

Members' Library Service Request Form

Date of Document	03/04/17
Originator	Lel Gillingwater
Originator's Ref (if any)	
Document Title	Amendments to Standing Orders - Scheme of Administration and Scheme of Delegation

Please indicate if access to the document is to be "unrestricted" or "restricted", with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is "restricted", please state on what grounds (click on grey area for drop-down menu):

For Publication

Additional information:

This report was approved in accordance with 15.5 Recess Business Arrangements and was approved by the Council Leader and the Depute Provost.

Authorised By	Jim Lamond
Designation	Head of Council Resources
Date	02/05/17

For Office Use Only:	
Library Reference	58/17
Date Received	02/05/17
Bulletin	May17

REPORT TO: East Lothian Council (Election Recess Arrangements – Standing Order 15.5)

MEETING DATE:

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Amendments to Standing Orders – Scheme of Administration and Scheme of Delegation

1 PURPOSE

- 1.1 To seek approval of proposed changes to the Scheme of Administration and Scheme of Delegation, and to note the change to the social work complaints handling procedures.

2 RECOMMENDATIONS

- 2.1 Council is requested:
- 2.1.1 to approve the proposed amendments to the Scheme of Administration (as set out in Sections 3.1–3.2 and Appendix 1);
- 2.1.2 to note the change to the social work complaint handling procedures from 1 April 2017, resulting in the abolition of the Social Work Complaints Review Committee and Social Work Appeals Sub-Committee (as outlined in Section 3.3); and
- 2.1.3 to approve the amendments to the Scheme of Delegation (as set out in Section 3.4 and Appendix 2).

3 BACKGROUND

Scheme of Administration

3.1 Common Good Committees

- 3.1.1 The membership and quorum for each of the four Common Good Committees is set out in the Scheme of Administration. These require to be amended as a result of the recent ward boundary changes. The

proposed changes are set out in Appendix 1, with amendments marked in red.

3.2 Audit & Governance Committee, Policy & Performance Review Committee, and Police, Fire and Community Safety Scrutiny Committee

3.2.1 At present, the minimum number of meetings scheduled for each of these committees is stipulated within the Scheme of Administration (six for each of Audit & Governance and PPRC, and four for the Police, Fire and Community Safety Scrutiny Committee). It is proposed to remove this stipulation, which would allow the Council greater flexibility as regards the numbers of meetings required for each committee. It should be noted that no other committees have a minimum number of meetings stipulated, so this change will bring these committees into line with the Council's other committees.

3.3 Social Work Complaints Review Committee and Social Work Appeals Sub-Committee

3.3.1 As of 1 April 2017 the social work complaints process in Scotland changed, with Stage 3 complaints now being handled by the Scottish Public Services Ombudsman, rather than by local authorities. As a result of this change, local authorities will no longer be required to hear complaints by way of a Social Work Complaints Review Committee (SWCRC). That committee, as well as the Social Work Appeals Sub-Committee, which is convened to consider the recommendations of the SWCRC, will therefore no longer exist from 1 April 2017, and the Schemes of Administration for them should now be deleted. It should be noted, however, that any cases currently in the system will be dealt with in accordance with the pre-April 2017 procedures.

Scheme of Delegation

3.4 Members are advised of a proposal to amend the Scheme of Delegation, Section 12 – Statutory Appointment of Officers. Under various laws the Council must appoint officers for a variety of purposes. Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. In accordance with Section 12.2 of the Scheme of Delegation, where an officer is not available to carry out their delegated duties, other officers may carry out those duties on their behalf.

For business continuity reasons, it is proposed that the Service Manager – Business Finance and the Service Manager – Corporate Finance may be authorised to act on the Section 95 Chief Finance Officer's behalf should he be unavailable, provided those post holders are CCAB qualified.

As regards the proper officer for the Chief Social Worker role, set out within Sections 12.1 and 12.2 of the Scheme of Delegation, this will be

changed to reflect the appointment of the Group Service Manager – Adult Statutory Services to this role.

The proposed changes are highlighted within the relevant sections of the Scheme of Delegation, attached as Appendix 2 to this report.

