

Scottish Borders Code of Governance

Scheme of Administration

(Interim)

Openness
Accountability
Responsiveness
Democracy

Scottish Borders Council
24 May 2012

INDEX

SECTION	SUBJECT	PAGE NO.
I	General	3
II	Provisions Applicable to All Committees	7
III	Executive	11
	<i>Executive Sub-Committees-</i>	
	<i>Appointments</i>	15
	<i>Pension Fund</i>	16
	<i>Trading Operations</i>	17
	<i>Performance Monitoring (Panel)</i>	18
	<i>PMP Education and Lifelong Learning Sub</i>	19
	<i>Health and Care</i>	20
	<i>Galashiels Development</i>	21
	<i>Hawick Development</i>	22
	<i>Grants to External Bodies</i>	23
	<i>Transport</i>	24
	<i>Economic Development Executive Group</i>	25
IV	Education Executive	26
	<i>Schools Attendance Sub-Committee</i>	32
V	Scrutiny	34
VI	Planning and Building Standards	35
VII	Local Review Body	36
VIII	Audit	37
IX	Standards	38
X	Area Committees	39
	<i>Cheviot Area and Teviot & Liddesdale Area</i>	
XI	Common Good Fund Working Groups	42
XII	Appeals	
	<i>Staffing Appeals</i>	43
	<i>Roads Appeals</i>	43
	<i>Access to Personal Files Appeals</i>	44
	<i>Procurement Appeals</i>	44
XIII	Civic Government Licensing	46
XIV	Education Appeals	47
XV	Social Work Complaints Review	49
XVI	Children's Panel Advisory	50
XVII	Joint Consultative Group – Staff	51
XVIII	Joint Consultative Group – Teachers	52
XIX	Licensing Board	53
XX	Advisory Groups	
	<i>Flooding</i>	54
	<i>Waste Management</i>	54
XXI	Political Management Arrangements: Members Sounding Board	55
APPENDIX I	Political Groups	56

INTERIM SCHEME OF ADMINISTRATION

SECTION I

GENERAL

Purpose

1. The Scheme regulates:-
 - (a) The constitution and membership of the Committees of the Council;
 - (b) The allocation of the functions of the Council among 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 by simple majority, or, for more minor changes arising from a decision of the Council or the Executive, by the Clerk to the Council in accordance with the Scheme of Delegation.

Interpretation

3. In this Scheme the following expressions shall 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 thereof, including Regulations made under an Act.
 - “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.
 - “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.
 - “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 VII (Local Review Body) where its meaning is taken from the Planning etc. (Scotland) Act 2006.
 - “Committee”, where the context permits, includes any Sub-Committee of that Committee.
 - “Convener” means the Convener for the time being of the Council.
 - “Co-opted Member” means any member of a Committee who is not an Elected Member.
 - “Council” means the Scottish Borders Council.
 - “Chief Executive” means the Chief Executive appointed by the Council.
 - “Director of Education” means the Director of Education & Lifelong Learning appointed by the Council.
 - “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.
 - “Vice-Convener” means the Vice Convener for the time being of the Council.
 - “Leader” means the Leader for the time being of the Council.
 - “Depute Leader” means a Depute Leader for the time being of the Council.
 - “Opposition” in relation to the membership of the Council and Committees means the group formed by an alliance of Members outwith the ruling group on the Council.

Committees

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, Sub-Committees, Joint Consultative Groups and Licensing Boards, namely:

Executive

- Sub-Committees –
 - Appointment
 - Health and Care
 - Galashiels Development
 - Grants to External Bodies
 - Hawick Development
 - Pension Fund
 - Performance Monitoring (Panel)
 - Economic Development Executive Group
 - Education and Lifelong Learning Sub
 - Trading Operations
 - Transport Sub

Education Executive

- Attendance Sub-Committee

Scrutiny

Planning and Building Standards

Local Review Body

Audit

Standards

Area Committees

- Cheviot Area
- Teviot & Liddesdale Area

Common Good Fund Working Groups

Civic Government Licensing Committee

Appeals

- Staffing Appeals
- Roads Appeals
- Access to Personal Files Appeals
- Procurement Appeals

Education Appeals

Social Work Complaints Review

Children's Panel Advisory

JCG – Staff

JCG – Teachers

Licensing Board

Advisory Groups

- Flooding
- Waste Management

Members Sounding Board: Political Management Arrangements

5. 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.
6. 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.
7. 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.

8. 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

Any report being considered by the Executive 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 approving the recommendations as detailed in the report. Should the Executive 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.

A decision of the Executive can be called-in for review by Scrutiny in the following way subject to the terms detailed in (a) to (f) below:

- (1) the Clerk to the Council must be informed, in writing, of the request;
- (2) the request must be made before 5 p.m on the third working day following issue of the relevant minute of the Executive meeting; and
- (3) 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 will 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 Scrutiny has sufficient time to review a decision, whilst at the same time avoiding undue delay to the decision-making process of the Council.

- (i) To this end, Scrutiny will review a decision called-in at the first available 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 immediately following. Where Scrutiny is, for some reason, unable to provide a response within this timescale, it will notify the Executive accordingly, together with the reason why it has been unable to complete its review, and advise of the expected completion date.
- (ii) The effect of this in practical terms, and within the current structure for meetings, will be that (for example) a decision called-in from the first Executive meeting in the month will be reviewed by Scrutiny at its second meeting in the month and the outcome of its review thereafter made known to the Executive at their first meeting of the month following. A consequence of a “call-in” therefore will be that a final decision on the matter would be delayed for approximately one month.

(d) Procedure for Reviewing Items Called-in

In order to carry out a review of decisions called-in, Scrutiny will require to interview Executive 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 Scrutiny 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 Scrutiny) will be extended the opportunity of attending the meeting of Scrutiny where the matter is to be discussed in order to explain in more detail the reasons for calling-in the decision.

