

# The City of Edinburgh Council

10:00am, Thursday, 22 August 2019

## Appointments to Committee and Committee Terms of Reference

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To appoint two replacement members to the Governance, Risk and Best Value Committee.
- 1.2 To repeal the existing Committee Terms of Reference and Delegated Functions and approve in its place appendix 1, such repeal and approval to take effect from 23 August 2019.
- 1.3 To agree that the Community Council Investigation Officer should be the Head of Strategy and Communications.

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Chief Executive

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## Appointments to Committee and Committee Terms of Reference

### 2. Executive Summary

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- 2.1 To appoint two replacement members to the Governance, Risk and Best Value Committee, amend the Committee Terms of Reference and Delegated Functions and to establish an independent complaints panel to consider complaints against community councillors.

### 3. Background

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- 3.1 The Council agreed on 27 June 2019 that executive committee conveners and vice conveners would no longer be permitted to be members of the Governance, Risk and Best Value Committee.
- 3.2 On 27 June 2019 Council adopted the revised Scheme for Community Councils. The Scheme included a new complaints process which requires the establishment of an independent complaints panel.
- 3.3 On 27 June 2019 Council agreed changes to the Council's operational governance framework including the Committee Terms of Reference. Changes were made to the rules surrounding the Pensions Committee, but the full range of changes considered by the Pensions Committee were not made to its terms of reference.

### 4. Main report

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- 4.1 Councillor Kate Campbell (Convener of the Housing, Fair Work and Homelessness Committee) and Councillor Watt (Vice-Convener of the Housing, Fair Work and Homelessness Committee) are members of the Governance, Risk and Best Value Committee. Council is asked to appoint two replacement members – one from the SNP group and one from the Labour group.
- 4.2 The Pensions Committee on 26 June 2019 considered changes to its governance arrangements that would better reflect the additional regulatory duties that applied to overseeing pension funds. The Council on 27 June 2019 made changes to its

Standing Orders and Scheme of Delegation to Officers to reflect this but changes were not made to the Committee Terms of Reference and Delegated Functions. These changes are now proposed and are detailed in appendix one to this report.

- 4.3 The Council agreed a revised Scheme of Community Councils in June 2019. Following a request from the Scottish Government the Scheme included an enhanced Community Councillors' Code of Conduct with a corresponding complaints process (appendix 2). This process includes two routes for resolution of a complaints, firstly through communication with the Community Council and secondly through a Panel Hearing.
- 4.4 It is proposed that a new committee is established that would consist of three councillors taken from all 63 elected members. The elected members whose ward is where the community council is based would not be eligible for that Panel. This Panel would consider a report by the Investigation Officer and hear from the individual who the complaint is about. They would then take a decision on whether a sanction should be applied and what that sanction should be. The Panel will also be able to make recommendations to the relevant community council or the City of Edinburgh Council.
- 4.5 An Investigation Officer is also required to be appointed and it is proposed that the Head of Strategy and Communications fulfils this role.

## **5. Next Steps**

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- 5.1 Guidance will be provided to elected members in advance of any Community Council complaint hearing.

## **6. Financial impact**

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- 6.1 The resource required to manage the complaint process will be contained within the Strategy and Communications budget.

## **7. Stakeholder/Community Impact**

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- 7.1 The Scheme for Community Councils undertook a full consultation in line with the Local Government (Scotland) Act 1973.
- 7.2 The Pensions Committee had considered and agreed that governance changes should be taken forward.

## **8. Background reading/external references**

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8.1 [Scheme for Community Councils](#)

8.2 [Operational Governance Framework 2019 – City of Edinburgh Council – 27 June 2019](#)

8.3 [Review of Scheme for Community Councils – City of Edinburgh Council - 27 June 2019](#)

## **9. Appendices**

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Appendix One – Committee Terms of Reference and Delegated Functions

Appendix Two – Community Council Complaints Procedure

**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 23 August 2019 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. 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. 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.

## **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. 5 Conservative
- 1.1.3. 3 Labour
- 1.1.4. 2 Green
- 1.1.5. 2 SLD

#### **Convener and Vice-Convener**

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

#### **Quorum**

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

#### **Substitution**

- 1.5. Substitutes are permitted.

#### **Delegated functions**

- 1.6. Power is delegated to the Policy and Sustainability Committee to:
  - 1.6.1. advise the Council on outcomes, strategic objectives and key priorities;
  - 1.6.2. develop and approve Council policies, including reform, smart city, human resources, community planning and partnership working;
  - 1.6.3. adopt and implement the management framework for planning, implementing, reporting and reviewing Council service delivery;
  - 1.6.4. ensure the Council meets its statutory responsibilities in terms of best value;
  - 1.6.5. ensure the Council meets its statutory responsibilities in terms of diversity and equalities;
  - 1.6.6. monitor implementation of the Council's business and service development plans, corporate strategies, change programmes, corporate initiatives and service reviews;

