

10.00am, Thursday, 25 August 2016

Governance: Operational Governance Framework Annual Review 2016

Item number 8.1(a)
Report number
Executive/routine
Wards

Executive summary

This report sets out the outcome of the annual review of the key documents that support internal controls, accountability and transparent operation of the Council and recommends appropriate changes. This is to ensure that the key operational governance documents of the Council are comprehensive, relevant, up-to date and support good governance.

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Recommendations

- 1.1 To repeal the existing Procedural Standing Orders for Council and Committee Meetings, Committee Terms of Reference and Delegated Functions, Member-Officer Protocol and Regulations for the Appointment of Religious, Teacher and Parent Representatives and approve in their place appendices 2-6, such repeal and approval to take effect from 29 August 2016.
- 1.2 To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the documents set out in appendices 2-6 as may be necessary to implement the decision of the Council in relation to this report and to produce a finalised version of the documents, making them available to members for information ahead of publication.
- 1.3 To note that the Scheme of Delegation had been reviewed in February 2016 to take into account the revised council management structure and that further work was required to identify necessary updates or legislative changes and an additional report would be presented to a future Council meeting.

Background

- 2.1 On 20 September 2012 it was agreed that the documents that make up the operational governance framework should be reviewed and annually approved by Council to ensure that they remain relevant and fit for purpose.
- 2.2 This approval has since taken place annually, alongside a focus on modernising and adding to the documents that make up the operational governance framework. This approach has helped to ensure that the strengthening of the Council's governance arrangements has been positively recognised by Audit Scotland, notably around elected member scrutiny.

Main report

- 3.1 The following key documents have been reviewed and are submitted for approval:
 - 3.2.1. Procedural Standing Orders for Council and Committee Meetings;
 - 3.2.2. Committee Terms of Reference and Delegated Functions;

- 3.2.3. Financial Regulations;
 - 3.2.4. Member/Officer Protocol; and
 - 3.2.5. Procedure for the appointment of Religious, Teacher and Parent Representatives.
- 3.2 The documents listed above have been reviewed and a list of amendments are attached in appendix 1. The changes are also highlighted in the tracked copies of the documents in appendices 2-6.
- 3.3 Contract Standing Orders and the Guidance on the Appointment of Consultants were agreed by the Council in June 2016 and thus a decision has been taken within six months and there is no need to consider in this annual review.
- 3.4 The Scheme of Delegation was reviewed in February 2016 to take into account the revised council management structure. Further work is required to identify necessary updates or legislative changes and a further report will be presented to a future Council meeting.

Procedural Standing Orders

- 3.5 The changes to Procedural Standing Orders are relatively minor and aim to either clarify terms or reflect current practice.

Committee Terms of Reference and Delegated Functions

- 3.6 The alterations to the Committee Terms of Reference and Delegated Functions are mainly due to the creation of the Edinburgh Integration Joint Board. There is a minor alteration to the remit of Pensions sub-committee which gives it the power to scrutinise the Council companies associated with the pension fund. This is in line with the report considered by the Council in June 2016 on Council companies. A change is also proposed for the remit of the Property Sub-Committee in line with the recommendation by the Finance and Resources Committee which is included in another report on the agenda.

Financial Regulations

- 3.7 Section 95 of the Local Government (Scotland) Act 1973 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. The City of Edinburgh Council has designated the Executive Director of Resources the Section 95 Officer for this purpose.
- 3.8 The Financial Regulations therefore set out the key aspects of the framework of responsibilities, controls and reporting in place to provide assurance of the propriety and consistency of actions undertaken on the Council's behalf. The Regulations also serve as a public demonstration of the Council's commitment to promoting openness, transparency and integrity in its financial affairs.
- 3.9 Given recent reviews, the broad structure and content of the Financial Regulations has been retained. The opportunity has been taken, however, to

reflect intervening structural changes and, specifically, their impact on the assignment of relevant responsibilities.

Member-Officer Protocol

- 3.10 There are a number of changes to the Member-Officer Protocol. This is to reflect the current management structures and to provide further guidance on the use of data rooms. The process for providing information to elected members has also been improved to stress the importance of information being provided to elected members in a prompt, timely manner.

Regulations for the Appointment of Religious, Teacher and Parent Representatives

- 3.11 There are minor amendments throughout the Regulations for the Appointment of Religious, Teacher and Parent Representatives to update references from the Director of Corporate Governance to the Chief Executive.

Measures of success

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

Financial impact

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

Risk, policy, compliance and governance impact

- 6.1 It is good governance to maintain an annual review of the Council's key operational governance documents.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

- 9.1 A short consultation period took place with elected members and senior Council officials.

Background reading/external references

[Operational Governance Framework Annual Report 2014](#)

[Governance: Operational Governance Framework Annual Review 2015](#)

Andrew Kerr

Chief Executive

Contact: Kirsty-Louise Campbell, Interim Head of Strategy and Insight

E-mail: Kirstylouise.campbell@edinburgh.gov.uk | Tel: 0131 529 3654

Contact: Gavin King, Committee Services Manager

E-mail: gavin.king@edinburgh.gov.uk | Tel: 0131 529 4239

Links

Coalition pledges

Council outcomes

**Single Outcome
Agreement**

Appendices

Appendix one – Table of key amendments

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: Member/Officer Protocol

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

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
PROCEDURAL STANDING ORDERS				
5.3	Quorum	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.	Subject to law the quorum of a Committee will be one third of the number of voting members of the Committee (please refer to the Committee terms of reference for specific numbers) provided that in no case will any business be transacted unless at least two voting members are present.	To provide further information
12.2	Deputations	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.	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 both these requirements.	To clarify the meaning of this standing order
12.8	Deputation	This Standing Order does not apply in connection with hearings at the Licensing Sub-	Standing Order 12 does not apply in connection with hearings at the Licensing Sub-Committee, the	To clarify the meaning of this standing order

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		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.	Development Management Sub-Committee, or the City of Edinburgh Planning Review Body, nor to any subsequent consideration of the subject of the hearing.	
16.1	Notices of Motion	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.	Every formal notice of motion will be in writing and signed off 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.	To reflect current practice
COMMITTEE TERMS OF REFERENCE AND DELEGATED FUNCTIONS				
	Amendment throughout the document from Directors to Executive Directors			To reflect the current management structure
	Amendment throughout the document from Director of Services for Communities to Executive Director of Place			To reflect the current management structure
	Amendment throughout the document from Head of Planning to Head of Planning and Transport			To reflect the current management structure
5.7	Education, Children and	n/a; additional paragraph	To determine the Council's	To reflect the changes due

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
	Families		response to recommendations by the Social Work Complaints Review Committee concerning complaints about children and young people social work services.	to the creation of the Edinburgh Integration Joint Board
6.6.6	Finance and Resources Committee	Council transformation and change programmes;	Council transformation programme;	To reflect the current management structure
6.6.10	Finance and Resources Committee	organisational development, workforce planning and resources;	human resources , organisational development, workforce planning and resources;	To reflect the current management structure
6.6.11	Finance and Resources Committee	Corporate Governance services within the Council, excluding Audit and Risk and Pensions; but including Corporate Programmes and Corporate Property;		To reflect the current management structure
6.7.2	Finance and Resources Committee	receive budget monitoring reports from each service and to ensure close scrutiny of the management of each service budget	receive quarterly budget monitoring reports from each service and to ensure close scrutiny of the management of each service budget	To align with the frequency included in the Financial Regulations
7.5.2	Health, Social Care and Housing Committee	exercise the functions of the Council as social work authority for adults	Scrutinise the internal controls, quality and professional controls and compliance with the law for	To reflect the changes due to the creation of the Edinburgh Integration Joint

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
			<p>the following:</p> <p>7.5.2.1 Social work services for adults, and older people;</p> <p>7.5.2.2 Services and support for adults with physical disabilities and learning disabilities;</p> <p>7.5.2.3 Mental health services;</p> <p>7.5.2.4 Drug and alcohol services;</p> <p>7.5.2.5 Adult protection and domestic abuse;</p> <p>7.5.2.6 Carers support services;</p> <p>7.5.2.7 Community care assessment teams;</p> <p>7.5.2.8 Support services;</p> <p>7.5.2.9 Care home services;</p> <p>7.5.2.10 Adult placement services;</p> <p>7.5.2.11 Health improvement services;</p> <p>7.5.2.12 Housing support/aids and adaptation for adult with social care needs;</p> <p>7.5.2.13 Day services;</p> <p>7.5.2.14 Respite provision</p> <p>7.5.2.15 Occupational therapy services; and</p> <p>7.5.2.16 Re-ablement services, equipment and telecare.</p>	Board
7.7	Health, Social Care and	7.7.1. Capital Coalition	7.7.1. Capital Coalition pledges	To reflect the changes due

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
	Housing Committee	<p>pledges 8-14, 32, 34, 37-39;</p> <p>7.7.2. Community care services;</p> <p>7.7.3. Social Care;</p> <p>7.7.4 Offender services;</p> <p>7.7.5 Welfare reform;</p> <p>7.7.6 Housing;</p> <p>7.7.7 Regeneration; and</p> <p>7.7.8 Community Safety.</p>	<p>8-14, 32, 34, 37-39;</p> <p>7.7.2 Offender services;</p> <p>7.7.3 Welfare reform;</p> <p>7.7.4 Housing;</p> <p>7.7.5 Regeneration; and</p> <p>7.7.6 Community Safety.</p>	to the creation of the Edinburgh Integration Joint Board
9.4	Governance, Risk and Best Value Committee	<p>Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance.</p>	<p>Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.</p>	To reflect the current management structure
10.6.3	Petitions Committee	<p>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; and</p>	<p>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 programme of the Governance, Risk and Best Value Committee; and</p>	To reflect the current committee structure

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
11.5.1	Committee of Discretionary Rating Relief Appeals	To review decisions taken by the Director of Corporate Governance to refuse discretionary rating relief	To review decisions taken by the Executive Director of Resources to refuse discretionary rating relief	To reflect the current management structure
14.4	Pensions Committee	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance .	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of Resources .	To reflect the current management structure
14.6	Pensions Committee	monitor overall performance of the pension funds in the delivery of services and financial performance, 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:	monitor overall performance of the pension funds in the delivery of services and financial performance, consider all matters in respect of the pension funds including:	To remove reference to fire fighters pensions which are now the responsibility of the Scottish Public Pension Agency
14.6.5	Pensions Committee	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	taking all executive decisions in respect of the pension funds which are not reserved to the Council or delegated to another committee of the Council;	To remove reference to fire fighters pensions which are now the responsibility of the Scottish Public Pension Agency

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		committee of the Council;		
16.4	Placing in Schools Appeals Committee	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.	Panel 3: Persons with experience in education and acquainted with educational conditions in the Council's area, nominated by the Executive Director of Communities and Families.	To reflect the current management structure
16.8.2	Placing in Schools Appeals Committee	To consider appeals against decisions by the Director of Children and Families to refuse early admission to school.	To consider appeals against decisions by the Executive Director of Communities and Families to refuse early admission to school.	To reflect the current management structure
19.4	Recruitment Committee	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance and in line with the relevant Council policy.	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive and in line with the relevant Council policy.	To reflect the current management structure
20.4	Regulatory Committee	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance .	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive .	To reflect the current management structure

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
26.4	Licensing Sub-Committee	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance .	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive .	To reflect the current management structure
27.4	Pensions Audit Sub-Committee	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Director of Corporate Governance .	Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of Resources .	To reflect the current management structure
27.5.5	Pensions Audit Sub-Committee	n/a; additional paragraph	To consider and scrutinise an annual report on any companies owned by the Council that are connected to the activities of the Pension Fund;	In line with the report to Council on Council Companies in June 2016
28.5.1	Property Sub-Committee	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; and	oversee the work of the Edinburgh Shared Repairs Service;	To reflect the recommendations by the Finance and Resources Committee
28.5.2	Property Sub-Committee	To take decisions in relation to the Council's Property	to take decisions in relation to the Council's Shared Repair	To reflect the recommendations by the

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>Service that fall with the remit of the Finance and Resources Committee on the following:</p> <ul style="list-style-type: none"> (a) progress in resolving financial risks; (b) progress in dealing with complaints from owners and the associated legal and insurance risks; (c) action relation to contractors; and (d) new service redesign issues. 	<p>Service that fall within the remit of the Finance and Resources Committee in relation to financial and legal risks; and</p>	<p>Finance and Resources Committee</p>
<p>28.5.3 (new paragraph reference)</p>	<p>Property Sub-Committee</p>	<p>n/a; additional paragraph</p>	<p>consider any outstanding issues that require detailed scrutiny in relation to the closure of the Property Conservation Programme Momentum project.</p>	<p>To reflect the recommendations by the Finance and Resources Committee</p>
<p>FINANCIAL REGULATIONS</p>				
	<p>Amendment throughout the document of references to the Head of Finance as the Section 95 Officer to the Executive Director of Resources.</p>			<p>To reflect the updated Scheme of Delegation presented to Council in February 2016.</p>
	<p>Amendment throughout the document from Director of Corporate Governance to Executive Director of Resources</p>			<p>To reflect the current management structure</p>

