



***Standing Orders
and
Scheme of
Delegated Powers***

February 2008

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PART I

1. Statutory Meeting of Council

- (a) At the Statutory Meeting, the Council will elect a Convener, Depute Convener, Leader of the Council and a Depute Leader of the Council from amongst its members. In addition the Council may elect the Committees, Conveners and Service Spokespersons and appoint representatives to composite and outside bodies. The responsibilities of each Service Spokesperson are as detailed in Appendix 1 to these Standing Orders.
- (b) Once elected the Convener and Depute Convener of the Council will hold the title of Provost and Depute Provost respectively and will remain in office until the next ordinary election, subject to the right of Council by resolution to remove either the Convener or Depute Convener or both from office provided written notice to that effect has been given in accordance with Standing Order 8 and said resolution is supported by at least two-thirds of Members present and voting.

2. Ordinary Meetings of Council

- (a) The Ordinary Meetings of the Council will be held on the last Wednesday of every month unless otherwise determined. Council meetings will normally commence at 6.00 pm or as decided by the Council from time to time. Except for the item of business then under discussion and any other item of business which the Convener determines as urgent, no item of business will be discussed after 10.00 pm. All items of business which have not been so considered by 10.00 pm will fall from the Agenda, although the items may be the subject of further Reports/Motions to future meeting of Council.
- (b) If for any reason the Convener or Depute Convener is absent, the Council will elect another Member to chair that meeting. Any reference in these Standing Orders to Convener will be deemed to refer to the Depute Convener, or another Member who is elected to chair the meeting in the absence of the Convener.
- (c) It will be competent for the majority of those Members present at any meeting to resolve that the next Ordinary Meeting (s) will be held at a different date or time.
- (d) An 'Open Forum' session will be held at every second Ordinary Meeting of the Council. It will last up to maximum of 15 minutes, subject to the discretion of the Convener, whereby members of the public will be given the opportunity to ask relevant questions of the relevant office holder or raise issues. There will be a maximum of 5 questions allowed on the agenda per meeting.

- Such questions must be submitted in writing to the Chief Executive seven days before the Council meeting.
- Where the Chief Executive receives a written question for submission to the next Council meeting, he/she will ensure that the question is transmitted to the appropriate Service Spokesperson or Convener of the appropriate Committee or Officer and that it is recorded in a register of questions to be maintained in the Committee Administration office.
- A formal response to the question will be made at the Council meeting by the Leader of the Council or appropriate Service Spokesperson, and the person who put the written question will have the right to ask no more than one supplementary question orally at the meeting in relation to the response.

The Procedure to be adopted during the Open Forum session is as detailed in Appendix 2 to these Standing Orders.

3. Special Meetings of Council

Special meetings of Council may be convened under the following circumstances:-

(a) Urgent Items

The Convener may convene Special Meetings if it appears to him/her that there are items of urgent business to be considered. Such meetings will be held at a time, date and venue as determined by the Convener.

(b) By Requisition

A Special Meeting can be called by the Chief Executive providing he/she has received a written requisition which specifies the purpose of the business proposed to be transacted at the meeting and is signed by at least one quarter of the Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

4. Calling of Meeting

Except in the case of urgency, all meetings of the Council will be called by Circular containing the agenda of the meeting issued by the Chief Executive not less than three clear days before the date of the meeting.

5. Quorum of the Council

- (a) The quorum of the Council will be six Members.
- (b) If during, or at the scheduled time of commencement of, any meeting of the Council, the Convener will find that there is less than a quorum of Members present, he/she will, after a lapse of ten minutes, cause the roll to be called and, if inquorate, the meeting will be terminated or not take place respectively.
- (c) The quorum of other Committees and Sub-Committees of the Council will be dealt with in Part II of these Standing Orders. However, where no specific reference is made to a quorum, it will be one quarter of the membership of the Committee or Sub-Committee, subject to a minimum requirement of two Members.

6. Order of Business for the Ordinary Meeting of the Council

- (a) The order of business of the Council at all ordinary meetings shall be as follows, unless the Convener directs otherwise:-
 - (i) Approval of the Minutes of Council Meetings and Advisory Committees unless reported for information only;
 - (ii) Presentations;
 - (iii) The Open Forum at every second Ordinary Meeting;
 - (iv) Business expressly required by statute to be done at the meeting;
 - (v) Business (if any) remaining from the last meeting;
 - (vi) Any correspondence, communications or other business specially brought forward by direction of the Convener;
 - (vii) At every second Ordinary Meeting questions from Elected Members due notice of which has been given and which comply with Standing Order 9; and
 - (viii) At every second Ordinary Meeting Motions from Elected Members due notice of which has been given and which comply with Standing Order 8.
- (b) An item will not be removed from the agenda unless with the agreement of all Members present.

7. Matters of Urgency

At all ordinary, special and statutory meetings of the Council, no business other than that on the agenda shall be discussed or adopted in terms of Section 50B of the Local Government (Scotland) Act, 1973, (hereinafter referred to as the 1973 Act) except where by reason of special circumstances which shall be specified in the Minutes, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency.

8. Notices of Motion

- (a) No member shall be entitled to propose a motion other than one directly arising out of a matter regularly before the meeting, unless notice of such motion has been given at a previous meeting or has been received by the Chief Executive in writing at least seven clear working days before the date of such meeting and no later than 4.00 p.m. on the day of receipt.
- (b) In accordance with Standing Order 6(a)(viii), Council will consider written notices of motion at every second Ordinary Meeting.
- (c) Such notices of motion shall be entered in a book and kept in the Chief Executive's Office and shall be open to inspection by every member of the Council. In the absence of a member who has given notice of a motion, any member may move the motion.
- (d) Where in the opinion of the Chief Executive, Chief Financial Officer or Monitoring Officer, any Motion placed before Council (including any Motion arising from ordinary business before the Council or any written Motion lodged in advance of the Meeting) raises or may raise any issues which may result in the Council being in breach of any Code of Conduct, Best Value guidance or otherwise may lead the Council to be in breach of any statutory requirements, then the Motion will not be placed before Council until such time as the relevant Officer of the Council has prepared a Report which outlines to the Council the full implications of the Motion so proposed.

9. Questions

- (a) A question session will be held at every second Ordinary Meeting of the Council. Any Member may put a question to the Convener of the Council or Committee, or any Service Spokesperson or any Senior Officer at any such meeting of the Council concerning any relevant and competent business arising upon the agenda.

- (b) Any Member may also put a question to any office holder at any meeting of the Council concerning any relevant and competent business not arising upon the agenda, provided he/she will have given notice in writing to the Chief Executive, which notice will be received by the Chief Executive at least seven clear working days before the date of such meeting and by 4.00 p.m. on the day of receipt. No discussion will be allowed on the questions so put.
- (c) When a question of order is raised at a Council meeting, the Member then addressing the meeting will resume his/her seat until the decision of the question. No Member other than the Member who raised the question of order will speak to that question, except with the permission of the Convener. The decision of the Convener on a question of order will be final.
- (d) After a question of order is decided, the Member who was addressing the meeting at the time when it was raised will be entitled to proceed with the discussion giving effect to the Convener's ruling.

10. Admission of Press and Public

Subject to the extent of the accommodation available and subject to the terms of Sections 50A and 50E of the Local Government (Scotland) 1973 Act, meetings of the Council and meetings of any Committees, and Sub-Committees shall be open to the public. The Chief Executive shall be responsible for giving public notice of the time and place of each meeting of the Council by posting it within Council Headquarters not less than three clear days before the date of each meeting and in the case of meeting of Committees and Sub-Committees held at premises other than the offices of the Council, such public notice may be posted at the premises where the meeting is to be held.

11. Powers, Authority and Duties of Convener and Vice-Convener

The Convener shall amongst other things:-

- (a) Preserve order and ensure that every Member of the Council shall have a fair hearing.
- (b) Decide on matters of relevancy, competency and order, having taken into account any advice offered by the Legal Officer present at the meeting.
- (c) Determine the order in which speakers can be heard.
- (d) Ensure that due and sufficient opportunity is given to Members of the Council who wish to speak to express their views on any subject under discussion.
- (e) If requested by any Member, ask the mover of a motion, or an amendment, to state its terms.

- (f) Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved.
- (g) Determine, subject to the agreement of the Council, by a majority of the Members present, all matters of procedure for which no provision is made within these Standing Orders.
- (h) The decision of the Convener on all matters within his/her jurisdiction shall be final.
- (i) Deference shall at all times be paid to the authority of the Convener. When he/she rises to speak the Convener shall be heard without interruption and any Member then standing shall resume his or her seat and no Member shall rise to speak until the Convener is seated.

12. Suspension of Members

In the event of any Member of the Council disregarding the order or authority of the Convener at any meeting, or being guilty of obstructive or offensive conduct at any meeting, and the Convener calling the attention of the meeting to the same, the Council may, on the motion of any Member, duly seconded and supported by the vote of a majority of the Members present and voting, suspend such Member so offending for the remainder of the sitting. No debate will be allowed on such a motion. The Convener may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend taken in terms of these Standing Orders.

13. Adjournment

- (a) In the event of disorder arising at any meeting of the Council, the Convener may adjourn the meeting to a time he/she may then fix or at a later date, and the quitting of the Chair by the Convener will be the signal that the meeting is adjourned.
- (b) The Council may, at any of its meetings, adjourn the same to such time as it may then fix, failing which, the Convener will set the time.
- (c) A motion for adjournment of the meeting may be made at any time (not being in the course of a speech) and will have precedence over all other motions. It will be moved and seconded without discussion and will immediately be put to the meeting.
- (d) When an adjourned meeting is resumed, the proceedings will, subject to the terms of Standing Order 6, commence at the point at which they were broken off at the adjournment.

14. Deputation

- (a) No deputation will be received by the Council unless within seven days before the Meeting a written application for admission setting forth the subject on which the deputation seeks to be heard will have been lodged with the Chief Executive and the Council agrees to the deputation being admitted. Notice of any such deputation will be entered in the circular calling the meeting and at such meeting the Council may agree to decline to receive a deputation.
- (b) When a deputation is received, it will be competent for Members of the Council to put to the deputation any questions pertinent to the subject on which they had sought to be heard, but no Member will express an opinion upon, or discuss, the subject until the deputation has withdrawn.
- (c) No deputation will exceed five in number, two of whom may address the Council for a total together of not more than ten minutes.

