

EAST RENFREWSHIRE COUNCIL

16 SEPTEMBER 2015

Report by Deputy Chief Executive

SCHEME OF ADMINISTRATION

PURPOSE OF REPORT

1. To seek approval for amendments to the Council's Scheme of Administration.

RECOMMENDATION

2. That the Council:-
 - (a) note the alterations that have been made to the Scheme of Administration to reflect the changes associated with the introduction of the Health and Social Care Partnership; and
 - (b) approve the additional changes to the Scheme as outlined.

BACKGROUND

3. The Council's Scheme of Administration specifies the business to be transacted at committees, the arrangements for committee meetings, and the functions delegated to committees.

REPORT

4. Since amendments to the Scheme of Administration were last approved by the Council, a number of changes, both internal and external, have taken place, particularly in relation to the establishment of the Health and Social Care Partnership and the creation of the Culture and Leisure Trust. As a result of these changes, further alterations to the Scheme of Administration are required.
5. Changes to the Scheme as a consequence of the establishment of the Health and Social Care Partnership were approved by the Council on 21 January 2015. However further changes are necessary to the terms of reference of the Cabinet to reflect its role in monitoring the performance of the Culture and Leisure Trust.
6. In addition, the opportunity has been taken to review the list of various matters that can only be approved by the Council. A number relating to functions now the responsibility of the Health and Social Care Partnership Integration Joint Board, and others which are no longer produced have been removed.
7. A number of additional minor amendments are proposed as listed below.

Additional amendments.

Sub-paragraphs 1(e) to 1(h)

It is proposed to amend the wording of each of these paragraphs by removing the words “following recommendation by the Cabinet” from the start of each and adding the words “which may or may not have been the subject of a recommendation by the Cabinet” at the end. This makes the wording consistent with other sub-paragraphs in Paragraph 1 and introduces additional flexibility when due to timing issues these matters have to be reported directly to the Council without first having been considered by the Cabinet.

Sub-paragraph 1(i)(xi)

This adds the Chief Social Work Officer's Annual Report to the list of item that need to be considered by the Council and formalises recommended practice contained in Scottish Government Guidance.

Sub-paragraph 1(m)

It is proposed to add the words “other than those in respect of which delegated authority has been granted by the Council”. This addition simply clarifies the extent to which decisions relating to Standing Orders, bye-laws etc need to be made by the Council.

Draft Scheme

8. A copy of the new draft Scheme is attached (Appendix 1). To assist Members to identify alterations, proposed deletions from the Scheme have been struck through (~~struck through~~), additions which have resulted from changes already approved are shown **in bold**, whilst proposed new additions for which approval is sought are shown ***in bold, italicised and underlined.***

IMPLICATIONS OF THE REPORT

Legal

7. The Scheme addresses the requirement for the terms of reference of the Council and any committees set up by the Council to be set out.

Other

8. There are no financial, human resources, property, IT, equalities or sustainability implications arising from this report.

CONSULTATION AND PARTNERSHIP WORKING

9. The Corporate Management Team was consulted on proposed amendments to the Scheme.

CONCLUSIONS

10. The Scheme of Administration needed to be reviewed in the light of a number of changes that have taken place, particularly in relation to the establishment of the Health and

Social Care Partnership and the creation of the Culture and Leisure Trust. As part of this review, the opportunity was taken to review other elements of the Scheme to streamline business processes.

RECOMMENDATION

11. That the Council:-

- (a) note the alterations that have been made to the Scheme of Administration to reflect the establishment of new bodies; and
- (b) approve the additional changes to the Scheme as outlined.

Report author

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BACKGROUND PAPERS

None

***East Renfrewshire Council
Scheme of Administration***

INTRODUCTION

1. This document constitutes the Council's Scheme of Administration, referred to in Standing Order No.40 specifying the business to be transacted at committees, the arrangements for committee meetings and functions delegated to committees. This Scheme of Administration has to be read in conjunction not only with the Council's approved Standing Orders but also with its Scheme of Delegated Functions.

