



**SCOTTISH BORDERS COUNCIL  
TO BE HELD ON THURSDAY, 28TH  
SEPTEMBER, 2017**

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**Please find attached the Appendix in respect Items 9 and 10 on the agenda for the above meeting**

9.	<b>Localities Bid Fund 2017-2018: Process for Determining Funding Applications and Voting</b> (Pages 1 - 22)  Consider report by Service Director Customer and Communities. (Copy attached.)	15 mins
10.	<b>Scheme of Administration</b> (Pages 23 - 102)  Consider report by Chief Executive. (Copy attached.)	15 mins

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## **LOCALITIES BID FUND 2017-2018: PROCESS FOR DETERMINING FUNDING APPLICATIONS AND VOTING**

**Report by Service Director Customer and Communities**

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### **SCOTTISH BORDERS COUNCIL**

**28 September 2017**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report is seeking approval for the application, assessment and voting process for the Localities Bid Fund as requested by Council at its meeting on 27 June 2017.**
- 1.2 It was agreed at Council on 27 June 2017 that the fund will be split across the 5 Area Partnerships and support projects and initiatives submitted by communities within each area. The £500k fund will be allocated per head of population and is part of a wider response to the Community Empowerment (Scotland) Act 2015.
- 1.3 The proposed model will be managed through Area Partnerships, supported by SBC officers and will address a specific theme or outcome within the Scottish Borders Community Planning Partnerships' Community Plan, or an agreed local priority. Bids will be invited from local communities and pre-assessed by the Borders Assessment Panel (which will be chaired by Executive Member for Neighbourhoods and Locality Services and include all Area Partnership Chairs and key SBC officers) before going to a public vote.

#### **2 RECOMMENDATIONS**

- 2.1 **I recommend that Council:**
  - (a) Agrees the proposed model as detailed in Appendix 1**
  - (b) Agrees the proposed process as detailed in Appendix 2**
  - (c) Notes the draft application form and guidance as detailed in Appendix 3**
  - (d) Notes the proposed timetable as detailed in Appendix 4**

### 3 BACKGROUND

- 3.1 It was agreed at Council on 9 February 2017 that £500k be allocated for the purpose of participatory budgeting to pilot the new Scottish Borders Council Localities Bid Fund.
- 3.2 A report was brought to Council on 27 June 2017 which gave an example of participatory budgeting in Scottish Borders, a methodology for the allocation of funding and a proposed model for how the fund would be managed.
- 3.3 Following the amendments agreed at Council, the revised model for the Localities Bid Fund is detailed in **Appendix 1**, and includes the change of wording from Locality Committees to "Area Partnerships" as detailed in changes to the Scheme of Administration.
- 3.4 A funding cap of £5k is also being proposed for non-constituted groups. This is to mitigate the risks of allocating significant funding to an individual and to ensure that the Council discharges legal, financial and duty of care requirements.

### 4 PROPOSED 3-STAGE PROCESS FOR LOCALITIES BID FUND

- 4.1 The proposed process detailed in **Appendix 2** outlines each stage of the Localities Bid Fund from decisions requiring to be made by each Area Partnership before the opening of the fund to monitoring and evaluation at closure.
- 4.2 **Stage 1** - the setting up and the allocation of the fund to specific themes, the opening of the fund and applications being invited. Area Partnerships will be **responsible** for:
  - (i) The allocation of funding for each of their chosen themes
  - (ii) To agree the number of funding releases in the year
  - (iii) To agree dates for each specific funding release, (a carry forward can be taken into the 2018 financial period if required, as detailed at 6.1)
- 4.3 Supported by SBC marketing and promotion, the funding round would then open and bids would be invited for the funding period specified. A proposed application form is detailed in **Appendix 3** which also includes guidance for applicants.
- 4.4 **Stage 2** – This includes pre-assessment taking place and the Borders Assessment Panel convening. The pre-assessment check will comprise of the Communities & Partnership Team ensuring that the application forms have been completed satisfactorily, meet the outcomes of the Community Plan or the agreed local priority, and are appropriate for the Localities Bid Fund, or if there are other, more appropriate funding streams. The applications will be logged by theme and locality, and a list prepared for the Borders Assessment Panel to consider when they convene. The Area Partnership Chairs may wish to share this list with their respective Area Partnership's.

4.5 The Borders Assessment Panel will be chaired by the Executive Member for Neighbourhoods and Locality Services and include all Area Partnership Chairs and key SBC officers. There may be a requirement to bring in specialist officers if the theme has a specific technical element. The panel will assess projects against the following criteria:

- (i) Does the project meet the outcomes of the Community Plan or the locally agreed priority
- (ii) How will the project benefit the local community
- (iii) How will the community be involved in delivering the project
- (iv) Has sustainability been considered
- (v) What will change in the community as a result of the project
- (vi) Does the project align with current Council policies, strategies and corporate priorities
- (vii) Does the project disadvantage any parts of the community

The projects that do not meet the above criteria will be rejected and appropriate feedback will be given by the Communities & Partnership's Team.

4.6 The agreed projects will then go forward to a public vote. Regardless of the totality of the agreed projects, a public vote will be undertaken, and the most popular projects will receive funding. However, the funding pot may be adjusted accordingly by the Area Partnership, depending on the number of projects that have been agreed.

4.7 **Stage 3** – The publication of bids and the Public Voting process. Area Partnership Members and Bid Applicants will be notified by email of bids that will and will not be going forward to public vote.

4.8 The agreed projects will be published on the SBC website with a brief summary of each project. Communities will then be invited to vote:

- (a) Using an online voting tool
- (b) Downloading a paper vote and returning by post to SBC HQ
- (c) Collecting a paper vote at Library, contact centres or from the Communities & Partnership Team and using a drop box located within Libraries and Contact Centres, SBC HQ and other appropriate key areas

4.9 Funding will be awarded to the most successful bids and publicised on the SBC website, at Area Partnerships and through social media.

4.10 Marketing and promotion of the fund at a generic Borders-wide level will be provided, but it may be that an Area Partnership would wish to undertake additional or special promotions, for which budget provision would come from their own individual funding allocation. A draft Engagement and Communication plan has been developed and will be progressed with the Chair of each Area Partnership.

4.11 The use of the Localities Bid Funding must align with current Council policies, strategies and corporate priorities.

4.12 The level of capacity within our communities in the Scottish Borders will vary, and therefore significant support will need to be given to Area Partnerships and our communities from a range of officers across the

organisation. This support will feature Community Learning and Development (CLD), the Communities & Partnership Team, Democratic Services and other services, depending on the theme or priority.

## **5 PROPOSED TIMETABLE**

- 5.1 A proposed timetable is included in **Appendix 4** and suggests two phases of funding being released. This timetable is for guidance only, and in order to allow for community capacity building where required, the final timetable for each of the 5 areas will be decided by the Chair and members of each Area Partnership.
- 5.2 The Autumn 2017 phase could open on 15<sup>th</sup> October 2017 and would give communities from October to the 1<sup>st</sup> December 2017 to submit projects and ideas, with the Assessment Panel meeting in mid to late December 2017 and a public vote taking place in January 2018. Monies would be released in February 2018.
- 5.3 The Spring 2018 phase could open on 1<sup>st</sup> April 2018 and would give communities from April to the end of June to submit projects and ideas, with the Assessment Panel meeting in July 2018 and a public vote taking place in August 2018. Monies would be released in September 2018.
- 5.4 There will be regular updates provided to the Area Partnerships on the outcomes being achieved as the pilot progresses.
- 5.7 An Evaluation Toolkit is currently being developed by Glasgow City Council and What Works Scotland, and it is envisaged that this toolkit will be adopted for the Localities Bid Fund. Monitoring and evaluation will commence after Phase 1 and concluded in September 2018 after Phase 2 has concluded.

## **6 IMPLICATIONS**

### **6.1 Financial**

A one off budget of £500k has been identified for the 2017 Localities Bid Fund. It was agreed at Council on 27 June 2017 that the funding allocation could be carried into the 2018 financial year. The continuation of the Localities Bid Fund beyond 2017/18 will require additional funding, possibly requiring savings elsewhere, to be identified as part of the budget process for 2018/19.

### **6.2 Risk and Mitigations**

A risk management approach will be applied consistently and appropriately across the programme, based on existing grants & funding schemes and best practice. This will include an award cap of £5k for non-constituted groups. Decisions taken on the allocation of the Localities Bid Fund in 2017/18 should not expose the Council to any unfunded ongoing future financial commitment.

### **6.3 Equalities**

Equalities Impact Assessments will be carried out to ensure that the applicants have agreed to the Equalities requirements within the application. The Localities Bid Fund will not support any projects which disadvantage any other parts of the community.

6.4 **Acting Sustainably**

The programme will support the approach of acting sustainably ensuring any effects are identified and the impact evaluated where appropriate.

6.5 **Carbon Management**

The programme will actively promote a positive impact on the Council's carbon emissions where appropriate.

6.6 **Rural Proofing**

This will be undertaken within the programme where appropriate.

6.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made.

**7 CONSULTATION**

7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

**Approved by**

**Jenni Craig**  
**Service Director Customer and Communities**

**Signature .....**

**Author**

Name	Designation and Contact Number
Shona Smith	Communities & Partnership Manager

**Background Papers:** none

**Previous Minute Reference:** Scottish Borders Council, 27 June 2017

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Clare Malster can also give information on other language translations as well as providing additional copies.

Contact us at: Shona Smith  
Scottish Borders Council HQ, Newtown St Boswells, TD6 0SA  
Tel: 07789500135, E-Mail: [smsmith@scotborders.gov.uk](mailto:smsmith@scotborders.gov.uk)

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## Localities Bid Fund proposed model

<b>Fund name</b>	<b>Localities Bid Fund</b>
	Managed through Area Partnerships
<b>Funding for '17/18</b>	<b>£500k</b>
<b>General Criteria</b>	To address a specific theme or outcome within the Area Locality Plan.
<b>Funding availability</b>	1 or 2 events held in each locality per year if desired.
<b>Funding equity</b>	Allocation per head of population, per locality area.
<b>Funding cap</b>	A cap of £5k per individual award will be applied to non-constituted groups. Each application will be pre-reviewed by officers to ensure compliance with the principles of Following the Public Pound.
<b>Who decides</b>	The Borders Assessment Panel, supported by SBC officers will assess and screen initial bids to ensure appropriateness and a fit with agreed outcomes or local priorities. Regardless of the totality, the agreed projects will go forward to a community vote. However, the funding pot may be adjusted accordingly.
<b>How</b>	Bids are invited from the community and then screened by the Borders Assessment Panel, supported by SBC officers
<b>Who administers / screens bids</b>	The Borders Assessment Panel, supported by SBC officers
<b>Who can submit a bid and/or vote</b>	Anyone who is 16 years old or older and lives, works, volunteers or studies in the locality area
<b>Funding distribution process</b>	Area Partnership/SBC Officers provide details to Finance
<b>Monitoring &amp; Evaluation</b>	Successful projects will report/present back to Area Partnerships or through a community event. Evaluation of the Localities Bid Fund will be undertaken by SBC officers in September 2018 using an PB Evaluation Toolkit currently being developed by Glasgow City Council and What Works Scotland
<b>Type of community group</b>	No requirement to be constituted, but a funding cap of £5k will be applied to non-constituted groups.
<b>Match Funding</b>	May be appropriate depending on project
<b>Role of Elected Member</b>	To promote the Localities Bid Fund and support the priorities within the Locality Plans
<b>Role of SBC Officers</b>	To support the Area Partnerships and the administration of the Localities Bid Fund

Funding allocation:

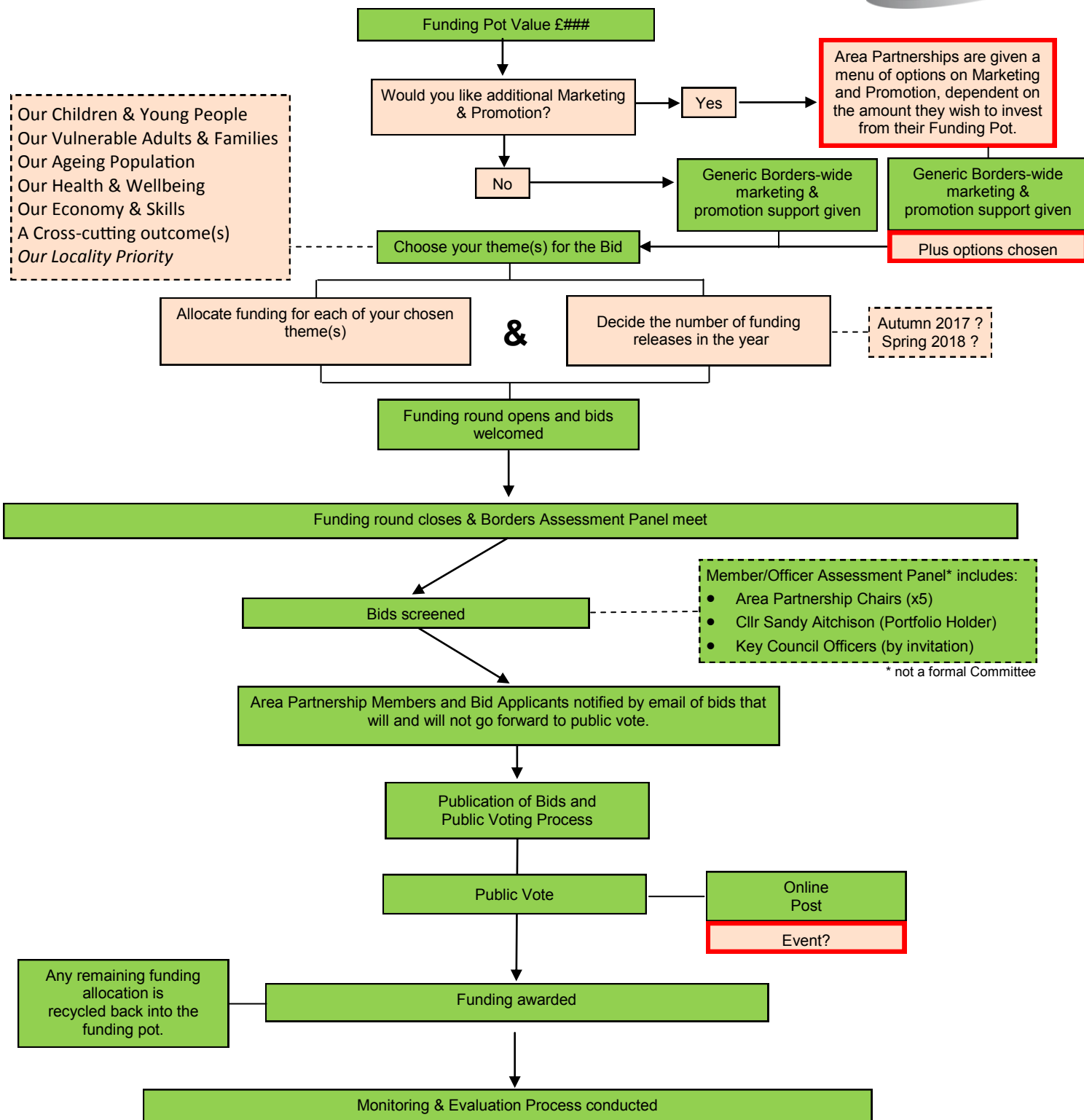
<b>Area</b>	<b>Population</b>	<b>£4.384 per head of population</b>
Berwickshire	20,827	£91,324.30
Cheviot	19,514	£85,568.20
Eildon	35,035	£153,611.30
Teviot & Liddesdale	17,806	£78,080.30
Tweeddale	20,848	£91,416.20
<b>Total</b>	<b>114,030</b>	<b>£500,000</b>

\*National Record Scotland population estimates 2015

## Localities Bid Fund proposed model

# Localities Bid Fund Process

Working draft



	<b>Mandatory</b>
	<b>Optional</b>
	<b>Level of Support could be enhanced with LBF budget</b>

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# Localities Bid Fund Application Form

The Localities Bid Fund has been created to support community projects and initiatives across the Scottish Borders. Its aim is to help to achieve local priorities and benefit communities. Communities will decide on how the funding should be allocated. We would like you to tell us about your ideas and projects, which will then be assessed by local Elected Members and officers from Scottish Borders Council (SBC). Projects that meet the assessment criteria will then be put forward to a community vote to decide on which should receive funding.