- 1.6.7. 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;
- 1.6.8. 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;
- 1.6.9. set and monitor all relevant grants programmes and award grants;
- 1.6.10. 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;
- 1.6.11. determine any reviews of community asset transfer requests;
- 1.6.12. provide oversight and take decisions on matters relating to sustainability and climate change
- 1.6.13. provide oversight and take decisions on major economic policy and strategy and significant cross-cutting regeneration projects;
- 1.6.14. provide strategic oversight of Edinburgh City Region Deal;
- 1.6.15. advise, agree, scrutinise and review Edinburgh Police and Fire and Rescue Service city-wide plans, policies and performance;
- 1.6.16. 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;
- 1.6.17. determine differences between committees except where the difference involves a decision on an individual planning or licensing application; and
- 1.6.18. 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. 3 Conservative
- 2.1.3. 2 Labour
- 2.1.4. 2 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. 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. facilitate and encourage public, engagement, consultation, participation and feedback;
- 2.5.8. set and monitor all relevant grants programmes and award grants;

- 2.5.9. 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;
  - 2.5.10. 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. Community Justice;
  - 2.6.2. community safety
  - 2.6.3. health except those matters delegated to another committee or the Integration Joint Board;
  - 2.6.4. Cultural development, festivals and events;
  - 2.6.5. Sport and Recreation;
  - 2.6.6. Arts and museums;
  - 2.6.7. Libraries and community centres;
  - 2.6.8. Parks and green spaces;
  - 2.6.9. community and locality planning
  - 2.6.10. community empowerment; and
  - 2.6.11. Community Councils.

### **3. Education, Children and Families Committee**

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

- 3.1.1. 3 SNP
- 3.1.2. 3 Conservative
- 3.1.3. 2 Labour
- 3.1.4. 2 Green
- 3.1.5. 1 SLD

Additional members for education items:

- 3.1.6. 3 Religious Representatives
- 3.1.7. 1 Parent Representative (non-voting)

#### **Convener and Vice Convener**

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

#### **Quorum**

- 3.3. Four members will constitute a quorum except in the case of education business where five 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; and
  - 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; and
  - 3.6.10. review the impact of the committee's policies on the city.
- 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. Lifelong Learning; and
  - 3.7.3. 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. 3 Conservative
- 4.1.3. 2 Labour
- 4.1.4. 2 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. 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;  
and

4.5.10. 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. 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. 3 Conservative

5.1.3. 2 Labour

5.1.4. 2 Green

5.1.5. 1 SLD

### **Convener and Vice Convener**

5.2. The Convener and Vice Convener will be members 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.
- 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; and
  - 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. 3 Conservative
- 6.1.3. 2 Labour
- 6.1.4. 2 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. Four members will constitute a quorum.

### **Substitution**

6.4. Substitutes are permitted.

### **Delegated functions**

6.5. Power is delegated to the Transport and Environment Committee in relation to the 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 or officers;
- 6.5.3. set standards for service delivery and secure value for money;
- 6.5.4. set and monitor corporate standards, consider the necessity of existing service provisions and agree new service proposals;
- 6.5.5. monitor performance, including financial, instructing such performance information as the committee requires to fulfil its remit;
- 6.5.6. monitor arrangements to ensure best value and continuous improvement across all services;
- 6.5.7. facilitate and encourage public, engagement, consultation, participation and feedback;
- 6.5.8. set and monitor all relevant grants programmes and award grants;

- 6.5.9. 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;
  - 6.5.10. 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. Strategic Transport Planning;
  - 6.6.2. Traffic management, roads and parking;
  - 6.6.3. Public transport;
  - 6.6.4. Public Realm Projects;
  - 6.6.5. Flood prevention;
  - 6.6.6. Waste services;
  - 6.6.7. Environmental health and trading standards; and
  - 6.6.8. Street cleaning and open space maintenance.

## **7. Governance, Risk and Best Value Committee**

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

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

### **Convener**

- 7.2. The Convener of the committee will be a member of the opposition.
- 7.3. The Conveners and Vice 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; and
- 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; and
    - (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 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; and
  - 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 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
- 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. Committee on Discretionary Rating Relief Appeals**

- 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

#### **Convener**

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

#### **Quorum**

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

#### **Substitution**

- 8.4. Substitutes are permitted.

#### **Delegated functions**

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

### **9. Leadership Advisory Panel**

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

- 9.1.1. Leader of the Council
- 9.1.2. Deputy Leader of the Council
- 9.1.3. Conservative Group Leader
- 9.1.4. Green Group Leader
- 9.1.5. Scottish Liberal Democrat Group Leader
- 9.1.6. three statutory representatives, appointed by the Education, Children and Families Committee when considering education business

#### **Convener**

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

#### **Quorum**

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

#### **Substitution**

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

#### **Delegated functions**

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

9.5.1. 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.

