

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 1 September 2023 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.
- 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. setting of special responsibility allowances.
- 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. appointment of a chief official including the Chief Executive.
- 2.1.17. 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.
- 2.1.18. promoting or opposing the making of local legislation.
- 2.1.19. creation of Council companies.
- 2.1.20. the preparation and review of the Scheme for Community Councils (Special Meeting).
- 2.1.21. amendments to the Treasury Policy Statement.
- 2.1.22. 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 and Group Leaders, 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.

B. COMMITTEE TERMS OF REFERENCE AND DELEGATED POWERS

Executive Committees

1. Policy and Sustainability Committee

1.1. **Constitution:** 17 Members of the Council including:

1.1.1. 5 SNP

1.1.2. 4 Labour

1.1.3. 3 Scottish Liberal Democrat

1.1.4. 3 Green

1.1.5. 2 Conservative

Convener

- 1.2. The Leader of the Council will be the Convener of the Policy and Sustainability Committee.

Quorum

- 1.3. Six members of the Policy and Sustainability Committee will constitute a quorum.

Substitution

- 1.4. Substitutes are permitted.

Delegated functions

- 1.5. Power is delegated to the Policy and Sustainability Committee to:

1.5.1. advise the Council on outcomes, strategic objectives and key priorities.

1.5.2. develop and approve Council policies, including reform, smart city, human resources, community planning and partnership working.

1.5.3. adopt and implement the management framework for planning, implementing, reporting and reviewing Council service delivery.

1.5.4. ensure the Council meets its statutory responsibilities in terms of best value.

1.5.5. ensure the Council meets its statutory responsibilities in terms of diversity and equalities.

1.5.6. monitor implementation of the Council's business and service development plans, corporate strategies, change programmes, corporate initiatives and service reviews.

- 1.5.7. 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.
- 1.5.8. set and monitor all relevant grants programmes and award grants.
- 1.5.9. provide scrutiny of those services delegated to the Integration Joint Board. This should include scrutiny of internal controls, performance, quality and compliance with the law.
- 1.5.10. provide oversight and take decisions on matters relating to sustainability, climate change, mitigation and adaptation.
- 1.5.11. provide oversight and take decisions on major economic policy and strategy and significant cross-cutting regeneration projects.
- 1.5.12. provide strategic oversight of Edinburgh City Region Deal.
- 1.5.13. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action.
- 1.5.14. determine differences between committees except where the difference involves a decision on an individual planning or licensing application.
- 1.5.15. take all decisions which are not reserved to the Council or delegated to another committee of the Council.

2. Culture and Communities Committee

- 2.1. **Constitution:** 11 members of the Council as follows:

- 2.1.1. 3 SNP
- 2.1.2. 2 Labour
- 2.1.3. 2 Scottish Liberal Democrat
- 2.1.4. 2 Green
- 2.1.5. 2 Conservative

Convener

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

Quorum

- 2.3. Four members will constitute a quorum.

Substitution

- 2.4. Substitutes are permitted.

Delegated functions

- 2.5. Power is delegated to the Culture and Communities 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. monitor arrangements to ensure best value and continuous improvement across all services.
 - 2.5.7. determine any reviews of community asset transfer requests.
 - 2.5.8. facilitate and encourage public participation and empowerment ensuring the involvement of citizens, the community, neighbourhood networks, partners and key stakeholders in the committee decision-making process.
 - 2.5.9. advise, agree, scrutinise and review Edinburgh Police and Fire and Rescue Service city-wide plans, policies and performance.
 - 2.5.10. facilitate and encourage public, engagement, consultation, participation and feedback.
 - 2.5.11. set and monitor all relevant grants programmes and award grants.
 - 2.5.12. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken.
 - 2.5.13. review the impact of the committee's policies on the city, in particular with regard to the Council's strategic priorities of ending poverty, delivering a net zero city, becoming a better place to live and work.

