfolio, as follows:-
  - (a) Promotion and monitoring of good health outcomes in West Lothian residents,
  - (b) Community health development,
  - (c) Review and scrutiny of use of grant funding for community health initiatives,
  - (d) Relationships and alliances with local health and social care agencies,
  - (e) Liaison and co-operation with NHS Lothian,
  - (f) West Lothian Health and Social Care Partnership, including the Integration Joint Board
  - (g) Integration of council services to maximise impact on public health, and
  - (h) Development and monitoring of council policies and responsibilities in respect of the health of its employees
  - (i) Consideration of the annual report by the Chief Social Work Officer

#### **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Health and Care 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 Health and Care 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)**

- 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

#### **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.

## **SERVICES FOR THE COMMUNITY POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **A REMIT**

- 1 The remit of the Executive Councillor holding the Services for the Community Portfolio, as follows:-
  - (a) Housing revenue and capital budget,
  - (b) Council house rent setting and collection,

- (c) Local Housing Strategy, Housing Partnership and Strategy, and Strategic Housing Investment Plan,
- (d) Homelessness,
- (e) Affordable Housing Strategy,
- (f) Tenant/tenancy support and supported accommodation,
- (g) Temporary accommodation for those in housing need,
- (h) Private sector improvement and repair grants and adaptations to properties,
- (i) New-build houses for rent,
- (j) Tenant participation strategy,
- (k) Housing repairs and maintenance services,
- (l) Scottish Housing Quality Standard and Energy Efficiency Standard,
- (m) Housing advice and information service,
- (n) Community Safety Strategy and policy,
- (o) Anti-social behaviour,
- (p) Safer Neighbourhood Team,
- (q) Supporting victims of crime and abuse including domestic abuse,
- (r) Reducing accidental injuries, deaths and fires in conjunction with police and fire services,
- (s) Reducing crime and the fear of crime, and
- (t) Police and fire services, including scrutiny of performance, priorities and plans.

**B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Services for the Community 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 Services for the Community 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

**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.

### **SOCIAL POLICY POLICY DEVELOPMENT AND SCRUTINY PANEL**

#### **A REMIT**

- 1 The remit of the Executive Councillor holding the Social Policy Portfolio, as follows:-
  - (a) Social inclusion and social strategies,
  - (b) Care and protection services for children,
  - (c) Child Disability Service,
  - (d) Adult and older people's social work services,
  - (e) Community care,
  - (f) Residential and day care,
  - (g) Respite care,
  - (h) Free personal and nursing care,
  - (i) Mental Health Services,

(j) Substance use, and

(k) Criminal justice services

(l) Consideration of the annual report by the Chief Social Work Officer

## **B MEMBERSHIP**

- 1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Social Policy 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 Policy 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

## **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.

## **VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **A REMIT**

1 The remit of the Executive Councillor holding the Voluntary Organisations Portfolio, as follows:-

(a) Strategic policy, budgetary and monitoring framework for voluntary organisations,

(b) Best value review of voluntary organisations,

(c) Voluntary organisations' role in service delivery, and

(d) Involvement of voluntary organisations in Community Planning arrangements

### **B MEMBERSHIP**

1 7 members (4 Labour, 2 Conservative, 1 SNP), but one of whom is to be the Executive Councillor holding the Voluntary Organisations 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 Voluntary Organisations 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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 7 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members and the Independent 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.

#### **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
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



DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **APPOINTMENTS TO COMMITTEES AND OTHER INTERNAL BODIES**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To appoint the Chairs, Vice-Chairs and members of the bodies in the council's decision-making structure

##### **B. RECOMMENDATIONS**

1. To appoint the Chair, Vice-Chair and other members to the internal bodies set out in the appendix, noting that decisions may result in changes to the Scheme of Administration in relation to composition and membership
2. To appoint non-councillor members to Education Executive and Education (Quality Assurance) Committee and to note the continuing appointments of non-councillor members to Audit Committee and Governance & Risk Committee, all as set out in paragraph D2.1
3. To note that for the council to carry on its business it requires as a minimum to appoint the bodies listed in paragraph D1.4, or their equivalents
4. To note that the Scheme of Administration makes training for certain committees mandatory for all members (including returning members) and that appropriate training will be offered to all members affected
5. To note that satisfactory disclosure checks will be required before members may participate in meetings of some of the bodies in the Scheme of Administration, as noted in the appendix
6. To note that opposition parties or groups may designate members, now or later, to be shadow Executive Councillors

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Scheme of Administration
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	N/a
<b>VIII</b>	<b>Other consultations</b>	N/a

## **D. TERMS OF REPORT**

### **1 Appointments required**

- 1.1 The council's decision-making structure is set out in the Scheme of Administration, which is part of the council's Standing Orders for the Regulation of Meetings. A separate report on today's agenda deals with continuing the existence of these internal council bodies, or otherwise. Appointments to external bodies are dealt with in a separate report.
- 1.2 Standing Orders require that the Chairs, Vice-Chairs and members of the bodies in the Scheme of Administration are appointed at the first meeting of the council after the council election or at any adjournment of it.
- 1.3 The bodies currently listed in the Scheme of Administration, and their membership numbers and composition, are listed in the appendix to this report. There is no requirement in law or in Standing Orders for composition and appointments to reflect the overall political make-up of the council. The list includes the Elected Members Equality and Diversity Working Group which was established in 2021/22 but which is not formally part of the Scheme of Administration.
- 1.4 Should the council be minded not to make appointments to all of these bodies, or to make interim arrangements pending a review, it is recommended that the following bodies, or their equivalents, are appointed as a minimum to ensure the functions of the council can be carried out:-
- Council and Education Executives (policy-making functions)
  - Development Management Committee (planning applications)
  - Planning Committee (hearings on major planning applications judged to be significantly contrary to the development plan)
  - Local Review Body (review of planning decisions made under delegated powers)
  - Employee Appeals Committee (disciplinary and grievance appeal hearings)
  - Licensing Committee (civic licensing, processions and parades)
  - Audit Committee and Governance & Risk Committee (internal and external audit reports, risk and corporate governance)
  - Asset Transfer Committee and Asset Transfer Review Body (community asset transfers)
- 1.5 The following specific points should be noted in considering appointments:-

- Members who are appointed as Chairs of Policy Development & Scrutiny Panels (PDSPs) are automatically Executive Councillors, and *vice versa*
- The Leader of the Council is not automatically Chair of Partnership & Resources PDSP, but may be and in practice has been
- The Scheme of Administration requires the Chairs of Audit Committee and Governance & Risk Committee to be appointed from outwith the administration group
- Recent practice has been for the Chairs of Performance Committee and Education (Quality Assurance) Committee to be from outwith the administration group as well, but it is not a requirement of Standing Orders

## **2 Non-councillor committee members**

2.1 A combination of legislation and council policy calls for the appointment of six non-councillor members to Education Executive. All of them except for the two teacher representatives are also appointed to Education (Quality Assurance) Committee. Nominations have been made by the Church of Scotland and the Catholic Church in Scotland for one religious representative each. An Electoral College was held to secure the appointment of a third religious representative reflecting the number of places of worship in West Lothian. Elections have been held to appoint two teacher representatives. The Association of Parent Councils in West Lothian has been asked to nominate its representative. The resulting appointments to be made are as follows:-

- Church of Scotland – Lynne McEwen
- Parent Council Forum – Derek Cornwall
- Roman Catholic Church in Scotland – Margaret Russell
- Primary/Early Years Teaching Staff – Mark Bonallo
- Secondary/Special Teaching Staff – Heather Hughes
- Third religious representative (Methodist Church in Scotland) – Kent Ballantyne

2.2 The Scheme of Administration calls for there to be one non-councillor appointment to each of Audit Committee and Governance & Risk Committee. Moira Glencorse was appointed to Audit Committee on 17 March 2020 for 3 years. Ann Pike was appointed to Governance & Risk Committee on 28 September 2021 for 3 years. Their appointments continue.

