

10.05am, Thursday 2 May 2013

Governance: Operational Governance Framework and Webcasting Protocol

Item number	8.1(a)
Report number	
Wards	All

Links

Coalition pledges	
Council outcomes	CO24 & CO25
Single Outcome Agreement	

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Executive summary

Governance: Operational Governance Framework and Webcasting Protocol

Summary

In line with the review of political management arrangements, the opportunity has been taken to comprehensively modernise and restructure a range of key documentation supporting internal controls, accountability, the transparent operation of the Council and good governance.

Following this, the key elements of the Council's operational governance framework are now reviewed and updated on an annual basis and submitted to the first May Council meeting for approval.

The governance review has led to an ongoing focus on the Council's operational governance framework and additional documentation continues to be developed and updated. Consultation is underway on a draft Corporate Debt Policy and once complete this will be presented to the Council for consideration.

There are likely to be further changes to key documents including Committee Terms of Reference and Delegated Functions and the Scheme of Delegation to align with the outcome of the review of political management arrangements. This particularly applies to high profile developments in areas such as health and social care integration and police and fire reform.

Contract Standing Orders will also be reviewed in the coming months to continue to enhance operational controls as part of the procurement transformation programme.

Recommendations

1. Repeal the existing Standing Orders for Council and Committee Meetings, Committee Terms of Reference and Delegated Functions, Financial Regulations, Webcasting Protocol and Regulations for the appointment of Religious, Teacher and Parent Representatives and approve in their place appendices two to six, such repeal and approval to take effect from 6 May 2013;
2. Delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the documents set out in appendices three to

nine of this report as may be necessary to implement the decisions of the Council in relation to this report;

3. To note that there are no amendments to the Scheme of Delegation or guidance for the appointment of consultants; and
4. To note consultation on a revised Member/Officer Protocol will commence in line with the review of political management arrangements.

Measures of success

Compliance with legislation measured via a range of key performance indicators reported to the appropriate committee.

Financial impact

There are no financial implications as a result of this report.

Equalities impact

There are no direct equalities impacts as a result of this report.

Sustainability impact

There is no direct sustainability impact as a result of this report.

Consultation and engagement

Consultation with elected members and council officers has been undertaken with comments and feedback included in the documentation presented for approval by the Council at this meeting.

Background reading / external references

[Item 8.2 – Operational Governance Update – Corporate Policy and Strategy Committee 4 December 2012](#)

[Item 8.3 – Operational Governance – Scheme of Delegation to Officers – City of Edinburgh Council 22 November 2012](#)

[Item 8.5 – Operational Governance Update – Governance, Risk and Best Value Committee 6 November 2012](#)

[Item 8.1 – Governance Review: Political Management Arrangements and Operational Governance – City of Edinburgh Council 20 September 2012](#)

[Item 8.1 – Governance Review – City of Edinburgh Council 23 August 2012](#)

Governance: Operational Governance Framework and Webcasting Protocol

1. Background

- 1.1 The Council noted progress on the review and future development of the operational governance framework on 20 September 2012.
- 1.2 It was agreed that key documentation would be reviewed and presented to Council for approval on an annual basis.

2. Main report

2.1 Operational Governance Framework

- 2.1.1 Consultation has been undertaken with both elected members and officers to consider appropriate updates and adjustments to the following key documentation:
 - Procedural Standing Orders for Council and Committee Meetings;
 - Committee Terms of Reference and Delegated Functions;
 - Scheme of Delegation;
 - Financial Regulations;
 - Guidance on the Appointment of Consultants;
 - Webcasting protocol; and
 - Procedure for the appointment of Religious, Teacher and Parent Representatives,
- 2.1.2 Further information on key amendments to each of the documents are outlined in appendix one to this report. No amendments are proposed to the Scheme of Delegation or the guidance on the appointment of consultants.

2.2 Webcasting Protocol

- 2.2.1 Live webcasting of Council meetings commenced in October 2012. There are a number of data protection and human rights issues associated with webcasting and the Council agreed a webcasting protocol on 23 August 2012 to address these.
- 2.2.2 The protocol has been revised to extend the period that webcasts will be available to view in an archive on the Council's website to five years.

2.3 Member/Officer Protocol

- 2.3.1 The Member/Officer Protocol assists to guide officers and members of the City of Edinburgh Council in their relations with one another. It also seeks to reflect the principles underlying the respective codes of conduct that apply to elected members and council officers. The shared objective of the protocol and the respective codes is to enhance and maintain the integrity of the Council.
- 2.3.2 The protocol forms an important part of the Council's operational governance framework. Consultation will be undertaken with both elected members and senior officers on a revised version of the code in line with the review of political management arrangements and a new protocol presented to Council for approval in October 2013.

2.4 Future Developments

- 2.4.1 The governance review has led to an ongoing focus on the Council's operational governance framework and additional documentation continues to be developed and updated. Consultation is underway on a draft Corporate Debt Policy and once complete this will be presented to the Council for consideration.
- 2.4.2 There are likely to be further changes to key documents including Committee Terms of Reference and Delegated Functions and the Scheme of Delegation to align with the outcome of the review of political management arrangements. This particularly applies to high profile developments in areas such as health and social care integration and police and fire reform.
- 2.4.3 Contract Standing Orders will also be reviewed further in the coming months to continue to enhance operational controls as part of the procurement transformation programme.

3. Recommendations

- 3.1 Repeal the existing Standing Orders for Council and Committee Meetings, Committee Terms of Reference and Delegated Functions, Financial Regulations, Webcasting Protocol and Regulations for the appointment of Religious, Teacher and Parent Representatives and approve in their place appendices two to six, such repeal and approval to take effect from 6 May 2013;

- 3.2 Delegate authority to the Director of Corporate Governance to take such actions and make such minor adjustments to the documents set out in appendices three to nine of this report as may be necessary to implement the decisions of the Council in relation to this report;
- 3.3 To note that there are no amendments to the Scheme of Delegation or Guidance for the appointment of consultants; and
- 3.4 To note consultation on a revised Member/Officer Protocol will commence in line with the review of political management arrangements.

Alastair Maclean

Director of Corporate Governance

Links

Coalition pledges

Council outcomes CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care.

CO25 – The Council has efficient and effective services that deliver on objectives.

Single Outcome Agreement

Appendices

Appendix one: Table of key amendments – operational governance framework

Appendix two: Procedural Standing Orders for Council and Committee Meetings

Appendix three: Committee Terms of Reference and Delegated Functions

Appendix four: Financial regulations

Appendix five: Webcasting Protocol

Appendix six: Regulations for the appointment of Religious, Teacher and Parent representatives

APPENDIX 1

OPERATIONAL GOVERNANCE FRAMEWORK : TABLE OF KEY AMENDMENTS

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
PROCEDURAL STANDING ORDERS					
3.3		Ordinary and special meetings	The Lord Provost may in exceptional circumstances alter the arrangements for ordinary meetings or authorise a special meeting to be called. A special meeting may be called at any time by written request to the Clerk specifying the business to be transacted and signed by at least one quarter of the members of the Council. The Clerk will arrange for the special meeting to be held within 14 days of receipt of the request. The right to call a meeting does not apply to Committees.	The Lord Provost may in exceptional circumstances alter the arrangements for ordinary meetings or authorise a special meeting to be called. A special meeting may also be called at any time by written request to the Clerk specifying the business to be transacted and signed by at least one quarter of the members of the Council. The Clerk will arrange for the special meeting to be held within 14 days of receipt of the request. The right to call a meeting does not apply to Committees.	
20.6		Debate	When a motion and two or more amendments are before the meeting, the Lord Provost or Convener will decide the order and manner for putting the motion and amendments to the meeting.	Add to existing : The Lord Provost or Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.	
COMMITTEE TERMS OF REFERENCE AND DELEGATED FUNCTIONS					
2.1.13		Reserved matters (Council)	making, amending, revoking, re-enacting or adopting, bye-laws, schemes, regulations or rules made under statute;	making, amending, revoking, re-enacting or adopting, bye-laws, schemes, regulations or rules made under statute subject to confirmation by Scottish Ministers where applicable	
2.1.20		Reserved matters (Council)	the preparation and review of the Scheme for Community Councils	the preparation and review of the Scheme for Community Councils (special meeting)	
11.1.5		Constitution (Petitions Committee)	1	1 SLD	
Insert new	18	Police and Fire & Rescue Review Committee (Interim)	Insert new Committee at 18 and renumber remainder of document	Insert whole new section relating to Police and Fire & Rescue Review	See appendix *

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				Committee (Interim)	
20.13		Delegated functions (Licensing Committee)	exercise functions under legislation to deal with buildings in need of repair	Remove (as committee approval no longer required) and renumber remainder of section.	
25.5.2		Delegated functions (Licensing Sub-Committee)	exercise functions under legislation to deal with buildings in need of repair	Remove (as committee approval no longer required) and renumber remainder of section.	
Insert new	After 29	Neighbourhood Partnerships	None	Insert whole new section relating to Neighbourhood Partnerships	See appendix *
PROTOCOL FOR WEBCASTING OF COUNCIL MEETINGS					
2.2.3		Main Provisions	Subject to paragraph 4 below all archived webcasts will normally be available to view on the Council's website for a period of one month.	Subject to paragraph 4 below all archived webcasts will normally be available to view on the Council's website for a period of [five years] [and thereafter will continue to be held in the Council's archives but may not be available on the Council's website] .	
2.2.4		Main Provisions	Archived web casts or parts of web casts shall only be removed prior to one month from the Council's website, if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.	Archived webcasts or parts of webcasts shall only be removed from the Council's website, prior to the end of the time period set out in section 3 above, if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.	
2.2.7		Main Provisions	Data containing personal or confidential information will not be retained or archived.	Text deleted.	
4.1		Conduct of Meetings	"I would like to remind everyone present that this meeting will be	"I would like to remind everyone present that this meeting will be	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
			broadcast live to the internet and will be capable of repeated viewing. I have the discretion to terminate or suspend filming, if in my opinion allowing filming to continue would prejudice the proceedings of the meeting."	broadcast live to the internet, will be stored as part of the Council's webcast archive and will be capable of repeated viewing. I have the discretion to terminate or suspend filming, if in my opinion allowing filming to continue would prejudice the proceedings of the meeting."	
5.1	Para 1	Webcasting Notice	Please note that this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.	Please note that this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.	
5.1	Para 2	Webcasting Notice	You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.	You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.	
5.1	Para 3	Webcasting Notice	Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting or training purposes.	Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting and training purposes and for the purpose of keeping historical records and making those	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				records available to the public.	
5.1	Para 4	Webcasting Notice		Any information presented by you to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.	
5.1	Para 5	Webcasting Notice	If you have any queries regarding this please contact Committee Services on 0131 529 4105 or Committee.Enquiry@edinburgh.gov.uk.	If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or Committee.Enquiry@edinburgh.gov.uk.	
REGULATIONS FOR THE APPOINTMENT OF RELIGIOUS, TEACHER AND PARENT REPRESENTATIVES					
		Elections will be managed in future by the Elections team in the Governance Service.	Clerk to the Council	Depute Returning Officer	This change is made throughout the regulations.
FINANCIAL REGULATIONS					
General		Clarification around operational responsibility for implementation of regulations	References to "Chief Financial Officer"	Replace with references to " Head of Finance "	Use of term "Head of Finance" is intended to make document more

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
					understandable; CFO is a description of the role rather than the post. Given that the document will be subject to regular review, any subsequent structural changes will be picked up as part of this updating.
1.5 and addendum		Clarification around delegation of Section 95 responsibility with regard to Lothian Pension Funds	It should be noted that the Lothian Pension Fund has a separate designated Section 95 Officer for accounting arrangements. All subsequent references in this document, however, are to the duties pertaining to the Council's Chief Financial Officer.	The Head of Finance serves as the Section 95 Officer for all of the Council's accounting arrangements, including those of the Lothian Pension Funds. For the Lothian Pension Funds, however, this Section 95 responsibility has been delegated to the Pensions and Accounting Manager in accordance with the arrangements set out in the addendum to this document.	The current wording is based on the understanding that while elements of the Section 95 responsibility may be delegated, the overarching responsibility remains with the proper officer and, as such, this delegation does not result in the creation of additional proper (Section 95) officers.
3.1.1		Role of Chief Executive – alignment with provisions in Scheme of Delegation	The Chief Executive, as head of the paid service, has authority over all officers and responsibility for ensuring an efficient use of resources but does not have operational responsibility for service areas, which is delegated to Directors. Consequently, the Chief Executive relies on senior officers' advice and information on operational matters.	The Chief Executive, as head of the paid service, has authority over all officers and is authorised to discharge any function or exercise any power delegated to any officer under the Council's Scheme of Delegation. As the officer charged with overall responsibility for the corporate management and operational functions of the Council, this includes putting in place suitable arrangements	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				to ensure an efficient use of resources.	
3.3.1			Directors are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness, and their financial targets, in so doing having due regard to sustainability and equalities considerations.	Directors are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness, and associated financial targets, in so doing having due regard to sustainability and equalities considerations.	
3.4.2			It is the Head of Internal Audit and Risk Management's responsibility to provide the Chief Executive, Head of Finance, Corporate Management Team and elected members with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.	It is the Head of Internal Audit and Risk Management's responsibility to put in place appropriate arrangements to provide the Chief Executive, Head of Finance, Corporate Management Team and elected members with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.	
3.5.1(b)			(b) Setting the authority's strategic direction and arrangements for the securing (and demonstration) of best value;	(b) Setting the authority's strategic direction and overseeing arrangements for the securing (and	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				demonstration) of best value;	
4.4.1.3		Clarification of requirements around signing-off of grant claims	All claims, returns or written submissions relating to grants and financial data must be submitted to the Chief Financial Officer for approval and signed by an authorised signatory of Corporate Governance - exceptions must be agreed by the Chief Financial Officer	All claims, returns or written submissions relating to grants and financial data must be submitted to the Head of Finance for approval prior to entering into any contracts under delegated authority.	
4.4.2.2			The Head of Finance will prepare a financial context report for the Finance and Budget Committee for the next and future years. The Finance and Budget Committee will then remit the report to Council and may make recommendations to Council on setting Council Tax and rent for Council houses for the next financial year and on indicative figures for future years.	The Head of Finance will prepare a financial context report for the Finance and Budget Committee for the next and future years. The Finance and Budget Committee will then remit the report to Council and may make recommendations to Council on setting Council Tax and rent for Council houses for the next financial year and on indicative figures for future years. In so doing, the Finance and Budget Committee will draw upon the work of the Finance and Budget Policy Development and Review Subcommittee in this regard.	
4.4.4.1		Inclusion of reference to additional guidance on financial implications of decisions	All Council and committee reports are required to include a statement of the financial consequences of the proposals for current and future years.	All Council and committee reports are required to include a statement of the financial consequences of the proposals for current and future years as follows: The financial impact in the	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p>executive summary should be high level, summarise the main financial impact in the main report and include:</p> <ul style="list-style-type: none"> • any revenue and capital costs associated with the report. <p>Within the main report section, report authors should:</p> <ul style="list-style-type: none"> • state what the revenue and capital costs are and give the financial year(s) in which the costs will be incurred. <p>When appropriate, the impact outlined in the main report should take into account the following:</p> <ul style="list-style-type: none"> • budget provision – whether the cost of the proposals in the report is budgeted for or, if not, how it can be contained within the Council's overall budget and the impact of so doing on outcomes or Council policy, if applicable • income/savings – details of any additional income or 	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p>savings arising from the proposals and a clear indication of whether these are sustainable in future years or one off</p> <ul style="list-style-type: none"> • an explanation of how the costs, savings and/or income were determined • where costs, income or savings will be incurred over a number of years, an analysis over the period to assist with forward financial planning • external funding – details of any external funding or contributions from other sources and the timing of the receipt of these funds • an annual cash flow projection, if the project will be delivered over a number of years • a comparison of the financing options that have been considered, for example, acquisition, finance lease, operating lease etc 	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<ul style="list-style-type: none"> any risks associated with the financial impact that has been detailed. 	
4.4.4.3			<p>The Head of Finance, in conjunction with Directors, is required to submit detailed monitoring reports for months three, six, nine and twelve of each financial year to relevant executive committee(s) and the Governance, Risk and Best Value Committee. These reports will compare actual expenditure to date with the budget position, project the expenditure outturn for revenue and capital expenditure, and report key service issues including – where relevant – the equality and rights impact of any changes. The Head of Finance will specify the format of such monitoring reports.</p>	<p>The Head of Finance, in conjunction with Directors, is required to submit detailed monitoring reports at months three, six, nine and twelve of each financial year to the Finance and Budget Committee, other relevant executive committee(s) and the Governance, Risk and Best Value Committee. These reports will compare actual expenditure to date with the budget position, project the expenditure outturn for revenue and capital expenditure, and report key service issues including – where relevant – the equality and rights impact of any changes. The Head of Finance will specify the format of such monitoring reports.</p>	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
4.4.5.4 (b)		Clarification around the need to consider the implications of changes to capital budgets across both revenue and capital budgets	If the transfer will affect future years' capital budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned;	If the transfer will affect future years' capital or revenue budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned;	
4.4.10.3		Preparation and rendering of accounts – include reference to additional guidance included in the Corporate Debt Policy	Directors will ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered and will furnish the Head of Finance with the information required to identify income due. The Head of Finance will approve the manner in which accounts for income receivable must be prepared.	Directors will ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered and will furnish the Head of Finance with the information required to identify income due. The Head of Finance will approve the manner in which accounts for income receivable must be prepared. Additional guidance in this area is provided within the Council's Corporate Debt Policy.	
4.4.10.5			Arrangements for the billing and recovery of all sums due should be carried out in accordance with the provisions contained within the Council's Corporate Debt Policy. A summary of delegated powers and limits in respect of debt write-offs is included in the Finance Rules.	Arrangements for the billing and recovery of all sums due should be carried out in accordance with the provisions contained within the Council's Corporate Debt Policy.	
4.4.18		Banking Arrangements		4.4.18 Banking Arrangements 4.4.18.1 The Head of Finance will make arrangements for opening and	Main changes are around narrative for bank signatories and clarification of scrutiny role of GRBV.