## WHO CAN APPLY?

Anyone who is 16 years old or older and lives, works, volunteers or studies in the Borders. Groups do not have to be constituted to apply.

## HOW MUCH FUNDING CAN BE APPLIED FOR?

The minimum or maximum award is determined by the size of the funding pot allocation, with a cap of £5k being applied to non-constituted groups.

Each application will be reviewed by SBC officers to ensure its principles follow financial regulations.

## 1. WHERE WILL YOUR IDEA/PROJECT BE DELIVERED?

(If your idea/project benefits more than one area, please tick all relevant boxes)



**Please indicate which Community Plan theme(s) or local priority your idea/project best fits:**

Our Children and Young People	
Our Vulnerable Adults and Families	
Our Ageing Population	
Our Health and Wellbeing	
Our Economy and Skills	
A Cross-cutting outcome: (please state which one)	
Our Local Priority: (please state)	

The Community Plan can be viewed here:  
[www.scotborders.gov.uk/yourcommunityplan](http://www.scotborders.gov.uk/yourcommunityplan)

A local priority may have been identified by your Area Partnership.

# Localities Bid Fund Application Form

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## 2. TELL US ABOUT YOUR IDEA/PROJECT:

**What is your idea/project and how will you do it?**

**How will it benefit your community?**

**How will your community be involved in your idea/project?**

**How will you ensure your idea/project is sustainable or does it have a planned end date?**

**How will your idea/project make a difference, will anything change in your community as a result of it?**

**Tell us what your group will do and how they will make it happen.**

If your project requires leasehold of land or building please see the guidance notes for more information.

## 3. FINANCE

(a)	Total cost of the idea/project:	£
(b)	Amount requested:	£
(c)	Any other funding you have received/applied for:	£
	<b>TOTAL</b>	<b>£</b>

**Please detail any other funding you have received/applied for, for your idea/project:**

Funding Source	Amount

## 4. GROUP/ORGANISATION DETAILS:

# Localities Bid Fund Application Form

What is the name of your group/organisation?

## Details of main contact

Name	
Position in Group	
Home Address	
Post Code	
Telephone Number	
Email Address	

## 5. EQUALITIES

If you do not have an Equal Opportunities Policy or Equality Statement, tell us how your group takes account of equal opportunities legislation by including all sections of your community (including promotion of equality of access to services irrespective of race, disability, gender, age, sexual orientation, religious or political beliefs).

Does your idea/project involve work with children, young people under the age of 18 or vulnerable adults? Yes  No

If yes, what safeguarding policies do you have in place and how often are these reviewed? Please provide a copy of these or give full details below:

### IMPORTANT INFORMATION:

- THE DEADLINE FOR RECEIPT OF APPLICATIONS IS **XXXXX**. ANY APPLICATIONS RECEIVED AFTER THIS DATE WILL NOT BE CONSIDERED.
- *In addition to Public Voting, and should a Community Voting Event take place: you, or someone in your group, **MUST be available to attend**. A Community Voting Event is where local residents and communities will vote on which ideas/projects will be awarded funding*
- Projects/activity must take place in the Scottish Borders area and benefit its local residents and communities
- If you have an idea/project you would like to see funded but you are not part of a group, please contact **XXXXXX**
- Successful projects will be monitored and evaluated to ensure the benefits stated in the application form are achieved
- Funding must be used solely for the agreed purpose set out in your

By “Sustainable” we mean that a project in the long term does not rely on grant funding.

If your project does not have a planned end date, how will you make sure you generate enough income to support your idea/project for the future?

# Localities Bid Fund Application Form

application and any unused funds must be returned

- All funding received must be accounted for, receipts and invoices will be required and an end of project evaluation form completed

For assistance in completing this form and all other queries please contact our grants team at Scottish Borders Council on 01835 826659. All completed forms and attachments should be submitted via email to

[communitygrants@scotborders.gov.uk](mailto:communitygrants@scotborders.gov.uk) Or hard copy to:-

**Grants Co-ordinator, Scottish Borders Council, Communities & Partnerships Team, Newtown St. Boswells, Melrose TD6 0SA.**



# Localities Bid Fund Application Form

**This should be the person who will be the main point of contact for this application.**

**Communication will be via email or telephone. If you would like us to contact you in any other way please let us know how.**

For more information on equalities please call The Bridge on 01896 755370 or visit <http://onlineborders.org.uk/community/thebridge> or for those based in Berwickshire call BAVS on 01361 883137 or visit <http://www.bavs.org.uk/>

# Localities Bid Fund Application Form

It is your responsibility to ensure you have acceptable safeguarding policies and procedures in place for projects involving children and vulnerable adults. Advice on requirements can be obtained from **Volunteer Centre Borders on 0845-602-3921**

## **Purpose**

Scottish Borders Council has allocated a total of £500,000 to the Localities Bid Fund across the Scottish Borders. This Fund will be split across the 5 Area Partnerships and support community activities decided by community vote. The purpose of this fund is to support ideas or projects which improve the lives of people living in the Scottish Borders and align to the themes of the Community Plan, which has been prepared and published by the Scottish Borders Community Planning Partnership. The themes are:

- Our Children and Young People
- Our Vulnerable Adults and Families
- Our Ageing Population
- Our Health and Wellbeing
- Our Economy and Skills
- In addition there are a number of cross-cutting outcomes
- A Local Priority (as agreed by Locality Committee)

The full Community Plan can be accessed via the following webpage:  
[www.scotborders.gov.uk/yourcommunityplan](http://www.scotborders.gov.uk/yourcommunityplan)

## **Level of Grants**

The minimum or maximum award is determined by the size of the funding pot allocation, with a cap of £5k being applied to non-constituted groups

The Localities Bid Fund will follow the guidelines and principles of 'Following the Public Pound' Code, issued in 1996 by the Accounts Commission for Scotland and COSLA.

The Code aims to help councils to ensure that they are meeting the best value criteria in their use of public money, and that any group receiving public funds provides sufficient information to enable best value judgements to be made.

## **What the Localities Bid Fund will not support:**

- Applicant organisations must not be party political
- Scottish Borders Council welcomes applications from religious organisations that want to carry out work in the community, but the Council will not fund projects or activities that are designed primarily to promote religion itself; or where people must take part in religious services in order to benefit
- Costs incurred retrospectively
- Applications from Statutory Bodies
- Organisations who aim to make a profit
- Projects not aligned to current Council policies, strategies and corporate priorities
- Projects that disadvantage any parts of the community

- We will not provide funding to projects that are already up and running (The Localities Bid Fund is seeking new and innovative projects)

## What information you need to provide

<p><b>1. Where will your idea/project be delivered?</b></p>	<ul style="list-style-type: none"> <li>• Choose the Area, in which your idea/project will be delivered, you may choose more than one.</li> <li>• Please match your idea/project to one of the themes of the Community Plan or <b>aan</b> Area Priority. You can download the full <a href="#">Community Plan</a> for further information.</li> </ul>
<p><b>2. Tell us about your idea/project and what you want to do</b></p>	<p>Tell us what your group will do and what they will undertake. <b>(tell us how you will use the money if successful)</b></p> <ul style="list-style-type: none"> <li>• What is your idea/project and how will you do it?</li> <li>• How will it benefit your community?</li> <li>• How will your community be involved in your idea/project?</li> <li>• How will you ensure your idea/project is sustainable or does it have a planned end date?</li> <li>• How will your idea/project make a difference/will anything change in your community as a result of your idea/project?</li> <li>• If your project requires a leasehold of land or building this must be secured or in process on submission of your application. If your project involves construction or refurbishment of a building you need to have heritable ownership of the land or building, or hold a lease which cannot be brought to an end by the landlord for at least 5 years.</li> </ul> <p><b>This is the important part; this is what we will use when providing a summary of all ideas/projects to voters. It is your 'sales pitch'.</b></p>
<p><b>3. Finance</b></p>	<ul style="list-style-type: none"> <li>• How much are you requesting from the Localities Bid Fund?</li> <li>• Please indicate if you have secured additional funds aside from what you are requesting from the Localities Bid Fund i.e. match funding from another source</li> </ul>
<p><b>4. Group Details</b></p>	<ul style="list-style-type: none"> <li>• The form must be completed by the main point of contact for the application. Please complete this as fully as you can.</li> </ul>
<p><b>5. Equalities</b></p>	<ul style="list-style-type: none"> <li>• It is your responsibility to ensure that you have an acceptable Equality Statement or Equal Opportunities Policy and procedures in place to ensure activities will be delivered free from discrimination and offered fairly and equitably.</li> </ul>

	<ul style="list-style-type: none"><li>• <a href="http://onlineborders.org.uk/community/thebridge">http://onlineborders.org.uk/community/thebridge</a> or for those based in Berwickshire call BAVs on 01361 883137 or visit <a href="http://www.bavs.org.uk/.org.uk/">http://www.bavs.org.uk/.org.uk/</a></li><li>• If your project involves working with children or vulnerable adults, it is your responsibility to have acceptable safeguarding policies and procedures in place. Advice on requirements can be obtained from Volunteer Centre Borders on <b>0845-602-3921</b></li></ul>
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### How to submit your application:

1. All applicants must complete the 'Localities Bid Fund' application form.
2. The application form should be submitted by email or hard paper copy to the contact on the form no later than the date specified.
3. The Borders Assessment Panel will meet to screen the projects that will go forward to the community vote. Your application will be assessed against the eligibility criteria i.e. Does the idea/project fit with at least one theme of the Community Plan or a Local Priority?

If the application successfully meets the criteria then it will be put to a community vote along with all other eligible bids.

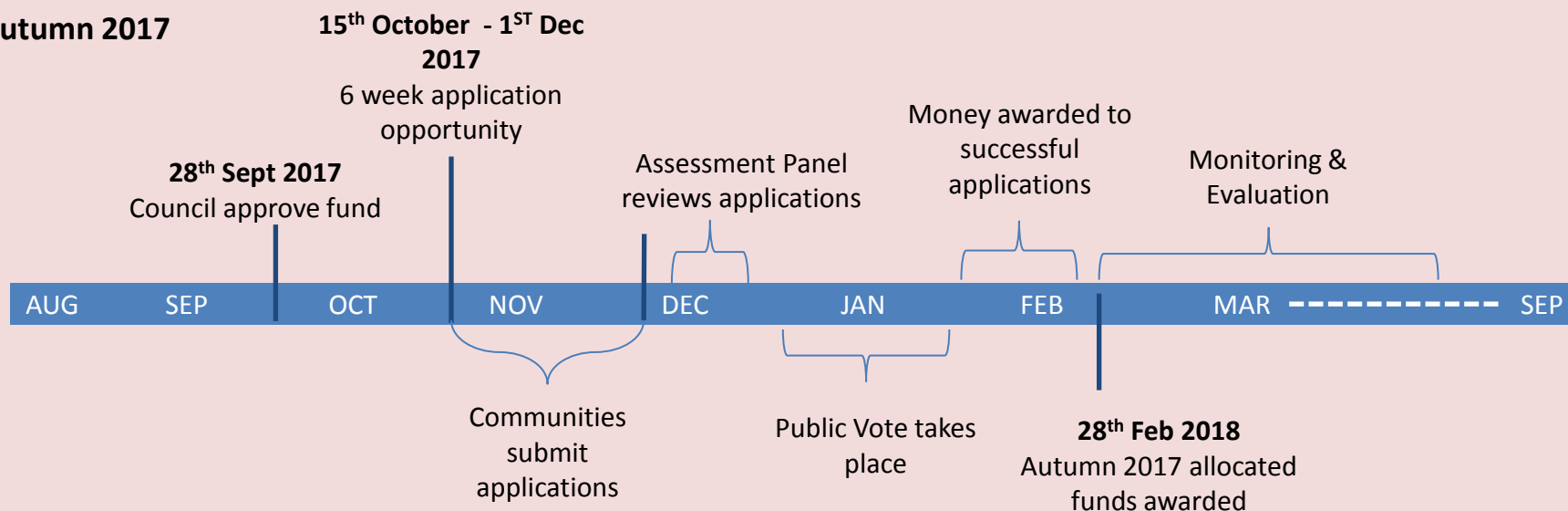
4. All applicants will be notified within one week of the decision of the Borders Assessment Panel. A list of applicants going forward to a community vote will be published on the Council's website.

For assistance in completing this form and all other queries please contact our Grants Team at Scottish Borders Council on 01835 826659. All completed forms and attachments should be submitted Via email to [communitygrants@scotborders.gov.uk](mailto:communitygrants@scotborders.gov.uk). or in hard copy to :- **Grants Co-ordinator, Scottish Borders Council, Communities & Partnerships Team, Newtown St. Boswells, Melrose TD6 0SA.**

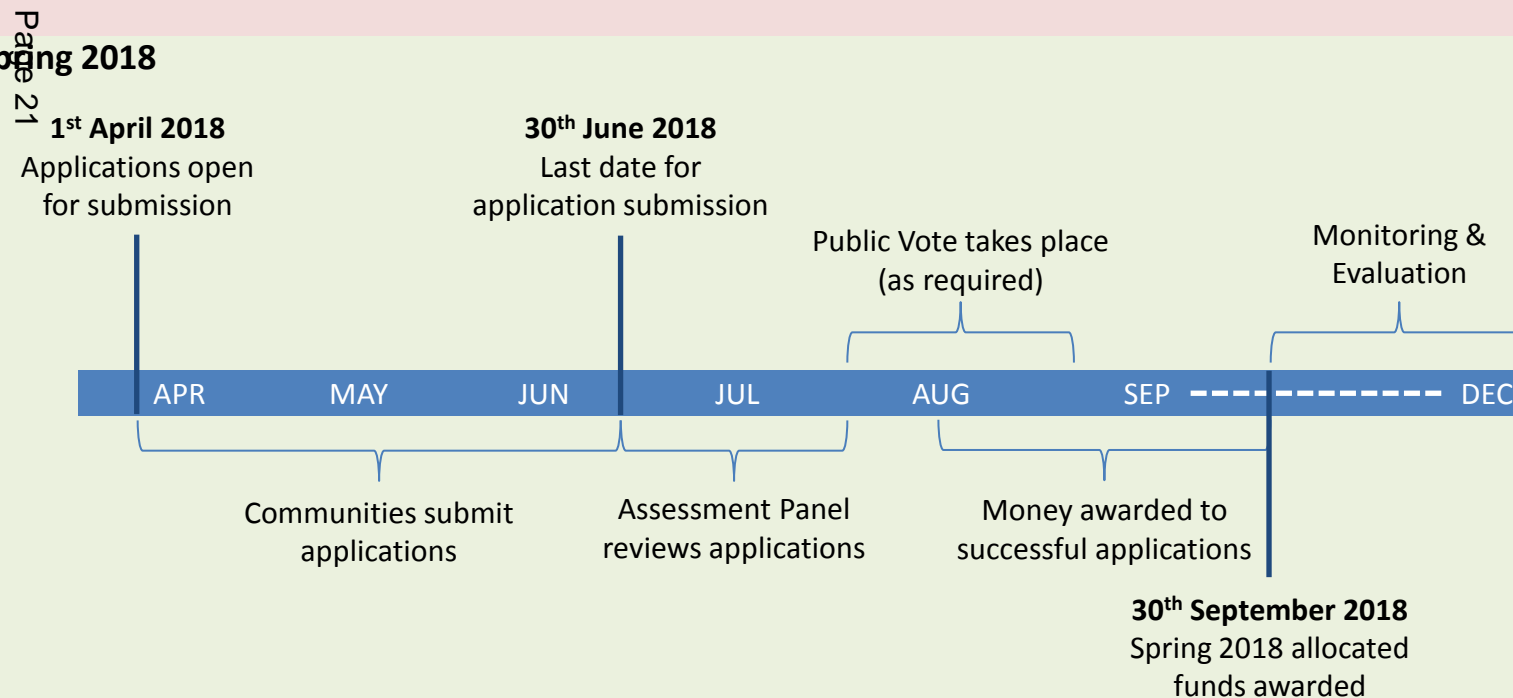
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# Localities Bid Fund: Draft Timescales

## Autumn 2017



## Spring 2018



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## **SCHEME OF ADMINISTRATION**

### **Report by Chief Executive**

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## **SCOTTISH BORDERS COUNCIL**

**28 September 2017**

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### **1 PURPOSE AND SUMMARY**

- 1.1 **This report gives details of a review of the Council's decision making structure and seeks approval for a new Scheme of Administration.**
- 1.2 Between 2001 and 2012 the Council operated an Executive/Scrutiny committee structure which had been introduced following a review of its business and working practices in response to the publication of the 1999 findings of the McIntosh Commission. After the election in May 2012, a hybrid committee structure was introduced in October 2012 which incorporated the best from both the traditional service committee and Executive/Scrutiny structures. This structure operated until Council decided to revert to an Executive/Scrutiny model in January 2015. Experience would suggest that for this Council an Executive/Scrutiny structure is a more effective decision making mechanism, with Scrutiny providing a balance and challenge to the Executive. This report recommends retaining that model.
- 1.3 The recent change in the corporate structure of the Council demonstrates a cross-cutting approach to service provision, not just within the Council, but in conjunction with other public bodies and organisations both nationally and in the Scottish Borders. Any proposed new committee structure will need to take this changed way of working into account. A new Scheme of Administration is attached as an Appendix to this report, which highlights the suggested changes to the existing Scheme. These suggested changes within that Scheme are detailed in Section 6 of this report. Should these changes be approved, the Scheme of Delegation will also require to be amended.
- 1.4 There are some proposed changes to the Locality Committees. However, further consultation is required with the Community Planning Partners and the Locality Committee Chairmen on how this will be managed going forward before a final membership and remit is brought back to Council for approval.

