
Report To:	Inverclyde Council	Date:	20 April 2023
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/040/23
Contact Officer:	Iain Strachan	Contact No:	01475 712710
Subject:	Amendments to the Standing Orders and Scheme of Administration		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to request that the Council consider proposed amendments to the Standing Orders and Scheme of Administration and note other amendments which have been made in implementation of recent Council decisions.

1.3 In the first place, the Environment & Regeneration Committee meeting held on 9 March 2023, considered a report by the Director of Environment & Regeneration on proposed changes to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004. A copy of the report is included as Appendix 1 to this report.

1.4 The report proposed that, rather than concerns over the suitability of private landlords being considered by the Director of Environment and Regeneration and the Head of Legal, Democratic, Digital & Customer Services who would decide whether a meeting of the Housing (Landlord Registration) Sub-Committee should be held, it was recommended that the process be expedited by reports being submitted directly to the General Purposes Board for consideration. The Committee approved the proposed change, and agreed to remit that decision to the full Council for consideration of the associated amendments to the Council's Standing Orders and Scheme of Administration. This report considers that remit, and proposes the necessary changes to the Council's Standing Orders and Scheme of Administration.

1.5 In the second place, the Inverclyde Council meeting held on 22 September 2022 considered a report by the Head of Legal, Democratic, Digital & Customer Services in connection with proposals around the future delivery of Council meetings. In approving that report the Council agreed certain matters which, in implementation of that decision, have now been included within the Council's Standing Orders and Scheme of Administration. This report gives Council confirmation of those changes.

1.6 In the third place, the Environment & Regeneration Committee held on 9 March 2023, after consideration of a report by the Head of Roads and Shared Services on proposed changes to the procedure for the making of Speed Limit Orders (SLOs), recommended that a proposed amendment to the Scheme of Delegation (Officers) be remitted to the Council for its approval and subsequent implementation. The proposed amendment is the subject of a separate report on this agenda. However, in order to achieve the recommended changes to the making of SLOs, there is also a need for the Standing Orders and Scheme of Administration to be amended, to

provide that the Environment & Regeneration Committee can determine SLOs where there are maintained objections. This report also proposes that change.

- 1.7 Finally, the Inverclyde Council meeting held on 1 December 2022 considered a report by the Chief Executive and approved Phase 1 of a management restructure, and certain associated actions. In connection with that, and ICT & Customer Services moving under the management of the Head of Legal & Democratic Services, now the Head of Legal, Democratic, Digital & Customer Services, there are certain consequential amendments to the Standing Orders and Scheme of Administration. Some additional proposed amendments have also been proposed, in relation the financial reporting that is reserved to full Council and clarifying that the Council's Procurement Strategy will be approved by the Policy & Resources Committee, but delivery and annual reporting overseen by the Environment & Regeneration Committee.
- 1.8 This report is not the outcome of a complete review of the Standing Orders and Scheme of Administration, but only in response to those matters covered above. The Head of Legal, Democratic, Digital & Customer Services is, however, intending to undertake such a review, and bring a report back to a future meeting of the Council, later in 2023. Elected Members would, in the usual way, be consulted on any proposed amendments.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Council approve the proposed amendments to the Standing Orders and Scheme of Administration which changes to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004, as referred to at paragraphs 3.1 to 3.10 of this report, together with the dissolution of the Housing (Landlord Registration) Sub-Committee and the cancellation of the current Elected Member appointments to the said Sub-Committee, the said proposed amendments being as shown in tracked changes in the relevant sections of Appendix 2 to this report;
- 2.2 It is recommended that the Council approve the amendments that have been made to the Standing Orders and Scheme of Administration by the Head of Legal, Democratic, Digital & Customer Services, including implementation of several recent Council decisions, as referred to at paragraphs 3.11 to 3.15 of this report, the amendments being as shown in tracked changes in Appendix 2 to this this report.
- 2.3 It is recommended that the Council note that the Head of Legal, Democratic, Digital & Customer Services is intending to undertake a full review of the Standing Orders and Scheme of Administration, and bring a report back to a future meeting of the Council, later in 2023, with the approval of amendments in respect of this report being subject to that future review.

