

<b>COMMITTEE:</b>	East Lothian Council
<b>MEETING DATE:</b>	17 February 2026
<b>BY:</b>	Depute Chief Executive – Resources and Economy
<b>REPORT TITLE:</b>	Review of Standing Orders
<b>REPORT STATUS:</b>	Public

---

## **1 PURPOSE OF REPORT**

- 1.1 To seek approval of proposed changes to the Standing Orders, the Scheme of Administration and the Scheme of Delegation.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Approve the proposed changes to the Council's Standing Orders, Scheme of Administration and Scheme of Delegation (as set out in Appendices 1–3), with all changes effective from 18 February 2026, with the exception of the change to Standing Order 10.1, at (iv) and (v), which will be effective from 1 April 2026.

## **3 BACKGROUND**

- 3.1 The Council's Standing Orders, including the Scheme of Administration and Scheme of Delegation, are reviewed on an ongoing basis, with regular reports on proposed changes being presented to Council. On this occasion, there are proposed amendments to all three documents, summarised below and set out in Appendices 1–3 (by way of tracked changes).
- 3.2 As regards the Standing Orders, the proposed changes are set out in Appendix 1. In relation to the proposed new provisions under Standing Order 10.1, at (iv) and (v), it is acknowledged that some Members do not currently have sufficient internet connections to allow them to participate remotely with the camera switched on at all times during meetings, so it

is proposed that these proposed provisions will not come into effect until 1 April 2026 to allow for Members to make the relevant arrangements with their internet providers.

- 3.3 Proposed changes to the Scheme of Administration (Audit & Governance Committee, Education Appeals Committee, Education & Children's Services Committee, Policy & Performance Committee, Recess Committee) are set out in Appendix 2, and proposed changes to the Scheme of Delegation (Scheme of Delegation for Planning Applications) are set out in Appendix 3.
- 3.4 If approved, the proposed changes will come into effect on 18 February 2026, with the exception of the proposed change to Standing Order 10.1, at (iv) and (v), which will be effective from 1 April 2026. The updated documents will be published on the Council's website as soon as practicable.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

#### **6 INTEGRATED IMPACT ASSESSMENT**

- 6.1 ***Select the statement that is appropriate to your report by placing an 'X' in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

**or**

X
---

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

☐

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

*[Enter information on impacts that have been identified]*

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

[https://www.eastlothian.gov.uk/info/210602/equality\\_and\\_diversity/12014/integrated\\_impact\\_assessments](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## 7 APPENDICES

- 7.1 Appendix 1 – proposed changes to Standing Orders
- 7.2 Appendix 2 – proposed changes to the Scheme of Administration
- 7.3 Appendix 3 – proposed changes to the Scheme of Delegation

## 8 BACKGROUND PAPERS

- 8.1 East Lothian Council Standing Orders

## 9 AUTHOR AND APPROVAL DETAILS

**Report Author(s)**

<b>Name</b>	Lel Gillingwater
<b>Designation</b>	Team Manager – Democratic & Licensing

<b>Name</b>	Lel Gillingwater
<b>Tel/Email</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a> / 01620 827292
<b>Date</b>	14 January 2026

#### Head of Service Approval

<b>Name</b>	Hayley Barnett
<b>Designation</b>	Head of Corporate Support
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	2 February 2026

## Appendix 1

### Proposed Changes to Standing Orders

---

#### 4.5 Postponing, Continuing and Cancelling Meetings

- i. In consultation with the Convener, the Chief Executive may postpone any meeting to another day or time.
- ii. Any motion to continue a meeting which has already started to another day or time must be seconded before being put to the vote.
- iii. Where a meeting of a committee or sub-committee meeting is continued, or where a particular item of business has been continued, no councillor should ~~attend~~participate and make decisions on any continued matter who did not attend the original meeting (see also Standing Order 6.4)
- iv. Scheduled meetings may be cancelled where there is no business to be discussed or with the agreement of the Chief Executive, in consultation with the Convener.