## **2 RECOMMENDATIONS**

### **2.1 I recommend that the Council agrees:-**

- (a) to retain the Executive/Scrutiny model for its decision making structure;**
- (b) to approve the amended Scheme of Administration as attached in the Appendix;**
- (c) to appoint the members of the Major Contracts Governance Group;**
- (d) that, with the functions from the Petitions and Deputations Committee transferring to the Audit and Scrutiny Committee, to delegate authority to the Clerk to the Council to amend the petitions procedure accordingly;**
- (e) to amend the Scheme of Delegation:**
  - (i) to delegate authority to the Chief Executive to set up a Members Sounding Board, in consultation with the Convener, to consider any matters requiring broad political input prior to consideration by Council, as necessary;**
  - (ii) to delegate authority to the Service Director Assets and Infrastructure to approve local traffic management schemes and the making of temporary, permanent, or experimental orders for the regulation of traffic, including stopping up orders, in consultation with local Members and with consultation through Area Partnerships for major changes; and**
- (f) that a report is brought back to Council on the final membership and remit of Area Partnerships.**

### 3 BACKGROUND

- 3.1 Between 2001 and 2012 the Council operated an Executive/Scrutiny committee structure which had been introduced following a review of its business and working practices in response to the publication of the 1999 findings of the McIntosh Commission '*Moving Forward: Local Government and the Scottish Parliament*'. Two options were considered at that time: the introduction of an Executive/Scrutiny model; or a refinement of the then committee system. While it was considered that both models could provide opportunities for more integrated working, for a more corporate policy led approach and for more efficient and quicker decision making, it was recognised at the time that these would be achieved more effectively in the Executive/Scrutiny model. When judged against the guiding principles behind the McIntosh Commission's recommendations, the Executive/Scrutiny model had the added strengths of ensuring more accountable political leadership and more integrated involvement across the various Council services with public, community council, voluntary organisations and partner agencies.
- 3.2 The role of the Executive in the new structure was to provide strategic and community leadership; ensure best value in the provision of Council services; prepare new policies for consideration by Council; prepare and monitor the Council's revenue and capital budgets within agreed policy; set standards and targets for service delivery; and make decisions within budget and policy on all matters which had not been specifically delegated to specialised committees or officers. The Executive was counter-balanced by a Scrutiny Panel whose main role was to monitor the performance of the Council, the Executive and services against agreed standards, targets and budgets; review the effectiveness of the Executive's decisions and questions members of the Executive; initiate or undertake reviews; and manage the "call-in" procedure, whereby individual decisions of the Executive could be reviewed.
- 3.3 Following the election in May 2012, a review of the Council's decision making structure was carried out which resulted in a new decision making model, incorporating the best from both the traditional service committee and Executive/Scrutiny structures, being brought in in October 2012, with members from all political parties included in the membership of the main committees – Executive, Education, Environment & Infrastructure, and Social Work & Housing. The remits of Scrutiny and Performance Monitoring Panels were included in the remits of the Executive and service committees. A Petitions Committee was added and changes were made to Area Forums. The "call-in" process ceased. When the new structure was introduced, it was agreed that a review would be carried out after 18 months.
- 3.4 The subsequent review highlighted concerns over the working of the new committee structure, with it being neither a true Executive/Scrutiny structure nor a true traditional service committee structure. While Service committees seemed to be bedding in, it was recognised that the scrutiny role of committees was not really being recognised. There was a lack of financial and strategic decision making within Service committees along with a lack of clarity on the terms of reference for what each committee did, and this had led to some confusion for both Members and officers. Whilst a lot of information was being presented at committee, there was sometimes little to show from this. Key issues on transformational change were not coming through Service committees,

with updates being given on what was happening rather than discussion on proposals and a significant number of Members felt that that it was generally difficult to get "sightedness" on what was happening across the Council. The decision making structure was then changed back to an Executive/Scrutiny structure in January 2015.

- 3.5 A traditional committee structure is based on a fixed cycle of meetings – either at six or eight week intervals – with major policy and financial decisions being taken by a Policy and Resources Committee. While Members can gain a greater understanding and insight into particular Services, such a system can also foster 'silos' and can lack corporate oversight when it comes to Service and financial planning. In a traditional committee structure there are generally no scrutiny measures in place.
- 3.6 Experience would suggest that for this Council an Executive/Scrutiny structure is a more effective decision making mechanism, with Scrutiny providing a balance and challenge to the Executive. This report recommends retaining that model.

#### 4 OTHER LOCAL AUTHORITIES

- 4.1 A briefing report in December 2013 to the Scottish Parliament from the Financial Scrutiny Unit provided an overview of the decision making structures of local authorities in Scotland. The briefing included the structure and role of decision making committees, developments in governance and four case studies of local authorities, one of whom was Scottish Borders Council. The table below highlights that Scottish Borders Council operated more committees than any of the other case study Councils whilst having a significantly lower number of Councillors (with the exception of the Orkney Islands).

##### **FSU report to Scottish Parliament December 2013 - How Do Local Authorities Make Decisions?**

	Fife	Glasgow City	Orkney Islands	Scottish Borders
Population (2012)	366,200	595,100	21,500	113,700
Councillors	78	79	21	34
Governance	Executive Committee	Executive Committee	Full Council	Executive Committee
Area committees & forums	7	21	-	5
Policy groups	6	5	-	-
Other committees & groups	11	18	16	43
All committees and groups	24	44	16	48

- 4.2 In terms of other local authorities in Scotland, there are 32 Councils, from Aberdeen City to West Lothian. Each local authority has its own distinct identity, with the number of Councillors ranging from 18 in the

smallest authorities to 85 in the largest. The type of decision making structure each local authority has over the years has changed and developed to meet their own particular local needs. An assessment of other Councils' decision making structures shows that 8 authorities do have a structure which more closely resembles a Service committee structure. There are 7 authorities with an Executive/Scrutiny structure and 17 with a hybrid of the two structures. The remit of similarly named committees in different local authorities varies widely. There are over 700 committees, sub committees, boards and panels operating across all authorities in Scotland. Since 2001 there has been a huge change in the economic climate, the technology available, closer working with partners and communities, and an impact of national and international events on local authorities. It is unlikely that a wholly traditional service committee structure would be adaptable enough to look corporately across the Council, without risking a return to service "silos".

- 4.3 The number of committees/subs/boards/panels which each authority operates also varies, with the smallest number being 11 and the largest (SBC) 53. However, the number of committees in Scottish Borders Council does include 9 separate Common Good Fund Sub-Committees and 6 Trust Sub-Committees, which is much higher than other authority areas, along with 11 Ward Advisory Groups which were never enacted. The proposals in this report would reduce this number to 39.

## **5 MOVING FORWARDS – ISSUES FOR CONSIDERATION**

- 5.1 In April 2017 the Council refreshed its Corporate Structure. This sought to ensure that the quality of corporate working was further improved and that resources were directed at a strategic level to the key priorities for the future. A particular emphasis was placed on localities.
- 5.2 In moving to a more sustainable decision making structure that meets the needs of the organisation into the future the Council needs to take account of its increasing role of working with other key public, voluntary and private bodies to ensure that high quality efficient and effective services are provided across the Scottish Borders. This is evidenced by the engagement with our partners in the business community, Registered Social Landlords, NHS Borders, Police, Fire & Rescue, Borders College, and the Voluntary Sector through the Community Planning Strategic Board; and the Health and Social Care Integration Joint Board. Working together, either on a statutory or mutually agreed partnership basis is likely to become the norm moving forward. There are significant strategic changes which have taken place in recent years.
- 5.3 The Council is facing a number of challenges over the next few years, in terms of resources, level of service provision, partnership working, and community engagement. Members need to feel confident that they are being given the right information to allow them to make strategic decisions which Officers can use to maximise operational service provision. The recent change in the corporate structure of the Council demonstrates a cross-cutting approach to service provision, not just within the Council, but in conjunction with other public bodies and organisations both nationally and in the Scottish Borders. Any proposed new committee structure will need to take this changed way of working into account.

## 6 A NEW COMMITTEE STRUCTURE/NEW SCHEME OF ADMINISTRATION

- 6.1 In designing a proposed new committee structure for consideration, cognisance has been taken of –
- Members' intrinsic role as guardians of democracy
  - The strategic – as opposed to operation – decision-making role of Members
  - The challenges facing the Council and the Borders community now and in the foreseeable future
  - A need for independent scrutiny or review of decisions
  - The new corporate structure
  - The need to ensure all parties are connected to the work of the whole organisation and not just a particular specialised area
  - The role of Members not just as committee members but taking account of their role as Ward members and their work with other organisations within and out-with the Borders community.
- 6.2 A new Scheme of Administration is attached as an Appendix to this report, which highlights the suggested changes to the existing Scheme. These suggested changes within that Scheme are detailed in the following paragraphs.
- 6.3 Call-in procedure (p.6 paragraph 11 of the Appendix)  
It is suggested that the need for the Clerk to include a paragraph in a report to the Executive Committee which is exempt from call-in is removed as the reasons for exemption would apply anyway.
- 6.4 Scottish Borders Council (p.14 of the Appendix)  
It is suggested that the Council remit is amended to include the annual approval of the Local Policing Plan and the Local Fire and Rescue Services Plan, as per the Police and Fire Reform (Scotland) Act 2012. It is also proposed that the approval of local bye-laws is transferred from Locality Committees to full Council as they normally cover more than one area.
- 6.5 LLP Strategic Governance Group/Trading Operations Sub-Committee (p.21 of the Appendix)  
It is suggested that this Group merges with the Trading Operations Sub-Committee so it covers the LLP (SB Cares) and SB Contracts, and changes its name to the Major Contracts Governance Group. It is also proposed that this Group has an overview, as required, of Agreements with other Trusts, Outside Bodies, etc., which are providing services on behalf of the Council, and also an overview, as required, on any other significant contracts.
- 6.6 Executive Committee (p.29 of the Appendix)  
It is suggested that approval of local management rules and street naming and numbering would be considered by the Executive Committee, after consultation with local Members and Area Partnerships (the latter being consulted if the matter is contentious). This is being proposed in conjunction with changes to the Locality Committees/Area Partnerships as detailed in paragraph 6.10.
- 6.7 Audit and Scrutiny Committee/Petitions and Deputations Committee (p.33 of the Appendix)  
It is suggested that the Petitions and Deputations Committee is discontinued. Since its inception in 2012, the Committee has met on

only 12 occasions. The petitions and deputations process can be a function addressed by the Audit and Scrutiny Committee and this is recommended as the most appropriate way forward.

6.8 Members' Sounding Board: Political Management Arrangements (p.50 of the Appendix)

The Members' Sounding Board has met very infrequently (it last met in February 2014) and is used when cross-party political input is required either on a Consultation from UK or Scottish Government or other Body. It is proposed that authority is delegated to the Chief Executive, in consultation with the Convener, to convene this Board as necessary in future.

6.9 Ward Project Advisory Groups (p.51 of the Appendix)

These Groups have never met since their inception, as information was provided to Members either in private briefings or through various Committees. It is proposed therefore to remove the Ward Project Advisory Groups, with briefing sessions held for Members on a regular basis and greater use made of the Members Electronic Bulletin to keep them updated on Council matters/projects.

6.10 Locality Committees/Area Partnerships (p.57 of the Appendix)

- (a) It is proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement. With the greater emphasis on community empowerment, participative budgeting, and locality planning, it is proposed to change Locality Committees to Area Partnerships. Their main aim would be to form a community engagement platform to develop priorities and outcomes for the area. They would act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for the area.
- (b) It is proposed that Community Councils be represented on Area Partnerships at a ratio of 1 representative per 6 Community Councils (i.e. Berwickshire = 3, Cheviot = 2, Eildon = 3, Teviot & Liddesdale = 2; Tweeddale = 2). In addition, a representative from the Scottish Fire and Rescue Service would be included in the membership. Invitations to attend and participate in meetings when there are relevant agenda items will be sent out to all Community Councils, Community Planning partners and representatives of any other Community Group or local body as appropriate. The basis and format of these meetings would change to one of discussion and debate. Formal committee reports would not be considered by Area Partnerships, but briefing information would be sent out with the agenda with questions or areas for open debate at the meeting. A programme of business would be set up for each Area Partnership which would likely meet about 5 times per year, to take account of holiday periods. Further consultation is required with the Community Planning Partners and the Locality Committee Chairmen on how this will be managed going forward before a final membership and remit is brought back to Council for approval.
- (c) With this proposed move of Area Partnerships to a community engagement platform, it is proposed to delegate authority to the Service Director Assets and Infrastructure to make the decisions on local traffic management schemes and traffic orders, after consultation with local Members and the Area Partnerships for major changes. Any decisions on street naming and numbering and Management Rules would be taken by

the Executive after consultation with local Members (and the Area Partnerships for major matters). The aim is for the Area Partnership to act as an all-encompassing community consultation body.

## **7 IMPLICATIONS**

### **7.1 Financial**

It is not anticipated that there will be any increased costs attached to the recommendations contained in this report.

### **7.2 Risk and Mitigations**

There is a reputational risk to the Council if it does not review of its decision making structure. It is through committees that the decisions of Scottish Borders Council are made. These decisions affect the lives of every person living in the Scottish Borders and it is therefore critical that the infrastructure around that decision making process is as effective as possible to ensure that the most informed and the best possible decisions are made.

### **7.3 Equalities**

No Equalities Impact Assessment has been carried out on the new Scheme of Administration although a checklist was completed and this confirmed that the proposals set out in the report do not have any potential adverse impact on any particular group of clients, residents or staff; nor do they discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

### **7.4 Acting Sustainably**

No economic, social or environmental effects are anticipated from the proposals contained in this report.

### **7.5 Carbon Management**

There should be no impact on the Council's carbon emissions from the proposals contained in this report.

### **7.6 Rural Proofing**

A rural proofing checklist has been completed and it is anticipated there will be no specific impact on the rural area from the proposals contained in this report.

### **7.7 Changes to Scheme of Administration or Scheme of Delegation**

Changes will be required to the Scheme of Administration if the proposals in this report are accepted.

## **8 CONSULTATION**

- 8.1 Consultation has taken place with members of the Council's Corporate Management Team, the Chief Legal Officer and the Chief Officer Audit & Risk and their comments received are incorporated in the report.

**Tracey Logan**  
**Chief Executive**

**Approved by**

**Signature .....**



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**Background Papers:** Nil

**Previous Minute Reference:** Scottish Borders Council, 30 August 2012

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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# **Scottish Borders Code of Governance**

## **Draft Scheme of** **Administration**

*Openness*  
*Accountability*  
*Responsiveness*  
*Democracy*

Scottish Borders Council  
28 September 2017

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## **SECTION I**

### **GENERAL Purpose**

1. This Scheme of Administration:-
  - (a) regulates the constitution and membership of the Committees of the Council;
  - (b) the allocation of the functions of the Committees of the Council; and
  - (c) the delegation to Committees of authority to exercise the functions of the Council.

### **Amendment**

2. This Scheme may be amended at any time by the Council by decision of a simple majority, or, for more minor changes arising from a decision of the Council or the Executive Committee, by the Clerk to the Council in accordance with the Scheme of Delegation.