## **3 Voting procedure**

3.1 The chair of a council meeting has no casting vote in decisions about appointment of members. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive). The voting procedure is set out in Standing Order 3, as follows:-

- A mover and a seconder are required for each candidate
- Any vote takes place amongst all candidates at the same time
- Where one candidate has an absolute majority of the votes cast that candidate is appointed
- If no candidate has an absolute majority the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
- Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot

- A tie between the last two candidates remaining is decided by lot

3.2 There are no issues in relation to connections and interests. Councillors may vote for themselves.

#### **4 Training requirements**

4.1 The Scheme of Administration makes training mandatory for members taking part at meetings of specified regulatory committees. All members returned on 5 May will require to undertake that training. That includes returning members who may have had previous experience on these committees. The relevant committees are identified in the appendix.

4.2 Suitable training opportunities will be arranged. Members must complete training to the satisfaction of the Clerk to the Council (Chief Executive) before being able to take part at meetings.

#### **5 Protection of Vulnerable Groups**

5.1 Legislation requires councillors appointed to committees and other bodies which may involve access to persons in vulnerable groups to be checked through Disclosure Scotland. The relevant committees are identified in the appendix.

5.2 The Chief Executive is responsible for implementing the policy. The council will bear the costs of the process. Appropriate arrangements will be made as part of the induction programme after committee appointments are made.

#### **E. CONCLUSION**

1 Appointment of the Chairs, Vice-Chairs and members of its main committees, sub-committees, Policy Development and Scrutiny Panels and other bodies in the Scheme of Administration will ensure compliance with Standing Orders and will enable the business of the council to resume without delay.

#### **F. BACKGROUND REFERENCES**

1 None

Appendices/Attachments: 1. Internal bodies for member appointments

**Contact Person:** James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

**APPENDIX**

BODY	NOTES	MEMBERS	
West Lothian Council	Provost and Depute Provost are Chair and Vice-Chair	All councillors	
West Lothian Council (Planning)	Provost and Depute Provost are Chair and Vice-Chair	All councillors	
Council Executive	PVG Scheme  13 members - 7 Labour, 4 Conservative, 2 SNP	Chair	
		Vice-Chair	
Education Executive	18 elected members - 10 Labour, 4 SNP, 3 Conservative, 1 Independent  PVG Scheme	Chair	
		Vice-Chair	



	Conservative		
	Compulsory training		
	No substitutes		
	Auxiliary membership of 5 members		
	2 Labour, 2 SNP and 1 Conservative		
	Compulsory training		
	No substitutes		
	Audit Committee	5 elected members - 2 Labour, 2 Conservative, 1 SNP	Chair
Vice-Chair			
Chair must be from outwith administration group			
Governance & Risk Committee	5 elected members - 2 Labour, 2 Conservative, 1 SNP	Chair	
		Vice-Chair	
	Chair must be from outwith administration group		
Performance Committee	5 members - 2 Labour, 1 Conservative, 1 SNP, 1 Independent	Chair	
		Vice-Chair	
	Chair from outwith administration group, by practice		
Asset Transfer Committee	7 members - 4 Labour, 1 SNP, 2 Conservative	Chair	
		Vice-Chair	
	Cannot also be		

	members of Asset Transfer Review Body		
Asset Transfer Review Body	5 members - 3 Labour, 1 SNP, 1 Conservative	Chair	
	Cannot also be members of Asset Transfer Committee	Vice-Chair	
Employees Appeals Committee	12 - 6 Labour, 3 Conservative, 3 SNP	Chair	
	PVG Scheme	Vice-Chair	
Miscellaneous Appeals Committee	9 - 5 Labour, 2 Conservative, 2 SNP	Chair	
		Vice-Chair	

Avoidance of Disputes Committee	7 members - 5 Labour, 1 SNP, 1 Conservative	Chair	
		Vice-Chair	
Development Management Committee	9 core members - 3 Labour, 3 SNP, 2 Conservative, 1 Independent  2 Labour, 2 SNP and 1 Conservative  Compulsory training  No substitutes	Chair	
		Vice-Chair	
Licensing Committee	7 members - 3 Labour, 2 SNP, 2 Conservative  Compulsory training	Chair	
		Vice-Chair	

Senior Officer Appointment Committee	5 members - 3 Labour, 1 SNP, 1 Conservative  Compulsory training	Chair		
		Vice-Chair		
West Lothian Leisure Advisory Committee	7 members - 4 Labour, 2 Conservative, 1 SNP  Members may not be directors or employees of West Lothian Leisure	Chair		
		Vice-Chair		
Local Area Committees (9)	Ward members are automatically appointed  Chair and Vice-Chair require to be appointed	Ward 1	Chair	
			Vice-Chair	
		Ward 2	Chair	
			Vice-Chair	
		Ward 3	Chair	
			Vice-Chair	
		Ward 4	Chair	
			Vice-Chair	
		Ward 5	Chair	
			Vice-Chair	
		Ward 6	Chair	
			Vice-Chair	
		Ward 7	Chair	

			Vice-Chair	
		Ward 8	Chair	
			Vice-Chair	
		Ward 9	Chair	
			Vice-Chair	
Joint Consultative Group	7 members - 4 Labour, 2 Conservative, 1 SNP  One to be holder of Partnership & Resources portfolio  JCG itself appoints Chair and Vice-Chair			
Joint Consultative Group (Teaching Staff)	7 members - 4 Labour, 2 Conservative, 1 SNP  One to be the holder of the Education portfolio  Chair to be the holder of the Education portfolio  No Vice-Chair to be appointed		Chair	
Partnership & Resources PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP  One to be holder of the Partnership & Resources portfolio  Chair to be holder of the Partnership & Resources portfolio		Chair	
			Vice-Chair	
Culture & Leisure PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP)  One to be holder of the		Chair	
			Vice-Chair	

	Culture & Leisure portfolio		
	Chair to be holder of the Culture & Leisure portfolio		
Development & Transport PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP)	Chair	
	One to be holder of the Development & Transport portfolio	Vice-Chair	
	Chair to be holder of the Development & Transport portfolio		
Education PDSP	7 members - 3 Labour, 2 Conservative, 1 SNP, 1 Independent	Chair	
	One to be holder of the Education portfolio	Vice-Chair	
	Chair to be holder of the Education portfolio		
	PVG Scheme		
Environment PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP	Chair	
	One to be holder of the Environment portfolio	Vice-Chair	
	Chair to be holder of the Environment portfolio		
Health & Care PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP	Chair	

	<p>One to be holder of the Health &amp; Care portfolio</p> <p>Chair to be holder of the Health &amp; Care portfolio</p>	Vice-Chair	
Services for the Community PDSP	<p>7 members - 4 Labour, 2 Conservative, 1 SNP</p> <p>One to be holder of the Services for the Community portfolio</p> <p>Chair to be holder of the Services for the Community portfolio</p>	Chair	
		Vice-Chair	
Social Policy PDSP	<p>7 members - 4 Labour, 2 Conservative, 1 SNP</p> <p>One to be holder of the Social Policy portfolio</p> <p>Chair to be holder of the Social Policy portfolio</p>	Chair	
		Vice-Chair	
Voluntary Organisations PDSP	<p>7 members - 4 Labour, 2 Conservative, 1 SNP</p> <p>One to be holder of the Voluntary Organisations portfolio</p> <p>Chair to be holder of the Voluntary Organisations portfolio</p>	Chair	
		Vice-Chair	
Elected Member	6 members – 2 Labour, 2 Conservative, 2 SNP	Co-Chair	

Equality & Diversity Group	Two Co-chairs to be appointed	Co-Chair	

DATA LABEL: PUBLIC



## **WEST LOTHIAN COUNCIL**

### **APPOINTMENTS TO OUTSIDE BODIES**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To make appointments to boards, statutory organisations and other outside bodies