#### 5.3 Written Motions to Council

- i. Written motions intended for inclusion on the agenda for a meeting of the Council will be emailed directly to the Clerk (and copied to the Council Outlook mailbox) by the Councillor submitting the motion, and 'countersigned' by at least one other Councillor by way of an email to the Clerk (and copied to the Council Outlook mailbox). All such notices should be submitted to the Clerk by 5pm, seven clear days in advance of the meeting date. If this deadline is missed, the motion will not be included on the agenda. Motions will be included on the agenda for the meeting in the order in which they are received.
- ii. Every motion must contain an instruction to Council and be relevant to matters within the Council's powers and duties or involve an issue that will affect East Lothian or a matter of social and political concern.
- iii. Motions may not contain offensive or abusive language and may not contain argument. The Chief Executive, in consultation with other Council officers, may refuse to accept any motion that fails to meet these requirements.
- iv. Every written motion received will be subject to checks to determine their competency, which will include:
  - (a) whether they have been submitted in accordance with Standing Order 5.3(i);
  - (b) the purpose of the motion is within the powers of the Council;
  - (c) the motion is lawful; and

- (d) whether the purpose of the motion seeks to directly rescind a decision made by the Council or Committee within the previous six months (in which case approval of two-thirds of Councillors present and entitled to vote would be required).

## 5.4 Call-in Process

A minimum of four Councillors shall be required to call in items of business from a Cabinet agenda. Written notice of a call-in must be submitted to the clerk to the Cabinet (by electronic mail) by noon on the day before the meeting at which the item(s) are due to be considered; each Councillor requesting the call-in is required to notify the clerk separately. Any items of business called in in accordance with this process will be withdrawn from the Cabinet agenda and referred to the next ordinary Council meeting for consideration. Time-critical items of business (i.e. those items which require a decision to be taken in advance of the next Council meeting) will be exempt from the call-in process. It shall not be competent for Councillors to use the provisions set out in Standing Order 4.2(ii) (Special Meetings) to request a special meeting of the Council to specifically call in time-critical items of business from a Cabinet agenda. It will be for the Chief Executive, in consultation with the Monitoring Officer, to determine whether an item of business is time critical.

## 6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology. Attendance recorded at hybrid meetings will include those present in the Chamber and those attending using digital facilities.
- ii. The entitlement to vote on any matter under consideration will be restricted to committee members present at the meeting. Direction on councillor participation in meetings of any committee of which they are not a member is set out within the Scheme of Administration for each committee.
- iii. Meetings may take place by way of the digital meeting facility only (that is, there will be no physical attendance). In such cases, Councillors and relevant officers will be advised of this in advance of the meeting date.
- iv. As regards quasi-judicial matters (as specified in section 7.3 of the Councillors' Code of Conduct), councillors who have not been in attendance for the duration of the item of business under consideration may not ask questions, make a statement, or vote on that item of

business. This Standing Order should be read in conjunction with SO4.5(iii).

#### **9.4 Order of Debate**

- i. Any Councillor wishing to ask questions relating to the matter under consideration may do so at any time before the formal debate begins. (This Standing Order should be read in conjunction with Standing Orders 8(iii) and 8(iv).)
- ii. Councillors may speak only once during the debate on any item of business. The exceptions are:
  - to exercise a right of reply, in which case the proposer of the original motion will be limited to five minutes and that the reply will be limited to answering matters raised in the debate; or
  - by making a point of order that the Convener has agreed to take; or
  - where an individual councillor is named by another speaker during debate, that councillor will be permitted to speak, even if having already spoken, but only in response to the specific reference made and only to correct any apparent or actual misrepresentation.
- iii. A Councillor moving a motion or an amendment may speak for no more than ten minutes.
- iv. Other Councillors taking part in the discussion, including those who second motions or amendments, will speak for no more than five minutes. A councillor who seconds a motion or amendment may do so formally, reserving his/her entitlement to speak on the matter to a later stage in the debate.
- v. The Convener may invite officers to clarify matters or provide further information on the matter under consideration, as required, during the debate.
- vi. On the conclusion of the debate, the Convener will ask the proposers of motions/amendments if they would be willing to accept all or part of the content from other proposals put forward. In the event that they are willing to do so, then this would become their position (the original position may remain).