### **Interpretation**

3. In this Scheme the following expressions have the following meanings assigned to them:

"Act" in relation to the functions of the Council means an Act of Parliament or any amendment or variation of such, including Regulations made under an Act.

"The Local Government Acts" means the Local Government (Scotland) Act 1973, the Local Government etc (Scotland) Act 1994, and any other relevant statute relating to committees

"Area" in relation to the geographical area of jurisdiction of the Council shall be the Scottish Borders as defined in column 1 of Part 1 of Schedule 1 to the Local Government etc. (Scotland) Act 1994.

"Council" means the Scottish Borders Council.

"Committee", also relates to Boards, and where the context permits, includes any Sub-Committee of that Committee.

"Convener" means the Civic Head of the Council appointed by the Council.

"Vice-Convener" means the Depute Civic Head of the Council appointed by the Council.

"Co-opted Member" means any member of a Committee who is not an Elected Member.

"Chief Executive" means the Chief Executive appointed by the Council.

"Assessor" means the Assessor appointed by the Council as valuation authority under Section 27(2) of the Local Government etc. (Scotland) Act 1994, except in Section XV (Local Review Body) where its meaning is taken from the Planning etc. (Scotland) Act 2006.

"Elected Member" or "Member" means a Councillor elected to the Council in terms of Chapter 1 of Part 1 of the Local Government etc (Scotland) Act 1994, as amended.

“Leader” means the Leader for the time being of the Council.

“Administration” in relation to the membership of the Council and Committees means the ruling group formed by an alliance of the majority of Members on the Council.

“Opposition” in relation to the membership of the Council and Committees means the registered group formed by an alliance of Members out-with the ruling group on the Council.

## **Committees, etc.**

4. Subject to the provisions of the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, the Council shall appoint and maintain the following Committees, and Sub-Committees:

### **Council Sub-Committees**

Duns Common Good Fund  
Galashiels Common Good Fund  
Hawick Common Good Fund  
Jedburgh Common Good Fund  
Kelso Common Good Fund  
Lauder Common Good Fund  
Peebles Common Good Fund  
Selkirk Common Good Fund  
William Hill Trust  
Charitable Trusts -  
    Berwickshire  
    Cheviot  
    Eildon  
    Teviot & Liddesdale  
    Tweeddale  
~~LLP Strategic~~ Major Contracts Governance Group

### **Executive Committee**

~~Trading Operations Sub-Committee~~  
Education Performance Sub-Committee

### **Audit and Scrutiny Committee**

### **Civic Government Licensing Committee**

### **Pension Fund Committee**

Pension Fund Investment and Performance Sub-Committee

### **Planning and Building Standards Committee**

### **Local Review Body**

### ~~Petitions and Deputations Committee~~

### **Joint Consultative Group – Staff**

### **Joint Consultative Group – Teachers**

### **Employee Council**

### **Appointment Committee**

### **Standards Committee**

### **Staffing Appeals Committee**

### **Education Appeals Committee**

### ~~Members Sounding Board: Political Management Arrangements~~

### ~~Ward Project Advisory Groups~~

### **Police, Fire & Rescue, and Safer Communities Board**

### **Community Planning Strategic Board**

Berwickshire Locality Committee [Area Partnership](#)

~~Cheviot Locality Committee~~ [Area Partnership](#)  
~~Eildon Locality Committee~~ [Area Partnership](#)  
~~Teviot & Liddesdale Locality Committee~~ [Area Partnership](#)  
~~Tweeddale Locality Committee~~ [Area Partnership](#)

5. Under The Licensing (Scotland) Act 2005, the Council shall also appoint a **Scottish Borders Licensing Board**.
6. Under the Public Bodies (Joint Working)(Scotland) Act 2014, the Council shall also appoint members to the Scottish Borders Health & Social Care Integration Joint Board.
7. The respective Committees, etc., of the Council shall have the Constitution, Quorum, Terms of Reference and Delegated Powers, as detailed in the appropriate Section of this Scheme.
8. The Council may from time to time appoint such other Committees, Sub-Committees, etc., and/or Working Parties with such Constitution, Quorum, Terms of Reference and Delegated Powers as the Council may decide.
9. The Minutes of a meeting of a Sub-Committee will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee and will be circulated to the next meeting of the parent Committee for approval of any recommendations.
10. The Minutes of parent Committees will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Committee and will be circulated to the next meeting of the Council for approval of any recommendations.

### **Call-In Procedure**

11. ~~Any report being considered by the Executive Committee will include a statement from the Clerk to the Council if it is to be exempt from the Call-In procedure, giving the reasons for the exemption. This exemption is subject to the Executive Committee approving the recommendations as detailed in the report. Should the Executive Committee amend the recommendations contained in any report then the Clerk to the Council will require to review the exemption or non-exemption status of the report accordingly.~~
11. A decision of the Executive Committee can be called-in for review by the Audit and Scrutiny Committee in the following way subject to the terms detailed in (a) to (f) below:
  - (i) the Clerk to the Council must be informed, in writing, of the request;
  - (ii) the request must be made before 5 p.m. on the fourth working day following the Executive meeting, whether the Minute of that meeting has been issued or not; and
  - (iii) at least five named members of the Council must subscribe to the request.



**(a) Decisions Not Subject to Call-in**

Certain types of decision are exempted from Call-in and these are:

- (i) matters which require formal ratification by the full Council, such as the setting of the level of Council Tax;
- (ii) decisions taken under emergency powers;
- (iii) decisions where a delay would prejudice the best interests of the Council – for example if:
  - (1) the decision is a formal response by the Council which has to be given within a prescribed deadline;
  - (2) immediate action is needed in order to avoid possible legal proceedings against the Council; or where a delay would involve a breach of law (such as where a statutory or contractual timescale would be infringed by a delay);
  - (3) deferral of an immediate implementation of the decision could result in financial detriment to the Council. If financial detriment is cited as a reason for refusal, then details of the actual costs and their composition will be included in the explanation.

**(b) Terms for Calling-in Items**

- (i) Requests for a call-in must contain a clear and specific reason for wishing the decision to be reviewed.
- (ii) It is acceptable for requests to be submitted to the Clerk to the Council by e-mail provided that an individual e-mail is received from each of the members identified as subscribing to the request giving their own individual endorsement to this.
- (iii) One of the five signatories to the request must be identified as the “lead member” for the purpose of processing the matter. The request will therefore need to stipulate which of the five wishes to be the designated “lead member”.

**(c) Timescale for Reviewing Decisions Called-in**

It is important to ensure that Audit and Scrutiny has sufficient time to review a decision, whilst at the same time avoiding undue delay to the decision-making process of the Council. To this end, the Audit and Scrutiny Committee will review a decision called-in at the first available meeting or at a specially convened meeting after the due notice of call-in has been received by the Clerk to the Council and will provide a report for the meeting of the Executive Committee immediately following. Where the Audit and Scrutiny Committee is, for some reason, unable to provide a response within this timescale, it will notify the Executive Committee accordingly, together with the reason why it has been unable to complete its review, and advise of the expected completion date. Should any such

delay lead to the best interests of the Council being prejudiced then the call-in will fall.

**(d) Procedure for Reviewing Items Called-in**

In order to carry out a review of decisions called-in, the Audit and Scrutiny Committee will require to interview Executive Committee members and/or officials. Where this is the case, and in order to ensure that all such interviews are fair and productive, it is suggested that to help provide information relating to the matter under review, the person or persons who are to be asked to attend the meeting will:

- (i) be given prior notice of this; and
- (ii) be provided with an indication of the nature of the issue under consideration or of the questions likely to be asked.

In terms of officials asked to attend, the procedure for the Audit and Scrutiny Committee will be to ask the relevant Director who will either attend in person or will nominate an appropriate representative. The designated "lead member" for the request (if he/she is not already a member of the Audit and Scrutiny Committee) will be extended the opportunity of attending the meeting of the Audit and Scrutiny Committee where the matter is to be discussed in order to explain in more detail the reasons for calling-in the decision.

**(e) Procedure for Audit and Scrutiny Committee Recommendations being considered by the Executive Committee**

Once the Audit and Scrutiny Committee has considered a Call-in and come to a conclusion, the Chairman of the Audit and Scrutiny Committee (or his representative) and the Lead Member of the Call-in, are required to attend the Executive Committee meeting where any Audit and Scrutiny Committee recommendations are being considered, to introduce the findings/recommendations of the Audit and Scrutiny Committee.

**(f) Procedure in the Event of Continuing Differences between the Executive and Audit and Scrutiny Committees**

If agreement cannot be reached between the Executive Committee and the Audit and Scrutiny Committee on the matter called in, then the matter will be referred to the full Council for a final resolution of the matter.

## SECTION II

### PROVISIONS APPLICABLE TO ALL COMMITTEES

#### Referred Functions

1. Subject to the provisions of the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, and subject also to the provisions of the Council's Standing Orders, where any function of the Council is referred to a Committee, the Committee shall not have the power to exercise the function in like manner as the Council, but the Committee shall consider any matter relating to that function and report to the Council or Committee as the case may be and any recommendation by the Committee on any such matter shall be subject to the approval of the Council, or of any Committee to which that function may have been delegated.
2. There shall be excluded from reference to any Committee the following:
  - (a) any matter specifically referred to another Committee;
  - (b) any matter which the Council may decide is specifically excluded from reference to the Committee.
3. Notwithstanding the reference to one Committee of any class of functions, the Council shall have power to refer any one of those functions on any particular occasion specifically to another Committee when by reason of the nature of the matter and in the opinion of the Council, it should be so referred.
4. Where any question arises out of or in connection with the functions referred to two or more Committees, these Committees shall confer together and give all necessary assistance before reporting to the Council either jointly or separately.
5. In the event of any difference arising between two or more Committees, the matter shall be determined by the Council after receiving reports on the matter from each Committee concerned.

#### Delegated Functions

6. Subject to the provisions of the Local Government Acts and any other relevant statutes and subject also to the provisions of the Council's Standing Orders, where any function of the Council is delegated to a Committee (or Sub-Committee), that body shall have the power to exercise the function in like manner in all respects as the Council could have exercised it had there been no delegation; provided, however, that it shall be competent for such Committee (or Sub-Committee) in relation to any delegated matter, instead of taking a decision on the matter, to make a recommendation on the matter to the Council or Committee as the case may be, in which event the matter shall be decided by the Council or Committee as the case may be after consideration of that recommendation. Any recommendation which requires a final decision by full Council shall be identified in the Minute of the Committee marking the recommendation with an asterisk\*, and any recommendation which requires a final decision by the Executive Committee shall be identified in the Minute of the Committee marking the recommendation with a hash#.

## General

7. Subject to the provisions of the Local Government Acts and any other relevant statutes:
  - (a) Each Committee shall give effect to any instruction of the Council.
  - (b) The Council may at any time if they so determine deal with any matter included in the reference or delegation to a Committee although no report from such Committee is before them.
  - (c) The Council may, at any time, by decision recorded in the Minutes of the Council, vary, add to or restrict any reference or delegation to any Committee or Working Group.
  - (d) A Committee may at any time if they so determine deal with any matter included in the reference or delegation to a Working Group of that Committee although no report from such Working Group is before it.
8. The Council shall appoint all members of Committees and Sub-Committees unless otherwise provided in this Scheme. The appropriate Committee shall appoint all members of its Working Groups unless otherwise provided in this Scheme. The term of office of members of Committees shall be as decided by the Council. The Leader of the Council shall be entitled, in addition to their membership of the Executive Committee, to attend and speak at any Committee, Sub-Committee or Working Group of the Council – except Planning and Building Standards Committee, Licensing Board, and Civic Government Licensing Committee - but shall not be entitled to vote at these bodies unless as a duly appointed member of that body.
9. For the purpose of awarding Members' Allowances, including payments to Senior Councillors, and for the purpose of appointment of Members to Committees, the Council will apply the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and the Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007, and any subsequent variation or amendment thereto. The Council shall only recognise a political group, its Leader, Depute Leader (where specified by any political group), and the membership of any political group, where appropriate notice is delivered to the Council's Chief Executive or Proper Officer.

Furthermore, the Council shall take account of the preferred nominations submitted by the various groups, by notice signed by the Leader or Depute Leader of the group concerned and delivered to the Chief Executive or other authorised officer, in the selection of persons to be appointed as members of Committees, always however within the overall number of members of each group entitled by the Council to have membership of each Committee. The Council will also take account of any subsequent variation in the preferred nomination or nominations submitted by any group, by notice signed and delivered as aforesaid, in relation to the membership of any Committee, always subject to the same consideration as immediately before specified.
10. Casual vacancies in the membership of any Committee, however arising, shall be filled as soon as reasonably possible, taking account of Clause 10 of Section II of this Scheme, and the term of office of members so appointed to fill casual vacancies shall be as decided by the Council; provided that in the event of a

casual vacancy arising within the period of three months immediately preceding the next ordinary statutory election of councillors, the Council in the case of a vacancy in the membership of a Committee may decide that the vacancy shall remain unfilled for the remainder of that period.

11. The Council shall appoint the Chairman and Vice-Chairman (if required) of each Committee (other than the Licensing Board), and unless otherwise specified in this Scheme, the persons appointed shall be Elected Members. Each Committee shall appoint the Chairman of any Working Group of that Committee and the person appointed shall already be a member of that Committee.
12. A Committee may delegate to an Officer of the Council, or to an Officer or Officers in consultation with an Elected Member or Members as appropriate, authority to undertake or discharge any function which is delegated to that Committee or Sub-Committee. Authority may not be delegated to an individual Councillor or Councillors unless as members of a particular Committee or Sub-Committee meeting formally.
13. An Elected Member may take part in the proceedings of, speak and vote (if appointed as a voting member) at any Committee (or Working Group) of which he or she is a member. An Elected Member may attend the proceedings of a Committee of which he or she is not a member but may not take part or vote and may only speak if, following a prior request to the Chairman, he or she is invited to address the Committee on the matter under consideration. Such a request may be granted where a specific Ward issue is involved, or otherwise in exceptional circumstances, at the Chairman's discretion.

A Co-opted Member may only attend, take part in, speak (and vote if the appointment is as a voting-member) at a meeting of a Committee of which he or she is a member.

14. Committee meetings are open for members of the public to attend except to the extent that they are excluded under Section 50(A)(2) and (4) of the Local Government (Scotland) Act 1973. Members of the public may not take part in Committee meetings and may only speak if, following a prior request to the Chairman, he or she is invited to address the Committee on the matter under consideration. The Chairman shall have sole discretion on whether to invite members of the public to address the Committee. No such right to speak will be granted where Committees are considering planning or licensing applications, other than under the public speaking protocols covering Planning and Building Standards Committee and Local Review Body or when a Licensing Hearing has been convened.

### **Items for Agendas and Reports to Committees**

15. Only those reports which require a decision to be taken by a Committee of the Council, or are necessary to enable the Committee to discharge its business or exercise its statutory or monitoring role, will normally be included on the agenda of any Committee. It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determination, in consultation with the Convener or appropriate Chairman, on whether or not an item of business should be included on an agenda. Any reports or other documents which are

for information only will be included in an Information Bulletin prepared by the Clerk to the Council for issue to all Members of the Council on a regular basis.

## **SECTION III SCOTTISH BORDERS COUNCIL**

### **Constitution**

All 34 Elected Members.

### **Chairman**

The Convener shall be Chairman of the Council and the Vice-Convener Vice-Chairman.

### **Quorum**

- (a) The complete number of Council members is thirty four. Subject to Standing Order No. 18, no business shall be transacted at a meeting of the Council unless at least one-fourth (i.e. nine members) of the complete number of Council members are present.
- (b) Where there are vacancies of more than one-third of the Council members (i.e. more than 12 members), then the quorum of the Council is determined as follows:-
- Until the number of members in office is increased to not less than two-thirds (i.e. 24 members) of the complete number of Council members, the quorum of the Council shall be determined by the actual number of Council members, instead of the complete number of Council members. The quorum, however, shall never be less than one-eighth (i.e. five members) of the complete number of members of the Council.