## **10. Planning Committee**

10.1. **Constitution:** 11 members of the Council as follows:

- 10.1.1. 3 SNP
- 10.1.2. 3 Conservative
- 10.1.3. 2 Labour
- 10.1.4. 2 Green
- 10.1.5. 1 SLD

### **Convener**

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

### **Quorum**

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

### **Substitution**

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

### **Delegated functions**

10.5. Power is delegated to the Planning Committee:

- 10.5.1. To exercise the functions of the Council as planning, building standards and statutory addressing authority and to determine planning policies including:
  - 10.5.1.1. Development frameworks including public realm for place making;
  - 10.5.1.2. Strategic Infrastructure;
  - 10.5.1.3. Non-statutory planning guidance;
  - 10.5.1.4. designate and review conservation areas;

- 10.5.1.5. management plans for world heritage sites.
- 10.5.2. To express and interpret these policies as specific tasks and projects and set service standards;
- 10.5.3. To review performance in the delivery of services, the achievement of service standards and the impact of the Committee's activities on the City;
- 10.5.4. 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;
- 10.5.5. To appoint representatives on outside bodies relevant to the committee's service responsibilities;
- 10.5.6. 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. ;
- 10.5.7. To take decisions in pursuit of the committee's policies, subject to compliance with corporate personnel and financial policies and regulations;
- 10.5.8. To determine any charges for services provided by the committee; and
- 10.5.9. To provide financial assistance, in pursuit of the committee's policies.

## 11. Pensions Committee

11.1. **Constitution:** ~~5-7~~ members including 5 members of the Council as follows:

- 11.1.1. 1 SNP
- 11.1.2. 1 Conservative
- 11.1.3. 1 Labour
- 11.1.4. 1 Green
- 11.1.5. 1 SLD
- 11.1.6. 2 external members nominated by the Lothian Pension Funds Consultative Panel, 1 employer and 1 member representative representing the employers and members in the pension funds.

11.2. 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.

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41.1.7.

#### Convener

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

#### Quorum

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

#### Substitution

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

#### Delegated functions

41.5.11.6. Power is delegated to the Pensions Committee :

41.5.1.11.6.1. exercise all functions of the pension funds and associated legal and corporate structures, within the terms of the legislation;

41.5.2.11.6.2. determine the overall policy objectives of the pension funds in accordance with the best interests of fund members and employers and within relevant-all applicable legislation;

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

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

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

41.5.6.11.6.6. approve the allocation of resources to the Investment and Pensions Division Lothian Pension Fund group for the operation and administration of the pension funds from the Revenue Budget and Capital Investment Programme 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;

11.6.7. 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;

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~~11.6.7-11.6.8.~~ approve responses to consultation papers issued by government and other authorities; and

~~11.6-11.7.~~ 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:

~~11.6.4-11.7.1.~~ determining policies for the management and regulation of the ~~Investment and Pensions Division~~ Lothian Pension Fund group and within the strategic policy and planning framework approved by the Council;

~~11.6.2-11.7.2.~~ approving strategies, programmes and projects and work with officers and partners to implement them;

~~11.6.3-11.7.3.~~ setting standards for service delivery;

~~11.6.4-11.7.4.~~ 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;

~~11.6.5-11.7.5.~~ 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;

~~11.6.6-11.7.6.~~ ensuring systematic appraisal of the control environment and framework of internal controls in respect of the ~~Investment and Pensions Division~~ Lothian Pension Fund to provide reasonable assurance of effective and efficient operations and compliance with laws and regulations;

~~11.6.7-11.7.7.~~ promoting the development of an appropriate risk management strategy and risk management procedures;

~~11.6.8-11.7.8.~~ ensuring highest standards of probity and public accountability;

~~11.6.9-11.7.9.~~ ensuring sound financial procedures are in place for authorising and monitoring expenditure;

~~11.6.10-11.7.10.~~ agreeing internal audit plans and to ensure internal audit work is properly planned with due regard to risk, materiality and coverage;

~~11.6.11-11.7.11.~~ overseeing and review action taken on internal audit recommendations;

~~11.6.12-11.7.12.~~ reviewing all matters relating to external audit, including audit plan, action points and reports, and to monitor implementation of external audit recommendations; and

~~11.6.13-11.7.13.~~ promoting, monitoring and developing continuous improvement.

## **12. Personnel Appeals Committee**

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

- 12.1.1. 3 Conservative
- 12.1.2. 2 SNP
- 12.1.3. 2 Labour
- 12.1.4. 1 Green
- 12.1.5. 1 Scottish Liberal Democrat

### **Convener**

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

### **Quorum**

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

### **Substitution**

12.4. Substitutes are permitted.

### **Delegated functions**

12.5. Power is delegated to the Personnel Appeals Committee to:

- 12.5.1. 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.
- 12.5.2. hear and decide appeals to a decision to:
  - 12.5.2.1. dismiss or take other forms of punitive disciplinary action; and
  - 12.5.2.2. 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.
- 12.5.3. hear and decide disputes under the Avoidance of Industrial Disputes Procedure.
- 12.5.4. 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.

## **13. Placing in Schools Appeals Committee**

13.1. **Constitution:** One person from each of the following panels:

- 13.2. Panel 1: All members of Council and religious representatives on the Education, Children and Families Committee.
- 13.3. Panel 2: Parents of children of school ages.
- 13.4. 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.

**Chair**

- 13.5. Each meeting appoints a Chair.

**Quorum**

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

**Substitution**

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

**Delegated functions:**

- 13.8. Power is delegated to the Placing in Schools Appeals Committee:
  - 13.8.1. 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
  - 13.8.2. To consider appeals against decisions by the Executive Director of Communities and Families to refuse early admission to school.