15. Motions and Amendments

It will be competent for any Member of the Council at a meeting of the Council to move:-

- (i) a motion arising out of the business before the meeting; or
- (ii) a motion of which the requisite notice has been given and which appears on the programme of business, subject to the terms of Standing Order 8.

16. Alteration, Deletion and Rescission of Decisions of Council

No motion to alter, delete or rescind a decision of Council will be competent within six months from the date of the adoption of that resolution, unless a decision is made prior to consideration of the matter to suspend this Standing Order in terms of Standing Order 24.

17. Order of Debate

- (a) The mover of a motion or an amendment will not speak for more than ten minutes, except with the consent of the Council. Each succeeding speaker will not speak for more than five minutes. When the mover of a motion or amendment has spoken for the allotted time he/she will be obliged to finalise speaking, otherwise the Convener will direct the Member to cease speaking and to resume his or her seat.

- (b) Every Member of the Council who speaks at any meeting of the Council will stand or identify themselves and address the Convener and direct his/her speech to any relevant issue as provided for in these Standing Orders.
- (c) No Member, with the exception of the mover of the motion or amendment, will speak supporting the motion or amendment until the same will have been seconded.
- (d) Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same question at any meeting of the Council, except:-
- on a question of order;
 - with the permission of the Convener, or
 - in explanation or to clear up a misunderstanding in regard to some material part of his/her speech.
- (e) In all of the above cases in Standing Order 17(d) no new matter will be introduced.
- (f) A seconder of a motion or amendment must reserve their right to speak if they intend to speak at a later period in the debate.
- (g) The mover of an amendment and thereafter the mover of the original motion will have a right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate, except as provided for in Standing Order 17(d). Once these movers have replied, the discussion will be held closed and the Convener will call for the vote to be taken.
- (h) Amendments must be relevant to the motions to which they relate and no Member will be at liberty to move or second more than one amendment to any motion. The mover and seconder of the motion will not move an amendment or second an amendment.
- (i) It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

- (j) Any Member may indicate his/her desire to ask a question or offer information immediately after a speech by another Member and it will be the option of the Member to whom the question would be directed or information offered to decline or accept the question or offer of information.
- (k) When a motion is under debate, no other motion or amendment will be moved except in the following circumstances: -
- to suspend a Member in terms of Standing Order 12;
 - to adjourn the debate in terms of Standing Order 13; or
 - to close the debate in terms of Standing Order 17(i).
- (l) Officers present at the meeting, with the exception of the legal officer, will not be allowed to address the Council once the Council is in debate, except:-
- where the Officer has been asked a direct question by a Member of the Council or Convener;
 - where a question of legal or financial propriety requires to be addressed or clarified;
 - where the Officer is asked to address an issue for clarification by the Convener; and
 - where the Convener decides that the Officer's advice is required.

It should be noted that Officers should be treated in accordance with the Protocol for Member/Officer relations.

18. No Seconder for Motions or Amendments

Motions and amendments made but not seconded shall neither be discussed at the meeting nor recorded in the minutes.

19. Alteration/Withdrawal of Motion or Amendment

A motion or amendment once moved and seconded cannot be altered or withdrawn unless with the consent of the majority of those present.

20. Voting

- (a) All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Orders 1(b) and 24.

- (b) Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and on so until there remains only one amendment, between which and the original motion the vote will be taken.
- (c) Where a Member has moved a motion and has failed to find a seconder that Member will be entitled to have his/her dissent recorded in the minutes.
- (d) If a Member wishes his/her abstention to be recorded in the minutes, he/she must immediately declare so to the meeting when the vote has been taken.

21. Recording of Vote

After the Convener has announced the question on which the vote is to be taken, no Member will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, nor will any Member be entitled to have his/her vote recorded after he/she has failed to vote.

22. Method of Voting

The votes will be taken by show of hands except:-

- (i) where the Council agrees that voting will be by way of roll call; or
- (ii) where on advice from the Legal Officer the matter involves the potential illegality or breach of any code, it is deemed necessary that a roll call vote be held.

23. Casting Vote

In addition to his/her deliberative vote, the Convener will have a casting vote in cases of equality of voting, except in the case of appointment of a Member of the Council to any particular Office or Committee, in which case the decision will be by lot.

24. Suspension, Deletion or Amendment of Standing Orders

Any one or more of the Standing Orders in the case of emergency as determined by the Convener upon motion may be suspended, amended or deleted at any meeting so far as regards any business at such meeting provided that two thirds of the Members of the Council present and voting shall so decide.

25. Powers reserved by the Council

The Council reserves to itself the following powers:-

- (a) All functions and remits which are in terms of Statute or other legal requirement bound to be undertaken by the Council itself and not delegated to Committees or other individuals or bodies.
- (b) The setting of the Council Tax and/or any other legal form of rate.
- (c) The setting of rents for houses held in the Council's Housing Revenue Account.
- (d) The approval, revision and or alteration of the annual Estimates of Capital and Revenue Expenditure.
- (e) The approval of all policy initiatives relating to the business of the Council except where the power has been delegated to a Committee or Sub-Committee.
- (f) Council may call for an explanation and a written report of a particular course of action of a Council department or officer, when such a course of action was taken under delegated powers.
- (g) Council may refer any matter to any Committee for consideration and determination as appropriate.
- (h) Upon receipt of a report or on receipt of such an explanation as referred to at Standing Order 25(f), Council may either note the report, or require reconsideration of the matter by the appropriate Committee, Sub-Committee or Working Group.
- (i) Consideration of matters which a Committee or Sub-Committee decides not to determine under delegated powers.
- (j) The determination as to whether to amend, suspend or delete Standing Orders, subject to the provisions of Standing Order 24.
- (k) The determination as to the most appropriate way to deal with any new duty, power or remit which may from time to time be assumed, where the same is not obviously associated with any Committee, body or individual.
- (l) The approval of reasons for the non-attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973.

- (m) The approval of the Scheme of Members' Allowances and consideration of entitlement of Members to such allowances. Such allowances will be paid in line with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, and the Local Government (Allowances & Expenses) (Scotland) Regulations 2007.
- (n) To revoke, delete, amend or remove any delegated authority given to any Committee, Sub-Committee or officer.
- (o) The Council reserves the right to appoint Members and nominate Conveners to any Committee, Board or body.

PART II

26. Proceedings of Committees and Sub-Committees

- (a) The foregoing Standing Orders shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The term 'Convener' shall also be deemed to include the Convener or Chairperson of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.
- (b) The business of the Committees or Sub-Committees will be conducted as follows:-
 - (i) The business of the Committee or Sub-Committee will be conducted in accordance with the provisions of Standing Orders and any Statutory or Regulatory provisions in respect of such business.
 - (ii) Such business will proceed primarily on the basis of reports submitted by Officers or referrals by Council, other Committees or other relevant bodies.
 - (iii) Notwithstanding the foregoing, Council may, if it considers it appropriate for the proper conduct of the business of the Council, instruct a report on, or consider any matter as is referred to in the remits of any Committee or Sub-Committee.
- (c) The Ordinary Meetings of Committees or Sub-Committees will commence at times as may be determined by the Council and will meet according to a timetable determined by Council from time to time.
- (d) A Convener of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Convener.
- (e) It will not be necessary for Members to stand while addressing a meeting of a Committee or Sub-Committee.
- (f) The exercise of delegated authority by a Committee or Sub-Committee is discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.
- (g) Committees and Sub-Committees shall appoint their own Conveners or Vice-Conveners if Council has failed to do so. In the absence of the Convener or Vice-Convener the Committee will be required to elect a member from those present to chair the meeting.

- (h) In the event that an issue arises which falls within the remit of more than one Committee, the Conveners of said Committees will determine which Committee shall deal with the issue.
- (i) There will be no substitution of Members of Committees and Sub-Committees unless specific provision is made for the substitution of Members of a particular Committee or Sub-Committee within these Standing Orders or in any relevant Minute of Agreement, Constitution or similar document.

27. Approval and Signing of Minutes

- (a) Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval and thereafter signed by the Convener of that Committee. It should be noted that Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.
- (b) Minutes of Meetings of Committees, which do not have delegated powers, will be submitted to Council for approval of the decisions contained therein. Following approval by Council, Officers will be able to implement any decisions contained within the Minutes.

28. Creation and Membership of Committees

- (a) Council will establish the following Committees and Sub-Committees:-
- Appeals Committee
 - Audit and Performance Review Committee
 - Community Participation Committee
 - Corporate & Efficient Governance Committee
 - Education and Lifelong Learning Committee
 - Housing, Environment & Economic Development Committee
 - Licensing Committee
 - Planning Committee
 - Recruitment and Individual Performance Management Committee
 - Schools Procurement Committee
 - Social Work and Health Improvement Committee
 - Tendering Committee
 - Corporate Cultural Sub-Committee
- (b) The memberships, remits, delegated powers and arrangements for meetings of the above Committees or Sub-Committees will be as detailed in Appendix 3 of these Standing Orders.

- (c) Council will create such other Committees or Sub-Committees from time to time as it considers appropriate.

29. Other Constituted Bodies

Council will re-constitute the following bodies:-

(a) Health Improvement and Social Justice Partnership

The remit, membership and operation of the Health Improvement and Social Justice Partnership will be as previously determined by Council, as stated in its Minute of Agreement, until Council determines otherwise.

(b) Joint Consultative Forum

The remit, membership and operation of the Joint Consultative Forum will be as previously determined by Council, as stated in its Constitution, until Council determines otherwise.

(c) Local Negotiating Committee for Teachers

The remit, membership and operation of the Local Negotiating Committee for Teachers will be as previously determined by Council as stated within its Minute of Agreement until Council determines otherwise, with the exception of the reporting procedure whereby it will report to the Education and Lifelong Learning Committee.

(d) Education Appeals Committees

The remit, membership and operation of the Education Appeals Committee will be as previously determined by Council, until Council determines otherwise.

(e) Social Work Complaints Review Panel

The remit, membership and operation of the Social Work Complaints Review Panel will be as previously determined by Council, until Council determines otherwise, with the exception of the reporting procedure whereby it will now report to the Education and Lifelong Learning Committee or the Social Work and Health Improvement Committee as appropriate.

30. Working Groups

- (a) The Council and its Committees may establish any working group as may be required from time to time but each working group will have a limited time span as may be determined by Council or the parent Committee.

- (b) The membership, chairperson and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.
- (c) A working group will not have any delegated powers to implement its findings but will prepare a report for consideration by Council or the parent Committee.
- (d) Where a working group is unable to make a decision by consensus, the matter shall be determined by a vote by those Elected Members present and voting, in accordance with the rules of voting as previously described within these Standing Orders.