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

2.6.1. Community safety

2.6.2. Health except those matters delegated to another committee or the Integration Joint Board

2.6.3. Cultural development, festivals and events

2.6.4. Sport and Recreation

2.6.5. Arts and museums

2.6.6. Libraries and community centres

2.6.7. Parks and green spaces

2.6.8. Community and locality planning

2.6.9. Community empowerment

2.6.10. Community Councils

2.6.11 20-minute Neighbourhoods

3. Education, Children and Families Committee

3.1 **Constitution:** 11 members of the Council as follows:

3.1.1 3 SNP

3.1.2 2 Labour

3.1.3 2 Scottish Liberal Democrat

3.1.4 2 Green

3.1.5 2 Conservative

Additional members for education items:

3.1.6 3 Religious Representatives (non-voting)

3.1.7 2 Parent/Carer Representatives (non-voting)

Convener

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

Quorum

- 3.3 Four members will constitute a quorum except in the case of education business where six members will constitute a quorum.

Substitution

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

Delegated functions

- 3.5 Power is delegated to the Education, Children and Families Committee to:
- 3.5.1 exercise all the functions of the Council as education authority (education business), within the terms of the relevant legislation.
 - 3.5.2 exercise the functions as social work authority, within the terms of the relevant legislation, in relation to children.
- 3.6 In addition, in relation to the matters listed in paragraph 3.7 to:
- 3.6.1 develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them.
 - 3.6.2 take all decisions which are not reserved to the Council or delegated to another committee of the Council.
 - 3.6.3 set standards for service delivery and secure value for money.
 - 3.6.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
 - 3.6.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit.
 - 3.6.6. monitor arrangements to ensure best value and continuous improvement across all services.
 - 3.6.7. facilitate and encourage public, engagement, consultation, participation and feedback.
 - 3.6.8. set and monitor all relevant grants programmes and award grants.
 - 3.6.9. consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action.
 - 3.6.10. review the impact of the committee's policies on the city in particular with regard to the Council's strategic priorities of ending poverty, delivering a net zero city, becoming a better place to live and work.

- 3.7 The matters referred to in paragraph 3.6 are as follows:
- 3.7.1. the Council's education, children and families services
 - 3.7.2. Criminal and community justice
 - 3.7.3. Lifelong Learning
 - 3.7.4. major capital programmes or projects implementation, asset planning and facilities management for the Council's education, children and families services.

4. Finance and Resources Committee

- 4.1 **Constitution:** 11 members of the Council as follows:

- 4.1.1 3 SNP
- 4.1.2 2 Labour
- 4.1.3 2 Scottish Liberal Democrat
- 4.1.4 2 Green
- 4.1.5 2 Conservative

Convener

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

Quorum

- 4.3 Four members will constitute a quorum.

Substitution

- 4.4 Substitutes are permitted.

Delegated functions

- 4.5 Power is delegated to the Finance and Resources Committee in relation to matters listed in paragraph 4.6 to:
- 4.5.1 develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them.
 - 4.5.2 take all decisions which are not reserved to the Council or delegated to another committee of the Council.
 - 4.5.3 set standards for service delivery and secure value for money.

- 4.5.4 set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
 - 4.5.5 monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit.
 - 4.5.6 monitor arrangements to ensure best value and continuous improvement across all services.
 - 4.5.7 facilitate and encourage public engagement, consultation, participation and feedback.
 - 4.5.8 set and monitor all relevant grants programmes and award grants.
 - 4.5.9 consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken.
 - 4.5.10 review the impact of the committee's policies on the city in particular with regard to the Council's strategic priorities of ending poverty, delivering a net zero city, becoming a better place to live and work.
- 4.6 The matters referred to in paragraph 4.5 are as follows:
- 4.6.1 Council's revenue and capital budgets
 - 4.6.2 Council's expenditure and budget policy
 - 4.6.3 Monitoring the Council's Treasury Management policies and practices
 - 4.6.4 Council's long term financial plan
 - 4.6.5 Procurement and contracts
 - 4.6.6 Monitoring of Council debt and debt recovery
 - 4.6.7 Common Good Fund
 - 4.6.8 Human resources (not including policy)
 - 4.6.9 ICT
 - 4.6.10 Disposal and development of Council owned property and land transactions
 - 4.6.11 All charitable and other trust funds vested in the Council except where the Council has expressly made other arrangements.

5. Housing, Homelessness and Fair Work Committee

5.1 Constitution: 11 members of the Council as follows:

5.1.1 3 SNP

5.1.2 2 Labour

5.1.3 2 Scottish Liberal Democrat

5.1.4 2 Green

5.1.5 2 Conservative

Convener

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

Quorum

5.3 Four members will constitute a quorum.

Substitution

5.4 Substitutes are permitted.

Delegated functions

5.5 Power is delegated to the Housing, Homelessness and Fair Work Committee in relation to matters listed in paragraph 5.6 to:

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

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

5.5.3 set standards for service delivery and secure value for money.