### **Decisions Excluded from Delegation to any Committee by Statute**

1. The raising of money by Rates, Council Tax or borrowing.
2. The approval annually of the Revenue Financial Plan and the setting of the level of Council Tax for any year.
3. The approval annually of the Capital Financial Plan.
4. The approval annually of the Council's and Pension Fund's statutory accounts.
5. The approval annually of the Council's treasury management policy and strategy.
6. The approval of any new policies and strategies.
7. Approve the Community Plan.
8. Except as provided for in this Scheme of Administration, Financial Regulations, Scheme of Delegation and Standing Orders approved by the Council, in respect of the matters referred to the Committee:
  - (i) the incurring of any net new expenditure not provided for in the estimates of Capital or Revenue expenditure unless and until such expenditure is reported to and approved by the Council;
  - (ii) the amendment of the Financial Regulations for regulating the Council's financial procedures;

- (iii) the amendment of this Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
  - (iv) the preparation, review and amendment of the Standing Orders for regulating the proceedings and business of the Council and Committees
  - (v) the preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officers.
9. The making of an order for the compulsory acquisition of any land or buildings.
  10. Other than to a Committee specially appointed for the purpose, the appointment of the Chief Executive and the dismissal of the Chief Executive, the Assessor or any Director.
  11. All matters relating to elections of Councillors.
  12. Matters relating to any alteration in the boundaries of the area or electoral wards and the number of Councillors.
  13. The appointment of representatives of the Council on outside bodies.
  14. The decision to co-operate or combine with other local authorities in the provision of services, other than decisions relating to any arrangements under which the Council's Trading Organisations may co-operate or combine with other contracting units in the provision of services.
  15. The preparation and review of the Scheme for Community Councils and carrying out those powers and duties relative to facilitating and co-ordinating the Council's relationship with Community Councils.
  16. Consideration of Provisional Orders or Private Bills affecting the interests of the Council and approval of the terms of any Provisional Order or Private Bill to be promoted by the Council.
  17. Approval of the Strategic and Local Development Plans.
  18. The consideration of planning applications in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.
  19. The conducting of Pre-determination Hearings to consider representations from applicants and other interested parties in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.

### **Other Functions**

20. [Approve the Local Policing Plan.](#)
21. [Approve the Local Fire and Rescue Services Plan.](#)



22. Approve items of expenditure for any Common Good Fund of a value greater than £20,000.
23. Determine any matters affecting Common Good Funds, other than those delegated to Common Good Fund Sub-Committees.
24. Review the annual performance of investments and monitor the Charitable Trusts.
25. Ensure appropriate investment Management arrangements are in place for the monies invested by the Charitable Trust Funds.
26. Review the Common Good and Trust Fund Investment Strategy and ensure that it continues to meet the needs of the Charitable Trusts.
27. Approve items of expenditure for any Charitable Trust of a value greater than the delegated limit to the Charitable Trusts Sub-Committees.
28. Consult such other parties as the Council considers appropriate prior to decision making, including Community Councils.
29. Determine any matters affecting the Charitable Trusts, other than those delegated to Charitable Trusts Sub-Committees.
30. [Approve Local Bye-Laws.](#)
31. Determine, if required, any matter referred or delegated to any other Committee.
32. Approve the change of status, or closure, of any school. [*Note: Where a recommendation has not been received from the Executive Committee, the religious/teacher/parent council/pupil representatives on the Executive Committee shall be given the opportunity to contribute to the debate.*]

## **(COUNCIL SUB-COMMITTEES)**

### **COMMON GOOD FUND SUB-COMMITTEES**

#### **Constitution**

- (a) For each Common Good Fund Sub-Committee, the elected Scottish Borders Councillors representing the Ward(s) of:  
For **Duns** - Mid Berwickshire  
For **Galashiels** – Galashiels and District  
For **Hawick** – Hawick and Denholm; Hawick and Hermitage  
For **Innerleithen** – Tweeddale East  
For **Jedburgh** – Jedburgh and District  
For **Kelso** – Kelso and District  
For **Lauder** – Leaderdale and Melrose  
For **Peebles** – Tweeddale East; Tweeddale West  
For **Selkirk** - Selkirkshire
- (b) For each of the Common Good Fund Sub-Committee, a member of the following local Community Council(s) as a non-voting member:  
For **Duns** – Duns Community Council  
For **Galashiels** – Galashiels Community Council  
For **Hawick** – Burnfoot Community Council; Hawick Community Council  
For **Jedburgh** – Jedburgh Community Council  
For **Kelso** – Kelso Community Council  
For **Lauder** – Lauderdale Community Council  
For **Peebles** – Peebles Community Council  
For **Selkirk** – Selkirk Community Council

#### **Quorum**

- (a) Two Scottish Borders Councillors, in relation to the Common Good Fund Sub-Committees of **Duns, Galashiels, Innerleithen, Jedburgh, Kelso, Lauder** and **Selkirk**.
- (b) Three Scottish Borders Councillors, with at least one from each Ward, in relation to the Common Good Fund Sub-Committees of **Hawick** and **Peebles**.

#### **Chairman of each Sub-Committee**

The Chairman of each Sub-Committee shall be a Scottish Borders Councillor.

#### **Functions Referred**

The following functions of the Council shall stand referred to each Sub-Committee:

1. The routine administration of the Common Good Fund.
2. Award of grants or loans of up to £20,000.
- \*3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.

4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.
- \*5. Make recommendations to Council in relation to the sale or lease or purchase of Common Good land or property of a value greater than £20,000.
6. Hold an annual meeting to consider:
  - (i) a budget for the year ahead;
  - (ii) a report reviewing the performance of investments and approval for the amount of funds to be invested, as per the Corporate Investment Policy;
  - (iii) a report on the factorage of property, as appropriate;and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Approve the amount of funds to be invested each year, as per the Corporate Investment Policy.
8. Consult such other parties as the Sub-Committee considers appropriate prior to decision making.
9. Ensure the implementation of decisions affecting the Common Good Fund and monitor their impact on the Common Good Fund.
10. Grant and confer Burgess Tickets (Lauder Common Good Fund only).

### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

## **(COUNCIL SUB-COMMITTEES)**

### **WILLIAM HILL TRUST SUB-COMMITTEE**

#### **Constitution**

- (a) The three elected Scottish Borders Councillors representing the Ward of Leaderdale and Melrose.
- (b) A member of Melrose Community Council as a non-voting member.

#### **Chairman**

The Chairman shall be a Scottish Borders Councillor.

#### **Quorum**

Two Scottish Borders Councillors.

#### **Functions Referred**

The following functions of the Council shall stand referred to the Sub-Committee:

1. The routine administration of the Trust Fund.
2. Award of grants or loans of up to £20,000 from the Trust Fund.
- \*3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.
4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.
- \*5. Make recommendations to Council in relation to the sale or lease or purchase of Trust Fund land or property of a value greater than £20,000.
6. Hold an annual meeting to consider a budget and to hear reports reviewing the performance of investments and on the factorage of property and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Consult such other parties as the Sub-Committee considers appropriate prior to decision making, including Community Councils.
8. Ensure the implementation of decisions affecting the Trust Fund and monitor their impact on the Trust Fund.

#### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

## **(COUNCIL SUB-COMMITTEES)**

### **CHARITABLE TRUSTS SUB-COMMITTEES**

The Charitable Trusts that come under the remit of each Sub-Committee are SBC Welfare Trust, SBC Community Enhancement Trust, SBC Education Trust and the Ormiston Trust.

#### **Constitution**

For each Charitable Trusts Sub-Committee, the elected Scottish Borders Councillors representing the Ward(s) of:

For **Berwickshire Area** - Mid and East Berwickshire

For **Cheviot Area** - Jedburgh and District; Kelso and District

For **Eildon Area** - Leaderdale and Melrose, Galashiels and District, Selkirkshire

For **Teviot & Liddesdale Area**- Hawick and Denholm; Hawick and Hermitage

For **Tweeddale Area**- Tweeddale East; Tweeddale West

#### **Quorum**

Three of the Scottish Borders Council Members of each Area Charitable Trusts Sub-Committee, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area where five shall constitute a Quorum.

#### **Chairman of each Sub-Committee**

The Chairman of each Sub-Committee shall be a Scottish Borders Councillor.

#### **Functions Referred**

The following functions of the Scottish Borders Council Charitable Trusts shall stand referred to each Sub-Committee:

1. Consider the budget for the year ahead and otherwise hold meetings on an ad hoc basis to deal with business as it arises.
2. Agree the award criteria, within the scope of the charitable and geographical restrictions of the Trust, for awards to individuals or families for the delegated officer to work within.
3. Award grants of up to £500 from one of the Charitable Trusts within the geographical and charitable restrictions that apply in respect of the Area represented by the Sub-Committee.
- \*4. Make recommendations to Council in respect of grants or major items of expenditure above £500 within the geographical and charitable restrictions that apply to in respect of the Area represented by the Sub-Committee.
5. Consult such other parties as the Sub-Committee considers appropriate prior to decision making.

6. Ensure the implementation of decisions affecting the Charitable Trusts as it affects the ward(s) covered by the Sub-Committee.

### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Scottish Borders Council.

## **(COUNCIL SUB-COMMITTEES)**

### **LLP STRATEGIC MAJOR CONTRACTS GOVERNANCE GROUP**

#### **Constitution**

- (a) ~~Five~~ **Seven** Elected Members of Scottish Borders Council, including the Executive Member for Finance
- (b) ~~One non-Council member of the Health and Social Care Integration Joint Board as a non-voting member.~~

#### **Chairman**

The Chairman shall be the Executive Member for ~~Adult Social Care~~ **Finance**.

#### **Quorum**

Three SBC Elected Members of the Sub-Committee shall constitute a quorum

#### **Functions Referred**

The following functions of the Council shall stand referred to the Sub-Committee:-

#### SB Cares

1. Approve the Scheme of Financial Governance for the LLP and any changes proposed, including but not limited to, the adoption of a Financial Risk Register, the delegation of financial approvals within set limits to particular officers or staff of the LLP and any approvals in respect of signatures on cheques.
- \* 2. Approve all staffing matters affecting the terms and conditions of employees of the LLP, Early Retirement/Voluntary Severance, potential compulsory redundancies, the variation of HR Policies and Procedures, any variation in conditions of employment.
3. Approve the expansion or contraction of the business of the LLP, including the pursuit of, bid for, or provision of any new workstreams or Services, or the relinquishment of any existing workstream or Service.
4. Approve the cessation of any part of the Services provided by the LLP.
- \*5. Approve the LLP Business Plan.
6. Approve or amend the LLP's scheme of internal delegation authorising named employees or Officers of the LLP to execute certain deeds on its behalf.
7. Approve amendments to the terms of Service Level Agreements.
8. Approve any significant amendments to the business structure of the LLP.
9. Approve any significant alteration to the nature of the LLP's business.
10. Approve the sale, disposal, assignment or otherwise alienation of any assets of the LLP of individual value of more than £50,000 or any interest in any properties.

11. Approve the acquisition of any assets of individual value of more than £50,000 or any interest in any properties.
- \*12. Approve the issue of any loan capital or entry into any commitment with respect to the issue of any loan capital.
13. Approve the formation of any subsidiary, or acquisition of any shares in a company or participation in any partnership or joint venture.
14. Approve any closing down or the making of any material change to the nature scope or location of any business operation
15. Approve the amalgamation or merger with any other company or undertaking
16. Approve the entry into, variation or termination of any commitment by way of a transaction or series of related transactions (including any leasing transactions) which would involve the LLP in the payment or receipt of consideration and having an aggregate value in excess of £50,000
17. Approve any arrangement, contract or transaction which relates to capital expenditure with a value in excess of £50,000
- \*18. Approve the creation of, or give permission to be created any mortgage, charge, encumbrance with other security interests whatsoever over the whole or part of the business undertakings or assets of the LLP or agree to do so, other than liens arising in the ordinary course of business or any charge arising by the operation or purported operation of title retention clauses and in the ordinary course of business
- \*19. Approve any loan (otherwise and by way of a deposit with a bank or other institution the normal business of which includes acceptance of deposits), or, grant any credit (other than in the normal course of trading), or, give any guarantee (other than in the normal course of trading) or indemnity
- \*20. Approve the appointment of a new bank or bank as the Banker to the LLP.
- \*21. Approve any change to the status of the pension fund, pension benefit for employees or employer contributions.
- \*22. Monitor the financial records (including Profit and Loss Accounts, Balance Sheet and cash flow) and financial performance of the LLP. Such financial records shall be reported to the Local Authority annually, in arrears, and within one month of the end of the reporting period.
23. Monitor quarterly budgetary control statements to be submitted within one calendar month of each financial quarter close, and make any recommendations as appropriate to the LLP or to Council.
24. Monitor any Extra-Ordinary expenditure requirement which shall be reported by the LLP within one month of having been identified



25. Request any further information in the possession or control of the LLP regarding financial condition and operations of the LLP as the Local Authority may reasonably request.
26. Monitor any dispute arising between the LLP and any union representing its employees.
27. Monitor on a quarterly basis the performance of the LLP as measured against:
  - (a) the Key Performance Indicators contained within the Service Contract;
  - (b) the business plans of the LLP.
28. Monitor any claim made, or likely to be made, relating to the LLP, its Business or property (including any progress on such claims) and of which the LLP has knowledge which might impact financially or reputationally on the LLP, SB Supports or the Local Authority.
29. Monitor all reports prepared by the Care Inspectorate in respect of any part of the Services provided by the LLP.

NOTE: In terms of the LLP Partnership Agreement, any matters falling within Part 2 of the Schedule in the Agreement (Items 1 to 21 above) which are already detailed in the current approved LLP Business Plan, shall not require further specific approval.

#### SB Contracts

30. The consideration of matters relative to business management of trading services including providing an appropriate level of scrutiny on the financial risk arising from trading operations.
31. The monitoring of the trading arrangements and operations in terms of the Local Government (Scotland) Act 2003.
32. The evaluation of financial controls and the detailed monitoring of financial and performance levels for trading services.
33. The evaluation of Financial Plans for delivering required performance levels from trading services.
34. Consideration of the strategic model employed by trading services, and to contribute towards the long-term strategic development process.
35. Consideration of matters relative to tendering for internal and external contract works.
36. The determination of appropriate processes and practices, within overall Council policy, to support the efficient and effective development of trading powers.
37. To understand the trading risk exposure and to evaluate measures to manage the trading risk-reward balance.

38. The consideration of Joint Arrangements with suppliers or other parties to improve the effectiveness and/or efficiency of the trading organisation.

#### Agreements

39. The overview of Agreements with other Trusts, Outside Bodies, etc. providing services on behalf of the Council.

#### Significant Contracts

40. The overview of any other significant contracts

#### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Council.

## **SECTION IV**

### **EXECUTIVE COMMITTEE**

#### **Constitution**

- (a) 11 Members of the Council, being:-

Leader of the Council  
Executive Members for –  
    Adult Social Care  
    Business & Economic Development  
    Children & Young People  
    Culture & Sport  
    Finance  
    Neighbourhoods & Locality Services  
    Planning & Environment  
    Roads & Infrastructure  
    Transformation & HR  
    Community Safety

- (b) At that part of an Executive meeting which is considering Education Authority business as a main theme, the Executive will include (for that part of the meeting only) the following additional members as voting members (to be made in accordance with Appendix 1 to this Scheme) – three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994; and the following additional members as non-voting members – two teachers in the employment of the Council appointed as non-voting members by the Council from nominations to be made in accordance with Appendix 2 to this Scheme; two representatives from Parent Councils, one from the Primary Sector, and one from the Secondary Sector; and two pupil representatives.
- (c) At that part of an Executive meeting which is considering Economic Development business as a main theme, the Executive will include (for that part of the meeting only) two additional members appointed from an external source as non-voting members.

#### **Chairman**

- (a) The Leader of the Council shall be Chairman of the Executive.
- (b) At that part of an Executive Committee meeting which is considering Education Authority business as a main theme, the Committee will be chaired by the Executive Member for Children & Young People.
- (c) At that part of an Executive Committee meeting which is considering Economic Development business as a main theme, the Committee will be chaired by the Executive Member for Business & Economic Development.

## **Quorum**

Five SBC Elected Members of the Executive shall constitute a Quorum.

## **Functions Referred**

The following functions of the Council shall stand referred to the Committee –

### Policy and Performance

1. Review and alter from time to time, as may be considered necessary, any existing policies or strategies not specifically within the remit of any other Council Committee.
- \*2. Consider the broad needs of the Council's Area and matters of comprehensive importance, including advising the Council on European Community matters, making recommendations to Council as necessary.
3. Consider regularly Council performance against:-
  - ~~The Single Outcome Agreement~~
  - Corporate and Improvement Plans including policy objectives and priorities
  - Relevant Business Plan actions and initiatives
  - Statutory Performance Indicators and the Annual Public Performance Report
  - Key performance indicators and other relevant performance indicators
  - Business Transformation
  - Best Value
4. Identify the requirement for any in-depth policy or practice review work arising from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.
5. Ensure the enactment of committee decisions and monitor their impact on Council services.