PART III

31. Officers Delegated Powers

- (a) The undernoted powers are delegated to Officers of the Council:-
- (i) The Chief Executive or appropriate Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy for the service area assigned to them unless specifically reserved to the Council or other Committees or contrary to the principles listed in 6(b) below, together with such Statutory Duties as may have been specifically and personally assigned to them.
 - (ii) The Chief Executive and/or the relevant Executive Directors will be responsible for the appointment of all posts below the level of Executive Director. However, the Chief Executive will, where he/she considers it appropriate, involve elected members in the appointment process to such an extent as he/she considers appropriate.
 - (iii) Such delegations are at all times to be exercised with due care and attention and in accordance with all relevant law, and the Council's Standing Orders, Financial Regulations, policies and procedures.
 - (iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.
- (b) Officers will exercise those powers referred to above in accordance with the following scheme:-
- (i) The Chief Executive and other such officers as aforesaid may, except insofar as the function is by law required to be exercised personally by a named or designated officer, authorise other officers to exercise such functions.
 - (ii) Chief Officers will at all times maintain an up to date list of their delegated powers, to be lodged with the Chief Executive on completion, and on any amendment.
 - (iii) Delegated powers should generally not be exercised where any decision by an authorised officer would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee), or would itself represent a significant development of policy or procedure.
 - (iv) Such decisions will be referred to Council, or the appropriate Committee, except in the case of urgency, where the officer may, after consultation with the relevant Service Spokesperson or Convener of the appropriate Committee, exercise such delegated powers.

- (v) Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.
- (vi) If any decision proposed under delegated powers might lead to a budget being exceeded, the officer must consult with both the relevant Service Spokesperson or Convener of the appropriate Committee, as appropriate, and the Chief Executive, before exercising the delegated power.
- (vii) Chief Officers must ensure that the relevant Service Spokespersons, as appropriate, are consulted on matters of a controversial nature.
- (viii) Where appropriate, such matters should be referred to Council or the appropriate Committee for decision.
- (ix) In particular and without prejudice to the foregoing, Chief Officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances:-
- Where determination of the issue may involve a decision contrary to local or national policy or the determination may lead to a breach of a relevant Code of Guidance.
 - Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of Statutory Consultees.
 - The Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.
 - There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
 - Standing Orders, National or International regulation requires determination otherwise.
 - There are questions of legality or financial advisability/probity involved.

PART IV

32. Contract

- (1) Part IV of the Standing Orders is made under Section 81 of the Local Government (Scotland) Act, 1973 and applies to all contracts for the supply of goods or materials or for the execution of works or for the provision of services. Where such contracts are regulated by any legislation or any Directive of the European Community and there is a conflict between the terms of that legislation or that Directive and the terms of this Standing Order, the terms of the legislation or Directive will prevail.
- (2) No tender will be invited or contract entered into unless the estimated expenditure has been previously approved by the Council, which will in the case of tenders or contracts falling within the limits delegated to Executive Directors be deemed to be satisfied provided the sums to be expended have been provided for and approved as part of the Revenue Estimates for the year in question, or in the case of capital expenditure, either specifically approved in a report to Members, or included with other items under a generic heading and so approved. Where such expenditure is likely to be greater than the limits of the Executive Director's delegated authority, a report specifically requesting consent to expend the sums involved will require to have been approved by Members.
- (3) The supply of goods or materials, the execution of works and the provision of services will be regulated by these Standing Orders except where:-
 - (a) there is an emergency involving danger to life or property; or
 - (b) the estimated expenditure is less than £30,000; or
 - (c) the estimated expenditure is between £30,000 and £50,000 and the Executive Director concerned has authorised the expenditure after consulting with the relevant Service Convener and Group Leaders.

In cases, (3)(a), (3)(b) and 3(c) above, the Executive Director concerned may authorise the expenditure.

- (4) The following are the methods by which the Council may invite tenders:-
 - (a) Ad Hoc or Open Tenders

At least fourteen days public notice will be given in at least one local newspaper and, if considered desirable, in any specialist journals stating the nature and purpose of the contract, inviting tenders for its execution and stating the last date when tenders will be accepted.

(b) List of Contractors

Tenders for a contract will be invited from persons included in a list of persons who are able and willing to tender for such a contract and who have put forward their names for inclusion in that list.

- (i) Executive Directors have full powers to draw up and amend lists of Tenderers and make all interim and final payments.
- (ii) The list will indicate whether a person has been included in it for all contracts, or for certain contracts of specified values or amounts or categories and will confirm that his/her technical capability and financial standing have been satisfactorily investigated.
- (iii) The list will be reviewed periodically by the Executive Director of the Department concerned.
- (iv) Executive Directors will have full powers to permit any body, as may be approved by Council, to draw up a list of tenderers on terms similar to the foregoing.

(c) Single Tenders

- (i) Subject to prior approval by the appropriate Committee a tender may be invited from a single or nominated contractor or the Council may negotiate with such a contractor where the seeking of such a tender or where such negotiation is considered desirable and in the best interests of the Council.
- (ii) The appropriate Executive Director/Head of Service will decide, in consultation with the Chief Executive, when a single tender is appropriate.

33. Cancellation

Every contract will contain a clause entitling the Council to terminate the contract and to recover from the contractor the amount of any loss resulting from such termination if the contractor or his/her representative (whether with or without the knowledge of the contractor) will have practised collusion in tendering for the contract or any other contract with the Council or will have employed any corrupt or illegal practices either in the obtaining or execution of the contract or any other contract with the Council.

34. Assignment

Except where otherwise provided in the contract a contractor will not assign or sublet a contract or any part thereof without the prior written consent of Council.

35. Tendering Procedures

- (a) The Council will not be obliged to accept the lowest or any other tender.
- (b) All tenders will be subject to checking by the appropriate Executive Director and in the case of tenders in excess of £30,000 or £50,000 where the expenditure has been approved in terms of Standing Order 32(3)(c) hereof, the Executive Director will thereafter prepare and submit to Council or an appropriate Committee, a written report in respect of all tenders received and containing a specific recommendation as to the acceptance or otherwise for each tender and the reasons therefor.
- (c) Between the closing date and time for the receipt of tenders and the date on which a decision is taken regarding acceptance thereof, the appropriate Executive Director may instruct members of his staff or consultants to contact any tenderer to clarify or validate the terms of the tender but not otherwise for any reason. A full written record will be kept of all such contacts and will be retained with the original tender together with written confirmation from the tenderer regarding any changes.

36. Exception to Tender Requirements

Tenders will not be required in the following situations:-

- (a) Where the estimated expenditure is less than £30,000 or £50,000 where the expenditure has been approved in terms of Standing Order 32(3)(c) hereof.

Estimated expenditure means the total expenditure incurred over the duration of the Contract including all finance and other charges.
- (b) Where goods or materials are proprietary articles and or services specific to one provider, and following due and diligent research no reasonable satisfactory alternative goods or services have been located.
- (c) Where the contract constitutes an extension of an existing contract, provided that the extension is approved by the Council, or the appropriate Committee or where the Council is otherwise contractually bound to proceed with a single supplier.

- (d) Where the contract is certified by the Chief Executive to be required so urgently as not to permit the invitation of tenders, subject to a full report being submitted to the next appropriate meeting of Council or the relevant Committee.
- (e) Where the contract consists of repairs to or the supply of parts for existing proprietary plant or machinery.
- (f) Where tenders have been invited on behalf of any consortium of which the Council is a member, in accordance with any method adopted by that body.

37. Submission and Opening of Tenders

- (a) No tender will be considered unless contained in a plain envelope which will be securely sealed and will bear an approved label, provided by the Council, which will bear the word 'Tender' followed by the subject matter to which the tender relates. The tenderer will not put on the envelope any distinguishing mark, which might identify the sender. Such envelope will be addressed impersonally to the Head of Legal, Administrative and Regulatory Services in whose secure custody, or that of his/her nominee, it will remain until the time appointed for the opening of tenders. On receipt, each tender will be date stamped and the time of receipt recorded thereon.
- (b) The Executive Director of the appropriate department when inviting tenders will compile a record sheet showing the name of the contract, the names of those invited to tender, and the closing time and date for submission. A copy of this record sheet must be passed to the Head of Legal, Administrative and Regulatory Services prior to the tender return date.
- (c) Tenders will be opened at one time by any of the following:-
 - (i) The Head of Legal, Administrative and Regulatory Services and his nominee;
 - (ii) Two nominees of the Head of Legal, Administrative and Regulatory Services; or
 - (iii) The appropriate officers of the Authorities' Buying Consortium or such other consortia as may be approved by Council, for issuing and receiving tenders on the Council's behalf; or
 - (iv) Any Councillor in the presence and under the guidance of an officer from Legal, Administrative & Regulatory Services.

- (d) Each tender will be initialled by both officers and the record sheet will be signed and witnessed after recording thereon the date and time of opening. The most senior officer will check the summary page of each tender to confirm that the total is similar to that shown on the Form of Tender. If there is a difference, a note of both prices will be made on the Tender Record Sheet. Where a schedule of rates is submitted with a tender, the most senior officer will initial each appropriate page of the schedule, which will also be counter-initialled by the other officer. A photocopy of the schedule will then be kept with the tender record sheet.
- (e) The Head of Legal, Administrative and Regulatory Services will ensure that a register is maintained to record the issue and receipt of all tenders. Such register will also record the number and date of transfer of all valid tenders to the Executive Director of the appropriate department.
- (f) All successful tenders will be accepted in writing by the relevant Executive Director/Head of Service.
- (g) Any tender submitted after the specified time will not normally be considered, but the Head of Legal, Administrative and Regulatory Services will make the final decision in terms of whether the tender can be accepted, bearing in mind the individual circumstances. Any tender not complying with these Standing Orders will not be considered and will be returned promptly to the tenderer by the Head of Legal, Administrative and Regulatory Services.

38. Specifications

All Specifications issued by and all contracts made with the Council will contain provisions and conditions to the following effect:-

- (a) The contractor will recognise the freedom of all his/her workpeople employees to be members of trade unions.
- (b) Unless the relevant Executive Director specifies to the contrary, all contracts in writing with the Council shall require a clause to be added requiring contractors to confirm that they are and will comply with all relevant equal opportunities law but the omission of any such clause shall not thereby cause any such contract to be reduced on that basis.
- (c) The contractor will at all times during the continuance of a contract display for the information of his/her workpeople/employees in every factory, workshop or place occupied or used by him/her for the execution of the contracts, a copy of this Order.