**14. Committee on Pupil Student Support**

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

- 14.1.1. 1 SNP
- 14.1.2. 1 Conservative
- 14.1.3. 1 Labour
- 14.1.4. 1 Green
- 14.1.5. 1 SLD
- 14.1.6. 1 religious representative from the Education, Children and Families Committee

**Convener**

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

**Quorum**

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

**Substitution**

14.4. Substitutes are permitted.

**Delegated functions:**

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

**15. Recruitment Committee**

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

- 15.1.1. Leader of Council
- 15.1.2. Deputy Leader of the Council
- 15.1.3. Convener of the Finance and Resources Committee
- 15.1.4. Appropriate Convener or Vice-Convener for the role
- 15.1.5. A representative from each of the opposition groups

**Convener**

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

**Quorum**

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

**Substitution**

15.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive and in line with the relevant Council policy.

**Delegated functions**

15.5. 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).

**16. Regulatory Committee**

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

- 16.1.1. 3 Conservative
- 16.1.2. 2 SNP
- 16.1.3. 2 Labour
- 16.1.4. 1 Green
- 16.1.5. 1 Scottish Liberal Democrat

**Convener**

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

**Quorum**

16.3. Four members will constitute a quorum.

**Substitution**

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

**Delegated functions**

16.5. Power is delegated to the Regulatory Committee to:

- 16.5.1. 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.
- 16.5.2. exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee.
- 16.5.3. 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.
- 16.5.4. 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.
- 16.5.5. liaise with external bodies relevant to the Committee's service area, considering and approving responses to consultation proposals.
- 16.5.6. appoint representatives to outside bodies within the Committee's remit.
- 16.5.7. approve charges as required by statute and determine licence fees.
- 16.5.8. determine applications for road construction consent which are not delegated to the Executive Director of Place.
- 16.5.9. determine applications for permission to place tables and chairs on footways which are recommended for refusal by the Executive Director of Place.
- 16.5.10. exercise the Council's responsibilities in respect of safety at sports grounds.
- 16.5.11. exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

## **17. The City of Edinburgh Planning Local Review Body**

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

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

### **Convener**

17.2. Each meeting appoints a Convener.

### **Quorum**

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

### **Substitution**

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

### **Delegated functions:**

17.5. 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.

## **18. Committee on the Jean F Watson Bequest**

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

- 18.1.1. 2 SNP
- 18.1.2. 2 Conservative
- 18.1.3. 2 Labour
- 18.1.4. 1 Green
- 18.1.5. 1 Scottish Liberal Democrat
- 18.1.6. one nominee of Friends of City Art Centre
- 18.1.7. two external members appointed by the Executive Director of Resources, in consultation with the Convener.

### **Convener**

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

### **Quorum**

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

### **Substitution**

18.4. Substitutes are permitted.

**Delegated functions:**

18.5. Power is delegated to the Committee on the Jean F Watson Bequest to:

18.5.1. 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.

18.5.2. 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.

**19. Community Council Independent Complaints Panel**

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

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

**Convener**

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

**Quorum**

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

**Delegated functions:**

19.5. Power is delegated to the Community Council Independent Complaints Panel to:

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

19.5.2. Apply the following sanctions:

19.5.2.1. Censure of behaviour and a written undertaking to behave in accordance with the Scheme's Code of Conduct.

19.5.2.2. Suspension from community council meetings and activities for a period of time to be agreed by a majority of the Panel.

19.5.2.3. Request by a majority of the panel members for the named community councillor to step down.

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19.5.2.4. In serious cases, an expulsion from the community council, approved by a unanimous vote of the Panel.

19.5.3. Make recommendations to the relevant community council; and

19.5.4. Make recommendations to the City of Edinburgh Council.

18.5.2.

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Sub-Committees

**19.20. Development Management Sub-Committee (Parent: Planning Committee)**

19.1-20.1. **Constitution:** All 11 members of the Planning Committee, as follows: -

- 19.1.1-20.1.1. 3 SNP
- 19.1.2-20.1.2. 3 Conservative
- 19.1.3-20.1.3. 2 Labour
- 19.1.4-20.1.4. 2 Green
- 19.1.5-20.1.5. 1 Scottish Liberal Democrat

**Convener**

19.2-20.2. The Convener will be a member of the City of Edinburgh Council.

**Quorum**

19.3-20.3. Four members of the Development Management Sub-Committee will constitute a quorum.

**Substitution**

19.4-20.4. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Planning Officer.

**Delegated Functions**

19.5-20.5. 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).

19.6-20.6. To determine applications for High Hedge Notices and withdraw or vary such notices as prescribed under the High Hedges (Scotland) Act 2013.

19.7-20.7. To determine cases for street naming and the numbering of properties.

**20.21. Licensing Sub-Committee (Parent: Regulatory Committee)**

20.1-21.1. **Constitution:** 9 members of the Council as follows:

- 20.1.1-21.1.1. 3 Conservative
- 20.1.2-21.1.2. 2 SNP
- 20.1.3-21.1.3. 2 Labour
- 20.1.4-21.1.4. 1 Green
- 20.1.5-21.1.5. 1 Scottish Liberal Democrat

### **Convener**

[20.2-21.2.](#) The Convener of the Licensing Sub-Committee is the Convener of the Regulatory Committee.