(e) Procedure for Scrutiny Recommendations being considered by the Executive

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

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

If agreement cannot be reached between the Executive and Scrutiny 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 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 it ought, in the opinion of the Council, to 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 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 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 thereon, to make a recommendation thereon 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.
7. There shall be excluded from delegation to any Committee the following:-
 - (a) The raising of money by Rates, Council Tax or borrowing.
 - (b) The approval annually of the Revenue Financial Plan and the setting of the level of Council Tax for any year.
 - (c) The approval annually of the overall Capital Financial Plan.
 - (d) Except as provided for in the Financial Regulations, Scheme of Delegation and Standing Orders approved by the Council, in respect of the matters referred to the Committee, the incurring of any 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.
- (e) Except as provided for in the Scheme of Delegation and Standing Orders approved by the Council, the preparation, review and amendment of the Administrative Scheme regulating the constitution, membership, functions and powers of Committees of the Council.
 - (f) Except as provided for in the Scheme of Delegation and Standing Orders approved by the Council, the preparation, review and amendment of the Standing Orders for regulating the proceedings and business of the Council and Committees.
 - (g) Except as provided for in the Scheme of Delegation and Standing Orders approved by the Council, the preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officers.
 - (h) The making of an order for the compulsory acquisition of any land or buildings.
 - (i) 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.
 - (j) All matters relating to elections of Councillors.
 - (k) Matters relating to any alteration in the boundaries of the area or electoral wards and the number of Councillors.
 - (l) The preparation, and review, of a Scheme for Elected Members' Allowances.
 - (m) The appointment of representatives of the Council on outside bodies relating specifically to any of the functions delegated to the Council, Joint Committees and Boards and on the Convention of Scottish Local Authorities and any of its Committees and on other Local Authority Associations.
 - (n) The taking of decisions 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.
 - (o) 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.
 - (p) 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.
 - (q) The assessment and determination of housing needs.
 - (r) The preparation of the Local Housing Strategy.
 - (s) The establishment of strategic agreements related to the housing service with statutory bodies, housing associations, local housing agencies and the like.
 - (t) 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.
 - (u) 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.
 - (v) The approval of items of expenditure for any Common Good of a value greater than £10,000.
 - (w) The determination of any matters affecting Common Good Funds, other than those delegated to Common Good Fund Working Groups.
 - (x) Any function referred or delegated to any other Committee.
 - (y) Change of status, or closure, of any school. [*Note: Where a recommendation has not been received from the Education Executive, the religious/teacher representatives on the Education Executive shall be given the opportunity to contribute to the debate.*]

General

8. Subject to the provisions of the Local Government etc. (Scotland) Act 1994 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.
9. 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 and ~~2~~ **Depute Leaders** of the Council shall be entitled, in addition to their membership of the Executive, its Sub-Committees and the Education Executive, to attend and speak at any Committee or Working Group of the Council, with the exception of Scrutiny, but shall not be entitled to vote thereat.
10. 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 Council's 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.
11. 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 hereof, 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.
12. The Council shall appoint the Chairman and Vice-Chairman of each Committee (other than the Area Committees, the Licensing Board and the Children's Panel Advisory Committee), and unless otherwise specified in this Scheme, the persons appointed shall be Elected Members. The Chairman and Vice-Chairman of an Area Committee shall be appointed by

the Elected Members who are members of that Area Committee. 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.

13. 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.
14. An Elected Member may take part in the proceedings of, speak and vote 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 will normally 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 at a meeting of a Committee of which he or she is a member.

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 monitoring role, will normally be included on the agenda of any Committee. It shall be delegated to the Clerk to the Council to make the final determination on whether or not an item of business should be included on an agenda. Any reports which are for information only will normally 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 EXECUTIVE

Constitution

13 Members of the Council including:-

Leader of the Council;

~~Depute Leader of the Council (Human Resources);~~

Depute Leader of the Council (Finance);

Executive Members for – ~~Children and Strategic Services~~

~~Communities and Health~~

Culture, Sport and Community Learning

Economic Development

Education

Environmental Services

HR and Corporate Improvement

Planning and Environment

Roads and Infrastructure

Social Work

~~Social Care and Health~~

Health Service

Chairman

The Leader of the Council shall be Chairman of the Executive.

Quorum

Seven members of the Executive shall constitute a Quorum.

Functions Referred

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

Policies and Objectives

- *1. Guiding the Council (a) in the formulation of its policy objectives and priorities and recommending to the Council such forward programmes and other steps as may be necessary to achieve these objectives, either in whole or in part, during specific time spans, (b) to keep the policy objectives and priorities under review, making such alterations from time to time as may be considered necessary.
- *2. Consideration of the broad social, economic and environmental needs of the Council's Area and matters of comprehensive importance thereto.
- *3. Advising the Council generally as to its financial and economic policies.
- *4. The preparation of Structure Plans and Local Plans in terms of the Town and Country Planning (Scotland) Act 1997.
- *5. Advising the Council on European Community matters.
- *6. The preparation of all major strategic policy documents.
7. Consideration or alteration, within the policy framework established by the Council, of policy objectives and priorities in relation to all functions of the Council except Education.

Resources and Services

- *8. Advising the Council generally on the allocation and control of its financial, manpower and land resources.

9. The organisation and administration of all Departments and services of the Council.
- *10. Ensuring that the organisation and management processes of the Council are designed to make the most effective contribution to the achievement of the Council's objectives, keeping those processes under review, and recommending as necessary any changes in either the Committee or Departmental structure or the distribution of functions and responsibilities.
11. Initiating or carrying out reviews of strategic or corporate significance and such other reviews as the Executive deem appropriate.
12. All matters relative to the business management and financial controls of the Council's Trading Operations.