### Resources and Services

6. Consider matters relating to the organisation and administration of all Services of the Council, ~~including the business management and financial controls of the Council's significant Trading Operations.~~
7. Initiate or carry out reviews of strategic or corporate significance and such other reviews as the Executive deem appropriate.

### Financial Management

8. Secure the co-ordination, control and proper management of the financial affairs of the Council.
9. Consider regularly the Council's performance against the revenue and capital budgets and associated financial statements.
10. Within the context of the approved Capital Financial Plan, approve proposals for capital expenditure.
11. Within the context of the approved Revenue Financial Plan, except where specifically delegated to another Committee, approve proposals for revenue

expenditure, including proposals for virement in terms of Financial Regulation 7.9. For the avoidance of doubt, this means approval of all decisions relating to virements between Services, capital finance from current revenue, policy changes and the carry forward of earmarked balances.

- \*12. Consider requests to incur revenue expenditure not provided for in the approved Revenue Financial Plan and make recommendations to Council.
- \*13. Consider requests to incur capital expenditure not provided for in the approved Capital Financial Plan and make recommendations to Council.
- 14. Consider all matters (not delegated directly to Officers) related to:
  - (i) Revenue and Capital budgets and funding approved by Council;
  - (ii) banking;
  - (iii) debt management and debt recovery, including the appointment of sheriff officers;
  - (iv) Treasury Management;
  - (v) procurement;
  - (vi) investment;
  - (vii) borrowing;
  - (viii) income collection; and
  - (ix) insurance arrangements of the Council.
- 15. Consider all matters related to the collection of Council Tax, Rates, (former) Community Charges, Water and Sewerage Charge (on behalf of Scottish Water) and acting as Collecting Authority therefore in terms of Section 79 of the Local Government etc. (Scotland) Act 1994.
- 16. Approve applications for funding and authorise grants above the level not delegated directly to officers.
- 17. Determine applications for financial assistance from outside bodies.
- 18. Establish an ad-hoc Procurement Appeals Committee, consisting of three Members, to consider and determine any appeals by suppliers against the disqualification of their tender by the Council for any reason.

#### Property, Land and Accommodation

- 19. Consider matters relating to land and buildings, including:
  - (i) asset management planning for the Council's estate;
  - (ii) the provision, management, furnishing, equipping, maintenance and facilities management of buildings;
  - (iii) negotiations relating to commercial developments and the acquisition and disposal of land and/or buildings; and
  - (iv) energy and carbon management.

#### Staffing

- 20. Consider the training, development and welfare of all staff, including the preparation and review of Council policies on staffing issues and Health and Safety at Work, and the promotion of good human resources management and employment practices.

21. Consider all matters relating to the conditions of service, remuneration, allowances, superannuation and pensions of all employees, including consultation and negotiation with the appropriate Trades Unions as necessary, and the ratification of National Agreements and significant Local Agreements.
  22. Employer discretions under the Local Government Pension Scheme, within the terms of the relevant legislation.
- Education
- \*23. Consider the broad educational needs of the Council's area, making recommendations to Council as necessary.
  24. Oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.
  25. Consider all matters relating to education including pre-school education, primary education, secondary education and community learning and development.
  - \*26. Make recommendations on the change of status, or closure, of any school.
  27. Consider all matters relating to Parent Councils.
  28. Establish an ad-hoc Sub-Committee, as required, to deal with any parents who are failing to meet their responsibilities regarding a child's attendance at school, if a parent:-
    - (a) fails to provide a reasonable excuse for the child's absence from school; and/or
    - (b) provides dubious excuses for the child's absence; and/or
    - (c) does not effectively address the matter of the child's absence from school.
- Economic Development
29. Provide strategic leadership and vision for Economic Development in the Scottish Borders, developing and overseeing the delivery of economic development plans.
  30. Ensure key changes are implemented by the Council to achieve improved services for businesses, encouraging a 'business positive' culture across the Council.
  31. Scrutinise and review the effectiveness of Council services, other agencies and organisations in promoting the economic development and well-being of the Scottish Borders.
- Miscellaneous
32. Consider new legislation and advise Council accordingly.
  33. Initiate or defend civil actions other than those relating to matters standing referred to other Committees.

34. Approval of Local Management Rules.
35. Approve all matters relating to street naming and numbering, where not delegated to officers.
36. Consider all matters not specifically referred to or delegated to any other Committee.
- \*37. Make recommendations to Council regarding responses to statutory and other consultations.

### **Functions Delegated**

All of the functions above NOT marked \*. Those functions marked \* are referred to the Committee for consideration and recommendation only and must receive approval of the Council.

## **(EXECUTIVE COMMITTEE)**

### **TRADING OPERATIONS SUB-COMMITTEE** **MOVE to MAJOR CONTRACTS GOVERNANCE GROUP**

#### **Constitution**

Five Members of the Council, being:

—

- (a) ~~four Members of the Executive~~
- (b) ~~one Member from the Opposition.~~

#### **Chairman**

~~One of the Executive Members shall be Chairman of the Sub-Committee.~~

#### **Quorum**

~~Three members of the Sub-Committee shall constitute a quorum.~~

#### **Functions Referred**

~~The following functions of the Council in relation to significant Trading Operations shall stand referred to the Sub-Committee:-~~

- ~~1. The consideration of matters relative to business management of trading services including providing an appropriate level of scrutiny on the financial risk arising from trading operations.~~
- ~~2. The monitoring of the trading arrangements and operations in terms of the Local Government (Scotland) Act 2003.~~
- ~~3. The evaluation of financial controls and the detailed monitoring of financial and performance levels for trading services.~~
- ~~4. The evaluation of Financial Plans for delivering required performance levels from trading services.~~
- ~~5. Consideration of the strategic model employed by trading services, and to contribute towards the long-term strategic development process.~~
- ~~6. Consideration of matters relative to tendering for internal and external contract works.~~
- ~~7. The determination of appropriate processes and practices, within overall Council policy, to support the efficient and effective development of trading powers.~~
- ~~8. To understand the trading risk exposure and to evaluate measures to manage the trading risk-reward balance.~~
- ~~9. The consideration of Joint Arrangements with suppliers or other parties to improve the effectiveness and/or efficiency of the trading organisation.~~

#### **Functions Delegated**

~~All of the functions referred to the Sub-Committee.~~



## **(EXECUTIVE COMMITTEE)**

### **EDUCATION PERFORMANCE SUB-COMMITTEE**

#### **Constitution**

Three Elected Members, being the Executive Member for Children & Young People, together with two other Members of the Executive Committee. The Teacher Representatives, Parent Council and Pupil representatives are excluded from membership of the Sub-Committee.

#### **Chairman**

The Chairman shall be the Executive Member for Children & Young People.

#### **Quorum**

Two Members of the Sub-Committee shall constitute a quorum.

#### **Functions Referred**

The following functions of the Committee shall stand referred to the Sub-Committee:-

1. To consider all published reports, action plans, and follow up reports on:
  - (i) pre-school, primary and secondary school by Her Majesty's Inspectorate of Education (HMIe);
  - (ii) community learning and development (CLAD) and other community services by Her Majesty's Inspectorate of Education (HMIe);
  - (iii) Care Inspectorate (on educational establishments in the Scottish Borders);  
and
  - (iv) internal school reviews.
- #2. To request follow-up reports in respect of the implementation of any Action Plans, if required, for any of the above reports, and make recommendations to the Executive Committee, as necessary.

#### **Functions Delegated**

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Executive Committee.

## **SECTION V**

### **AUDIT AND SCRUTINY COMMITTEE**

#### **Constitution**

- (a) Nine members of the Council, not on the Executive Committee;
- (b) At that part of an Audit and Scrutiny Committee meeting which is considering Audit matters, the Audit and Scrutiny Committee will include (for that part of the meeting only) three additional members appointed from an external source as non-voting members.

#### **Chairman**

The Chairman shall be a member of the Opposition. The Vice-Chairman shall be a member of the Administration.

#### **Quorum**

Four Elected Members of the Council shall constitute a quorum.

#### **Functions Referred**

The following Audit functions of the Council shall stand referred to the Committee:-

1. Assess the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control to provide reasonable assurance of effective and efficient operations, including the review of assessment of fraud risks and the monitoring of the counter fraud strategy, actions and resources.
2. Assess the adequacy and effectiveness of the Council's risk management arrangements.
3. Assess the adequacy and effectiveness of corporate governance arrangements against the good governance framework and consideration of annual governance reports and assurances to ensure that the highest standards of probity and public accountability are demonstrated to underpin the delivery of value for money or best value services.
- \*4. Review the Council's audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit, prior to submission to Council.
5. Approve the Terms of Reference for Internal Audit and the strategic and annual internal audit plans.
6. Monitor and review the performance of internal audit.
7. All matters relating to the implementation of recommendations contained within internal audit reports.
8. Review external audit plans and arrangements for effective liaison between external and internal audit.

9. Monitor responses to recommendations contained within external audit reports and the implementation of such recommendations.
10. The scrutiny of treasury management strategy and policies.
11. Assess the adequacy and effectiveness of the Pension Fund's systems of internal financial control, including counter fraud, theft or corruption and framework of internal control to provide reasonable assurance of effective and efficient operations.
- \*12. Review the Pension Fund's audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.

The following Scrutiny functions of the Council shall stand referred to the Committee:-

- #13. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
- #14. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.
- #15. Acting as a focus for value for money and service quality exercises.
- #16. Management of the "Call in" procedure for the examination of decisions of the Executive Committee.
- \*17. Developing an annual programme for approval by Council (likely in April each year) on the basis of the scrutiny functions outlined from 13 to 15 above.
18. Any other matter referred to the Committee for consideration by Council or the Executive Committee.

The following petitions and deputations functions shall stand referred to the Committee:

19. Consider petitions submitted to the Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.
20. Consider deputations to the Council in accordance with the Council's approved deputations procedure and determine the appropriate action to be taken within the terms of the procedure.

### **Functions Delegated**

All functions above NOT marked # or \*. Those functions marked # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee. Those functions marked \* are referred to the Committee for consideration and recommendation only and must receive approval of Council.

## **SECTION VI**

### **CIVIC GOVERNMENT LICENSING COMMITTEE**

#### **Constitution**

Nine Members of the Council.

#### **Quorum**

Five members of the Committee shall constitute a quorum.

#### **Functions Referred**

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Council's responsibilities for licensing under the Civic Government (Scotland) Act 1982, except those matters specifically delegated to the Chief Legal Officer.
2. All matters relating to the Council's responsibilities for the granting and revocation of miscellaneous licences, except those matters specifically delegated to the Chief Legal Officer.
3. Decide cases where Officers recommend that a private sector landlord is refused registration, or that a private sector landlord be removed from the Private Landlord Register.

#### **Functions Delegated**

All of the functions referred to the Committee.

## **SECTION VII**

### **PENSION FUND COMMITTEE**

#### **Constitution**

Seven Members of the Council comprising –

- (a) the Convener
- (b) one member of the Executive
- (c) three other Members of the Administration
- (d) two members from the Opposition

#### **Chairman**

The Chairman shall be the Convener.

#### **Quorum**

Four members of the Committee shall constitute a Quorum.

#### **Functions Referred**

The following functions of the Council shall stand referred to the Committee -

1. All matters relating to the Council's role as the Administering Authority for the Scottish Borders Council Pension Fund, within the terms of all relevant Local Government Pension Scheme legislation and the requirements of the Pension Regulator.

#### **Functions Delegated**

All of the functions delegated to the Committee.

#### **Joint Meeting with the Pension Board**

While the statutory roles and function of the Pension Fund Committee and Pension Board are separate, the normal practice will be that both bodies will meet at the same time to consider the same agenda, with the Chair of the Pension Fund Committee chairing the concurrent meeting. The aim is to engender a positive and proactive partnership culture where in practice the two bodies act as one.

#### **Dispute Resolution between Pension Board and Pension Fund Committee**

Within the regulations there is a prescribed approach to dispute resolution between the Pension Board and the Pension Fund Committee.

1. At the joint meeting referred to above, if the Pension Fund Committee and Pension Board cannot reach joint agreement on any matter the process for resolving any differences between the two bodies is set out in 3) below.
2. Whilst this process is undertaken the decision of the Pension Fund Committee is still competent.
3. In the first instance, if at least half of the members of the Pension Board agree, then the Pension Board can refer back a decision of the Pension Fund Committee for further consideration if any of the following grounds are met:

- (a) That there is evidence or information which the Pension Board considers needs re-evaluating or new evidence or data which the Pension Fund Committee did not access or was not aware of at the point of decision making and which is considered material to the decision taken;
  - (b) That the decision of the Pension Fund Committee could be considered illegal or contrary to regulations;
  - (c) That the decision of the Pension Fund Committee is contrary to a relevant Code of Practice published by the Pensions Regulator; or
  - (d) That the decision is not in the interest of the continued financial viability of the Scottish Borders Council Pension Fund or is against the principles of proper and responsible administration of the Scottish Borders Council Pension Fund.
4. This referral must be communicated to the Clerk to the Council within 10 working days of the joint meeting with the Pension Fund Committee which made the decision being required to be reconsidered.
5. If there is no agreement after the matter has been referred back to the Pensions Fund Committee, then the difference in view between the Pension Board and the Pension Fund Committee will be published in the form of a joint secretarial report from the Pension Board on the Pension Fund website and included in the Pension Fund's Annual Report.
6. The Scottish LGPS Scheme Advisory Board may also consider and take a view on the matter and, if considered appropriate, provide advice to Scottish Borders Council as the Scheme Manager or the Pension Board in relation to the matter.

## **(PENSION FUND COMMITTEE)**

### **PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE**

#### **Constitution**

Nine members, being:

- (a) the seven members of the Pension Fund Committee; and
- (b) two non-voting members nominated by the Pension Board.

#### **Chairman**

The Chairman shall be the Chairman of the Pension Fund Committee.

#### **Functions Referred**

The following functions of the Committee shall stand referred to the Sub-Committee -

1. Reviewing the Pension Fund's Statement of Investment Principles.
- #2. Where appropriate, recommending changes to the Pension Fund Committee in relation to the Statement of Investment Principles.
3. Ensuring appropriate investment management arrangements are in place for monies of the Pension Fund and to review investment manager performance.
4. Overseeing the contractual review of the fund managers and investment adviser(s) and custodian.
- #5. Where appropriate, making recommendations to the Pension Fund Committee in relation to the appointment or removal of a fund manager, investment adviser or custodian.
- #6. Overseeing the overall approach to investment risk management and where appropriate recommending changes to the Pension Fund's Risk Register.

#### **Functions Delegated**

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Pension Fund Committee.

## **SECTION VIII**

### **PLANNING AND BUILDING STANDARDS COMMITTEE**

#### **Constitution**

Nine Members of the Council.

#### **Quorum**

Four members of the Committee shall constitute a quorum.

#### **Chairman**

The Chairman of the Committee shall be the Executive Member for Planning & Environment.

#### **Functions Referred**

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to Town and Country Planning except the following:-
  - (a) Strategic Development Plan and Local Development Plan
  - (b) Applications referred under Section 38(A)(1) of the Town and Country Planning (Scotland) Act 1997
  - (c) Applications and other matters delegated to the Service Director Regulatory Services
2. All matters relating to the Council's responsibilities for Building Control except those delegated to the Service Director Regulatory Services.
3. Consideration and determination of appeals against the proposed refusal of applications for Building Warrants and Relaxations of the Building Regulations.
4. Consideration and determination of High Hedge Notices not dealt with under delegated powers by the Service Director Regulatory Services.

#### **Functions Delegated**

All of the functions referred to the Committee.



## **SECTION IX**

### **LOCAL REVIEW BODY**

#### **Constitution**

Nine Members of the Council, being the members of the Planning and Building Standards Committee.

#### **Chairman**

The Chairman of the Local Review Body shall be the Chairman of the Planning and Building Standards Committee or in his absence the Vice-Chairman.

#### **Quorum**

Four Members shall constitute a quorum.