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
	Amendment throughout the document from Directors to Executive Directors			To reflect the current management structure
	Amendment throughout the document from Chief Risk Officer to Chief Internal Auditor			To reflect the current management structure
1.5	Status and Statutory Responsibility	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 Executive Director of Resources 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 Funds' Chief Financial Officer in accordance with the arrangements set out in the addendum to this document.	To reflect the current management structure
1.6 (new paragraph reference)	Status and Statutory Responsibility	n/a; additional paragraph	Inclusion of following wording: Following the establishment under the Public Bodies (Joint Working) Act 2015 of an Edinburgh-area Integrated Health and Social Care Joint Board (IJB), a separate set of financial regulations , drawing on similar principles of sound governance,	To reflect the changes due to the creation of the Edinburgh Integration Joint Board

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
			has been produced. Along with the related financial directives, these regulations form the basis upon which the Chief Finance Officer of the IJB will discharge equivalent proper officer responsibilities for the Board.	
3.3.1	Executive Directors	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.	Executive 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 meeting associated financial targets. In doing so, they should also have due regard to sustainability and equalities considerations.	Minor amendments to language
3.4.1	Internal Audit and Risk Management	The Head of Legal, Risk and Compliance through the Chief Risk Officer (who is head of the Internal Audit function), shall arrange for a continuous internal audit function, to carry out an examination of accounting, financial and other operations of the Council, through undertaking a risk-	The Head of Legal and Risk, through the Chief Internal Auditor , shall arrange for a continuous internal audit function, to carry out an examination of accounting, financial and other operations of the Council, through undertaking a risk-based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS).	To reflect current management structures

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS). This individual (the Chief Risk Officer) will also oversee the development and implementation of an appropriate risk management strategy.	The Chief Risk Officer will also oversee the development and implementation of an appropriate risk management strategy.	
3.4.2	Internal Audit and Risk Management	It is the Chief Risk Officer'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.	It is the Chief Internal Auditor's responsibility to put in place appropriate arrangements to provide the Chief Executive, Executive Director of Resources , Corporate Leadership Team and elected members with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.	To reflect current management structures
4.4.2	Financial Control	The Regulations also require the Head of Finance to submit the Abstract of Accounts to the Council and the Council's external auditor by the prescribed dates. The Head of Finance is responsible for ensuring that the accounts are produced in compliance with existing	The Regulations also require the Executive Director of Resources to submit the Abstract of Accounts to the Council (or an appropriate Executive Committee) and the Council's external auditor by the prescribed dates. The Executive Director of Resources is responsible for ensuring that the	To reflect the change of S95 officer in the Scheme of Delegation to Officers

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		legal and accounting requirements.	accounts are produced in compliance with existing legal and accounting requirements.	
4.4.5.8		The Head of Finance must agree before a proposal for transfer or supplementary estimate is reported to the Finance and Budget Committee .	The Executive Director of Resources must agree before a proposal for transfer or supplementary estimate is reported to the Finance and Resources Committee .	Minor amendment
4.4.6.2	Final Accounts	The 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 .	The Executive Director of Resources will report the Council's final expenditure outturn with recommendations for appropriations to the Finance and Resources Committee .	To reflect current practice
4.4.7.3		If elected members or staff discover or suspect any fraud or irregularity that affects the Council, they must immediately inform the Chief Risk Officer 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 policy .	If elected members or staff discover or suspect any fraud or irregularity that affects the Council, they must immediately inform the Chief Internal Auditor 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), Anti-Fraud and Anti-Money Laundering	Updating relevant policies

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
			policies.	
4.4.11.4	Receipt of Income	The Head of Finance is authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.	The Executive Director of Resources, Head of Customer, Customer Services Senior Manager and Head of Finance are authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.	Reflecting current authority
4.4.14.5	Insurance	n/a; additional paragraph	In order to comply with the Insurance Act 2015, Executive Directors must advise every material circumstance that the Council ‘knows’ or ‘ought to know’ or provide sufficient information to put a prudent insurer on notice that it needs to make further enquiries for the purpose of revealing those material circumstances.	Reflecting legislative changes
4.4.16.2 (a)	Custody and Security of Assets	The stores, plant, furniture, equipment or other non-property asset have become unfit for use and unsaleable; and	The stores, plant, furniture, equipment or other tangible asset have become unfit for use and unsaleable; and	Minor language clarification
4.4.17.3	Gifts, Hospitality and Conduct	The Director of Corporate Governance has delegated authority to approve City Receptions and Committee Receptions costing up to	The Chief Executive has delegated authority to approve expenditure on civic hospitality of up to £10,000 subject to consultation with the Lord	Reflect current authority

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>£1500 and funded from the Civic Hospitality budget subject to consultation with the Convener of the Finance and Resources 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.</p>	<p>Provost or relevant Convener if provided on behalf of a particular Committee. Where total event expenditure exceeds £10,000 or is over and above the budgeted level, approval from the Finance and Resources Committee is required. Spending on civic hospitality will be reported through the normal budget monitoring process.</p>	
4.4.19.2	Treasury Management	<p>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</p>	<p>An annual Treasury Strategy must be prepared. To this end, the Executive Director of Resources 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 initial consideration by the Finance and Resources Committee, approval by Council and onward scrutiny by the Governance, Risk and Best Value Committee to monitor the strategy's implementation and</p>	Reflect current practice

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		effectiveness. The performance report will be submitted as soon as possible after the end of the financial year.	effectiveness. The performance report will be submitted as soon as possible after the end of the financial year.	
4.4.22.1	Grant Payments to Third Parties	Executive 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 .	Executive 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 Head of Strategy and Insight .	Reflect current authority
4.4.22.2	Grant Payments to Third Parties	Arrangements for processing grant payments must comply with procedures 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.	Arrangements for processing grant payments must comply with procedures established by the Executive Director of Resources as set out in the Finance Rules. Other than in a limited number of specific cases where authority is delegated to Executive Directors, all payments are subject to annual consideration and approval by the relevant Executive Committee.	Reflect current practice
4.4.25.1 and 4.4.25.3	Alter references from Director of Corporate Governance and Head of			To reflect the current management structure

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
	Customer Services to Chief Information Officer			
Addendum	Financial Regulations – Lothian Pension Funds Alter reference from Pensions and Accounting Manager to Chief Financial Officer, Lothian Pension Fund			To reflect the current management structure
MEMBER-OFFICER PROTOCOL				
	Alter references throughout from Director to Executive Director			To reflect the current management structure
1.5	Introduction and Principles	n/a; new paragraph	Council refers to the City of Edinburgh Council as constituted under the Local Government, etc (Scotland) Act 1994.	
3.7	Role of Officers (Statutory Officers)	Some Officers have specific statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Social Work Officer, the Monitoring Officer (Director of Corporate Governance). Others, such as the Registrars of Births, Deaths and Marriages and the Council's Health and Safety at Work Inspectors, work with	Some Officers have specific statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Social Work Officer, the Monitoring Officer and the section 95 officer . Others, such as the Registrars of Births, Deaths and Marriages and the Council's Licensing and Standards Officers or Health and Safety at Work Inspectors, work with reference to specific	Updated to make more general to avoid changes due to management structural changes

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		reference to specific statutory regimes.	statutory regimes.	
3.8	Role of Officers	n/a; additional paragraph	Legislation requires that certain functions be exercised by a 'proper officer'. The scheme of delegation sets out Officers who are designated as proper officers in relation to particular functions.	To provide greater clarity
5.7	The Local Government (Scotland) Act 1973	Section 50F (2) of the 1973 Act provides that some information held to be exempt under the Act is still accessible to all elected members of that authority. These are the financial or business affairs of any particular person; local authority expenditure on contracts for the acquisition of property and for the supply of goods and services; the identity of the local authority as a person offering a tender for a contract for the supply of goods and services; labour relations and the identity of a protected informant.	Section 50F (2) of the 1973 Act provides that some information held to be exempt under the Act is still accessible to all elected members of that authority. These include the financial or business affairs of any particular person; local authority expenditure on contracts for the acquisition of property and for the supply of goods and services; the identity of the local authority as a person offering a tender for a contract for the supply of goods and services; labour relations and the identity of a protected informant.	Slight textual amendment to provide greater clarity
5.14	Exempt Information	In the case of information that is exempt, but not determined by the Chief	In the case of information that is exempt, but not determined by the Chief Executive and/or	To reflect the role of the Monitoring Officer and to provide greater guidance to

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>Executive and/or Monitoring Officer to be legally privileged, political group leaders will be entitled to have that information shared with them, on request. Where any political group leader feels that the information is politically important enough that it should be shared with his/her group, then he/she will be entitled to do so after having first discussed the matter with the relevant director or Chief Executive and put appropriate safeguards, if any, in place to preserve the confidentiality of this information.</p>	<p>Monitoring Officer to be legally privileged, political group leaders and any independent elected members will be entitled to have that information shared with them, on request. Where any political group leader feels that the information is politically important enough that it should be shared with his/her group, then he/she will be entitled to do so after having first discussed the matter with the Monitoring Officer and relevant executive director or Chief Executive and put appropriate safeguards, if any, in place to preserve the confidentiality of this information.</p>	<p>elected members and directors</p>
5.18	<p>Process of Requesting Exempt or Other Information</p>	<p>Members should request information they do not have ready access to from the Chief Executive or relevant executive director.</p> <p><i>If an officer or member has any concerns over the provision of the information requested they should seek advice from the Director of</i></p>	<p>Members should request information they do not have ready access to from the Chief Executive or relevant executive director. If information is required within a particularly short timescale, or in advance of a particular deadline (e.g. in time to prepare for a committee meeting) this should be stated within the request so that</p>	<p>To reflect changes in the management structure and to stress the importance of providing the information promptly.</p>

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>Corporate Governance or Head of Legal, Risk and Compliance. However, officers should keep in mind that the principle for Member's access to information is one of disclosure.</p> <p>If there is a dispute between the Member and the director then the issue should be referred to the Chief Executive, who in consultation with the Monitoring Officer, will determine the matter.</p>	<p>officers can respond appropriately. Officers will be mindful that the key principle in relation to these requests is in favour of disclosure, subject to statutory responsibilities. If, for any reason, information cannot be provided as requested this should be explained clearly and timeously, to the Member. If an officer has concerns regarding the disclosure of information requested by members, they should discuss their concerns promptly with their executive director. The Chief Executive, in consultation with the Monitoring Officer, will determine on any concerns between a Member and an executive director regarding access to information.</p>	
5.19	Data Rooms	n/a; additional paragraph	As described above, legislation provides elected members with certain rights to information where the information is necessary to carry out Council duties. In exceptional circumstances, when that information is particularly voluminous or sensitive, the	To clarify the use of data rooms

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
			<p>Proper Officer may, with the agreement of the Monitoring Officer, determine that the information is best made available via a Data Room. If the executive Director believes that information should be made available within a Data Room, they should refer the matter to the Proper Officer for decision.</p>	
5.20	Data Rooms	n/a; additional paragraph	<p>The Proper Officer will thereafter, in consultation with Group Leaders and independent elected members as appropriate, determine the most appropriate venue and timeframe for the materials to be made available. It is recognised that, when Data Rooms are used, sufficient access must be provided to ensure that all elected members and other relevant committee members are afforded the opportunity to review the information. Consideration must be made both in terms of the size of the room available and the times at which it can be accessed. Data Rooms will be monitored at all times by an</p>	To clarify the use of data rooms

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
			<p>appropriate member of staff who will also maintain a record of attendees. Materials in the data room should not be photographed, copied, or removed but councillors are able to take notes to assist their considerations.</p>	
7.3	<p>Monitoring the Performance of Officers</p>	<p>Complaints about Officers or Council services should be made to the relevant director or to the Chief Executive.</p>	<p>Complaints about Officers or Council services should be made to the relevant executive director or to the Chief Executive.</p>	<p>Reflect the current management structure</p>
7.4	<p>Monitoring the Performance of Officers</p>	<p>The Director of Corporate Governance is the Council's Monitoring Officer and is specifically responsible for reporting any proposal, decision or omission by the Council or its Officers which causes or is likely to cause:</p>	<p>The Head of Legal and Risk is the Council's Monitoring Officer and is specifically responsible for reporting any proposal, decision or omission by the Council or its Officers which causes or is likely to cause:</p>	<p>Reflect the current management structure</p>
8.2	<p>Support Services to Members and Party Groups</p>	<p>8.2.1 Officers in Members' Services are Council employees and must comply with the Council's agreed policies and procedures (e.g. Employee Code of</p>	<p>8.2.1 Officers in Members' Services are Council employees and must comply with the Council's agreed policies and procedures (e.g. Employee Code of Conduct);</p>	<p>Reflect the current management structure and to delete responsibilities required by all Council employees</p>

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>8.2.2 Conduct); they cannot represent or stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers;</p> <p>8.2.3 each group has a Group Business Manager to direct day to day work. These are appointed by the Strategic Business and Members Services Manager who is also responsible for their induction, discipline and any grievances;</p> <p>8.2.4 they must respect confidentiality regarding the party, group and individual Members; and</p> <p>8.2.5 they must not divulge confidential information</p>	<p>8.2.2 they cannot represent or stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers;</p> <p>8.2.3 each group dedicated support to direct day to day work. These officers are appointed by the Governance and Democratic Services Manager who is also responsible for their induction, discipline and any grievances;</p> <p>8.2.4 they must respect confidentiality regarding the party, group and individual Members; and</p> <p>8.2.5 the existence of Officers in Members' Services should not detract from normal Member/Officer relationships.</p>	

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		<p>8.2.6 regarding the group, its dealings or its Members; in their contacts (internal and external) the postholders must be careful not to misrepresent the intentions of the group and must clarify whether they are representing the whole group or individual Members; and</p> <p>8.2.7 the existence of Officers in Members' Services should not detract from normal Member/Officer relationships.</p>		
9	Training for Members and Officers (insertion of new heading)	In order that Members and Officers are suitably trained in the skills needed for the effective discharge of their duties, training/briefings will be provided for Members covering topics such as induction for new Members,	In order that Members are suitably trained in the skills needed for the effective discharge of their duties, training/briefings will be provided for Members covering topics such as induction for new Members, managing information and	To reflect the decision of Council in June 2016 and to reflect that officer training requirements are covered under operational management.