Financial Management

13. Within the context of the Capital Financial Plan, the approval of proposals for capital expenditure, the ranking of priorities and allocation of resources in relation to capital expenditure.
14. Within the context of the Revenue Financial Plan, the approval of proposals for revenue expenditure, including proposals for virement in terms of Financial Regulation 7.9, the ranking of priorities and allocation of resources in relation to revenue expenditure.
- *15. Consideration of requests to incur revenue expenditure not included in the annual Revenue Financial Plan.
- *16. All matters related to the audit of the accounts of the Council.
17. All matters related to the banking arrangements of the Council.
- *18. Determination of appropriate levels of Council Tax each year.
- *19. The preparation, review and amendment of Regulations making arrangements for the proper administration of the Council's financial affairs, and matters relating to internal audit.
- *20. Borrowing of money by the Council.
21. All matters relating to Treasury Management.
22. Investment of any Funds, including Trust, Common Good and Pension Funds, under the control or direction of the Council.
23. Writing off bad or irrecoverable debts.
24. Disposal of Rates appeals and claims for relief of Rates.
25. The regular consideration of Council's performance against the revenue and capital budgets and associated financial statements.
26. All matters relating to the Council's portfolio of insurance policies.
27. 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.

28. Disposal of appeals or claims relating to (former) Community Charges insofar as they require to be dealt with by the Council.
29. Disposal of appeals or claims relating to Council Tax and (former) Council Water Charge insofar as they require to be dealt with by the Council.
30. The initiation of actions and procedures for the recovery of Rates, (former) Community Charges, (former) Council Water Charge, and Water Charges (on behalf of Scottish Water).

Property, Accommodation and Staffing

31. All decisions relating to land, buildings and the provision of associated facilities management services, other than aspects specifically remitted to other committees.
32. Asset management planning for the Council's estate including the Corporate Property Asset Strategy and Management Plan.
33. The management of the administrative buildings of the Council and providing, furnishing, equipping and maintaining the necessary offices and buildings for this purpose.
34. Determining the standards, maintenance levels and resources allocated to the Council's estate, other than the aspects of property management specifically remitted to other Committees.
35. The determination of rents of Council dwellinghouses.
36. The acquisition of land and buildings for the Council other than aspects specifically remitted to other committees.
37. The management, use and disposal of Council land and buildings other than aspects specifically remitted to other committees
38. The provision of facilities management related services to Council land and buildings, including janitorial, cleaning, catering and other services, except those specifically remitted to other committees.
39. Energy and carbon management in Council buildings, other than aspects specifically remitted to other committees.
40. The recruitment, of all employees except the Chief Executive, and the suspension and dismissal of all employees except the Chief Executive, the Assessor and Directors.
41. 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 personnel and employment practices.
42. 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.

Information Technology

- *43. The Council's Information Technology strategy.
44. The Council's Information Technology services and requirements, including the communication requirements of the Council and all its Departments.

Miscellaneous

45. Publicity, including Public Relations and the promotion of the Council, aimed at assisting the effective delivery of services, other than where this forms part of another Committee's terms of reference.
46. All matters relating to compulsory competitive tendering or Best Value in respect of all services of the Council.
47. All matters relating to the general strategy of the Council in relation to crime prevention.
48. The arrangement of Civic Hospitality and other Receptions and budget allocation for same.
49. Overall budgetary responsibility for contributions to Local Festivals and associated entertainment.
50. The disbursement of funds to Community Councils from approved Revenue Budgets.
51. Determining applications for financial assistance from outside bodies.
52. Consideration of new legislation.
53. The initiation or defence of civil actions other than those relating to matters standing referred to other Committees.
54. All matters relating to transportation, including Bus Service Contracts.
55. All matter relating to Community Safety
56. All matters not specifically referred to any other Committee.

Business Transformation

- *57. To make recommendations regarding implementation of the Business Transformation Plan workstreams.
- *58. To monitor and keep under review progress and delivery of all business change and transformation projects and programmes.
- *59. To monitor and approve the utilisation of Council financial resources allocated to support and enable the formulation and delivery of change and transformation projects.

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 Council.

APPOINTMENTS SUB-COMMITTEE

Constitution

Minimum of Five Members of the Council comprising –

- (a) the Leader ~~and Depute Leader (Human Resources)~~
- (b) the Executive Member for HR and Corporate Improvement
- (c) the relevant Executive Member(s)
- (d) one other Member of the Executive
- (e) one Member from the Opposition

In this context, “relevant Executive Member” means the Executive Member(s) for the Service(s) within which the appointment is being made, except in the case of an appointment to Chief Executive or Resources Departments, in which case it shall mean the Depute Leader (Finance).

Chairman

The ~~Depute Leader (HR)~~ Executive Member (HR and Corporate Improvement) 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 shall stand referred to the Sub-Committee -

1. The recruitment of staff to posts at Director and Head of Service/Second Tier level.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE PENSION FUND SUB-COMMITTEE

Constitution

Seven Members of the Council comprising –

- ~~(a) the Convener~~
- (a) the Depute Leader (Finance)
- ~~(b) the Depute Leader (Human Resources)~~
- (b) the Executive Member for HR and Corporate Improvement
- (c) one other Member of the Executive
- (d) two Members of the Administration
- (e) two members from the Opposition

(Trade Unions, Scheduled and Active Admissions Bodies to be invited to send representatives as observers)

Chairman

~~The Convener shall be Chairman of the Sub-Committee, and the Depute Leader (Finance) shall be the Vice-Chairman.~~

Quorum

Four members of the Sub-Committee shall constitute a Quorum.

Functions Referred

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

1. All matters relating to the Management of the Council's Pension Fund investments.
- *2. Employer discretions under Local Government Pension Scheme (Scotland) Regulations 1998.

Functions Delegated

All of the 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.

EXECUTIVE TRADING OPERATIONS SUB-COMMITTEE

Constitution

Five Members of the Council, being

- (a) the Depute Leader (Finance)
- (b) the Executive Member for [HR and](#) Corporate Improvement
- (c) the Executive Member for Roads and Infrastructure
- (d) the Executive Member for Environmental Services
- (e) one Member from the Administration.

Chairman

The Executive Member for [HR and](#) Corporate Improvement shall be Chairman of the Sub-Committee.

Quorum

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

[In the event of any vacancy or vacancies in membership of the Sub-Committee, the quorum shall be not less than one-third of the members of the Sub-Committee then standing appointed, and in no case less than 2 in number.]