Iain Strachan
Head of Legal, Democratic, Digital & Committee Services

3.0 BACKGROUND AND CONTEXT

Landlord Registration

- 3.1 The Environment & Regeneration Committee meeting held on 9 March 2023, considered a report by the Director of Environment & Regeneration on proposed changes to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004. A copy of the report is included as Appendix 1 to this report.
- 3.2 Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 provides that, other than the limited exemptions contained in Section 83 of the Act, all landlords who are not a local authority or registered social landlord must register with the local authority. Failure to apply for registration is a criminal offence.
- 3.3 The Education & Communities meeting in March 2017 considered a report proposing a process whereby concerns over the suitability of private landlords were reported to an officer panel, comprising at that time the Corporate Director Education, Communities & Organisational Development and the Head of Legal & Property Services. If the officer panel was satisfied that the grounds existed for refusal or revocation of the necessary licence then the matter would be placed before the Council's Housing (Landlord Registration) Sub-Committee for ratification or rejection. A link to that March 2017 report is included here:-
<https://www.inverclyde.gov.uk/meetings/meeting/1943>.
- 3.4 This process was intended to ensure that landlords are only referred to members for consideration of their fit and proper status when senior officers are satisfied that the evidence for bringing such a referral is sufficient. In reality, officers would be very unlikely to bring a case for members' consideration without involving senior officers in all circumstances. What the process does not allow for is a straightforward process should Police Scotland raise issues about a landlord's suitability based upon previous convictions. The obvious parallel for these, admittedly rare, cases would be referrals to the General Purposes Board from Police Scotland for Taxi Drivers. To date, the Housing (Landlord Registration) Sub-Committee has never been convened.
- 3.5 Section 84 of the Anti-Social Behaviour etc. (Scotland) Act 2004 provides that the local authority shall register a landlord or agent where the appropriate information has been submitted, the appropriate fee paid and where it is satisfied that the relevant person is a "fit and proper person" to act as a landlord or agent. When considering whether someone is a fit and proper person, Section 85 of the Act provides that the local authority shall have regard (among other things) to any material specified in Section 85 subsections (2) to (4) of the Act, with more detail on this having been given in the March 2023 report to the Environment & Regeneration Committee.
- 3.6 In terms of the Council's Standing Orders and Scheme of Administration, the remit of the Housing (Landlord Registration) Sub-Committee is "[t]o consider and decide on the refusal or removal of the registration of a private landlord or agent in prescribed circumstances". General reports and updates on the private landlord registration are instead submitted to the Environment & Regeneration Committee, therefore the sole function of the sub-committee is essentially to carry out this *quasi-judicial* function, i.e., to consider whether or not a private residential landlord is a "fit and proper person".
- 3.7 It should be remembered here that Private Residential Landlord Registration is a Scottish Government scheme, large parts of which are administrative and operational. Although there are tools to encourage compliance landlords to meet the standards expected of them, such as Rent Penalty Notices, these are used operationally. It is not a licensing system, unlike many of the

Civic Government regimes, and member input is required solely in relation to the fitness of an individual to be a landlord.

- 3.8 The circumstances in which such a decision is required will arise relatively infrequently. Given this, and the *quasi-judicial* nature of such matters, it is considered appropriate for such decisions to instead be taken by the General Purposes Board which regularly deals with such considerations on civic licensing matters, and has greater experience in doing so, including in ensuring the rights of licence holders (in this case private landlords) are met, and all relevant parties able to input into such decision-making. This would also enable any such issues to be considered at the regular scheduled meetings of the General Purposes Board, rather than a special meeting of the Housing (Landlord Registration) Sub-Committee having to be arranged, potentially at short notice. As is currently the case, it would still be for the appropriate Head of Service to initially consider any concerns which are raised over the suitability of private landlords (or prospective private landlords), and only where it is assessed that such concerns have substance and/or merit consideration by the General Purposes Board, would such concerns be remitted to the General Purposes Board, failing which they would be determined by officers under delegated authority
- 3.9 It is, therefore, recommended that the Council approves a proposed change to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004, with such matters instead being considered by the General Purposes Board and the Housing (Landlord Registration) Sub-Committee being removed. The Environment & Regeneration Committee agreed with this proposal at its meeting on 9 March 2023, and agreed to remit this decision to the full Council for consideration of the associated changes to the Council's Standing Orders and Scheme of Administration. This would not affect the Environment & Regeneration Committee's responsibility to oversee the implementation of Private Residential Landlord Registration along with other matters affecting housing enforcement but it would streamline and improve the current process. In addition, the Committee would receive an annual update on Private Residential Landlord Registration.
- 3.10 As such, this report proposes amendments to the Standing Orders and Scheme of Administration to implement the above, together with the dissolution of the Housing (Landlord Registration) Sub-Committee and the cancellation of the current Elected Member appointments to the said Sub-Committee, the said proposed amendments being as shown in tracked changes in the relevant sections of Appendix 2 to this report.