Location/ Reference	Subject	Existing	Proposed Amendment	Comments
		managing information and presentation and relevant technical skills. Some training may be a requirement before a Member can take part in a specialist committee. All Members are encouraged to take the opportunity to build upon their existing skills.	presentation and relevant technical skills. Some training may be a requirement before a Member can take part in a specialist committee or represent the Council on the Board of Arms-Length Companies . All Members are also encouraged to take the opportunity to build upon their existing skills.	
9.2	Training for Members and Officers	n/a; new paragraph	Guidance on Member/Officer relations is an integral component of the Employee Information Handbook which details the Council's key policies. This forms an important part of the induction of new staff.	To reinforce that training forms part of officer induction
10	Review of the Protocol	This protocol will be reviewed annually in May as part of the operational governance suite of documents.	This protocol will be reviewed annually as part of the operational governance suite of documents.	To reflect current practice
REGULATIONS FOR THE APPOINTMENT OF RELIGIOUS, TEACHER AND PARENT REPRESENTATIVES				
7 and 8 13 7 and 9	Amend references to Chief Executive from Director of Corporate Governance			To reflect the current management structure

APPENDIX TWO

CITY OF EDINBURGH COUNCIL

PROCEDURAL STANDING ORDERS

FOR COUNCIL

AND COMMITTEE MEETINGS

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STANDING ORDERS

These standing orders ("**Standing Orders**") apply from ~~29 June 2015~~[26 August 2016](#) 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**").

1. **First meeting of the Council after an election**
 - 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.
 - 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.
2. **Lord Provost and Depute Convener – term of office**
 - 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.
3. **Ordinary and special meetings**
 - 3.1 A meeting of the Council will be held at 10 am on every fourth Thursday.
 - 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.
 - 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.
 - 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.

4. **Notice of Meetings**

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 only if good reason is shown for failure to send such a summons.

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, or at the request of the Convener. Meetings will be called at least six days before the meeting date in accordance with the statutory requirements

4.3 The Clerk will call a special 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 concerned.

4.4 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.

4.5 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.

5. **Quorum**

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.

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.

5.3 Subject to law the quorum of a Committee will be one third of the number of voting members of the Committee [\(please refer to the Committee terms of reference for specific numbers\)](#), provided that in no case will any business be transacted unless at least two voting members are present.

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5.4 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.

5.5 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.

6. **Lord Provost - Council Meetings**

6.1 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.

7. **Convener - Committees**

7.1 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.

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

8.1 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 behaviour 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;

8.2 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.

9. **Order of Business**

9.1 **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

9.2 **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/ Rolling Actions Log
- (f) Business Bulletin (Optional)
- (g) Executive Decisions
- (h) Routine Decisions
- (i) Motions

9.3 **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) Business Bulletin (Optional)
- (f) Work Programme
- (g) Reports
- (h) Motions

9.4 **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

10. **Power to vary order of business**

10.1 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.

11. **Declaration of Interests**

11.1 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.

12. **Deputations**

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

12.2 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-both these~~ requirements.

12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 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.

- 12.8 ~~This~~ Standing Order 12 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.

13. **Minutes**

- 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.

14. **Council Questions**

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

15. **Leader's Report and Questions**

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

16. **Notices of Motion**

- 16.1 Every formal notice of motion will be in writing and signed [off](#) 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.
- 16.2 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.
- 16.3 Late motions which are not accepted as urgent by the Lord Provost or Convener, will be considered at the next ordinary meeting.
- 16.4 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.
17. **Order of Debates**
- 17.1 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.
18. **Length of Speeches**
- 18.1 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.
19. **Motion for Adjournment**
- 19.1 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.'

19.2 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.

20. **Debate**

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

20.2 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.

20.3 The mover and seconder of any motion or amendment or adjustment thereof 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.

20.4 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.

20.5 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.

20.6 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.

20.7 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.

20.8 The mover of an amendment, which is not seconded, may have his/her dissent to the decision of the Council or Committee recorded in the minute.

21. **Closure of Debate**

21.1 Any member who has not spoken on the question before the meeting may propose 'that the matter now be 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 now be 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.

22. **Voting**

22.1 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.

22.2 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.

22.3 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 continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation or no action as soon as the discussion is completed. This vote will be taken 'for or against' either continuation or no action. Any vote necessary on the remaining proposals will be taken in terms of Standing Order 22.1.

22.4 When a motion and two or more amendments, none of which involves continuation or no action, 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.

- 22.5 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.
- 22.6 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.
- 22.7 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.

23. **Appointments**

- 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.
- 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.
- 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.
- 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.

24. **Point of Order**

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 Convener'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.

25. **Suspension of Standing Orders**

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.

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

26. **Obstructive or offensive conduct by members**

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.

27. **Changing a Council decision**

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.

28. **Referring a decision to Council**

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.

- 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.
29. **Committee – non member motion**
- 29.1 Any member may raise with the relevant committee a matter of new business 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. 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.
30. **Ward or members with special interest**
- 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.
31. **Freedom of the City**
- 31.1 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.
- 31.2 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.
32. **Admission of media and members of the public**
- 32.1 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.
- 32.2 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 Convener's discretion.

33. **Variation and revocation of Standing Orders**

33.1 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.

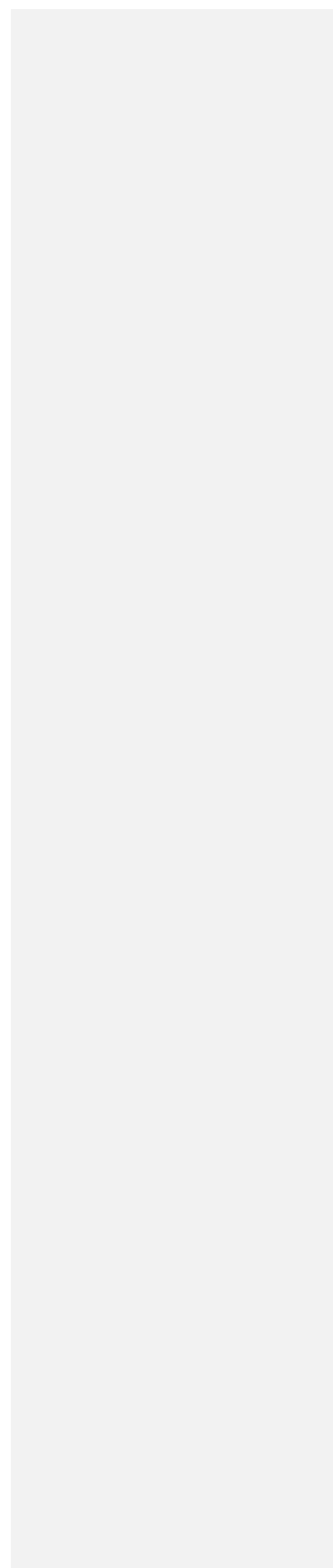
34. **Review of Standing Orders**

34.1 These Standing Orders will be reviewed annually.

APPENDIX THREE

CITY OF EDINBURGH COUNCIL

**COMMITTEE TERMS OF REFERENCE
AND
DELEGATED FUNCTIONS**



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COMMITTEE TERMS OF REFERENCE AND DELEGATED FUNCTIONS

A. GENERAL

These terms of reference and delegated functions (“**Committee Terms of Reference**”) apply from ~~29 June 2015~~ [26 August 2016](#) and 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:
 - 1.1.1. these Committee Terms of Reference;
 - 1.1.2. any scheme made under the Act or statute; and
 - 1.1.3. 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 and Committee Terms of Reference and Delegated Functions;
 - 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;
- 2.1.20. creation of Council companies;
- 2.1.21. the preparation and review of the Scheme for Community Councils (Special Meeting);
- 2.1.22. amendments to the Treasury Policy Statement, and
- 2.1.23. approval of the annual Treasury Strategy and annual treasury management performance.

3. Committee Membership

- 3.1 Committee membership will be proportionate according to the elected representation of political parties unless expressly agreed otherwise at a meeting of the full Council.

4. Urgent decisions

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

5. Substitutes

- 5.1. Where permitted by law and where specified in these Committee Terms of Reference, a member may, subject to paragraph 5.2 below 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.
- 5.2. Any member proposed to be appointed as a substitute must, where specified in these Committee Terms of Reference, have completed the appropriate training for the committee concerned.
- 5.3. 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.

6. Convener of Sub-Committee

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

7. Strategic Property

- 7.1. In these Committee Terms of Reference, "Strategic Property" means Council-owned property that is determined by the Chief Executive or an [Executive Director](#) in the relevant committee report, or by the Finance and Resources Committee in considering a committee report, to be of strategic importance to the city's economy.

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 and 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 Resources Committee
- 1.1.8. Convener of the Health, Social Care and Housing Committee
- 1.1.9. Convener of the Transport and Environment Committee
- 1.1.10. 3 Conservative
- 1.1.11. 2 Green
- 1.1.12. 1 SLD

Convener and Vice-Convener

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 Council policies, 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 Council's business and service plans, corporate strategies, change programmes, 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. provide strategic oversight of Council events;
- 1.6.9. monitor annually, performance and consistency between executive committees;
- 1.6.10. determine any reviews of community asset transfer requests;
- 1.6.11. determine differences between committees except where the difference involves a decision on an individual planning or licensing application; and
- 1.6.12. 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:** 15 members of the Council as follows:

- 2.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)
- 2.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)
- 2.1.3. 2 Conservative
- 2.1.4. 1 Green
- 2.1.5. 1 SLD

Convener and 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 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. set and monitor grant programmes, and award grants;
- 2.5.7. monitor arrangements to ensure best value and continuous improvement across all services;
- 2.5.8. facilitate and encourage public, engagement, consultation, participation and feedback; and

2.5.9. 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 Council's governance arrangements within the Edinburgh Partnership and strategic partnerships within the community planning framework;
- 2.6.4. Community Councils;
- 2.6.5. Locality Planning including Total Place Initiatives;
- 2.6.6. Community Resilience;
- 2.6.7. The Edinburgh Compact and the third sector;
- 2.6.8. Co-operative development and service design;
- 2.6.9. Equalities, social inclusion, poverty and deprivation; and
- 2.6.10. Customer access and care.

3. Culture and Sport Committee

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

- 3.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)
- 3.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)
- 3.1.3. 2 Conservative
- 3.1.4. 1 Green
- 3.1.5. 1 SLD

Convener and 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 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. set and monitor grant programmes, and award grants;
- 3.5.7. monitor arrangements to ensure best value and continuous improvement across all services;
- 3.5.8. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 3.5.9. 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:** 15 members of the Council as follows:

- 4.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)
- 4.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)
- 4.1.3. 2 Conservative
- 4.1.4. 1 Green
- 4.1.5. 1 SLD

Convener and 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. set and monitor grant programmes, and award grants;
 - 4.5.7. monitor arrangements to ensure best value and continuous improvement across all services;
 - 4.5.8. facilitate and encourage public, engagement, consultation, participation and feedback; and
 - 4.5.9. 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. Council owned surplus property;
 - 4.6.4. External Relations, and
 - 4.6.5. Inward investment.
- 4.7. The Committee has the authority to approve the disposal and development of Strategic Property, subject to ratification by the Finance and Resources Committee.

5. Education, Children and Families Committee

- 5.1. **Constitution:** 22 members of the Council as follows:
 - 5.1.1. 8 Labour (including the Leader of the Council as an ex-officio member)
 - 5.1.2. 7 SNP (including the Deputy Leader of the Council as an ex-officio member)
 - 5.1.3. 4 Conservative
 - 5.1.4. 2 Green
 - 5.1.5. 1 SLD

Additional members for education items:

- 5.1.6. 3 Religious Representatives
- 5.1.7. 2 Teacher Representatives
- 5.1.8. 1 Parent Representative

Convener and Vice Convener

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

Quorum

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

Substitution

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

Delegated functions

- 5.5. Power is delegated to the Education, Children and Families Committee to:
 - 5.5.1. exercise all the functions of the Council as education authority (education business), within the terms of the relevant legislation; and
 - 5.5.2. exercise the functions as social work authority, within the terms of the relevant legislation, in relation to children.
- 5.6. In addition, in relation to the matters listed in paragraph 5.78, to:
 - 5.6.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;
 - 5.6.2. take all decisions which are not reserved to the Council or delegated to another committee of the Council;
 - 5.6.3. set standards for service delivery and secure value for money;
 - 5.6.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
 - 5.6.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
 - 5.6.6. set and monitor grant programmes, and award grants;
 - 5.6.7. monitor arrangements to ensure best value and continuous improvement across all services;

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

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

5.7. To determine the Council's response to recommendations by the Social Work Complaints Review Committee concerning complaints about children and young people social work services.