COMMITTEES

2. The following shall comprise committees of the Council. The number of members of each committee is set out against each -

Appeals Committee	5 Elected Members
Audit and Scrutiny Committee	7 Elected Members
Education Appeals Committees (3)	3 Members comprising 2 Elected Members and 1 other from Local Attendance Councils
Cabinet	8 Elected Members
Cabinet (Police and Fire)	10 Elected Members
Civic Hospitality Committee	5 Elected Members
Community Health and Care Partnership Committee	5 Elected Members
Education Committee	16 Members comprising 12 Elected Members, 3 religious representatives and 1 teachers' representative
Licensing Committee	5 Elected Members
Planning Applications Committee	7 Elected Members
Planning Local Review Body	7 Elected Members, membership to be the same as the Planning Applications Committee.
<u>Social Work Committee</u>	<u>4 Elected Members being those members on the East Renfrewshire Health and Social Care Partnership Integration Joint Board</u>
Social Work Complaints Review Committee	3 Members drawn from a panel of independent persons
Teaching Staff Appeals Committee	5 Elected Members

FREQUENCY OF MEETINGS

3. The Council and its standing committees shall meet in accordance with the calendar of meetings approved annually by the Council. In accordance with agreed procedure, the Council shall normally meet at 7.00 pm on Wednesdays. The Cabinet shall meet at 10.00 am on Thursdays. The Education Committee shall meet at 10.00 am on Thursdays. The Planning Applications Committee shall meet at 2.00 pm on Wednesdays. The Audit Committee shall meet at 2.30 pm on Thursdays and at other dates and times as appropriate to deal with matters "called in" in terms of agreed procedures. All the foregoing shall be in accordance with the agreed meetings calendar. All other meetings shall be convened as the need arises and at times to be fixed in consultation between the appropriate Chairperson and Deputy Chief Executive.

AD HOC COMMITTEES & SUB-COMMITTEES

4. As and when deemed appropriate, the Council will have the power to establish such other committees or sub-committees as may be necessary, either on a standing or ad hoc basis and may remit consideration of matters to such committees and sub-committees as the Council may determine from time to time. Committees will also have the power to establish sub-committees on the above basis, however should the intended membership of the sub-committee comprise individuals who are not members of the committee, it will be for the Council to make these appointments.

THE COUNCIL

5. The following matters are not subject to delegation and are discharged by the Council itself:-
- (a) approval of the annual estimates of housing and general revenue expenditure which may or may not be the subject of a recommendation by the Cabinet;
 - (b) approval of the Housing and General Fund capital programmes which may or may not be the subject of a recommendation by the Cabinet;
 - (c) determination of the Council Tax;
 - (d) determination of rents for Council properties;
 - (e) ~~following recommendation by the Cabinet,~~ the power to incur capital expenditure which has not been specifically sanctioned or approved or provided for in the approved capital programmes **which may or may not have been the subject of a recommendation by the Cabinet;**
 - (f) ~~following recommendation by the Cabinet,~~ the power to incur revenue expenditure which has not been sanctioned or approved or provided for in the annual estimates of the Council, which cannot be contained within the existing overall budgetary provision, and for which a supplementary estimate is required **which may or may not have been the subject of a recommendation by the Cabinet;**
 - (g) ~~following recommendation by the Cabinet,~~ determining the objectives of the Council **which may or may not have been the subject of a recommendation by the Cabinet;**
 - (h) ~~following recommendation by the Cabinet,~~ determining matters of new policy **which may or may not have been the subject of a recommendation by the Cabinet;**