Delivery of Council Meetings

- 3.11 The full Council meeting held on 22 September 2022 considered a report by the Head of Legal, Democratic, Digital & Customer Services in connection with proposals around the future delivery of Council meetings. In approving that report the Council agreed certain matters which, in implementation of that decision, have now been included within the Council's Standing Orders and Scheme of Administration. This report gives Council confirmation of those changes, the said proposed amendments being as shown in tracked changes on pages 3 and 5 of Appendix 2 to this report.
- 3.12 A link to the report can be found here:- <https://www.inverclyde.gov.uk/meetings/meeting/2490>

Speed Limit Orders

- 3.13 The Environment & Regeneration Committee held on 9 March 2023, after consideration of a report by the Head of Roads and Shared Services on proposed changes to the procedure for the making of Speed Limit Orders (SLOs), also recommended that a proposed amendment to the Scheme of Delegation (Officers) be remitted to the Council for its approval and subsequent

implementation. The proposed amendment, if approved, would update the Scheme of Delegation (Officers) to the effect that where there are no maintained objections to any SLO, the Head of Legal, Democratic, Digital & Customer Services will be authorised to make such SLO on behalf of the Council. The proposed amendment is the subject of a separate report on this agenda. However, in order to achieve the recommended changes to the making of SLOs, there is also a need for the Standing Orders and Scheme of Administration to be amended, to provide that the Environment & Regeneration Committee can determine SLOs where there are maintained objections, as it can for Traffic Regulation Orders and Traffic Management Orders. As such, this report also proposes that change, the proposed amendment being as shown in tracked changes on page 28 of Appendix 2 to this report.

Management Restructure

3.14 The full Council meeting held on 1 December 2022 considered a report by the Chief Executive and approved Phase 1 of a management restructure, and certain associated actions. In connection with that, and ICT & Customer Services moving under the management of the Head of to Legal & Democratic Services, now the Head of Legal, Democratic, Digital & Customer Services, there are certain consequential amendments to the Standing Orders and Scheme of Administration. Some additional proposed amendments have also been proposed, in relation the financial reporting that is reserved to full Council and clarifying that the Council’s Procurement Strategy will be approved by the Policy & Resources Committee, but delivery and annual reporting overseen by the Environment & Regeneration Committee. The proposed amendments are as shown in tracked changes in the relevant sections of Appendix 2 to this report.

3.15 A link to the 1 December 2022 report can be found here:-
<https://www.inverclyde.gov.uk/meetings/meeting/2512>

4.0 PROPOSAL

- 4.1 It is proposed that the Council approve the amendments to the Standing Orders and Scheme of Administration which are set out in this report.
- 4.2 Subject to the decision of the Council, an updated version of the Standing Orders and Scheme of Administration will be cascaded to officers and placed on the Council’s website.
- 4.3 This report is not the outcome of a complete review of the Standing Orders and Scheme of Administration, but only in response to those matters covered above. The Head of Legal, Democratic, Digital & Customer Services is, however, intending to undertake such a review, and bring a report back to a future meeting of the Council, later in 2023. Elected Members would, in the usual way, be consulted on any proposed amendments

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People’s Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

There are no financial implications directly associated with this report.

5.3 Legal/Risk

The updating of the Standing Orders and Scheme of Administration as proposed in this report will help ensure the Council's governance framework is kept updated to support delivery of the Council's services and implementation of its legal duties. In addition, in respect of landlord registration, there are legal duties on the Council under the 2004 Act, in relation to the registration of private residential landlords. The proposals in this report will help ensure the Council meets its duties under the said Act, and mitigate the risk of legal challenge to the Council in respect of the same.

