



Midlothian Council
Scheme of Administration
(Relative to Standing Order 7)

Approved by Midlothian Council on: 27 September 2016

1 INTRODUCTION

This document constitutes the Scheme of Administration as referred to in Standing Order 7. It specifies:-

- the composition of the Council and the various Committees, Sub-Committees and other bodies etc appointed;
- what each can do;
- the arrangements for their meetings;
- what the quorum is; and
- what is to happen with their minutes.

The Council, Cabinet and Committees

Midlothian Council

Midlothian Council is the local authority for the Midlothian local government area as defined in the Local Government etc (Scotland) Act 1994.

Composition:

The Council comprises all 18 Midlothian elected Members, with a Provost and Depute Provost elected from their number in terms of Standing Orders 5 and 6 respectively.

The 3 religious representatives by whom the Cabinet's membership is supplemented when dealing with Education matters under Section 124 of the Local Government (Scotland) Act 1973 shall be entitled to attend meetings of Midlothian Council in a non-voting observer capacity but with the right to speak (but not vote) on any education matter under consideration at the meeting, subject always to observing the authority of the Chair.

Business:

Business for meetings of the Council will be in accordance with Standing Order 4 and any other statutory responsibilities.

The following matters are reserved to the Council:

- a. all functions reserved by law to the Council;
- b. determining the strategic objectives of the Council;
- c. election of the Leader, Depute Leader, Provost and Depute Provost;
- d. appointment of the Cabinet and committees of the Council, agreeing and/or amending their terms of reference and delegation of functions to them;
- e. deciding the composition of the Cabinet and committees of the Council and appointment of members to serve on them, including external members;
- f. appointment of members to serve on joint committees, joint boards and any outside body;
- g. making, amending, revoking, re-enacting or adopting standing orders and Scheme of Administration and Scheme of Delegation;
- h. the annual review of the revenue budget and the fixing of local taxes;
- i. the annual review of the capital investment programme and

approval of any capital project with a value exceeding £50,000, not included in the capital investment programme;

- j. approving the annual revenue and capital budgets, including Council Tax levels, and associated policy framework;
- k. any material expenditure which is not included in the annual revenue budget;
- l. members' remuneration;
- m. making, amending, revoking, re-enacting or adopting, bye-laws, schemes, regulations or rules made under statute subject to confirmation by Scottish Ministers where applicable;
- n. the formal adoption of Local Development Plans;
- o. the approval of a Proposed Strategic Development Plan and the delegation of authority to the strategic development planning authority (SESplan);
- p. the determination of an application for planning permission for a development of a class mentioned in A38A (i) of the Town and Country Planning (Scotland) Act 1997;
- q. appointment and dismissal of the Chief Executive and appointment of a Chief Official;
- r. any decision in relation to any proposal to delegate a power or duty to or accept a delegated power from any other local authority or to co-operate or combine with any other local authority in providing services;
- s. promoting or opposing the making of local legislation;
- t. creation of Council companies;
- u. the preparation and review of the Scheme for Community Councils (Special Meeting);
- v. amendments to the Treasury Policy Statement, and
- w. approval of the annual Financial Strategy and annual financial management performance.

Frequency of meetings:

The Council will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on its schedule of meetings, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Council will be 6 Elected Members.

Minutes:

Minutes of Council meetings will be recorded by the Officer clerking the meeting and will be submitted to the next ordinary Council meeting for approval. Meetings of the Council will also be webcast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Cabinet and Committees:

The Council will have a Cabinet and the following principal Committees, appointed in terms of Section 57 of the Local Government (Scotland) Act 1973:

Cabinet/Committee Name	Key information
Cabinet	Comprises of 5 Elected Members of the Council, including a Convener and a Depute Convener, each having a portfolio as determined by the Cabinet.
Performance Review and Scrutiny Committee	Will comprise of the 13 non-Cabinet Members of the Council. One of the Elected Members of the Committee will be the Chair.
Audit Committee	Will comprise of 6 Elected Members of the Council; an Independent Chair and one independent non-voting person.
Planning Committee	Will comprise of the 18 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.
Local Review Body	Will comprise of 10 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.
General Purposes Committee	Will comprise of 18 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.
Appeals Committee	Will comprise of 9 Elected Members of the Council plus an Independent Chair. 1 Religious Representative will join the Appeals Committee where the case involves a teacher.
Standards Committee	Will comprise of 6 Elected Members of the Council plus an Independent Chair.
Petitions Committee	Will comprise of 6 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.