##### **B. RECOMMENDATIONS**

1. To appoint members at this meeting to the bodies listed in Appendix 1 to ensure compliance with legal requirements and that the council can do its business effectively
2. To appoint members at this meeting to the bodies listed in Appendix 2, or to agree a process for those appointments to be made later
3. To appoint the non-councillor members to the Placing in Schools (Appeals) Committee, listed in Appendix 3
4. To note that some members are automatically appointed to local trusts and similar bodies, and those are shown in Appendix 4

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders; Councillors' Code of Conduct and related Standards Commission Guidance and Advice
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	N/a

**VIII Other consultations**

## Committee Services; outside bodies

**D. TERMS OF REPORT****1 Background**

- 1.1 The council is required to appoint members to various statutory boards, committees and other organisations. It may also choose to appoint members as representatives to other outside bodies. These appointments are designed to meet legal requirements, to further the corporate aims of the council and of the bodies concerned, and to contribute towards partnership working. They may have important consequences for elected members both in terms of workload and potential legal responsibilities and liabilities.
- 1.2 The organisations with previous member appointments were contacted to confirm what future member involvement was called for. Some no longer exist. Some indicated that they no longer wished to have appointments made. Others have not responded, and it has been assumed that the same number of appointments will be required as before. The lists in the first two appendices show the bodies to which appointments should be considered.
- 1.3 Attendance at meetings of these outside bodies is classed as “approved duties” for which elected members may recover expenses in accordance with the council’s Scheme of Members’ Remuneration and Reimbursement of Expenses.
- 1.4 The council has arrangements in place whereby the business of the more significant of these outside bodies is regularly reported to the council and its members through an appropriate committee or Policy Development & Scrutiny Panel (PDSP).
- 1.5 So long as it is allowed by the rules of the outside body concerned, Standing Orders allow a substitute to be arranged by a member who is unable to attend a meeting.
- 1.6 By law and under Standing Orders, an appointment ends when its statutory duration expires, or when the member concerned ceases to be a councillor. It may come to an end sooner by resignation from the body concerned, or by a council decision to terminate it.
- 1.7 The Councillors’ Code of Conduct requires members to include their appointments to outside bodies in their register of interests. However, Standards Commission guidance states that there is no need to register being a member of a joint board, a joint committee or of COSLA. An appointment will not be a connection, and therefore not an interest, except for quasi-judicial or regulatory business, or if there is a personal conflict by reason of actions, personal or business connections or legal obligations.
- 1.8 Appendix 1 shows the more significant of the outside bodies to which the council has previously made appointments, and it is recommended that those appointments are made as soon as possible. Appendix 2 shows the bodies for which appointments may be safely postponed to a future meeting or delegated to a committee. For those not covered by legal requirements, council could choose not to make appointments at all.

## 2 Member and non-member appointments to particular bodies

2.1 Appendices 1 and 2 include information about the number of appointees required for each body, a note of its objectives, and any additional requirements. Some of them have particular considerations to bear in mind, as follows:-

- NHS Lothian Board - the council nominates a Non-Executive Director of NHS Lothian Board to the Scottish Ministers, and the appointment is then decided and made by the Ministers. The position may be remunerated, as determined by the health board
- West Lothian Integration Joint Board (IJB) - the council appoints four voting members for a period of three years, which can be renewed. One of those is to be appointed as Vice-Chair until 21 September 2023. From then until 21 September 2025 that member will take the position of Chair and the Vice-Chair will be appointed by the health board. That rotation continues every two years
- Community Safety Board - this is a partnership organisation sitting at the top of the structures put in place to deal with community safety. Its members include elected members, senior council officers and nominees from other organisations such as the police, the fire and rescue service, and NHS Lothian. The positions of chair and vice-chair are held by council members
- West Lothian Licensing Board - legislation requires the council to appoint between 5 and 10 members. It is recommended that 10 members are appointed, as the best number required to ensure the Board's business can be done. Those members appoint the Chair at the first statutory meeting of the Board. Members are required by law to attend and satisfactorily complete formal training before they can sit as Licensing Board members. That has been included in the post-election Induction Programme. Licensing Board members cannot be premises licence holders; employees of a premises licence holder and working there; engaged in the business of producing or selling alcohol; directors or other officers of a company engaged in the business of producing or selling alcohol; or employees of any person engaged in the business of producing or selling alcohol
- Placing in Schools (Appeals) Committee - the council must establish and administer a statutory committee to deal with appeals against exclusion from schools and refusals of placing requests. As well as councillors, the council must appoint parent members and educationally-qualified members. One in each category sits at each appeal hearing. The appointment of non-councillor members to this committee is dealt with elsewhere in this report
- West Lothian Development Trust - the three ward members for Fauldhouse & the Breich Valley Ward are automatically members. One other member is to be appointed from the Whitburn & Blackburn, Livingston South or East Livingston & East Calder Wards
- West Lothian Leisure Limited - this is the council's only recognised ALEO and delivers a range of sports, leisure and cultural services for the council to West Lothian residents. Relevant advice from the Standards Commission is outlined elsewhere in this report. Five councillor members are to be appointed. The Scheme of Administration states that members cannot be members of West Lothian Leisure's board of directors and members of West Lothian Leisure Advisory Committee, the ALEO's scrutiny body

- Community Councils - elected members are *ex officio* members, with no voting rights, of community councils wholly or partly in their ward area. The boundaries of community council areas do not coincide with the electoral ward boundaries, and ward boundaries cut across some community council areas
- Town Centre Management Groups - these four groups meet to consider the use of town centre improvement funding. All ward members are automatically appointed as members, and the council requires to appoint one of them as Chair. The town centres and wards concerned are shown amongst the bodies listed in Appendix 1
- Business Improvement District companies - these are established and supported by the council for the improvement of designated business areas to gather and use money from a business rates levy. Councillor members/directors are not always required. The companies and ward members to be appointed are in Appendix 2
- Community education centre management committees - elected members are *ex officio* members, without voting rights, of the management committees of community education centres in their ward area
- Parent councils - councillors are not *ex officio* members of Parent Councils for schools in their ward. However, Parent Councils have the power to co-opt members and may also invite elected members to attend or take part in their meetings in other ways
- Small local trusts - the council manages a number of small local trusts, with charitable aims, usually registered with the statutory charities regulator. Ward members (and in some cases other members holding positions such as Provost) are automatically appointed. Those bodies and the wards concerned are shown for information in Appendix 4

2.2 The council is required to make certain appointments of non-councillors to what are technically outside bodies. It has also chosen to make other such appointments as a matter of policy:-

- Placing in Schools (Appeals) Committee - the council requires to establish and administer a statutory committee to deal with appeals against exclusion from schools and refusals of placing requests. As well as councillors, the council must appoint parent members and educationally-qualified members. The current membership in those two categories is set out in Appendix 3 for re-appointment. Their appointments will run until the next ordinary council elections, unless brought to an end sooner by resignation or a decision of the council. The appointment of councillor members to this committee is dealt with through paragraph D2.1 and Appendix 1
- West Lothian Local Licensing Forum - the council requires to establish and administer a Local Licensing Forum to make recommendations to the Licensing Board and to scrutinise the performance by the Board of its statutory functions. Its membership is drawn from the community, youth members, community councils, Licensing Standards Officers, the police, NHS Lothian, the licensed trade and health, social work and education services. It has no councillor members. Appointments and changes to its membership are dealt with under delegated powers

### **3 COSLA**

#### **3.1 COSLA recently adopted a new Constitution. It sets out the rules and procedures for appointing Convention delegates and to its Boards:-**

- Leaders Meeting - the member elected as Leader of the Council will automatically become the council's representative at the Leaders Meeting. Substitutes are allowed
- Convention - the council may appoint 4 members as its delegates to the COSLA Convention. The council's delegation must reflect the balance of party group strength within the council. Delegates (not councils) nominate for the posts of President and Vice-President of COSLA, and those posts must be gender-balanced. Substitutes are allowed
- Spokespersons - once the political balance on Convention is clear the political groups will be notified of any spokesperson positions available to them. Those positions are filled at Convention by nomination by Convention delegates, and have to be gender-balanced
- Boards – COSLA has four policy boards (Health & Social Care, Community Wellbeing, Children & Young People, Environment & Economy). The council is entitled to appoint a member to each of them. Substitutes are allowed. Political balance is not required