5.4 Human Resources

There are no Human Resources implications directly associated with this proposal.

5.5 Strategic

There are no Strategic implications associated with this proposal.

6.0 CONSULTATION

The Corporate Management Team have been consulted on this report.

7.0 BACKGROUND PAPERS

7.1 None, other than as set out in Section 3 of this report.

Report To:	Environment & Regeneration Committee	Date:	9 March 2023
Report By:	Director, Environment & Regeneration	Report No:	ENV014/23/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
Subject:	Landlord Registration Process		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 The purpose of this report is to recommend a change to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004 (“the Act”). It is believed that these proposals will simplify and improve the consideration of such matters.
- 1.3 The Act introduced the Private Landlord Registration Scheme to Scotland. The scheme has operated since 2006. The scheme placed a legal responsibility on private residential landlords to register with those local authorities where they are actively renting housing to unrelated persons. Agents formerly also had to register with the Council but now must register on the Letting Agents Register (LAR) operated by the Scottish Government.
- 1.4 The existing arrangements for considering such matters were approved by the Education & Communities Committee in 2017 for the approval, refusal or removal of a landlord’s registration, refusal and removal being considered by the Housing (Landlord Registration) Sub-Committee. This consideration includes an assessment as to whether the landlord in question is a “fit and proper person”- in terms of Section 85 of the Act. This report fulfils a remit from the January meeting of the Committee by recommending changes to the existing arrangements.
- 1.5 Rather than concerns over the suitability of private landlords being considered by the Director of Environment and Regeneration and the Head of Legal and Democratic Services who would decide whether a meeting of the Housing (Landlord Registration) Sub-Committee should be held, it is recommended that the process could be expedited by reports being submitted directly to the General Purposes Board for consideration.
- 1.6 This would obviously require a change to the Council’s Standing Orders and Scheme of Administration, including the removal of the Housing (Landlord Registration) Sub-Committee, and the approval of Inverclyde Council. However, it is clear that the process of determining whether or not a landlord is “fit and proper person” has a great deal of commonality with a number of civic licensing regimes already covered by the General Purposes Board, such as for taxi licensing. If the Council were to decide that consideration of these matters could fit appropriately under the remit of the General Purposes Board then the process for submission of reports on this matter could be simplified to work within the current arrangements for the General Purposes Board.

2.0 RECOMMENDATIONS

- 2.1 That the Committee approves the proposed change to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004, with such matters instead being considered by the General Purposes Board and the Housing (Landlord Registration) Sub-Committee being removed, and remits this decision to the full Council for consideration of the associated changes to the Council's Standing Orders and Scheme of Administration.
- 2.2 That the Committee notes it will receive an annual update on Private Residential Landlord Registration.

Stuart Jamieson
Director Environment & Regeneration

3.0 BACKGROUND AND CONTEXT

3.1 Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004 provides that, other than the limited exemptions contained in Section 83 of the Act, all landlords who are not a local authority or registered social landlord must register with the local authority. Failure to apply for registration is a criminal offence.

3.2 The Landlord Registration Update report brought to the January meeting of the Environment & Regeneration Committee gave details of the current situation in respect of Landlord Registration and the processes in place for calling a meeting of the Housing (Landlord Registration) Sub-Committee. Members expressed a desire to see faster progress on bringing cases before them and it was remitted to the Director to bring a report back to this meeting. A link to that January 2023 report is included here:-

<https://www.inverclyde.gov.uk/meetings/meeting/2519>

3.3 In the March 2017 report “Registration of Private Landlords – Formal Procedure for the Approval, Refusal or Removal of Registration” the Education & Communities a process whereby concerns over the suitability of private landlords were reported to an officer panel, comprising at that time the Corporate Director Education, Communities & Organisational Development and the Head of Legal & Property Services. If the officer panel was satisfied that the grounds existed for refusal or revocation of the necessary licence then the matter would be placed before the Sub-Committee for ratification or rejection. A link to that March 2017 report is included here:-

<https://www.inverclyde.gov.uk/meetings/meeting/1943>

3.4 This process was intended to ensure that landlords are only referred to members for consideration of their fit and proper status when senior officers are satisfied that the evidence for bringing such a referral is sufficient. In reality officers would be very unlikely to bring a case for members’ consideration without involving senior officers in all circumstances. What the process does not allow for is a straightforward process should Police Scotland raise issues about a landlord’s suitability based upon previous convictions. The obvious parallel for these, admittedly rare, cases would be referrals to the GP Board from Police Scotland for Taxi Drivers.