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 SBc Contracts 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 SBc Contracts.
4. The evaluation of Financial Plans for delivering required performance levels from SBc Contracts.
5. Consideration of the strategic model employed by SBc Contracts, 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 PERFORMANCE MONITORING PANEL

Constitution

Eleven Members, being the Depute Leader (Finance) and the Executive Member for HR and Corporate Improvement, together with five other Members from the Administration and four Members from the Opposition.

Chairman

The Chairman shall be the Executive Member for HR and Corporate Improvement.

Quorum

Five Members of the Panel shall constitute a quorum.

Functions Referred

The following functions of the Executive shall stand referred to the Panel:-

1. The co-ordination of arrangements for the regular monitoring of corporate and related service performance (including trading organisations and partnerships) consistent with the Local Government in Scotland Act 2003 Parts I and II ie. on Best Value and Community Planning.
2. The regular consideration of Council performance against:-
 - The Single Outcome Agreement
 - Corporate and Improvement Plans
 - Relevant Business Plan actions and initiatives
 - Key performance indicators and other relevant performance indicators
 - Decisions taken by the Council and its Committees
 - Matters which do not come to notice through the formal decision making process
3. The consideration of public performance reporting mechanisms and content of items including:-
 - Statutory Performance Indicators
 - Annual Public Performance Report
 - Council newspaper(s)
4. Ensuring appropriate public consultation in the context of any of the above.
5. Ensuring the development of appropriate management information to facilitate the effective monitoring of Council performance.
6. Advising the Executive on any of these matters as appropriate, and in particular on the requirement for any in-depth policy or practice review work arising from the monitoring of performance.

Functions Delegated

All of the functions referred to the Sub-Committee.

**PERFORMANCE MONITORING PANEL SUB-GROUP
FOR
EDUCATION AND LIFELONG LEARNING**

Constitution

Three Members, being the Executive Member for Education, together with two other Members to be appointed by the Performance Monitoring Panel.

Chairman

The Chairman shall be the Executive Member for Education.

Quorum

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

Functions Referred

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

1. To receive all:
 - (i) primary and secondary school Her Majesty's Inspectorate of Education (HMIE) published reports; and
 - (ii) community learning and development (CLAD) and other community services Her Majesty's Inspectorate of Education (HMIE) published reports
2. To request follow-up reports in respect of the implementation of HMIE Action Plans, if required.

Functions Delegated

All of the functions referred to the Sub-Committee.

HEALTH AND CARE SUB-COMMITTEE

Constitution

Any seven Members of the Executive and the 'Older Peoples Champion'.

Note:- Five Members are appointed to the Scottish Borders Health and Care Partnership Board, being:

- (a) the Leader
- (b) the Depute Leader (Finance)
- (b) ~~both the~~ Executive Members for Social Work
- (c) Executive Member for Education
- (d) Executive Member for Health Service & Communities

(Note:- Any members of the Executive or the Older People's Champion may substitute for any of the above Elected Members at meetings of the Scottish Borders Health and Care Partnership Board)

Chairman

The Leader, or in his absence, one of the other 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, within policy, budget and legislative requirements, shall stand referred to the Sub-Committee -

1. All governance arrangements relating to services delivered in partnership through the Scottish Borders Health and Care Partnership Board with NHS Borders and other stakeholders for adult and children's services to include joint plans, service redesign (including financial decisions), monitoring of joint aligned or pooled budgets and performance monitoring of joint outcomes relating to the community plan and single outcome agreement.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE GALASHIELS DEVELOPMENT SUB-COMMITTEE

Constitution

Five Members, being the Leader, Depute Leader (Finance), Executive Member for Roads and Infrastructure, an Administration Member and ~~an Opposition~~ a Member from the Galashiels & District Ward.

The Committee may co-opt local community and business representatives as non-voting members of the Sub-Committee as appropriate.

Chairman

The Chairman shall be the Leader of the Council.

Quorum

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

Functions Referred

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

1. Make all necessary decisions in connection with negotiations relating to commercial developments in Galashiels, including the acquisition and disposal of land to facilitate such developments.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE HAWICK DEVELOPMENT SUB-COMMITTEE

Constitution

Twelve Members, being the Leader, Depute Leader (Finance), Executive Member for Economic Development, all Elected Members of the Hawick & Denholm and Hawick & Hermitage Wards; MP for Berwickshire, Roxburgh and Selkirk County Constituency; MSP for [Ettrick](#), Roxburgh & Berwickshire Constituency; One of the Scottish Government Administration MSPs for the South of Scotland.

The Committee may co-opt local community and business representatives as non-voting members of the Sub-Committee as appropriate.

Chairman

The Chairman shall be the Leader of the Council.

Quorum

Five 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:-

1. Make all necessary decisions in connection with negotiations relating to commercial developments in Hawick, including the acquisition and disposal of land to facilitate such developments;
2. Oversee the delivery of economic development plans in Hawick;
3. Scrutinise the effectiveness of Council services promoting the economic development and well-being of the town;
4. Scrutinise the effectiveness of other agencies and organisations in promoting the economic development and well-being of the town; and
5. Seek to engage and involve the local business community.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE GRANTS TO EXTERNAL BODIES SUB-COMMITTEE

Constitution

Six Members, being the ~~Depute Leader (HR)~~, Executive Member for HR and Corporate Improvement, the two Chairmen of the Area Committees, and a representative from each of the following areas: Tweeddale (Tweeddale East and Tweeddale West Wards); Berwickshire (Berwickshire East and Mid Berwickshire Wards); and Eildon (Galashiels & District, Leaderdale & Melrose, and Selkirkshire Wards) ~~and each of the five Chairmen or a representative of the Area Committees.~~

Chairman

The Chairman shall be the Executive Member (HR and Corporate Improvement) ~~Depute Leader (HR)~~ of the Council.