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

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

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

5.5.7 facilitate and encourage public, engagement, consultation, participation and feedback.

- 5.5.8 set and monitor all relevant grants programmes and award grants.
 - 5.5.9 consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken.
 - 5.5.10 review the impact of the committee's policies on the city in particular with regard to the Council's strategic priorities of ending poverty, delivering a net zero city, becoming a better place to live and work.
- 5.6 The matters referred to in paragraph 5.5 are as follows:
- 5.6.1. Housing
 - 5.6.2. Homelessness and housing support
 - 5.6.3 Employability and fair work
 - 5.6.4 Economic development projects and policies that are not reserved to the Policy and Sustainability Committee
 - 5.6.5 External relations and inward investment
 - 5.6.6 Inclusive growth.

6 Transport and Environment Committee

6.1 Constitution: 11 members of the Council as follows:

- 6.1.1. 3 SNP
- 6.1.2 2 Labour
- 6.1.3 2 Scottish Liberal Democrat
- 6.1.4 2 Green
- 6.1.5 2 Conservative

Convener

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

Quorum

- 6.2 Four members will constitute a quorum.

Substitution

- 6.3 Substitutes are permitted.

Delegated functions

- 6.4 Power is delegated to the Transport and Environment Committee in relation to the matters listed in paragraph 6.6, to:
- 6.4.1 develop and approve policies, strategies, programmes and projects and work with officers, communities and partners to implement them.
 - 6.4.2 take all decisions which are not reserved to the Council or delegated to another committee of the Council or officers.
 - 6.4.3 set standards for service delivery and secure value for money.
 - 6.4.4 set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals.
 - 6.4.5 monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit.
 - 6.4.6 monitor arrangements to ensure best value and continuous improvement across all services.
 - 6.4.7 facilitate and encourage public, engagement, consultation, participation and feedback.
 - 6.4.8 set and monitor all relevant grants programmes and award grants.
 - 6.4.9 consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action to be taken.
 - 6.4.10 review the impact of the committee's policies on the city in particular with regard to the Council's strategic priorities of ending poverty, delivering a net zero city, becoming a better place to live and work.
- 6.5 The matters referred to in paragraph 6.5 are as follows:
- 6.5.1 Strategic Transport Planning
 - 6.5.2 Traffic management, roads and parking
 - 6.5.3 Public transport
 - 6.5.4 Public Realm Projects
 - 6.5.5 Flood prevention
 - 6.5.6 Waste services
 - 6.5.7 Street cleaning and open space maintenance.

7 Governance, Risk and Best Value Committee

7.1 Constitution: 11 members of the Council as follows:

- 7.2.1 3 SNP
- 7.2.2 2 Labour
- 7.2.3 2 Scottish Liberal Democrat
- 7.2.4 2 Green
- 7.2.5 2 Conservative

Convener

- 7.2 The Convener of the committee will be a member of the opposition.
- 7.3 The Conveners of the following Committees shall not be eligible to serve as members of the Governance, Risk and Best Value Committee:

- 7.3.1 The Policy and Sustainability Committee
- 7.3.2 The Culture and Communities Committee
- 7.3.3 The Education, Children and Families Committee
- 7.3.4 The Finance and Resources Committee
- 7.3.5 The Housing, Homelessness and Fair Work Committee
- 7.3.6 The Transport and Environment Committee.

Quorum

- 7.3 Four members of the Governance, Risk and Best Value Committee will constitute a quorum.

Substitution

- 7.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

Delegated functions

- 7.5 Power is delegated to the Governance, Risk and Best Value Committee to exercise the following functions:
 - 7.5.1 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:

7.5.2 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) Council Companies (excluding those associated with the pension fund)
- (g) Children's Panel
- (h) Common Good Fund.

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

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

7.5.5 Monitoring internal controls, corporate risk management and key operational governance areas.

7.6 Scrutiny on a specific issue should follow a committee decision.

7.7 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.

7.8 Referring back to the appropriate Executive Committee for its consideration any service or financial performance issue, which might have implications for policy development within the remit of the Executive Committee.