3.5 Section 84 of the Anti-Social Behaviour etc. (Scotland) Act 2004 provides that the local authority shall register a landlord or agent where the appropriate information has been submitted, the appropriate fee paid and where it is satisfied that the relevant person is a “fit and proper person” to act as a landlord or agent. When considering whether someone is a fit and proper person, Section 85 of the Act provides that the local authority shall have regard (among other things) to any material specified in Section 85 subsections (2) to (4) of the Act viz. –

“(2) Material falls within this subsection if it shows that the relevant person or, as the case may be, the person has–

(a) committed any offence involving–

(i) fraud or other dishonesty;

(ia) firearms (within the meaning of section 57(1) of the Firearms Act 1968;

(ii) violence; or

(iii) drugs;

(a) committed a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995;

(b) practised unlawful discrimination in, or in connection with, the carrying on of any business;
or

(c) contravened any provision of–

(zi) any Letting Code issued under section 92A;

- (i) the law relating to housing; or
- (ii) landlord and tenant law.

(3) Material falls within this subsection if it relates to any actings or failure to act by the relevant person or, as the case may be, the person as respects antisocial behaviour affecting a house–

(a) subject to a lease or occupancy arrangement such as is mentioned in section 84(3)(c);
and

(b) in relation to which the relevant person was (or is) the landlord under the lease or arrangement or, as the case may be, the person was (or is) acting for the landlord in relation to the lease or arrangement.

(3A) Material falls within this subsection if it relates to any agreement between the relevant person and any person in terms of which that person acts for the relevant person in relation to a lease or occupancy arrangement such as is mentioned in section 84(3)(c).

(4) Material falls within this subsection if it appears to the Authority that the material is relevant to the question of whether the relevant person or, as the case may be, the person is a fit and proper person.”

4.0 PROPOSALS

- 4.1 In terms of the Council’s Standing Orders and Scheme of Administration, the remit of the Housing (Landlord Registration) Sub-Committee is “[t]o consider and decide on the refusal or removal of the registration of a private landlord or agent in prescribed circumstances”. General reports and updates on the private landlord registration are instead submitted to the Environment & Regeneration Committee, therefore the sole function of the sub-committee is essentially to carry out this *quasi-judicial* function, i.e., to consider whether or not a private residential landlord is a “fit and proper person”.
- 4.2 It should be remembered here that Private Residential Landlord Registration is a Scottish Government scheme large parts of which are administrative and operational. Although there are tools to encourage compliance landlords to meet the standards expected of them, such as Rent Penalty Notices, these are used operationally. It is not a licensing system unlike many of the Civic Government regimes and member input is required solely in relation to the fitness of an individual to be a landlord.
- 4.3 As noted in the January report to the Committee, the circumstances in which such a decision is required will arise relatively infrequently. Given this, and the *quasi-judicial* nature of such matters, it would make sense for such decisions to instead be taken by the General Purposes Board which regularly deals with such considerations on civic licensing matters, and has greater experience in doing so, including in ensuring the rights of licence holders (in this case private landlords) are met, and all relevant parties able to input into such decision-making. This would also enable any such issues to be considered at the regular scheduled meetings of the General Purposes Board, rather than special meeting of the Housing (Landlord Registration) Sub-Committee having to be arranged, potentially at short notice. As is currently the case, it would

still be for the appropriate Head of Service to initially consider any concerns which are raised over the suitability of private landlords (or prospective private landlords), and only where it is assessed that such concerns have substance and/or merit consideration by the General Purposes Board, would such concerns be remitted to the General Purposes Board, failing which they would be determined by officers under delegated authority.