- (i) approval and review of the following matters, which may or may not be the subject of a recommendation by the Cabinet:-
- (i) ~~Community Plan~~
 - (ii) ~~Children's Services Plan~~
 - (iii) ~~CHCP Development Plan~~
 - (iv) ~~Community Safety Strategy~~
 - (v) ~~Criminal Justice Plan~~
 - (vi) ~~East Renfrewshire Local Plan~~
 - (vii) Local Transport Strategy
 - (viii) ~~Community Learning Strategy and Plans~~
 - (ix) Outcome Delivery Plan
 - (x) Single Outcome Agreement/Community Plan
 - (xi) **Chief Social Work Officer's Annual Report**
 - (xii) Any other plan or strategy which can be dealt with by the Cabinet, but which the Cabinet wishes to be considered by the Council.
- (j) nomination of members to represent the Council on other bodies;
- (k) to determine whether to co-operate or combine with other local authorities in the discharge of major functions excepting day to day service delivery issues;
- (l) matters reserved to the Council by statute, standing orders and any other schemes which are approved by the Council;
- (m) the making, alteration or revocation of standing orders, bye-laws, management rules or any other orders, rules or regulations required by statute **other than those in respect of which delegated authority has been granted by the Council;**
- (n) appointment to a committee or sub-committee of persons who are not members of the Council or of the committee;
- (o) to consider lodging objections to applications for licences in terms of the Licensing (Scotland) Act 2005, or the Gambling Act 2005;
- (p) the consideration of all matters arising from the activities of (i) the Boundary Commission for Scotland and (ii) the Local Government Boundary Commission for Scotland; and
- (q) the determination of an application for a development of a class mentioned in Section 38A(i) of the Town and Country Planning (Scotland) Act 1997, as amended.

DELEGATED POWERS

6. Subject to those functions which are (a) reserved to the Council itself as outlined above, (b) delegated to officers and (c) delegated to a Joint Board or Joint Committee, all other functions which are the responsibility of the various committees and sub-committees as set out below shall be discharged without the further approval of the Council. It should be noted that in accordance with Standing Order No.45(b) delegation to committees and sub-committees is further restricted where a vote is taken or dissent recorded and at least one quarter of the members present require that delegated powers shall not be exercised and the matter under discussion should be referred for determination to the relevant committee in the case of a sub-committee or to the Council in the case of a committee.

Exercise of Delegated Powers by Cabinet

7. In terms of agreed procedures, when 5 Elected Members submit a valid call-in notice, delegated powers shall not be exercised by the Cabinet, and the decision in question shall be remitted to the Audit and Scrutiny Committee for further scrutiny.

8. In terms of agreed procedures, when 5 non-Cabinet members submit a valid notice, delegated powers shall not be exercised by the Cabinet, and the decision in question shall be remitted to the Council for determination.

FUNCTIONS OF STANDING COMMITTEES

9. The standing committees of the Council shall have the following areas of responsibility:-

Cabinet

- (a) to oversee the running of the administration;
- (b) to prepare major new policy proposals for approval by the Council;
- (c) to approve all other policy and strategy proposals;
- (d) to regularly review the performance of the Council and agree any improvement plans;
- (e) to take any decisions that are contrary to or not wholly in accordance with the approved revenue budget, provided that any additional costs can be offset by additional income or savings from elsewhere within the budget;
- (f) to approve increases in the costs of individual projects in the capital programmes subject to these costs not exceeding 5% of the total project cost or £50,000, whichever is the lesser;
- (g) to be responsible for the introduction and development of appropriate risk management arrangements across the Council;
- (h) to be responsible for all matters not the responsibility of the Council itself or one of the other bodies of the Council as indicated in this Scheme;
- (i) **to monitor the performance of the East Renfrewshire Culture and Leisure Trust in respect of those services transferred to the Trust by the Council.**

Cabinet (Police and Fire)

- (a) to consider and make recommendations to the Council relative to the approval of and any subsequent amendments or modifications to the local policing plan for East Renfrewshire;
- (b) to consider:-
 - performance reports on the carrying out of police functions in the area (including by reference to the local policing plan);
 - information on complaints made about the police service in, or in the policing of, the area; and

- other information about the policing of the area

as may be reasonably required by the Council

- (c) to consider and make recommendations to the Council relative to the approval of and any subsequent amendments or modifications to the local fire and rescue plan for East Renfrewshire
- (d) to keep under review:-
- the manner in which fire and rescue service functions are carried out in East Renfrewshire;
 - whether the priorities and objectives set out in the local fire and rescue plan are being delivered;
 - the performance on the carrying out of fire and rescue services in the area ; and
 - whether the fire and rescue service is otherwise complying with the local fire and rescue plan for East Renfrewshire.