- (d) The contractor will be prohibited from transferring or assigning or sub-letting directly or indirectly, to any person or persons whatever, any portion of his/her contract without the written permission of the Council. The contractor will be responsible for the observance of this clause by any approved sub-contractor.
- (e) The contractor will keep proper wages books and time sheets, showing the wages paid and (so far as practicable) the time worked by the workpeople in his/her employ in and about the execution of the contract, and such wages books and time sheets will be produced, whenever required, for the inspection of any officer authorised by the Council.
- (f) The contractor will in respect of all persons employed by him/her (whether in execution of the contract or otherwise) in every factory, workshop or place occupied or used by him/her for the execution of the contract comply with the general conditions required by this Order.
- (g) In the event of any question arising as to whether the requirements of this clause are being observed, the question will, if not otherwise disposed of, be referred to an independent arbiter for decision.

39. Work and Accounts

No account will be presented for payment unless its accuracy is certified by the Executive Director or person nominated by the Executive Director concerned.

PART V

40. Definitions

- (a) In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-
- (1) Convener will mean the person appointed to Chair the Council, Committee or Sub-Committee.
 - (2) Vice-Convener will mean the person appointed to Chair the Council, Committee or Sub-Committee in the absence of the Convener.
 - (3) Service Spokesperson will mean the member who has been given responsibility for the group of services. The postholder will be a Senior Councillor and will receive appropriate remuneration in terms of the Scheme of Allowances.
 - (4) Chief Executive will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a).
 - (5) The Chief Financial Officer will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s95.
 - (6) The Council will mean West Dunbartonshire Council (formerly known as Dumbarton and Clydebank Council) and being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994 s1 and Schedule 1 thereto.
 - (7) Elected Members and Member will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word "Councillor" is defined by reference to Local Government Etc. (Scotland) Act 1994 s5.
 - (8) Head of Legal, Administrative and Regulatory Services will mean such legally qualified person as the Council may from time to time appoint to hold said post.
 - (9) Legal Officer will mean the Head of Legal, Administrative and Regulatory Services or such other legally qualified person as may be nominated by him/her.
 - (10) The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will be any Act or legislative provision as amended or repealed and reenacted with or without modification as may from time to time occur.

- (11) Office holder will mean any of those Elected Members who for the time being have been appointed to the following positions:- Convener of the Council; Depute Convener of Council; Convener of any Committee of Council, any Service Spokesperson, Leader of the Council; Depute Leader of Council; and Leader of the Opposition.
- (12) Party will mean any grouping of two or more Members.
- (13) Advisory committee will mean a committee appointed by the Council to advise the Council on any matter relating to the discharge of their functions in terms of Section 57 (4) of the Local Government (Scotland) Act 1973.
- (b) For the purpose of these Standing Orders the term “working days” will mean Monday to Friday inclusive.
- (c) In determining the computation of time for the purposes of the Standing Orders where the last day upon which anything is permitted to be done is a Saturday, Sunday, or a Public Holiday or a day appointed for public thanksgiving or mourning the permission will be deemed to relate to the first day thereafter which is not one of the days before mentioned.
- (d) These Standing Orders will mean these Standing Orders in 5 parts. All other documents forming part of the Scheme of Administration will have the same standing as Standing Orders and can only be amended in the same manner as Standing Orders.
- (e) The Scheme of Administration will mean: these Standing Orders (includes Scheme of Delegated Powers); the Council’s Financial Regulations; the Scheme of Members’ Allowances; the Schedule of Meetings; any Code of Conduct approved by/for the Council or any particular Committee; the Approved List of Membership of Committees, Joint Boards, Outside Bodies etc.; the Member/Officer Protocol; and such other documents as may from time to time be approved by Council and resolved to form part of the Scheme of Administration.
- (f) In the event of any dispute or difference as to the interpretation or these Standing Orders and any other document forming part of the Scheme of Administration the Standing Orders will prevail.

Areas of Service Covered by Service Spokespersons

1. Housing, Environment & Economic Development

Responsibility for the various functions of the department which will include:-

- *Housing*
- *Regeneration*
- *Planning*
- *Land and Environment (Leisure, Halls, Environmental Services, Roads, Transport, Waste Services, etc)*
- *Property and Technical Services, (including Asset Management, Architectural Services, Property Maintenance)*

2. Corporate Services

Responsibility for the various functions of the department which will include:-

- Finance
- Procurement
- Human Resources
- Legal
- Administrative Services
- Regulatory Services
- Information, Communications Technology and Business Development

3. Educational Services

Responsibility for the various functions of the department which will include:-

- Primary and Secondary Schools
- Early Childhood Development
- Libraries
- Sports Development and Outdoor Education
- Community Learning and Development

Note:

The Provost will be Ambassador and Spokesperson for Cultural Development and will have responsibility for developing and facilitating major events and large cultural activities in West Dunbartonshire.

4. Social Work and Health

Responsibility for the various functions of the department which will include

- Adult Services
- Community Care
- Children's Services (Social Work)
- Criminal Justice

Procedure for Open Forum Questions

1. There will be a maximum of 5 questions allowed on the agenda per meeting and such questions will be limited to one per person per meeting. Questions received after the initial 5 will not be included on the agenda, but will receive a written response.
2. Any member of the public wishing to ask a question or raise an issue at an Open Forum must submit his/her question in writing to the Chief Executive seven days before the meeting.
3. The Chief Executive will apply the following criteria to all questions received:-
 - Questions should be a single question and not contain multiple points although an explanatory paragraph is permissible.
 - Questions should not make personal attacks on any individual.
 - Questioners must be resident in, or have a business in, West Dunbartonshire.
4. Providing the questions meet the above criteria, the questions will be listed on the agenda in the chronological order in which they have been received. If the question does not meet the above criteria, the Chief Executive will write to the questioner to explain why the question has not been allowed.
5. The Chief Executive, in consultation with the Leader of the Council, will decide which Elected Member will respond to the question and will pass the question to that Elected Member as soon as possible.
6. All written questions submitted in accordance with the above will be acknowledged in writing and the questioner will be advised of the date, time and location of the meeting when the Open Forum will be held.
7. Before the start of the meeting the questioner should sit in the public gallery and remain there until invited to come forward by the Convener. It would be helpful if the questioner would make his/her presence known to the Clerk prior to the start of the meeting.
8. The Convener will invite each questioner to come forward and address the meeting. The questioner should briefly introduce him/herself and read out the question.
9. The Convener will then invite the appropriate Elected Member to respond to the question. A written copy of the response will be circulated/supplied to the questioner either at or as soon as reasonably possible after the meeting.

10. Thereafter, the questioner will be allowed to put one supplementary question to the Elected Member, if he/she so wishes. The supplementary question must arise directly out of the matter under consideration.
11. Following the Elected Member's response to the supplementary question (if any), the questioner will be invited to return to the public gallery. Where possible the supplementary question will be answered at the meeting, but in any event, a written response will be made to the questioner within seven days of the meeting.
12. Please note that, in accordance with Council Standing Orders, the Convener shall amongst other things:-
 - (a) Preserve order and ensure a fair hearing.
 - (b) Decide on matters of relevancy, competency and order.
 - (c) Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved.
 - (d) The decision of the Convener on all matters within his/her jurisdiction shall be final.
 - (e) Deference shall, at all times, be paid to the authority of the Convener. When he/she rises to speak, the Convener shall be heard without interruption and any person standing shall resume their seat and no person shall rise to speak until the Convener is seated.

Appeals Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Appeals Committee will comprise 10 Elected Members.
- 1.2 The quorum of the Appeals Committee will be 3 Elected Members.
- 1.3 The Appeals Committee will meet as and when required or in accordance with any timetable approved by the Council.

2. Role and Remit

2.1 General

The remit of the Appeals Committee will be to consider and decide upon Appeals submitted under the Council's Disciplinary and Grievance Procedures for Local Government employees and Craft Operatives and Appeals against dismissals submitted outwith those procedures.

2.2 Delegated Powers

The Appeals Committee will have full delegated powers to implement its functions, remit and responsibilities as detailed above.

Audit & Performance Review Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Audit and Performance Review Committee will comprise 8 Elected Members and 4 lay members representing the business community, voluntary sector, community councils and tenants and residents' groups from West Dunbartonshire, with the appointment of one member from each being made by their respective parent bodies. Lay members should not be members of any political party.
- 1.2 The quorum of the Audit and Performance Review Committee will be 5 Elected Members.
- 1.3 The Audit and Performance Review Committee will meet every second month.

2. General

The purpose and remit of Audit and Performance Review Committee is to:

- Monitor, and make recommendations on the development of, the Best Value and Continuous Improvement activity of the Council. This includes responsibilities under the Local Government (Scotland) Act 2003.
- Monitor, and make recommendations on, the Performance Management Planning activity of the Council.
- Monitor, and make recommendations on the development of, the Audit, Risk Management and Performance Review activity of the Council.
- Scrutinise the monitoring and review activity of the thematic and regulatory committees.

The Audit and Performance Review Committee will undertake a number of general responsibilities. These include:

- Monitoring and ensuring that the work of the committee, and the activities reported to the committee are responsive to the needs of local people.
- Monitoring and ensuring that the views of local people, staff and other stakeholders are sought on relevant issues.
- Promoting Social Inclusion and Equalities in all areas for which the committee has responsibility.
- Promoting Health Improvement in all areas for which the committee has responsibility.
- Promoting the development of relevant inter agency issues and supporting partnership working.

- Monitoring performance targets (within the context of the Corporate and Service Planning processes), for the overall standards of service and to receiving reports on these.
- Monitoring any capital expenditure in respect of the committee's activity.
- Monitoring any revenue budgets in respect of the committee's activity.

3. Best Value and Performance Review

The Audit and Performance Review Committee will oversee the development and will monitor the implementation of Best Value and continuous improvement. It will oversee the provision of statutory and other performance information. This may include:

- Commissioning and considering reports on the approaches to Best Value, Continuous Improvement and related matters (e.g. process, content, prioritisation, project management).
- Commissioning and considering reports on cross-cutting Best Value service reviews and other corporate continuous improvement and quality initiatives.
- Scrutinising performance of the Council's corporate plan, (and through this, the Council's contribution to the Community Plan).
- Commissioning and/or considering reports related to External Scrutiny of the Council or Council services, (including the Audit of Best Value and Community Planning).
- Scrutinising overall performance of Statutory and other Performance Indicators.
- Considering reports on Scottish Executive Statutory Returns.
- Monitoring the Council's Complaints System and related issues.
- Scrutinising reports on 'Efficient Government' matters and other corporate support issues.
- Commissioning and considering further performance reviews and reports on areas of poor performance.
- Commissioning and considering reviews and reports on areas of national, topical or local public interest or importance.