#### **3.2 The first Leaders' meeting is on 27 May 2022. The first meeting of Convention is on 17 June 2022. Convention delegates should ideally be appointed by the council and notified to COSLA by 27 May 2022 to participate fully, but later notification is possible. Board appointments may be made now or deferred until after Convention and after the President, Vice-President and Spokespersons have been identified.**

### **4 Considerations in making appointments**

#### **4.1 In making decisions about these appointments, members should bear in mind the following factors:-**

- The appointment should be relevant to the council's business and contribute to it
- The Councillors' Code of Conduct continues to apply because the appointment is part of a councillor's duties. Other codes of conduct and regulations may apply at the same time, for example, charity regulations or directors' duties under company law. Breach of those will be a breach of the Councillors' Code of Conduct
- Members may be assuming legal responsibilities and, in some cases, risks in relation to the consequences of non-compliance with regulatory regimes or insolvency. Training will be offered as part of the post-election Induction Programme
- Members must be aware of potential conflicts of interest when accepting an appointment and then during it. Any conflicts should always be resolved in the public interest
- Members may have particular interests, skills and experience that should be taken into account

- Members cannot act contrary to council policy when representing the council's interests on an outside body
- The council cannot arrange for payments to be made to councillors by an outside body subject to its control

4.2 The Standards Commission has issued Advice for Councillors on Arms' Length External Organisations. West Lothian Leisure is this council's only ALEO. In summary:-

- Representation on ALEOs by councillors can help ensure they are being properly run and that all funds are being used appropriately and in accord with best value principles
- There is potential for conflicts of interest and risks to arise and councils and members should consider arrangements for funding and scrutiny that minimise potential conflicts
- There can be a risk if a councillor has a role on both an ALEO Board and also on the council committee that governs or scrutinises it. Such a councillor would have an inherent conflict between the interest in how the ALEO is governed and the interest in holding it to account and potentially taking decisions over funding
- Councils should not entirely rely on those who sit on ALEO boards to scrutinise and monitor them
- Members appointed to ALEOs should be aware of the skills and abilities required of any board position, and assure themselves that they can meet that requirement. Councils should have regard to those considerations when making appointments
- Councils should try to ensure the right mix of skills and experience required to govern the organisation, and to ensure that councillors and officers are advised of their responsibilities
- Members appointed should have sufficient information, training and support to enable them to fulfil their role on the ALEO

4.3 The Scheme of Administration states that members cannot be members of West Lothian Leisure's board of directors and members of West Lothian Leisure Advisory Committee, the ALEO's scrutiny body.

4.4 The Standards Commission's advice is intended expressly for ALEOs, but it is relevant and helpful in relation to all outside body appointments.

## **5 Voting procedure**

5.1 The chair of a council meeting has no casting vote in decisions about appointment of members. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive). The voting procedure for these positions is set out in Standing Order 3, as follows:-

- A mover and a seconder are required for each candidate
- Any vote takes place amongst all candidates at the same time

- Where one candidate has an absolute majority of the votes cast that candidate is appointed
- If no candidate has an absolute majority the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
- Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot
- A tie between the last two candidates remaining is decided by lot

5.2 There are no issues in relation to connections and interests. Councillors may vote for themselves.

#### **E. CONCLUSION**

1 Dealing with appointments to outside bodies will ensure compliance with legal requirements and will assist in the conduct of the business of the council and of the bodies and organisations concerned.

#### **F. BACKGROUND REFERENCES**

1 Correspondence held by Committee Services

Appendix 1 - Bodies for which immediate appointments are required

Appendix 2 - Bodies for which appointments may be deferred or delegated

Appendix 3 – Placing in Schools (Appeals) Committee

Appendix 4 - Local trusts and their members

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[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

## APPENDIX 1

## BODIES RECOMMENDED FOR IMMEDIATE APPOINTMENT

Outside Body	Purpose/Description	Appointment(s) Required
Bathgate Town Centre Management Group	To support the management of Bathgate Town Centre. All ward members are automatically members	1 ward member as Chair
Community Planning Partnership Board	Coordinates the Council's community planning function	5
Community Safety Board	Partnership Board at the top of community safety working arrangements. Part of Community Planning structure	5
City Deal Joint Committee	To oversee the implementation of the Edinburgh and South East Scotland City Region Deal Programme. In practice, Council Leaders appointed	1
Convention of Scottish Local Authorities	At the top of COSLA's policy and decision-making structure. Determines constitution, other COSLA boards and bodies and elects office-bearers. COSLA constitution requires appointments to be on a basis which reflects the balance of party group strength within the council	4
COSLA Executive Board - Children and Young People	One of four COSLA policy boards. Each council may appoint one member	1
COSLA Executive Board - Community Well-Being	One of four COSLA policy boards. Each council may appoint one member	1
COSLA Executive Board - Environment and Economy	One of four COSLA policy boards. Each council may appoint one member	1
COSLA Executive Board - Health and Social Care	One of four COSLA policy boards. Each council may appoint one member	1
Edinburgh and South East Scotland City Region Deal Elected Members	Part of the governance structure of the Edinburgh & South East City Region Deal. Deals with issues such as economic development,	2

Outside Body	Purpose/Description	Appointment(s) Required
Oversight Committee	transportation, regional planning	
Head Teacher Appointment Panel	Interviews and selects candidates for appointment to West Lothian schools	14
Linlithgow Town Centre Management Group	To support the management of Linlithgow Town Centre. All ward members are automatically members	1 ward member as Chair
Lothian Buses Regional Sub-Committee	Council's interest in Lothian public transport services	2
Lothian Valuation Joint Board	To oversee valuation, rating and the provision of electoral registration in the Lothians councils	3
NHS Lothian Health Board	Health Board, statutory. Appointed by Scottish Government on council nomination	1
Scotland Excel	Joint Committee to represent and promote councils' common interests in procurement and contracts	1
St John's Hospital Stakeholder Group	Liaison between council and NHS Lothian regarding services at St John's Hospital	3
SESTran	Statutory board. To improve transport services for people and businesses in the region. Core function is production of a regional transport strategy to steer funding priorities	2
West Lothian Development Trust	To obtain revenue payments from windfarm developers and distribute these payments to the local community. The three ward members for Fauldhouse & the Breich Valley Ward are automatically members	1 member from the Whitburn & Blackburn, Livingston South or East Livingston & East Calder Wards
West Lothian Economic Partnership Forum	Economic development arm of Community Planning	1
West Lothian Leisure Ltd - Board of Directors	To provide for the benefit of West Lothian residents and others, facilities for recreation, sport and leisure. Council's sole ALEO. Directors cannot be members of West Lothian Leisure Advisory	5

Outside Body	Purpose/Description	Appointment(s) Required
	Committee	
West Lothian Licensing Board	Regulation of liquor, gaming and bookmaking licences. Members cannot be premises licence holders, employees of a premises licence holder and working in licensed premises, engaged in or officers of companies engaged in producing, employees of any person so engaged and working in that business	10
West Lothian (Placing in Schools) Appeals Committee	Statutory appeals committee. Appeals against school exclusions and refusals of placing requests	10
Whitburn Town Centre Management Group	To support the management of Whitburn Town Centre. All ward members are automatically members	1 ward member as chair