#### **9.5 Withdrawing a Motion or Amendment**

- ~~i.~~ A motion or amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

- ii. Where a seconder withdraws their support for a motion or amendment that has already been deemed competent and is/will be included in the meeting papers, with the agreement of the Convener an alternative seconder may be sought by the proposer.

## **10 VOTING AT COUNCIL AND COMMITTEE MEETINGS**

### **10.1 General Information**

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided either by a show of hands, roll call vote or via the electronic voting facility, of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. In the event that a participant using digital facilities is unable to verbally communicate their vote, they may do so by contacting the Clerk by email/digital message.
- iv. Councillors who are participating using digital facilities should ensure their camera is switched on during a roll call vote.
- v. Councillors who are participating using digital facilities must ensure their camera is switched on for the duration of quasi-judicial items of business (as specified in section 7.3 of the Councillors' Code of Conduct) in order that they can be seen for the duration of the item, including the vote.
- vi. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.
- vii. Where a motion and amendment are put before the Council or committee, a vote will be taken on both proposals, with each Councillor having one vote. The proposal receiving the support of a majority of Councillors present and entitled to vote will be declared to be the decision of the Council or Committee.
- viii. Where a motion and two or more amendments are put before the Council or committee, a vote will be taken on all proposals, with each Councillor having one vote. If a proposal receives the support of a majority of Councillors present and entitled to vote it will be declared to be the decision of the Council or committee. If none of the proposals receives the support of a majority, the one which has received the



fewest votes will be dropped and a fresh vote will be taken on the remaining proposals. If there is an equal number of votes between the proposals with the fewest votes, the Convener will have a casting vote to determine which proposal should be dropped. If the Convener chooses not to exercise his/her casting vote, the decision will be taken by drawing lots. This process of elimination will continue until one proposal has received a majority, and that proposal will be declared to be the decision of the Council or committee.

- ixvii. If a Councillor immediately challenges the accuracy of the count, the Convener will rule on whether the vote should be repeated and a recount taken. The Convener will then announce the result of the vote.

## 15.6 Recess Business Arrangements

~~Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee and the Leader of the Opposition, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.~~

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the recess, urgent business shall be dealt with by way of the Recess Committee. The Chief Executive may call a meeting of the Recess Committee at any point during a recess period, in accordance with the timescales set out in Standing Order 4.3(i). Matters that require approval of two-thirds of Councillors cannot be dealt with by the Recess Committee. This Standing Order should be read in conjunction with the Scheme of Administration for the Recess Committee.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

## **Appendix 2**

### **Proposed Changes to the Scheme of Administration**

---

#### **AUDIT & GOVERNANCE COMMITTEE**

##### **A Remit and Powers**

The following business and functions are delegated by the Council to the Audit & Governance Committee:

1. *Risk and Internal Controls*

- (a) promote Council policy on risk management by reviewing the delivery of the Risk Management Strategy, reviewing the business and strategic risk assessment arrangements and procedures and the Corporate Risk Register;
- (b) promote, review and monitor internal controls, financial and otherwise, within the Council in order to provide reasonable assurance of the effectiveness and efficiency of operations and compliance with relevant statutes, directions, guidelines and policies;
- (c) develop an anti-fraud culture within the Council to ensure the highest standards of probity and public accountability;
- (d) approve the annual Internal Audit assurance report and the statement of internal controls for inclusion in the annual accounts;
- (e) approve Internal Audit's Terms of Reference;
- (f) approve the annual Internal Audit Plan.