Education Committee

To direct and supervise the discharge of the functions of the Council as Education Authority in terms of the Education (Scotland) Act 1980 as amended and any other enactments amending or extending such functions, subject to the proviso that proposals for additional revenue expenditure that cannot be offset by additional income or savings from elsewhere within the budget shall require to be submitted to the Cabinet for recommendation prior to submission to the Council for approval.

Civic Hospitality Committee

To be responsible for all civic hospitality matters on behalf of the Council including:-

- the consideration and determination of all requests for the provision of civic hospitality by the Council with an estimated cost of over £400;
- the consideration and determination of any proposed new Council events to be funded from the civic hospitality budget; and
- the consideration and approval of all protocols and procedures associated with civic hospitality.

Planning Applications Committee

To exercise the powers and duties of the Council as planning authority in terms of The Town & Country Planning (Scotland) Act 1997 as amended relating to the determination of applications for planning consent, listed building consent and advertisement consent, and all other legislation relative to development control matters.

Planning Local Review Body

To review cases where a person appointed to determine applications for planning permission for a development within the category of "local development" as defined in The Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category:-

- (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 a period as may be prescribed by regulations or a development order

and the applicant has asked that the planning authority review the case.

Audit and Scrutiny Committee

- (a) to promote internal controls, financial and otherwise, in order to provide reasonable assurance of effective and efficient operations and compliance with laws and regulations;
- (b) to review the control environment and make an annual statement to the Council on its evaluation of internal controls;
- (c) to develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
- (d) to promote good financial practice within the Council;
- (e) to agree the internal audit strategy and plan;
- (f) to receive internal audit progress reports;
- (g) to oversee and review action taken on internal audit recommendations and assist in responding to any criticisms made;
- (h) to review the internal audit annual report;
- (i) to be consulted on the external audit strategy and plan;
- (j) to review all external audit material, in particular the annual report and management letters relative to the audit opinion of the Council's financial statements;
- (k) to oversee and review action on external audit recommendations;
- (l) to review financial procedures including the effective operation of financial regulations;
- (m) to review the Council's financial performance as contained in the Annual Accounts;
- (n) to examine the activities and accounts of the Council in order to ensure that (a) the expenditure approved by the Council has been incurred for the purposes intended, (b) services are being provided efficiently and effectively and (c) value for money is being obtained;
- (o) to consider those decisions of the Cabinet "called in" in terms of agreed procedure;
- (p) to make recommendations to the Cabinet on the introduction and development of appropriate risk management arrangements across the Council;
- (q) to review the performance of the Council in terms of:
 - service delivery
 - the processes by which policy decisions have been taken
 - the substance of a particular policy and how it fits in with the overall objectives of the Council
 - the effectiveness of a policy in terms of implementation
- (r) to undertake whatever research and consultation is required in support of the analysis being undertaken on any particular issue.

Appeals Committee

To determine on behalf of the Council of all appeals arising under the Council's disciplinary, grievance and grading procedures except any relating to the post of Chief Executive in respect of which nationally agreed procedures apply, and any disciplinary or grievance appeals submitted by teaching staff, which shall be determined by the Teaching Staff Appeals Committee.

Education Appeals Committee (3)

- (a) to determine appeals against decisions in relation to placing and early entry requests;
- (b) to determine appeals in respect of procedures for children and young persons with special educational needs;
- (c) to determine appeals in respect of any matter arising from the operation of the Council's procedure for bursaries; and
- (d) to determine appeals in respect of exclusions and school attendance.

N.B. Although included in this Scheme, Education Appeals Committees are established under the Education (Scotland) Act 1980 and the Council's Standing Orders do not apply to these committees.