7.9 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:

- 7.9.1 considering information that relate to issues falling within the remit of Council services, including complaints handling, customer care and ombudsman reports

- 7.9.2 monitoring employment, organisational development and equalities issues as they relate to the operation of the council corporately and to its individual services
- 7.9.3 scrutinising major projects and programmes, service reviews and transformational change.
- 7.10 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.
- 7.11 To consider and scrutinise whistleblowing monitoring and investigation outcome reports and other relevant matters related to the whistleblowing policy and service.
- 7.12 To initiate and undertake planned scrutiny reviews of any matter falling within the remit of this committee or specific scrutiny reviews requested by an Executive Committee.
- 7.13 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.
- 7.14 To report, as required, on any matter within the committee's remit to Council.

Other Committees

8 Chief Official Personnel Assessment Committee

- 8.1 **Constitution:** 5 members of the Council as follows:

- 8.1.1 1 SNP

- 8.1.2 1 Conservative

- 8.1.3 1 Labour

- 8.1.4 1 Green

- 8.1.5 1 SLD

- 8.2 A member of this Committee cannot be a member of the Chief Official Personnel Hearing Committee or the Personnel Appeals Committee. Councillors must have undertaken and completed appropriate training specified by the Service Director, Human Resources.

Convener

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

Quorum

- 8.4 Three members of the Chief Official Personnel Assessment Committee will constitute a quorum.

Substitution

- 8.5 Substitutes are permitted.

Delegated functions

- 8.6 Power is delegated to the Chief Official Personnel Assessment Committee:
- 8.6.1 To decide whether a formal investigation is required into allegations against the Chief Executive and other chief officials, and if so request that the Monitoring Officer or the Service Director: Human Resources appoint an appropriate Investigating Officer.
 - 8.6.2 To decide whether to suspend the Chief Executive and other chief officials on full pay, following a decision to formally investigate allegations and following advice from the Service Director: Human Resources.
 - 8.6.3 To decide, following a report by the Investigating Officer, whether the Chief Official Personnel Hearing Committee should meet to consider the disciplinary hearing.
 - 8.6.4 To advise the Chief Official Personnel Hearing Committee whether they consider the allegation(s) if substantiated to constitute misconduct or gross misconduct.

9. Chief Official Personnel Hearing Committee

- 9.1 **Constitution:** 5 members of the Council as follows:

- 9.1.1 1 SNP
- 9.1.2 1 Conservative
- 9.1.3 1 Labour
- 9.1.4 1 Green
- 9.1.5 1 SLD

- 9.2 A member of this Committee cannot be a member of the Chief Official Personnel Assessment Committee or the Personnel Appeals Committee. Councillors must have undertaken and completed appropriate training specified by the Service Director: Human Resources.

Convener

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

Quorum

- 9.4 Three members of the Chief Official Personnel Hearing Committee will constitute a quorum.

Substitution

- 9.5 Substitutes are permitted.

Delegated functions

- 9.6 Power is delegated to the Chief Official Personnel Hearing Committee:
- 9.6.1 To decide following a fair hearing whether allegations against the Chief Executive and other chief officials have been substantiated.
 - 9.6.2 To dismiss or take any other form of disciplinary action in line with the disciplinary policy for chief officials.

10. Committee on Discretionary Rating Relief Appeals

- 10.1 **Constitution:** 5 members of the Council as follows:

- 10.1.1 1 SNP
- 10.1.2 1 Conservative
- 10.1.3 1 Labour
- 10.1.4 1 Green
- 10.1.5 1 SLD

Convener

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

Quorum

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

Substitution

- 10.4 Substitutes are permitted.

Delegated functions

- 10.5 Power is delegated to the Committee on Discretionary Rating Relief Appeals:
- 10.5.1 To review decisions taken by the Executive Director of Resources to refuse discretionary rating relief.
 - 10.5.2 To consider representations from organisations or individuals, justifying the granting of discretionary rating relief to them.
 - 10.5.3 To decide whether or not to grant discretionary rating relief as a result of considering the organisation's or individual's representations.
 - 10.5.4 To decide what, if any, conditions should be fulfilled prior to discretionary rating relief being granted.