2. *Review of Audit Functions*

- (a) determine the scope of the annual audit plan and ensure it is directed in accordance with the approved business risk assessment;
- (b) examine and review the External Audit Planning Memorandum and review the overall performance with regard to quality, productivity and the fees charged;
- (c) review the activities of the Internal Audit function and monitor overall performance in terms of quality, productivity and effectiveness;
- (d) ensure that the Internal Audit function is sufficiently resourced to provide a systematic review of internal controls and a full assessment of significant investigations;
- (e) examine Internal and External Audit reports, and ensure weaknesses identified are adequately addressed by management and recommendations are actioned;
- (f) ensure that there are effective relationships between Internal and External Audit and inspection agencies, and that the value of the audit process is actively promoted.

3. *Financial Matters*

- (a) review the Council's financial performance as contained in the annual statement of accounts;
- (b) approve the Council's financial accounts for signing;
- (c) review the audit certificate/wording of any matters reported;
- (d) review the Annual Report to Members from the External Auditor;
- (e) review and monitor the implementation of audit recommendations;
- (f) ensure that issues raised in previous financial years have been addressed; and
- (g) review and monitor treasury management arrangements.

4. *All matters relating to the scrutiny of services and the Council as a whole, including, but not limited to:*

Community

- Strategic vision and direction setting by the Council
- Integration of strategic vision, direction and community planning priorities and actions into internal planning mechanisms
- Public performance reporting and public accountability
- Transparency of decision-making processes
- Consultation and communication with communities

Service Delivery Arrangements

- Corporate planning approach and performance against corporate actions and targets, including financial position and performance and asset management
- Performance management system and corporate performance information monitoring
- External scrutiny/assessment recommendations and resulting action planning
- Management of joint working
- Best Value reviews and option appraisal
- Monitoring and scrutinising the implementation of the Procurement Strategy

Structures and Processes

- Monitoring of decision-making structures and mechanisms
- Monitoring of policy development and implementation
- Clarity of key roles and responsibilities

Governance

- Corporate Governance
- Annual Governance Statement

**B Membership and Attendance**

1. The membership of the Audit & Governance Committee shall include a Convener and a Deputy Convener. The Council shall determine the membership of the Audit & Governance Committee. Councillor membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing

Councillor members to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing Members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality. In addition to the Councillor membership, and with the approval of Council, the Committee may co-opt up to two independent members to provide appropriate technical expertise.

2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.
3. Councillors who are not members of the Audit & Governance Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.

#### **C Quorum**

1. Half + 1 of the places filled.

#### **D Substitutes**

1. Members of the Audit and Governance Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Audit and Governance Committee (in accordance with Standing Order 6.4). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.

#### **E Meetings**

1. Meetings shall take place in accordance with Standing Order 4.

#### **F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Audit & Governance Committee.
2. Minutes shall be presented to the Audit & Governance Committee for approval.

#### **G Miscellaneous**

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolved that a particular item of business should be referred to the council for decision.
2. The External Auditor will have the right to request that items of business are presented to the Committee.

3. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit to the relevant Committee, the Cabinet or, where appropriate, to the Council. The Committee will also have the power to make recommendations to officers to report to the relevant committee on matters that have been scrutinised by the Committee.

## **EDUCATION APPEALS COMMITTEE**

### **A Remit and Powers**

1. The Education (Scotland) Act 1980 set a duty on local authorities to set up and maintain Education Appeals Committees to consider:
  - (i) appeals from parents who have had their placing requests for a specific school for their children refused; and
  - (ii) appeals from parents whose child has been excluded from school.

### **B Membership and Attendance**

1. The membership of the Education Appeals Committee shall comprise one Councillor from among the membership of the Council (but usually the Cabinet Spokesperson for Education and Children's Services), one person from a list comprising parents with pupils of school age nominated by the Parent Councils, and one person selected from a list comprising persons with experience in education or who are acquainted with educational conditions in East Lothian, nominated by the Executive Director for Education and Children's Services.
2. Only the Councillor (or their nominated substitute) selected to participate in the appeals process will have the right to attend and participate in the meeting.