Quorum

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

Functions Referred

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

1. Approve applications for funding and authorise grants from £501 up to the value of £5,000 for projects with a Borders wide theme or from organisations out-with the Borders, subject to the following:-
 - (a) any payments shall be in accordance with the Council's code of practice on "Following the Public Pound";
 - (b) no award can be made where spending has taken place prior to approval;
 - (c) grants will require 10% match funding in cash or in kind;
 - (d) to maximise the scheme, other sources of funding must have been investigated prior to an application being made; and
 - (e) grants cannot pay for wages, salaries, fees of workers or sessional workers.
2. Approve applications for grants from £501 to £5,000 to the Scottish Borders Community Grants Scheme in areas outwith Teviot & Liddesdale and Cheviot, where, after consultation, agreement has not been reached with at least 50% of the Members in the relevant Wards.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE TRANSPORT SUB-COMMITTEE

Constitution

Five Members, including the Executive Member for Roads and Infrastructure and the Depute Leader (Finance).

Chairman

The Chairman shall be appointed from amongst the Members of the Sub-Committee.

Quorum

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

Functions referred

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

1. To provide policy direction and political oversight for the passenger transport review.
2. To approve the distribution of the Rural Community Transport Initiative to community transport providers.
3. To act as a Sounding Board for responses to local and national transport consultations and report back to the Executive.

Functions Delegated

All of the functions referred to the Sub-Committee.

EXECUTIVE ECONOMIC DEVELOPMENT EXECUTIVE GROUP

Constitution

Seven Members, being the Leader, the Executive Member for Economic Development, and five further elected members drawn from the Council's Administration.

Chairman

The Leader of the Council, or in his absence the Executive Member for Economic Development, shall be the Chairman of the Sub-Committee.

Quorum

Three 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:-

1. Provide strategic leadership and vision for Economic Development in the Scottish Borders;
2. Develop and oversee the delivery of economic development plans;
3. Ensure key changes are implemented by the Council to achieve improved services for businesses, encouraging a 'business positive' culture across the Council;
4. Review the effectiveness of Council services promoting the economic development and well-being of the Scottish Borders;
5. Seek to engage and involve the local business community through a regular dialogue with key business groupings and other business stakeholders.
6. Have regard to, monitor, and receive information reports on, the performance and trends in the regional, national and UK economies.

Functions Delegated

All of the functions referred to the Sub-Committee.

SECTION IV EDUCATION EXECUTIVE

Constitution

Eighteen members comprising -

- (a) Thirteen Members of the Executive.
- (b) Three other persons interested in the promotion of religious education appointed by the Council from nominations to be made in accordance with Annexation A to this Section.
- (c) Two teachers in the employment of the Council appointed by the Council from nominations to be made in accordance with Annexation B to this Section.

Chairman

The Executive Member for Education shall be Chairman of the Education Executive.

Quorum

Seven Elected Members of the Council shall constitute a quorum.

Functions Referred

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

1. Consideration or alteration, within the policy framework established by the Council, of policy objectives and priorities in relation to Education.
2. Exercising the functions of the Council under the Education (Scotland) Acts, and any other relevant statutes.

In particular, and without prejudice to the above principal terms of reference:-
3. All matters relating to education including pre-school education, primary education, secondary education and community education.
4. The appointment of representatives of the Council on outside bodies relating specifically to any of the functions delegated to the Committee, other than any appointments referred to in paragraph 7(m) of Section II of this Scheme.
5. All matters relating to the administration of bursaries.
6. All matters relating to Parent Councils.
7. Within the context of the approved Revenue Budget, the approval of proposals for virement in terms of Financial Regulation 7.9.
- *8. Change of status, or closure, of any school.

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 Council.

ANNEXATION A

REGULATIONS

for Nominations of Persons interested in the Promotion of Religious Education to be Appointed to the Education Executive

1. The Council shall appoint three persons interested in the promotion of religious education to be members of the Education Executive 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 Education Executive, may obtain copies of these Regulations on application to him; and that each of these Churches or denominational bodies who desire to be represented at the meeting for the nomination of one person with a view to appointment as a member of the Education Executive 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 Education Executive. 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 Education Executive 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.

ANNEXATION B

REGULATIONS

for Nominations of Teachers to be Appointed to the Education Executive

1. The Council shall appoint two Teachers in the employment of the Council as Teachers' Representatives to be members of the Education Executive.
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 Director of Education & Lifelong Learning 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 Director of Education & Lifelong Learning and shall be signed by two teachers, one as proposer and one as seconded, and shall be counter-signed by the nominee to signify his or her consent to the nomination.
8. Candidates may provide a personal statement of not more than 250 words which statement must either accompany the nomination form or be lodged with the Director of Education & Lifelong Learning on the Seventh day of April in the year of the election at the latest. The statement will be reproduced and circulated by the Director of Education & Lifelong Learning 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 Returning Officer unless suitably amended by the candidate or candidates concerned. The candidates remain responsible for their own personal statement
9. Nominations must be lodged with the Director of Education & Lifelong Learning 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 Director of Education & Lifelong Learning 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 Director of Education & Lifelong Learning 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 Director of Education & Lifelong Learning 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 Director of Education & Lifelong Learning 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 Education Executive, the provisions contained in these Regulations shall apply to and govern the nomination of a successor Teachers' Representative. The Director of Education & Lifelong Learning 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 Director of Lifelong Learning for issuing the notice specified in Regulation 6 above.

EDUCATION EXECUTIVE SCHOOLS ATTENDANCE SUB-COMMITTEE

Constitution

All Members of the Education Executive shall be Members of a Panel, from which the members of specific Schools Attendance Sub-Committees shall be drawn.

Five Members of the Panel shall constitute each individual Schools Attendance Sub-Committee.

Chairman

The Chairman of the Education Executive shall be the Chairman of the Schools Attendance Panel.

Selection of Schools Attendance Sub-Committees

- (a) Each Schools Attendance Sub-Committee shall be selected by the Clerk to the Council or his authorised representative in consultation with the Chairman of the Panel.
- (b) The Clerk to the Council or his authorised representative, in consultation with the Chairman of the Panel, shall appoint the Chairman of each Schools Attendance Sub-Committee.

Quorum

Three Members of an individual Sub-Committee shall constitute a Quorum.