11. Leadership Advisory Panel

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

- 11.1.1 Leader of the Council
- 11.1.2 Depute Leader of the Council
- 11.1.3 Conservative Group Leader
- 11.1.4 Green Group Leader
- 11.1.5 Scottish Liberal Democrat Group Leader
- 11.1.6 three statutory representatives, appointed by the Education, Children and Families Committee when considering education business

Convener

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

Quorum

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

Substitution

- 11.4 Substitutes are permitted for members of the Council only

Delegated functions

11.5 Power is delegated to the Leadership Advisory Panel:

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

12 Planning Committee

12.1 **Constitution:** 11 members of the Council as follows:

- 12.1.1. 3 SNP
- 12.1.2 2 Labour
- 12.1.3 2 Scottish Liberal Democrat
- 12.1.4 2 Green
- 12.1.5 2 Conservative

Convener

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

Quorum

12.3 Four members of the Planning Committee will constitute a quorum.

Substitution

12.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Planning Officer.

Delegated functions

12.5 Power is delegated to the Planning Committee:

12.5.1 To exercise the functions of the Council as planning, building standards and statutory addressing authority and to determine planning policies including:

- a) Development frameworks including public realm for place making:

- b) Strategic Infrastructure
 - c) Non-statutory planning guidance
 - d) designate and review conservation areas
 - e) management plans for world heritage sites.
- 12.5.2 To express and interpret these policies as specific tasks and projects and set service standards.
 - 12.5.3 To review performance in the delivery of services, the achievement of service standards and the impact of the Committee's activities on the City.
 - 12.5.4 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.
 - 12.5.5 To appoint representatives on outside bodies relevant to the committee's service responsibilities.
 - 12.5.6 To consider the development and use of land in the city and wider city region and approve relevant stages of the local development plan and to refer it to Council for adoption.
 - 12.5.7 To take decisions in pursuit of the committee's policies, subject to compliance with corporate personnel and financial policies and regulations.
 - 12.5.8 To determine any charges for services provided by the committee.
 - 12.5.9 To provide financial assistance, in pursuit of the committee's policies.

13. Pensions Committee

13.1 **Constitution:** 7 members including 5 members of the Council as follows:

- 13.1.1 1 SNP
- 13.1.2 1 Labour
- 13.1.3 1 Scottish Liberal Democrat
- 13.1.4 1 Green
- 13.1.5 1 Conservative
- 13.1.6 2 external members representing the employers and members in the pension funds.

- 13.2 The Pensions Committee will also be attended and overseen by the Pension Board, a body constituted under the Public Services Pensions Act 2013 and the Local Government Pension Scheme (Governance) (Scotland) Regulations 2014 and with powers regulated by the United Kingdom Pensions Regulator. The constitution and operations of the Pension Board will be determined in accordance with regulation and, where appropriate, considered and approved by the Pension Board and/or the Pensions Committee.

Convener

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

Quorum

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

Substitution

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

Delegated functions

- 13.6 Power is delegated to the Pensions Committee:

- 13.6.1 exercise all functions of the pension funds and associated legal and corporate structures, within the terms of the legislation.
- 13.6.2 determine the overall policy objectives of the pension funds in accordance with the best interests of fund members and employers and within all applicable legislation.
- 13.6.3 determine the strategy for the investment of pension funds monies including the variety and suitability of investments and to review and monitor investment arrangements.
- 13.6.4 ensure appropriate investment management arrangements are in place for pension funds monies and to review investment manager performance.
- 13.6.5 establish and maintain arrangements for the effective management and administration of the pension funds including staffing and budgetary arrangements.
- 13.6.6 approve the allocation of resources to the Lothian Pension Fund group for the operation and administration of the pension funds from the assets of the pension funds in accordance with the applicable pension regulations, including the approval of segregated financial arrangements and accounts for the pension funds and the agreement of contracts.