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~~5.7.5.8.~~ The matters referred to in paragraph 5.6 are as follows:

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~~5.7.1.5.8.1.~~ Capital Coalition pledges 1-6;

~~5.7.2.5.8.2.~~ the Council's education, children and families services; and

~~5.7.3.5.8.3.~~ major capital programmes or projects implementation, asset planning and facilities management for the Council's education, children and families services.

6. Finance and Resources Committee

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

6.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)

6.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)

6.1.3. 2 Conservative

6.1.4. 1 Green

6.1.5. 1 SLD

Convener and 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 Resources Committee in relation to matters listed in paragraph 6.6 to:

6.5.1. develop and approve policies, strategies, programmes and 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. set and monitor grant programmes, and award grants;
 - 6.5.7. monitor arrangements to ensure best value and continuous improvement across all services;
 - 6.5.8. facilitate and encourage public engagement, consultation, participation and feedback; and
 - 6.5.9. 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. Monitoring the Council's Treasury Management policies and practices;
 - 6.6.5. Council's long term financial plan and opportunities to generate efficiencies;
 - 6.6.6. Council transformation ~~and change~~ programmes;
 - 6.6.7. Procurement, contracts and land transactions;
 - 6.6.8. procurement transformation project;
 - 6.6.9. monitoring of Council debt and debt recovery;
 - 6.6.10. human resources, organisational development, workforce planning and resources;
 - ~~6.6.11. Corporate Governance services within the Council, excluding Audit and Risk and Pensions; but including Corporate Programmes and Corporate Property;~~
 - ~~6.6.12-6.6.11.~~ 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 **quarterly** 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 the performance of each service against each budget forecast within the budget plan and change 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 long term financial plan or budget plan, and to monitor the performance.
- 6.8. To approve the disposal and development of Council owned property other than Strategic Property.
 - 6.9. To consider ratification of any recommendation by the Economy Committee to approve the disposal and development of Strategic Property.

7. Health, Social Care and Housing Committee

- 7.1. **Constitution:** 17 members of the Council as follows:

- 7.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)
- 7.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)
- 7.1.3. 3 Conservative
- 7.1.4. 2 Green
- 7.1.5. 1 SLD

Convener and Vice Convener

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

Quorum

- 7.3. Six members will constitute a quorum.

Substitution

- 7.4. Substitutes are permitted.

Delegated functions

- 7.5. Power is delegated to the Health, Social Care and Housing Committee to:
 - 7.5.1. exercise the functions of the Council as local housing authority; and

7.5.2. Scrutinise the internal controls, quality and professional controls and compliance with the law for the following:

7.5.2.1. Social work services for adults, and older people:

7.5.2.2. Services and support for adults with physical disabilities and learning disabilities;

7.5.2.3. Mental health services;

7.5.2.4. Drug and alcohol services;

7.5.2.5. Adult protection and domestic abuse;

7.5.2.6. Carers support services;

7.5.2.7. Community care assessment teams;

7.5.2.8. Support services;

7.5.2.9. Care home services;

7.5.2.10. Adult placement services;

7.5.2.11. Health improvement services;

7.5.2.12. Housing support/aids and adaptation for adult with social care needs;

7.5.2.13. Day services;

7.5.2.14. Respite provision

7.5.2.15. Occupational therapy services; and

7.5.2.16. Re-ablement services, equipment and telecare.

7.5.3. To determine the Council's response to recommendations by the Social Work Complaints Review Committee concerning complaints about adult social work services.

~~7.5.2. exercise the functions of the Council as social work authority, for adults.~~

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7.6. In addition, in relation to the matters referred to in paragraph 7.7, to:

7.6.1. develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them;

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

- 7.6.3. set standards for service delivery and secure value for money;
- 7.6.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 7.6.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 7.6.6. set and monitor grant programmes, and award grants;
- 7.6.7. monitor arrangements to ensure best value and continuous improvement across all services;
- 7.6.8. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 7.6.9. review the impact of the committee's policies on the city.

7.7. The matters referred to in paragraph 7.6 are as follows:

- 7.7.1. Capital Coalition pledges 8-14, 32, 34, 37-39;
- ~~7.7.2. Community care services;~~
- ~~7.7.3. Social care;~~
- ~~7.7.4-7.7.2. Offender services;~~
- ~~7.7.5-7.7.3. Welfare reform;~~
- ~~7.7.6-7.7.4. Housing;~~
- ~~7.7.7-7.7.5. Regeneration; and~~
- ~~7.7.8-7.7.6. Community Safety.~~

8. Transport and Environment Committee

8.1. **Constitution:** 17 members of the Council as follows:

- 8.1.1. 6 Labour (including the Leader of the Council as an ex-officio member)
- 8.1.2. 5 SNP (including the Deputy Leader of the Council as an ex-officio member)
- 8.1.3. 3 Conservative
- 8.1.4. 2 Green
- 8.1.5. 1 SLD

Convener and Vice Convener

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

Quorum

8.3. Six 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 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. set and monitor grant programmes, and award grants;
- 8.5.7. monitor arrangements to ensure best value and continuous improvement across all services;
- 8.5.8. facilitate and encourage public, engagement, consultation, participation and feedback; and
- 8.5.9. 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 and Environmental Wardens;
- 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. Governance, Risk and Best Value Committee

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

- 9.1.1. 5 Labour
- 9.1.2. 3 SNP
- 9.1.3. 2 Conservative
- 9.1.4. 1 Green
- 9.1.5. 1 SLD

9.1.6. 1 Independent

Convener

9.2. The Convener of the committee will be a member of the opposition.

Quorum

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

Substitution

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

Delegated functions

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

9.5.1. 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:

9.5.2. Scrutinising information on:

- (a) Council Budgets;
- (b) Management of Council assets;
- (c) The Council's Treasury Management strategy and policies;
- (d) Control, monitoring and review of income and expenditure, both revenue and capital;
- (e) Council subsidiaries;
- (f) Civic matters;
- (g) Council Companies (excluding those associated with the pension fund);
- (h) Children's Panel; and
- (i) Common Good Fund.

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

- 9.5.4. Receiving and considering summaries of internal and external audit reports which relate to any issue falling within the remit of this committee.
- 9.5.5. Monitoring internal controls, corporate risk management and key operational governance areas.
- 9.6. Scrutiny on a specific issue should follow a committee decision.
- 9.7. To instruct a report on any matter within the remit of an executive committee but where a decision is yet to be taken; the report as instructed will initially be considered by the executive committee.
- 9.8. 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
- 9.9. To scrutinise 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:
 - 9.9.1. considering information that relate to issues falling within the remit of Council services, including complaints handling, customer care and ombudsman reports;
 - 9.9.2. monitoring employment, organisational development and equalities issues as they relate to the operation of the council corporately and to its individual services; and
 - 9.9.3. scrutinising major projects and programmes, service reviews and transformational change.
- 9.10. 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.
- 9.11. 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
- 9.12. To initiate and undertake planned scrutiny reviews of any matter falling within the remit of this committee or specific scrutiny reviews requested by the Corporate Policy and Strategy Committee or an Executive Committee.
- 9.13. 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.
- 9.14. To report, as required, on any matter within the committee's remit to Council.

10. Petitions Committee

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

- 10.1.1. 3 Labour
- 10.1.2. 3 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. Four members of the Petitions Committee will constitute a quorum.

Substitution

10.4. Substitutes are permitted.

Delegated functions

10.5. Power is delegated to the Petitions Committee to:

- 10.5.1. 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.

10.6. The Council is unable to consider petitions that:

- 10.6.1. are sub-judice and the subject of current court proceedings;
- 10.6.2. are outwith the Council's powers and remits;
- 10.6.3. relate to a matter that is within the scope of the current key decisions in 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; and
- 10.6.4. relate to a decision of the Council or Committee within the previous six-month period.

Other Committees

11. Committee on Discretionary Rating Relief Appeals

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

- 11.1.1. 2 Labour
- 11.1.2. 2 SNP
- 11.1.3. 1 Conservative

Convener

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

Quorum

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

Substitution

11.4. Substitutes are permitted.

Delegated functions

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

- 11.5.1. To review decisions taken by the Executive Director of Corporate GovernanceResources to refuse discretionary rating relief;
- 11.5.2. To consider representations from organisations or individuals, justifying the granting of discretionary rating relief to them;
- 11.5.3. To decide whether or not to grant discretionary rating relief as a result of considering the organisation's or individual's representations; and
- 11.5.4. To decide what, if any, conditions should be fulfilled prior to discretionary rating relief being granted.

12. Leadership Advisory Panel

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

- 12.1.1. Leader of the Council
- 12.1.2. Deputy Leader of the Council
- 12.1.3. Conservative Group Leader
- 12.1.4. Green Group Leader
- 12.1.5. Scottish Liberal Democrat Group Leader
- 12.1.6. three statutory representatives, appointed by the Education, Children and Families Committee when considering education business

Convener

- 12.2. The Convener of the Committee will be the Leader of the Council.

Quorum

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

Substitution

- 12.4. Substitutes are permitted for members of the Council only

Delegated functions

- 12.5. Power is delegated to the Leadership Advisory Panel:

12.5.1. 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:

- (a) can not await the resumption of the normal meetings timetable; and
- (b) can not appropriately be decided by the Chief Executive or Executive Director in accordance with urgency provisions within these Committee Terms of Reference.

13. Planning Committee

- 13.1. **Constitution:** 15 members of the Council as follows:

- 13.1.1. 6 Labour
- 13.1.2. 5 SNP
- 13.1.3. 3 Conservative
- 13.1.4. 1 Green

Convener and Vice-Convener

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

Quorum

- 13.3. Five members of the Planning Committee will constitute a quorum.

Substitution

- 13.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Head of Planning and Transport.

Delegated functions

13.5. Power is delegated to the Planning Committee:

- 13.5.1. To exercise the functions of the Council as planning and statutory addressing authority and to determine planning policies;
- 13.5.2. To express and interpret these policies as specific tasks and projects and set service standards;
- 13.5.3. To review performance in the delivery of services, the achievement of service standards and the impact of the Committee's activities on the City;
- 13.5.4. 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;
- 13.5.5. To refer final Development Plans to the Full Council for approval;
- 13.5.6. 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;
- 13.5.7. To appoint representatives on outside bodies relevant to the committee's service responsibilities;
- 13.5.8. To take decisions in pursuit of the committee's policies, subject to compliance with corporate personnel and financial policies and regulations;
- 13.5.9. To determine any charges for services provided by the committee; and
- 13.5.10. To provide financial assistance, in pursuit of the committee's policies.

14. Pensions Committee

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

- 14.1.1. 2 Labour
- 14.1.2. 1 SNP
- 14.1.3. 1 Conservative
- 14.1.4. 1 Independent
- 14.1.5. 2 external members nominated by the Lothian Pension Funds Consultative Panel, 1 employer and 1 member representative.

Convener

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

Quorum

- 14.3. Three members of the Pensions Committee will constitute a quorum.

Substitution

- 14.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of ~~Corporate Governance~~Resources.

Delegated functions

- 14.5. Power is delegated to the Pensions Committee to:
- 14.5.1. exercise all functions of the pension funds, within the terms of the legislation;
 - 14.5.2. determine the overall policy objectives of the pension funds in accordance with the best interests of fund members and with relevant legislation;
 - 14.5.3. determine the strategy for the investment of pension funds monies including the variety and suitability of investments and to review and monitor investment arrangements;
 - 14.5.4. ensure appropriate investment management arrangements are in place for pension funds monies and to review investment manager performance;
 - 14.5.5. establish and maintain arrangements for the effective management and administration of the pension funds including staffing and budgetary arrangements.
 - 14.5.6. approve the allocation of resources to the Investment and Pensions Division from the Revenue Budget and Capital Investment Programme of the pension funds;
 - 14.5.7. approve responses to consultation papers issued by government and other authorities; and
- 14.6. monitor overall performance of the pension funds in the delivery of services and financial performance, 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:
- 14.6.1. determining policies for the management and regulation of the Investment and Pensions Division within the strategic policy and planning framework approved by the Council;
 - 14.6.2. approving strategies, programmes and projects and work with officers and partners to implement them;

- 14.6.3. setting standards for service delivery;
- 14.6.4. securing best value in the provision of services;
- 14.6.5. 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;
- 14.6.6. 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;
- 14.6.7. promoting the development of an appropriate risk management strategy and risk management procedures;
- 14.6.8. ensuring highest standards of probity and public accountability;
- 14.6.9. ensuring sound financial procedures are in place for authorising and monitoring expenditure;
- 14.6.10. agreeing internal audit plans and to ensure internal audit work is properly planned with due regard to risk, materiality and coverage;
- 14.6.11. overseeing and review action taken on internal audit recommendations;
- 14.6.12. reviewing all matters relating to external audit, including audit plan, action points and reports, and to monitor implementation of external audit recommendations; and
- 14.6.13. promoting, monitoring and developing continuous improvement.