Functions Referred

The following functions shall stand referred to the Committee:-

1. Deal with 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.

Powers of a Schools Attendance Sub-Committee

If a parent fails to satisfy the Sub-Committee that there is a reasonable excuse for a pupil's non-attendance at schools, the Sub-Committee may:-

1. Proceed to prosecution through the Sheriff Court;
2. Report the circumstances to the Procurator Fiscal;
3. Warn the parent and postpone a decision for a six-week period. In this case only, if the child is of school age, the Sub-Committee may make an Attendance Order under Section 38 of the Education (Scotland) Act 1980.
4. Make an Attendance Order, having first obtained the views of the parent on which school he desires his child to attend; or
5. Refer the child to the Authority Reporter.

Functions Delegated

All of the functions referred to the Sub-Committee.

Administrative Arrangements

The Clerk to the Council or his authorised representative shall act as Clerk to the Attendance Sub-Committee and the Director of Education and Lifelong Learning or his representative shall present the case for the Council at any Attendance Sub-Committee hearing.

SECTION V SCRUTINY

Constitution

Nine Members of the Council, excluding any members of the Executive.

Chairman

The Chairman of the Committee shall be a Member from the Opposition. The Vice-Chairman shall be a Member from the Administration.

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. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council, and making recommendations to the Executive or Council, as appropriate.
- *2. Reviewing the effectiveness of all the Council's work and the standards and levels of services provided, and making recommendations to the Executive or Council, as appropriate.
3. Acting as a focus for value for money and service quality exercises.
4. Management of the "Call in" procedure for the examination of decisions of the Executive.

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 Executive or Council.

SECTION VI
PLANNING AND BUILDING STANDARDS COMMITTEE

Constitution

Thirteen Members of the Council, being, in addition to the Chairman and Vice-Chairman, one Member from each Ward.

Quorum

Six 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 Town and Country Planning except the following:-
 - (a) Strategic Plan, Structure Plan and Local 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 Head of Planning and Building Standards
2. All matters relating to the Council's responsibilities for Building Control except those delegated to the Head of Planning and Building Standards .
3. Consideration and determination of appeals against the proposed refusal of applications for Building Warrants and Relaxations of the Building Regulations.

Functions Delegated

All of the functions referred to the Committee.

SECTION VII LOCAL REVIEW BODY

Constitution

Any five Members, also being 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

Three 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 consider 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
- (d) or by a combination of procedures.

SECTION VIII AUDIT COMMITTEE

Constitution

Seven members, being five Members of the Council and two non-voting members appointed from an external source. The Council Members shall comprise ~~the Convener, and 4~~ 5 Members not on the Executive or Scrutiny (3 4 from the Administration and 1 from the Opposition).

Chairman

~~The Convener shall be the Chairman of the Committee.~~ The Chairman shall be one of the Scottish Borders Council Members.

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. The assessment of 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.
- *2. The assessment of the adequacy and effectiveness of the Council's risk management arrangements.
- *3. The assessment of the adequacy and effectiveness of corporate governance arrangements to ensure that the highest standards of probity and public accountability are demonstrated.
4. Review of the Council's audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit.
5. The approval of the Terms of Reference for Internal Audit and the strategic and annual internal audit plans.
6. The monitoring and review of the performance of internal audit.
7. All matters relating to the implementation of recommendations contained within internal audit reports.
8. The review of external audit plans and arrangements for effective liaison between external and internal audit.
9. The monitoring of responses to recommendations contained within external audit reports and the implementation of such recommendations.
10. The scrutiny of treasury management strategy and policies.

Functions Delegated

All of the functions referred to the Committee.

SECTION IX STANDARDS COMMITTEE

Constitution

Eight Members of the Council, being, in addition to the Chairman, five members from the Administration and two 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 and investigation 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 quarterly 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.

SECTION X
CHEVIOT AREA COMMITTEE
TEVIOT AND LIDDESDALE AREA COMMITTEE

Constitution

Cheviot Area Committee –

Six members and up to fifteen representatives, comprising:-

- (a) Six elected Scottish Borders Councillors representing the Wards of Kelso & District and Jedburgh and District.
- (b) Fifteen representatives who must be full members of Community Councils within the area. Each Community Council shall be entitled to one representative only.

Teviot and Liddesdale Area Committee -

Six members and up to seven representatives, comprising:-

- (a) Six elected Scottish Borders Councillors representing the Wards of Hawick and Denholm and Hawick and Hermitage.
- (b) Seven representatives who must be full members of Community Councils within the Teviot and Liddesdale area. Each Community Council shall be entitled to one representative only.

Chairman/Vice Chairman

The Chairman and Vice Chairman of each Committee shall be Members of the Scottish Borders Council and shall be elected by the Members of the Council who are members of the relevant Area Committee.

Quorum

Three of the Scottish Borders Council Members of each Committee shall constitute a quorum.

Decisions

Decisions at Area Committee shall be reached on a consensus basis where possible between the SBC Elected Members and Community Councillors. Any Community Councillor may request a concern regarding a decision to be noted within the narrative of the Minute. Should consensus between SBC Elected Members and Community Councillors not be reached on a decision, then SBC Elected Members shall have the final say on the decision to comply with the Local Government and Housing Act 1989, as amended. Community Council representatives shall then have the opportunity to have the reasons for their concerns noted in the narrative of the Minute. No such right shall apply to SBC Elected Members.

Functions Referred

The following functions of the Council, within the Teviot & Liddesdale and Cheviot areas respectively, shall stand referred to each Committee:-

1. Approve SB Local Small Schemes and Roads Funding Members Priorities, including the use of Pay Parking income (restricted to specific towns only).
2. Approve all matters relating to Town Twinning.
3. Approve all matters relating to street naming and numbering, where not delegated to officers.
4. Approve all ceremonial matters including the use of former and current Robes and Regalia.
5. Approve local traffic management schemes.