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p data-bbox="1480 225 1765 767">operating bank accounts and using banking services. The Head of Finance is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Principal Finance Manager – Treasury. Personal bank accounts must never be used in respect of Council transactions or funding.</p> <p data-bbox="1350 807 1765 1158">4.4.18.2 All cheque forms, excluding those required for authorised imprest accounts may be printed only with the authority of the Head of Finance, who will make arrangements for their safe custody.</p> <p data-bbox="1350 1198 1765 1415">4.4.18.3 Cheques drawn on the main bank accounts must bear the facsimile signature of the Head of Finance (or other nominated</p>	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p>officer) or be signed by the Head of Finance or other officer who holds an authorised post designated by him/her.</p> <p>4.4.18.4 The Head of Finance will make appropriate arrangements, including determination of agreed authorisation limits, for the signature of other financial documents on behalf of the Council.</p>	
4.4.19		Treasury Management		<p>4.4.19 Treasury Management</p> <p>4.4.19.1 The Council has adopted CIPFA's "Code for Treasury Management in the Public Services" and "Prudential Code for Capital Finance in Local Authorities". The Head of Finance is responsible for preparing and maintaining the Treasury Policy</p>	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p>Statement and treasury management activities must be carried out in accordance with the Statement. Amendments must be considered and approved by Council.</p> <p>4.4.19.2 An annual Treasury Strategy must be prepared. To this end, the Head of Finance will prepare separate annual reports to propose the following year's treasury strategy and report on the previous year's management performance. These documents will be subject to approval by Council and onward scrutiny by the Governance, Risk and Best Value Committee to monitor the strategy's implementation and effectiveness. The performance report will be submitted as</p>	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
				<p>soon as possible after the end of the financial year.</p> <p>4.4.19.3 All treasury-related decisions are delegated to the Head of Finance who must act in accordance with the Code and Policy Statement.</p> <p>4.4.19.4 All money in the Council's custody will be aggregated for treasury management purposes and controlled by the Head of Finance.</p> <p>4.4.19.5 Where the acquisition or creation of an asset by leasing is proposed, the financial implications of the leasing agreement must be approved by the Head of Finance.</p>	
4.4.22.2		Grant payments – inclusion of reference to need for committee approval unless made specifically under	Arrangements for processing grant payments must comply with procedures established by	Arrangements for processing grant payments must comply with procedures	

Location Reference		SUBJECT	EXISTING	PROPOSED AMENDMENT	NOTES
		delegated authority	the Head of Finance as set out in the Finance Rules.	established by the Head of Finance as set out in the Finance Rules. Other than in a limited number of specific cases where authority is delegated to service directors, all payments are subject to annual consideration and approval by the Corporate Policy and Strategy Committee.	

Appendix Two

CITY OF EDINBURGH COUNCIL

PROCEDURAL STANDING ORDERS

FOR COUNCIL

AND COMMITTEE MEETINGS

6 May 2013

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9.	Order of business	6	Formatted: Space Before: 0.2 line, After: 0.2 line
10.	Power to vary order of business	8	Formatted: Left, None, Space Before: 0.2 line, After: 0.2 line, Line spacing: single, No
11.	Declaration of interests	8	Formatted: Space Before: 0.2 line, After: 0.2 line
12.	Deputations	8	Formatted: Space Before: 0.2 line, After: 0.2 line
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STANDING ORDERS

These standing orders (“**Standing Orders**”) apply from 29 October 2012 and regulate the conduct of business at meetings of the City of Edinburgh Council (“**Council**”) and the committees or sub-committees of the Council (“**Committees**”).

2.1. **First meeting of the Council after an election**

2.1.1 In an election year, the Council will hold a meeting at 10 am, no later than the third Thursday after the day of the ordinary election of Councillors.

2.2.1.2 At this meeting or at any adjournment of it, the Council will

- (a) appoint the Lord Provost.
- (b) appoint the Depute Convener, the Leader and Depute Leader of the Council, the members of the committees of the Council and their conveners and any vice-conveners, the members of the joint committees and joint boards, the members of the Licensing Board and such representatives to other bodies as the Council may decide to appoint, and
- (c) deal with any urgent competent business.

3.2. **Lord Provost and Depute Convener – term of office**

3.4.2.1 The Council may at any time agree to remove the Lord Provost and Depute Convener from office, with immediate effect, provided that not less than three quarters of the members of the Council present and voting so decide.

4.3. **Ordinary and special meetings**

4.4.3.1 A meeting of the Council will be held at 10 am on every fourth Thursday.

4.2.3.2 In a non-election year the Council, at its first ordinary meeting in May, or at any adjournment of it, will appoint the Leader and Depute Leader, the members of the committees of the Council and their conveners and any vice-conveners and the members of the joint committees and joint boards.

4.3.3.3 The Lord Provost may in exceptional circumstances alter the arrangements for ordinary meetings or authorise a special meeting to be called. A special meeting may [also](#) be called at any time by written request to the Clerk specifying the business to be transacted and signed by at least one quarter of the members of the Council. The Clerk will arrange for the special meeting to be held within 14 days of receipt of the request. The right to call a meeting does not apply to Committees.

4.4.3.4 The Council may recess for periods to be determined by the Clerk after consultation with the Lord Provost and the Leader of the Council. During any

recess no meetings of the Council, Corporate Policy and Strategy Committee, Executive Committees, Governance, Risk and Best Value Committee or the Petitions Committee will be held.

5.4. **Notice of Meetings**

5.4.1 At least 3 clear days before a meeting of the Council or its Committees:

- (a) the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Council, the signed request will accompany the notice; and
- (b) a summons to attend the meeting containing the agenda of business will be sent to every Council member by email or to an alternative address nominated by them. If a summons is not sent to any member the meeting will still be validly called.

5.4.2 A Committee will hold such meetings as the Council may prescribe, but the Clerk will call additional meetings of a Committee at any time on being required to do so by the Committee concerned. The Clerk will call a meeting to be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Committee.

5.4.3 Any summons issued under Standing Order 4.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.

5.4.4 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council or Committee as a matter of urgency. The Lord Provost or Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Lord Provost or Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council or next scheduled committee meeting, unless dealt with earlier.

6.5. **Quorum**

6.5.1 The quorum of the Council is fifteen. No business may be transacted at any meeting unless a quorum is present. If fewer than fifteen members are present ten minutes after the appointed time for the start of the meeting the division bell will be rung. If after a further period of three minutes there are still fewer than fifteen members present, the meeting will be adjourned until such date and time as the Lord Provost decides.

6.5.2 If at any time during a Council meeting a question arises on whether there is a quorum, the Lord Provost will instruct a count of the members who are present. If a quorum is not present, the meeting will be adjourned until such date and time as the Lord Provost decides.

6-35.3 Subject to law the quorum of a Committee will be one third of the number of voting members of the Committee provided that in no case will any business be transacted unless at least two voting members are present.

6-45.4 If fewer members are present five minutes after the time appointed for the start of a Committee meeting than are needed to constitute a quorum the meeting will be adjourned until such date and time as the Convener decides. After a meeting has started if the number of members present falls below the quorum the meeting will be adjourned immediately until such date and time as the Convener decides.

6-55.5 A member who has declared an interest in an item of business and has left the meeting may not be counted in the quorum for that item of business. If less than a quorum of the Council or Committee is entitled to vote on an item due to declaration of interests that item cannot be dealt with at the meeting.

7-6. **Lord Provost - Council Meetings**

7-46.1 The Lord Provost will chair any Council meeting when he or she is present. When the Lord Provost is absent from a Council meeting, the Depute Convener will chair the meeting. When the Lord Provost and Depute Convener are absent, another member of the Council, chosen by the members present, will chair the meeting.

8-7. **Convener - Committees**

8-47.1 The Convener will chair any meeting of a Committee when he or she is present. When the Convener is absent from a Committee meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another member chosen by the members present will chair the meeting.

9-8. **Lord Provost and Convener- Duties**

9-48.1 The duties of the Lord Provost or Convener of the meeting, in accordance with these Standing Orders, will include:

- (a) Deciding on all matters of protocol, decorum, order, competency and relevancy;
- (b) Determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
- (c) Deciding priority between two or more members wishing to speak;
- (d) Ensuring that a fair opportunity is given to all members to express their views on any item of business;
- (e) Preserving order within the meeting;

- (f) Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other misbehaviour which impedes or is, in the Lord Provost or Chair's opinion, impeding the business of the meeting;
- (g) In the event of disorder arising, adjourning the meeting to a time and date the Lord Provost or Convener will fix then or later. In leaving the meeting, the Lord Provost or Convener in such circumstances, will without further procedure, have formally adjourned the meeting;
- (h) Signing the minutes of the previous meeting;

9.28.2 The decision of the Lord Provost or Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

40.9. **Order of Business**

40.49.1 **Full Council** – the business of Council at ordinary meetings will take place in the following order:

- (a) Order of Business
- (b) Declaration of Interests
- (c) Deputations
- (d) Minutes
- (e) Council Questions
- (f) Leader's Report
- (g) Appointments
- (h) Reports
- (i) Motions

40.29.2 **Corporate Policy and Strategy Committee and Executive Committees** – the business of the Corporate Policy and Strategy Committee and Executive Committees will take place in the following order:

- (a) Order of Business
- (b) Declaration of Interests
- (c) Deputations
- (d) Minutes

- (e) Key Decisions Forward Plan
- (f) Convener's Business Bulletin
- (g) Executive Decisions
- (h) Routine Decisions
- (i) Motions

40.39.3 **Governance, Risk and Best Value Committee** – the business of the Governance, Risk and Best Value Committee will take place in the following order:

- (a) Order of Business
- (b) Declaration of Interests
- (c) Deputations
- (d) Minutes
- (e) Convener's Business Bulletin
- (f) Work Programme
- (g) Reports:
 - (i) Finance
 - (ii) Audit
 - (iii) Operational and Service Reviews
 - (iv) Performance
- (h) Motions

40.49.4 **Petitions Committee** – the business of the Petitions Committee will take place in the following order:

- (a) Order of business
- (b) Declaration of Interests
- (c) Minutes
- (d) Reports: Petitions presented to the Committee for consideration
- (e) Motions

~~44-10.~~ **Power to vary order of business**

~~44-410.1~~ The Council or Committee may at any meeting vary the order of business to give precedence to any item on the agenda:

- (a) at the discretion of the Lord Provost or Convener; or
- (b) on a motion duly moved and seconded and voted on electronically or by a show of hands.

~~42-11.~~ **Declaration of Interests**

~~42-411.1~~ Where a member declares an interest in accordance with the Councillors' Code of Conduct and leaves the meeting, the fact will be recorded in the minutes of the meeting.

~~43-12.~~ **Deputations**

~~43-412.1~~ The Council or any Committee can hear deputations on any matter that is included in its power, duties or delegation.

~~43-212.2~~ Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 5pm on the day before the meeting concerned. The Lord Provost or Convener has discretion to waive this requirement.

~~43-312.3~~ The Clerk will submit the application to the Council or relevant Committee. An application for a deputation to Council will only be submitted if it relates to an item of business on the agenda for that meeting or if the Lord Provost decides that there is sufficient reason for the meeting to consider it.

~~43-412.4~~ When the Council or Committee considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary a vote will be taken without discussion on whether to hear the deputation.

~~43-512.5~~ Each deputation will not usually exceed four persons and will have ten minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Lord Provost or Convener will decide how much time to allow.

~~43-612.6~~ Unless the Lord Provost or Convener decides otherwise, the total maximum time allowed for deputations to present their cases at a meeting, excluding questions, will be limited to 60 minutes.

~~43-712.7~~ Any member can put a question to the deputation that is relevant to the subject. The total time allowed for such questions will not be more than ten minutes for each deputation. The merits of the case must not be discussed by members until the deputation has withdrawn.

~~43.8~~12.8 This Standing Order does not apply in connection with hearings at the Licensing Sub-Committee, the Development Management Sub-Committee, or the City of Edinburgh Planning Review Body, nor to any subsequent consideration of the subject of the hearing.

~~44.13.~~ **Minutes**

~~44.4~~13.1 The Clerk will minute all Council and Committee meetings. The minutes will record the names of the members who attended the meeting. They will be circulated among members of the Council or Committee at least three clear working days before its next meeting for approval. If they are approved as a correct record of proceedings of the meeting, the Lord Provost or Convener of the meeting will sign them.

~~45.14.~~ **Council Questions**

~~45.4~~14.1 At any Council meeting, a member may put a question to the Lord Provost or to any Convener or Vice-Convener with relevant responsibility about any relevant or competent business. The question must be given in by email or in writing to the Clerk by noon on the seventh working day before the meeting. The Lord Provost or Convener may specify that a particular question will be answered by another Convener or Vice-Convener, with that member's consent.

~~45.2~~14.2 A member may put a question to a Convener or Vice-Convener at a Council meeting about any matter that is on the summons for that meeting. He/she must give the question orally or in writing to the Clerk by 10am on the day before the meeting.

~~45.3~~14.3 After a question has been answered the questioner may ask a supplementary question, if necessary, to seek clarification of the answer given. The total time for asking a supplementary question and replying to it will not be more than 5 minutes. The total time for all such questions and answers will not be more than 40 minutes.

~~45.4~~14.4 No discussion will be allowed on any question or answer.

~~46.15.~~ **Leader's Report and Questions**

~~46.4~~15.1 At a meeting, a member may put one or more oral questions to the Leader in connection with the Leader's Report. The Leader may invite a Convener or Vice-Convener to respond on his/her behalf. The total time allowed for such questions and answers will not be more than 40 minutes.

~~46.2~~15.2 No discussion will be allowed on any question or answer.

~~47-16.~~ **Notices of Motion**

~~47-416.1~~ Every formal notice of motion will be in writing and signed by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.

~~47-216.2~~ Late formal notices of motion may be submitted to the Council or Committee at the appropriate time in the meeting, in terms of Standing Order 4.4 if:

- (a) They have been delivered to the Clerk before the start of the meeting;
- (b) They are considered by the Lord Provost or Convener to be competent, relevant and urgent; and
- (c) They have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.

~~47-316.3~~ Late motions which are not accepted as urgent by the Lord Provost or Convener, will be considered at the next ordinary meeting.

~~47-416.4~~ Every formal motion submitted, in terms of Standing Orders 16.1 and 16.2, will require to be moved and seconded formally. If such a motion is not moved and seconded formally it will fall and this will be recorded in the minutes.

~~48-17.~~ **Order of Debates**

~~48-417.1~~ A member who wishes to speak, when called on, will address the Lord Provost or Convener. The member will speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or, with the permission of the Lord Provost or Convener, to give an explanation. The person proposing the motion has a right of reply.

~~49-18.~~ **Length of Speeches**

~~49-418.1~~ Except with the Lord Provost or Convener's permission the proposer and seconder of a motion or an amendment must not speak for more than five minutes, and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that, the discussion will finish and the Lord Provost or Convener will direct that a vote be taken.

20-19. **Motion for Adjournment**

20-419.1 A motion to adjourn the meeting may be put at any time, except if a member is speaking, and will have precedence over all other motions. It must be moved and seconded without discussion and must at once be put by the Lord Provost or Convener in the form of 'adjourn' or 'not adjourn.'

20-219.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Lord Provost or Convener when it will be dealt with as in Standing Order 19.1.

24-20. **Debate**

24-420.1 A member wishing to speak will rise will address the Lord Provost or Convener. He/she will speak only on the matter under consideration or on a question of order.

24-220.2 A member proposing to submit a motion or amendment on any subject under discussion will before addressing the meeting state the terms of the motion or amendment. If he/she fails to do so the Lord Provost or Convener will ask him/her to state the terms. Every motion or amendment must be moved and seconded and will, when required by the Lord Provost or Convener, be put in writing and handed over to the Clerk.

24-320.3 The mover of any motion or amendment may speak in support of the motion or amendment for not more than five minutes. No other speaker may speak for more than three minutes or more than once in the same discussion except to call attention to a point of order.

24-420.4 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of the motion must, in his/her reply, strictly confine himself/herself to answering previous speakers and not introducing any new matter. No member will be permitted to offer an opinion or to ask a question or otherwise to interrupt the proceedings. The motion and amendment(s) will then be voted on by members.