At its next ordinary meeting, the Council will be asked to note the minutes of the Cabinet and any committee where these have been approved by the Cabinet or Committee since the previous Council meeting.

Sub Committees

Unless otherwise agreed, the Chair of any Sub-Committee of a Committee of the Council will be the Chair of the relative parent Committee.

Cabinet

Composition:

The Cabinet will comprise 5 Elected Members including a Convener and Depute Convener who will be appointed by the Cabinet Members. Each Cabinet member will hold a portfolio as determined by the Cabinet which currently is as follows:

Role	Portfolio
Convener	Adult and Social Care
Depute Convener	Education and Children's Services
Cabinet Elected Member	Planning, Communities and Economy
Cabinet Elected Member	Finance, Integrated Service Support and Customer and Housing Services
Cabinet Elected Member	Commercial Services, Property and Facilities Management

The Provost, Depute Provost and the Chair of the Performance Review and Scrutiny Committee may not be appointed to the Cabinet.

When dealing with Education matters, the Cabinet's membership will be supplemented by the 3 Religious Representatives required under section 124 of the Local Government (Scotland) Act 1973.

Business:

The Cabinet shall be responsible for the following:-

All matters not otherwise the responsibility of the Council itself or one of the other bodies included in this Scheme, including in particular:-

- a. Developing and implementing operational policy within the Council's approved budget and strategic policy framework.
- b. Making recommendations to the Council on major new policy proposals.
- c. Assuming collective responsibility for the co-ordination of corporate policies associated with the portfolios of the Members.
- d. Approving the Corporate Governance and Risk Management framework.
- e. Liaising with the Performance Review and Scrutiny Committee.
- f. Liaising with the Corporate Management Team.
- g. Developing, through the Council's community leadership role, community planning in Midlothian by working in partnership with

relevant external organisations.

- h. Considering service delivery proposals following option appraisal of service reviews. **(Note: Reports of this nature will be submitted to Council rather than Cabinet for the duration of the Business Transformation Programme.)**

At the discretion of the Chair, any Council Member may be invited to address the Cabinet on issues relating to their area.

Decisions of the Cabinet shall be subject to the “call-in” procedure described under the Performance Review and Scrutiny Committee below.

Frequency of meetings:

The Cabinet will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Cabinet, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Cabinet will be 3 Elected Members.

Minutes:

The Minutes of the Cabinet will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Cabinet for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Cabinet will also be webcast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Performance, Review and Scrutiny Committee

Composition:

The Performance, Review and Scrutiny Committee shall consist of the 13 Elected Members who are not members of the Cabinet. The Performance, Review and Scrutiny Committee shall have a Chair from its composition, determined by the membership of the Committee.

Business:

The Performance Review and Scrutiny Committee will be responsible for the following:-

Performance Review

- (a) Reviewing performance when viewed against policy objectives arising from:-
 - (i) The Planning and Performance Management Framework and the quarterly performance reports to committee.
 - (ii) External inspection reports.
 - (iii) The Community Planning Partnership and other major partnership projects.
 - (iv) Specific performance reports requested by the committee.
 - (v) Ad hoc performance reports presented to the Committee by Chief Officials.
 - (vi) Any other reports of a performance-related nature.
- (b) Making recommendations by formal report to the Cabinet on unsatisfactory performance highlighted in (a) above.

Scrutiny

- (a) Monitoring the delivery of corporate improvement programmes and ensuring that they are progressing in line with corporate aims and objectives. Reporting findings and recommendations to Cabinet.
- (b) Commenting on decisions and policies agreed by Cabinet and other committees and the impact they have on Midlothian as an area, and making recommendations as appropriate to Cabinet.
- (c) Inviting Cabinet and Other Committee members to attend and elaborate on Cabinet or Committee decisions or proposals.
- (d) Where appropriate eliciting views of partners, service users and/or interested parties on Cabinet decisions.
- (e) Inviting stakeholders to attend and elaborate on any matter relating

to the Council e.g. Police.