4. Audit and Risk Management

The Audit and Performance Review Committee will develop and monitor the provision of relevant Audit and Risk Management services. This may include:

- Considering Annual/Strategic Audit Plans and performance reports.
- Considering other appropriate Internal Audit matters.
- Considering annual Audit Planning Memorandum.
- Considering External Audit reports/action plans.
- Considering Audit information from all departments.
- Receiving reports on the Council's Corporate Governance arrangements, Risk Management, Civil Contingencies, Business Continuity, Emergency Planning, and Internal Financial Control Statements.

5. Delegated Powers

In general, the Audit & Performance Review Committee does not have delegated powers. All recommendations of the Audit & Performance Review Committee will be considered by Council, or by the appropriate committee.

As an exception to this, the Audit and Performance Review Committee has delegated powers to establish Sub-Committees and Working Groups to examine and report on specific issues.

The Audit & Performance Review Committee also has delegated powers to call upon external experts to participate in specific reviews, (subject to any costs involved being approved by Council).

Community Participation Committee

1. Membership/Arrangements for Meetings

1.1 The membership of the Community Participation Committee is composed of 10 Members of the Council and representatives of local community based organisations. Community representation is by means of:-

- West Dunbartonshire Access Panel - 1 member.
- West Dunbartonshire Community Council Forum – 2 members.
- West Dunbartonshire Community Care Forum (Health) – 1 member.
- West Dunbartonshire Minority Ethnic Association – 1 member.
- West Dunbartonshire Seniors' Association – 1 member.
- Tenants & Residents Associations – 2 members (Currently Dalmuir Multi Storey Flats Tenants and Residents Group - 1 place currently vacant for the Dumbarton/Vale of Level Area).
- West Dunbartonshire Citizens Advice Service (Money Advice/Poverty) - 1 member.
- Gingerbread Scotland (Lone Parents) - 1 member.
- Neighbourhood Forums – 2 members (Currently Bellsmyre and Faifley) 2 places are available on a rotational basis for additional individual groups which express an interest in involvement. These places are rotated by ballot every 2 years. Current members are:-

Dumbarton Credit Union Ltd
Ben View Resource Centre

The Committee will review its arrangements for input from the Community Planning Partnership in the light of the new Community Planning structures which are planned for development during 2007.

1.2 The quorum of the Community Participation Committee will be 3 Elected Members.

1.3 In addition to the power to establish Sub-Committees, the Community Participation Committee will have the power to establish Working Groups to examine and report on specific issues.

- 1.4 Meetings will take place every 2 months. Community members of the committee can request that appropriate items are placed on the agenda of the Committee for consideration. In addition, agendas will include an Open Forum which will provide the opportunity for members of the public to raise issues for consideration by the Committee.

2. Role and Remit

2.1. General

The remit of the Community Participation Committee is subject to a review by the Committee and Standing Orders will be amended to reflect any decisions taken by the Council.

The Community Participation Committee will be a central forum where the community can make its views known and influence Council decision making within the framework of the formal committee structure. All recommendations of the Community Participation Committee will be considered by Council, or by the appropriate Committee.

The general remit of the Community Participation Committee will be:-

- To ensure that the Council maintains appropriate mechanisms to encourage and support the development of local community based organisations.
- To provide a forum for obtaining the views of community based organisations.
- To co-ordinate discussion and action on issues raised by community groups and forums.
- To consider comments and suggestions from community based organisations about Council services.
- To consider, promote, and monitor Council consultation arrangements, participation structures and policies and also wider public involvement structures and community engagement arrangements.
- To encourage Social Inclusion and Equality.
- To encourage Health Improvement.
- To co-ordinate community involvement in the ongoing development and review of the Council's Decentralisation Scheme – 'Involving Communities' - (in terms of the Local Government Etc. (Scotland) Act 1994, to monitor the progress of the Scheme, and to make recommendations to Council on the nature of decentralisation in West Dunbartonshire and on any delegation of power.

- To promote community involvement in partnership working and to consider matters relating to community involvement in partnership working in West Dunbartonshire.
- To consider matters relating to Community Councils.
- To consider matters relating to the Voluntary Sector.
- To receive information about Council services, policies and associated business.

The Committee may make recommendations to Council or Committees on any, or all, of the above.

2.2. Specific Issues Referred by Services

The Community Participation Committee will have a role in the consideration of some specific issues referred by the Chief Executive and Executive Directors responsible for the development and management of specific services. Such issues could include:

- Public facilities and events.
- Proposals for new or amended services.
- Equalities in all Council services.

Nevertheless, the Committees directly responsible for services will also be required to ensure there are opportunities for direct contact with the relevant service users. This will be the first responsibility, and appropriate arrangements may or may not include the Community Participation Committee. (It is recognised that the Community Participation Committee would not have the capacity to provide comment on every issue requiring comment from service users.)

2.3. Delegated Powers

The Community Participation Committee does not have delegated powers and makes recommendations to Council or the appropriate Committee. Any change to this position would be the subject of review by the Committee.

Corporate & Efficient Governance Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Corporate & Efficient Governance Committee is composed of 10 Elected Members.
- 1.2 The quorum of the Corporate & Efficient Governance Committee will be 3 Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Corporate & Efficient Governance Committee will have the power to establish Working groups to examine and report on specific issues.
- 1.4 The Corporate & Efficient Governance Committee will meet every second month.

2. Role and Remit

2.1. General

The purpose and remit of Corporate and Efficient Governance Committee is to:-

- Direct and supervise the activities of the Council under its Financial functions and relevant legislation.
- Direct and supervise the Legal, Administrative and Regulatory functions of the Council, including the implementation of relevant legislation (although licensing issues will be reported through the Licensing Committee).
- Develop and monitor Information and Communications Technology policy and service provision in West Dunbartonshire.
- Develop and monitor policy and service provision for Human Resources and Organisational Development issues, including training, with in West Dunbartonshire Council.

The Corporate and Efficient Governance Committee will undertake a number of general responsibilities. These include:-

- Ensuring that the committee retains a primary focus on its responsibilities for delivering on the outcomes which are within its area of responsibility – as set out in both the Community Plan for West Dunbartonshire, and the Council's Corporate Plan.
- Monitoring the work of the committee and ensuring that the activities reported to the committee are responsive to the needs of local people.
- Ensuring that the views of local people, staff and other stakeholders are sought on the development and delivery of services.

- Promoting Social Inclusion and Equalities in all areas for which the committee has responsibility.
- Promoting Health Improvement in all areas for which the committee has responsibility.
- Promoting the development of relevant inter agency issues and supporting partnership working.
- Setting performance targets (within the context of the Corporate and Service Planning processes), for the overall standards of service and receiving reports on these.
- Establishing a strategic financial framework to underpin service delivery, continuous improvement and partnership arrangements.
- Monitoring capital expenditure in respect of each area of the committee's activity.
- Monitoring revenue budgets in respect of each area of the committee's activity.
- Considering the findings and recommendations of any working groups relevant to the committee's areas of activity.

2.2 Best Value and Performance Review

The Corporate and Efficient Governance Committee will monitor the implementation of Best Value and other continuous improvement initiatives within the scope of its remit. It will scrutinise statutory and other performance information. This may include:-

- Developing and monitoring the Council's approach to the 'Efficient Government' agenda and other associated corporate support issues.
- Approving relevant service plans, including the Corporate Services Departmental Service Plan, and setting targets.
- Scrutinising performance reports on Service Plans.
- Considering reports on Best Value service reviews and other continuous improvement and quality initiatives.

2.3. Financial and Information Services

The Corporate and Efficient Governance Committee will develop and monitor the provision of relevant Financial and Information services. This may include:-

- Preparation of the annual departmental revenue estimates and recommendation to Council.
- Preparation of the annual departmental capital plans and recommendation to Council.
- Monitoring the Council's capital and revenue budgets during the course of each financial year through consideration of regular reports and other information submitted to the Committee.
- Consideration of treasury management/Investment appraisal reports.
- Consideration of reports on revenues collection and related matters.

- Consideration of grants (where not otherwise covered by other Committees), to public or voluntary bodies in accordance with any direction or policy determined by the Council.
- Provision of financial services to other bodies, organisations, etc., subject to a charge being made where appropriate.
- Overseeing the Council's Information, Communications Technology and Business Development, (ICT&BD) Strategy, E-Government Strategy, Disaster Recovery arrangements, and other related matters.
- Ensuring the effective use of ICT&BD systems throughout the authority and monitoring the same.
- Co-ordinating the acquisition of ICT&BD systems for the authority and receiving reports in this connection.
- Overseeing the provision of user-friendly public information on Council services.

2.4. Legal, Administrative & Regulatory Services

The Corporate and Efficient Governance Committee will develop and monitor the provision of relevant Legal, Administrative and Regulatory Services. This may include:-

- Legal and administrative support services to the Council, committees, partnership bodies and Council departments.
- Registration of Births, Deaths and Marriages and Civil Partnerships.
- Administration of Citizenship Ceremonies.
- Administration of Children's Panel Advisory Committee and Recruitment of Members of Children's Panel.
- Administration of Panel of Safeguarders, Curators ad Litem and Legal Representatives.
- Organisation of civic events and civic hospitality.
- Community Councils.
- Trusts.
- The Environmental Health and Trading Standards functions of the Council (although Licensing issues will be reported through the Licensing Committee).
- Town Twinning.
- Management of civic buildings.
- Letting of insurance contracts and supervision of the Council's insurance portfolio.
- Management of the District Courts and support provided to the Justices Committee.
- Legal Services in connection with Central purchasing & procurement.
- Support services for Elected Members.

2.5 Human Resources and Organisational Development

The Corporate and Efficient Governance Committee will oversee all employee related matters and organisational structure issues within the departments of the Council. This may include:

- Departmental structures.
- All staffing matters.
- Pay Modernisation, including the implementation of the Single Status agreement, pay structures, job evaluation and grading arrangements.
- Personnel Policies and procedures.
- Training and development for employees and Elected Members.
- Superannuation issues.
- Health and safety in the workplace.
- Employee Recognition Schemes.
- Employee centred performance issues such as attendance and equalities.
- Diversity in the Council.
- Conditions of service for local government employees and craft workers.
- National pay awards.