24-520.5 The limits of time specified in Standing Orders 20.3 and 20.4 may be exceeded with the consent of the majority of members present and the Lord Provost or Convener may determine, without taking a vote, whether such consent has been obtained.

24-620.6 When a motion and two or more amendments are before the meeting, the Lord Provost or Convener will decide the order and manner for putting the motion and amendments to the meeting. The Lord Provost or Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.

24-720.7 The mover of the motion or amendment may agree to add all or part of an amendment moved and seconded by other members, provided that:

- (a) His/her seconder consents;
- (b) The mover and seconder of the other amendment consents; and
- (c) The agreement takes place before the mover of the motion has replied.

24-820.8 The mover of an amendment, which is not seconded, may have his/her dissent to the decision of the Council or Committee minuted.

22-21. **Closure of Debate**

22-421.1 Any member who has not spoken on the question before the meeting may propose 'that the matter be now decided'. If this is seconded and the Lord Provost or Convener thinks the question has been discussed enough, he or she will order that a vote on the motion be taken, without amendment or discussion. If the motion that the matter be now decided is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion that the matter be now decided is not carried, a similar motion may be made after every two further members have spoken.

23-22. **Voting**

23-422.1 A vote may be taken by either calling the roll, by electronic voting or by a show of hands. When it is proposed to take the vote by electronic voting or by a show of hands, any member may object and if ten members present at the Council or two members in any other Committee object, the vote must be taken by calling the roll. All votes on procedure, however, will be taken by electronic voting or a show of hands.

23-222.2 When a motion and amendment are before the Council or Committee the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Council or Committee.

23-322.3 When a motion and two or more amendments are before the Council or Committee and the adoption of one or more of the proposals would result in either the postponement of a decision or in negation, a vote will firstly be taken on the proposal(s) involving postponement or negation as soon as the discussion is completed. The proposal(s) involving postponement or negation ('not proceed') will be put to the Council or Committee in the form of 'proceed' or 'not proceed'. Any vote necessary on the remaining proposals will be taken in terms of Standing Order 22.1.

| 23-422.4 When a motion and two or more amendments, none of which involves postponement or negation, are before the Council or Committee, the vote will be taken on all proposals, each member having one vote. If a proposal receives the support of a majority of members voting it will be declared to be the decision of the Council or Committee. If none of the proposals receives the support of a majority of those voting, the one which has received the fewest votes will be dropped and a fresh vote taken on the remaining proposals. If there is an equal number of votes between the proposals with the fewest votes the Lord Provost will have a casting vote to determine which proposal should be dropped. If the Lord Provost does not exercise his/her casting vote, the decision will be by lot. This process of elimination will continue until one proposal has received majority support from those voting which will be declared the decision of the Council or Committee.

| 23-522.5 If there are equal numbers of votes, the Lord Provost or Convener will have a casting vote except where the vote relates to appointing a member of the Council to any particular office or committee. In this case, the decision will be by lot.

| 23-622.6 In a meeting of the Council, the City Officer will ring the Division Bell for sixty seconds immediately before any vote is taken. The doors of the Council Chamber will then be locked and voting undertaken by the Clerk. Where a series of votes is to be taken, which in the opinion of the Lord Provost are on related subjects, the Lord Provost may suspend the requirements of this Standing Order after the first vote in the series.

| 23-722.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Lord Provost or Convener will decide whether to have a recount. If there is a recount, the Lord Provost or Convener will decide how this should be taken.

| 24-23. **Appointments**

| 24-23.1 When appointing a member of the Council or any person to office where the number of candidates is more than the number of vacancies, the person to be selected may be decided by ballot. In each case, members can vote for as many candidates as there are vacancies but in any vote, they may only vote once for any one candidate.

| 24-23.2 If only one vacancy is to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared appointed. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals the number of vacancies or one candidate has a majority and there is only one vacancy. That candidate or those candidates will be declared to be appointed.

~~24.3~~23.3 If there is a vote between more than two candidates and there are an equal number of votes for candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with the fewest votes will be taken off the list. If there are an equal number of votes between two candidates, the candidate to be taken off the list will be decided by lot.

~~24.4~~23.4 Subject to law, appointments to outside bodies are for the life of the Council unless the person appointed resigns from the appointment or the outside body's constitution specifies a different time period.

~~25.24.~~ **Point of Order**

~~25.4~~24.1 Any member may raise a point of order at any time during a meeting. Any member who is addressing the meeting when a question of order is raised will resume his/her seat until the question has been decided by the Lord Provost or Convener. The member raising the point of order will advise which Standing Order he/she considers is being infringed and thereafter, without debate, await the Lord Provost or Chair's decision. No other member may speak to the point of order unless with the permission of the Lord Provost or Convener. The decision of the Lord Provost or Convener will be final and cannot be discussed.

~~26.25.~~ **Suspension of Standing Orders**

~~26.4~~25.1 The Council may on a motion duly moved and seconded, and with the consent of two thirds of members voting, suspend any Standing Order specified in the motion. Any such motion may be submitted, without previous notice, and will be voted on electronically or by a show of hands without discussion.

~~26.2~~25.2 Standing Orders 2, 8, 20.6, 24, 25, 26 and 32 will not be capable of suspension.

~~27.26.~~ **Obstructive or offensive conduct by members**

~~27.4~~26.1 If any member at any meeting disregards the authority of the Lord Provost or Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest or any part of the meeting. The motion will be put without discussion. If it is carried, the City Officer or Clerk will act on any orders received from the Lord Provost or Convener to carry out the decision.

28-27. Changing a Council decision

28-27.1 Subject to law, a decision of the Council cannot be changed by the Council within six months unless notice has been given of the proposed item in the summons for the meeting and:

- (a) the Lord Provost rules there has been a material change of circumstances; or
- (b) the Council agrees the decision was based on erroneous, incorrect or incomplete information.

29-28. Referring a decision to Council

29-28.1 Subject to Standing Order 28.2, where a decision is taken at the Corporate Policy and Strategy Committee, Executive Committees, Governance, Risk & Best Value Committee or the Regulatory Committee, not less than one quarter of the members present may ask for it to be passed to Council as a recommendation.

29-28.2 A decision will not be sent to the Council in terms of Standing Order 28.1 where the Convener considers that a final decision must be made before the next meeting of the Council, in order to avoid material prejudice to the interests of the Council. The Convener will give clear reasons for this decision.

30-29. Committee – non member motion

30-29.1 Any member may raise with the relevant committee a matter of new business that is not already the subject of consideration by submitting a motion in writing to the Clerk by noon on the seventh working day before the meeting. If accepted by the Convener the matter will be placed on the agenda of business for the next meeting. A Convener can only delay consideration of business submitted in terms of this Standing Order by one cycle. The member raising the matter will be entitled to appear at that meeting to move his/her motion, which will require to be seconded by another member, but may not vote unless he/she is a member of the Committee.

34-30. Ward or members with special interest

34-30.1 A member of the Council who is not a member of a particular committee may be invited by the Convener, or Vice-Convener to attend a meeting where there is under discussion any item in which that member has a local or other special interest. The member will be entitled to speak on that item but may not vote. This Standing Order does not apply to the Regulatory or the Planning Committee or any of their sub-committees.

~~32-31.~~ **Freedom of the City**

~~32-431.1~~ Any member of the Council who wishes to propose that the Freedom of the City be offered to any distinguished person will first consult the Lord Provost before submitting any motion to the Council.

~~32-231.2~~ Any motion to give Freedom of the City will be stated in the notice of the meeting of the Council and will need to be passed by at least two thirds of members at the meeting.

~~33-32.~~ **Admission of media and members of the public**

~~33-432.1~~ Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.

~~33-232.2~~ Other than the live web casting of Council meetings by the Council, any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Lord Provost or Chair's discretion.

~~34-33.~~ **Variation and revocation of Standing Orders**

~~34-433.1~~ Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Council present and voting. Any such motion must be by formal notice as provided in Standing Order 16.

~~35-34.~~ **Review of Standing Orders**

~~35-434.1~~ These Standing Orders will be reviewed annually at the first ordinary Council meeting.

Appendix Three

CITY OF EDINBURGH COUNCIL

**COMMITTEE
TERMS OF REFERENCE AND
DELEGATED FUNCTIONS**

6 May 2013

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A. GENERAL

The following terms of reference and delegated functions (“**Committee Terms of Reference**”) set out the powers delegated by the City of Edinburgh Council (“**Council**”) to its committees and sub-committees (“**Committees**”) pursuant to the Local Government (Scotland) Act 1973 (the “**Act**”).

1. Delegation to Committees

1.1. Subject to law, to the provisions of these Committee Terms of Reference, and to any restriction, direction or instruction of Council, there shall be delegated to the respective Committees all the functions and matters contained in:

- 2.1.1. these Committee Terms of Reference;
- 2.1.2. any scheme made under the Act or other statute; and
- 2.1.3. any minute of the Council making specific delegation to the Committee.

2 Reserved matters

2.1. The following matters are reserved to the Council:

- 2.1.1. all functions reserved by law to the Council;
- 2.1.2. determining the strategic objectives of the Council;
- 2.1.3. election of the Leader, Deputy Leader, Lord Provost, Depute Convener and Bailies;
- 2.1.4. appointment of committees of the Council, agreeing and/or amending their terms of reference and delegation of functions to them;
- 2.1.5. deciding the composition of committees of the Council and appointment of members to serve on them, including external members;
- 2.1.6. appointment of members to serve on joint committees, joint boards and any outside body;
- 2.1.7. making, amending, revoking, re-enacting or adopting standing orders;
- 2.1.8. approving or amending any scheme of delegation to officers;
- 2.1.9. the annual review of the revenue budget and the fixing of council tax;
- 2.1.10. the annual review of the capital investment programme and approval of any capital project with a value exceeding £50,000, not included in the capital investment programme;
- 2.1.11. any material expenditure which is not included in the annual revenue budget;
- 2.1.12. members' remuneration;
- 2.1.13. making, amending, revoking, re-enacting or adopting, bye-laws, schemes, regulations or rules made under statute [subject to confirmation by Scottish Ministers where applicable](#);
- 2.1.14. the formal adoption of Local Development Plans;
- 2.1.15. the approval of a Proposed Strategic Development Plan and the delegation of authority to the strategic development planning authority (SESplan);

- 2.1.16. the determination of an application for planning permission for a development of a class mentioned in A38A (i) of the Town and Country Planning (Scotland) Act 1997;
- 2.1.17. appointment and dismissal of the Chief Executive and appointment of a chief official;
- 2.1.18. any decision in relation to any proposal to delegate a power or duty to or accept a delegated power from any other local authority or to co-operate or combine with any other local authority in providing services;
- 2.1.19. promoting or opposing the making of local legislation, and
- 2.1.20. the preparation and review of the Scheme for Community Councils [\(Special Meeting\)](#).-

3 Urgent decisions

- 3.1 If a decision which would normally be made by a Committee requires to be made urgently between meetings of the Committee, the Chief Executive or appropriate Director, in consultation with the Convener or Vice-Convener, may take action, subject to the matter being reported to the next meeting of the Committee.

4 Substitutes

- 4.1 Where permitted by law and where specified in these Committee Terms of Reference, a member may appoint a substitute member from his or her political group to attend a meeting of the Committee in his or her place, by email to the Clerk in advance of the meeting.
- 4.2 The substitute member will be a member of the Committee for that meeting and will be entitled to take part in the meeting with the full powers, duties and responsibilities of a member.

5 Convener of Sub-Committee

- 5.1 The Convener of a sub-committee will be appointed by its parent committee.

B. COMMITTEE TERMS OF REFERENCE AND DELEGATED POWERS

1 Corporate Policy and Strategy Committee

1.1 **Constitution:** 15 Members of the Council including:

- 1.1.1 Leader of the Council
- 1.1.2 Deputy Leader of the Council
- 1.1.3 Convener of the Communities & Neighbourhoods Committee
- 1.1.4 Convener of the Culture and Sport Committee
- 1.1.5 Convener of the Economy Committee
- 1.1.6 Convener of the Education, Children and Families Committee
- 1.1.7 Convener of the Finance and Budget Committee
- 1.1.8 Convener of the Health, Wellbeing and Housing Committee
- 1.1.9 Convener of the Transport & Environment Committee
- 1.1.10 3 Conservative
- 1.1.11 2 Green
- 1.1.12 1 SLD

Convener and Vice-Conveners

- 1.2 The Leader of the Council will be the Convener of the Corporate Policy and Strategy Committee.
- 1.3 The Deputy Leader of the Council will be the Vice-Convener of the Corporate Policy and Strategy Committee.

Quorum

- 1.4 Five members of the Corporate Policy and Strategy Committee will constitute a quorum.

Substitution

- 1.5 Substitutes are permitted.

Delegated functions

- 1.6 Power is delegated to the Corporate Policy and Strategy Committee to:
 - 1.6.1 advise the Council on outcomes, strategic objectives and key priorities.
 - 1.6.2 develop and approve corporate policies and strategies, including community planning and partnership working.
 - 1.6.3 adopt and implement the management framework for planning, implementing, reporting and reviewing corporate service delivery.
 - 1.6.4 ensure the Council meets its statutory responsibilities in terms of best value.

- 1.6.5 monitor implementation of the five-year business plan, the Council's transformational change programme, corporate initiatives and service reviews.
- 1.6.6 facilitate and encourage public consultation, engagement and participation ensuring the involvement of the community, neighbourhood networks, partners and key stakeholders in the committee decision-making process.
- 1.6.7 instruct such performance information as the committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance.
- 1.6.8 monitor annually, performance and consistency between executive committees.
- 1.6.9 determine differences between committees except where the difference involves a decision on an individual planning or licensing application.
- 1.6.10 take all decisions which are not reserved to the Council or delegated to another committee of the Council.

Executive Committees

2 Communities and Neighbourhoods Committee

2.1. **Constitution:** 13 members of the Council as follows:

- 2.1.1. 5 Labour
- 2.1.2. 4 SNP
- 2.1.3. 2 Conservative
- 2.1.4. 1 Green
- 2.1.5. 1 SLD

Convener & Vice Convener

- 2.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

- 2.3. Five members will constitute a quorum.

Substitution

- 2.4. Substitutes are permitted.

Delegated functions

- 2.5. Power is delegated to the Communities and Neighbourhoods Committee in relation to the matters listed in paragraph 2.6, to:

- 2.5.1 develop and approve policies, strategies, programmes and non capital projects and work with officers, communities and partners to implement them;
- 2.5.2 take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 2.5.3 set standards for service delivery and secure value for money;
- 2.5.4 set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 2.5.5 monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 2.5.6 monitor arrangements to ensure best value and continuous improvement across all services;
- 2.5.7 facilitate and encourage public, engagement, consultation, participation and feedback; and
- 2.5.8 review the impact of the committee's policies on the city;

2.6. The matters referred to in paragraph 2.5 are as follows:

- 2.6.1. Capital Coalition pledges 33 and 36;
- 2.6.2. neighbourhood plans prepared by neighbourhood committees;
- 2.6.3. community planning and the Edinburgh Partnership;
- 2.6.4. The Edinburgh Compact and the third sector;
- 2.6.5. co-operative development and service design;
- 2.6.6. equalities, social inclusion, poverty and deprivation; and
- 2.6.7. customer access and care.

3. Culture and Sport Committee

3.1. **Constitution:** 13 members of the Council as follows:

- 3.1.1. 5 Labour
- 3.1.2. 4 SNP
- 3.1.3. 2 Conservative
- 3.1.4. 1 Green
- 3.1.5. 1 SLD

Convener & Vice Convener

3.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

3.3. Five members will constitute a quorum.

Substitution

3.4. Substitutes are permitted.

Delegated functions

3.5. Power is delegated to the Culture and Sport Committee in relation to the matters listed in paragraph 3.6, to:

- 3.5.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;
- 3.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 3.5.3. set standards for service delivery and secure value for money;
- 3.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;

- 3.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 3.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 3.5.7. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 3.5.8. review the impact of the committee's policies on the city;

3.6. The matters referred to in paragraph 3.5 are as follows:

- 3.6.1. Capital Coalition pledges 24,31,35,42 and 43.
- 3.6.2. Arts and museums;
- 3.6.3. Sport and recreation, outwith the Education, Children and Families' estate, but including Edinburgh Leisure;
- 3.6.4. Libraries;
- 3.6.5. Festivals and events; and
- 3.6.6. Cultural development.

4. Economy Committee

4.1. Constitution: 13 members of the Council as follows:

- 4.1.1. 5 Labour
- 4.1.2. 4 SNP
- 4.1.3. 2 Conservative
- 4.1.4. 1 Green
- 4.1.5. 1 SLD

Convener & Vice Convener

- 4.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

- 4.3. Five members will constitute a quorum.

Substitution

- 4.4. Substitutes are permitted.