Frequency of meetings:

The Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year and school holidays). Special meetings will also be held for performance reporting. Although the special meetings will be specifically held to discuss performance reports, normal agenda items may also be submitted should the need arise.

The Council will decide on the schedule of meetings for the Performance, Review and Scrutiny Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Performance, Review and Scrutiny Committee will be 3 Elected Members.

Minutes:

The Minutes of the Performance, Review and Scrutiny Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Performance, Review and Scrutiny Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Performance, Review and Scrutiny Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

"Call-in" procedure

The following "call-in" procedure shall apply in respect of Cabinet decisions:-

- (a) a "call-in" need not await publication of the Cabinet minutes;
- (b) a "call-in" may only take place where it is supported by a majority of the members of the Performance Review and Scrutiny Committee;
- (c) each "call-in" must be in writing; specify the particular decision being called-in and whether this is in whole or in part; state the reason(s) for the "call-in"; be signed by a majority of the members of the Performance Review and Scrutiny Committee; and be delivered to the Director, Resources, before the deadline specified at paragraph (f) below;
- (d) the Cabinet decision in relation to any item of "called-in" business

will be frozen pending resolution through the process described at paragraph (h) below;

- (e) the Performance Review and Scrutiny Committee may not "call-in" a decision where a financial or contractual commitment has already been entered into on behalf of the Council;
- (f) a deadline of 9.00am, five working days after each Cabinet meeting will be set for the submission of any "call-ins" arising from the meeting (e.g. for a Tuesday Cabinet meeting the deadline will be 9.00am the following Tuesday, assuming no intervening public holidays);
- (g) a Special Meeting of the Performance Review and Scrutiny Committee may be called to consider "called-in" business where, in the opinion of the Director, Resources, unnecessary delay or difficulty would otherwise arise;
- (h) after having considered any "called-in" business, the Performance Review and Scrutiny Committee shall decide only in accordance with one of the following two options:-
 - (i) Option 1 - To note the Cabinet's decision. (This will have the effect of immediately unfreezing the "called-in" decision); or
 - (ii) Option 2 - To make specific recommendation(s) back to the Cabinet on the "called-in" item. Such recommendation(s) shall be reported to the next available Cabinet meeting without the need for prior publication or approval of the Performance Review and Scrutiny Committee minutes. Where the Cabinet declines to accept any or all of these, the matter shall continue to be frozen and referred *simpliciter* by the Director, Resources to the full Midlothian Council for determination. Should s/he deem it appropriate, the Director may call Special Council and/or Cabinet meetings to facilitate the determination of the matter.
- (i) a "call-in" may be withdrawn only where all of the signatories so agree and the Director, Resources receives written intimation signed by them to that effect.

Audit Committee

Composition:

The Audit Committee will comprise 6 Elected Members, currently on the following basis:

- 3 SNP/Coalition Members
- 2 Labour Members
- 1 Green Member

The Audit Committee will have an Independent Chair whose appointment will be made by the Council on the submission of a report from the Chief Executive.

Pending the appointment of the Independent Chair, the Committee will be chaired by a Member agreed by the meeting who is a non-Cabinet member.

The Committee will also include one independent non-voting member to be appointed by the Council on a report by the Chief Executive. At the invitation of the Chair, this person can comment on all aspects of the Committee's business in order to assist it in its deliberations.

Business:

Statement of purpose

1. The audit committee is a key component of Midlothian Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the audit committee is to provide independent assurance to elected members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Midlothian Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

3. To review the council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting

assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risk and priorities of the council.
7. To monitor the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To monitor controls operating over Treasury Management and the Council's approach to establishing ethical standards.

Internal audit

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including internal audit's resources requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitation.
18. To consider reports from the Chief Internal Auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
- b) Regular reports on the results of the Quality Assurance and Improvement Programme.
- c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

19. To consider the Chief Internal Auditor's annual report:

- a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
- b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the Annual Governance Statement.

20. To consider summaries of specific internal audit reports as requested.

21. To receive reports outlining the action taken where the Chief Internal Auditor has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

22. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

23. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement.

24. To support the development of effective communication with the Chief Internal Auditor.

External audit

25. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

26. To consider specific reports as agreed with the external auditor.

27. To comment on the scope and depth of external audit work and to ensure it gives value for money.

28. To commission work from internal and external audit.

29. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

30. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

31. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

32. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

33. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Frequency of meetings:

The Council will decide on the schedule of meetings for the Audit Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Audit Committee will be 3 Councillors (plus the Independent Chair when appointed).