### **Quorum**

[20.3-21.3.](#) Three members constitute a quorum.

### **Substitution**

[20.4-21.4.](#) Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Chief Executive.

### **Delegated functions:**

[20.5-21.5.](#) Power is delegated to the Licensing Sub-Committee to:

[20.5.1-21.5.1.](#) 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;

[20.5.2-21.5.2.](#) exercise the functions of the Council on all licensing functions which are not reserved to the Council, its officers or delegated to another Committee;

[20.5.3-21.5.3.](#) 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;

[20.5.4-21.5.4.](#) determine applications for road construction consent not delegated to the Executive Director of Place;

[20.5.5-21.5.5.](#) determine applications for permission to place tables and chairs on footways recommended for refusal by the Executive Director of Place;

[20.5.6-21.5.6.](#) exercise the Council's responsibilities in respect of safety at sports grounds; and

[20.5.7-21.5.7.](#) exercise the Council's functions regarding notification of parades and processions so far as not delegated to officers.

## **21.22. Pensions Audit Sub-Committee (Parent: Pensions Committee)**

### **Constitution**

[22.1.](#) Three members from the Pensions Committee of which a minimum are two City of Edinburgh elected members.

22.2. Two non-voting members of the Pension Board will also be able to attend the Pensions Audit Sub-Committee to oversee its activities.

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21.1.

### **Quorum**

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21.2-22.3. Two members of the Pensions Audit Sub Committee will constitute a quorum.

### **Convener**

21.3-22.4. 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**

21.4-22.5. Substitutes are permitted from members of the Council who have undertaken and completed appropriate training specified by the Executive Director of Resources.

### **Delegated functions**

21.5-22.6. Power is delegated to the Pensions Audit Sub-Committee to consider and make appropriate recommendation(s) to the Pensions Committee:

21.5.1-22.6.1. 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;

21.5.2-22.6.2. To promote the development of an appropriate risk management strategy and risk management procedures;

21.5.3-22.6.3. To ensure the highest standards of probity and public accountability;

21.5.4-22.6.4. To ensure sound financial procedures are in place for authorising and monitoring expenditure and the allocation of pension fund resources;

21.5.5-22.6.5. To consider and scrutinise an annual report on any companies owned by the Council that are connected to the activities of the Pension-pension Fund funds and the Lothian Pension Fund group;

21.5.6-22.6.6. To review the consolidated annual financial statements of the pension funds/Lothian Pension Fund group s and the International Standard on Auditing 260 (ISA 260) communication of audit matters;

21.5.7-22.6.7. To agree internal audit plans and to ensure that internal audit work is planned with due regard to risk, materiality and coverage;

~~21.5.8-22.6.8.~~ To oversee in light of the audit plan the performance of the audit service;

~~21.5.9-22.6.9.~~ To oversee and review action taken on internal audit recommendations; and

~~21.5.10-22.6.10.~~ To review all matters relating to external audit, including audit planning, action points and reports, and to monitor the implementation of external audit recommendations.

### **22-23. Property Sub-Committee (Parent: Finance and Resources Committee)**

~~22.1-23.1.~~ **Constitution:** 10 members of the Council as follows:

~~22.1.1-23.1.1.~~ 3 SNP

~~22.1.2-23.1.2.~~ 3 Conservative

~~22.1.3-23.1.3.~~ 2 Labour

~~22.1.4-23.1.4.~~ 1 Green

~~22.1.5-23.1.5.~~ 1 SLD

#### **Convener**

~~22.2-23.2.~~ The Convener will be a member of the City of Edinburgh Council.

#### **Quorum**

~~22.3-23.3.~~ Four members of the Property Sub-Committee will constitute a quorum.

#### **Substitution**

~~22.4-23.4.~~ Substitutes are permitted.

#### **Delegated functions:**

~~22.5-23.5.~~ Power is delegated to the Property Sub-Committee to:

~~22.5.1-23.5.1.~~ oversee the work of the Edinburgh Shared Repairs Service;

~~22.5.2-23.5.2.~~ 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; and

~~22.5.3-23.5.3.~~ consider any outstanding issues that require detailed scrutiny in relation to the closure of the Property Conservation Programme Momentum project.

### **23-24. Special Sub-Committee on Adult Social Care (Parent: Culture and Communities Committee)**

23.1-24.1. **Constitution:** 5 members of the Council as follows:

- 23.1.1-24.1.1. 1 Labour
- 23.1.2-24.1.2. 1 SNP
- 23.1.3-24.1.3. 1 Conservative
- 23.1.4-24.1.4. 1 Green
- 23.1.5-24.1.5. 1 SLD

#### **Convener**

23.2-24.2. The parent committee appoints the Convener.

#### **Quorum**

23.3-24.3. Two members of the Special Sub-Committee on Adult Social Care will constitute a quorum.

#### **Substitution**

23.4-24.4. Substitutes are permitted.