Delegated functions

- 4.5. Power is delegated to the Economy Committee in relation to the matters listed in paragraph 4.6, to:
 - 4.5.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;
 - 4.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
 - 4.5.3. set standards for service delivery and secure value for money;
 - 4.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
 - 4.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
 - 4.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
 - 4.5.7. facilitate and encourage public, engagement, consultation, participation and feedback; and
 - 4.5.8. review the impact of the committee's policies on the city;
- 4.6. **The matters referred to in paragraph 4.5 are as follows:**
 - 4.6.1. Capital Coalition pledges 7, 15-17, 20-23 and 28-29;
 - 4.6.2. Economic Development;
 - 4.6.3. External Relations, and
 - 4.6.4. Inward investment.

5. Education, Children & Families

- 5.1. **Constitution:** 20 members of the Council as follows:
 - 5.1.1. 7 Labour
 - 5.1.2. 6 SNP
 - 5.1.3. 4 Conservative
 - 5.1.4. 2 Green
 - 5.1.5. 1 SLD
 - 5.1.6. Additional members for education items:
 - 5.1.7. 3 Religious Representatives
 - 5.1.8. 2 Teacher Representatives
 - 5.1.9. 1 Parent Representative

Convener & Vice Convener

- 5.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

- 5.3. Seven members will constitute a quorum except in the case of education business where nine members will constitute a quorum.

Substitution

- 5.4. Substitutes are permitted for all members of the Council.

Delegated functions

- 5.5. Power is delegated to the Education, Children and Families Committee to:
- 5.6. exercise all the functions of the Council as education authority (education business), within the terms of the relevant legislation; and
- 5.7. exercise the functions as social work authority, within the terms of the relevant legislation, in relation to children.
- 5.8. In addition, in relation to the matters listed in paragraph 5.9, to:
- 5.8.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;
- 5.8.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 5.8.3. set standards for service delivery and secure value for money;
- 5.8.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
- 5.8.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 5.8.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 5.8.7. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 5.8.8. review the impact of the committee's policies on the city.
- 5.9. The matters referred to in paragraph 5.8 are as follows:
- 5.9.1. Capital Coalition pledges 1-6;
- 5.9.2. the Council's education, children and families services; and

5.9.3. major capital programmes or projects implementation, asset planning and facilities management for the Council's education, children and families services.

6. Finance and Budget Committee

6.1. **Constitution:** 13 members of the Council as follows:

- 6.1.1. 5 Labour
- 6.1.2. 4 SNP
- 6.1.3. 2 Conservative
- 6.1.4. 1 Green
- 6.1.5. 1 SLD

Convener & Vice Convener

6.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

6.3. Five members will constitute a quorum.

Substitution

6.4. Substitutes are permitted.

Delegated functions

6.5. Power is delegated to the Finance and Budget Committee in relation to matters listed in paragraph 6.6 to:

- 6.5.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;
- 6.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
- 6.5.3. set standards for service delivery and secure value for money;
- 6.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;

- 6.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
 - 6.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
 - 6.5.7. facilitate and encourage public engagement, consultation, participation and feedback; and
 - 6.5.8. review the impact of the committee's policies on the city.
- 6.6. The matters referred to in paragraph 6.5 are as follows:
- 6.6.1. Capital Coalition pledges 25-27, 30 and 41;
 - 6.6.2. Council's revenue and capital budgets; 6.6.3.Council's expenditure and budget policy;
 - 6.6.4. Council's long term financial plan and opportunities to generate efficiencies;
 - 6.6.5. Council's five year business plan; 6.6.6.Edinburgh transformation programme;
 - 6.6.7. Procurement and procurement transformation project; 6.6.8.resources and workforce planning;
 - 6.6.9. Corporate Governance services within the Council, excluding Audit and Risk and Pensions; Corporate Programmes and Corporate Property;
 - 6.6.10. All charitable and other trust funds vested in the Council except where the Council has expressly made other arrangements.
- 6.7. To monitor all of the Council's budgets, in particular to:
- 6.7.1. establish processes and procedures for close monitoring of the budget approved by Council;
 - 6.7.2. receive budget monitoring reports from each service and to ensure close scrutiny of the management of each service budget;
 - 6.7.3. call budget holders to account for proper control of the budget for which they are responsible;
- 6.7.4. monitor performance of each service against each budget forecast within the Council's five-year plan and Edinburgh Transformation Programme; and
- 6.7.5. ensure action plans are in place to meet the budget savings or efficiencies approved by Council, that are not included within the scope of the five-year business plan, and to monitor the performance.

7. Health, Wellbeing and Housing Committee

7.1. Constitution: 15 members of the Council as follows:

- 7.1.1. 5 Labour
- 7.1.2. 4 SNP
- 7.1.3. 3 Conservative
- 7.1.4. 2 Green
- 7.1.5. 1 SLD

Convener & Vice Convener

7.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

7.3. Five members will constitute a quorum.

Substitution

7.4. Substitutes are permitted.

Delegated functions

7.5. Power is delegated to the Health, Wellbeing and Housing Committee to:

7.6. exercise the functions of the Council as local housing authority; and

7.7. exercise the functions of the Council as social work authority, for adults.

7.8. In addition, in relation to the matters referred to in paragraph 7.9, to:

7.8.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;

7.8.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;

7.8.3. set standards for service delivery and secure value for money;

7.8.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;

7.8.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;

7.8.6. monitor arrangements to ensure best value and continuous improvement across all services;

7.8.7. facilitate and encourage public, engagement, consultation, participation and feedback; and

7.8.8. review the impact of the committee's policies on the city.

7.9. The matters referred to in paragraph 7.8 are as follows:

7.9.1. Capital Coalition pledges 8-14, 32, 34, 37-39;

7.9.2. Community care services;

7.9.3. Social care;

7.9.4. Offender services;

7.9.5. Welfare reform;

7.9.6. Housing; and

7.9.7. Regeneration.

8. Transport and Environment Committee

8.1. **Constitution:** 15 members of the Council as follows:

- 8.1.1. 5 Labour
- 8.1.2. 4 SNP
- 8.1.3. 3 Conservative
- 8.1.4. 2 Green
- 8.1.5. 1 SLD

Convener & Vice Convener

8.2. The Convener and Vice Convener will be members of the City of Edinburgh Council.

Quorum

8.3. Five members will constitute a quorum.

Substitution

8.4. Substitutes are permitted.

Delegated functions

8.5. Power is delegated to the Transport and Environment Committee in relation to the matters listed in paragraph 8.6, to:

- 8.5.1. develop and approve policies, strategies, programmes and non-capital projects and work with officers, communities and partners to implement them;
- 8.5.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council or officers;
- 8.5.3. set standards for service delivery and secure value for money;
- 8.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 8.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 8.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 8.5.7. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 8.5.8. review the impact of the committee's policies on the city.

8.6. The matters referred to in paragraph 8.5 are as follows:

- 8.6.1. Capital Coalition pledges 18-19 and 44-53;
- 8.6.2. Tram project;
- 8.6.3. Strategic Transport Planning;
- 8.6.4. Traffic management, roads and parking;
- 8.6.5. Public transport;

- 8.6.6. Public Realm Projects;
- 8.6.7. Sustainability, carbon reduction and energy issues;
- 8.6.8. Flood prevention
- 8.6.9. Waste services
- 8.6.10. Environmental health and trading standards;
- 8.6.11. Parks and green space; and
- 8.6.12. Street cleaning and open space maintenance.

9. Policy Development and Review Sub-Committees

- 9.1. Each Executive Committee will appoint a Policy Development and Review Sub-Committee.

Constitution

- 9.2. The membership will be the same as the parent committee.

Convener

- 9.3. The Vice-Convener of the parent committee will be the Convener of the relevant Policy and Review Sub-Committee.

Quorum

- 9.4. Five members will constitute a quorum except in the case of education business when nine members will constitute a quorum.

Substitution

- 9.5. Substitutes are permitted.

Delegated functions

- 9.6. Power is delegated to the Policy Development and Review Sub-Committees to:
- 9.7. Consider and develop policies for the services included in its parent committee's remit within the strategic framework approved by the Council.
- 9.8. Facilitate and encourage public, stakeholder and partner participation in the formulating of policy.
- 9.9. Monitor and review the effectiveness of policies in achieving the stated outcomes.
- 9.10. In addition to the powers delegated above, the Finance and Budget Policy Development and Review Sub-Committee has the following delegated powers:
- 9.11. To facilitate and encourage public engagement, consultation, participation and feedback in respect of the Council's budget setting process.
- 9.12. To examine areas of spending by the Council, related external organisations, partnerships and third party funded agencies, including examining opportunities to generate efficiencies and make recommendations to the Finance and Budget Committee.
- 9.13. To consider, review and make recommendations to the Finance and Budget Committee

in relation to resource allocations as they affect the following:

- 9.13.1. Council's revenue and capital budgets;
- 9.13.2. Council expenditure and budget policy, and
- 9.13.3. Level of Council tax.

10. Governance, Risk and Best Value Committee

10.1. **Constitution:** 13 members of the Council as follows:

- 10.1.1. 5 Labour
- 10.1.2. 4 SNP
- 10.1.3. 2 Conservative
- 10.1.4. 1 Green
- 10.1.5. 1 SLD

Convener

10.2. The convener of the committee will be a member of the opposition.

Quorum

10.3. Five members of the Governance, Risk and Best Value Committee will constitute a quorum.

Substitution

10.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance.

Delegated functions

10.5. Power is delegated to the Governance, Risk and Best Value Committee to exercise the following functions:

10.6. To monitor the financial performance of the Council and its subsidiary undertakings, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements; including:

10.6.1. Scrutinising information on:

- 10.6.1.1 Council Budgets;
- 10.6.1.2 Management of Council assets;
- 10.6.1.3 Control, monitoring and review of income and expenditure, both revenue and capital;
- 10.6.1.4 Council subsidiaries;
- 10.6.1.5 Civic matters;
- 10.6.1.6 Children's Panel; and
- 10.6.1.7 Common Good Fund.

10.6.2. Monitoring the annual strategic audit plan and reviewing all Council audit and inspection work against the plan.

10.6.3. Receiving and considering summaries of internal and external audit reports which relate to any issue falling within the remit of this committee.

10.6.4. Monitoring internal financial control, corporate risk management and key corporate governance areas including procurement.

- 10.6.5. Monitoring grant allocations across the Council.
- 10.6.6. Referring back to the appropriate Executive Committee for its consideration any financial performance issue, which might have implications for policy development within the remit of the Executive Committee and its policy development and review sub-committee.
- 10.7. To scrutinise and monitor the operational performance of all council services and Council subsidiaries in relation to the Council's agreed pledges, outcomes, policy objectives and statutory performance targets, including:
 - 10.7.1. considering any performance reports and information that relate to issues falling within the remit of Council services, including complaints handling, customer care and ombudsman reports;
 - 10.7.2. monitoring the outcomes of the Single Outcome Agreement in relation to the Council's input;
 - 10.7.3. monitoring employment, organisational development and equalities issues as they relate to the operation of the council corporately and to its individual services;
 - 10.7.4. scrutinising major projects and programmes, service reviews and transformational change.
- 10.8. To invite Conveners or Vice-Conveners to attend committee and where appropriate, to question and hold them to account on the operational or financial performance of any service area falling within their remit; and
- 10.9. To refer back to the appropriate Executive Committee for its consideration any service performance issues that might have implications for policy development coming within the remit of the Executive Committee and its Policy Development and Review Sub-Committee.
- 10.10. To initiate and undertake specific scrutiny reviews of any matter falling within the remit of this committee or requested by the Corporate Policy & Strategy Committee or an Executive Committee.
- 10.11. To promote the observance by Councillors of high standards of conduct and assist them in observing the code of conduct, in accordance with any guidance issued by the Standards Commission for Scotland.
- 10.12. To report, as required, on any matter within the committee's remit to Council.

11. Petitions Committee

11.1. **Constitution:** 10 members of the Council as follows:

- 11.1.1. 3 Labour
- 11.1.2. 3 SNP
- 11.1.3. 2 Conservative
- 11.1.4. 1 Green
- 11.1.5. 1 [SLD](#)

Convener

11.2. The Convener of the Committee will be a member of the opposition.

Quorum

11.3. Four members of the Petitions Committee will constitute a quorum.

Substitution

11.4. Substitutes are permitted.

Delegated functions

11.5. Power is delegated to the Petitions Committee to:

11.6. consider petitions addressed to the City of Edinburgh Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.

11.7. The Council is unable to consider petitions that:

- 11.7.1. are sub-judice and the subject of current court proceedings;
- 11.7.2. relate to a matter that is within the scope of the current key decisions forward plans of the Corporate Policy and Strategy Committee or the Executive Committees or within the work programmes of the Policy Development and Review Sub-Committees and the Governance, Risk and Best Value Committee;
- 11.7.3. relate to a decision of the Council or Committee within the previous six-month period.

Other Committees

12. Committee on Discretionary Rating Relief Appeals

12.1. **Constitution:** 5 members of the Council as follows:

- 12.1.1. 2 Labour
- 12.1.2. 2 SNP
- 12.1.3. 1 Conservative

Convener

12.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

12.3. Two members of the Committee on Discretionary Rating Relief Appeals will constitute a quorum

Substitution

12.4. Substitutes are permitted.

Delegated functions:

12.5. Power is delegated to the Committee on Discretionary Rating Relief Appeals:

12.6. To review decisions taken by the Director of Corporate Governance to refuse discretionary rating relief.

12.7. To consider representations from organisations or individuals, justifying the granting of discretionary rating relief to them.

12.8. To decide whether or not to grant discretionary rating relief as a result of considering the organisation's or individual's representations.

12.9. To decide what, if any, conditions should be fulfilled prior to discretionary rating relief being granted.

13. Leadership Advisory Panel

13.1. **Constitution:** 5 members of the council as follows:

13.1.1. Leader of the Council

13.1.2. Deputy Leader of the Council

13.1.3. Conservative Group Leader

13.1.4. Green Group Convener

13.1.5. Scottish Liberal Democrat Group Leader

13.1.6. three statutory religious representatives, appointed by the Education, Children and Families Committee when considering education business

Convener

13.2. The Convener of the Committee will be the Leader of the Council.

Quorum

13.3. Two members of the Leadership Advisory Panel will constitute a quorum except on education business when the quorum will be three members.

Substitution

13.4. Substitutes are permitted.

Delegated functions:

13.5. Power is delegated to the Leadership Advisory Panel:

13.6. To decide any matter of urgency arising during any recess period, subject to the provision of any relevant enactment, to exercise all functions of the Council or Committee, which would otherwise have dealt with the matter that:

13.6.1. cannot await the resumption of the normal meetings timetable; and

13.6.2. cannot appropriately be decided by the Chief Executive or Director in accordance with urgency provisions within these Committee Terms of Reference.

14. Planning Committee

14.1. **Constitution:** 15 members of the Council as follows:

- 14.1.1. 5 Labour
- 14.1.2. 5 SNP
- 14.1.3. 3 Conservative
- 14.1.4. 1 Green
- 14.1.5. 1 SLD

Convener

14.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

14.3. Five members of the Planning Committee will constitute a quorum.

Substitution

14.4. Substitutes are not permitted.

Delegated functions:

14.5. Power is delegated to the Planning Committee:

- 14.6. To exercise the functions of the Council as planning and street naming authority and to determine planning policies.
- 14.7. To express and interpret these policies as specific tasks and projects and set service standards.
- 14.8. To review performance in the delivery of services, the achievement of service standards and the impact of the Committee's activities on the City.
- 14.9. To conduct relations with external bodies relevant to the Committee's service responsibilities, including approval of a response to proposals by other authorities or bodies on which the Council is being consulted.
- 14.10. To refer final Development Plans to the Full Council for approval.
- 14.11. To refer to the Corporate Policy and Strategy Committee, prior to consideration by the Planning Committee, an annual report on the performance and customer focus of the planning process and its contribution to broader council agendas.
- 14.12. To appoint representatives on outside bodies relevant to the committee's service responsibilities.
- 14.13. To take decisions in pursuit of the committee's policies, subject to compliance with corporate personnel and financial policies and regulations.
- 14.14. To determine any charges for services provided by the committee.
- 14.15. To provide financial assistance, in pursuit of the committee's policies.

15. Pensions Committee

15.1. **Constitution:** 5 members of the Council as follows:

15.1.1. 2 Labour

15.1.2. 2 SNP

15.1.3. 1 Conservative

15.1.4.2 external members nominated by the Lothian Pension Funds Consultative Panel, 1 employer and 1 member representative.

Convener

15.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

15.3. Three members of the Pensions Committee will constitute a quorum.

Substitution

15.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance.

Delegated functions:

15.4.1. In this paragraph:

15.4.2. "pension funds" means the Lothian Pension Fund, Lothian Buses Pension Fund and the Scottish Homes Pension Fund;

15.4.3. "fire-fighters' pension schemes" means the pension schemes under the Fire-fighters' Pension Scheme Order 1992 and the Fire-fighters' Pension Scheme (Scotland) Order 2007; and

15.4.4. "Investment and Pensions Division" means the Investment and Pensions division of the directorate of Corporate Governance of the Council.

15.5. Power is delegated to the Pensions Committee to:

15.6. exercise all functions of the pension funds, within the terms of the legislation.

15.7. determine the overall policy objectives of the pension funds in accordance with the best interests of fund members and with relevant legislation.