### **C Quorum**

1. 3 Members

### **D Substitutes**

1. Members of the Education Appeals Committee shall be entitled to nominate substitute members provided that they are eligible in terms of (B) above, and in accordance with Standing Order 6.4.

### **E Meetings**

1. Meetings shall take place in accordance with Standing Order 4.
2. Meetings of the Education Appeals Committee shall be held in private, due to the confidential nature of the business.

### **F Reporting Arrangements**

1. The Clerk shall be responsible for taking minutes of the meetings of the Education Appeals Committee.
2. ~~Minutes~~ A summary of appeals shall be presented to the Education and Children's Services Committee for noting.

### **G Miscellaneous**

## EDUCATION AND CHILDREN'S SERVICES COMMITTEE

### A Remit and Powers

The following business and functions are delegated by the Council to the Education and Children's Services Committee:

1. The development, determination and review of policy and associated matters relating to children, including: education, children's social work and broader services for children and young people
2. The promotion of children's and young people's development and wellbeing as outlined in the Children and Young People's (Scotland) Act 2014
3. Matters relating to Children's Rights as determined by the United Nations Convention on the Rights of the Child
4. Meeting statutory requirements for strategic planning and reporting for education and children's services planning in accordance with the Education (Scotland) Act 2016 and Children and Young People's (Scotland) Act 2014
5. Matters relating to the statutory responsibilities of the Chief Education Officer and Chief Social Work Officer with regard to education and the care and protection of children and young people
6. Determining the annual review of the Scheme of Devolved School Management
7. Determining catchment areas for primary and secondary schools
8. Determining school roll numbers for primary and secondary schools
9. Exercising the statutory functions of the Council under the Schools (Consultation) (Scotland) Act 2010.

### B Membership and Attendance

1. The membership of the Education and Children's Services Committee shall include a Convener and, if desired, a Depute Convener. It shall also include religious representatives and a trades union representative, who are non-voting members. The Council shall determine the membership of the Education and Children's Services Committee. In appointing Councillors to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality.
2. Councillors who are not members of the Education and Children's Services Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.
3. The non-voting religious and trades union representatives will have the right to question officers on any matter under consideration and take part in the debate.

**C Quorum**

1. Half + 1 of the places filled.

**D Substitutes**

1. There shall be no substitutes.

**E Meetings**

1. Meetings shall take place in accordance with Standing Order 4.

**F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Education and Children's Services Committee.
2. Minutes shall be presented to the Education and Children's Services Committee for approval.

**G Miscellaneous**

1. Decisions of the Committee on functions delegated to them shall be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.

## **POLICY & PERFORMANCE REVIEW COMMITTEE**

### **A Remit and Powers**

The following business and functions are delegated by the Council to the Policy & Performance Review Committee:

1. All matters relating to the performance of all the Council's services including, but not limited to:
  - Vision and direction setting by Members
  - Integration of vision, direction and community planning priorities and actions into internal mechanisms (including service plans)
  - Mechanisms and initiatives for improvement (e.g. benchmarking)
  - Public performance reporting and public accountability
  - Consultation and communication with communities
  - Planning and performance against actions and targets including financial position and performance, priority/risk based resource management and asset management
  - Mainstreaming of equality issues and sustainable development
  - External scrutiny/assessment recommendations and resulting action planning
  - Management of joint working
  - Best Value reviews and option appraisal
  - Contracting issues
  - Scrutiny of policies identified through an annual work plan or other aspect of its work

### **B Membership and Attendance**

1. The membership of the Policy & Performance Review Committee shall include a Convener and a Depute Convener. The Council shall determine the membership of the Policy & Performance Review Committee. Membership of the Committee should be drawn only from non-Cabinet Members of the Council. In appointing Members to the Committee, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Committee by way of reducing the number of places on the Committee, or by appointing members of any political group/independent councillors to the vacant places. Regardless of the political composition of the Committee, it should act with political neutrality.
2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of that meeting.
3. Councillors who are not members of the Policy & Performance Review Committee will have the right to attend meetings of the Committee and to question officers on any matter under consideration.