2.6. Equalities

The Corporate and Efficient Governance Committee will oversee the development and monitoring of policies to address the range of equalities issues as they impact on the population of West Dunbartonshire, employees of the Council and other stakeholders. (Monitoring of overall performance on equalities is within the remit of the Audit and Performance Review Committee.)

2.7 Delegated Powers

The Corporate and Efficient Governance Committee will have full delegated powers to implement its functions, remit and responsibilities as detailed above.

Education and Lifelong Learning Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Education and Lifelong Learning Committee will be as follows:-
- 12 Elected Members to be nominated by Council.
 - When the Education and Lifelong Learning Committee considers Education matters (in so far as they relate to the exercise by the Council of its roles and responsibilities as Education authority) the following persons will also be present:-
 - Three religious representatives (with voting rights) to be nominated in accordance with the procedures laid down in Section 124 (3) of the Local Government (Scotland) Act 1973.
 - Two permanent class teachers (with voting rights), made up of one primary and one secondary teacher.
 - Nursery Head (non voting) delegated by all Nursery heads can be invited on an ad-hoc basis by the Committee to advise where nursery education/childcare matters are on the agenda.
 - Primary Head (non voting) delegated by all Primary heads can be invited on an ad-hoc basis by the Committee to advise where primary matters are on the agenda.
 - Secondary Head (non voting) delegated by all Secondary heads can be invited on an ad-hoc basis by the Committee to advise where secondary matters are on the agenda.
- 1.2 The quorum of the Education and Lifelong Learning Committee will be 5 Members, subject to the provision that when Education matters (as defined on Standing Order 29(b) above) are being considered at least half of those present must be Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Education and Lifelong Learning Committee will have the power to establish Working Groups to examine and report on specific issues.
- 1.4 The Education and Lifelong Learning Committee will meet every second month.

2. Role and Remit

2.1 General

The purpose and remit of the Education and Lifelong Learning Committee is to:-

- Direct and supervise the discharge of the functions of the Council as an Education Authority under the relevant legislation. This includes community learning and development, early childhood services, psychological services, specialist provision for children with additional support needs, mainstream school provision, sports development & outdoor education and the payment of Educational Maintenance Allowances and grants.
- Direct and supervise the discharge of the relevant functions of the Council under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, and other relevant legislation.
- Develop and monitor policy and service provision for Integrated Children's Services in West Dunbartonshire.

The Education and Lifelong Learning Committee will undertake a number of general responsibilities. These include:-

- Ensuring that the committee retains a primary focus on its responsibilities for delivering on the outcomes which are within its area of responsibility – as set out in both the Community Plan for West Dunbartonshire, and the Council's Corporate Plan.
- Monitoring the work of the committee and ensuring that the activities reported to the committee are responsive to the needs of local people.
- Ensuring and monitoring that the views of local people, employees and other stakeholders are sought on the development and delivery of services.
- Promoting Social Inclusion and Equalities in all areas for which the committee has responsibility.
- Promoting Health Improvement in all areas for which the committee has responsibility.
- Promoting, developing and monitoring West Dunbartonshire's Strategic Partnership Agreement to secure Better Integration for Children's Services.
- Promoting West Dunbartonshire's vision that all children have the best possible start in life by a shared commitment to improve services through joint planning.
- Providing the key accountability on behalf of the Council as the 'Corporate Parent' for looked after and accommodated children and young people.
- Promoting the development of relevant inter agency issues and supporting partnership working.

- Setting performance targets (within the context of the Corporate and Service Planning processes, the Integrated Children's Services Plan, the Community Plan, and the NHS Community Health Partnership Annual Plan) for the overall standards of service and to receiving reports on these.
- Establishing a strategic financial framework to underpin service delivery and partnership arrangements.
- Monitoring capital expenditure in respect of each area of the committee's activity.
- Monitoring revenue budgets in respect of each area of the committee's activity.
- Considering the findings and recommendations of any working groups/forums relevant to the Committee's areas of activity.

2.2 Best Value and Performance Review

The Education and Lifelong Learning Committee will monitor the implementation of Best Value and other continuous improvement initiatives within the scope of its remit. It will scrutinise statutory and other performance information. This may include:-

- Approving relevant service plans, including the Educational Services and Social Work & Health Departmental Service Plans & Integrated Children's Services Plan, and setting targets.
- Scrutinising performance reports on Service Plans.
- Considering reports on Best Value service reviews and other continuous improvement and quality initiatives.

2.3 Schools Education

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant schools education services. This may include:-

- Provision of primary and pre-school education within the area.
- Provision of secondary education within the area.
- The development of the curriculum within the schools, in association with Government policy.
- Provision for pupils with additional support needs within the area
- In partnership with Social Work, provision of specialist support outwith the area.
- Provision of outdoor education as appropriate.
- Arrangements for financial contributions to individuals and external bodies under the auspices of EMAs, school clothing and footwear grants, and grants to Voluntary Organisations.
- Nomination of an elected member to chair recruitment panels for the appointment of Head Teachers.
- Approval of delineated areas for day schools and provision of day schools sufficient to meet the needs of pupils in the area.
- Curriculum development, staff development and in-service training.

- Provision of a psychological service and arrangements to meet the additional support needs of individual pupils.
- Operation of special and support services as appropriate and, if necessary, in collaboration with other local authorities and/or providers.
- Monitoring of service specification and quality development.
- Provision of appropriate support to educational establishments and services.
- Policy development and monitoring in respect of attendance and exemption from attendance of pupils at day schools.
- Provision of adequate health and welfare services in all educational establishments.
- All relevant aspects of pupil welfare.
- All relevant aspects of resource provision to educational establishments.

2.4 Early Years/Out of School Care Services

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant early years and out of school care services. This may include:-

- Provision of early childhood services for children under 3 in line with national guidance and Council policy.
- Provision of early education and child care for children 3 and over, who have not yet reached statutory school age in line with legislative requirements and Council policy.
- Guidance to the Council in formulation of its policy objectives and priorities in all appropriate matters relating to children who have not yet reached the statutory school age and their parents.
- Direction and supervision of the discharge of the Council's functions with regard to Pre 5 services and relevant Part III of the Children's Act 1989.
- Development of services which provide activities of a kind suitable for pre-school children.
- Co-ordination and monitoring of the Council's policies and practices with regard to the provision of out-of-school care including, the use of the grants budget.

2.5 Community Learning and Development

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant community learning and development services for children and young people, local adults and community groups.

2.6 Social Work Services

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant social work services for children and young people. This may include:-

- Providing support in ways which enable children and young people to take advantage of opportunities which help them to achieve their full potential.
- Promoting the protection of children from physical, sexual and emotional abuse and neglect, continuing to give high priority in staffing, training and research, working with other statutory and voluntary agencies and monitoring procedures and practice in the light of developments.
- Assessing and responding to children considered to be Children In Need such as those affected by parental substance misuse, mental health issues or disability.
- Providing support which enables children and young people to live, whenever possible, within their own families in a safe, secure supportive family setting.
- Preventing family breakdown and the admission of children into care by providing practical support to families in their own home, targeted financial support, the use of community initiatives, planning and assessment mechanisms to ensure that children are adequately supported within the community.
- Providing substitute family care for children who require to be looked after and accommodated by the local authority.
- Recruiting, training and supporting foster carers and adoptive parents to meet the needs of children and young people in care, including those from black and ethnic minority groups, and those with additional needs.
- Providing a range of residential care for children, which are well staffed and flexible in response to need, and providing greater training opportunities for residential staff in line with national targets.
- Preparing young people leaving residential care for adult life by offering a range of practical, personal support to assist them with accommodation, employment and income maintenance.
- In association with Housing Services and other statutory and voluntary agencies, improving the services for homeless young people.
- Working within the Children's Hearing System to develop programmes which reduce the possibility of future involvement in the Criminal Justice system as a consequence of serious or persistent offending.
- Assessing and responding to the care and support requirements of children with additional needs.
- Planning for the transitional needs of all young people moving into Adult Services from Children's Services.
- Assessing and designing services for the emerging needs of minority ethnic groups.
- Overseeing the implementation of 21st Century review proposals and securing a programme of continuous improvement for Children's Social Work Services.

2.7 Sports and Cultural Services

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant sports and cultural services. This may include:-

- Leisure (Sports Development)
- Arts provision
- Libraries
- Museums

2.8 Support & Safety Services

The Education and Lifelong Learning Committee will develop and monitor the provision of relevant support services. This may include:-

- School Catering.
- School Cleaning.
- Janitorial Services.
- School Crossing/Cycle Training.
- Provision of school transport for pupils within the area in accordance with the qualifying criteria contained with the Education (Scotland) Act 1980 and Council policy.
- Educational property matters, including maintenance and repair of building stock, and certain health and safety issues.
- Co-ordination and control of the specification of certain tenders, assessment and acceptance of such tenders, co-ordination and monitoring of contract performance and authorisation of termination of any such contracts relative to the provision of educational services.

Alternatively, issues such as road safety, cycle training, school crossing, school catering, school cleaning, janitorial services may be reported to Housing, Environment and Economic Development Committee where relevant.

2.9 Delegated Powers

The Education and Lifelong Learning Committee will have full delegated powers to implement its functions, remit and responsibilities as detailed above.

Housing, Environment & Economic Development Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Housing, Environment & Economic Development Committee will comprise 10 Elected Members.
- 1.2 The quorum of the Housing, Environment & Economic Development Committee will be 3 Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Housing, Environment & Economic Development Committee will have the power to establish Working Groups to examine and report on specific issues.
- 1.4 The Housing, Environment & Economic Development Committee will meet every second month.

2. Role and Remit

2.1 General

The purpose and remit of Housing, Environment and Economic Development Committee is to:-

- Direct and supervise the activities of the Council in its role as direct provider of housing and as strategic planner of housing provision.
- Direct and supervise the activities of the Council in its responsibilities for the local and wider environment, including roads and transportation.
- Direct and supervise the activities of the Council in its responsibilities for Urban Regeneration, and Economic Development.
- Direct and supervise the activities of the Council in its responsibilities for Community Safety.
- Develop and monitor policy and service provision.

The Housing, Environment and Economic Development Committee will undertake a number of general responsibilities. These include:-

- Ensuring that the committee retains a primary focus on its responsibilities for delivering on the outcomes which are within its area of responsibility – as set out in both the Community Plan for West Dunbartonshire, and the Council's Corporate Plan.
- Monitoring the work of the committee and ensuring that the activities reported to the committee are responsive to the needs of local people.
- Ensuring and monitoring that the views of local people, employees and other stakeholders are sought on the development and delivery of services.