- 13.6.7 to appoint members to the Pension Board and approve bespoke terms of reference and standing orders where allowable under the Council framework for the Pensions Committee and the Pension Board as required to accommodate the applicable pensions and financial services regulation.
- 13.6.8 approve responses to consultation papers issued by government and other authorities.
- 13.6.9 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:
- a) determining policies for the management and regulation of the Lothian Pension Fund group and within the strategic policy and planning framework approved by the Council.
 - b) approving strategies, programmes and projects and work with officers and partners to implement them.
 - c) setting standards for service delivery.
 - d) securing best value in the provision of services and reviewing the control and assurance environment (including internal audit processes) for the Lothian Pension Fund group.
 - e) 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.
 - f) ensuring systematic appraisal of the control environment and framework of internal controls in respect of the Lothian Pension Fund to provide reasonable assurance of effective and efficient operations and compliance with laws and regulations.
 - g) promoting the development of an appropriate risk management strategy and risk management procedures.
 - h) ensuring highest standards of probity and public accountability.
 - i) ensuring sound financial procedures are in place for authorising and monitoring expenditure.
 - j) agreeing internal audit plans and to ensure internal audit work is properly planned with due regard to risk, materiality and coverage.
 - k) overseeing and review action taken on internal audit recommendations.

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

m) promoting, monitoring and developing continuous improvement.

14 Personnel Appeals Committee

14.1 **Constitution:** 9 members of the Council as follows:

14.1.1 3 SNP

14.1.2 2 Labour

14.1.3 2 Scottish Liberal Democrat

14.1.4 1 Green

14.1.5 1 Conservative

Convener

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

Quorum

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

Substitution

14.4 Substitutes are permitted.

Delegated functions

14.5 Power is delegated to the Personnel Appeals Committee to:

14.5.1 hear and decide appeals on a decision taken, or a failure to take a decision, by an Executive Director, Service Director or his/her nominee, under the Grievance Procedure for Local Government Employees or the Grievance Procedure for Teaching Staff, as appropriate. Where grievance appeals concern operational matters, the Personnel Appeals Committee can make recommendations to the Executive Director, Service Director, or their nominee and any recommendations made will be considered and a decision taken on whether or not the recommendations will be implemented. Where grievance appeals concern terms and conditions of staff, the Personnel Appeals Committee does not possess delegated authority to vary terms and conditions for any individual staff member or group of staff under any circumstances.

- 14.5.2 hear and decide appeals to a decision to dismiss or take other forms of punitive disciplinary action under the Disciplinary Policy for Local Government Employees and the Disciplinary Policy for Teaching Staff. Where an appeal is upheld or partially upheld, the Personnel Appeals Committee has delegated authority to withdraw the disciplinary action completely or to replace it with a lesser sanction.
- 14.5.3 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.
- 14.5.4 hear and decide appeals to decisions by the Chief Official Personnel Hearing Committee in accordance with the Chief Executive/Chief Officer Disciplinary Policy.

15 Placing in Schools Appeals Committee

- 15.1 **Constitution:** One person from each of the following panels:

- 15.1.1 Panel 1 - All members of Council and religious representatives on the Education, Children and Families Committee.
- 15.1.2 Panel 2 - Parents/carers of children of school age.
- 15.1.3 Panel 3 - Persons with experience in education and acquainted with educational conditions in the Council's area, nominated by the Executive Director for Children, Education and Justice Services.

Chair

- 15.2 Each meeting appoints a Chair.

Quorum

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

Substitution

- 15.4 Substitutes are only permitted from the same Panel.

Delegated functions

- 15.5 Power is delegated to the Placing in Schools Appeals Committee:
- 15.5.1 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.
- 15.5.2 To consider appeals against decisions by the Executive Director of Children, Education and Justice Services to refuse early admission to school.

16 Committee on Pupil Student Support

16.1 **Constitution:** 5 members of the Council as follows:

16.1.1 1 SNP

16.1.2 1 Labour

16.1.3 1 Scottish Liberal Democrat

16.1.4 1 Green

16.1.5 1 Conservative

16.1.6 1 religious representative from the Education, Children and Families Committee

Convener

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

Quorum

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

Substitution

16.4 Substitutes are permitted.

Delegated functions

16.5. To consider school placing requests for the P1 and S1 intakes for August in each year where parents/guardians/carers have set out exceptional reasons in their applications for places in oversubscribed schools.

16.6 To decide if there are exceptional circumstances which apply to each individual child or young person and to determine the priority order on waiting lists for that specific child or young person.

Note: The Committee cannot grant individual placing requests even if it has decided that exceptional circumstances exist; places can only be awarded in these circumstances by the Placing in Schools Appeal Committee if an appeal is submitted.

17 Recruitment Committee

17.1 **Constitution:** 7 members of the Council as follows:

17.1.1 Leader of Council

17.1.2 Deputy Leader of the Council

17.1.3 Appropriate Convener for the role

17.1.4 A group leader from each of the opposition groups

Convener

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

Quorum

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

Substitution

17.4 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.