#### **Delegated functions**

23.5-24.5. Power is delegated to the Special Sub-Committee on Adult Social Care to:

- 23.5.1-24.5.1. 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;
- 23.5.2-24.5.2. monitor the implementation of new initiatives relating to quality;
- 23.5.3-24.5.3. maintain an overview of the implementation of national and local policies.
- 23.5.4-24.5.4. 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 Culture and Communities Committee;
- 23.5.5-24.5.5. celebrate the success of services, including identification of examples of good practice; and
- 23.5.6-24.5.6. 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.

#### **24-25. Sub-Committee on Standards for Children and Families (Parent: Education, Children and Families Committee)**

24.1-25.1. **Constitution:** 9 Members in total comprising of 1 religious representative and 8 Members of the Council as follows:

[24.1.1-25.1.1.](#) 3 Conservative

[24.1.2-25.1.2.](#) 2 SNP

[24.1.3-25.1.3.](#) 2 Labour

[24.1.4-25.1.4.](#) 1 Green

[24.1.5-25.1.5.](#) 1 Scottish Liberal Democrat

#### **Convener**

[24.2-25.2.](#) The parent committee will appoint the convener.

#### **Quorum**

[24.3-25.3.](#) Three members will constitute a quorum.

#### **Substitution**

[24.4-25.4.](#) Substitutes are permitted.

#### **Delegated functions**

[24.5-25.5.](#) Power is delegated to the Sub-Committee on Standards for Children and Families to:

[24.5.1-25.5.1.](#) 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;

[24.5.2-25.5.2.](#) Consider an annual report on Care Inspectorate inspections in early years provision;

[24.5.3-25.5.3.](#) Consider individual reports on Care Inspectorate inspections in residential schools, care services for children and local authority reviews of service areas, establishments and units;

[24.5.4-25.5.4.](#) Monitor the implementation of initiatives relating to quality improvement and assurance, and attainment and achievement;

[24.5.5-25.5.5.](#) Maintain an overview of the implementation of national and local policies specifically related to quality standards by officers, establishments and services;

[24.5.6-25.5.6.](#) Contribute to the support and challenge agenda within the context of establishment plans; and

[24.5.7-25.5.7.](#) Celebrate the success of establishments, units, teams and the service including recognising items of good practice.

Appendix 2

# **Community Councillors Complaints Procedure**

**October 2019**

## Foreword

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Community councils in Edinburgh are established under the City of Edinburgh Council's (CEC) [Scheme for Community Councils](#) (the Scheme), as provided for under the Local Government (Scotland) Act 1973 and thereafter, the Local Government etc (Scotland) Act 1994. The Scheme sets out the roles and responsibilities of community councils and councillors. Furthermore, the Scheme contains a Code of Conduct for Community Councillors which must be adhered to by all those who hold the position.

From time to time complaints will be made about the conduct of individual community councillors. These complaints will be dealt with through the Community Councillor Complaints Procedure.

Please note that CEC has a separate [procedure](#) to record and manage complaints by members of the public about CEC services and this should not be confused with the Community Councillor Complaints Procedure.

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## **1. How to use this procedure**

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- 1.1 This procedure explains how complaints regarding Community Councillor's conduct should be handled by the City of Edinburgh Council and subsequently the community council or Investigation Officer tasked with dealing with the complaint. Information for complainants is available on the [CEC website](#).
- 1.2 When using this document please also refer to the Scottish Public Services Ombudsman (SPSO) Statement of Complaints Handling Principles' and best practice guidance on complaints handling, from the Complaints Standards Authority at the SPSO ([www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)).