- Promoting Social Inclusion and Equalities in all areas for which the committee has responsibility.
- Promoting Health Improvement in all areas for which the committee has responsibility.
- Promoting the development of relevant inter agency issues and supporting partnership working.
- Setting performance targets (within the context of the Corporate and Service Planning processes), for the overall standards of service and receiving reports on these.
- Establishing a strategic financial framework to underpin service delivery, continuous improvement and partnership arrangements
- Monitoring capital expenditure in respect of each area of the committee's activity.
- Monitoring revenue budgets in respect of each area of the committee's activity.
- Considering the findings and recommendations of any working groups relevant to the committee's areas of activity.

2.2 Best Value and Performance Review

The Housing, Environment and Economic Development Committee will monitor the implementation of Best Value and other continuous improvement initiatives within the scope of its remit. It will scrutinise statutory and other performance information. This may include:-

- Approving relevant service plans, including the Housing, Environment and Economic Development Departmental Service Plan, and setting targets.
- Scrutinising performance reports on Service Plans.
- Considering reports on Best Value service reviews and other continuous improvement and quality initiatives.

2.3 Housing and Property Services

The Housing, Environment and Economic Development Committee will develop and monitor the provision of relevant Housing and Property Services.

This may include:-

- Recommending Housing Capital Programmes, (and any revisions or amendments), to the Council.
- Recommending the Housing Revenue Account (HRA) revenue budget, (and any revisions or amendments), to the Council, including house rent levels and other charges.
- Allocations policy.
- Estate management policy.
- Tackling anti social behaviour.
- Private sector grants.
- Estates – including non operational property portfolio and disposal of surplus property assets.

- Housing asset management.
- Council property maintenance.
- Housing Maintenance.
- Homelessness Services.
- Site accommodation for Gypsy travellers.
- Tenant Participation arrangements.
- Issues relative to the provision of architectural, building services design, quantity surveying and property maintenance services.
- Periodic review of the Council's list of Approved Contractors/Consultants for Construction Related Works.

2.4. Environmental Services

The Housing, Environment and Economic Development Committee will develop and monitor the provision of relevant roads, commercial and technical services. This may include:-

- Roads and transportation policy issues subject to the Council's statutory obligation, principally under The Roads Scotland Act 1984
- Issues relative to the provision of a roads contracting service
- Recommending Roads and Transportation Capital Programme to the Council
- Other relevant issues relating to:-
 - Street Lighting.
 - Traffic.
 - Bridges and Structures.
 - Flooding.
 - Transport.
 - Recycling.
 - Waste Disposal.
 - Refuse Collection.
 - Litter/Street Cleaning (including dog fouling, graffiti and fly tipping).
 - Housing caretaker services.
 - Grounds Maintenance
 - Outdoor Recreation.
 - Crematorium / Burials Service.
 - Winter Maintenance.
 - Public Conveniences.
 - Parking.
 - Leisure Services.
 - Council Events.
 - Halls Operation.

Issues such as road safety, cycle training, school crossing, school catering, school cleaning, janitorial services may be reported to Housing, Environment and Economic Development Services, but alternatively, may be reported to Education and Lifelong Learning Committee where relevant.

2.5 Economic Development and Regeneration Services

The Housing, Environment and Economic Development Committee will develop and monitor the provision of relevant Economic Development services. This may include:-

- Economic Development.
- Urban Regeneration.
- Town Centre Regeneration
- Greenspace and Environmental Improvements.
- Housing Regeneration Strategies (e.g. Local Housing Strategy/Community Ownership Programme).

2.6 West Dunbartonshire Strategic Community Safety Partnership

The Housing, Environment and Economic Development Committee will work with partners through the West Dunbartonshire Strategic Community Safety Partnership (a partnership of public sector agencies, community representatives, and the Council), to ensure the benefits of partnership working in making a safer West Dunbartonshire.

2.7 Delegated Powers

The Housing, Environment and Economic Development Committee will have full delegated powers to implement its functions, remit and responsibilities as detailed above.

Licensing Committee

1. **Membership/Arrangements for Meetings**

- 1.1 The membership of the Licensing Committee will comprise 8 Elected Members.
- 1.2 The quorum of the Licensing Committee will be 2 Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Licensing Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- 1.4 The Licensing Committee will meet every second month.

2. **Role and Remit**

2.1 General

The remit of the Licensing Committee will be to consider contentious Civic Government and other non-liquor licensing regulatory and related issues, including:-

- enforcement provisions;
- the setting of fees and charges; and
- policy matters.

2.2 Delegated Powers

The Licensing Committee will have full delegated powers to implement its functions, remits and responsibilities as detailed above.

Planning Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Planning Committee will comprise 10 Elected Members.
- 1.2 The quorum of the Planning Committee will be 3 Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Planning Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- 1.4 The Planning Committee will meet once per month.

2. Role and Remit

2.1 General

The remit of the Planning Committee will be to:-

- Receive reports and consider planning policy as set out in documents which may be published by the Scottish Executive, including Planning Advice Notes and Scottish Planning Policy documents, and other agencies including Historic Scotland and Scottish Natural Heritage.
- Consider and determine as necessary all matters concerning the statutory development plan process including the nature and content of the Structure Plan and the nature and content of the Local Plan.
- Consider contentious development management applications and other related issues.
- Consider items concerning the functioning of the building standards systems not otherwise delegated.

2.2 Delegated Powers

The Planning Committee will have full delegated powers to implement its functions, remits and responsibilities as detailed above.

Recruitment and Individual Performance Management Committee

1. Membership/Arrangements for Meetings

1.1 The membership of the Recruitment and Individual Performance Management Committee will comprise 8 Elected Members:-

Four (4) from the Administration (including the relevant Service Convener).

Three (3) from the Opposition (Labour).

One (1) from the Opposition (other).

1.2 The Chief Executive and Head of Personnel will act as Special Advisers to the Committee when undertaking Director recruitment.

1.3 The quorum of the Recruitment and Individual Performance Management Committee will be 3 Elected Members.

1.4 Meetings

The Committee will meet as and when necessary in respect of its Recruitment responsibilities.

With regard to Individual Performance Management, the Committee will meet at the beginning of the Performance Year, i.e. April/May, to discuss and agree the Chief Executive's Objectives, Targets, and Personal Development Plan for the forthcoming Performance Year. The Committee will also meet at the end of the Performance Year, i.e. March/April, to:-

- undertake a formal assessment, i.e. Review and Appraisal, of the Chief Executive's performance over that Performance Year; and
- to receive a recommendation report on the outcomes of the annual Director Reviews and Appraisals undertaken by the Chief Executive and in this regard, to agree appraisal outcomes.

2. Role and Remit

2.1 General

The *Recruitment and Individual Performance Management Committee* is responsible for:-

- a) Overseeing the Recruitment and Selection processes for Chief Executive and Director appointments.
- b) Overseeing the annual Individual Performance Management process for the Chief Executive and Directors.

2.2 Recruitment

- Approving Job Profiles and Person Specifications.
- Approving the advertising process.
- Approving any changes to Chief Officials' remuneration arrangements.
- Participating as a member of the Selection Committee and deciding on the preferred candidate.
- Approving the Chief Officials' Contract of Employment.
- Approving specialist or technical assessors to assist the Committee.

2.3 Individual Performance Management

- In conjunction with the Chief Executive, discussing and agreeing his annual Individual Performance Objectives and Targets.
- In conjunction with the Chief Executive, discussing and agreeing his Personal Development Plan.
- Approving any financial costs associated with the Chief Executive's Personal Development Plan.
- Undertaking the annual formal Performance Review and Appraisal of the Chief Executive.
- Receiving a report from the Chief Executive on the annual objectives and targets of each Director. This will be supplemented by a presentation from each Director.
- Receiving a recommendation report from the Chief Executive on the outcomes of the annual Reviews and Appraisals undertaken by the Chief Executive for each Director and agreeing the outcomes.

2.4 Delegated Powers

The Recruitment and Individual Performance Management Committee will have full delegated powers to implement its functions, remit and responsibilities as detailed above.

Schools Procurement Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the School Procurement Committee will comprise 4 Elected Members.
- 1.2 The quorum of the Schools Procurement Committee will be 2 Elected Members.
- 1.3 The Schools Procurement Committee will meet as and when required.

2. Role and Remit

2.1 General

The remit of the Schools Procurement Committee will be to determine contractual issues relating to the Schools Procurement Programme.

2.2 Delegated Powers

The Schools Procurement Committee will have full delegated powers to implements its functions, remits and responsibilities as detailed above.

Social Work and Health Improvement Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Social Work and Health Improvement Committee will comprise 10 Elected Members.
- 1.2 The quorum of the Social Work and Health Improvement Committee will be 3 Elected Members.
- 1.3 In addition to the power to establish Sub-Committees, the Social Work and Health Improvement Committee will have the power to establish Working Groups to examine and report on specific issues.
- 1.4 The Social Work and Health Improvement Committee will meet every second month.
- 1.5 The Social Work and Health Improvement Committee will be the parent Committee of the Health Improvement and Social Justice Partnership.

2. Role and Remit

2.1 General

The purpose and remit of the Social Work and Health Improvement Committee is to:-

- Direct and supervise the Health Improvement activities of the Council.
- Direct and supervise the relevant functions of the Council under the Social Work (Scotland) Act 1968, related Acts, and other relevant legislation.
- Direct and supervise the activities of the Council under national and local Social Inclusion/Social Justice agendas.

The Social Work and Health Improvement Committee will undertake a number of general responsibilities. These include:-

- Ensuring that the committee retains a primary focus on its responsibilities for delivering on the outcomes which are within its area of responsibility – as set out in both the Community Plan for West Dunbartonshire, and the Council's Corporate Plan.
- Monitoring the work of the committee and ensuring that the activities reported to the committee are responsive to the needs of local people.
- Involving users and carers, local people, employees, partners and other stakeholders in service planning, and ensuring that their views are sought on the development and delivery of services.

- Promoting Social Inclusion and Equalities in all areas for which the committee has responsibility.
- Promoting Health Improvement in all areas for which the committee has responsibility and as part of the wider activity of the Council.
- Promoting the delivery of relevant inter agency collaboration and supporting partnership working, particularly in the context of Joint Future and NHS integration.
- Setting performance targets (within the context of the Corporate, Service and Strategic Planning processes, including the Joint Performance Information Assessment Framework, and the NHS Community Health Partnership Annual Plan), for the overall standards of service and to receiving reports on these.
- Directing the implementation of the 21st Century Review of Social Work proposals.
- Establishing a strategic financial framework to underpin service delivery, continuous improvement and partnership arrangements.
- Monitoring capital expenditure in respect of each area of the committee's activity.
- Monitoring revenue budgets in respect of each area of the committee's activity.
- Considering the findings and recommendations of any working groups relevant to the committee's areas of activity.