6. Approve the making of temporary, permanent or experimental orders for the regulation of traffic.
7. Approve applications for funding and authorise grants from £501 up to the value of £5,000 for projects within the Area Committee boundaries, subject to the following:-
 - (a) any payments shall be in accordance with the Council's code of practice on "Following the Public Pound";
 - (b) no award can be made where spending has taken place prior to approval;
 - (c) grants will require 10% match funding in cash or in kind;
 - (d) to maximise the scheme, other sources of funding must have been investigated prior to an application being made; and
 - (e) grants cannot pay for wages, salaries, fees of workers or sessional workers.
8. Monitor local cleansing and street cleaning.
9. Monitor local grounds maintenance.
10. Monitor street lighting repairs and renewals.
11. Monitor the local impact and performance of Council services.
12. Monitor the local impact and performance of other public services, as appropriate.
13. Act as a consultation body for local Council Property Projects, such as acquisition, disposal and alteration, where appropriate.
14. Determine local holiday dates.
- *15. Consider and make recommendations on local safety matters, supporting and liaising with Police.
- *16. Consider and make recommendations to the Criminal Justice Service for local Community Service projects.
- *17. Consider and make recommendations to the Executive for Local Byelaws and Management Rules.
- *18. Consider and make recommendations if required to the relevant Committee on local site specific issues.
- *19. Consider and make recommendations if required to the relevant Committee on local regeneration schemes.
- *20. Consider and make recommendations, if required, to the relevant Committee on relevant planning matters, including Development Plans Supplementary Planning Guidance and planning briefs and local rights of way, but excluding planning applications.

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 Area Committees, the Council and the Executive may from time to time seek the views of Area Committees on specific matters or applications outwith their normal remit.

SECTION XI COMMON GOOD FUND WORKING GROUPS

Constitution

There are Common Good Funds for Duns, Galashiels, Hawick, Jedburgh, Kelso, Lauder, Melrose (the William Hill Trust), Peebles and Selkirk, and in respect of each Fund there shall be a Working Group of Elected Members.

The membership of each Working Group shall be the Elected Member(s) for the Ward(s) covering the town in question. Where the need arises the relevant Area Committee may appoint replacement Member(s).

Quorum

50% of the members of the Working Group shall constitute a quorum, subject to there being a minimum of two Members or at least half of the local Members being present.

Functions Referred

The following functions of the Council shall stand referred to the Working Groups:

1. The routine administration of the Common Good Fund.
2. The award of grants of up to £10,000.
- *3. To make recommendations to Council in respect of grants or major items of expenditure above that figure.
4. To approve terms for hires, wayleaves, leases etc., and the sale of land up to a value of £10,000.
- *5. To make recommendations to Council in relation to the sale or lease of Common Good land or property of a value greater than £10,000.
6. To hold an annual meeting to consider a budget and to hear reports reviewing the performance of investments and on the factorage of property (except in the case of Duns where the size of the Common Good Fund does not merit such meetings) and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. To consult such other parties as the Working Groups consider appropriate prior to decision making, including Community Councils.

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.

SECTION XII APPEALS

Constitution

All Members of the Council shall be Members of a Panel, from which the members of specific Appeal Committees (except for Education Appeals which are dealt with in Section XIII) shall be drawn, depending on the function so referred.

Chairman

The ~~Depute Leader (Human Resources)~~ Executive Member (HR and Corporate Improvement) shall be the Chairman of the Appeals Panel.

Selection of Appeal Committees

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

STAFFING APPEALS COMMITTEE

Constitution

Five Members drawn from the full Appeals Panel.

Chairman

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

Quorum

Three 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.

ROADS APPEALS COMMITTEE

Constitution

Five Members drawn from the Appeals Panel, including the Executive Member for Roads and Infrastructure.

Chairman

The Chairman of the Committee shall be the Executive Member for Roads and Infrastructure.

Quorum

Five Members of the Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Committee:-

1. The consideration of any unresolved matters arising in terms of the Roads (Scotland) Act 1984, as amended, in relation to:-
 - (i) The issue of Construction Consents for new roads, including objections from parties affected, appeals against conditions and recommended refusals.
 - (ii) The issue of Consents for the erection of scaffolding or deposit of materials or skips on a road.
 - (iii) Trading on or near principal roads.

Functions Delegated

All of the functions referred to the Committee.

ACCESS TO PERSONAL FILES APPEALS COMMITTEE

Constitution

Three Members drawn from the Appeals Panel, including the Executive Member for Social Work.

Chairman

The Chairman of the Committee shall be the Executive Member for Social Work.

Quorum

Three Members of the Committee shall constitute a quorum;

Functions referred

The following function shall stand referred to the Committee:-

1. The consideration and determination of appeals by individuals who are the subject of information held on manually maintained Social Work records by the Council as Social Work Authority and who are aggrieved by any decision of that Authority concerning their access to, or rectification or erasure of, that information.

Functions Delegated

All of the functions referred to the Committee.

PROCUREMENT APPEALS PANEL

Constitution

Three Members drawn from the Appeals Panel, including the Depute Leader (Finance).

Chairman

The Chairman of the Committee shall be the Depute Leader (Finance).

Quorum

Three Members of the Committee shall constitute a quorum.

Functions Referred

The following function shall stand referred to the Committee:-

1. The consideration and determination of appeals by suppliers against the disqualification of their tender by the Council for any reason.

Functions Delegated

All of the functions referred to the Panel.

SECTION XIII
CIVIC GOVERNMENT LICENSING COMMITTEE

Constitution

Eleven Members of the Council, being one Member from each Ward.

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 Head of Legal and Democratic Services.
2. All matters relating to the Council's responsibilities for the granting and revocation of miscellaneous licences, except those matters specifically delegated to the Head of Legal and Democratic Services.

Functions Delegated

All of the functions referred to the Committee.

SECTION XIV EDUCATION APPEALS

Constitution

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

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

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

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

Appointment of Panel

A Panel from which members of Appeal Committees shall be drawn shall comprise 57 persons as follows:-

- (a) The Convener, who shall be Chairman of the Panel.
- (b) Vice-Chairman of the Education Executive, who shall be Vice-Chairman of the Panel.
[Neither of these persons may chair an Appeal Committee.]
- (c) 16 Members of the Education Executive (none of whom may chair the Appeal Committee).
- (d) 21 Members of Council who are not members of the Education Executive.
- (e) 18 persons who are not members of the Council or the Education Executive 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 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 Committee.