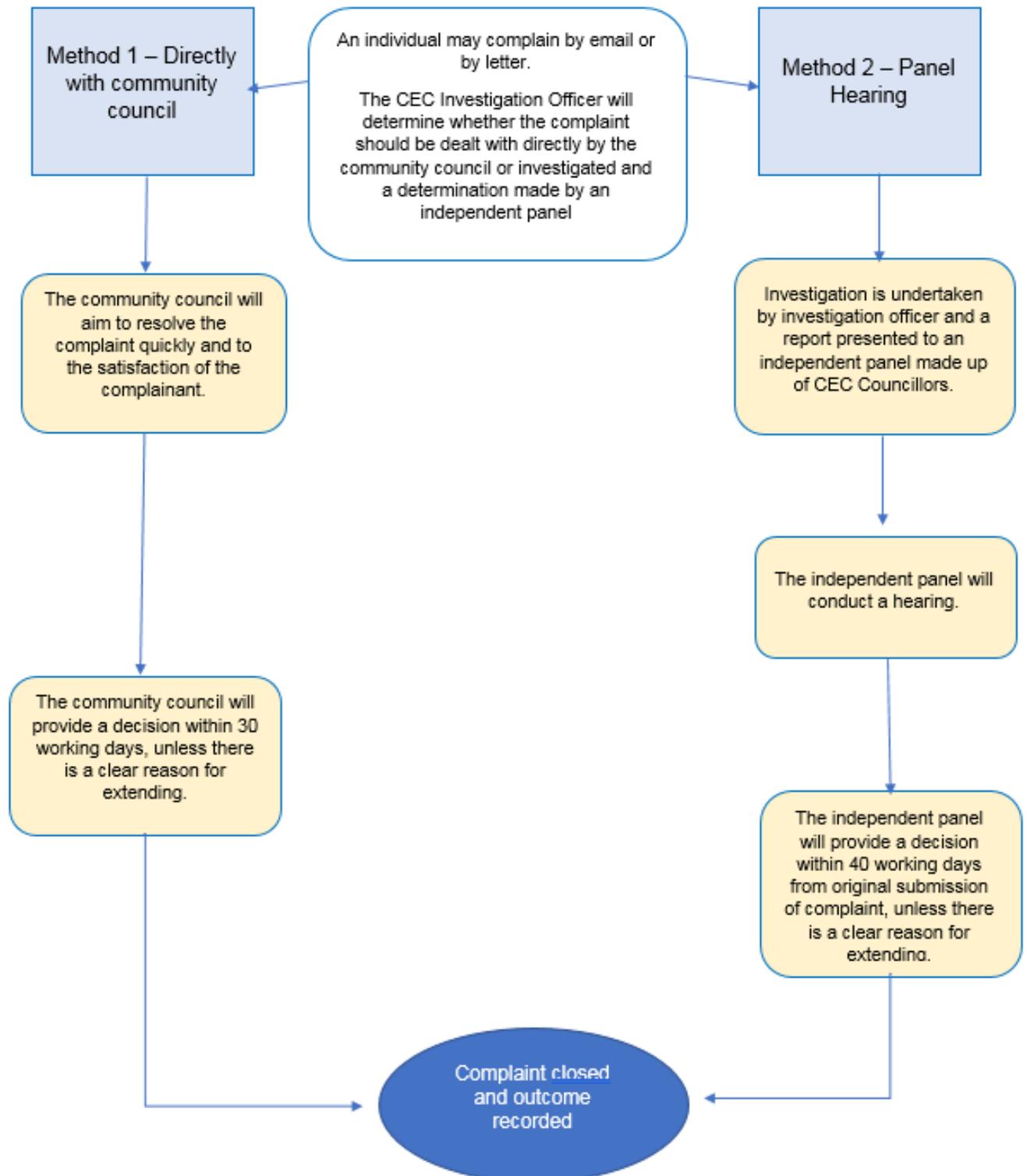
## **2. What is a complaint?**

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- 2.1 Complaints must relate to alleged breaches of the Code of Conduct for Community Councillors, contained within the City of Edinburgh Council Scheme for Community Councils.
- 2.2 A complaint is not:
- A dispute of a personal nature which does not encompass an individual's role as a community councillor.
  - An issue that is in court or has already been heard by a court or a tribunal.
  - A disagreement with a decision, where a statutory right of appeal exists.
  - An attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.
- 2.3 This list is not exhaustive.
- 2.4 These issues will not be treated as complaints but individuals will be directed to the appropriate procedures.

### 3. Complaints procedure flowchart

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## 4. The complaint handling process

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- 4.1 The procedure provides two routes for the resolution of complaints:
- a. **Directly with Community Council (Method 1)**, and
  - b. **Panel Hearing (Method 2)**
- 4.2 The CEC Investigation Officer will determine which method should be utilised on receipt of a complaint.
- 4.3 Method 1 aims to provide a quick simple and streamlined process for resolving complaints directly with the community council concerned. Method 2 allows for more detailed investigation and an independent determination by the Community Council Complaints Panel in instances where complaints are more complex or serious.

	<b>Method 1 – Directly with community council</b>	<b>Method 2 – Panel Hearing</b>
<b>Type of complaint</b>	Simple, straightforward complaint requiring little or no investigation	Complaints that are complex or serious and require an investigation (to be determined by the CEC Investigation Officer)
<b>Timescale to respond</b>	30 working days (to be acknowledged within 3 working days)	40 working days (to be acknowledged within 3 working days)
<b>Extensions</b>	Must be authorised by the CEC Investigation Officer.	Must be authorised by the CEC Investigation Officer.
<b>Investigation</b>	The community council concerned	CEC Investigation Officer
<b>Who responds</b>	The community council concerned	The Community Council Complaints Panel
<b>Response format</b>	Verbal or written – whichever is appropriate (good practice to follow up a verbal response in writing)	Written

## **5. On receipt of a complaint**

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- 5.1 A complaint can be made in writing or by email.
- 5.2 A complainant may nominate a third-party representative to make a complaint on their behalf.
- 5.3 More than one complaint about the same incident or issue will be considered together.
- 5.4 All complaints must be submitted to the CEC Investigation Officer. Representations submitted elsewhere, including directly to community councils or other CEC officers, will not be formally considered as complaints.
- 5.5 On receipt of a complaint the CEC Investigation Officer will acknowledge, record and determine which method shall be utilised.

### **5.6 Record**

- The individual shall be asked for all necessary information to get a full understanding of their complaint.
- Clarification shall be sought regarding what the individual wants to achieve by complaining and what provisions of the code of conduct have been breached.
- The following details shall be recorded as a minimum:
  - complainant details;
  - date complaint was received;
  - nature of the complaint; and
  - the community councillor to which the complaint refers.