**APPENDIX 2****BODIES FOR WHICH APPOINTMENTS MAY BE DEFERRED**

<b>Outside Body</b>	<b>Purpose/Description</b>	<b>Appointment(s) Required</b>
Armed Forces Champion	Supports and promotes armed forces personnel and veterans	1
Association for Public Service Excellence (APSE)	Promoting excellence in public services, hosting a network for frontline service providers	3
Citizens Advice Bureau West Lothian	To provide a free, independent advice and information service to the residents of West Lothian	1
Dedridge Good Neighbour Network	To identify needs and provide a co-ordinated approach to community care through a voluntary visiting and support network	3
Disability West Lothian & West Lothian Access Committee	To promote & identify the needs of disabled people and develop strategies to reduce the negative barriers affecting disabled people	2
Edinburgh & Lothians Regional Equality Council	Fighting racial discrimination and harassment, promoting racial equality and good race relations.	1
Edinburgh Airport Consultative Committee	To advise Edinburgh Airport Limited on questions in connection with the airport as they affect users and communities	1
Edinburgh, Lothians, Borders and Fife Shadow Joint Committee	Collaboration on shared services in roads services	1
Family and Community Development West Lothian	To promote the benefit of the inhabitants of West Lothian and environs and in particular parents and children.	1
Firefly Arts Ltd	Youth theatre, film-making, creative writing, music, dance and visual arts activity for children and young people aged 5 to 25 years	1
Handicabs (Lothian) Ltd	To provide transport services for disabled and elderly people in West Lothian - including Dial-A-Ride, Dial-A-Bus and Community Bus Services	1

Outside Body	Purpose/Description	Appointment(s) Required
Korean War Memorial Trust	Oversight of maintenance and status of war memorial between Bathgate and Linlithgow	2
Levenseat Trust	Use of funds from landfill tax at Levenseat Waste management site for environmental protection and improvement projects	1
Linlithgow Fair Trade Steering Group	To support the promotion of Linlithgow as a Fairtrade town in accordance with the aims of the Fairtrade Foundation	4
Linlithgow Heritage Trust	A company limited by guarantee with charitable status, main function is operating the Linlithgow Museum	1
Linlithgow Parish Trust	Annual grants to support elderly and poor people within the Parish of Linlithgow which includes Bridgend and Philpstoun	3
Livingston Youth Trust	To provide financial support for young Livingston residents with skills in the field of sport, music, or the arts	3
Local Access Forum	Statutory forum to advise the council and others on exercising of access rights, rights of way and the drawing up on the Core Path Network	2
Lothian Community Transport Services	Voluntary organisation to provide a range of community transport services in West Lothian	1
Lowland Reserve Forces' and Cadets' Association	To represent the Reserve Forces and Cadets within the Lowlands of Scotland and liaise with local authorities and the public	1
Mayors for Peace	Organisation supporting the abolition of nuclear weapons. Council membership is voluntary/optional. If taken up, the Provost would be the council's representative	1, to be the Provost
Older People's Champion	To be a link between the council and older people in the local area	1
One Linlithgow Ltd	Business Improvement District. Ward members are appointed	3 ward members

Outside Body	Purpose/Description	Appointment(s) Required
Open Door Accommodation Project Management Committee	Support, advice and accommodation for young people 16 to 26 years of age who are homeless or at risk of homelessness	1
Pentland Hills Regional Park Consultative Forum	To discharge the council's functions with regards to the provision of park facilities by member councils	1
Scottish Councils Committee on Radioactive Substances (SCCORS)	To provide a mechanism to identify a common, Scottish local authority viewpoint on radioactive waste management issues	1
Scottish Schools Education Research Centre (SSERC) Limited	Services in support of teachers and young people in relation to Science, Technology, Engineering and Mathematics curriculum	1
The Lanthorn Trust - Board of Management	To assist in the running of the centre, and uphold the principles of the trust deed agreement	4
West Lothian Destination Management Organisation	Set up as a public/private partnership company limited by guarantee and run by a Board of Directors.	1
West Lothian Educational Trust	Grants to persons and bodies residing in or originating from West Lothian for educational purposes	4
West Lothian Fairtrade Steering Group	Established with the objective of achieving Fairtrade Zone status for West Lothian	2
West Lothian Leader Local Action Group	Partnership involving Community Planning partners and other organisations with an interest in rural development	1
West Lothian Trust for the Benefit of People With Disabilities	To provide small grants to aid people with disabilities to engage in sports, recreational, cultural and social activities	4
West Lothian Twinning Association	To promote West Lothian's social, cultural & education twinning links with the Hochsauerlandkreis, Germany	2

Outside Body	Purpose/Description	Appointment(s) Required
West Lothian Youth Action Project	Advice, support and advocacy services for young people aged 10-21 years, to address antisocial behaviour, improve education and employment opportunities	2
West Lothian Community Foundation	To support the development of football across West Lothian by bringing together key partners	1
West Lothian/Grapevine Twinning Association	To promote friendship between the inhabitants of West Lothian and City of Grapevine, Texas	4
West of Scotland Archaeology Service	Joint committee to provide archaeological input to planning and development	1 & substitute
WL Ventures Group Limited	To promote and/or encourage industrial and commercial activity and/or enterprise within the West Lothian area	2

**APPENDIX 3**  
**PLACING IN SCHOOLS (APPEALS) COMMITTEE**  
**(NON-COUNCILLOR MEMBERS)**

<b>First Name</b>	<b>Surname</b>	<b>Membership category</b>
Anne	Corr	Educationalist
Victoria	Dunnett	Parent
Sarah	Henley	Parent
Lynne	McEwen	Appointed Member of Education Executive
Paul	McLellan	Educationalist
David	Simpson	Educationalist
Lesley	Spence	Parent

## APPENDIX 4

## CHARITABLE TRUSTS – COUNCILLOR TRUSTEES

Trust Name	Purpose	Area	Trustees
Bathgate and Boghall Youth and Community Endeavour Trust	To encourage the youth of Bathgate to take part in community endeavours or individual activities to improve the welfare of the youths involved and the local community	Boghall and Bathgate	All ward members
Captain Matthew & Mrs White Fund for the Poor	To aid the poor of Whitburn Parish in receipt of a state pension, who are at least 70 years of age and have lived in Whitburn Parish for at least 10 years	Whitburn	All ward members
David Forrester Bequest	To assist with the care of the Old Parish Church in Bathgate	Old Parish Church, Bathgate	All ward members
Ellen Murray Aitken Trust for Poor	To benefit the deserving poor of the Linlithgow Parish and Neighbourhood	Linlithgow Parish and neighbourhood	All ward members
James Wood Bequest for a Nurse	To aid the sick and necessitous persons in the villages of Blackridge and Torphichen in West Lothian	Blackridge and Torphichen	All ward members & Council Leader
James Wood Bequest for the Poor (Armadale)	To benefit poor persons who reside in Armadale in West Lothian	Armadale	All ward members
James Wood Bequest for the Poor (Blackridge & Torphichen)	To aid the deserving poor in the villages of Blackridge and Torphichen in West Lothian	Blackridge and Torphichen	All ward members & Council Leader
John Armstrong Bequest for The Cross Well	To maintain the Cross Well in Linlithgow	Cross Well, Linlithgow	All ward members
Miss Christina	For the relief of the	Armadale	All ward members

<b>Trust Name</b>	<b>Purpose</b>	<b>Area</b>	<b>Trustees</b>
Shaw Bequest	poor in Armadale, West Lothian		
Miss Margaret Marshall Aitken Bequest for Deserving Poor	To benefit the deserving poor of the Linlithgow Parish and Neighbourhood	Linlithgow Parish and neighbourhood	All ward members
Mrs Christina Muir Trust for Poor	To aid the deserving poor of the village of Uphall	Uphall	All ward members
Mrs Violet Kirk Bequest	To benefit organisations in the Bathgate area that benefits the local community	Bathgate	All ward members
Norman M Henderson Bequest for Poor	To aid the deserving poor of the village of Uphall	Uphall	All ward members
Quarter Farm Mortification for Benefit of Poor	To benefit organisations and community groups that benefit people living within the Uphall parish area.	Uphall Parish area	All ward members & Council Leader
Robert Turner of Armadale	To benefit community organisations within the town of Armadale	Armadale	All ward members, Council Leader & Provost
West Lothian Trust for the Benefit of People with Disabilities	Provides small grants to aid people with disabilities to engage in sports, recreational, cultural and social activities	N/A	6 (to be Provost, Chair & Vice Chair of Environment PDSP, Chair & Vice Chair of Culture & Leisure PDSP and Leader of the largest opposition party)
Whitten & Hebson Bequests for Poor	To aid the poor and unemployed in severe seasons and for the sanitary improvement and adornment of the Burgh of Linlithgow.	Burgh of Linlithgow	All ward members
William Greenhill Bequest for Deserving Poor	To benefit the deserving poor of the Linlithgow Parish and Neighbourhood	Linlithgow Parish and neighbourhood	All ward members