15.8. determine the strategy for the investment of pension funds monies including the variety and suitability of investments and to review and monitor investment arrangements.

15.9. ensure appropriate investment management arrangements are in place for pension funds monies and to review investment manager performance.

15.10. establish and maintain arrangements for the effective management and administration of the pension funds including staffing and budgetary arrangements.

15.11. approve the allocation of resources to the Investment and Pensions Division from the Revenue Budget and Capital Investment Programme of the pension funds.

15.12. approve responses to consultation papers issued by government and other authorities.

15.13. monitor overall performance of the pension funds in the delivery of services and financial performance.

15.14. consider all matters in respect of the pension funds and, where relevant, in respect of the administration of the fire-fighters pensions schemes on behalf of Lothian and Borders Fire and Rescue Service, including:

15.14.1. determining policies for the management and regulation of the Investment and Pensions Division within the strategic policy and planning framework approved by the Council;

15.14.2. approving strategies, programmes and projects and work with officers and partners to implement them;

15.14.3. setting standards for service delivery;

15.14.4. securing best value in the provision of services;

15.14.5. taking all executive decisions in respect of the pension funds and the fire-fighters pension scheme which are not reserved to the Council or delegated to another committee of the Council;

15.14.6. ensuring systematic appraisal of the control environment and framework of internal controls in respect of the Investment and Pensions Division to provide reasonable assurance of effective and efficient operations and compliance with laws and regulations;

15.14.7. promoting the development of an appropriate risk management strategy and risk management procedures;

15.14.8. ensuring highest standards of probity and public accountability;

15.14.9. ensuring sound financial procedures are in place for authorising and monitoring expenditure;

15.14.10. agreeing internal audit plans and to ensure internal audit work is properly planned with due regard to risk, materiality and coverage;

15.14.11. overseeing and review action taken on internal audit recommendations;

15.14.12. reviewing all matters relating to external audit, including audit plan, action points and reports, and to monitor implementation of external audit recommendations; and

15.14.13. promoting, monitoring and developing continuous improvement.

16. Personnel Appeals Committee

16.1. **Constitution:** 9 members of the Council as follows:

16.1.1. 3 Labour

16.1.2. 3 SNP

16.1.3. 2 Conservative

16.1.4. 1 Green

Convener

16.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

16.3. Three members of the Personnel Appeals Committee will constitute a quorum.

Substitution

16.4. Substitutes are permitted.

Delegated functions:

- 16.5. Power is delegated to the Personnel Appeals Committee to:
- 16.6. hear and decide appeals on a decision taken, or a failure to take a decision, by a Director, or his/her nominee, under the Procedures for Hearing Employee Grievances.
- 16.7. hear and decide appeals to a decision to:
- 16.7.1 dismiss or take other forms of punitive disciplinary action.
 - 16.7.2 issue a warning, oral or written under the Procedure for Consideration of Appeals by Directors against Disciplinary Action and the Procedure for Consideration of Appeals against Disciplinary Action.
- 16.8. hear and decide disputes under the Avoidance of Industrial Disputes Procedure.
- 16.9. decide appeals from teaching staff in regard to the application and interpretation of the terms of the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

17. Placing In Schools Appeals Committee

- 17.1. **Constitution:** One person from each of the following panels:
- 17.2. Panel 1: All members of Council, religious and teacher and any parent representatives on the Education, Children and Families Committee.
- 17.3. Panel 2: Parents of children of school ages.
- 17.4. Panel 3: Persons with experience in education and acquainted with educational conditions in the Council's area, nominated by the Director of Children and Families.

Convener

- 17.5. Each meeting appoints a Convener.

Quorum

- 17.6. Three members of the Placing in Schools Appeals Committee will constitute a quorum. A member from each Panel outlined in paragraphs 19.2-19.4 above must be represented at any meeting.

Substitution

- 17.7. Substitutes are only permitted from the same Panel.

Delegated functions:

17.8. Power is delegated to the Placing in Schools Appeals Committee:

17.8.1. To hear and decide appeals from parents against decisions of the Council to refuse placing requests and exclude pupils all in terms of Section 28 C, D, E, G and H of the Education (Scotland) Act 1980 as amended;

17.8.2. To consider appeals from parents against decisions by the Director of Children and Families to refuse early admission to school.

[\[INSERT NEW REMIT\]](#)

[Police and Fire & Rescue Review Committee \(Interim\)](#)

[Constitution: 9 members of the Council as follows:](#)

:

[3 Labour](#)
[3 SNP](#)
[2 Conservative](#)
[1 Green](#)

[Convener](#)

[The Convener will be a member of the City of Edinburgh Council.](#)

[Quorum](#)

[Three members of the Police and Fire & Rescue Review Committee \(Interim\) will constitute a quorum.](#)

[Substitution](#)

[Substitutes are permitted.](#)

[Delegated functions](#)

[For the City of Edinburgh Council, this continuing involvement to advise, agree, scrutinise and review the Edinburgh Police and Fire & Rescue plans and services to:](#)

[consider and recommend improvements in local policing and fire and rescue services.](#)

[contribute to the delivery of national outcome 9 'we live our lives safe from crime, disorder and danger' and the City of Edinburgh Single Outcome Agreement \(SOA\), in particular 'Edinburgh's communities are safer and have improved physical and social fabric.'](#)

[consider progress and performance reports on the implementation fo the Edinburgh Police and Fire & Rescue Plans and services.](#)

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receive statistical reports on complaints about policing and fire and rescue in Edinburgh.

provide comments in response to consultations on policing and fire and rescue services.

promote engagement with all interested parties including community planning partners and neighbourhood partnerships.

to make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns.

18. Pupil and Student Support Committee

18.1. **Constitution:** 5 members of the Council as follows:

18.1.1. 1 Labour

18.1.2. 1 SNP

18.1.3. 1 Conservative

18.1.4. 1 Green

18.1.5. 1 SLD

18.1.6. One religious representative

Convener

18.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

18.3. Two members of the Committee on Pupil and Student Support will constitute a quorum.

Substitution

18.4. Substitutes are permitted.

Delegated functions:

18.5. To consider school placing requests, and decide the priority order of placing requests.

19. Recruitment Committee

19.1. **Constitution:** 7 members of the Council as follows:

19.1.1. Leader of Council

19.1.2. Deputy Leader of the Council

19.1.3. Finance and Budget Convener

19.1.4. Relevant Convener for the role

19.1.5. Opposition group representatives

Convener

19.2. The Convener of the committee will be the Leader of the Council.

Quorum

19.3. Three members of the Recruitment Committee will constitute a quorum.

Substitution

19.4. Substitutes are permitted.

Delegated functions

19.5. Power is delegated to the Recruitment Committee to short list and interview candidates and recommend an appointment to the Council for posts at Director and Heads of Service Division level (Chief Officials)

20. Regulatory Committee

20.1. **Constitution:** 9 members of the Council as follows:

20.1.1. 3 Labour

20.1.2. 3 SNP

20.1.3. 2 Conservative

20.1.4. 1 Green

Convener

20.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

20.3. Three members of the Regulatory Committee will constitute a quorum.

Substitution

20.4. Substitutes are permitted.

Delegated functions

20.5. Power is delegated to the Regulatory Committee to:

20.6. exercise the functions of the Council as Licensing authority under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not within the remit of any other Committee.

20.7. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.

- 20.8. determine individual applications for registration and licences under the Civic Government (Scotland) Act and other statutory provisions which are not delegated to officers, in accordance with approved policies.
- 20.9. express and interpret licensing policies as specific projects, to set service standards and monitor performance in the delivery of services including financial performance relating to Regulatory Committee matters.
- 20.10. liaise with external bodies relevant to the Committee's service area, considering and approving responses to consultation proposals.
- 20.11. appoint representatives to outside bodies within the Committee's remit.
- 20.12. approve charges as required by statute and determine licence fees.
- ~~20.13. exercise functions under legislation to deal with buildings in need of repair.~~
- 20.134. determine applications for road construction consent which are not delegated to the Director of Services for Communities.
- 20.145. determine applications for permission to place tables and chairs on footways which are recommended for refusal by the Director of Services for Communities.
- 20.156. exercise the Council's responsibilities in respect of safety at sports grounds.
- 20.167. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

21. **Social Work Complaints Review Committee**

21.1. **Constitution:**

- 21.2. Councillors do not serve on the Committee. Members of the Committee are recruited by public advertisement.

Convener

- 21.3. Each meeting appoints a Convener.

Quorum

- 21.4. Any three members from the membership appointed by the Council.

Substitution

- 21.5. Substitutes are not permitted.

Delegated functions

- 21.6. Power is delegated to the Social Work Complaints Review Committee to consider complaints with regard to the discharge of social work functions and make recommendations to the Education, Children and Families Committee or Health, Wellbeing and Housing Committee as appropriate.

22. The City Of Edinburgh Planning Local Review Body

22.1. **Constitution:** 5 members of the Council as follows:

22.2. Any five members who are also members of the Planning Committee.

Convener

22.3. Each meeting appoints a convener.

Quorum

22.4. Three members of the City of Edinburgh Planning Review Body will constitute a quorum.

Substitution

22.5. Substitutes are only permitted from the pool of trained members of the Planning Committee.

Delegated functions:

22.6. Power is delegated to the City Of Edinburgh Planning Local Review Body to fulfil the obligations of the Council, as planning authority, under section 43A of the Town and County Planning (Scotland) Act 1997 for the conduct of reviews.

23. Committee on the Jean F Watson Bequest

23.1. **Constitution:** 8 members of the council as follows:

23.1.1. 3 Labour

23.1.2. 2 SNP

23.1.3. 2 Conservative

23.1.4. 1 Green

23.1.5. one nominee of Friends of City Art Centre

23.1.6. two external members appointed by the Director of Corporate Governance, in consultation with the Convener.

Convener

23.2. The Convener of the Committee will be a member of the City of Edinburgh Council.

Quorum

23.3. Four members of the Committee on the Jean F Watson Bequest will constitute a quorum.

Substitution

23.4. Substitutes are permitted.

Delegated functions:

23.5. Power is delegated to the Committee on the Jean F Watson Bequest, with monies from the Jean F Watson Bequest, to:

23.5.1. purchase and commission for the City's collection works of artists and craftspeople born, practising in, or otherwise associated with Scotland, and in particular Edinburgh; all decisions to be guided by the Collection and Disposal Policy for the City Museums and Galleries.

Sub-Committees

24. Development Management Sub-Committee (Parent: Planning Committee)

24.1. **Constitution:** All 15 members of the Planning Committee, as follows:-

- 24.1.1. 5 Labour
- 24.1.2. 5 SNP
- 24.1.3. 3 Conservative
- 24.1.4. 1 Green
- 24.1.5. 1 SLD

Convener

24.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

24.3. Five members of the Development Management Sub-Committee will constitute a quorum.

Substitution

24.4. Substitutes are not permitted.

Delegated Functions

24.5. To discharge all functions of Management of Development Control required under the Planning Acts including the determination of planning applications (except for applications for National Developments and major development significantly contrary to the Development Plan which require to be determined by full Council, or applications under the Council's Scheme of Delegation for Local Developments).

25. Licensing Sub-Committee (Parent: Regulatory Committee)

25.1. **Constitution:** 9 members of the Council as follows:

- 25.1.1. 3 Labour
- 25.1.2. 3 SNP
- 25.1.3. 2 Conservative
- 25.1.4. 1 Green

Convener

25.2. The Convener of the Licensing Sub-Committee is the Convener of the Regulatory

Committee.

Quorum

25.3. Three members of the Licensing Sub-Committee will constitute a quorum.

Substitution

25.4. Substitutes are permitted.

Delegated functions:

25.5. Power is delegated to the Licensing Sub-Committee to:

25.6. determine individual applications for registration and licences under the Civic Government (Scotland) Act and other statutory provisions which are not delegated to officers, in accordance with approved policies.

~~25.7. exercise functions under legislation to deal with buildings in need of repair.~~

25.8. determine applications for road construction consent not delegated to the Director of Services for Communities.

25.9. determine applications for permission to place tables and chairs on footways recommended for refusal by the Director of Services for Communities.

25.10. exercise the Council's responsibilities in respect of safety at sports grounds.

25.11. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

26. Pensions Audit Sub-Committee (Parent: Pensions Committee) Constitution

26.1. Three members from the Pensions Committee of which a minimum are two City of Edinburgh elected members.

Quorum

26.2. Two members of the Pensions Audit Sub Committee will constitute a quorum.

Convener

26.3. The Convener of the Pensions Audit Sub-Committee will be appointed from the membership of the Pensions Committee, excluding the Convener of that committee.

Substitution

26.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance.

Delegated functions

26.5. Power is delegated to the Pensions Audit Sub-Committee to consider and make appropriate recommendation(s) to the Pensions Committee:

26.5.1. To ensure systematic appraisal of the control environment and framework of internal control of pension funds to provide reasonable assurance of the effective and efficient operations and compliance with laws and regulations;

26.5.2. To promote the development of an appropriate risk management strategy and risk management procedures;

26.5.3. To ensure the highest standards of probity and public accountability.

26.5.4. To ensure sound financial procedures are in place for authorising and monitoring expenditure;

26.5.5. To review the annual financial statements of the pension funds [and the International Standard on Auditing 260 (ISA 260) communication of audit matters];

26.5.6. To agree internal audit plans and to ensure that internal audit work is planned with due regard to risk, materiality and coverage;

26.5.7. To oversee in light of the audit plan the performance of the audit service;

26.5.8. To oversee and review action taken on internal audit recommendations; and

26.5.9. To review all matters relating to external audit, including audit planning, action points and reports, and to monitor the implementation of external audit recommendations.

27. Property Sub-Committee (Parent: Finance and Budget Committee)

27.1. **Constitution:** 10 members of the Council as follows:

27.1.1. 3 Labour

27.1.2. 3 SNP

27.1.3. 2 Conservative

27.1.4. 1 Green

27.1.5. 1 SLD

Convener

27.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

27.3. Four members of the Property Sub-Committee will constitute a quorum.

Substitution

27.4. Substitutes are permitted.

Delegated functions:

27.5. Power is delegated to the Property Sub-Committee to:

27.5.1. oversee the work programme arising from the Council and Police investigations into the Council's Property Service including the Property Conservation and Property Care Services.

27.5.2. to take decisions in relation to the Council's Property Service that fall within the remit of the Finance and Budget Committee on the following:

21.5.2.1 progress in resolving financial risks;

21.5.2.2 progress in dealing with complaints from owners and the associated legal and insurance risks;

21.5.2.3 action relating to contractors, and

21.5.2.4 new service re-redesign issues.

28. Special Sub-Committee on Adult Social Care (Parent: Health, Wellbeing and Housing Committee)

28.1. 5 members of the Council as follows:

28.1.1. 1 Labour

28.1.2. 1 SNP

28.1.3. 1 Conservative

28.1.4. 1 Green

28.1.5. 1 SLD

Convener

28.2. The parent committee appoints the Convener.

Quorum

28.3. Two members of the Special Sub-Committee on Adult Social Care will constitute a quorum.

Substitution

28.4. Substitutes are permitted.

Delegated functions

28.5. Power is delegated to the Special Sub-Committee on Adult Social Care to:

28.5.1. maintain an overview of the quality of social work experience for Edinburgh's citizens by considering reports of HMI, SWIA, and Care Commission inspections and internal reviews of health and social care establishments and services, and action taken.

28.5.2. monitor the implementation of new initiatives relating to quality.

28.5.3. maintain an overview of the implementation of national and local policies.

28.5.4. address issues relating to the work of services which arise during the course of the business of the sub-committee and make recommendations to the Health, Wellbeing and Housing Committee.

28.5.5. celebrate the success of services, including identification of examples of good

practice.

28.5.6. provide a high quality experience for officers and sub-committee members by adopting an agreed set of protocols for the conduct of Special Sub-Committees.

29. Sub-Committee on Standards for Children and Families (Parent: Education, Children and Families Committee)

29.1. The Education, Children and Families Committee will appoint a Sub-Committee on Standards for Children and Families for the following areas: - east, north, south, south west and west.

Constitution

29.2. Sub-Committee on Standards for Children and Families (east)

5 members of the Council as follows:

29.2.1. 2 Labour

29.2.2. 2 SNP

29.2.3. 1 Religious Representative

29.3. Sub-Committee on Standards for Children and Families (north)

6 members of the Council as follows:

29.3.1. 2 Labour

29.3.2. 1 SNP

29.3.3. 1 Conservative

29.3.4. 1 Green

29.3.5. 1 Religious Representative

29.4. Sub-Committee on Standards for Children and Families (south)

6 members of the Council as follows:

29.4.1. 2 Labour

29.4.2. 1 SNP

29.4.3. 1 Conservative

29.4.4. 1 Green

29.4.5. 1 Religious Representative

29.5. Sub-Committee on Standards for Children and Families (south west)

5 members of the Council as follows:

- 29.5.1. 1 Labour
- 29.5.2. 1 SNP
- 29.5.3. 1 Conservative
- 29.5.4. 1 Green
- 29.5.5. 1 Religious Representative

29.6. Sub-Committee on Standards for Children and Families (west)

5 members of the Council as follows:

- 29.6.1. 1 Labour
- 29.6.2. 1 SNP
- 29.6.3. 1 Conservative
- 29.6.4. 1 SLD
- 29.6.5. 1 Religious Representative

Convener

29.7. The Education, Children and Families Committee will appoint a convener for each sub-committee from the members of the Council on the sub-committee.