### **C Quorum**

1. Half + 1 of the places filled.



## **D Substitutes**

1. Members of the Policy and Performance Review Committee shall be entitled to nominate substitute members from within their own political group to attend any meeting of the Policy and Performance Review Committee (in accordance with Standing Order 6.4). Where a substitute from within their own group cannot be found, then other groups will be invited to nominate a substitute.

## **E Meetings**

1. Meetings shall take place in accordance with Standing Order 4.

## **F Reporting Arrangements**

1. The clerk shall be responsible for taking minutes of the meetings of the Policy & Performance Review Committee.
2. Minutes shall be presented to the Policy & Performance Review Committee for approval.
3. The Committee can refer any item of business to the Council, Cabinet or the relevant Committee, in which case a report shall be prepared by the relevant officer and placed on the agenda of the next appropriate meeting.

## **G Miscellaneous**

1. The Policy & Performance Review Committee will be entitled to debate the terms of reports insofar as relevant to its authorised remit. No formal votes will be taken and the Committee will attempt to reach a consensus, or failing that, a majority view.
2. The Committee will be entitled to appoint ad hoc (short life) sub-committees. The Committee or its sub-committees will be entitled to undertake reviews of policies and/or performance, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of Committee Conveners and/or Depute Conveners and/or Cabinet Spokespersons and/or officials of the Council on any matter relevant to the issue under consideration by them.
3. The Committee will be entitled to invite representatives of other public agencies, local communities, the private and voluntary sectors, trade unions and academic institutions to assist with reviews of policies and/or performance. Also, it will be entitled to call appropriate expert witnesses, commission appropriate research and hold evidence gathering meetings.
4. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit to the relevant Committee, the Cabinet or, where appropriate, to the Council. The Committee will also have the power to make recommendations to officers to report to the relevant committee on performance matters that have been scrutinised by the Committee.
5. The Convener or other nominated representative of the Committee will be entitled to speak to reports of the Committee submitted to the relevant committee, the Cabinet or, as appropriate, the Council.

## **RECESS COMMITTEE**

### **A Remit and Powers**

The following business and functions are delegated by the Council to the Recess Committee:

1. To decide any matter of urgency arising during any recess period and to exercise all functions of the Council or Committee, which would otherwise have dealt with the matter that:
  - (a) cannot await the resumption of the normal meetings timetable; and
  - (b) cannot appropriately be decided by the Chief Executive or Executive Director in accordance with urgency provisions within the Standing Orders.

### **B Membership and Attendance**

1. The membership of the Recess Committee shall consist of:

Leader of the Council (Convener)  
Provost (Depute Convener)  
Depute Leader of the Council (if appointed)  
Depute Provost (if appointed)  
Convener/Depute Convener of the appropriate committee  
Leader of the Opposition

### **C Quorum**

1. 2 Council Members

### **D Substitutes**

1. There shall be no substitutes.

### **E Meetings**

1. Meetings shall take place in accordance with Standing Order 4.

### **F Reporting Arrangements**

1. The Clerk shall be responsible for taking minutes of the meetings of the Recess Committee.

2. ~~All matters dealt with by this committee will be reported by way of a summary report to the first Council meeting of following the recess, detailing the nature of the business and which Members were involved in taking the decisions.~~ A minute of the committee meeting(s) will be presented to Council for approval.

3. ~~All reports submitted in accordance with SO15.6 will be published in the Members' Library.~~

### **G Miscellaneous**

1. The Committee arrangements are set out in Standing Order 15.6, which states:

~~Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the~~

~~summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee and the Leader of the Opposition, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.~~

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the recess, urgent business shall be dealt with by way of the Recess Committee. The Chief Executive may call a meeting of the Recess Committee at any point during a recess period, in accordance with the timescales set out in Standing Order 4.3(i). Matters that require approval of two-thirds of Councillors cannot be dealt with by the Recess Committee.

Matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

2. Non-elected representatives appointed to the Education and Children's Services Committee will be consulted on education-related matters coming forward to the Recess Committee, in accordance with the Local Government (Scotland) Act 1973.

## Appendix 3

### Proposed Changes to the Scheme of Delegation

---

## 19. Scheme of Delegation for Planning Applications

### 19.1 Decisions in relation to planning applications

- a. Delegated Decisions – ‘Major Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 submitted under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended) or that are submitted as Approval of Matters Specified in Conditions applications shall be determined by the Chief Planning Officer without reference to Members, subject to 19.1(c) below, with the exception that this will be in all cases and not just those that raise important planning issues and/or are subject to any amount of public objection. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.
- ba. Delegated Decisions – ‘Local Developments’ as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 shall be determined by the Chief Planning Officer without reference to Members, subject to 19.1(~~cb~~) below. Such determination shall include, where appropriate, authority for the Council to enter into any legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or otherwise and authority for the Council to take enforcement action in instances where retrospective planning permission is refused for unauthorised development.
- cb. Scheme of Delegation List – A list of reports on applications to be decided under delegated authority in terms of 19.1(a) and (b) above which raise important planning issues and/or are subject to any amount of public objection shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer decision shall be issued by the Chief Planning Officer in terms of 19.1(a) and (b) above. The Member who has requested referral to the Planning Committee shall prepare the Statement of Reasons for issue by the Planning Authority giving the reasons why the Planning Committee and not the Chief Planning Officer should determine the application.

### 19.2 Appeal to Scottish Ministers against the failure to take a decision on a planning application

In cases where an applicant has appealed to Scottish Ministers against the failure to take a decision on a planning application, the Chief Planning Officer shall have authority for submitting the Council's submission on the appeal, as a Council Officer statement.

**19.3 Decisions in relation to enforcement of planning control**

- a. Authority for service of Planning Contravention Notices, Breach of Condition Notices and Temporary Stop Notices will be delegated to the Chief Planning Officer and will be reported for Members' information to the Members' Library.
- b. Committee Expedited List – reports recommending service of Enforcement Notices, Stop Notices and Notices under Section 179 ('Land Adversely Affecting Amenity of Neighbourhood') of the Town and Country Planning (Scotland) Act 1997 shall be circulated each week to Members, who then shall have seven days in which to request referral to the Planning Committee, otherwise the officer recommendation is deemed to be accepted and the Chief Planning Officer shall be authorised to proceed on that basis.

**19.4 Decisions in relation to the variation, modification or discharging of planning obligations**

- a. The Chief Planning Officer shall have authority to determine applications to vary, modify or discharge planning obligations, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

b. Officer reports on any S75A application that either seeks to remove or reduces in the scale or level of obligation or financial contribution to the Council or any non-applicant, in terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010, shall be circulated on the Planning Committee Expedited List to Members. If not called in by Members, the officer report is deemed to be accepted, and the Chief Planning Officer shall be authorised to proceed on that basis.

- cb. The Chief Planning Officer shall have authority to determine applications to vary modify or discharge Good Neighbour Agreements, in terms of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreements) (Scotland) Regulations 2010.

- de. The Chief Planning Officer shall have authority to modify or discharge planning obligations through written agreement with all parties providing that there is no reduction in the scale or level of obligation or financial contribution to the Council or any non-applicant.

19.5 **Consultation requests under Section 36 of the Electricity Act 1989**

Consultation responses on applications made under Section 36 of the Electricity Act 1989 shall be circulated on the Committee Expedited List to Members, who shall have seven days to request referral to the Planning Committee, otherwise the officer consultation response is deemed to be accepted and the Chief Planning Officer shall be authorised to proceed on that basis.