## WEST LOTHIAN COUNCIL

### MEMBERS' REMUNERATION, ALLOWANCES AND EXPENSES

#### REPORT BY HEAD OF CORPORATE SERVICES

#### A. PURPOSE OF REPORT

To provide information about members' remuneration and expenses and to agree Senior Councillor payments

#### B. RECOMMENDATIONS

1. To note the statutory rules relating to the payment of councillors' remuneration and expenses and the council's current Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses
2. To agree the number of Senior Councillor positions and the remuneration to be paid for them
3. To instruct any action to be taken to review these arrangements and bring forward proposals for change

#### C. SUMMARY OF IMPLICATIONS

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Local Government etc. (Scotland) act 1994; Local Governance (Scotland) Act 2004; Local Authorities etc. (Allowances) (Scotland) Regulations 1995; Local Government (Allowances and Expenses) (Scotland) Regulations 2007
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	None required
<b>VIII</b>	<b>Other consultations</b>	Governance Manager

#### D. TERMS OF REPORT

## 1 Councillor Payments

- 1.1 Legislation provides for payment to elected members of remuneration, for optional membership of the local government pension scheme, and for reimbursement of expenses incurred in carrying out official council business. The council can only pay members remuneration and expenses in accordance with those statutory rules.
- 1.2 The council makes decisions from time to time about members' remuneration. It adopts a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses each year. That defines what counts as approved duties for which expenses may be claimed. The current Scheme for 2022/23 is in the appendix.
- 1.3 Councils must publish information on councillors' salaries, allowances and expenses by 1 June each year. These will include external payments and any costs for conference attendance, transport or subsistence which have been booked by the council on behalf of a councillor. It also includes information about members' training attendance. This is carried out through an annual report to committee, and publication on the council's website.

## 2 Remuneration - internal

- 2.1 There are four grades of councillor payments for internal council positions. Those are Civic Head (Provost), Leader of the Council, Senior Councillor and others. Members can only be paid in one of those categories. The relevant amounts from 1 April 2022 are:-
  - Leader - £39,148
  - Provost - £29,361
  - Senior Councillor – variable, subject to a maximum of £29,361
  - Other councillors - £19,571
- 2.2 The maximum number of Senior Councillor positions is 14 (not counting the Leader or Provost or any councillor acting up to a senior councillor position under the council's Family Leave Scheme for Members). Senior Councillors should hold a significant position of additional responsibility in the council's political management and decision-making structure, for example, chair of a major committee, portfolio holder, leader of a significant opposition group. They do not all have to be paid the same amount. The total of all Senior Councillor payments must not be more than £342,524. If 14 senior councillor payments were made at the same rate then the maximum would be £24,466. Payments cannot be back-dated.
- 2.3 The council presently has 12 Senior Councillor positions, paid at the same level of £28,543.67, as follows:-
  - 8 Executive Councillors
  - Chair of Development Management Committee
  - Chair of Audit Committee
  - Chair of Governance & Risk Committee
  - Chair of Licensing Committee
- 2.4 Members should consider and determine the number of Senior Councillor positions, what they should be and the remuneration to be attached to each of them.

## 3 Remuneration - external

- 3.1 Legislation allows for payments to be made to councillors who are appointed as Convener or Vice-Convener of a statutory joint board. The Lothian & Borders Valuation Joint Board is the only such joint board for this council. A councillor paid in that capacity is not classed as a Senior Councillor and cannot in addition be paid the rate for ordinary councillors.
- 3.2 The amount payable to the Convener of the Lothian & Borders Valuation Joint Board from 5 May is £24,467. For the Vice-Convener the amount is £23,244.
- 3.3 Members appointed to certain outside bodies may be entitled to payment from those bodies. That is permitted so long as the outside body is not controlled by the council. NHS Lothian Health Board makes such a payment, and the amount is determined by that body and not by the council. That amount can vary depending on the duties carried out for the health board.

#### **4 The Local Government Pension Scheme**

- 4.1 Elected members can be admitted to the Local Government Pension Scheme.
- 4.2 The pension payable on retiral will be based on an individual's career average. Pension contributions are based on a five tier contribution system based on how much pay falls into each tier. The contribution rate payable is determined by the council based on the salary paid when an elected member joins the scheme and at the beginning of each financial year.

#### **5 Reimbursement of Expenses**

- 5.1 Certain allowances and expenses can be claimed in relation to approved council duties. The Scheme in the appendix contains that list of activities which are official council business for which reimbursement of expenses may be claimed.
- 5.2 The main allowances and expenses which can be recovered are as follows. Receipts are required for almost all categories.
  - Travel, private transport - mandatory mileage rates apply
  - Travel, public Transport - fares for buses and trams, taxis, trains, air travel and ferry travel
  - Overnight Subsistence - actual accommodation costs up to set maximum amounts (including breakfast)
  - Meals - different rules and maximum amounts apply depending on whether the business is carried out and whether overnight subsistence is payable. Expenses cannot be claimed for meals in a councillor's own ward or within council premises in the West Lothian authority area.
  - Telephones, computers and other equipment - the council provides what is reasonably required to allow councillors to carry out their role, for example, mobile phones, laptops and tablets
  - Expenses for Civic Head - the council will reimburse reasonable actual and receipted expenditure incurred by the Civic Head in carrying out his or her civic duties, up to the statutory maximum of £3,000 each year.

#### **E. CONCLUSION**

- 1 The council has complied with its duties in adopting a Scheme of Members' Allowances and Reimbursement of Expenses for 2022/23. Decisions on senior

councillor payments will enable remuneration for those designated positions to start.

**F. BACKGROUND REFERENCES**

1 Council Executive, 22 March 2022

Appendices/Attachments: 1. Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2022/23

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**Graham Hope, Chief Executive**

Date of meeting: 12 May 2022

## APPENDIX

### SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES 2022/23

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Appendix 1 – [Approved Duties](#)

Appendix 2 – [Elected Member Telephone, Computer and Other Equipment Allowances](#)

Appendix 3 – [Template for Publicising Elected Members Remuneration, Allowances and Expenses](#)

## WEST LoTHIAN COUNCIL

### SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

#### 1 INTRODUCTION

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

#### 2 ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS

##### 2.1 Positions

Remuneration levels for Elected Members are dependent on the responsibilities held. With the exception of the position of basic Councillor, levels of payment are determined by a banding system. For remuneration purposes West Lothian Council is placed in Band B.

**Leader of the Council** – Each local authority will have one Council Leader post.

**Civic Head** – Each local authority will have one Civic Head post and has scope to determine the level of salary paid up to a maximum of 75% of the remuneration paid to the Council Leader.

**Senior Councillor** – Individual authorities have the flexibility to determine which positions should be considered Senior Councillor meriting a higher level of remuneration. In doing so, the restrictions set out in the regulations that should be considered are:

- the limit on the number of posts that each council may have (West Lothian Council limit of 14);
- the total budget available for paying Senior Councillors;
- that payment cannot be more than 75% of the remuneration paid to the Leader.

**Councillors** - Elected Members who do not hold the position, for remuneration purposes, of Leader, Civic Head or Senior Councillor will receive remuneration set at the basic level.

##### Family Leave Scheme

The statutory rules limiting the number of and total spend on senior councillor payments were relaxed in April 2020 where members are utilising council-approved schemes for family leave purposes.