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – None

6.2 Personnel – None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 East Lothian Council's Standing Orders

7.2 Report to Members' Library – Social Work Complaints Handling Procedure, Ref: 48/17, March 2017 Bulletin

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager – Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	3 April 2017

SCHEME OF ADMINISTRATION

COMMON GOOD COMMITTEES

A Remit and Powers

1. Common Good Funds are the assets and income of some former Burghs of East Lothian. They represent a substantial portfolio of land, property and investments and by law continue to exist for the Common Good of the inhabitants of the former Burghs to which they relate.
2. East Lothian Council has a wide discretion over the use of its Common Good Funds so long as they are applied for the benefit of the community using reasonable judgement and having regard to the interests of the inhabitants of the former Burgh.
3. Council will approve an annual budget for each of the Common Good Funds that will include provision for the maintenance of assets and any committed items of expenditure.
4. The Common Good Committee for each area will administer its own Common Good Funds with support from officers.
5. Each Common Good Committee has authority to:
 - Award a grant of up to £10,000
 - Approve revenues expenditure of up to £10,000 for the maintenance of the assets of the fund provided that can be met within the approved budget.
6. Each application for a grant will be considered on its own merits. The Committee must consider whether or not it is a reasonable judgement for them to consider making a disbursement of funds from the Common Good Fund for the benefit of the Community. This can, for example, include expenditure on:
 - The expense of civic ceremonies and of the provision of suitable hospitality on appropriate occasions and for appropriate persons and guests
 - Applications from individuals and groups where the grant of the application would benefit the community as a whole
 - Firework displays, where appropriate

Note – this list is representative only and does not preclude other awards that are thought appropriate.
7. The Common Good Committees can make recommendations to the Head of Council Resources in relation to expenditure over £10,000. The Head of Council Resources, on receipt of the recommendation, will prepare a report for Council. Council will make the decision on any matter involving expenditure of more than £10,000.
8. No officer of the Council has delegated power to commit Common Good Funds.

Appendix 1

B Membership

1. Each Common Good Committee will consist of all the Councillors for those areas, namely:

Musselburgh – all 4 Musselburgh Councillors
Haddington – all 4 Haddington and Lammermuir Councillors
North Berwick – all 3 North Berwick Coastal Councillors
Dunbar – all 3 Dunbar and East Linton Councillors

Deleted: 6

Deleted: 3

C Quorum

1. For the Musselburgh and Haddington Common Good Committees the quorum is 3. For North Berwick and Dunbar Common Good Committees the quorum is 2.

Deleted: Common Good Committee

Deleted: 4

Deleted: the other three

D Substitutes

1. There shall be no substitutes.

E Meetings

1. Each Common Good Committee will meet quarterly, although it may meet more or less frequently as business dictates.
2. Meetings of the Common Good Committees will generally be held in a venue located within the area to which the Common Good Fund relates, but may be held elsewhere.

F Reporting Arrangements

1. A six-monthly report detailing all discretionary grant awards for each fund will be prepared by the Head of Council Resources and will be lodged in the Members' Library and made available electronically to all Members of the appropriate Common Good Committee.

G Miscellaneous

1. The Chair will be appointed by a vote at the start of the first meeting following the local government election and will hold that post until the next local government election.
2. Decisions of the Committee will be taken by a simple majority of those present following a show of hands. In the event of a tie, the Chair will have a casting vote.

12.0 Statutory Appointments of Officers

12.1 Under various laws, the Council must appoint officers for a variety of purposes. Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. The 'statutory appointments' that the Council has made are set out in this section.

Relevant Law	Role	Proper Officer
Social Work (Scotland) Act 1968		
Section 3	Chief Social Work Officer	Group Service Manager – Adult Statutory Services

12.2 The proper officers appointed for the roles set out in part 12.1 cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties:-

Proper officer appointed for the roles set out in part 12.1	Officer who will carry out duties if the proper officer is not available
If the Returning Officer is not available for election purposes	Depute Returning Officer
If the Depute Chief Executive (Partnerships and Community Services) is not available to act as the Monitoring Officer	Service Manager – Legal and Procurement Service Manager – Licensing, Administration and Democratic Services Team Manager – Democratic & Licensing (in relation to matters concerning the Councillors' Code of Conduct)
If a Depute Chief Executive is not available to act as an officer	The relevant Head of Service
If the Service Manager – Licensing, Administration and Democratic Services is not available to act as Clerk to the Licensing Board	Service Manager – Legal and Procurement/ Senior Solicitor/Solicitor
If the Chief Executive is not available to act as the Head of Paid Service	Depute Chief Executive as agreed
If the Group Service Manager – Adult Statutory Services is not available to act as the Chief Social Work Officer	Children's Wellbeing and Adult Service Managers and the Area Practice Manager, Children's Wellbeing
If the Head of Council Resources is not available to act as Section 95 Chief Finance Officer	Depute Chief Executive (Resources and People Services)* Service Manager – Business Finance* Service Manager – Corporate Finance* *provided the postholder is CCAB qualified