15. Personnel Appeals Committee

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

- 15.1.1. 3 Labour
- 15.1.2. 3 SNP
- 15.1.3. 2 Conservative
- 15.1.4. 1 Green

Convener

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

Quorum

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

Substitution

15.4. Substitutes are permitted.

Delegated functions

- 15.5. Power is delegated to the Personnel Appeals Committee to:
- 15.5.1. hear and decide appeals on a decision taken, or a failure to take a decision, by an Executive Director, or his/her nominee, under the Procedures for Hearing Employee Grievances.
 - 15.5.2. hear and decide appeals to a decision to:
 - 15.5.2.1. dismiss or take other forms of punitive disciplinary action; and
 - 15.5.2.2. issue a warning, oral or written under the Procedure for Consideration of Appeals by Executive Directors against Disciplinary Action and the Procedure for Consideration of Appeals against Disciplinary Action.
 - 15.5.3. hear and decide disputes under the Avoidance of Industrial Disputes Procedure.
 - 15.5.4. 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.

16. Placing In Schools Appeals Committee

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

Chair

- 16.5. Each meeting appoints a Chair.

Quorum

- 16.6. Three members of the Placing in Schools Appeals Committee will constitute a quorum.

Substitution

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

Delegated functions:

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

16.8.1. To hear and decide appeals 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; and

16.8.2. To consider appeals against decisions by the Executive Director of Children-Communities and Families to refuse early admission to school.

17. Police and Fire Scrutiny Committee

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

- 17.1.1. 3 Labour
- 17.1.2. 3 SNP
- 17.1.3. 2 Conservative
- 17.1.4. 1 Green
- 17.1.5. 1 SLD

Convener and Vice-Convener

17.2. The Convener and Vice-Convener will be a member of the City of Edinburgh Council.

Quorum

17.3. Four members of the Police and Fire Scrutiny Committee will constitute a quorum.

Substitution

17.4. Substitutes are permitted.

Delegated functions:

17.5. For the City of Edinburgh Council, this continuing involvement to advise, agree, scrutinise and review the Edinburgh Police and Fire and Rescue plans and services to:

- 17.5.1. Consider and recommend improvements in local policing and fire and rescue services.
- 17.5.2. To recommend priorities and objectives for the policing of the area to the local commander;
- 17.5.3. To agree the Police and Fire and Rescue local plans;
- 17.5.4. To scrutinise and review the outcomes, priorities and objectives set out in the local plan(s);
- 17.5.5. To 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.'

- 17.5.6. To consider and monitor progress and performance on the implementation of the Edinburgh Police and Fire and Rescue Plans and services;
- 17.5.7. To receive statistical reports on complaints about policing and fire and rescue in Edinburgh;
- 17.5.8. To provide comments in response to consultations on policing and fire and rescue services;
- 17.5.9. To promote engagement with all interested parties including community planning partners and neighbourhood partnerships;
- 17.5.10. To make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns; and
- 17.5.11. To invite external witnesses to aid in the scrutiny of police and fire and rescue services.

18. Committee on Pupil Student Support

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. 1 religious representative from the Education, Children and Families Committee

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. Convener of the Finance and Resources Committee
- 19.1.4. Appropriate Convener or Vice-Convenor for the role
- 19.1.5. A representative from each of the opposition groups

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 from members of the Council who have undertaken and completed appropriate training specified by the ~~Director of Corporate Governance~~ Chief Executive and in line with the relevant Council policy.

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 Chief Executive, Executive 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 and Vice-Convenor

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

Quorum

- 20.3. Three members will constitute a quorum.

Substitution

- 20.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the ~~Director of Corporate Governance~~ Chief Executive.

Delegated functions

- 20.5. Power is delegated to the Regulatory Committee to:

- 20.5.1. 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.
- 20.5.2. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.
- 20.5.3. 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.
- 20.5.4. 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.
- 20.5.5. liaise with external bodies relevant to the Committee's service area, considering and approving responses to consultation proposals.
- 20.5.6. appoint representatives to outside bodies within the Committee's remit.
- 20.5.7. approve charges as required by statute and determine licence fees.
- 20.5.8. determine applications for road construction consent which are not delegated to the [Executive Director of ~~Services for Communities~~Place.](#)
- 20.5.9. determine applications for permission to place tables and chairs on footways which are recommended for refusal by the [Executive Director of ~~Services for Communities~~Place.](#)
- 20.5.10. exercise the Council's responsibilities in respect of safety at sports grounds.
- 20.5.11. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

21. Social Work Complaints Review Committee

Constitution:

- 21.1. All trained members, other than members of the Education, Children and Families and the Health Social Care and Housing Committees; independent members appointed by Council.

Convener

- 21.2. Each meeting appoints a Convener, who should be an independent member.

Quorum

- 21.3. Any three members from the membership appointed by the Council, at least two of whom should be independent members.

Substitution

- 21.4. Substitutes are permitted.

Delegated functions

- 21.5. 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, Social Care and Housing Committee as appropriate.

22. The City Of Edinburgh Planning Local Review Body

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

- 22.1.1. Any five members who are also members of the Planning Committee.

Convener

- 22.2. Each meeting appoints a Convener.

Quorum

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

Substitution

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

Delegated functions:

- 22.5. 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 to:

- 23.5.1. Use monies from the Jean F Watson Bequest to 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.
- 23.5.2. Use monies from the Catherine E Cowper Trust to purchase and commission items for the Museum of Childhood; all decisions to be guided by the Collection and Disposal Policy for the City Museums and Galleries.

24. Neighbourhood Partnerships

24.1. **Constitution:** Membership of each Neighbourhood Partnership should include:

- 24.1.1. Councillors from the ward or wards which make up the Neighbourhood Partnership area;
- 24.1.2. a representative from the Police Service of Scotland;
- 24.1.3. a representative from the Scottish Fire and Rescue Service;
- 24.1.4. a representative from NHS Lothian;
- 24.1.5. representatives from Community Councils (from the Neighbourhood Partnership area), or representatives from another properly constituted community organisation in the area should there be no Community Council;
- 24.1.6. a voluntary agency representative (from the Neighbourhood Partnership area);
- 24.1.7. representatives from other bodies able to make a specific contribution may be invited to participate by the Partnership; and
- 24.1.8. 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.

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

Convener and Vice-Conveners

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

Quorum

24.4. 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

24.5. Substitutes are permitted.

Delegated functions

24.6. Power is delegated to the Neighbourhood Partnerships:

- 24.6.1. to make recommendations to the relevant neighbourhood manager on the services planned and/or delivered within that Neighbourhood Partnership area;
- 24.6.2. 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;

- 24.6.3. To report, as required, on any matter within the Neighbourhood Partnership's remit to the Communities and Neighbourhoods Committee;
- 24.6.4. To create sub-groups as necessary to advise the Neighbourhood Partnership;
- 24.6.5. To refer back to Council, the appropriate Executive Committee, executive director, directorate, partner authority or organisation guidance or feedback on the exercise of functions delegated to them; and
- 24.6.6. 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.

Sub-Committees

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

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

- 25.1.1. 6 Labour
- 25.1.2. 5 SNP
- 25.1.3. 3 Conservative
- 25.1.4. 1 Green

Convener and Vice-Convener

25.2. The Convener and Vice-Convener will be a member of the City of Edinburgh Council.

Quorum

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

Substitution

25.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Head of Planning [and Transport](#).

Delegated Functions

- 25.5. 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 developments 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).
- 25.6. To determine applications for High Hedge Notices and withdraw or vary such notices as prescribed under the High Hedges (Scotland) Act 2013.
- 25.7. To determine cases for street naming and the numbering of properties.

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

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

- 26.1.1. 3 Labour
- 26.1.2. 3 SNP
- 26.1.3. 2 Conservative
- 26.1.4. 1 Green

Convener and Vice-Convener

- 26.2. The Convener of the Licensing Sub-Committee is the Convener of the Regulatory Committee and the Vice-Convener of the Licensing Sub-Committee is the Vice-Convener of the Regulatory Committee.

Quorum

- 26.3. Three members constitute a quorum.

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~~ Chief Executive.

Delegated functions:

- 26.5. Power is delegated to the Licensing Sub-Committee to:
- 26.5.1. 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;
 - 26.5.2. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee;
 - 26.5.3. 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;
 - 26.5.4. determine applications for road construction consent not delegated to the Executive Director of ~~Services for Communities~~ Place;
 - 26.5.5. determine applications for permission to place tables and chairs on footways recommended for refusal by the Executive Director of ~~Services for Communities~~ Place;
 - 26.5.6. exercise the Council's responsibilities in respect of safety at sports grounds; and
 - 26.5.7. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

27. Pensions Audit Sub-Committee (Parent: Pensions Committee)

Constitution

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

Quorum

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

Convener

- 27.3. 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

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

Delegated functions

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

27.5.1. 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;

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

27.5.3. To ensure the highest standards of probity and public accountability;

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

27.5.5. To consider and scrutinise an annual report on any companies owned by the Council that are connected to the activities of the Pension Fund;

~~27.5.4.~~

~~27.5.5-27.5.6.~~ To review the annual financial statements of the pension funds [and the International Standard on Auditing 260 (ISA 260) communication of audit matters;

~~27.5.6-27.5.7.~~ To agree internal audit plans and to ensure that internal audit work is planned with due regard to risk, materiality and coverage;

~~27.5.7-27.5.8.~~ To oversee in light of the audit plan the performance of the audit service;

~~27.5.8-27.5.9.~~ To oversee and review action taken on internal audit recommendations; and

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~~27.5.9-27.5.10.~~ To review all matters relating to external audit, including audit planning, action points and reports, and to monitor the implementation of external audit recommendations.

28. Property Sub-Committee (Parent: Finance and Resources Committee)

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

- 28.1.1. 3 Labour
- 28.1.2. 3 SNP
- 28.1.3. 2 Conservative
- 28.1.4. 1 Green
- 28.1.5. 1 SLD

Convener

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

Quorum

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

Substitution

28.4. Substitutes are permitted.

Delegated functions:

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

28.5.1. 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 of the Edinburgh Shared Repairs Service; and~~

~~28.5.2.~~ to take decisions in relation to the Council's ~~Property Service~~ Shared Repair Service that fall within the remit of the Finance and Resources Committee ~~on the following; in relation to financial and legal risks; and~~

~~28.5.3.~~ ~~consider any outstanding issues that require detailed scrutiny in relation to the closure of the Property Conservation Programme Momentum project.~~

~~28.5.2.~~

~~(a) progress in resolving financial risks;~~

~~(b) progress in dealing with complaints from owners and the associated legal and insurance risks;~~

~~(c) action relating to contractors, and~~

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~~(d) new service re-design issues.~~

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

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

- 29.1.1. 1 Labour
- 29.1.2. 1 SNP
- 29.1.3. 1 Conservative
- 29.1.4. 1 Green
- 29.1.5. 1 SLD

Convener

29.2. The parent committee appoints the Convener.

Quorum

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

Substitution

29.4. Substitutes are permitted.

Delegated functions

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

- 29.5.1. 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;
- 29.5.2. monitor the implementation of new initiatives relating to quality;
- 29.5.3. maintain an overview of the implementation of national and local policies.
- 29.5.4. 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, Housing and Social Care Committee;
- 29.5.5. celebrate the success of services, including identification of examples of good practice; and
- 29.5.6. 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.

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

30.1. **Constitution:** 9 Members in total comprising of 1 religious representative and 8 Members of the Council as follows:

30.1.1. 3 Labour

30.1.2. 2 SNP

30.1.3. 2 Conservative

30.1.4. 1 Green

Convener

30.2. The parent committee will appoint the convener.

Quorum

30.3. Three members will constitute a quorum.

Substitution

30.4. Substitutes are permitted.

Delegated functions

30.5. Power is delegated to the Sub-Committee on Standards for Children and Families to:

30.5.1. Provide oversight of the quality of education and care experiences for young people in the City of Edinburgh by scrutinising the reports and follow up actions of Education Scotland inspections in schools;

30.5.2. Consider an annual report on Care Inspectorate inspections in early years provision;

30.5.3. Consider individual reports on Care Inspectorate inspections in residential schools, care services for children and local authority reviews of service areas, establishments and units;

30.5.4. Monitor the implementation of initiatives relating to quality improvement and assurance, and attainment and achievement;

30.5.5. Maintain an overview of the implementation of national and local policies specifically related to quality standards by officers, establishments and services;

30.5.6. Contribute to the support and challenge agenda within the context of establishment plans; and

30.5.7. Celebrate the success of establishments, units, teams and the service including recognising items of good practice.