Delegated functions

17.5 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).

18 Regulatory Committee

18.1 **Constitution:** 9 members of the Council as follows:

18.1.1 3 SNP

18.1.2 2 Labour

18.1.3 2 Scottish Liberal Democrat

18.1.4 1 Green

18.1.5 1 Conservative

Convener

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

Quorum

- 18.3 Three members will constitute a quorum.

Substitution

- 18.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

Delegated functions

- 18.5 Power is delegated to the Regulatory Committee to:

- 18.5.1 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.
- 18.5.2 exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.
- 18.5.3 determine individual applications for registration and licences under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not delegated to officers, in accordance with approved policies.
- 18.5.4 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.
- 18.5.5 liaise with external bodies relevant to the Committee's service area, considering and approving responses to consultation proposals.
- 18.5.6 appoint representatives to outside bodies within the Committee's remit.
- 18.5.7 approve charges as required by statute and determine licence fees.
- 18.5.8 determine applications for road construction consent which are not delegated to the Executive Director of Place.
- 18.5.9 determine applications for permission to place tables and chairs on footways which are recommended for refusal by the Executive Director of Place.
- 18.5.10 exercise the Council's responsibilities in respect of environmental health and trading standards
- 18.5.11 exercise the statutory element of Traffic Regulation Orders.

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

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

19 The City of Edinburgh Planning Local Review Body

19.1 **Constitution:** 5 members of the Council as follows:

19.1.1 Any five members who are also members of the Planning Committee but not the Convener of the Planning Committee.

Convener

19.2 Each meeting appoints a Convener.

Quorum

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

Substitution

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

Delegated functions

19.5 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.

20 Committee on the Jean F Watson Bequest

20.1 **Constitution:** 8 members of the council as follows:

20.1.1 2 SNP

20.1.2 2 Labour

20.1.3 2 Scottish Liberal Democrat

20.1.4 1 Green

20.1.5 1 Conservative

20.1.6 one nominee of Friends of City Art Centre

20.1.7 two external members appointed by the Executive Director of Corporate Services, in consultation with the Convener.

Convener

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

Quorum

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

Substitution

- 20.4 Substitutes are permitted.

Delegated functions:

- 20.5 Power is delegated to the Committee on the Jean F Watson Bequest to:

- 20.5.1 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.
- 20.5.2 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.

21 Community Council Independent Complaints Panel

21.1 Constitution

All members of the Council with each panel consisting of three elected members.

- 21.2 Councillors whose ward is where the Community Council subject to the complaint is a member will not be eligible for that Panel meeting.

Convener

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

Quorum

- 21.4 Three members of the Community Council Independent Complaints Panel will constitute a quorum.

Delegated functions:

21.5 Power is delegated to the Community Council Independent Complaints Panel to:

21.5.1 Make a final determination of the complaint against a community councillor.

21.5.2 Apply the following sanctions:

- a) Censure of behaviour and a written undertaking to behave in accordance with the Scheme's Code of Conduct.
- b) Suspension from community council meetings and activities for a period of time to be agreed by a majority of the Panel.
- c) Request by a majority of the panel members for the named community councillor to step down.
- d) In serious cases, an expulsion from the community council, approved by a unanimous vote of the Panel.

21.5.3 Make recommendations to the relevant community council.

21.5.4 Make recommendations to the City of Edinburgh Council.

Sub-Committees

22 Development Management Sub-Committee (Parent: Planning Committee)

22.1 **Constitution:** All 11 members of the Planning Committee, as follows:

22.1.1 3 SNP

22.1.2 2 Labour

22.1.3 2 Scottish Liberal Democrat

22.1.4 2 Green

22.1.5 2 Conservative

Convener

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

Quorum

- 22.3 Four members of the Development Management Sub-Committee will constitute a quorum.

Substitution

- 22.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Planning Officer.

Delegated Functions

- 22.5 To discharge all functions of Management of Development Control required under the Planning Acts including the determination of planning applications (except for applications under the Council's Scheme of Delegation for Local Developments).
- 22.6 To determine applications for High Hedge Notices and withdraw or vary such notices as prescribed under the High Hedges (Scotland) Act 2013.
- 22.7 To determine cases for street naming and the numbering of properties.