Quorum

29.8. Two members will constitute a quorum for each sub-committee.

Substitution

29.9. Substitutes are permitted.

Delegated functions

29.10. Power is delegated to the Sub-Committees on Standards for Children and Families to:

- 29.10.1. maintain an overview of the quality of educational and care experiences for all young people in the City of Edinburgh by considering the reports and follow up actions of HMIE and SWSI inspections and authority reviews of service, establishments and units, Care Commission and voluntary organisations.
- 29.10.2. monitor the implementation of initiatives relating to quality improvement and assurance and attainment and achievement;
- 29.10.3. approve responses and subsequently approve follow-up action.
- 29.10.4. maintain an overview of the implementation of national and local policies specifically related to quality standards by officers, establishments and services.

29.10.5. contribute to the support and challenge agenda within the context of establishment plans.

29.10.6. celebrate the success of establishments, units, teams and the service including recognising items of good practice.

29.10.7. provide a high quality experience for staff, parents and carers, young people, officers, members of the community and Sub-committee members by adopting an agreed set of protocols for the conduct of meetings.

[INSERT TEXT]
APPENDIX ONE

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NEIGHBOURHOOD PARTNERSHIPS

Constitution

1.1. Membership of each Neighbourhood Partnership should comprise:

1.1.1 Councillors from the ward or wards which make up the Neighbourhood Partnership area;

1.1.2 a representative from the Scottish Police Authority;

1.1.3 a representative from the Scottish Fire and Rescue Service;

1.1.4 a representative from NHS Lothian;

1.1.5 representatives from Community Councils in the area of the Neighbourhood Partnership, or representatives from another properly constituted community organisation in the area should there be no Community Council;

1.1.6 a representative from voluntary agencies in the area of the Neighbourhood Partnership;

1.1.7 representatives from other bodies able to make a specific contribution may be invited to participate by the Partnership;

1.1.8 Neighbourhood Partnerships may invite other individuals and/or representatives of other public, private or voluntary organisations with expertise or interest in their area, either as regular participants or for a specific issue. These other individuals will not have voting rights.

1.1.8 There will be an equal number of Councillors and Community Council representatives.

Convener and Vice-Conveners

1.2. The Convener will be a member of the City of Edinburgh Council.

Quorum

1.3. Subject to law the quorum of a Neighbourhood Partnership will be one third of the number of voting members of the Neighbourhood Partnership. In no case will any business be transacted unless at least two voting members are present.

Substitution

1.4. Substitutes are permitted.

Delegated functions

1.5. Power is delegated to the Neighbourhood Partnerships:

1.5.1 To make recommendations to the relevant neighbourhood manager on the services planned and/or delivered within that neighbourhood partnership area.

1.5.2 To refer to the Communities and Neighbourhoods Committee for consideration any financial or performance issue which might have implications for the policy or programme development within the remit of the Communities and Neighbourhoods Committee.

1.5.3 To report, as required, on any matter within the Neighbourhood Partnership's remit to the Communities and Neighbourhoods Committee.

1.5.3 To create sub-groups as necessary to advise the neighbourhood partnership.

1.5.4 To refer back to Council, the appropriate Executive Committee, director, directorate, partner authority or organisation guidance or feedback on the exercise of functions delegated to them.

1.5.5 Each NP shall submit to the Communities and Neighbourhoods Committee and the Edinburgh Partnership an annual report on progress that must include details of performance for the year past and a financial report covering the same period.

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APPENDIX FOUR

FINANCIAL REGULATIONS

6 MAY 2013-04-17

1. Status and Statutory Responsibility

- 1.1 These regulations are made under section 95 of the Local Government (Scotland) Act 1973.
- 1.2 Section 95 states that every local authority shall make arrangements for the proper administration of its financial affairs and shall secure that the proper officer of the authority (termed the Section 95 Officer) has responsibility for the administration of those affairs.
- 1.3 The Local Authority Accounts (Scotland) Regulations 1985 further specify that the system of accounting and control and the form of the accounts and supporting records are to be determined by the Section 95 Officer and that s/he is to ensure that accounting controls are observed and the accounts and supporting records are kept up to date. S/he is also responsible for publishing the Annual Accounts of the Council and for making the arrangements for the statutory audit required by s96 of the 1973 Act.
- 1.4 The City of Edinburgh Council has designated the Head of Finance~~Chief Financial Officer~~ as the Section 95 Officer and therefore as the officer responsible for the administration of the Council's financial affairs in terms of section 95 of the 1973 Act.
- 1.5 The Head of Finance serves as the Section 95 Officer for all of the Council's accounting arrangements, including those of the Lothian Pension Funds. For the Lothian Pension Funds, however, this Section 95 responsibility has been delegated to the Pensions and Accounting Manager in accordance with the arrangements set out in the addendum to this document. ~~It should be noted that the Lothian Pension Fund has a separate designated Section 95 Officer for accounting arrangements. All subsequent references in this document, however, are to the duties pertaining to the Council's Chief Financial Officer.~~
- 1.6 A more detailed set of Finance Rules, which prescribe the procedures to be followed, has also been prepared. While these rules and other relevant procedures and policies are not contained within these financial regulations, they are issued under their authority and have the same status as if they were included in the body of these regulations.
- 1.7 The Head of Finance~~Chief Financial Officer~~ will establish a programme of review for all relevant documents. Directors and officers may also seek the issue, amendment, clarification or supplementing of the regulations, finance rules or associated procedures and policies for any areas of responsibility not previously addressed.

1.8 Any breach or non-compliance with these regulations or the associated finance rules, procedures or policies issued under their authority must be reported immediately to the ~~Chief Financial Officer~~Head of Finance, who may consult others as s/he sees fit to determine the proper action.

2. Application

- 2.1 The City of Edinburgh Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards and that public money is safeguarded, properly accounted for and used economically, efficiently, effectively, equitably and ethically. The Council's activities are furthermore guided by a set of underlying principles and responsibilities fostering openness, integrity and accountability.
- 2.2 In discharging these responsibilities, elected members and senior officers are responsible for implementing effective arrangements for governing the Council's affairs and facilitating the effective exercising of its functions including arrangements for managing risk.
- 2.3 As a consequence of these responsibilities, the Council must regulate the actions taken on its behalf that carry financial implications to provide assurance of their propriety and consistency. It is furthermore a requirement of these regulations that all financial transactions are within the legal powers of the Council. These Financial Regulations thus form a key element of the maintenance of a robust, clear and accountable governance framework for the Council.

3. Responsibilities and Observance

3.1 Chief Executive

- 3.1.1 The Chief Executive, as head of the paid service, has authority over all officers and is authorised to discharge any function or exercise any power delegated to any officer under the Council's Scheme of Delegation. As the officer charged with overall responsibility for the corporate management and operational functions of the Council, this includes putting in place suitable arrangements to ensure an efficient use of resources.
~~responsibility for ensuring an efficient use of resources but does not have operational responsibility for service areas, which is delegated to Directors. Consequently, the Chief Executive relies on senior officers' advice and information on operational matters.~~

- 3.1.2 The Council's Scheme of Delegation to Officers sets out the powers delegated to officers pursuant to the Local Government (Scotland) Act 1973. As noted in paragraph 1.4, the ~~Chief Financial Officer~~Head of Finance has been designated the Council's Section 95 Officer responsible for the administration of the Council's financial affairs.

3.2 Role of the ~~Chief Financial Officer~~Head of Finance

- 3.2.1 The ~~Chief Financial Officer~~Head of Finance is responsible for advising the Council on all financial matters and for monitoring and reporting on its financial performance and position.

3.3 Directors

- 3.3.1 Directors are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness, and ~~associated~~^{their} financial targets, in so doing having due regard to sustainability and equalities considerations.
- 3.3.2 Directors are fully accountable for the financial performance of their service area against the budget allocated. They may incur revenue expenditure in furtherance of agreed Council policies only to the extent that budgetary provision has been made.
- 3.3.3 Directors are further charged with the implementation of the risk management strategy in their service areas and for ensuring its effectiveness and review.
- 3.3.4 Paragraphs 3.2 and 3.4 of the Scheme of Delegation provide that:
- (a) In the event that the Director is unavailable, his/her ~~Deputy~~^{ye} or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Director;
 - (b) Directors may sub-delegate their delegated powers to their ~~Deput~~^{Deputy}~~(ies)~~ or head(s) of service or such other officer(s) in their directorate as they may consider appropriate.
- 3.3.5 With the exception of urgent decisions, which must be taken in accordance with the ~~S~~^scheme of ~~D~~^elegation to ~~O~~^efficers, authority to discharge financially-related responsibilities must be delegated formally in writing. This requirement applies to delegations of authority for financial matters by all levels of management.
- 3.3.6 Directors will formally report major financial issues to the ~~Chief Financial Officer~~^{Head of Finance} and Chief Executive, who will instruct appropriate action.

3.4 Internal Audit and Risk Management

- 3.4.1 The Head of Legal, Risk and Compliance will arrange for the provision of a continuous internal audit function, overseen by a suitably-qualified and experienced individual, to review the accounting, financial and other operations of the Council. This individual (the Head of Internal Audit and Risk Management) will also oversee the development and implementation of an appropriate risk management strategy.
- 3.4.2 It is the Head of Internal Audit and Risk Management's responsibility to ~~put in place appropriate arrangements to~~ provide the Chief Executive, ~~Chief Financial Officer~~^{Head of Finance}, Corporate Management Team and elected members with an annual assurance

statement on compliance with Financial Regulations and the Local Code of Corporate Governance.

3.5 Elected Members

3.5.1 Elected members' responsibilities with regard to financial matters reflect a number of facets, including:

- (a) Setting the authority's financial strategy, including budget-setting;
- (b) Setting the authority's strategic direction and overseeing arrangements for —the securing (and demonstration) of best value;
- (c) Ensuring proper control is exercised over the authority's expenditure through scrutiny of periodic financial reports comparing expenditure with the level of budgetary provision;
- (d) Holding senior officers to account with regard to discharging all relevant financial responsibilities within their control;
- (e) Encouraging the development of service targets/performance measurements of a financial/non-financial nature to monitor service achievements.

3.5.2 In this regard, the respective remits and key functions of Council, the Governance, Risk and Best Value Committee, the Finance and Budget Committee and other Executive Committees are set out in the Council's Committee Terms of Reference and Delegated Functions.

3.6 External Audit

3.6.1 The external audit of the Council seeks to assess the extent to which the stewardship of its financial affairs is subject to a regime of accountability where monies are properly accounted for, safeguarded and used economically, efficiently and effectively. The scope of this audit is wider than that of the private sector equivalent, encompassing coverage of the financial statements, regularity, propriety and best value, including the securing of value for money. At present, this role is undertaken on the Accounts Commission's behalf by Audit Scotland.

4. Principles and Key Areas of the Control Framework

4.1 Financial Management

4.1.1 The ~~Chief Financial Officer~~Head of Finance will, in conjunction with the relevant Director, provide to all Executive Committees (including the Finance and Budget Committee) and the Governance, Risk and Best Value Committee regular monitoring reports, including reports on the final outturn, together with any recommendations.

4.2 Financial Control

4.2.1 As noted at 1.3, The Local Authority Accounts (Scotland) Regulations 1985 require that the system of accounting and control, and the form of the accounts and supporting records, should be defined by the ~~Chief Financial Officer~~Head of Finance, who will ensure that the system is adhered to and that the accounts and supporting records are kept up to date.

4.2.2 The Regulations also require the ~~Chief Financial Officer~~Head of Finance to submit the Abstract of Accounts to the Council and the Controller of Audit by the prescribed dates. The ~~Chief Financial Officer~~Head of Finance is responsible for ensuring that the accounts are produced in compliance with existing legal and accounting requirements.

4.2.3 Directors are required to provide all relevant information to the ~~Chief Financial Officer~~Head of Finance in accordance with the instructions issued annually.

4.2.4 As the officer who is statutorily responsible for all financial matters the ~~Chief Financial Officer~~Head of Finance will implement procedural controls to ensure that:

- (a) All expenditure is a valid charge;
- (b) Income owed is collected;
- (c) Assets are protected;
- (d) Liabilities are accounted for;
- (e) Financial reports are prepared.

4.3 Risk Management and Internal Control

4.3.1 In accordance with the ~~Chief Financial Officer~~Head of Finance's responsibility for financial control and the Local Code of Corporate Governance's requirements for the effective management of risk, the

| ~~Chief Financial Officer~~ Head of Finance has approved financial rules to address these matters.

4.4 Systems and Procedures

4.4.1 **Accounting Arrangements**

4.4.1.1 The following will be carried out according to procedures and instructions issued by the ~~Chief Financial Officer~~Head of Finance:

- (a) Preparation of the statutory Abstract of Accounts;
- (b) Production of financial information in Council strategic plans, including estimated revenue and capital expenditure.

4.4.1.2 All financial records, systems and any changes thereto are subject to the written approval of the ~~Chief Financial Officer~~Head of Finance following consultation with Directors.

4.4.1.3 The following principles must be observed in the allocation of accounting duties:

- (a) The duties of providing information regarding sums owed to or by the Council, and calculating, checking and recording these sums must be separated as completely as possible from the duty of collecting or disbursing them;
- (b) Officers responsible for examining and directing accounts of cash transactions cannot be engaged in any of these transactions;
- (c) All checking and authorisation undertaken by officers must be evidenced by initials or signature, whichever is appropriate;
- (d) All claims, returns or written submissions relating to grants and financial data must be submitted to the ~~Chief Financial Officer~~Head of Finance for approval ~~and signed by an authorised signatory of Corporate Governance – exceptions must be agreed by the Chief Financial Officer prior to entering into any contracts under delegated authority~~;
- (e) Financial records, including contract documents for work done, services and supplies, may only be disposed of in accordance with arrangements approved by the ~~Chief Financial Officer~~Head of Finance.

4.4.2 **Revenue Budgets**

4.4.2.1 Directors are required to prepare revenue estimates in accordance with guidance issued by the ~~Chief Financial Officer~~Head of Finance. Such estimates will be supported by equality and rights impact assessment, where relevant. The ~~Chief Financial Officer~~Head of Finance will assist Directors to prepare financial information for inclusion in the revenue estimates. The Council's team of equality and

diversity specialists will assist, as necessary, their directors to prepare equality and rights impact assessments. When the revenue estimates have been approved by Council, they become the “Revenue Budget”.

4.4.2.2 The ~~Chief Financial Officer~~Head of Finance will prepare a financial context report —for the Finance and Budget Committee for the next and future years. The Finance and Budget Committee will then remit the report to Council and may make recommendations to Council on setting Council Tax and rent for Council houses for the next financial year and on indicative figures for future years. In so doing, the Finance and Budget Committee will draw upon the work of the Finance and Budget Policy Development and Review Subcommittee in this regard.

4.4.2.3 After considering the report and any recommendations, Council shall approve the allocation of resources, authorise the spending and set the Council Tax, rent for Council houses and relevant fees and charges for the following financial year at a meeting before 11th March each year.

4.4.2.4 The ~~Chief Financial Officer~~Head of Finance will determine what constitutes revenue expenditure and the relevant accounts in which transactions should be recorded.

4.4.3 **Capital Budgets**

4.4.3.1 Directors are required to prepare capital estimates in accordance with guidance issued by the ~~Chief Financial Officer~~Head of Finance. When the capital estimates have been approved by Council, they become the “Capital Investment Programme”.

4.4.3.2 The ~~Chief Financial Officer~~Head of Finance will determine what constitutes capital expenditure and the relevant accounts in which transactions must be recorded.

4.4.3.3 Capital estimates must be submitted for scrutiny by the Finance and Budget Committee, whose recommendations will be referred to the Council for approval.

4.4.4 **Reporting Requirements**

4.4.4.1 All Council and committee reports are required to include a statement of the financial consequences of the proposals for current and future years. The range of relevant considerations will vary from report to report but a summary of the principal areas concerned was reported to the Governance, Risk and Best Value Committee in December 2012.

4.4.4.2 In the event that reports do not meet the above requirement, or insufficient time is allowed for them to be properly considered, the ~~Chief Financial Officer~~Head of Finance may request that the Director

or other officer submitting the report withdraws it from the Council or committee agenda.

4.4.4.3 The ~~Chief Financial Officer~~Head of Finance, in conjunction with Directors, is required to submit detailed monitoring reports ~~at~~for months three, six, nine and twelve of each financial year to the Finance and Budget Committee, other relevant executive committee(s) and the Governance, Risk and Best Value Committee. These reports will compare actual expenditure to date with the budget position, project the expenditure outturn for revenue and capital expenditure, and report key service issues including – where relevant – the equality and rights impact of any changes. The ~~Chief Financial Officer~~Head of Finance will specify the format of such monitoring reports.

4.4.4.4 The ~~Chief Financial Officer~~Head of Finance may give such direction to Directors as to measures to be taken in relation to the revenue budget or the capital investment programme during the remainder of the financial year as may be necessary or advisable in the circumstances prevailing.