#### **Assessor**

The Review Body may appoint an Assessor to sit with the Local Review Body at any hearing session it elects to hold to advise on matters arising.

#### **Functions Referred**

The following functions of the Council shall stand referred to the Review Body:-

1. Conduct Reviews in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997 where the appointed person has:-
  - (a) Refused an application for planning permission or for consent, agreement or approval;
  - (b) Granted it subject to conditions; or
  - (c) Not determined it within such period as may be prescribed by regulations or a development order.

#### **Functions Delegated**

All functions referred to the Review Body

#### Note

Where the Local Review Body considers that the review documents before them provide sufficient information to enable them to determine the review, they may determine the review without further procedure. (Regulation 12 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008.)

Other than in circumstances where the Local Review Body considers the review documents provide sufficient information to enable them to determine the review without further procedure, the Local Review Body may consider the review:

- (a) by means of written submissions;
- (b) by holding one or more hearing sessions;
- (c) by means of a site inspection; or

(d) by a combination of procedures.

**Functions Delegated**

All functions detailed above.

## **SECTION X**

### **PETITIONS AND DEPUTATIONS COMMITTEE MOVE TO AUDIT AND SCRUTINY COMMITTEE**

#### **Constitution**

~~Seven members, being five Members of the Administration and two Members of the Opposition.~~

#### **Quorum**

~~Three Elected Members of the Council shall constitute a quorum.~~

#### **Functions Referred**

~~The following functions of the Council shall stand referred to the Committee –~~

- ~~1. Consider petitions submitted to the Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.~~
- ~~2. Consider deputations to the Council in accordance with the Council's approved deputations procedure and determine the appropriate action to be taken within the terms of the procedure.~~

#### **Functions Delegated**

~~All of the functions delegated to the Committee.~~

**SECTION X  
CONSULTATIVE GROUPS**

**JOINT CONSULTATIVE GROUP FOR STAFF**

**Constitution**

Fourteen members comprising:-

- (a) The Executive Member for Transformation & HR and five other Members of the Council;
- (b) Eight employee Trade Union Representatives, namely:-
  - (i) Three from Unison
  - (ii) Three from Unite
  - (iii) One from General Municipal and Boilermakers Union
  - (iv) One other to be agreed by the Trade Unions
  - (v) One from GMB: MPO (only to attend for items relating to Chief Officials)

**Chairman**

The Executive Member for Transformation & HR shall be the Chairman of the Group.

**Quorum**

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

**Functions Referred**

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Council employees except Teachers. (The pay grading, efficiency or disciplinary record of any individual employee is not within the scope of the Group)

**Functions Delegated**

All functions referred to the Consultative Group.

## **JOINT CONSULTATIVE GROUP FOR TEACHERS**

### **Constitution**

Fourteen members comprising:-

- (a) The Executive Member for Children & Young People and five other Members of the Council, being three members from the Administration and two members from the Opposition.
- (b) Eight employee Trade Union Representatives, namely:-
  - (i) Four from E.I.S.
  - (ii) Two from S.S.T.A.
  - (iii) One from P.A.T.
  - (iv) One other to be agreed by the Trade Unions

### **Chairman**

The Executive Member for Children & Young People shall be the Chairman of the Group.

### **Quorum**

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

### **Functions Referred**

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Teachers employed by the Council. (The pay grading, efficiency or disciplinary record of any individual teacher is not within the scope of the Group.)

### **Functions Delegated**

All functions referred to the Consultative Group.

## **EMPLOYEE COUNCIL**

### **Constitution**

- (a) Five Elected Members of the Council, being the Convener, the Leader, one other Executive Member, the Executive Member for Transformation & HR, and the Leader of the Opposition.
- (b) Any Five members of the Corporate Management Team.
- (c) Employee representatives from across the Council.

### **Chairman**

The Convener shall be Chairman of the Employee Council.

### **Quorum**

Two Elected Members of the Council, two of the Corporate Management Team, and two of the employee representatives shall constitute a quorum.

### **Functions Referred**

The following functions of the Council shall stand referred to the Employee Council –

1. Share information and promote communication between Council management and staff.
2. Be informed and consulted on (but not as a negotiating body) issues affecting employment and the Council's plans, including:
  - Public sector reform and related issues
  - Information on recent or probable developments of the Council's activities, financial and economic situation
  - Organisational design and development
  - Budget development and implementation
  - Information and consultation on developments regarding employment arrangements, particularly where these may cause significant change to employment
  - Employee benefits
  - Council business issues.

Note: The Employee Council shall not affect the rights and responsibilities of Council management to make all business, financial, commercial, operational and technological decisions.

### **Functions Delegated**

All functions referred to the Employee Council.

## **SECTION XI**

### **AD-HOC COMMITTEES**

#### **STANDARDS COMMITTEE**

##### **Constitution**

Eight Members of the Council, being, five members from the Administration and three members from the Opposition.

##### **Quorum**

Three members of the Committee shall constitute a quorum.

##### **Functions Referred**

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Ethical Standards in Public Life etc. (Scotland) Act 2000.
2. The adoption and application of the Code of Conduct for Councillors.
3. The consideration, investigation and determination of all complaints made concerning the conduct of Councillors.
- \*4. The consideration and revision from time to time of the list of sanctions available to the Council in the event of misconduct on the part of a Councillor.
5. The consideration of reports from the Monitoring Officer on matters relating to the Ethical Framework.

##### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Committee for consideration and recommendation only and must receive approval of Council.

## **APPOINTMENT COMMITTEE**

### **Constitution**

Minimum of Five Members of the Council comprising –

- (a) the Leader
- (b) the Executive Member for Transformation & HR
- (c) the relevant Executive Member(s)
- (d) one other Member of the Administration
- (e) one Member from the Opposition

In this context, “relevant Executive Member(s)” means the Executive Member(s) for the Service(s) within which the appointment is being made.

### **Chairman**

The Executive Member Transformation & HR shall be Chairman of the Committee.

### **Quorum**

Three members of the Committee shall constitute a Quorum.

### **Functions Referred**

The following functions of the Council shall stand referred to the Committee -

1. The recruitment of staff to posts at Service Director and above.

### **Functions Delegated**

All of the functions referred to the Committee.



## **STAFFING APPEALS COMMITTEE**

### **Constitution**

All Members of the Council shall be Members of an Appeals Panel, from which three members of a Staffing Appeals Committee shall be drawn.

### **Chairman**

The Executive Member Transformation & HR shall be the Chairman of the Staffing Appeals Panel or in his absence another of the Executive Members.

### **Selection of Appeal Committees**

Each of the Staffing Appeals Committees shall be selected by the Clerk to the Council or her authorised representative in consultation with the Chairman of the Appeals Panel.

### **Chairman**

The Chairman of the Appeals Panel shall chair the Committee or, in his absence, the Chairman shall be another Executive Member.

### **Quorum**

Two Members of the Committee shall constitute a quorum.

### **Functions Referred**

The following functions shall stand referred to the Committee:-

1. The consideration and determination of appeals by all employees against decisions in respect of discipline.
2. The consideration and determination of grievances by all employees.

Note: Grievances in respect of pay, gradings or conditions of service shall be dealt with through the relevant Council policies and procedures and not through the Staffing Appeals Committee.

### **Functions Delegated**

All of the functions referred to the Committee.

## EDUCATION APPEALS COMMITTEE

### Constitution

The rules for the formal constitution and membership of the Education Appeal Sub-Committee are laid down in the Education (Scotland) Act 1980.

There may be up to three different categories of membership of the Appeal Sub-Committee as follows:-

- (a) Members of the Council who are not members of the Executive Committee.
- (b) Members of the Executive Committee (including non-elected members).
- (c) Lay members.

The following arrangements apply in respect of the selection of the Panel and individual Appeal Sub-Committees.

### Appointment of Panel

A Panel from which members of Appeal Sub-Committees shall be drawn shall comprise 53 persons as follows:-

- (a) The Convener, who shall be Chairman of the Panel.
- (b) The Executive Member for Children & Young People, who shall be Vice-Chairman of the Panel.  
[Neither of these persons may chair an Appeal Committee.]
- (c) Ten other Members of the Executive Committee, which excludes the Teacher, Parent Council and Pupil representatives (none of whom may chair the Appeal Committee).
- (d) Twenty three Members of Council who are not members of the Executive Committee.
- (e) Eighteen persons who are not members of the Council or the Executive Committee and who are either parents of children of school age or persons having experience in education or persons acquainted with the educational conditions in the area, and who are members of the nominated Parent Councils – one to be nominated by each Secondary Parent Council and by the Parent Council for the largest primary school in each of the catchment areas for the nine secondary schools. In the event of any such primary or secondary school not having a Parent Council or of any Parent Council declining to provide a nominee, then a nomination will be sought from the Parent Council of the next largest primary school and so on.

### Functions Referred

The following functions shall stand referred to the Sub-Committee:-

1. Appeals by parents against decisions of the Council acting as Education Authority as to the schools, excluding nursery schools or classes, which their child or children should attend.
2. Appeals by parents against decisions of the Council acting as Education Authority to exclude their child or children from school.
3. Various appeals by parents in connection with their child or children being recorded as having marked or continuing special education needs.

### **Functions Delegated**

All of the functions referred to the Sub-Committee.

### **Duration of Appointment**

The term of office of members of the Panel shall be:-

- (a) In the case of Members of the Executive Committee or of the Council, from the date of their appointment until the date of the next Council election.
- (b) In the case of persons nominated by Parent Councils, from the date of their appointment until the date when they are due to stand down.

### **Selection of Appeal Sub-Committees**

5. (a) Each Appeal Sub-Committee shall be selected by the Clerk to the Council or his authorised representative in consultation with the Chairman of the Panel, or, in his absence, the Vice-Chairman of the Panel.
- (b) Each Appeal Committee shall comprise 5 persons being:-
- 3 Members of the Executive Committee or of the Council from the Panel.
  - 2 other persons from the Panel.
- (c) In the event of all 5 persons not being in attendance at a hearing of an appeal, the Appeal Sub-Committee shall be reduced to 3 persons including not less than:-
- 1 Member of the Executive Committee or of the Council from the Panel.
  - 1 other person from the Panel.
- (d) The Clerk to the Council or his authorised representative, in consultation with the Chairman or, in his absence, the Vice-Chairman of the Panel, shall appoint the Chairman of the Appeal Committee, who shall not be a Member of the Executive Committee.

### **Administrative Arrangements**

6. The Clerk to the Council or his authorised representative shall act as Clerk to the Appeal Committee and the Service Director Children and Young People or his representative shall present the case for the Council at any Appeal Committee hearing.

**MEMBERS SOUNDING BOARD:  
POLITICAL MANAGEMENT ARRANGEMENTS**  
**TRANSFER TO SCHEME OF DELEGATION – APPOINTMENT BY CHIEF  
EXECUTIVE IN CONSULTATION WITH CONVENER AS REQUIRED**

**Constitution**

~~Six members of the Council: being the Convener, the Leader, and one member from each of the constituted political groups in the membership of the Council.~~

**Chairman**

~~The Chairman of the Board shall be the Leader.~~

**Quorum**

~~Three members of the Board shall constitute a quorum.~~

**Functions Referred**

~~The following functions shall stand referred to the Board:-~~

- ~~\*1. To advise on any review of decision-making and policy development processes and the working practices which support these processes.~~
- ~~\*2. To make recommendations on any changes or actions which will strengthen and enhance the democratic decision-making and policy development procedures.~~
- ~~\*3. To make recommendations on consultations requiring political input.~~
- ~~4. To exercise any delegated functions made by the Council.~~

**Functions Delegated**

~~All functions above NOT marked \*. Those functions marked \* are referred to the Board for consideration and recommendation only and must receive approval of Council.~~

## **WARD PROJECT ADVISORY GROUPS**

### **REMOVE – NOT USED**

#### **Constitution**

~~An Advisory Group shall be established for each Ward, as required, comprising the elected Members for that particular Ward or, should more than one Ward be involved, the elected Members for those particular Wards.~~

#### **Chairman**

~~The Chairman of each Advisory Group shall be appointed from within the membership at the meeting.~~

#### **Quorum**

~~Two members shall constitute a quorum.~~

#### **Functions Referred**

~~The following functions shall stand referred to each Advisory Group:-~~

- ~~#1. Consider local major capital project(s) at the early development stages, as required, and make the Executive Committee aware of any particular local issues or insight on the project(s), prior to the Executive Committee taking decisions.~~

#### **Functions Delegated**

~~No functions are delegated. Those functions marked # are referred to the Advisory Groups for consideration and recommendation only to the Executive Committee.~~

## SECTION XII

### COMMUNITY AND PARTNERSHIP BODIES

#### General

1. The Council is required, or has agreed, to set up, lead and/or participate in a number of Community and Partnership Bodies. The aim is to work in partnership with other key public, voluntary and private bodies, together with communities and businesses to maintain and improve the quality of life and meet the needs of Borders residents and their communities through the delivery of high quality public services, projects, advocacy and other actions.
2. The principles for going forward are –
  - To provide effective structures for delivery/implementation;
  - To include partner buy-in and Member involvement;
  - To have meaningful community involvement and stakeholder engagement as appropriate;
  - To help prioritise services where most needed;
  - To comply with any statute and regulations governing those public, private and voluntary sector organisations involved.
3. ~~Each of the Community and Partnership Bodies in the following sections shall take cognisance at all times of the following over-arching outcome within the Single Outcome Agreement:-~~

~~**Our public services are high quality,  
continually improving,  
efficient and  
responsive to local people's needs.**~~

4. Decisions at meetings of the Bodies in this Section shall be reached on a consensus basis where possible between the SBC Elected Members and other members of the Body. Should consensus between SBC Elected Members and other members not be reached on a decision, then the matter shall be raised at each individual organisation's governing body, except for ~~Locality Committees~~ [Area Partnerships](#), whereby the Elected Members of Scottish Borders Council shall decide [Council financial](#) matters by vote.
5. Any delegated budgets shall operate as aligned budgets delegated to the Committee of Scottish Borders Council and the Committees or representatives of other partner organisations respectively, and this will mean that only Members of Scottish Borders Council may expend budgets delegated by Scottish Borders Council, and other organisations' budgets shall be expended in accordance with their own operating rules.

## **POLICE, FIRE & RESCUE, AND SAFER COMMUNITIES BOARD**

### **Constitution**

Eleven members, being six Members of the Council, and five non-voting members appointed from an external source.

The Council Members shall comprise the Executive Member for Community Safety, and five other Members of the Council.

The non-voting members shall comprise a representative from each of NHS Borders, the Scottish Borders Housing Network, Lothian and Borders Community Justice Authority, the voluntary sector, and the business sector.

### **Chairman**

The Chairman and Vice-Chairman of the Board shall be Elected Members of the Council.

### **Quorum**

Three Elected Members of the Council shall constitute a quorum.

### **Functions Referred**

The following functions of the Council shall stand referred to the Board:-

- \*1. Assess the adequacy and effectiveness of the Scottish Borders Policing Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- \*2. Assess the adequacy and effectiveness of the Scottish Borders Fire and Rescue Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- \*3. Assess the adequacy and effectiveness of the Scottish Borders Safer Communities Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
4. Contribute to the delivery of the Scottish Borders Single Outcome Agreement (SOA) within the Scottish Borders Community Planning Transformation Plan, and in particular the local outcome indicators and programme in relation to the national outcome "We live our lives safe from crime, disorder and danger".
5. Monitor and keep under review progress and delivery of all Safer Communities projects and initiatives.
6. Consider statistical reports on complaints on policing, fire and rescue, and safer communities in the Scottish Borders.

- \*7. Consider and draft responses to any consultation documents pertaining to policing, fire & rescue services, and safer communities.

**Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Board for consideration and recommendation only and must receive approval of the Council.



## COMMUNITY PLANNING STRATEGIC BOARD

### General

The Community Planning Strategic Board shall comprise Scottish Borders Council Elected Members meeting together with Statutory and other Community Planning Partner representatives.

### Constitution

- (a) Any three from the following Elected Members of Scottish Borders Council being:-
- (i) 4 Executive Members;
  - (ii) the Leader of the Opposition
- (b) Representatives from each of the other statutory Community Planning Partners, being:-
- (i) NHS Borders – 2 representatives
  - (ii) Scottish Enterprise – 1 representative
  - (iii) Police Scotland – 1 representative
  - (iv) Scottish Fire and Rescue Service – 1 representative
- (c) Representatives from the following Community Planning Partners:
- (i) Registered Social Landlords – 1 representative;
  - (ii) Borders College – 1 representative;
  - (iii) Third Sector – 1 representative.