- 4.4 It is therefore recommended that the Committee approves a proposed change to the way in which the Council considers concerns that have been raised in respect of the suitability of private residential landlords under the Antisocial Behaviour etc. (Scotland) Act 2004, with such matters instead being considered by the General Purposes Board and the Housing (Landlord Registration) Sub-Committee being removed, and remits this decision to the full Council for consideration of the associated changes to the Council's Standing Orders and Scheme of Administration. This would not affect the Environment & Regeneration Committee's responsibility to oversee the implementation of Private Residential Landlord Registration along with other matters affecting housing enforcement but it would streamline and improve the current process. It is, however, proposed that the Committee receive an annual update on Private Residential Landlord Registration.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk	X		
Human Resources	X		
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty	X		
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

There are no financial implications arising directly from this report.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

There are legal duties on the Council under the 2004 Act, in relation to the registration of private residential landlords. The proposals in this report will help ensure the Council meets its duties under the Act, and mitigate the risk of legal challenge to the Council in respect of the same.

5.4 Human Resources

The only Human Resources implications arising directly from this report are the need for officers to implement the proposals. However, it is expected that this can be contained within existing budgets.

5.5 Strategic

All tenures of housing are covered by the Local Housing Strategy which is currently under development.

5.6 Equalities and Fairer Scotland Duty

None.

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

6.0 CONSULTATION

6.1 The members of the General Purposes Board and the Housing (Landlord Registration) Sub-Committee, together with the Head of Legal and Democratic Services, have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

- 7.1 Registration of Private Landlords – Formal Procedure for the Approval, Refusal or Removal of Registration, Education & Communities Committee 7th March 2017, **EDUCOM/25/17/DH**

Registration of Private Landlords – Progress Update, Environment & Regeneration Committee 17th January 2019 **ENV006/19/RD**

Registration of Private Landlords – Progress Update, Environment & Regeneration Committee 14th January 2023 **ENV006/22/MM**

Classification - No Classification

Standing Orders and Scheme of Administration





**STANDING ORDERS AND SCHEME OF
ADMINISTRATION**

APPROVED – TBC APRIL 30 ~~JUNE~~ 20232

**INVERCLYDE COUNCIL
STANDING ORDERS AND SCHEME OF ADMINISTRATION
INDEX**

STANDING ORDERS

Definitions 3
Meetings of the Council 3
Notice of Meetings 5
Quorum 6
Sederunt and Apologies 6
Failure to Attend Meetings 6
Convener 6
Role of Provost 8
Restriction on Business 8
Order of Business 8
Minutes 9
Procedure for Notice of Motion 9
Motions and Amendments 10
Speeches 11
Points of Order 11
Closure of Debate 11
Adjournment 11
Voting 12
Disregarding the Authority of the Provost 12
Questions and Agenda Items 12
Interests of Members 13
Suspension of Standing Orders 13
Variation and Revocation of Standing Orders 13
Decisions of the Council 13
Contracts and Delegation 13
Committees 14

COMMITTEES 14
Committee Business 14
Application of Standing Orders to Committees 14
Participation of Members not on a Committee 16
Scheme of Administration 16
Quorum of Committees, Sub-Committees, Boards and Local Review Body 17
Committees Acting in Quasi-Judicial Capacity 17
Petitions Committee Protocol 17
Remits Between Committees 17

SCHEME OF ADMINISTRATION

PURPOSE OF SCHEME 18
PROVISIONS APPLICABLE TO ALL COMMITTEES 18
DELEGATED FUNCTIONS 18
GENERAL PROVISIONS 18
FUNCTIONS RETAINED BY THE COUNCIL 20
FUNCTIONS DELEGATED TO COMMITTEES 21

STANDING ORDERS OF INVERCLYDE COUNCIL

Definitions

1. In these Standing Orders, unless the context otherwise requires, the following words and expressions shall have the following meanings:

the 1973 Act means the Local Government (Scotland) Act 1973;

the 1994 Act means the Local Government etc. (Scotland) Act 1994;

the 2004 Act means the Local Governance (Scotland) Act 2004;

Administration Group means that group of Members which forms the ruling Administration of the Council;

the Council means The Inverclyde Council incorporated in terms of the 1994 Act;

Statutory Meeting means the meeting which, in terms of the relevant legislation, the Council is required to hold within 21 days of the date of the election in an ordinary election year;

Provost means the Convener of the Council elected under Section 4 of the 1994 Act;