4.4.4.5 The ~~Chief Financial Officer~~Head of Finance may make recommendations to Council as may be necessary or advisable in the circumstances prevailing.

4.4.5 **Spending, Supplementary Estimates and Transferring Funds**

4.4.5.1 No Director may allow spending, whether revenue or capital, to exceed budget.

4.4.5.2 No Director or official may incur any expenditure unless:

- (a) It is a revenue expense which has been approved as part of the revenue budget under 4.4.2 of these Financial Regulations; or
- (b) It is a capital expense which has been approved as part of the Capital Investment Programme under 4.4.3 of these Financial Regulations, or any separate Act of Council and, where necessary, a tender or quotation has been received under Contracts Standing Orders; or
- (c) The expense has been authorised under the remaining subparagraphs of paragraph 4.4.5 of the Financial Regulations.

4.4.5.3 The Finance and Budget Committee may transfer money within the revenue budget to either existing or new projects, but:

- (a) If this will change approved Council policy, a report must be submitted to Council for approval before the transfer can be actioned;

- (b) If the transfer will affect future years' revenue budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned.

4.4.5.4 The Finance and Budget Committee may transfer money within the Capital Investment Programme to either new or existing projects as may be necessary or advisable in the circumstances prevailing, but:

- (a) If this will change approved Council policy, a report must be submitted to Council for approval before the transfer can be actioned;
- (b) If the transfer will affect future years' capital **or revenue** budgets, a report detailing the effect on future budgets must be submitted to Council for approval before the transfer can be actioned;
- (c) Where capital grant is provided for a specific project, no transfer to alternative projects is permitted without the consent of the Scottish Government or other external grant provider.

In the case of both revenue and capital transfers, any equality and rights impacts of the proposed changes must also be considered.

4.4.5.5 The ~~Chief Financial Officer~~**Head of Finance** may, from time to time, issue detailed instructions on the transfer of monies within and / or between service area revenue budgets.

4.4.5.6 If a Director:

- (a) Proposes to incur revenue or capital spending that is not included in the revenue budget or capital investment programme approved by Council or to reduce income provided in that way; and
- (b) Does not propose to pay for the spending by reallocating existing funding,

the Director must seek a supplementary estimate.

4.4.5.7 S/he must report to the Finance and Budget Committee with an assessment of the financial spending consequences for the current and future years and, where relevant, the equality and rights impact of the changes. In the case of revenue expenditure, this appraisal should include identification of the budget head(s) to be reduced in future years. If the Finance and Budget Committee agrees, it will submit a recommendation to Council.

4.4.5.8 The ~~Chief Financial Officer~~**Head of Finance** must agree before a proposal for transfer or supplementary estimate is reported to the Finance and Budget Committee.

4.4.5.9 Directors, in consultation with the Convener of the appropriate executive committee for the service, may submit a request for expenditure of an emergency nature. In such circumstances, the expenditure concerned may be incurred on the authorisation of the ~~Chief Financial Officer~~Head of Finance, in consultation with the Convener of the Finance and Budget Committee. The Director requesting the expenditure shall arrange for the matter to be reported to the Finance and Budget Committee.

4.4.5.10 Other than contractual liabilities, service directors are not permitted to incur revenue expenditure until the relevant financial year has commenced.

4.4.6 Final Accounts

4.4.6.1 Directors are required to provide all relevant information to the ~~Chief Financial Officer~~Head of Finance in accordance with the instructions issued annually by him/her.

4.4.6.2 The ~~Chief Financial Officer~~Head of Finance will report the Council's final expenditure outturn with recommendations for appropriations to the Governance, Risk and Best Value Committee and the Council.

4.4.7 Internal Audit

4.4.7.1 The Head of Internal Audit and Risk Management will make appropriate arrangements to review, appraise and report on:

- (a) The adequacy of internal control as an indication of probity and contribution to the economic, efficient and effective use of resources;
- (b) Compliance with approved policies, plans and procedures, including those with a significant impact on or strong relevance to equality and rights;
- (c) The extent to which assets are accounted for and safeguarded from losses arising from theft, fraud, waste, inefficient administration and poor value for money;
- (d) The suitability and reliability of management data;
- (e) Service managers' effectiveness in achieving value for money.

4.4.7.2 The Head of Internal Audit and Risk Management has authority, subject to necessary, prior consultations, to:

- (a) Enter all Council premises or land at any reasonable time and

have access to all records, documents and correspondence relating to financial or other matters. This access extends to Council Officers and elected members as necessary;

- (b) Require and receive such explanations as are necessary concerning any matter under examination;
- (c) Require employees to produce cash, stores or other Council property under their control.

4.4.7.3 If elected members or staff discover any fraud or irregularity that affects the Council, they must immediately inform the Head of Internal Audit and Risk Management who will arrange for an investigation to be conducted if appropriate. In so doing, attention is drawn to the provisions and arrangements included in the Council's Public Interest Disclosure (Whistleblowing) policy.

4.4.8 **Risk Management**

4.4.8.1 The Head of Legal, Risk and Compliance, in consultation with the Head of Internal Audit and Risk Management, is responsible for preparing the risk management strategy.

4.4.8.2 Directors are responsible for establishing effective internal controls to mitigate risk and documenting these controls and their application formally. In accordance with the risk management strategy, all officers have a role in the identification of risks as they affect their service area.

4.4.9 **Internal Control**

4.4.9.1 Proposals of material change to internal control must be discussed with and formally authorised in writing by the Head of Internal Audit and Risk Management.

4.4.10 **Income**

4.4.10.1 The collection of all money owed to the Council is the responsibility of the ~~Chief Financial Officer~~Head of Finance except:

- (a) The collection of monies at service locations (i.e. where payment or counter services are offered) and the accounting thereof to the ~~Chief Financial Officer~~Head of Finance is the responsibility of the appropriate Director;
- (b) The Director of Services for Communities is responsible for the collection of rents for Council housing and the collection of parking fines and accounting for them to the ~~Chief Financial Officer~~Head of Finance.

4.4.10.2 The ~~Chief Financial Officer~~Head of Finance must be notified promptly of all money due and of contracts, leases, agreements or other arrangements, that involve payments to the Council.

4.4.10.3 Directors will ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered and will furnish the ~~Chief Financial Officer~~Head of Finance with the information required to identify income due. The ~~Chief Financial Officer~~Head of Finance will approve the manner in which accounts for income receivable must be prepared. Additional guidance in this area is provided within the Council's Corporate Debt Policy.

4.4.10.4 Arrangements for payment of accounts by instalment are at the discretion of the ~~Chief Financial Officer~~Head of Finance, in consultation with the relevant Director where appropriate.

4.4.10.5 Arrangements for the billing and recovery of all sums due should be carried out in accordance with the provisions contained within the Council's Corporate Debt Policy. ~~A summary of delegated powers and limits in respect of debt write-offs is included in the Finance Rules.~~

4.4.10.6 Invoices issued by the Council must not be amended to correct errors. Services must issue a replacement invoice if errors are identified, whereupon the erroneous invoice should be cancelled.

4.4.11 **Receipt of Income**

4.4.11.1 All money received by a Council officer must be paid without delay or in accordance with directions issued by the ~~Chief Financial Officer~~Head of Finance.

4.4.11.2 Where invoices have not been issued for sums owed to the Council, alternative arrangements for collection are subject to the ~~Chief Financial Officer~~Head of Finance's written approval.

4.4.11.3 The ~~Chief Financial Officer~~Head of Finance will specify in writing procedures for recording income, lodging income with the bank, resolving banking discrepancies, security and insurance, cash transfers, personal cheques and the supply of receipts and tickets for use by service areas.

4.4.11.4 The ~~Chief Financial Officer~~Head of Finance is authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.

4.4.12 **Salaries and Wages**

4.4.12.1 Employees may be appointed only in accordance with the procedures approved by the Council, the establishment, grades and rates of pay.

Appropriate equality monitoring and internal audit arrangements will be put in place to ensure compliance.

4.4.12.2 Salaries and wages must be processed in accordance with procedures and instructions issued by the [Chief Financial Officer/Head of Finance](#) from time to time.

4.4.12.3 The payment of salaries, wages, compensations and other emoluments to employees or pension entitlements to former employees will be made by the [Chief Financial Officer/Head of Finance](#), who is also responsible for transmitting pension contributions to the Lothian Pension Fund and the Scottish Public Pensions Agency and tax and National Insurance contributions to HM Revenue and Customs.

4.4.12.4 Directors must provide the [Chief Financial Officer/Head of Finance](#) with the information required to complete Council and statutory returns.

4.4.13 Allowances and Loan Schemes

4.4.13.1 The [Chief Financial Officer/Head of Finance](#) is responsible for paying allowances, reimbursing expenses and administering loan schemes.

4.4.13.2 Directors are required to ensure that:

- (a) Claims and applications are submitted in accordance with conditions of service, Council policies and statutory provisions, together with relevant supporting information such as receipts;
- (b) Claims and applications are submitted on the appropriate form and certified by an authorised officer;
- (c) Officers authorised to sign claims and application forms on their behalf are notified to the [Chief Financial Officer/Head of Finance](#);
- (d) Information required to complete Council and statutory returns is provided to the [Chief Financial Officer/Head of Finance](#).

4.4.13.3 The [Chief Financial Officer/Head of Finance](#) is responsible for administering the Scheme of Members' Allowances in accordance with relevant statutory provisions and the payment of expenses. A report on members' allowances must be presented to the Governance, Risk and Best Value Committee annually.

4.4.14 Insurance

4.4.14.1 The [Chief Financial Officer/Head of Finance](#) will:

- (a) Prepare and maintain an insurance strategy to provide cost-effective cover;

- (b) Negotiate claims with insurers, in consultation with relevant officers;
 - (c) Report annually to the Governance, Risk and Best Value Committee on the strategy's operation and effectiveness.
- | 4.4.14.2 Directors must notify the ~~Chief Financial Officer~~Head of Finance promptly of all new risks, properties, vehicles, plant, equipment, etc. that require to be insured, in addition to any alterations and changes in activities and procedures that may affect existing insurance arrangements.
- | 4.4.14.3 Directors must notify the ~~Chief Financial Officer~~Head of Finance of all major capital and revenue projects at an early stage if insurance cover or specialised insurance advice is required.
- | 4.4.14.4 Directors must notify the ~~Chief Financial Officer~~Head of Finance in writing of any loss, liability, damage or other event likely to lead to a claim immediately they become aware of it and should inform the police where appropriate.
- 4.4.14.5 Directors should not:
- (a) Make any admission of liability;
 - (b) Take any action which may be construed as an admission of liability;
 - (c) Waive any rights of recovery.
- | 4.4.14.6 Directors must consult the ~~Chief Financial Officer~~Head of Finance and Head of Legal, Risk and Compliance regarding the terms of any indemnity which the Council is requested to provide.
- 4.4.14.7 Directors must take due account of recommendations made by the Council's insurers.
- 4.4.15 **Imprest Accounts**
- | 4.4.15.1 Where appropriate, the ~~Chief Financial Officer~~Head of Finance will provide cash advances to officers to defray petty cash and other expenses. Such advances will be accounted for using the imprest system.
- 4.4.16 **Custody and Security of Assets**
- 4.4.16.1 Each Director is responsible for maintaining appropriate security at all times for buildings, stores, furniture, equipment, cash and other property, including that owned by third parties.

- 4.4.16.2 The Scheme of Delegation to Officers – Appendix 1 - General Delegation to Directors provides delegated authority to write off or dispose of any stores, plant, furniture, equipment or any other non-property asset in accordance with these Financial Regulations provided that:
- (a) The stores, plant, furniture, equipment or other non-property asset have become unfit for use and unsaleable; and
 - (b) The decision is made in consultation with the Director of Corporate Governance.
- 4.4.16.3 Council property may not be removed, other than for Council purposes, unless specific instructions have been issued by a Director.
- 4.4.16.4 Directors are responsible for the care, custody and stocktaking of all stocks under their control and must act in accordance with guidelines issued by the ~~Chief Financial Officer~~Head of Finance.
- 4.4.16.5 Each Director must agree maximum limits for cash holdings with the ~~Chief Financial Officer~~Head of Finance for insurance purposes. These may not be exceeded without the permission of the ~~Chief Financial Officer~~Head of Finance.
- 4.4.16.6 All heritable securities which are the Council's property, are in its name or in the name of its nominee, and the title deeds of all Council property must be stored securely by the Director of Corporate Governance.
- 4.4.16.7 All heritable securities that comprise the Common Good Fund must be stored securely by the Director of Corporate Governance.
- 4.4.17 Gifts, Hospitality and Conduct**
- 4.4.17.1 A register of items gifted or bequeathed to the Council will be maintained by the ~~Chief Financial Officer~~Head of Finance. Items of considerable value when not otherwise taken on charge for Council or service-specific purposes should be lodged with the ~~Chief Financial Officer~~Head of Finance for safe keeping and insurance.
- 4.4.17.2 Elected members and officials must comply with the Local Government (Scotland) Act 1973 Section 68 and all relevant codes of conduct for local government personnel.
- 4.4.17.3 The Director of Corporate Governance has delegated authority to approve City Receptions and Committee Receptions costing up to £1,500 and funded from the Civic Hospitality budget subject to consultation with the Convener of the Finance and Budget Committee. Heads of Service may similarly approve Committee Receptions where

the estimated cost does not exceed this level. Applications for Committee Receptions costing more than £1,500 must be approved by the relevant executive committee.

4.4.18 Banking Arrangements

4.4.18.1 The Head of Finance will make arrangements for opening and operating bank accounts and using banking services. The Head of Finance is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Principal Finance Manager – Treasury. Personal bank accounts must never be used in respect of Council transactions or funding.

4.4.18.2 All cheque forms, excluding those required for authorised imprest accounts may be printed only with the authority of the Head of Finance, who will make arrangements for their safe custody.

4.4.18.3 Cheques drawn on the main bank accounts must bear the facsimile signature of the Head of Finance (or other nominated officer) or be signed by the Head of Finance or other officer who holds an authorised post designated by him/her.

4.4.18.4 The Head of Finance will make appropriate arrangements, including determination of agreed authorisation limits, for the signature of other financial documents on behalf of the Council.

4.4.19 Treasury Management

4.4.19.1 The Council has adopted CIPFA's "Code for Treasury Management in the Public Services" and "Prudential Code for Capital Finance in Local Authorities". The Head of Finance is responsible for preparing and maintaining the Treasury Policy Statement and treasury management activities must be carried out in accordance with the Statement. Amendments must be considered and approved by Council.

4.4.19.2 An annual Treasury Strategy must be prepared. To this end, the Head of Finance will prepare separate annual reports to propose the following year's treasury strategy and report on the previous year's management performance. These documents will be subject to approval by Council and onward scrutiny by the Governance, Risk and Best Value Committee to monitor the strategy's implementation and effectiveness. The performance report will be submitted as soon as possible after the end of the financial year.

4.4.19.3 All treasury-related decisions are delegated to the Head of Finance who must act in accordance with the Code and Policy Statement.

4.4.19.4 All money in the Council's custody will be aggregated for treasury management purposes and controlled by the Head of Finance.

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4.4.19.5 Where the acquisition or creation of an asset by leasing is proposed, the financial implications of the leasing agreement must be approved by the Head of Finance.

4.4.18 Banking Arrangements

~~4.4.18.1 The Chief Financial Officer will make arrangements for opening and operating bank accounts, and using banking services. The Chief Financial Officer is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Head of Internal Audit and Risk Management. Personal bank accounts must never be used in respect of Council transactions or funding.~~

~~4.4.18.2 All cheque forms, excluding those required for authorised imprest accounts may be printed only with the authority of the Chief Financial Officer, who will make arrangements for their safe custody.~~

~~4.4.18.3 Cheques drawn on the main bank accounts must bear the facsimile signature of the Chief Financial Officer (or other nominated officer) or be signed by the Chief Financial Officer or other officer who holds an authorised post designated by the Council.~~

4.4.19 Treasury Management

~~4.4.19.1 The Council has adopted CIPFA's "Code for Treasury Management in Local Authorities" and "Prudential Code for Capital Finance in Local Authorities". The Chief Financial Officer is responsible for preparing and maintaining the Treasury Policy Statement and treasury management activities must be carried out in accordance with the Statement. Amendments must be considered by the Governance, Risk and Best Value Committee, whose recommendation will be passed to the Council for approval.~~

~~4.4.19.2 An annual Treasury Strategy must be prepared. The Governance, Risk and Best Value Committee is responsible for monitoring its implementation and effectiveness. To this end, the Chief Financial Officer will prepare separate annual reports to propose the following year's treasury strategy and report on the previous year's management performance. These must be submitted to the Governance, Risk and Best Value Committee for consideration and the Council for approval. The performance report will be submitted as soon as possible after the end of the financial year.~~

~~4.4.19.3 All treasury related decisions are delegated to the Chief Financial Officer who must act in accordance with the Code and Policy Statement.~~

~~4.4.19.4 All money in the Council's custody will be aggregated for treasury management purposes and controlled by the Chief Financial Officer.~~

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~~4.4.19.5 Where the acquisition or creation of an asset by leasing is proposed, the financial implications of the leasing agreement must be approved by the Chief Financial Officer.~~

4.4.20 Investments

4.4.20.1 The ~~Chief Financial Officer~~Head of Finance may undertake any action that may reasonably be deemed permissible investment business but must seek appropriate advice where necessary in relation to educational endowments and any other Council or trust funds.