The relaxations make it possible for a member in receipt of a senior councillor payment to continue to receive that payment while on leave while at the same time a payment is made to another member acting up in their absence. The same relaxations apply to the position of Civic Head (Provost) and Council Leader and the separate payments to those who hold those positions.

The Head of Corporate Services is responsible for administering the Scheme. Notice in writing has to be given to the Chief Executive who reports accordingly to council.

The additional payments permitted will become effective on the date the council makes the acting appointments and will last until the arrangement comes to an end as provided for in this Scheme and in Standing Orders.

##### 2.2 West Lothian Council – Levels of Remuneration

The scope for determining levels of remuneration for Elected Members is set out in the regulations. The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by committee. Any increases notified by the Scottish Government within the annual reporting cycle will be applied administratively.

### **2.3 Joint Boards and Community Justice Authorities**

Conveners of joint boards and community justice authorities shall be paid a total yearly amount of £24,467 (this includes the salary they receive as a councillor). The vice-convenor will be paid a total yearly amount of £23,244 (this includes the salary they receive as a councillor). If the convener or vice-convenor receives greater remuneration as a Senior Councillor, the greater amount will be payable.

### **2.4 Renouncing all or part of a salary**

Any Elected Member, regardless of level of payment, will be able to renounce receipt of all or any part of his/her salary if he/she wishes to do so. If an Elected Member chooses to renounce all or part of the payment due they should advise the Head of Corporate Services in writing.

## **3 CLAIMING ALLOWANCES & EXPENDITURE**

### **3.1 West Lothian Council Business**

Elected Members are required to complete the standard claims form, for reimbursement of travel, subsistence and expenses costs. Claim forms are available from the Member Services Administration team or on [My Toolkit](#).

Completed forms should clearly indicate the approved duty undertaken. For ease of administration the reference letters allocated in Appendix 1 can be used. It is only necessary to detail times if a claim for subsistence is made.

Claims should be completed and submitted on a monthly basis. Dates for submitting forms for payment will be provided to the Member Services Administration team and are published on [My Toolkit](#).

### **3.2 Joint Board Business**

For councillors who are also members of joint boards, there is a requirement to report expenses relating to this business separately. The standard claim form for reimbursement of travel, subsistence and expenses costs for joint board business is available from the Member Services Administration team or on [My Toolkit](#)

### **3.3 Submission and Publication**

It is the responsibility of each individual Elected Member to complete forms accurately and duly sign the declaration. Completed forms should be passed to Corporate Services for processing.

As the Council is required to publish information on Elected Members' salaries, allowances and expenses by 1 June each year, expenses claims for that year must be submitted no later than 5 April. Expenses claims submitted after this date will only be reimbursed in exceptional circumstances to be determined by the Head of Corporate Services.

## **4 TRAVEL ALLOWANCES**

Elected Members are expected to adopt the most cost-effective method of travel.

Payment of travel allowances will be paid to Elected Members in accordance with the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

Travel allowances will be paid at the rates set by the regulations for journeys necessarily incurred for the purpose of performing approved duties. The list of approved duties is set out in Appendix 1.

#### **4.1 Private Car, Van, Motorcycle or Bicycle**

##### **Work Travel**

Where the method of travel is by private car, van, motorcycle or bicycle the mileage claimed should commence from the point of departure on Council business and should be on the basis of excess mileage incurred on approved duties.

Rates of mileage allowance are set in the Regulations and are as follows:

Mode of Transport	Amount Per Mile
Car or Van	45p
Motorcycle	24p
Bicycle	20p
Additional passenger rate (per passenger)	5p

HM Revenue and Customs have set the maximum statutory tax-free rate of mileage allowance at 45p per mile. PAYE will not be payable on mileage allowance claims.

In addition to mileage, the following associated costs will be reimbursed:

- Parking charges – receipted costs of expenditure incurred
- Road and bridge tolls
- Road pricing/congestion charges – receipted costs of expenditure incurred
- Ferry fares for car, motorcycle or bicycle - receipted cost of expenditure incurred

##### **Home to Work Travel**

Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Mileages incurred should be so detailed to provide a suitable trail for audit purposes. In this respect, details of each port of call must be entered on the claim form.

Elected Members have an obligation to claim the shortest route for each journey undertaken irrespective of the miles actually travelled.

#### **4.2 Public Transport**

Where the method of travel is by public transport, the following expenses may be claimed:

- Buses and trams – expenses incurred, including season ticket/passes where this is considered more cost effective.
- Taxis, trains, air travel, ferry travel – receipted cost of fare.

Travel by taxi should only be in cases of urgency or when no public service is reasonably available. If an Elected Member requires to travel by taxi on a regular basis, the principle of this should be agreed beforehand with the Head of Corporate Services.

It is expected that travel by public transport should be by standard or economy class.

## **5 SUBSISTENCE**

### **5.1 Meals**

Where an Elected Member is required to carry out Council business out with his or her own ward, or out with council premises in the local authority area of which they are a member, actual receipted cost of reasonable expenses may be reimbursed up to the levels detailed below:

Breakfast*	£8
Lunch	£12
Dinner	£25

\*Reimbursement of breakfast costs cannot be claimed in addition to overnight subsistence and are only payable when there is a requirement to travel some distance.

### **5.2 Overnight Subsistence**

In the case of an absence overnight from the usual place of residence the maximum rates of receipted reimbursement are:

Standard	£110
London	£131

This reimbursement covers the cost of bed and breakfast whether accommodation is booked on a “room only” or “bed and breakfast” basis.

Friends or Family	£25
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Where overnight accommodation away from home is taken with friends or family a rate of £25 per night is payable. Any claim relating to this allowance must include the accommodation address and the name(s) of the friends or family with whom the Elected Member stayed. In the circumstances where a claim of this kind is made, no other overnight allowance is payable.

Where the Council itself purchases places for Elected Members at a residential conference or other event, no overnight subsistence will be payable.

### **5.3 Overseas Accommodation**

Where travel overseas is required, the maximum level of receipted reimbursement will generally be equivalent to the London rate.

Overseas	£131
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## **6 CIVIC HEAD ALLOWANCE**

The Civic Head, or persons deputising for the Civic Head, may be reimbursed actual and receipted expenditure incurred in carrying out civic duties up to a maximum of

£3,000 in a 12-month period running from the date of election.

## **7 TELEPHONES, COMPUTERS AND OTHER EQUIPMENT**

Guidance on the provisions available in relation to telephone, computers and other equipment and the costs that will be reimbursed and the arrangements for doing so is set out in Appendix 2.

## 8 PAYMENT ARRANGEMENTS

The payment of travel and subsistence allowances and Civic Head expenses will be paid monthly on the last Thursday of the month. Payments will be made directly to the Elected Member's bank account.

## 9 TAXATION

Any Elected Member wishing information on the tax implications of specific allowances should seek advice from the HR Operations Section of Corporate Services.

## 10 CHECKS AND CONTROLS

Elected Members should annually submit a valid driving licence and car insurance certificate for inspection at the start of each financial year to Corporate Services. The car insurance should cover Council business use.

Total claims for subsistence and mileage will be reported to the Leader of the Council on a 3-monthly basis. Elected Members will also be provided with details of their own cumulative claim totals.

Corporate Services staff will ensure the arithmetical accuracy of the form and will vouch travel allowances claimed for Committee attendance.

Corporate Services staff will ensure that all claims submitted adhere to the details contained in this Scheme otherwise the claim will be returned to the Elected Member.

## 11 PUBLICATION

Information on Elected Members salaries, allowances and expenses will be published on the Council's website by 1 June each year. This information will include any ICT related costs and costs for transport, subsistence and attendance at conferences paid for directly by the Council on behalf of Elected Members. This information will also be available for inspection at council offices when requested in writing by a member of the public. Appendix 3 sets out the template for publicising Elected Members Remuneration, Allowances and Expenses.