**FINANCIAL REGULATIONS OF THE CITY OF
EDINBURGH COUNCIL**

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 Executive Director of Resources](#) 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~~ [Executive Director of Resources](#) 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~~ [Funds' Chief Financial Officer](#) in accordance with the arrangements set out in the addendum to this document.
- 1.6 Following the establishment under the Public Bodies (Joint Working) Act 2015 of an Edinburgh-area Integrated Health and Social Care Joint Board (IJB), a separate set of financial regulations, drawing on similar principles of sound governance, has been produced. Along with the related financial directives, these regulations form the basis upon which the Chief Finance Officer of the IJB will discharge equivalent proper officer responsibilities for the Board.
- 1.~~7~~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.~~8~~7 The ~~Head of Finance~~ [Executive Director of Resources](#) will establish a programme of review for all relevant documents. [Executive](#) 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.

| 1.98

| 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 E~~the Head~~xecutive~~
| Director of Resources 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.
- 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 [Head of Finance Executive](#) [Director of Resources](#) has been designated the Council's Section 95 Officer responsible for the administration of the Council's financial affairs.

| 3.2 Role of the ~~Executive Director of Resources~~~~Head of Finance~~

| 3.2.1 The ~~Head of Finance~~Executive Director of Resources is responsible for advising the Council on all financial matters and for monitoring and reporting on its financial performance and position.

| 3.3

3.3-Executive Directors

- 3.3.1 Executive 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 meeting associated financial targets. ~~I, in doing so, they should also have e-doing having~~ due regard to sustainability and equalities considerations.
- 3.3.2 Executive 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 As part of ensuring the overall sustainability of the Council's financial planning and management arrangements, Executive Directors also have a responsibility to review their respective budgets on an on-going basis. This includes the active monitoring and management of service pressures, delivery of approved savings and application of approved service investment, particularly in cases where this investment is targeted towards delivery of longer-term savings. The ~~Head of Finance-Executive Director of Resources~~ may request that Executive Directors report to Council during the year on measures being taken to ensure expenditure is contained within approved levels.
- 3.3.4 Executive Directors are further charged with the implementation of the risk management strategy in their service areas and for ensuring its effectiveness and review.
- 3.3.5 Paragraphs 3.2 and 3.34 of the Scheme of Delegation provide that:
- (a) In the event that the Executive Director is unavailable, his/her Deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Executive Director;
 - (b) Executive Directors may sub-delegate their delegated powers to their Deputy(ies) or head(s) of service or such other officer(s) in their directorate as they may consider appropriate.
- 3.3.6 With the exception of urgent decisions, which must be taken in accordance with the Scheme of Delegation, 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.
- 3.3.7 Executive Directors will formally report major financial issues to the ~~Head of Finance-Executive Director of Resources~~ and Chief Executive, who will instruct appropriate action.

3.4 Internal Audit and Risk Management

3.4.1 The Head of Legal ~~and~~, Risk ~~and Compliance~~, through the Chief ~~Risk Officer Internal Auditor~~ (who is head of the Internal Audit function), shall arrange for a continuous internal audit function, to carry out an examination of accounting, financial and other operations of the Council, through undertaking a risk-based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS). ~~This individual~~ (~~The Chief -Risk Officer~~) will also oversee the development and implementation of an appropriate risk management strategy.

3.4.2 It is the Chief ~~Internal Auditor's~~ ~~Risk Officer's~~ responsibility to put in place appropriate arrangements to provide the Chief Executive, ~~Executive Director of Resources~~ ~~Head of Finance~~, Corporate ~~Leadership~~ ~~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; and
- (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 Resources 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 ~~Head of Finance~~ Executive Director of Resources will, in conjunction with the relevant Executive Director, provide to all Executive Committees (including the Finance and Resources 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 ~~Head of Finance~~ Executive Director of Resources, 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 ~~Head of Finance~~ Executive Director of Resources to submit the Abstract of Accounts to the Council (or an appropriate Executive Committee) and the Council's external auditor by the prescribed dates. The ~~Head of Finance~~ Executive Director of Resources is responsible for ensuring that the accounts are produced in compliance with existing legal and accounting requirements.

4.2.3 Executive Directors are required to provide all relevant information to the ~~Head of Finance~~ Executive Director of Resources in accordance with the instructions issued annually.

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

(a) All expenditure is a valid charge;

~~(b)~~ Income owed is collected;

(b)

(c) Assets are protected;

(d) Liabilities are accounted for; and

(e) Financial reports are prepared.

4.3 Risk Management and Internal Control

4.3.1 In accordance with the ~~Head of Finance's~~ Executive Director of Resources' responsibility for financial control and the Local Code of

Corporate Governance's requirements for the effective management of risk, the ~~Head of Finance~~ Executive Director of Resources 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 ~~Head of Finance~~Executive Director of Resources:

- (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 ~~Head of Finance~~Executive Director of Resources following consultation with Executive 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 ~~Head of Finance~~Executive Director of Resources for approval prior to entering into any contracts under delegated authority; and
- (e) Financial records, including contract documents for work done, services and supplies, may only be disposed of in accordance with arrangements approved by the Executive Director of Resources~~Head of Finance~~.

4.4.2 **Revenue Budgets**

4.4.2.1 Executive Directors are required to prepare revenue estimates in accordance with guidance issued by the ~~Head of Finance~~Executive Director of Resources. Such estimates will be supported by equality and rights impact assessment, where relevant. The ~~Head of Finance~~Executive Director of Resources will assist Executive 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 [Executive Directors](#) to prepare equality and rights impact assessments. Where applicable, consideration should also be given to the carbon impacts of budget proposals, on which the Council's Carbon, Climate and Sustainability unit can provide additional advice. When the revenue estimates have been approved by Council, they become the "Revenue Budget".

4.4.2.2 The [Head of Finance Executive Director of Resources](#) will prepare a financial context report for the Finance and Resources Committee for the next and future years. The Finance and Resources 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.

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 [Head of Finance Executive Director of Resources](#) 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 [Executive](#) Directors are required to prepare capital estimates in accordance with guidance issued by the [Head of Finance Executive Director of Resources](#). When the capital estimates have been approved by Council, they become the "Capital Investment Programme".

4.4.3.2 The [Head of Finance Executive Director of Resources](#) 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 Resources 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. Guidance on completion of the financial implications section of

Committee reports is also provided within Section 7 of [the Council's report writing and committee template information pack](#).

4.4.4.2 Where applicable, following approval at the Finance and Resources Committee in January 2014, commentary should also now be included to cover (i) the associated revenue budget (i.e. loans charge) impact of capital expenditure proposals and/or changes and (ii) a summary of costs incurred by the Council in the procurement of the goods and/or services forming the subject of that report. Further advice on requirements in each of these areas is available from the Corporate Finance [Senior](#) Manager.

4.4.4.3 In the event that reports do not meet the above requirement, or insufficient time is allowed for them to be properly considered, the ~~Head of Finance~~ [Executive Director of Resources](#) may request that the [Executive](#) Director or other officer submitting the report withdraws it from the Council or committee agenda.

4.4.4.4 The ~~Executive Director of Resources~~Head of Finance, in conjunction with Executive Directors, is required to submit detailed quarterly monitoring reports to the Finance and Resources 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, provide an overview of progress in delivering approved savings and managing service pressures and report key service issues including – where relevant – the equality and rights impact of any changes. The ~~Head of Finance~~Executive Director of Resources will specify the format of such monitoring reports.

4.4.4.5 The ~~Head of Finance~~Executive Director of Resources may give such direction to Executive 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.

4.4.4.6 The ~~Head of Finance~~Executive Director of Resources 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 Executive Director may allow spending, whether revenue or capital, to exceed budget.

4.4.5.2 No Executive 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 Resources 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 Resources 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 ~~Head of Finance~~ Executive Director of Resources 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 an Executive 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 Executive Director must seek a supplementary estimate.

4.4.5.7 S/he must report to the Finance and Resources 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 Resources Committee agrees, it will submit a recommendation to Council.

4.4.5.8 The ~~Head of Finance~~ Executive Director of Resources must agree before a proposal for transfer or supplementary estimate is reported to the Finance and Resources ~~—Budget~~ Committee.

4.4.5.9 Executive 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 Head of FinanceExecutive Director of Resources, in consultation with the Convener of the Finance and Resources Committee. The Executive Director requesting the expenditure shall arrange for the matter to be reported to the Finance and Resources Committee.

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

4.4.6 **Final Accounts**

4.4.6.1 Executive Directors are required to provide all relevant information to the Head of FinanceExecutive Director of Resources in accordance with the instructions issued annually by him/her.

4.4.6.2 The Head of FinanceExecutive Director of Resources will report the Council's final expenditure outturn with recommendations for appropriations to the Governance, Risk and Best Value Committee and the Finance and Resources CommitteeCouncil.

4.4.7 **Internal Audit**

4.4.7.1 The Chief Internal AuditorRisk Officer 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 Chief Internal AuditorRisk Officer 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 or suspect any fraud or irregularity that affects the Council, they must immediately inform the Chief ~~Internal Auditor~~~~Risk Officer~~ 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](#)), [Anti-Fraud and Anti-Money Laundering policies](#). ~~policy~~.

4.4.8 Risk Management

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

4.4.8.2 Executive 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 In cases of material proposed change to systems of internal control, advice should be sought from ~~the Chief~~ Internal Auditor ~~Risk Officer~~. It is the responsibility of relevant service managers, however, to implement resulting changes and monitor their effectiveness.

4.4.10 Income

4.4.10.1 The collection of all money owed to the Council is the responsibility of the ~~Head of Finance~~ Executive Director of Resources except:

(a) The collection of monies at service locations (i.e. where payment or counter services are offered) and the accounting thereof to the ~~Head of Finance~~ Executive Director of Resources is the responsibility of the appropriate Executive Director;

(b) The Executive Director of ~~Services for Communities Place~~ is responsible for the collection of rents for Council housing and the collection of parking fines and accounting for them to the ~~Head of Finance~~ Executive Director of Resources.

4.4.10.2 The ~~Head of Finance~~ Executive Director of Resources 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 Executive 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~~ Executive Director of Resources with the information required to identify income due. The ~~Head of Finance~~ Executive Director of Resources 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 [Head of Finance](#)[Executive Director of Resources](#), in consultation with the relevant [Executive](#) 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.
- 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.

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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 [Head of Finance](#)[Executive Director of Resources](#).
- 4.4.11.2 Where invoices have not been issued for sums owed to the Council, alternative arrangements for collection are subject to the [Executive Director](#)~~Head of~~ [Resources](#)'~~Finance's~~ written approval.
- 4.4.11.3 The [Head of Finance](#)~~Executive Director of Resources~~ 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 Executive Director of Resources, Head of Customer, Customer Services Senior Manager and Head of Finance are authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.](#)

~~4.4.12 The Head of Finance is authorised to sign certificates and petitions to the Sheriff Court for summary warrant applications.~~

~~4.4.13~~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 [Head of Finance](#)~~Executive Director of Resources~~ 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 ~~Head of Finance~~[Executive Director of Resources](#), 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 ~~Executive~~ Directors must provide the ~~Head of Finance~~[Executive Director of Resources](#) with the information required to complete Council and statutory returns.

4.4.13 **Allowances and Loan Schemes**

4.4.13.1 The ~~Head of Finance~~[Executive Director of Resources](#) is responsible for paying allowances, reimbursing expenses and administering loan schemes.

4.4.13.2 ~~Executive~~ 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 ~~Executive Director of Resources~~[Head of Finance](#);
- (d) ———Information required to complete Council and statutory returns is provided to the ~~Executive Director of Resources~~[Head of Finance](#).

4.4.13.3 The ~~Head of Finance~~[Executive Director of Resources](#) 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 ~~Head of Finance~~[Executive Director of Resources](#) will:

- (a) Prepare and maintain an insurance strategy to provide cost-effective cover;
- (b) Negotiate claims with insurers, in consultation with relevant officers; and

(c) Report annually to the Governance, Risk and Best Value Committee on the strategy's operation and effectiveness.

4.4.14.2 Executive Directors must notify the ~~Head of Finance~~ Executive Director of Resources 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 Executive Directors must notify the ~~Head of Finance~~ Executive Director of Resources of all major capital and revenue projects at an early stage if insurance cover or specialised insurance advice is required.

4.4.14.4 Executive Directors must notify the ~~Head of Finance~~ Executive Director of Resources 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 In order to comply with the Insurance Act 2015, Executive Directors must advise every material circumstance that the Council 'knows' or 'ought to know' or provide sufficient information to put a prudent insurer on notice that it needs to make further enquiries for the purpose of revealing those material circumstances.

4.4.14.65 Executive Directors should not:

- (a) Make any admission of liability;
- (b) Take any action which may be construed as an admission of liability; or
- (c) Waive any rights of recovery.

4.4.14.76 Executive Directors must consult the ~~Head of Finance~~ Executive Director of Resources and Head of Legal ~~and~~; Risk ~~and~~ Compliance regarding the terms of any indemnity which the Council is requested to provide.