### **5.7 Acknowledge**

- All complaints must be acknowledged on receipt. Acknowledgement will include details regarding the method to be utilised and expected response period.

## **6. Method 1: Directly with Community Council**

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- 6.1 Method 1 aims to quickly resolve straightforward complaints, which require little or no investigation. On receipt the CEC Investigation Officer will direct such complaints to the office-bearers of the parent community council for the community councillor subject to the complaint (excluding office-bearers subject to complaints themselves). They will be responsible for resolving and responding to the complaint.

## 6.2 Resolve

- On the spot if possible – if an apology is appropriate the [guidance as set out by the SPSO](#) should be followed.
- A meeting of the community council may be required to consider the complaint and appropriate course of action.

## 6.3 Respond

- Respond within 30 working days.
- Responses to complaints can be verbal or in writing – whichever is most appropriate. It is good practice to follow up a verbal response in writing for clarification. Templates are available on request from the CEC Investigation Officer.
- It is important to keep a full and accurate record of the decision reached and given to the complainant. As a minimum, the following information should be recorded:
  - detail of the complaint;
  - date closed (the date the verbal response is provided or the letter/email is sent); and
  - outcome of complaint (upheld, not upheld or partially upheld).
- The CEC Investigation Officer must be informed as to how the community council has dealt with the complaint once this has been closed.

## 7. Method 2: Panel Hearing

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- 7.1 Complaints handled via the Panel Hearing Method are typically complex, serious or require detailed examination before a position can be stated. These complaints will be identified on receipt by the CEC Investigation Officer.
- 7.2 The Investigation Officer will conduct the investigation or appoint a suitable individual to do so on their behalf. This individual will carry out an investigation which aims to establish all the facts relevant to the points made in the complaint.
- 7.3 The CEC Investigation Officer will also establish an independent complaints panel (Community Council Complaints Panel) made up of no less than three CEC Councillors. Care shall be taken to ensure that the Panel is sufficiently independent.
- 7.4 The CEC Investigation Officer will submit a report with recommendations to the Panel for determination.

## Resolution of complaint

### Independent Complaints Panel (Community Council Complaints Panel)

- 7.5 A hearing will be held to consider the report submitted by the CEC Investigation Officer. This shall be subject to CEC Standing Orders.
- 7.6 The Panel will make a final determination on the complaint.
- 7.7 The following sanctions can be applied in the case of an individual community councillor:
- Censure of behaviour and a written undertaking to behave in accordance with the Scheme's Code of Conduct.
  - Suspension from community council meetings and activities for a period of time to be agreed by a majority of the Panel.
  - Request by a majority of the panel members for the named community councillor to step down.
  - In serious cases, an expulsion from the community council, approved by a unanimous vote of the Panel.
- 7.8 The decision of the Panel will be communicated by letter within 40 working days of receipt of the initial complaint to:
- The complainant.
  - The community councillor subject to the complaint.
  - The office bearers of their community council.
- 7.9 All Panel meetings will be held in private (as provided for under Schedule 7A of the Local Government (Scotland) Act 1973) and all materials relating to the complaint/investigation will be sent to the CEC Investigation Officer on completion for archiving. This will be retained for three years as detailed by the [CEC Retention Schedule](#) (ref 20.004.003).

## 8. Extensions to timelines

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- 8.1. In exceptional circumstances, where there are clear and justifiable reasons for doing so, the CEC Investigation Officer may authorise an extension to the timeline. Examples of when this may be appropriate include:
- individuals concerned being temporarily unavailable;
  - essential accounts or statements, required to establish the circumstances of the case, are needed from individuals, but they cannot help because of long-term sickness or leave;
  - where it is not possible to obtain further essential information within normal timescales;

- when operations are disrupted by unforeseen or unavoidable circumstances, for example severe weather conditions; and
- the individual has agreed to mediation as a potential route for resolution.

8.2. This list is not exhaustive.

8.3. An extension to the timescale must be considered as soon as it becomes apparent that this is required. All parties will be informed if permission for an extension is given. The complainant shall be made aware of delays or complexities that may impact progress.

## **9. Time limit for making complaints**

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9.1. Complaints should be made within six months of the incident occurring, unless there are special circumstances for granting an extension. Any such circumstances will be considered on a case by case basis by the CEC Investigation Officer.

## **10. Maintaining confidentiality**

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10.1 The complainant and subject's confidentiality should be maintained at all times. All complaints will also be subject to legal requirements including data protection legislation.

## **11. Who can make a complaint?**

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11.1 Anyone who is affected by the community council can make a complaint.

Sometimes an individual may be unable or reluctant to make a complaint on their own. Complaints brought by third parties will be accepted where personal consent has been given.

11.2 Individuals under 16 may complain themselves or can ask a trusted adult such as a parent, older brother or sister, or a guardian to complain on their behalf.

11.3 If an individual considers themselves to be a vulnerable adult they can complain directly, or they can ask a trusted person to complain on their behalf.

11.4 Anonymous complaints are not permitted under this procedure, however, if the complaint relates to a sensitive incident or issue, the CEC Investigation Officer can allow the name of the complainant to be withheld in such limited circumstances.