Minutes:

The Minutes of the Audit Committee will be recorded by the Officer clerking the

meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Audit Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Planning Committee

Composition:

The Planning Committee will comprise all 18 Elected Members of the Council. The Planning Committee will have a Chair from its composition, determined by the membership of the Committee.

Business:

The Planning Committee will be responsible for the following:-

The exercise of the powers and duties of the Council under the provisions of the Town and Country Planning (Scotland) Acts, the Building (Scotland) Acts and other relative Acts, Regulations and Orders regarding the control of development and related matters, and including:-

- a) disposal of applications for planning permission, listed building consent, conservation consent, advertisement consent and other applications, notifications and consultations, and arranging site visits requested in advance by a Member(s) prior to deliberation and determination of an application(s);
- b) enforcement of planning control;
- c) making and enforcing of orders relating to the control of development including tree preservation orders and building preservation orders;
- d) defending any decisions made by the Committee which become the subject of an appeal to the Scottish Ministers or of other review procedure;
- e) preparation of agreements regulating development or use of land;
- f) preparation of development briefs and other supplementary planning guidance relating to the detailed control of development; and
- g) making and enforcing of orders relating to building standards.

Frequency of meetings:

The Planning Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Planning Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Planning Committee will be 6 Councillors.

Minutes:

The Minutes of the Planning Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Planning Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Local Review Body

Composition:

The Local Review Body will comprise 10 Elected Members, currently on the following basis:

- 5 SNP/Coalition Members
- 4 Labour Members
- 1 Green Member

The Local Review Body will have a Chair from its composition, determined by the membership of the Committee.

Business:

The Local Review Body will conduct reviews in accordance with Section 43A(8) of the Planning etc (Scotland) Act 2006, where the appointed person:-

- a) refuses an application for planning permission or for consent, agreement or approval;
- b) grants it subject to conditions; or
- c) has not determined it within such period as may be prescribed by regulations or a development order.

Frequency of meetings:

The Local Review Body will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Local Review Body, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Local Review Body will be 3 Councillors.

Minutes:

The Minutes of the Local Review Body will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Local Review Body for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Local Review Body will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

General Purposes Committee

Composition:

The General Purposes Committee will comprise all 18 Elected Members of the Council. The General Purposes Committee will have a Chair from its composition, determined by the membership of the Committee.

Business:

The General Purposes Committee will be responsible for the following:-

- (i) The determination and administration of all licences and permits under the Civic Government (Scotland) Act 1982, the Marriage (Scotland) Act 1977 as amended and other relative Acts, Regulations and Orders not falling to be dealt with under statute or otherwise by the Midlothian Licensing Board or any other Committee.
- (ii) The administration of Trusts and charitable funds on behalf of the Council, except those relating solely to education or social work.
- (iii) The administration of (i) the Trust Fund arising from the extension to the Blinkbonny Opencast Coal Site; (ii) the Monteith Houses Fund; (iii) the balance to be used for job creation projects arising from the proposed reopening of a Drift Mine at Blinkbonny; and (iv) the Trust Funds arising from the Gourlaw Farm, Newbigging and Shewington Farm Opencast Coal Sites.
- (iv) Other appropriate miscellaneous matters.

Frequency of meetings:

The General Purposes Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the General Purposes Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the General Purposes Committee will be 6 Councillors.

Minutes:

The Minutes of the General Purposes Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the General Purposes Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Appeals Committee

Composition:

The Appeals Committee will comprise 9 Elected Members, currently on the following basis:

- 5 SNP/Coalition Members
- 4 Labour Members

The Appeals Committee will have a Chair from its composition, determined by the membership of the Committee.

The Appeals Committee will also include 1 Religious Representative of the Council when considering cases involving teachers.

Business:

The Appeals Committee will be responsible for the following:

- a) Determining appeals by Council employees in respect of dismissals due to conduct arising from the Council's Disciplinary and Grievance Procedures.

Frequency of meetings:

The Appeals Committee will meet as required and determined by the Chair in liaison with Director, Resources.

Quorum:

The quorum for meetings of the Appeals Committee will be 3 Councillors (plus 1 Religious Representative when considering cases involving teachers).