2.2 Best Value and Performance Review

The Social Work and Health Improvement Committee will monitor the implementation of Best Value and other continuous improvement initiatives within the scope of its remit. It will scrutinise statutory and other performance information. This may include:-

- Approving relevant service plans, including the Social Work and Health Departmental Service Plan, and setting targets.
- Scrutinising performance reports on Service Plans.
- Considering reports on Best Value service reviews and other continuous improvement and quality initiatives.

2.3 Partnership Arrangements

The Social Work and Health Improvement Committee is the parent body of the Health Improvement and Social Justice Partnership and will work with partners in this forum to ensure the benefits of partnership working when addressing issues of Social Work and Health Improvement.

The Social Work and Health Improvement Committee will work in partnership with the Criminal Justice Partnership to ensure that key criminal justice issues are addressed. For example:-

- Developing and enhancing the range and quality of community based disposals and services, so enabling Courts to reduce the use of Custody.
- Developing throughcare services.
- Tackling offending behaviour.
- Involving the community in responding to crime and its consequences and reducing the fear of crime, with other Community Safety Partners.
- Supporting victims of crime.
- Responding to the challenges and opportunities of joint working through the new Community Justice Authority and the Management of Offenders (Scotland) Act 2005.

2.4 Social Work Services

The Social Work and Health Improvement Committee will develop and monitor the provision of relevant Social Work services. This may include:-

- Targeting the provision of public funded care, help and support to the people most in need of care and protection.
- Supporting independent living to enable people to live at home safely wherever possible.
- Providing high quality services which address people's needs and which respects their rights.

For all Adult Community Care Services, and in partnership with relevant Health Services and other partners, the Committee will oversee:-

- Assessing and responding to needs for services of all adult community care client groups.
- Assessing care needs and through care management systems planning and co-ordinating community care and support services for people at home or in hospital.
- Implementing agreed delayed discharge policies to return people from hospital care to their own communities or alternative care settings.
- Ensuring access within available resources to required services.
- Ensuring that a suitable Adult Protection scheme is implemented.
- Determining social policy and service provision at a local level in association with NHS, Communities Scotland, Housing Associations, the Community Planning Partnership, voluntary and independent providers.
- Assessing and designing services to address the emerging needs of minority ethnic groups.
- Promoting anti-poverty and financial inclusion strategies, within the overall council framework, and in partnership with the Community Planning Partnership and other agencies and providers.
- Providing welfare rights/money/debt advice to maximise the income of those who are entitled to welfare benefits or who have low incomes from work, including campaigning for the uptake of benefits.
- Through care management, money advice and welfare rights supporting people into work, education and training.

- Providing welfare rights and money advice to all community care services to ensure that incomes from state benefits are maximised to augment their care and support opportunities.
- Improving training and employment opportunities for all adult service users.
- Encouraging the development of community based local organisations, forums, and user and carers groups to participate in the strategic work of service planning and consultation.

2.5 Health Improvement

The Social Work and Health Improvement Committee will work with partners to develop and monitor the provision of relevant Health Improvement services.

This may include:-

- Assessing and defining local needs.
- Developing and monitoring local strategy to support national policy.
- Developing and monitoring local strategy to deliver on local priorities for health improvement.

2.6 Delegated Powers

The Social Work and Health Improvement Committee will have full delegated powers to implement its functions, remit and responsibilities.

Tendering Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Tendering Committee will comprise 8 Elected Members.
- 1.2 The quorum of the Tendering Committee will be 2 Elected Members.
- 1.3 The Tendering Committee will meet as and when required.

2. Role and Remit

2.1 General

The remit of the Tendering Committee will be to consider and approve all tenders for works exceeding £30,000 in value, in accordance with the rules and procedures specified elsewhere in these Standing Orders. A tender for works for less than £30,000 in value may be submitted to the Tendering Committee for approval, at the discretion of the relevant Executive Director.

2.2 Delegated Powers

The Tendering Committee will have full delegated powers to implement its function, remit and responsibilities as detailed above.

Corporate Cultural Sub-Committee

1. Membership/Arrangements for Meetings

- 1.1 The membership of the Corporate Cultural Sub-Committee will comprise 6 Elected Members. 2 SNP (administration), 2 Labour (opposition), 1 other and the Council's Ambassador for Culture.
- 1.2 The quorum of the Corporate Cultural Sub-Committee will be two Elected Members.
- 1.3 The Corporate Cultural Sub-Committee will have the power to establish Working Groups to examine and report on specific issues.
- 1.4 The Corporate Cultural Sub-Committee will meet every third month.
- 1.5 The Corporate Cultural Sub-Committee will report to the Corporate & Efficient Governance Committee.

2. Role and Remit

2.1 General

The purpose and remit of the Corporate Cultural Sub-Committee is to:-

- Inform and debate the activities of the Council in its role as a direct provider of arts and cultural activity.
- Inform and debate the activities of the Council in its responsibilities for cultural and civic events.
- Inform and debate on the activities of the Council in its responsibilities for tourism and cultural economic regeneration.
- Inform and debate on the activities of the Council in its twinning role.
- Inform and debate policy and service provision of areas of culture.
- Maximise grant funding and external funding opportunities to develop the culture agenda.

The Corporate Cultural Sub-Committee will undertake a number of general responsibilities. These include:-

- Ensuring that the sub-committee retains a primary focus on its responsibilities for delivering on the outcomes which are within its area of responsibility by developing an inclusive Corporate Cultural Strategy which brings together the key elements of the existing WDC Culture Strategy, WDC Events Strategy, linking these to local and national strategic initiatives.
- Monitoring the work of the sub-committee and ensuring that the activities reported to the sub-committee are responsive to the needs of local people and national objectives.
- Ensuring and monitoring that the views of local people, employees and other stakeholders are sought on the development and delivery of services.
- Promoting Social Inclusion and Equalities in all areas for which the sub-committee has responsibility.
- Promoting the development of relevant inter-agency issues and supporting partnership working.
- Review performance targets (within the context of the Corporate and Service Planning processes), for the overall standards of service and receiving reports on these.
- Establishing a strategic financial framework to underpin service delivery, continuous improvement and partnership arrangements.
- Monitoring revenue budgets in respect of the sub-committee's activity.
- Considering the findings and recommendations of any working groups relevant to the sub-committee's areas of activity.

2.2 Best Value and Performance Review

The Corporate Cultural Sub-Committee will monitor the implementation of Best Value and other continuous improvement initiatives within the scope of its remit. It will scrutinise statutory and other performance information. This may include:-

- Review scrutinising performance reports on Service Plans.
- Considering reports on Best Value service reviews and other continuous improvement and quality initiatives.

2.3 Delegated Powers

This Sub-Committee will have such delegated powers as are determined by the Corporate & Efficient Governance Committee/Council as appropriate.

**THE STANDARDS COMMISSION FOR SCOTLAND
OFFICE OF ADMINISTRATION AND HEARINGS
GUIDANCE ON CONDUCT IN CHAMBER OR COMMITTEE**

Introduction

1. The Commission considers that high standards in the Chamber or Committee are of fundamental importance to the integrity of Council business and to public perception of local democracy. It is recognised that there are many good examples of rules for the conduct of debate and decision making in Local Authorities. There have, however, been some instances of poor behaviour which have led the Commission to issue this Guidance.

2. The Councillors' Code of Conduct sets out Key Principles at Section 2 which include:

"Respect"

You must respect all other councillors and all Council employees and the role they place, treating them with courtesy at all times."
and at 3.14 states:

"You must respect the chair, your colleagues, Council employees and any members of the public present within the Chamber during Council or Committee meetings or other formal proceedings of the Council. You must comply with rulings from the chair in the conduct of the business of the Council."

3. The following guidance sets out the Commission's recommendations for compliance with the Code of Conduct in relation to conduct in the Chamber or Committee and is intended to support Chairs, elected Members and Officers alike by supplementing the requirements of the Code.

Guidance

4. The role of the Chair in any Council meeting, which includes a Committee meeting or a meeting of a Working Group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of Officers) are allowed to be expressed and that these contribute to the outcomes of the meeting. At the same time the Chair has a responsibility for proper and timely conduct of the meeting which can sometimes mean expediting the business on the agenda and reaching a judgement on the fairness and sufficiency of debate. This includes determining the point at which conclusions should be reached. This requires a balanced approach to ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay

the meeting. The role of the Chair in reaching such judgements requires to be supported and respected.

5. The Chair's powers and duties should be articulated to the whole Council by the way of Standing Orders and which should set out the obligation on the Chair to permit fair and responsible debate and the obligation on the other Members to adhere to appropriate rulings by the Chair. Behaviour disruptive to the meeting should not be tolerated. Procedures should allow for Members guilty of such behaviour to be excluded from the meeting if necessary to allow Council business to be completed.
6. The Commission recommends that every Local Authority has a set of Standing Orders in place which include provisions to regulate procedure at Meetings.
7. Where disruptive behaviour reaches the stage of preventing Council business from properly and timeously taking place, it is recommended that such issues, wherever possible, be referred in the first instance to an informal meeting of Senior Elected Members (such as Political Group Leaders), together with appropriate Senior Officers in order to seek a resolution to such issues. Reference should, however, be made to the Standards Commission where it is believed that such a reference to a group of Senior Elected Members would serve no useful purpose or would otherwise be inappropriate and it is considered that a breach of the Code of Conduct has taken place. It should be recognised that disruptive behaviour will reflect on the reputation of the Council as well as that of individual Elected Members.
8. Councillors are accountable for their own individual conduct in the Chamber or Committee at all times in terms of the Councillors' Code of Conduct. Abusive or offensive language should not be tolerated and it is a matter for the Chair to rule on the acceptability of language used during the course of a meeting and to take appropriate action as necessary, including requiring withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed.
9. The conduct of the Chair in the process of conducting a meeting can play a major role in ensuring a successful meeting. For that reason, Councillors who are regularly expected to Chair meetings should ensure that they are familiar with the Council's Standing Orders relating to the conduct of debate. Training will often play a major part in establishing the role of a successful Chair including when it is appropriate to obtain the advice of Officers.