### Chairman

The Board must be chaired by an Elected Member of the Council.

### Quorum

Two Elected Members of the Council and one representative from each of 2 other statutory Community Planning Partners shall constitute a quorum.

### Functions Referred

The following functions of the Council, within policy, budget and legislative requirements, and in compliance with any statute and regulations governing these public, private and voluntary sector organisations involved, shall stand referred to the Board -

1. Approve, monitor and evaluate progress on the Community Plan (Local Outcomes Improvement Plan) and the individual Locality Plans.
2. Monitor the work of the Joint Delivery Team and Themed Delivery Groups.
3. Find consensus in reaching decisions on those issues that involve competing interests or are controversial or contentious.
- \*4. Identify the ideal level of resources necessary to achieve the outcomes of the Plans and advise partners of these.

5. Work together to resolve any problems arising from significant issues.
- \*6. Consider and make recommendations to the Community Planning Consultative Partnership and/or partner organisations on any aspects of community planning in terms of issues or improvements.
7. Provide the Community Planning Consultative Partnership with an annual assessment of community planning in the Scottish Borders.
8. Sign off the Annual Report on Community Planning, after consultation with the wider Community Planning Consultative Partnership.

### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Board for consideration and recommendation only and must receive approval of the Council and other relevant Community Planning partner organisations.

## **LOCALITY COMMITTEES** **AREA PARTNERSHIPS**

### **Constitution**

#### **1. Each Area Partnership will comprise – Members:**

- (a) The elected Scottish Borders Councillors representing –
- **Berwickshire Area Partnership:** the six Elected Members for the Wards of East Berwickshire and Mid-Berwickshire;
  - **Cheviot Area Partnership:** the six Elected Members for the Wards of Kelso & District and Jedburgh and District;
  - **Eildon Area Partnership:** the ten Elected Members for the Wards of Galashiels & District, Leaderdale & Melrose, and Selkirkshire;
  - **Teviot & Liddesdale Area Partnership:** the six Elected Members for the Wards of Hawick & Denholm and Hawick & Hermitage;
  - **Tweeddale Area Partnership:** the six Elected Members for the Wards of Tweeddale East and Tweeddale West;
- (b) ~~One~~ **Representative(s) from each of the Community Councils in the Berwickshire Partnership area (the ratio to be 1 representative per 6 Community Councils);**
- (c) A representative from NHS Borders;
- (d) A representative from Police Scotland;
- (e) A representative from the Scottish Fire and Rescue Service.

#### **Attendees\*:**

Invitations to attend and participate in meetings when there are relevant agenda items will be sent out to:

- (h) a representative from each of the Community Councils in the Partnership Area;
- (i) a representative from each of the Community Planning partners (Scottish Enterprise, Live Borders, RSLs, Borders College, Health & Social Care Integration Board, SEPA, SNH, Skills Development Scotland, SESTRAN, Third Sector, Visit Scotland);
- (j) a representative from any other Community Group or Local body, as appropriate, such as Local Chamber of Trade, Development Company, Civic Society, etc.

\* All groups mentioned above and members of the public are encouraged to attend all meetings and, at the discretion of the Chairman, participate in discussions.

#### **Chairman/Vice Chairman**

The Chairman and Vice Chairman of each Area Partnership shall be a Member of Scottish Borders Council.

#### **Quorum**

Three of the Scottish Borders Council Members of each Locality Committee, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Partnership where five shall constitute a Quorum.

## Functions Referred

The following functions of the Council shall stand referred to each Area Partnership, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. ~~Scrutinise the local impact and performance of Council and other services in the area.~~ **Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.**
2. ~~Scrutinise the local impact and performance of the Community Planning Partnership in the area.~~ **Inform the Locality Plan, by involving local communities in establishing:**
  - (a) a shared understanding of need in the area;
  - (b) the outcomes and priorities for the area;
  - (c) the proposed improvement(s) to be achieved.
- \*3. ~~Make recommendations on the objectives and priorities for the area, including economic development, engaging with local communities and businesses as appropriate.~~ **Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services.**
- \*4. ~~Provide direction for decision-making on those issues that involve competing interests or are controversial or contentious, other than planning applications. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.~~
5. ~~Gain a shared understanding of need in the area.~~ **Consider applications for financial assistance from the Council, through:**
  - (a) Small Schemes;
  - (b) Quality of Life Funding; and
  - (c) Pay Parking Income (where available).*Note: Only SBC Councillors have decision-making powers for the above funds.*
6. ~~Seek to engage and involve the local business community and consider ways to attract commercial enterprise to the area.~~ **Consider applications for financial assistance from the Localities Bid Fund**
- ~~7. Act as a consultation body requiring local input, where appropriate.~~
- ~~8. Determine local holiday dates.~~ **REMOVE (Council has no locus to approve)**
- \*9. ~~Consider and make recommendations for Local Byelaws and Management Rules.~~ **MOVE TO EXECUTIVE COMMITTEE (report to include consultation with Local Members)**
- \*10. ~~Consider and make recommendations if required to the relevant Committee on local community matters, including local economic development plans.~~

- ~~\*11. Identify impediments and barriers which inhibit integrated approaches in local service provision, and make recommendations on how these could be overcome.~~
- ~~12. Approve Small Schemes and Roads Funding Members Priorities, including the use of Pay Parking income (restricted to specific towns only).~~
- ~~13. Approve all matters relating to street naming and numbering, where not delegated to officers. **MOVE TO EXECUTIVE COMMITTEE** (report to include consultation with Local Members and/or Local Area Partnership)~~
- ~~14. Approve local traffic management schemes. **MOVE TO SCHEME OF DELEGATION** (Director to make decision in consultation with Local Members, with consultation through Area Partnership for major changes)~~
- ~~15. Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders. **MOVE TO SCHEME OF DELEGATION** (Director to make decision in consultation with Local Members, with consultation through Area Partnership for major changes)~~

### **Functions Delegated**

All functions above NOT marked \*. Those functions marked \* are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

### **General**

In addition to the functions referred and delegated to the ~~Locality Committees~~ [Area Partnerships](#), the Council or other Organisations may from time to time seek the views of ~~Locality Committees~~ [Area Partnerships](#) on specific matters or applications out-with their normal remit.

**REGULATIONS – RELIGIOUS REPRESENTATIVES**

**for Nominations of Persons interested in the Promotion of Religious Education to be Appointed to the Executive Committee (for that part of the meeting considering Education Authority matters)**

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

considering Education Authority matters) must transmit to him prior to the Thirty first day of March -

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

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

- (iii) The full names and postal addresses of the persons appointed to represent such Church or denominational body at the said meeting.
- (b) Not later than the Seventh day of April, the Clerk to the Council shall -
- (i) Prepare a list of the Churches or denominational bodies who have claimed to have duly constituted charges or other regularly appointed places of worship within the Area, which list shall, as regards each Church or denominational body included therein, show the total number of duly constituted charges or other regularly appointed places of worship and the number of representatives at the aforesaid meeting which such Church or denominational body has claimed.
  - (ii) Transmit a copy of such list to each of the Churches or denominational bodies included therein, and at the same time intimate to such Churches or denominational bodies that they may inspect at his office all the certified lists of the duly constituted charges or other regularly appointed places of worship and all the certified statements of the numbers of representatives claimed at the aforesaid meeting which he has received from Churches or denominational bodies in the Area; and that any Church or denominational body included in the list may, within seven days after the date of such intimation, lodge with him objections to any of the certified lists or certified statements on the ground that such list or statement is inaccurate.
- (c) If any objection to any such certified list or certified statement on the ground that it is inaccurate is received by the Clerk to the Council in accordance with the immediately preceding paragraph, he shall, as soon as reasonably may be, fix a time and place for the hearing and determination of such objection and send a copy of each such objection to each Church or denominational body included in the list and intimate

the time and place fixed for the hearing and determination of the objections, and each Church or denominational body included in the list may be represented at such hearing and determination by not more than two representatives. The Convener or a person nominated by him shall preside at such hearing and, after such procedure as he may prescribe, shall determine whether the objection is well founded and shall in accordance with the scale prescribed in paragraph (a)(ii) of this Regulation, fix the number of representatives whom each church or denominational body shall be entitled to have at the meeting for the nomination of a person in terms of this Regulation. The determination of the Convener or the person appointed by him shall be final and not subject to review.

- (d) If no such objections are received or upon the determination of any such objections, the Clerk to the Council shall call a meeting of the representatives appointed by the Churches or denominational bodies for the purpose of nominating a person with a view to such person being appointed a member of the Executive Committee (for that part of the meeting considering Education Authority matters). Such meeting shall be held in the Council's Headquarters, Newtown St. Boswells, not later than the Thirtieth day of April and shall be called by circular addressed and sent by post to each representative not less than six days prior to the date of the meeting. The Convener, or such other person appointed by him, shall preside and conduct and regulate the proceedings at the meeting, but he shall have only a casting vote. Each representative of a Church or denominational body present at the meeting shall have one vote only. The Clerk to the Council shall report the result of such meeting of representatives to the Council as soon as possible after the ordinary statutory election of Councillors.
- (e) In the event of a casual vacancy among the members of the Executive Committee appointed in accordance with this Regulation, the provisions contained in this Regulation shall apply to and govern the constitution and covering of the meeting of representatives of Churches or denominational bodies for the purpose of filling such vacancy. The Clerk to the Council shall determine the dates for taking the action required of him, allowing periods of time between events similar to those specified in the preceding sub-paragraphs.



**REGULATIONS - TEACHERS****for Nominations of Teachers to be Appointed to the Executive Committee (for that part of the meeting considering Education Authority matters)**

1. The Council shall appoint two Teachers in the employment of the Council as Teachers' Representatives to be members of the Executive Committee, for that part of the meeting considering Education Authority matters.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Regulation 13, the Teachers' Representatives shall be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. Teachers entitled to nominate and vote for Teachers' Representatives and teachers entitled to be nominated as Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the Council and engaged in Primary or Secondary Education as at the First day of March in the year of election.
4. A teacher shall be entitled to nominate and vote for not more than two Teachers' Representatives.
5. The Convener or a person nominated by him shall be the Supervising Officer to supervise the nominations of Teachers' Representatives and the decisions of the Supervising Officer on all matters relating to the nominations shall be final and not subject to review.
6. Not later than the Fifteenth day of March in the year of an election of Councillors, the Service Director Children and Young People shall send to all teachers entitled to nominate Teachers' Representatives a notice specifying the right of each teacher to nominate not more than two Teachers' Representatives and the arrangements for making nominations of Teachers' Representatives and for voting on the nominations if necessary.
7. Each nomination shall be on a form prescribed by the Service Director Children and Young People and shall be signed by two teachers, one as proposer and one as seconder, and shall be counter-signed by the nominee to signify his or her consent to the nomination.
8. Candidates may provide a personal statement of not more than 250 words, which statement must either accompany the nomination form or be lodged with the Service Director Children and Young People on the Seventh day of April in the year of the election at the latest. The statement will be reproduced and circulated by the Service Director Children and Young People with the ballot papers. Statements must not be defamatory, offensive, obscene, likely to incite racial hatred or political in nature or designed to effect public support for a political party. If any part of the personal statement is not permitted by reason of being defamatory, offensive, obscene, likely to incite racial hatred or political

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

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

## **POLITICAL GROUPS**

### **Constitution of political groups**

1. (1) A political group shall be treated as constituted in relation to a local authority when there is delivered to the proper officer of the local authority a notice in writing which -
  - (a) is signed by two or more members of the local authority who wish to be treated as a political group; and
  - (b) complies with the provisions of sub-paragraph (3).
- (2) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.
- (3) A notice under sub-paragraph (1) shall state -
  - (a) that the members of the local authority who have signed it wish to be treated as a political group;
  - (b) the name of the group; and
  - (c) the name of one member of the group who has signed the notice and who is to act as its leader.
- (4) A notice under sub-paragraph (1) may specify the name of one or other member of the group who has signed the notice and who is authorised to act in the place of the leader when he is unable to act ("the deputy leader").
- (5) The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed -
  - (a) in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group;
  - (b) in the case of a change of the leader of the group, by a majority of the members of the group.

### **Membership of political groups**

2. Subject to paragraph 4, a member of the local authority is to be treated as a member of a political group if -
  - (a) he has signed a notice in accordance with paragraph 1; or
  - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or deputy leader of the group or by a majority of the members of the group, stating that he wishes to join the group.

### **Cessation of membership**

3. A person is to be treated as having ceased to be a member of a political group when -
  - (a) he has ceased to be a member of the local authority;
  - (b) he has notified the proper officer in writing that he no longer wishes to be treated as a member of the group;
  - (c) there is delivered to the proper officer a notice under paragraph 1 or 2(b) signed by the person whereby a new political group is constituted or he joins another political group; or
  - (d) there is delivered to the proper officer a notice in writing signed by the majority of the members of the group stating that they no longer wish him to be treated as a member of it.

### **Restriction on membership**

4. No person shall be treated as a member of more than one political group at any given time and, accordingly, if a person changes the political group of which he is a member by a notice under paragraph 1 or 2 he shall from the date of delivery of that notice be treated -
  - (a) in the case of a notice under paragraph 1, as a member only of the new political group which is constituted in accordance with that paragraph; and
  - (b) in the case of a notice under paragraph 2(b) as a member only of the group named in the notice.

**APPENDIX 4**

**OTHER COMMITTEES/BOARDS (NOT COMMITTEES OF COUNCIL)**

Governed by the Licensing (Scotland) Act 2005

**LICENSING BOARD**

There shall be constituted the Scottish Borders Licensing Board, "the Licensing Board", meeting as required and having the following constitution, quorum and functions.

**Constitution**

The Licensing Board shall consist of nine Members of the Council.

**Convener**

The Convener of the Licensing Board shall be appointed at the first meeting of the Licensing Board from among their number.

**Quorum**

Five Members of the Licensing Board shall constitute a quorum.

**Functions Referred**

The following functions stand referred to the Licensing Board in terms of the relevant Liquor Licensing and Betting & Gaming Legislation.

1. All matters relating to Liquor Licensing.
2. The approval of disciplinary or enforcement action relating to Licensees.
3. All matters relating to Bookmakers' Permits, Betting Office Licences, Bingo Licences and Amusement with Prizes Permits for Liquor Licensed Premises.

Note: All Members of the Licensing Board must complete satisfactorily the required training before taking any part in Licensing Board proceedings.

**SCOTTISH BORDERS HEALTH AND SOCIAL CARE  
INTEGRATION JOINT BOARD**

**Constitution**

- (a) Five Elected Members of Scottish Borders Council being:-
- (i) three members of the Executive
  - (ii) two other Elected Members
- (b) Five Members of NHS Borders
- (c) A number of advisory (non-voting) members as identified by the Integration Joint Board, including:
- (i) Health and Social Care representatives
  - (ii) Chief Social Work Officer
  - (iii) Chief Financial Officer of the Joint Integration Board
  - (iv) from the staff side
  - (v) from the third sector
  - (vi) from carers
  - (vii) from service users
  - (viii) Chief Officer of the Integration Joint Board

**Chairman**

The first Chairman of the Board shall be from the body not employing the Integration Board's Chief Officer, with the Vice-Chairman from the body employing the Chief Officer. The Chairman shall not have a casting vote.

**Quorum**

Three Elected Members from Scottish Borders Council and three members from NHS Borders shall constitute a Quorum

**Budgets**

Any delegated budgets shall operate as aligned budgets and shall require the final approval of Scottish Borders Council and NHS Borders respectively.

**Functions Referred**

The following functions of the Council and NHS Board, within policy, budget and legislative requirements, shall stand referred to the Board:

1. All arrangements relating to matters detailed in, and limited to, the Scheme of Integration concerning:
  - (a) Local Governance Arrangements
  - (b) The specific services delegated
  - (c) Local Operational Delivery Arrangements
  - (d) Clinical and Care Governance
  - (e) Chief Officer
  - (f) Workforce
  - (g) Finance

- (h) Participation and Engagement
- (i) Information Sharing and Data Handling
- (j) Complaints
- (k) Claims Handling, Liability & Indemnity
- (l) Risk Management
- (m) Dispute Resolution.

### **Functions Delegated**

Where detailed in the Scheme of Integration, functions are referred to the Board for consideration and recommendation only and must receive approval of the Council.

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