4.4.14.87 Executive 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 ~~Head of Finance~~ Executive Director of Resources 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 [Executive](#) 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 [Executive](#) 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 tangible](#) asset have become unfit for use and unsaleable; and
 - (b) The decision is made in consultation with the [Executive](#) Director of ~~Corporate Governance~~[Resources](#).
- 4.4.16.3 Council property may not be removed, other than for Council purposes, unless specific instructions have been issued by an [Executive](#) Director.
- 4.4.16.4 [Executive](#) 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 ~~Head of Finance~~[Executive Director of Resources](#).
- 4.4.16.5 Each [Executive](#) Director must agree maximum limits for cash holdings with ~~—~~the ~~Head of Finance~~[Executive Director of Resources](#) for insurance purposes. These may not be exceeded without the permission of the ~~Executive Director of Resources~~[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 [Executive](#) Director of ~~—Corporate Governance~~[Resources](#).
- 4.4.16.7 All heritable securities that comprise the Common Good Fund must be stored securely by the [Executive](#) Director of ~~Corporate~~[Governance Resources](#).
- #### 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 ~~Head of Finance~~[Executive Director of Resources](#). Items of considerable value when not otherwise taken on charge for Council or service-specific purposes should be lodged with the ~~Head~~

~~of Finance~~ Executive Director of Resources 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 ~~Chief Executive Director of Corporate Governance~~ has delegated authority to approve ~~City Receptions and Committee Receptions expenditure on civic hospitality costing up to up to £10,0500 and funded from the Civic Hospitality budget~~ subject to consultation with the ~~Lord Provost or relevant Convener if provided on behalf of a particular Committee Convener of the Finance and Resources Committee. Where total event expenditure exceeds £10,000 or is over and above the budgeted level, approval from the Finance and Resources Committee is required. 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.~~ Spending on civic hospitality will be reported through the normal budget monitoring process.

4.4.18 **Banking Arrangements**

4.4.18.1 The ~~Head of Finance~~ Executive Director of Resources will make arrangements for opening and operating bank accounts and using banking services. The ~~Head of Finance~~ Executive Director of Resources is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Principal Treasury and Banking Manager. 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~~ Executive Director of Resources, 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~~ Executive Director of Resources (or other nominated officer) or be signed by the ~~Head of Finance~~ Executive Director of Resources or other officer who holds an authorised post designated by him/her.

4.4.18.4 The ~~Head of Finance~~ Executive Director of Resources 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 Executive Director of Resources](#) 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 Executive Director of Resources](#) 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 [initial consideration by the Finance and Resources Committee](#), 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 Executive Director of Resources](#) 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 Executive Director of Resources](#).
- 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 Executive Director of Resources](#).

4.4.20 Investments

- 4.4.20.1 The ~~Head of Finance~~ Executive Director of Resources 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 ~~Head of Finance~~ Executive Director of Resources 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 ~~Executive Director of Resources~~ 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 Executive Directors are responsible for ensuring that grant awards are consistent with the Council's priorities and are subject to its ~~standard conditions of funding~~ standard conditions of funding as determined by the ~~Director of Corporate Governance~~ Head of Strategy and Insight.
- 4.4.22.2 Arrangements for processing grant payments must comply with procedures established by the ~~Head of Finance~~ Executive Director of Resources as set out in the Finance Rules. Other than in a limited number of specific cases where authority is delegated to ~~Executive service D~~ directors, all payments are subject to annual consideration and approval by the ~~relevant Executive 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 ~~Head of Finance~~ Executive Director of Resources as summarised in the Finance Rules.
- 4.4.23.2 Executive 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 Executive 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 ~~Head of Finance~~Executive Director of Resources, 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~~[Chief Information Officer](#) 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 [Executive](#) Directors are responsible for applying the security policy and guidance.

4.4.25.3 The Council is registered under the Data Protection Act. [Executive](#) Directors are responsible for ensuring that the provisions regulating computer systems' security are strictly observed. [Executive](#) Directors must liaise with the ~~Head of Customer Services~~[Chief Information Officer](#) 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.

ADDENDUM: FINANCIAL REGULATIONS – LOTHIAN PENSION FUNDS

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~~ Chief Financial Officer, Lothian Pension Fund. 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~~ the Executive Director of Resources, as detailed in _____ these Finance _____ Regulations, will therefore apply to the ~~Chief Financial Officer, Lothian Pension Fund~~ 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.

City of Edinburgh Council

Member-Officer Protocol

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1 INTRODUCTION AND PRINCIPLES

- 1.1 This protocol sets out the roles and responsibilities of Elected Members ('Members') and Council officers ('Officers') to ensure clarity when carrying out their respective duties.
- 1.2 The protocol seeks to reinforce the principles outlined in the Councillors' Code of Conduct (the 'Code') which apply to Members and Officers. This protocol complements but does not replace any duties laid out in the Code.
- 1.3 The Code states that Members and Officers "should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position."
- 1.4 The Code highlights that both Members and Officers serve the public but have separate responsibilities. Members are responsible to the electorate and the employee responsible to the Council as his or her employer.

1.5 Council refers to the City of Edinburgh Council as constituted under the Local Government, etc (Scotland) Act 1994.

2 ROLE OF MEMBERS

- 2.1 The role of Members includes:
 - 2.1.1 providing strategic leadership;
 - 2.1.2 determining policy aims and objectives but not engaging in direct operational management of Council services;
 - 2.1.3 taking decisions not delegated to Officers;
 - 2.1.4 reviewing and scrutinising the Council's performance;
 - 2.1.5 assisting constituents, as required, in their dealings with the Council;
 - 2.1.6 representing and advocating the interests of their wards in Council decision making; and
 - 2.1.7 representing the Council in partnership arrangements, civic society and on outside organisations.

Conveners

- 2.2 Members who are conveners/vice conveners of committees will have increased contact with senior Officers. It is important that this is a close working relationship, but it should not be so close that Members or Officers are unable to deal with one another impartially.
- 2.3 The convener of a committee will be consulted on the agenda and often on the reports of the committee they chair. The Officer whose name the report has been submitted under is fully responsible for the contents of that report. Officers should listen to the views of conveners, but ultimately Officers retain final responsibility for a report's contents.

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- 2.4 Officers have the right to submit reports to committees/sub-committees on areas within their service.
- 2.5 When Members of a Committee meet with senior Officers for an agenda planning meeting ('APM') or pre-meeting the following points should be noted:
 - 2.5.1 the meeting may consider reports in their draft form;
 - 2.5.2 the meeting is not empowered to make decisions on behalf of the Council; and
 - 2.5.3 the provision of information and advice at such a meeting does not act as a substitute for the provision of all necessary information and advice to the Committee, for example within a report, when the matter in question is considered formally by Members.

3 ROLE OF OFFICERS

- 3.1 The Chief Executive is the statutory Head of Paid Service and is responsible for managing and securing the professional body of Officers.
- 3.2 The Monitoring Officer, which is also a statutory role, is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- 3.3 Officers are employed by the Council and are accountable to it. Officers serve the Council as a corporate body rather than any political group, combination of groups or individual member.
- 3.4 Officers have a duty to follow Council policies and to implement the decisions of the Council and its committees. Officers may advise Members on matters of policy and may voice concerns in giving that advice. However, it is for Members to determine the Council's policies and Officers to act on those policies.
- 3.5 It is the duty of the Chief Executive and other senior Officers to ensure that the policies of the Council are implemented.
- 3.6 The role of all Officers in discharging their duties is to:
 - 3.6.1 act in an open, honest and transparent manner;
 - 3.6.2 implement and/or act in accordance with the policies of the Council;
 - 3.6.3 implement the decisions of Council, committees and sub-committees;
 - 3.6.4 inform Members of any decision that they cannot fully implement;
 - 3.6.5 behave in a professional manner in accordance with the Council's values;
 - 3.6.6 serve all Members, not just those of the Administration group(s);
 - 3.6.7 deal with Member enquiries efficiently and effectively;

- 3.6.8 strive continually to comply with the Council's policies, performance management and scrutiny processes;
- 3.6.9 comply with all relevant legal, regulatory and professional requirements, taking reasonable steps to ensure they are not placed in a position where they are unable to comply; and challenge non-compliance by others raising with the appropriate management;
- 3.6.10 fulfil any obligations to report information to relevant regulatory authorities;
- 3.6.11 ensure good governance is followed and risk taken fully account of, and
- 3.6.12 support Members in their role ensuring all the required information is disclosed to Council, committee and Members to allow them to carry out their duties and make informed decisions.

3.7 Some Officers have specific statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Social Work Officer, ~~and the Monitoring Officer~~ ~~and the section 95 officer (Acting Executive Director of Resources Director of Corporate Governance)~~. Others, such as the Registrars of Births, Deaths and Marriages and the Council's ~~Licensing and Standards Officers~~ or Health and Safety at Work Inspectors, work with reference to specific statutory regimes.

3.8 Legislation requires that certain functions be exercised by a 'proper officer'. The scheme of delegation sets out Officers who are designated as proper officers in relation to particular functions.

3.98 The Council has delegated powers to the Chief Executive, ~~executive~~ directors and other Officers in order that they can act and take decisions on behalf of the Council in predetermined areas. In taking those decisions, Officers must comply with the Council's Scheme of Delegation to Officers.

4 RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

- 4.1 It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.
- 4.2 The relationship between Members and Officers will be enhanced by friendly relations. However, mutual respect and the belief that Officers are providing objective professional advice to Members must not be compromised. Members and Officers should be cautious in developing close friendships.
- 4.3 To avoid reputational damage to the Council, disagreements between Members and Officers should be acknowledged and resolved in private, rather than in public or through the media.
- 4.4 The Code prohibits Members raising matters related to the conduct or capability of employees in public. They must be aware of the lines of accountability within service areas and must not apply pressure to an Officer to act in a manner contrary to the

instructions of his or her line manager.

- 4.5 Officers must not allow their personal or political opinions to influence or interfere with their work. Officers should not take part, and Members should not ask Officers to take part, in any activity which could be seen as influencing support for a political party. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business.
- 4.6 Officers must not be involved in advising Members on matters of party political business.
- 4.7 Officers must respect the confidentiality of any party group discussions at which they are present. They should not relay the content of any such discussion to another party group or the media. If Officers receive information which, although confidential, they have a duty to disclose elsewhere (e.g. under FOISA legislation), Officers must indicate that this is the case.

~~4.8 Some Officers are in posts which are “politically restricted” by law. This means that individual postholders are prevented from carrying out any active political role either outside or inside the Council.~~

~~4.9 Members should raise with the Chief Executive any concerns about the political neutrality of an Officer.~~

~~4.810 Both Members and Officers should adhere to the rules and regulations set by Council to manage committee business, for example, Procedural Standing Orders and Committee Terms of Reference and Delegated Functions.~~

~~4.911 Both Members and Officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal or political advantage or to the disadvantage or the discredit of the Council or anyone else. The Chief Executive will instigate any appropriate investigations into actual or alleged breaches of confidence in relation to the release of confidential information.~~

~~4.1012 Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members. Such persons will not be bound by the Councillors’ Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the Code.~~

~~4.11 Some Officers are in posts which are “politically restricted” by law. This means that individual postholders are prevented from carrying out any active political role either outside or inside the Council.~~

~~4.12 Members should raise with the Chief Executive any concerns about the political neutrality of an Officer.~~

4.13 Officers should ensure that they provide the necessary respect and courtesy due to

Members in their various roles. Equally, Members should ensure that they provide the necessary respect and courtesy due to Officers in their roles.

4.14 Members should not put pressure on an Officer with regard to matters which have been delegated for Officer decision under the Scheme of Delegation to Officers. Officers should be left to make decisions that:

4.14.1 are objective and can be accounted for; and

4.14.2 are fair and consistent in their application.

4.15 Members should not bring influence to bear on any Officer to take any action which is contrary to law or against the Council's approved procedures, including but not limited to the following procedures:

4.15.1 a breach of Human Resources procedures;

4.15.2 conflict with standing orders; or

4.15.3 conflicts with planning procedures and policies.

4.16 Members should respect the formal operating structures that exist in every area of the Council. ~~Executive~~ directors and ~~Heads~~ heads of ~~Service~~ service must be the recognised first contact in their respective service areas.

4.17 Officers within a Service are accountable to their ~~Director~~ executive director and ~~Head~~ head of ~~Service~~ service. Heads of ~~Service~~ service and other Officers should not be expected to provide advice which may provoke conflict with their ~~executive~~ director.

4.18 Members must declare any close personal relationships with constituents when dealing with Officers. Although Members are elected to represent the interests of their constituents, they should not seek special treatment for any individual.

5 ACCESS TO INFORMATION AND DOCUMENTS

5.1 Members have a right to access information to allow them to discharge their duties. The key principle is **in favour of disclosure** and in accordance with the following legal provisions.

5.2 The Local Government (Scotland) Act 1973

5.3 Elected members have statutory rights of inspection of various documents related to business to be transacted by the Council, unless the documents disclose certain types of "Exempt Information".

5.4 In terms of section 50F (1) of the Local Government (Scotland) Act 1973 (the "1973 Act") as inserted by the Local Government (Access to Information) Act 1985 (the "1985 Act"), any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted by the authority is to be open to inspection by any member of the authority. In addition, any document which is used in

proceedings at a meeting of the authority or of a committee or sub-committee of the authority whether it is statutory or non-statutory should also be open to inspection by any member of the authority.