23 Whistleblowing Sub-Committee (Parent: Governance Risk and Best Value Committee)

- 23.1 **Constitution:** the membership of the Sub-Committee will be the same as the Governance, Risk and Best Value Committee

Convener

- 23.2 The Convener of the Whistleblowing Sub-Committee is the Convener of the Governance, Risk and Best Value Committee.

Quorum

- 23.3 Four members of the Whistleblowing Sub-Committee will constitute a quorum.

Substitution

- 23.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

Delegated functions

- 23.5 Power is delegated to the Whistleblowing Sub-Committee to:
- 23.5.1 Consider and scrutinise monitoring reports.
 - 23.5.2 Consider and scrutinise investigation outcome reports.
 - 23.5.3 Consider any other relevant matter related to the whistleblowing policy and service.

24 Licensing Sub-Committee (Parent: Regulatory Committee)

24.1 Constitution: 9 members of the Council as follows:

- 24.1.1 3 SNP
- 24.1.2 2 Labour
- 24.1.3 2 Scottish Liberal Democrat
- 24.1.4 1 Green
- 24.1.5 1 Conservative

Convener

- 24.2 The Convener of the Licensing Sub-Committee will be a member of the City of Edinburgh Council.

Quorum

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

Substitution

- 24.4 Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

Delegated functions:

- 24.5 Power is delegated to the Licensing Sub-Committee to:

- 24.5.1 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.
- 24.5.2 exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.
- 24.5.3 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.
- 24.5.4 determine applications for road construction consent not delegated to the Executive Director of Place.
- 24.5.5 exercise the statutory element of Traffic Regulation Orders.

- 24.5.6 determine applications for permission to place tables and chairs on footways recommended for refusal by the Executive Director of Place.
- 24.5.7 exercise the Council's responsibilities in respect of safety at sports grounds.
- 24.5.8 exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

25 Pensions Audit Sub-Committee (Parent: Pensions Committee)

Constitution

- 25.1 Three members from the Pensions Committee, of which a minimum are two City of Edinburgh elected members.
- 25.2 Two non-voting members of the Pension Board will also be able to attend the Pensions Audit Sub-Committee to oversee its activities.

Quorum

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

Convener

- 25.4 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

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

Delegated functions

- 25.6 Power is delegated to the Pensions Audit Sub-Committee to consider and make appropriate recommendation(s) to the Pensions Committee:
 - 25.6.1 To ensure systematic appraisal of the control and assurance environment and framework of internal control (including internal audit processes) of pension funds to provide reasonable assurance of the effective and efficient operations and compliance with laws and regulations.
 - 25.6.2 To promote the development of an appropriate risk management strategy and risk management procedures.
 - 25.6.3 To ensure the highest standards of probity and public accountability.

- 25.6.4 To ensure sound financial procedures are in place for authorising and monitoring expenditure and the allocation of pension fund resources.
- 25.6.5 To consider and scrutinise an annual report on any companies owned by the Council that are connected to the activities of the pension funds and the Lothian Pension Fund Group.
- 25.6.6 To review the consolidated annual financial statements of the pension funds/Lothian Pension Fund Group and the International Standard on Auditing 260 (ISA 260) communication of audit matters.
- 25.6.7 To agree internal audit plans and to ensure that internal audit work is planned with due regard to risk, materiality and coverage.
- 25.6.8 To oversee in light of the audit plan the performance of the audit service.
- 25.6.9 To oversee and review action taken on internal audit recommendations.
- 25.6.10 To review all matters relating to external audit, including audit planning, action points and reports, and to monitor the implementation of external audit recommendations.

26 Property Sub-Committee (Parent: Finance and Resources Committee)

26.1 **Constitution:** 10 members of the Council as follows:

- 26.1.1 3 SNP
- 26.1.2 2 Labour
- 26.1.3 2 Scottish Liberal Democrat
- 26.1.4 2 Green
- 26.1.5 1 Conservative

Convener

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

Quorum

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

Substitution

26.4 Substitutes are permitted.

Delegated functions

26.5 Power is delegated to the Property Sub-Committee to:

26.5.1 oversee the work of the Edinburgh Shared Repairs Service.

26.5.2 to take decisions in relation to the Council's Shared Repair Service that fall within the remit of the Finance and Resources Committee in relation to financial and legal risks.

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