Minutes:

The Minutes of the Appeals Committee will be recorded by the Officer clerking the meeting and circulated to Members for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them.

Standards Committee

Composition:

The Standards Committee will comprise 6 Elected Members, currently on the following basis:

- 3 SNP/Coalition Members
- 3 Labour Members

The Standards Committee will have an Independent Chair whose appointment will be made by the Council on the submission of a report from the Chief Executive.

Business:

The Standards Committee will be responsible for the following:-

- (i) Promoting the observance by Members and employees of high standards of conduct, including appropriate training.
- (ii) Assisting Members and employees to observe relevant codes of conduct, for example by issuing advice on the interpretation of codes and general best practice.
- (iii) Liaising with the Standards Commission for Scotland and other bodies.
- (iv) Monitoring, reviewing and updating codes of conduct maintained by the Council.
- (v) Investigating and reporting to the Council on alleged breaches of standards by Members (other than those which are to be the subject of investigation by the Public Standards Commissioner for possible report to the Standards Commission for Scotland).
- (vi) Considering issues raised by the Risk and Audit Manager relating to (a) codes of conduct; and (b) ethical standards.
- (vii) Liaising with the Ombudsman and the External Auditor on appropriate matters relating to conduct, ethical standards etc.

Frequency of meetings:

The Standards Committee will meet as required and determined by the Chair in consultation with the Director, Resources.

Quorum:

The quorum for meetings of the Standards Committee will be 3 Councillors (plus the Independent Chair when appointed).

Minutes:

The Minutes of the Standards Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Standards Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Petitions Committee

Composition:

The Petitions Committee will comprise 6 Elected Members, currently on the following basis:

- 2 SNP Members
- 2 Labour Members
- 1 Independent Member
- 1 Scottish Greens Member

The Petitions Committee will have a Chair from its composition, determined by the membership of the Committee.

Business:

The Petitions Committee will be responsible for hearing petitions raised by members of the public (with the exception of Elected Members). Petitions are dealt with in line with the Procedure for Dealing with Petitions.

Valid petitions will be heard by the Committee who can take one of the following actions for each petition:

- No action;
- Pass the petition to the relevant Director or other Council Committee to look into, with or without any specific recommendation; or
- If the petition relates to another public organisation, the Petitions Committee can refer it to that organisation with or without any specific recommendation.

The Petitions Committee cannot change Council decisions, although the Petitions Committee can request a review of a policy or procedure.

Frequency of meetings:

The Petitions Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Petitions Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Petitions Committee will be 3 Councillors.

Minutes:

The Minutes of the Petitions Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Standards Committee will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Other Meetings – Statutory Meetings

Police and Fire and Rescue Board

Composition:

The Board will comprise 6 Elected Members, including the portfolio holder for Housing and Customer Services

Officers who will attend the meeting but not sit on the board will include:

- The Local Police Commander
- The local Senior Fire and Rescue Officer plus the Service Delivery Manager for Midlothian Council.
- A representative from the Council's Corporate Management Team or their substitute.

These officers will attend meetings from an accountability view point; they will not be part of the Board.

Other partners/ sectors will be approached should there be a lack of suitable representation from the above partners/sectors.

Business:

This Board will report to Midlothian Council and link in to the wider Midlothian Community Planning arrangements. This governance structure of the Board will comply with the requirements of the Police and Fire Reform (Scotland) Act 2012.

The Board remit includes:

- Scrutiny of Police and Fire Plans
- Performance Reporting and statistical reports of complaints and policing and fire and rescue Midlothian;
- Notification of any Midlothian policing and fire rescue matters subject to independent national review bodies;
- Providing comments/replies on any consultation documents pertaining to policing and fire and rescue services; and
- Recommending improvements in local policing and fire and rescue service.

Frequency of meetings:

This Board will meet four times per annum.

The Council will decide on the schedule of meetings for the Board, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings of the Police and Fire and Rescue Board will be 3 Councillors.

Minutes:

The Minutes of the Board will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Board for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Police and Fire and Rescue Board will also be audiocast subject to the exemptions contained within the Local Government (Scotland) Act 1973.