4.4.20.2 The ~~Chief Financial Officer~~Head of Finance is responsible for the safe custody of share certificates or other documents relating to the investment of Council or trust funds.

4.4.21 Payment of Accounts

4.4.21.1 Arrangements for processing payments must comply with procedures established by the ~~Chief Financial Officer~~Head of Finance, a summary of which is included in the Finance Rules.

4.4.22 Grant Payments to Third Parties

4.4.22.1 Directors are responsible for ensuring that grant awards are consistent with the Council's priorities and are subject to its [standard conditions of funding](#) as determined by the Director of Corporate Governance.

4.4.22.2 Arrangements for processing grant payments must comply with procedures established by the ~~Chief Financial Officer~~Head of Finance as set out in the Finance Rules. Other than in a limited number of specific cases where authority is delegated to service directors, all payments are subject to annual consideration and approval by the Corporate Policy and Strategy Committee.

4.4.23 Procurement/Purchasing

4.4.23.1 Arrangements for procurement/purchasing, including the use of purchasing cards, must comply with procedures established by the ~~Chief Financial Officer~~Head of Finance as summarised in the Finance Rules.

4.4.23.2 Directors are responsible for ensuring that purchasing activity carried out on their behalf is undertaken in accordance with the guidance contained in the Procurement Handbook and associated equality requirements.

4.4.24 Value Added Tax

4.4.24.1 Directors are responsible for identifying and accounting for input and output tax as it relates to their service area. Queries and specific

problems should be referred to the ~~Chief Financial Officer~~Head of Finance, who is responsible for issuing guidance on the application of VAT rules.

4.4.25 **Computer Security**

4.4.25.1 The Director of Corporate Governance is responsible for preparing and maintaining the Council's policy on ICT security, as well as appropriate guidance on usage and security.

4.4.25.2 Directors are responsible for applying the security policy and guidance.

4.4.25.3 The Council is registered under the Data Protection Act. Directors are responsible for ensuring that the provisions regulating computer systems' security are strictly observed. Directors must liaise with the Head of Corporate and Transactional Services to ensure adequate security on a continuing basis.

4.4.26 **Other Significant Documents**

4.4.26.1 Financial Regulations should be read in conjunction with the constitutional documents of the Council and all Council Policies (as such term is defined in the Scheme of Delegation to Officers) including without limitation:

Procedural Standing Orders for Council and Committee Meetings;
Committee Terms of Reference and Delegated Functions;
Scheme of Delegation to Officers;
Finance Rules;
Contracts Standing Orders;
Procurement Handbook;
Code of Conduct on the Use of Electronic Communications;
A Framework to Advance Equality and Rights 2012 to 2017 and successor documents.

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ADDENDUM: FINANCIAL REGULATIONS – LOTHIAN PENSION FUNDS

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In respect of all pension funds administered by the City of Edinburgh Council, the Section 95 responsibility has been delegated to the Pensions and Accounting Manager. This encompasses responsibility for all accounting records and financial administration of the pension funds, as aligned to the remit of the Pensions Committee and Pensions Audit Sub-Committee.

The responsibilities of the Head of Finance, as detailed in these Finance Regulations, will therefore apply to the Pensions and Accounting Manager, only to the extent that these are pertinent to the governance of the pension funds. This shall include making suitable arrangements for the safe custody of the investments of the pension funds, share certificates or other documents relating to the investment of pensions funds. Financial reporting for the pension funds will be considered by the Pensions Committee, and the Pensions Audit Sub-Committee as appropriate.

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APPENDIX FIVE

CITY OF EDINBURGH COUNCIL

PROTOCOL FOR WEBCASTING OF COUNCIL MEETINGS

Introduction

The City of Edinburgh Council ("Council") has agreed that certain meetings should be the subject of live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose. Items in Part B of any Agenda will not be web cast. This protocol does not affect existing restrictions in the Council's Standing Orders on the recording, photographing or filming of proceedings by any person other than the Council.

Main Provisions

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:

1. The Lord Provost has the discretion to terminate or suspend the webcast if in his opinion continuing to web cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of web casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.
2. No exempt or confidential (Part B) agenda items shall be web cast, and no part of any meeting will be web cast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
3. Subject to paragraph 4 below all archived webcasts will normally be available to view on the Council's website for a period of ~~one month~~ five years [and thereafter will continue to be held in the Council's archives but may not be available on the Council's website].
4. Archived ~~web-casts~~ webcasts or parts of ~~web-casts~~ webcasts shall only be removed, ~~prior to one month after the meeting,~~ from the Council's website, prior to the end of the time period set out in section 3 above, if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.
5. The Council owns the copyright in the webcasts.
6. Any elected Member who is concerned about any webcast should raise their concerns with the Director of Corporate Governance.
7. ~~Data containing personal or confidential information will not be retained or archived.~~ 8. Children will not be filmed.

Agenda Front Sheets and Signage at Meetings

Included in each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Lord Provost may also terminate or suspend the web casting of the meeting, in accordance with this protocol.

This will be confirmed by the Lord Provost making the following statement:-

"I would like to remind everyone present that this meeting will be broadcast live to the internet, [will be stored as part of the Council's webcast archive](#) and will be capable of repeated viewing. I have the discretion to terminate or suspend filming, if in my opinion allowing filming to continue would prejudice the proceedings of the meeting.

Members are reminded that the cameras are activated by the sound system, and that they must switch on microphones when speaking".

WEBCASTING NOTICE

Please note: this meeting may be filmed for live ~~or~~and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act- [1998](#). Data collected during this webcast will be retained in accordance with the Council's published policy [including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.](#)

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the ~~possible~~ use [and storage](#) of those images and sound recordings [and any information pertaining to you contained in them](#) for webcasting ~~or~~and training purposes [and for the purpose of keeping historical records and making those records available to the public.](#)

[Any information presented by you to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved \(including any potential appeals and other connected processes\). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.](#)

If you have any queries regarding this [and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual](#), please contact Committee Services on 0131 529 4105 or Committee.Enquiry@edinburgh.gov.uk.

Document comparison by Workshare Professional on 15 January 2013
11:05:45

Input:	
Document 1 ID	interwovenSite://GLASDMS/LegalDiv/16222083/1
Description	#16222083v1<LegalDiv> - City of Edinburgh Council - Webcasting Protocol
Document 2 ID	interwovenSite://GLASDMS/LegalDiv/16222083/2
Description	#16222083v2<LegalDiv> - City of Edinburgh Council - Webcasting Protocol
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Moved to	0
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Format changed	0
Total changes	25

Appendix 6

Regulations for the Appointment of Religious, Teacher and Parent Representatives

RELIGIOUS REPRESENTATIVES

Regulations for nominations of persons interested in the promotion of religious education to be appointed to the Education, Children and Families Committee.

1. The Council shall appoint three persons interested in the promotion of religious education to be members of the Education, Children and Families Committee in accordance with Section 124 of the Local Government (Scotland) Act 1973, as amended by Section 31 of the Local Government etc. (Scotland) Act 1994.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to regulation 9, the persons will be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. One person interested in the promotion of religious education shall be nominated by the General Assembly of the Church of Scotland in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Depute Returning Officer shall, in a year of an election of Councillors, request the Principal Clerk of the General Assembly of the Church of Scotland to submit to him a nomination of the person not later than the First day of May in that year.
4. One person interested in the promotion of religious education shall be nominated by the Roman Catholic Church, in such manner as may be determined by its Scottish Hierarchy in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Depute Returning Officer shall, in a year of an election of Councillors, request the Archbishop of Edinburgh and St. Andrews to submit to him a nomination of the person not later than the First day of May in that year.
5. One other person interested in the promotion of religious education shall be nominated in terms of Section 124 of the Local Government (Scotland) Act 1973, as amended.
6. The nomination shall be made in accordance with the following provisions:-
 - 6.1 Not later than the Fifteenth day of March in the year of an election of Councillors, the Depute Returning Officer, by advertisement in one or more newspapers circulating in the Area, shall give notice that the Churches or denominational bodies (other than the Church of Scotland and the Roman Catholic Church) who claim to have duly constituted charges or other regularly appointed places of worship within the Area and to be entitled to be represented at the meeting for nomination of one person with a view to appointment as a member of the Education, Children and Families

Committee, may obtain copies of these Regulations on application to him; and that each of these Churches or denominational bodies who desire to be represented at the meeting for the nomination of one person with a view to appointment as a member of the Education, Children and Families Committee must provide to him prior to the Thirty first day of March -

- 6.1.1 A certified list of the names and situations of the duly constituted charges or other regularly appointed places of worship which such church or other denominational body claims to have within the Area;
- 6.1.2 A certified statement of the number of representatives whom such church or denominational body claims to be entitled to have at the said meeting calculated in accordance with the following scale –

Number of duly constituted charges or other regularly appointed places of worship	Number of representatives at meeting
Not more than three	One
More than three and not more than six	Two
More than six and not more than ten	Three
More than ten and not more than fifteen	Four
More than fifteen and not more than twenty	Five
Each ten in excess of twenty	One additional

- 6.1.3 The full names and postal addresses of the persons appointed to represent such Church or denominational body at the said meeting.
- 6.2 Not later than the Seventh day of April, the Depute Returning Officer shall -
 - 6.2.1 Prepare a list of the Churches or denominational bodies who have claimed to have duly constituted charges or other regularly appointed places of worship within the Area, which list shall, as regards each Church or denominational body included therein, show the total number of duly constituted charges or other regularly appointed places of worship and the number of representatives at the aforesaid meeting which such Church or denominational body has claimed.
 - 6.2.2 Provide a copy of such list to each of the Churches or denominational bodies included therein, and at the same time intimate to such Churches or denominational bodies that they may inspect at his office all the certified lists of the duly constituted

charges or other regularly appointed places of worship and all the certified statements of the numbers of representatives claimed at the aforesaid meeting which he has received from Churches or denominational bodies in the Area; and that any Church or denominational body included in the list may, within seven days after the date of such intimation, lodge with him objections to any of the certified lists or certified statements on the ground that such list or statement is inaccurate.

7. If any objection to any such certified list or certified statement on the ground that it is inaccurate is received by the Depute Returning Officer in accordance with the immediately preceding paragraph, he shall, as soon as reasonably may be, fix a time and place for the hearing and determination of such objection and send a copy of each such objection to each Church or denominational body included in the list and intimate the time and place fixed for the hearing and determination of the objections, and each Church or denominational body included in the list may be represented at such hearing and determination by not more than two representatives. The Director of Corporate Governance, or a person nominated by him, shall preside at such hearing and, after such procedure as he may prescribe, shall determine whether the objection is well founded and shall in accordance with the scale prescribed in paragraph 6.1.2 of this Regulation, fix the number of representatives whom each church or denominational body shall be entitled to have at the meeting for the nomination of a person in terms of this Regulation. The determination of the Director of Corporate Governance, or the person nominated by him, shall be final and not subject to review.
8. If no such objections are received or upon the determination of any such objections, the Depute Returning Officer shall call a meeting of the representatives appointed by the Churches or denominational bodies for the purpose of nominating a person with a view to such person being appointed a member of the Education, Children and Families Committee. Such meeting shall be held in the City Chambers, Edinburgh, not later than the Thirtieth day of April and shall be called by circular addressed and sent by post to each representative not less than six days prior to the date of the meeting. The Director of Corporate Governance, or such other person appointed by him, shall preside and conduct and regulate the proceedings at the meeting, but he shall have only a casting vote. Each representative of a Church or denominational body present at the meeting shall have one vote only. The Depute Returning Officer shall report the result of such meeting of representatives to the Council as soon as possible after the ordinary statutory election of Councillors for decision by Full Council.

9. In the event of a casual vacancy among the members of the Education, Children and Families Committee appointed in accordance with this Regulation, the provisions contained in this Regulation shall apply to and govern the constitution and covering of the meeting of representatives of Churches or denominational bodies for the purpose of filling such vacancy. The Depute Returning Officer shall determine the dates for taking the action required of him, allowing periods of time between events similar to those specified in the preceding sub-paragraphs.

NOMINATION OF TEACHER REPRESENTATIVES

1. The Council shall appoint two Teachers in the employment of the Council as Teachers' Representatives to be members of the Education, Children and Families Committee.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Paragraph 14, the Teachers' Representatives shall be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. Teachers entitled to nominate and vote for Teachers' Representatives and teachers entitled to be nominated as Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the Council and engaged in Primary or Secondary Education as at the First day of March in the year of election.
4. A teacher shall be entitled to nominate and vote for not more than two Teachers' Representatives.
5. The Depute Returning Officer shall supervise the nominations of Teachers' Representatives and the decisions of the Depute Returning Officer on all matters relating to the nominations shall be final and not subject to review.
6. Not later than the Fifteenth day of March in the year of an election of Councillors, the Depute Returning Officer shall send to all teachers entitled to nominate Teachers' Representatives a notice specifying the right of each teacher to nominate not more than two Teachers' Representatives and the arrangements for making nominations of Teachers' Representatives and for voting on the nominations if necessary.
7. Each nomination shall be on a form prescribed by the Depute Returning Officer and shall be signed by two teachers, one as proposer and one as seconded, and shall be counter-signed by the nominee to signify his or her consent to the nomination.
8. Candidates may provide a personal statement of not more than 250 words which statement must either accompany the nomination form or be lodged with the Depute Returning Officer on the Seventh day of April in the year of the election at the latest. The statement will be reproduced and circulated by the Depute Returning Officer with the ballot papers. Statements must not be defamatory, offensive, obscene, likely to incite racial hatred or political in nature or designed to effect public support for a political party. If any part of the personal statement is not permitted by reason of being defamatory, offensive, obscene, likely to incite racial hatred or political in

nature, the circulation of it will be refused by the Depute Returning Officer unless suitably amended by the candidate or candidates concerned. The candidates remain responsible for their own personal statement.

9. Nominations must be lodged with the Depute Returning Officer at Council Headquarters, Waverley Court, 4 East Market Street, Edinburgh, not later than 4 p.m. on the Thirty first day of March in the year of election.
10. Immediately after the closing date for the receipt of nominations, the Depute Returning Officer shall issue to each teacher who is validly nominated, a list of the names and addresses of all teachers who are validly nominated. A teacher may withdraw his or her nomination by written intimation to that effect lodged with the Depute Returning Officer not later than 4 p.m. on the Seventh day of April in the year of election.
11. Where more than two teachers remain validly nominated the Depute Returning Officer shall, not later than the Fifteenth day of April in the year of election, send ballot papers to all the teachers entitled to vote.
12. Ballot papers, duly completed, shall be lodged in sealed marked envelopes with the Depute Returning Officer not later than 4 p.m. on the Twenty fifth day of April in the year of election.
13. The Depute Returning Officer shall make arrangements for the ballot papers to be opened and the votes to be counted not later than the Thirtieth day of April in the year of election and shall forthwith notify the names of the persons duly nominated as Teachers' Representatives to the Director of Corporate Governance who shall report the names to the Council as soon as possible after the ordinary statutory election of Councillors.
14. In the event of a casual vacancy among the Teachers' Representatives on the Education, Children and Families Committee the provisions contained in these Regulations shall apply to and govern the nomination of a successor Teachers' Representative. The Depute Returning Officer shall determine the dates for taking the action required of him allowing periods of time between events similar to those specified in the preceding Regulations. The teachers entitled to nominate and vote for the Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the council and engaged in Primary or Secondary Education all as at the Fifteenth day prior to the date fixed by the Depute Returning Officer for issuing the notice specified in 6 above.

NOMINATION OF THE PARENTS' REPRESENTATIVE

1. The Council shall appoint one parent representative to be a member of the Education, Children and Families Committee.
2. The appointment will be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to 9, the parent's representative shall be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. Only members of the Consultative Committee with Parents, duly appointed from Schools and Parent Councils, are eligible to be nominated as the parents' representative on the Education, Children and Families Committee.
4. Not later than the Fifteenth day of March in the year of an election of Councillors, the chair of the Consultative Committee with Parents will arrange for nominations to be considered as an agenda item for the committee.
5. The Depute Returning Officer will oversee the nominations of the Parent's Representative and the decisions of the Depute Returning Officer on all matters relating to the nominations shall be final and not subject to review.
6. Each nominee must be moved and seconded by members of the Consultative Committee with parents. The candidate with the most votes will be recommended to the Council to fulfil the role of Parents Representative on the Education, Children and Families Committee.
7. The Consultative Committee with Parents will advise the Director of Corporate Governance of their nomination.
8. The Director of Corporate Governance shall report to Council, as soon as possible after the ordinary statutory election of Councillors, the name of the duly nominated parents' representative of the Education, Children and Families Committee.
9. In the event of a casual vacancy for the role of parents representative on the Education, Children and Families Committee the provisions contained in these Regulations shall apply to and govern the nomination of a successor Parents' Representative.