Duration of Appointment

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

- (a) In the case of Members of the Education Executive 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 Committees

- 5. (a) Each Appeal 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 of 5 persons being:-
 - 3 Members of the Education Executive 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 Committee shall be reduced to 3 persons including not less than:-
 - 1 Member of the Education Executive 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 Education Executive.

Administrative Arrangements

- 6. The Clerk to the Council or his authorised representative shall act as Clerk to the Appeal Committee and the Director of Education and Lifelong Learning or his representative shall present the case for the Council at any Appeal Committee hearing.

SECTION XV SOCIAL WORK COMPLAINTS REVIEW

Constitution

Three members as follows:- The Executive Member for Social Work and two independent persons. In the absence of the Executive Member for Social Work another Executive Member may substitute.

Chairman

The Chairman shall be appointed by the Committee and shall be an independent person.

Quorum

Three members of the Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Complaints Review Committee:-

1. Where required, the review of responses made to complainers making representations in relation to the discharge of, or failure to discharge, any of the functions of the Council under the Social Work (Scotland) Act 1968, or any of the enactments referred to in Section 2(2) thereof.

Functions Delegated

All functions referred to the Committee.

SECTION XVI
CHILDREN'S PANEL ADVISORY COMMITTEE

Constitution

The Committee shall comprise seven members as follows:-

- Two Members appointed by the Council.
- Five members appointed by Scottish Ministers.

Chairman

The Chairman of the Committee shall be appointed by Scottish Ministers from within their five appointments, and the Chairman must reside in the Scottish Borders.

Quorum

Three members of the Committee shall constitute a quorum.

Functions Referred

The following functions, in terms of the Children (Scotland) Act 1995, shall stand referred to the Committee:-

1. The submission of names, following the recruitment process, of possible Children's Panel members to Scottish Ministers.
2. To advise Scottish Ministers as required on the suitability of persons referred to them as potential members.
3. To advise Scottish Ministers on such matters relating to the general administration of Panels as they may refer to the CPAC, to include:-
 - (i) the action to be taken in any circumstances which may cast doubt on the fitness of a Panel member to serve;
 - (ii) the extent to which any further training for Panel members may be needed;
 - (iii) working closely with the Children's Panel Chairman and the Authority Reporter to ensure the efficient and effective working of the Children's Hearing System.
4. CPAC Members to attend Children's hearings to observe Panel members according to agreed criteria, and participate in giving feedback to those Panel members.

Functions Delegated

All functions referred to the Committee.

SECTION XVII JOINT CONSULTATIVE GROUP FOR STAFF

Constitution

Sixteen members comprising:-

- (i) The **Executive Member (HR and Corporate Improvement)** ~~Depute Leader (Human Resources)~~ and seven other Members of the Council, being four members from the Administration and three members from the Opposition;
- (ii) Eight employee Trade Union Representatives, namely:-
 - Three from Unison
 - Three from Transport and General Workers Union
 - One from General Municipal and Boilermakers Union
 - One other to be agreed by the Trade Unions
 - One from GMB: MPO (only to attend for items relating to Chief Officials)

Chairman

The ~~Depute Leader (Human Resources)~~ **Executive Member (HR and Corporate Improvement)** shall be the Chairman of the Group.

Quorum

Four 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.

SECTION XVIII
JOINT CONSULTATIVE GROUP FOR TEACHERS

Constitution

Sixteen members comprising:-

- (i) The Executive Member for Education and seven other Members of the Council, being four members from the Administration and three members from the Opposition.
- (ii) Eight employee Trade Union Representatives, namely:-
 - Four from E.I.S.
 - Two from S.S.T.A.
 - One from P.A.T.
 - One other to be agreed by the Trade Unions

Chairman

The Executive Member for Education shall be the Chairman of the Group.

Quorum

Four 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.

SECTION XIX 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 ten Members of the Council, 2 from each of the Area Committees of ~~Berwickshire~~, Cheviot, ~~Eildon~~, and Teviot and Liddesdale, and ~~Tweeddale~~, two from each of the following areas: Tweeddale (Tweeddale East and Tweeddale West Wards); Berwickshire (Berwickshire East and Mid Berwickshire Wards); and Eildon (Galashiels & District, Leaderdale & Melrose, and Selkirkshire Wards)

Convener

The Convener of the Licensing Board shall be appointed at the first meeting of the Licensing Board, after the election of Members to 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.

Functions Delegated

All functions referred to the Licensing Board.

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

SECTION XX ADVISORY GROUPS

FLOODING ADVISORY GROUP

Constitution

Six members of the Council, including the Executive Member for Roads and Infrastructure, and ~~a representative from each of the 5 Area Committees~~ a representative of the two Area Committees, and a representative from each of the following areas: Tweeddale (Tweeddale East and Tweeddale West Wards); Berwickshire (Berwickshire East and Mid Berwickshire Wards); and Eildon (Galashiels & District, Leaderdale & Melrose, and Selkirkshire Wards), allowing for one representative to be a Member of the Opposition.

Chairman

The Chairman of the Group shall be the Executive Member for Roads and Infrastructure.

Quorum

Three members of the Group shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Flooding Advisory Group:-

1. To develop an understanding of the national position of flooding in Scotland and the UK in general.
2. To oversee the development of the most appropriate solutions to the prevention of flooding.

Functions Delegated

All recommendations to be submitted to the Executive for approval.

WASTE MANAGEMENT ADVISORY GROUP

Constitution

Five members of the Council, including the Executive Member for Environmental Services.

Chairman

The Chairman of the Group shall be the Executive Member for Environmental Services.

Quorum

Three members of the Group shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Advisory Group:-

1. To advise Council on the development of the Waste Strategy

Functions Delegated

All recommendations to be submitted to the Council for approval.

SECTION XXI
MEMBERS SOUNDING BOARD:
POLITICAL MANAGEMENT ARRANGEMENTS

Constitution

~~Eight~~ Six members of the Council, being the Leader, the ~~2~~ Depute Leaders, 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

Four members of the Group 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.

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.