- 5.5 These statutory rights of inspection are qualified by section 50F(2) which states that if it appears to the ~~p~~Proper ~~e~~Officer that a document discloses "Exempt Information" then the statutory rights do not apply.
- 5.6 Schedule 7A of the 1973 Act outlines descriptions of the kind of information which is to be considered exempt from the statutory rights of inspection. A list of categories of Exempt Information is contained at Appendix 1 to this Protocol.
- 5.7 Section 50F (2) of the 1973 Act provides that some information held to be exempt under the Act is still accessible to all elected members of that authority. These ~~are-include~~ the financial or business affairs of any particular person; local authority expenditure on contracts for the acquisition of property and for the supply of goods and services; the identity of the local authority as a person offering a tender for a contract for the supply of goods and services; labour relations and the identity of a protected informant.
- 5.8 **Effect of being classified as Exempt Information**
- 5.9 Certain committee reports are classed as 'B-Agenda' reports because they contain Exempt Information. This is where the '~~p~~Proper ~~e~~Officer' considers that the reports are likely to be taken in private. The 'B' report should then have 'not for publication' and the exemption under Schedule 7A of the 1973 Act marked on it. The decision on whether the public should be excluded from a meeting of the Council is taken by a resolution of the Council or committee. This resolution should identify the proceedings to which it applies and state the exemption under the 1973 Act.
- 5.10 The effect of information being classified as Exempt Information is that it need not be disclosed by the Council to third parties or elected members who are not directly involved in decisions relating to that Exempt Information. It does not necessarily follow, however, that the Council is prohibited from disclosing the information to third parties or elected members simply because it is Exempt Information.
- 5.11 There are some circumstances where the Council may be prohibited from disclosure of Exempt Information for another reason – for example, because of the Council's obligations under the Data Protection Act 1998 ("DPA").
- 5.12 There are also some circumstances where, although legally permissible, it would be inadvisable for the Council to disseminate the information wider than absolutely necessary because of certain other risk factors, for example, when such dissemination may constitute a waiver to the Council's right to legal professional privilege.
- 5.13 In the case of information that is determined by the Chief Executive and/or Monitoring Officer to be legally privileged, this will be shared, on request, with the Council's Leadership Panel or equivalent with membership comprising political group leaders.
- 5.14 In the case of information that is exempt, but not determined by the Chief Executive and/or

Monitoring Officer to be legally privileged, political group leaders and any independent elected members will be entitled to have that information shared with them, on request. Where any political group leader feels that the information is politically important enough that it should be shared with his/her group, then he/she will be entitled to do so after having first discussed the matter with the Monitoring Officer and relevant executive director or Chief Executive and put appropriate safeguards, if any, in place to preserve the confidentiality of this information.

5.15 Freedom of Information (Scotland) Act 2002

5.16 Elected members have the same of rights to access information in accordance with the provisions of this Act as members of the public. Members should request information they do not have ready access to from the Chief Executive or relevant executive director via the procedures outlined in paragraphs 5.189 to 5.22 of this Protocol.

5.17 Process of Requesting Exempt or Other Information

5.18 Members should request information they do not have ready access to from the Chief Executive or relevant Executive Ddirector. If information is required within a particularly short timescale, or in advance of a particular deadline (e.g. in time to prepare for a committee meeting) this should be stated within the request so that officers can respond appropriately. Officers will be mindful that the key principle in relation to these requests is in favour of disclosure, subject to statutory responsibilities. If, for any reason, information cannot be provided as requested this should be explained clearly and timeously, to the Member. If an officer has concerns regarding the disclosure of information requested by members, they should discuss their concerns promptly with their executive director. The Chief

~~5.19 If an officer or member has any concern over the provision of the information requested they should seek advice from the Director of Corporate Governance or Head of Legal, Risk and Compliance. However, officers should keep in mind that the principle for Member's access to information is one of disclosure.~~

~~5.20 If there is a dispute between the Member and the director then the issue should be referred to the Chief Executive, who in consultation with the Monitoring Officer, will determine on any concerns between a Member and an Executive Ddirector regarding access to information the matter.~~

Data Rooms

5.19 As described above, legislation provides elected members with certain rights to information where the information is necessary to carry out Council duties. In exceptional circumstances, when that information is particularly voluminous or sensitive, the Proper Officer may, with the agreement of the Monitoring Officer, determine that the information is best made available via a Data Room. If the executive Director believes that information should be made available within a Data Room, they should refer the matter to the Proper Officer for decision.

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5.20 The Proper Officer will thereafter, in consultation with Group Leaders and independent elected members as appropriate, determine the most appropriate venue and timeframe for the materials to be made available. It is recognised that, when Data Rooms are used, sufficient access must be provided to ensure that all elected members and other relevant committee members are afforded the opportunity to review the information. Consideration must be made both in terms of the size of the room available and the times at which it can be accessed. Data Rooms will be monitored at all times by an appropriate member of staff who will also maintain a record of attendees. Materials in the data room should not be photographed, copied, or removed but councillors are able to take notes to assist their considerations.

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6 THE COUNCIL AS EMPLOYER

- 6.1 Officers are employed by the Council and are governed by contracts of employment and Council policies and procedures. The Council has a duty of care towards all of its employees and this protocol reflects existing OD strategies and policies.
- 6.2 In making employment decisions, the key principles for elected Members to follow are:
- 6.2.1 Members should not gain financially or personally, nor should their family or friends;
 - 6.2.2 Members have a duty to declare any private interest, and to protect the public interest;
 - 6.2.3 Members should have no involvement in employment or recruitment cases in which they have a personal interest of this kind;
 - 6.2.4 Members must, when making public appointments or recommending people for rewards or benefits, make choices on merit, using objective criteria;
 - 6.2.5 Members must not solicit a job with the Council for any person (but may give them a written testimonial); and
 - 6.2.6 If Members canvass support for a candidate for a job with the Council this will disqualify the candidate from that job.
- 6.3 Members are not the employer. The Council is an equal opportunities employer and Members should be guided by this principle in all contact with staff. Members should note that any individual who commits an act of discrimination can be personally liable.
- 6.4 Members should not be involved in individual staffing matters unless they are a member of a Committee set up for that purpose. Committee Terms of Reference and Delegated Functions provide for Committees of Panels of Members for Chief Officer appointments and for disciplinary and grievance processes relating to the Chief Executive, Directors-executive directors and Chief-chief Officersofficers. Appeals Committees-committees exist which hear appeals lodged by employees against grievance outcomes and certain disciplinary decisions.

- 6.5 Apart from as set out at 6.4, Members must not become involved in the management of Council staff. All other disciplinary, capability or grievance processes must be dealt with by Officers. Members must not engage in activities which might undermine management or compliance with Council procedures, or try to influence recruitment processes.
- 6.6 Members will frequently come into contact with representatives of the recognised Trades Unions at formal settings. The remit of these groups is often to:
- 6.6.1 provide a channel for consultation between the Council and the Trade Unions;
 - 6.6.2 discuss significant changes to the Council affecting the welfare or conditions of employment of its employees; and
 - 6.6.3 consider any employment matter referred to them by the staff side or the Council.
- 6.7 These groups do not have a remit to become involved in matters affecting an individual employee's terms, conditions or pay and Members must observe this remit in their contacts with Trades Union officials.
- 6.8 Members must, at all times, adopt a professional approach in any informal dealings with the Trades Unions and in particular should:
- 6.8.1 avoid making unreasonable commitments;
 - 6.8.2 take a balanced view of information provided by Trades Unions along with that of Officers; and
 - 6.8.3 not allow undue influence to be placed upon them.
- 6.9 Officers must not raise directly with Members any personal matter relating to their jobs, or relating to any potential appointment.

7 MONITORING THE PERFORMANCE OF OFFICERS

- 7.1 Members set the parameters for Council work and officers carry out the implementation.
- 7.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:-
- 7.2.1 avoid personal attacks on Officers; and
 - 7.2.2 ensure that criticism is constructive and well founded.
- 7.3 Complaints about Officers or Council services should be made to the relevant [Executive](#) director or to the Chief Executive.
- 7.4 The [Head of Legal and Risk](#) ~~Director of Corporate Governance~~ is the Council's Monitoring Officer and is specifically responsible for reporting any proposal, decision or omission by the Council or its Officers which causes or is likely to cause:
- 7.4.1 A contravention of any legislation or rule of law or of any code of practice made or approved by any legislation; or

7.4.2 Maladministration or injustice which could be investigated by the Scottish Public Services Ombudsman.

8 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 8.1 The Council can only lawfully provide support services – secretarial, administrative, resources, printing, photocopying, transport etc – to Members to assist them in discharging their role as Members of the Council. These services must only be used for Council business. They must never be used in connection with party political or campaigning activity or for private purposes. Members should never prevail upon the loyalty and enthusiasm of Officers to provide improper support.
- 8.2 The protocols governing the duties of Officers in Members' Services are summarised below:
- 8.2.1 Officers in Members' Services are Council employees and must comply with the Council's agreed policies and procedures (e.g. Employee Code of Conduct);
 - 8.2.2 they cannot represent or stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers;
 - 8.2.3 each group has ~~a Group Business Manager~~ dedicated support to direct day to day work. These officers are appointed by the ~~Strategic Business and Members Services~~ Governance and Democratic Services Manager who is also responsible for their induction, discipline and any grievances;
 - 8.2.4 they must respect confidentiality regarding the party, group and individual Members; and
 - ~~8.2.5 they must not divulge confidential information regarding the group, its dealings or its Members;~~
 - ~~8.2.6 in their contacts (internal and external) the postholders must be careful not to misrepresent the intentions of the group and must clarify whether they are representing the whole group or individual Members; and~~
 - 8.2. ~~7~~ 5 the existence of Officers in Members' Services should not detract from normal Member/Officer relationships.
- 8.3 Members should observe policy and procedures with regard to the office accommodation they occupy in the interests of security and the general health, safety and welfare of all occupants.

9 Training for Members and Officers

- ~~9.18-4~~ In order that Members ~~and Officers~~ are suitably trained in the skills needed for the effective discharge of their duties, training/briefings will be provided for Members covering topics such as induction for new Members, managing information and presentation and relevant technical skills. Some training may be a requirement before a Member can take part in a

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specialist committee or represent the Council on the Board of Arms-Length Companies. All Members are also encouraged to take the opportunity to build upon their existing skills.

9.2 Guidance on Member/Officer relations is an integral component of the Employee Information Handbook which details the Council's key policies. This forms an important part of the induction of new staff.

910 REVIEW OF THE PROTOCOL

This protocol will be reviewed annually in May as part of the operational governance suite of documents.

Appendix 1

Exempt Information

Type	Exemption	Qualification	Paragraph of Part 1, Schedule 7A, 1973 Act
Council employees	Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become and office-holder under, the authority.	<i>Information is not exempt by virtue of this paragraph unless it relates to a person of that description in the capacity indicated by the description.</i>	1
Occupiers of Council accommodation	Information relating to any particular occupier or former occupier of, or applicant or, accommodation provided by or at the expense of the authority.	<i>Information is not exempt by virtue of this paragraph unless it relates to a person of that description in the capacity indicated by the description.</i>	2
Applicants for/recipients of Council services	Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.	<i>Information is not exempt by virtue of this paragraph unless it relates to a person of that description in the capacity indicated by the description.)</i>	3
Applicants for/recipients of financial assistance.	Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.	<i>Information is not exempt by virtue of this paragraph unless it relates to a person of that description in the capacity indicated by the description.</i>	4

Type	Exemption	Qualification	Paragraph of Part 1, Schedule 7A, 1973 Act
Social work/children	Information relating to the adoption, care, fostering or education of any particular child or [where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (sections 83 and 86 of the Children's Hearing (Scotland) Act 2011) information relating to the order.		5
Financial/business affairs of any person	Information relating to the financial or business affairs of any particular person (other than the authority).	<i>Information is not exempt under this paragraph it is required to be registered under the Companies Acts, the Friendly Societies Act 1974, the Industrial and Provident Societies Act 1965 and the Buildings Societies Act 1962.</i>	6
Social Work	Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).		7

Type	Exemption	Qualification	Paragraph of Part 1, Schedule 7A, 1973 Act
Expenditure under contract	The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods and services.	<i>Information falling within this paragraph is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.</i>	8
Negotiations	Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.	<i>Information falling within this paragraph is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those for any other negotiations covering the property or goods or services.</i>	9
Identity of tenderer	The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.		10
Labour relations	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relation matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.	<i>Information falling within this paragraph is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.</i>	11

Type	Exemption	Qualification	Paragraph of Part 1, Schedule 7A, 1973 Act
Legal advice/instructions	<p>Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:</p> <p>(a) any legal proceedings by or against the authority, or</p> <p>(b) the determination of any matter affecting the authority,</p> <p>(whether, in either case, proceedings have been commenced or are in contemplation).</p>		12
Statutory notices	<p>Information which, if disclosed to the public, would reveal that the authority proposes—</p> <p>(c) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(d) to make an order or direction under any enactment.</p>	<p><i>Information falling within this paragraph is exempt information if and so long as disclosure to the public might afford and opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for the notice, order or direction is to be give or made.</i></p>	13
Crime	<p>Any action to be taken in connection with the prevention, investigation or prosecution of a crime.</p>		14
Protected Informants	<p>The identity of a protected informant.</p>		15

**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

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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

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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~~ Chief Executive, 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~~ Chief Executive, 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 ~~Chief Executive~~ 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.

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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.

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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

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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~~ Chief Executive 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.

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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 for a period of two and a half years.
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~~Chief Executive of their nomination.
8. Substitutes are allowed from the parent representatives sitting on the Consultative Committee with Parents.
9. The ~~Director of Corporate Governance~~Chief Executive 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.
10. 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.