Education Appeals Committee

Composition:

The Education Appeals Committee comprises 5 persons as follows:

- Elected Members or Religious Representative of the Council; and
- Non-Elected Members who meet the Statutory criteria; one of whom shall be the Chair

The Director, Resources is authorised to appoint substitute Elected Members or Religious Representatives to serve on the Committee.

Business:

This Committee is established in terms of the Education (Scotland) Act 1980 and gives parents the right to appeal against decisions of the education authority on:-

- the schools, excluding nursery schools or classes, their children should attend (placing appeals); and
- the exclusion of a pupil from school.

The Committee comes under the auspices of the Scottish Committee of the Administrative Justice and Tribunals Council.

Frequency of meetings:

The Education Appeals Committee will meet as required and determined by the Chair in conjunction with Director Resources.

Quorum:

The quorum for meetings of the Committee will be 5. However, in the event that a member of the Committee has to leave during an appeal, the Committee may continue, provided the parties to the appeal so agree and the reduced membership complies with the relevant statutory conditions, including that the Elected Members/Religious Representatives shall not outnumber the other members by more than 1.

Minutes:

A brief minute will be drawn up by the Officer clerking the meeting for signature by the Chair, but this will not be a public document.

Education Appointment Committee

Composition:

The Committee will comprise the following members:-

- (i) For the appointment of a Headteacher of a primary or secondary school:-
 - 3 parent representatives; and
 - 3 Elected Members or Religious Representatives of the Council, one of whom will Chair the Committee and have a casting vote should that be required.
- (ii) For the appointment of a Deputy Headteacher of a secondary school:-
 - 3 parent representatives;
 - 3 Elected Members or Religious Representatives of the Council; and
 - the Headteacher of the school, who will Chair the Committee and have a casting vote should that be required.
- (iii) For the appointment of a Deputy Headteacher of a primary school:-
 - the Headteacher of the school, who will Chair the Committee and have a casting vote should that be required.
 - an assisting Headteacher from the existing panel;
 - the Director, Education, Communities and Economy or their representative; and
 - 3 parent representatives.

Notes relative to (b)(i) to (iii) above:-

- parent representatives shall normally be nominated by the Parent Council of the School;
- where an Elected Member or Religious Representative is unavailable to attend a meeting of the Committee, the Director, Resources is authorised to appoint a substitute Elected Member or Religious Representative; and
- where the school concerned does not have a Parent Council, 3 parents or 3 Elected Members or Religious Representatives may replace them, and the Director, Resources is authorised to appoint parents and/or Elected Members or Religious Representatives as appropriate.

Notes relative to (b)(i) and (ii)

- The Director, Education, Communities and Economy or their representative shall act as professional adviser to the Education Appointment Committee.

Business:

The Education Appointment Committee will be responsible for conducting interviews for Headteacher and other senior teaching appointments and will make recommendations to the Cabinet regarding these. The Committee's procedures associated with the appointment process will comply with Section 14 of the Scottish Schools (Parental Involvement) Act 2006 and Scottish Statutory Instrument 2007 No. 132 - Education.

Frequency of meetings:

The Education Appointment Committee will meet as required and requested by the Director, Resources.

Quorum:

The quorum for meetings of the Committee will be 2 members nominated by the Education Authority and 2 from the Parent Council, plus the Headteacher where required. Notwithstanding this, every effort should be made to secure the maximum possible attendance of members.

Minutes:

The Minutes of the Committee will be submitted to the next meeting of the Cabinet. Persons recommended for appointment by the Committee shall be appointed by the Cabinet, unless it appears to them that the candidate is not eligible for the post, in which case they may refuse to appoint them. Where the Cabinet refuse to appoint a recommended candidate and it is still intended to fill the post, then the post will be re-advertised and the necessary procedures followed afresh.

Social Work Complaints Review Panel

Composition:

The Social Work Complaints Review Panel will have the following membership:-

- (i) 2 members from the Cabinet drawn from a list of members (but excluding the portfolio-holder for Adult and Social Care); and
- (ii) an independent person to chair the meeting drawn from a panel of persons appointed by the authority in accordance with the Social Work (Representations Procedure)(Scotland) Directions 1996.