### CORPORATE SERVICES POINTS OF CONTACT

<b>Name</b>	<b>Designation</b>	<b>Telephone</b>	<b>Location</b>
Katrina Daly	HR Operations Manager	07881 807 155	Civic Centre
Margaret Mullen	Payroll Team Leader	01506 281436	Civic Centre

## WEST LoTHIAN COUNCIL

### APPROVED DUTIES

Allowances are payable for the purpose of an approved duty, the Local Government (Scotland) Act 1973 defines an approved duty as:

- Attendance at meeting of the body or any of its committees or sub-committees, and
- The doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body or of any of its committees or sub-committees.

The term body used above includes the Convention of Scottish Local Authorities, West Lothian Council and Joint Boards of which the council is a participant.

The “approved duties” approved by the council in terms of section 46 of the Local Government (Scotland) Act 1973 are listed hereunder, viz:

REFERENCE	APPROVED DUTY
a)	Attendance at a duly constituted meeting of the Council and Committees or Sub – Committees thereof, Policy Development & Scrutiny Panels and Local Committees.
b)	Attendance in the capacity as a member of the Council at meetings, functions or ceremonies at the invitation of non-party political organisations.
c)	Attendance by Chair of Committee or Sub-Committee of the council, or an Executive Elected Member (portfolio holder), as the Council’s representative at any event, function or visit whose matter is closely related to the function of that committee or Sub-Committee or Portfolio.
d)	Attendance at scheduled surgeries.
e)	Attendance at surgeries out with a member’s own ward, where necessary.
f)	Attendance by an Elected Member at specified place and at a pre-arranged time for the purpose of being available for consultation by constituents on problems arising in connection with the discharge of the functions of the council or any of its committees or sub-committees. Attendance for consultation with constituents at a place within the area of West Lothian Council other than at fixed or specified locations.
g)	Attendance at meetings of other bodies as a duly appointed delegate of the council.

REFERENCE	APPROVED DUTY
h)	Attendance at a conference or course as a duly appointed delegate of the Council.
i)	Attendance by a Chair of a Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), or their nominees at meetings which have to be arranged on occasions with officials of the Council.
j)	Attendance by the Provost, Deputy Provost and Leader of the Council at his or her office to undertake official duties.
k)	Attendance at any other function or ceremony with prior approval of the Council or appropriate Committee or Sub-Committee.
l)	Attendance of a local member of the Council at a meeting called by the Provost or Chair of Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), and/or an officer of the council to discuss business of a competent nature.
m)	Undertaking a duty in connection with the Council's functions, provided it has been approved in advance by the appropriate Committee or Sub-Committee, with the proviso that when a duty of an emergency nature arises which cannot be dealt with by telephone or correspondence, that emergency duty will be reported to the next meeting of that Committee or Sub-Committee for consideration as an "approved duty".
n)	Attendance at duly notified meetings of Elected Members of the political group.
o)	Attendance of Elected Members of the Council at area offices following a surgery in pursuance of any enquiry made to the local member by a constituent at the surgery.
p)	Attendance of Elected Members of the Council at properly constituted meetings of Community Councils and Parent Councils established within their ward.
q)	Attendance at Council premises for the purpose of carrying out clerical research and correspondence duties in relation to matters raised with Elected Members by constituents. Such duties will occur as required, but shall constitute "approved duties" on not more than one occasion in each working day.
r)	Attendance of political group officers, namely, Leader, Deputy Leader, Secretary and Whip to carry out work on behalf of the group on the basis of not more than five occasions in a calendar month.
s)	Attendance at training offered free of charge by bodies, such as the Improvement Service; or Audit Scotland, without the prior approval of the Council or appropriate Committee or Sub-Committee.

**WEST LOTHIAN COUNCIL****ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER  
EQUIPMENT ALLOWANCES****CLAIMS PROCEDURE AND GUIDANCE NOTE**

This guidance note sets out the provision available in relation to the costs that will be reimbursed and the arrangements for doing so.

**1. Computers**

Each Elected Member will be provided with a desktop PC or laptop computer for business use.

**2. Home Telephones**

Elected Members may choose to have either:

- A secondary (business) home telephone line installed and administered by the Council; or
- 50% of receipted line rental and itemised billing charges reimbursed for a home telephone which is used for both business and personal use.

Where a telephone package involves payment of line rental and a fixed sum in relation to call charges, reimbursement will be for 50% of the line rental charges plus any identified business call costs only.

**3. Mobile Telephone and iPad**

The Council will provide a mobile telephone and an iPad to Elected Members from a supplier of the Council's choice. The Council will be responsible for the following costs:

- Telephone equipment
- Line rental/charge
- The actual cost of business

The use of mobile telephones and iPads is restricted to Council business only. On receipt of these devices Elected Members will be required to provide a written undertaking regarding restrictions of use. In exceptional circumstances, an Elected Member may use the mobile telephone for a private call. In such cases he or she will be required to repay the full cost of the call to the Council.

As international roaming is not included in the contract for iPads, if an Elected Member requires to use their iPad whilst abroad, this must only be done in areas where free

Wi-Fi is available. Elected Members must contact IT Services prior to taking the iPad abroad in order to get the international bar lifted. This bar must be reinstated on return.

#### **4. Broadband Internet Services**

Broadband internet services will be made available to Elected Members based on business need to be determined in conjunction with the Head of Corporate Services.

When requesting installation Elected Members will be required to provide a written undertaking regarding restrictions of use.

#### **5. Remote Secure Access (RSA) Tokens**

RSA Tokens will be made available to Elected Members based on business need in circumstances where an Elected Member requires secure remote access to network drives. Business need shall be determined in conjunction with the Head of Corporate Services.

#### **6. Payment of Accounts**

- Home Telephones for Business and Personal Use

The Elected Member will be responsible for paying accounts for home telephones used for business and personal use to the provider of the service.

- Secondary Phone Line for Business Use

The Council will administer the payment of secondary phone lines installed for business use only.

- Mobile Telephones and iPad

The Council will administer the payment of mobile telephone and iPad accounts.

- Broadband Internet Services

Where broadband internet services are provided via a home telephone package the Elected Member will be responsible for paying accounts for the broadband internet service. The Council will administer the payment of broadband internet services installed for business use only.

#### **7. Reimbursement of Costs**

Elected Members must submit a receipted telephone account and/or broadband internet service account to Corporate Services, before any reimbursement of costs can be made. Where an Elected Member has opted to use one phone line for business and personal use, then receipted accounts must be accompanied by a statement of business calls being claimed.

Elected Members paying telephone and/or broadband internet service accounts by direct debit or budget account must submit the payment invoice received from the provider of the service.

Reimbursement will be made through the payroll system.

## **8. Taxation (PAYE)**

- **Home Telephones**

Reimbursements of home telephone rentals are subject to tax under PAYE. Tax is calculated at the time of payment and is deducted at source from the rental cost. Business telephone calls are not liable to tax. This however is subject to appropriate controls being in place.

Elected Members are required to keep records of private and business calls and they have a responsibility to keep itemised call billing statements and any other supporting evidence where reimbursement is being sought for business calls.

- **Mobile Telephones**

No tax charge arises from the use of mobile telephones. The Council will retain copies of mobile telephone accounts and itemised call billing statements for inspection purposes.

- **Broadband Internet Services**

No tax charge arises for the reimbursement of broadband internet service accounts which are provided for business purposes. The council will retain copies of billing statements for inspection purposes.

- **VAT**

Elected Members will be reimbursed for the VAT component of rental and business calls subject to provision of a receipted telephone account and/or broadband internet service account. The actual receipted account must be submitted, as copies are not sufficient for the Council to reclaim the VAT element. Where Elected Members pay telephone accounts and/or broadband internet service accounts by direct debit or budget account, the actual payment invoice received from the provider of the service must be submitted.

## **9. Other Matters**

Elected members may wish to have home telephone features that are additional to the basic services listed above. Where this is the case, Elected Members will be responsible for meeting the full cost of these features with no reimbursement being provided by the Council.

Additional mobile telephones purchased for private use will be the responsibility of Elected Members, with no reimbursement of any aspect of the cost being made, even where occasional business use is incurred.