Licensing Committee

- (a) to exercise the functions and powers of the Council as the authority responsible for licensing, registration and the determination of applications for permits and permissions which are not otherwise allocated elsewhere but which shall specifically include:-
 - i) The Hypnotism Act 1952;
 - ii) The Theatres Act 1968;
 - iii) The Gambling Act 2005;
 - iv) The Lotteries & Amusements Act 1976;
 - v) The Civic Government (Scotland) Act 1982;
 - vi) The Cinemas Act 1985;
 - vii) The Fire Safety and Places of Sport Act 1987;
 - viii) The Marriage (Scotland) Act 2002; and
 - ix) The Fireworks Act 2003 and Regulations made thereunder.
- (b) to deal with certain applications for licences under above Acts where, by virtue of the nature of the applications, officers are unable to deal with them in terms of powers which have been delegated to them.
- (c) to consider appeals against the issue of fixed penalty notices issued in terms of the Smoking, Health and Social Care (Scotland) Act 2005.
- (d) to consider applications for registration as a private landlord in terms of the Antisocial Behaviour etc (Scotland) Act 2004
- (e) to consider requests for the revocation of a private landlord registration.
- (f) to consider appeals against the issue of fixed penalty notices issued in terms of the Transport (Scotland) Act 2005.

Social Work Community Health and Care Partnership Committee

- (a) ~~to produce an overall annual rolling 3 year plan which overviews all CHCP activities and priorities and which takes account of national and local policy, objectives and guidance;~~
- (b) ~~to approve the allocation of resources within specific revenue and capital budgets as delegated by the NHS Board and the Council in accordance with the standing financial orders of each of the partners;~~
- (c) ~~to promote the further integration and redesign of local and specialist services in terms of management, user/patient pathways, processes and provision where this delivers public gain;~~
- (d) ~~to manage the overall performance against defined local and national targets and best value requirements;~~
- (e) ~~to fulfil the evaluation and scrutiny requirements of the partners~~
- (f) ~~to influence the strategic direction of health and social care at NHS Board and ERC levels;~~
- (g) ~~to contribute to the development of policy and plans related to the functions of the organisation;~~
- (h) ~~to consider issues relating to the staffing and structure of the partnership and where necessary to make recommendations to the parent bodies;~~
- (i) ~~to ensure decision making is inclusive by actively involving stakeholders in the planning and delivery of services;~~
- (j) ~~to work effectively with other local authority functions such as housing, education and community and leisure.~~
- (a) to consider and respond to recommendations made by the Social Work Complaints Review Committee

Social Work Complaints Review Committee

- (a) to review any matter in accordance with the procedure as laid down in Section 5(B) of The Social Work (Scotland) Act 1968 as amended by Section 52 of The National Health Service 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 Officer - Director of the Community Health and Social Care Partnership**; and
- (b) to make recommendations in writing to the **Social Work Community Health and Care Partnership** Committee as soon as reasonably practicable.

Teaching Staff Appeals Committee

To determine grievances and appeals submitted by teaching staff.

Dams to Darnley Country Park Joint Committee

To oversee the operation and management of the Dams to Darnley Country Park.

Area Forums

- (a) to participate in formulating policy developments on specific issues remitted to them by the Cabinet;
- (b) to consider and discuss policy and operational arrangements affecting Council activities;
- (c) to consider issues remitted to them by the Council as a matter of particular consultation where there is a specific wish to ascertain the views of the community;
- (d) to consider and make recommendations relating to specific local matters e.g. major events in local parks;
- (e) to discuss matters of general and specific local concern relative to Council activities and functions;
- (f) to consider and make suggestions as to the needs of the local community area concerning services which are the responsibility of the Council;
- (g) to consider and make recommendations relative to the expenditure of local area budgets as determined by the Council from time to time.

N.B. Area Forums are not able to have delegated powers by virtue of their composition and any decisions require to be ratified by the Cabinet.