Business:

This function of the Panel will be to:-

- (i) review any matter in accordance with the procedure laid down in Section 5 (B) of the Social Work (Scotland) Act 1968 as amended by Section 52 of the NHS and Community Care Act 1990, including consideration of any complaints where the complainer has indicated that he/she is dissatisfied with the response from the Chief Social Work Officer; and
- (ii) make recommendations in writing to the Cabinet as soon as reasonably practicable after a review.

Frequency of meetings:

The Social Work Complaints Review Panel will meet as required and requested by the Director, Resources.

Quorum:

The quorum for meetings of the Review Panel will be 3.

Minutes:

A minute will be drawn up by the Officer clerking the meeting and will be submitted to the next available meeting of the Cabinet.

Once the Cabinet has approved the minute, they will then be submitted to the Council as a private matter for approval.

Other Meetings – Non - Statutory Meetings

Business Transformation Steering Group

Composition:

The Group will comprise 5 Elected Members currently:

- SNP (Administration)
- 1 Green
- Labour

The Group will have a Chair from its composition, determined by the membership of the Group.

The Group will also include the Council Executive Team and the Business Transformation Manager.

Business:

The Business Transformation Steering Group will challenge and scrutinise the development and delivery of the transformation programme to ensure its outcomes support the aspirations of the Council within the Scottish national political context.

The Steering Group is responsible for

- Approving the scope of the transformation programme and its related projects for onward transmission to Council.
- Providing the Business Transformation Board with a political steer on transformation priorities.
- Reviewing, challenging and approving options for delivering transformation for onward approval by Council.
- Providing advice and guidance to the Business Transformation Board regarding transformation priorities, escalated programme risks, and any deviation from plans.

Frequency of meetings:

The Business Transformation Steering Group will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Business Transformation Steering Group, usually on a rolling annual basis which will be published.

A special meeting can be called, at any time, by the Business Transformation Manager giving detailed reasons for such a meeting. Likewise, the Steering Group has the right to request an update from the Business Transformation Board, or Business Transformation Manager as appropriate.

Quorum:

The quorum for meetings of the Business Transformation Steering Group will be 3 Councillors.

Minutes:

The Minutes of the Group will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Group for approval.

Midlothian Joint Consultative Group (JCG)

Composition:

The JCG will have the following membership:-

- (i) 4 Cabinet Members;
- (ii) 12 representatives of the employees of Midlothian Council appointed by the Trade Unions on the following basis:-
 - UNISON 4
 - Union of Construction, Allied Trades and Technicians 1
 - Educational Institute of Scotland 3
 - Scottish Secondary Teachers' Association 1
 - National Association of Schoolmasters/Union of Women Teachers 1
 - Unite 2

Business:

Constitution – The JCG shall have a constitution, incorporating the undernoted core arrangements as well as such other arrangements as may be agreed by all parties to the JCG and the Cabinet:-

The functions of the JCG shall be:-

- (i) to provide a forum for regular consultation between Midlothian Council and representatives of recognised Trade Unions, always provided that no question of an individual's pay, wage, grading, discipline, promotion or efficiency shall be within the scope of the JCG;
- (ii) to consider and offer observations on any proposals made by Midlothian Council involving substantial administrative re-organisation to the extent to which it affects the employment of Midlothian Council employees; and
- (iii) to consider and report on any matter which may be referred to the Joint Consultative Group by Midlothian Council or by any of the employee organisations.

Frequency of meetings:

The JCG will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year and school holidays).

Quorum:

The quorum for meetings of the JCG will be 2 Cabinet Members and 4 Trade Union representatives. Substitute Cabinet Members and Trade Union representatives will be allowed.

Minutes:

The Minutes of the JCG will be produced by the Officer clerking the meeting and will be submitted:-

- (a) to the next meeting of the JCG for approval; and
- (b) to the next available meeting of the Cabinet to consider any recommendations arising from these.

Seminars

The Council may instruct the Director, Resources to arrange a seminar of the Council on a particular topic.

In such cases, the Director, Resources will arrange a suitable date, time and location for the seminar.

Seminars of the Council will be held in private and the Officer clerking the meeting will produce a seminar note reflecting the topics discussed and any decisions or actions as a result of the seminar.

Briefings

Council Officers or Elected Members can request a briefing for Elected Members on a particular topic.

In such instances, the Director, Resources will arrange a suitable date, time and location for the briefing.

Briefings to Elected Members will be held in private and no minute or note will be taken of the briefing.