Chair means the person at any time presiding at a meeting of the Council or a Committee;

Convener and **Vice Convener** of a Committee mean the Members appointed to those offices by the Council;

Member means a Councillor for the Council elected in accordance with the 2004 Act;

Proper Officer means the person designated as such and for the purpose specified by the Council in the Council's Scheme of Delegation;

clear days shall be interpreted to not include the day of receipt of any relevant notice and the day of the meeting;

Remote and Hybrid Meeting Protocols means those meeting protocols approved by the Council to regulate the holding of meetings, as updated from time to time with the approval of the Council or by the Head of Legal, Democratic, Digital & Customer Services under authority delegated by the Council;

Formatted: Font: Bold

written request and **in writing** mean a letter signed by the author(s) delivered to the Proper Officer or a scanned copy of that letter delivered to the Proper Officer by electronic means;

any reference to a **Committee** shall, unless the context otherwise requires, include reference to a Sub-Committee, Board, the Local Review Body and any Committees acting in a *quasi-judicial* capacity;

unless the context otherwise requires, words imparting the singular shall include the plural and vice versa.

Meetings of the Council

Classification - No Classification

2. The Council shall meet at 4 p.m. on the following days:

- (a) A Statutory Meeting of the Council shall be held in the year of the elections to the Council under the relevant legislation within 21 days from the date of that election;
 - (b) Ordinary Meetings shall be held on the Thursday of the final week of each cycle of meetings set by the Council and, in any event, at intervals of no more than 16 weeks between each meeting, unless otherwise agreed in terms of **Standing Order 3**.
3. Special Meetings may be called at any time by the Proper Officer on being required to do so by (a) the Provost, or (b) a written request for that purpose, signed by at least 7 Members or (c) at the request of the Chief Executive or Monitoring Officer, which meeting shall be held within 7 clear days. The request shall specify the business proposed to be transacted at the meeting.
4. All meetings of the Council shall be held within the Municipal Buildings, Greenock, or such other place as the Council or the Proper Officer in consultation with the Provost may specify, it being declared that a virtual/remote or hybrid meeting arranged by the Council shall satisfy this requirement.
5. Subject to the terms of Sections 50A and 50E of the 1973 Act, all meetings of the Council shall be open to the public. All meetings of the Council, Committees, Scrutiny Panels, Sub-Committees and quasi-judicial boards shall be held on a hybrid basis, in accordance with the Remote and Hybrid Meeting Protocols, except where (i) the Convenor/Vice-Convenor or Chair/Vice-Chair is unable to attend the meeting in person or (ii) holding a hybrid meeting would be unlawful or contrary to relevant public health guidance. Notwithstanding the foregoing, authority is delegated to the Chief Executive, in consultation with the Strategic Leadership Forum, to decide whether any Council meetings should instead be held on a fully in person or fully remote basis, where that is considered appropriate, for example for public health reasons.
6. No Member or member of the public may photograph, broadcast, transmit or record any Council meeting without prior written approval from the Council. The use of mobile electronic devices by Members during meetings is permitted only to ensure the expeditious progress of the meeting, for access to Council agendas, notes or diary entries and not for any external purpose.

Notice of Meetings

7. Notice of all Council meetings is published on the Council's website.
8. All meetings of the Council shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.
9. If a meeting is convened at shorter notice than 3 clear days by reason of urgency, the Notice and summons referred to above shall be published and posted as soon as the meeting is convened.

10. Want of service of a summons on any Member shall not affect the validity of a meeting of the Council, only if good reason is shown for failure to send such a summons as may be decided upon by the Provost.

Quorum

11. The quorum for the Council is 7. No business may be transacted at any meeting unless a quorum is present.
- (a) If, 10 minutes after the time stated in the summons to attend a meeting, a quorum is not present, the meeting shall stand adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (b) If after a meeting has started, the number of Members present falls below the quorum and after a period of 5 minutes (during which time no business shall be considered or transacted), a quorum cannot be found, the meeting shall be adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (c) Any Member who has declared an interest in an item of business at the meeting and who leaves the meeting for that purpose may not be counted in the quorum for that item of business. If less than a quorum of the Council results from the Member leaving the meeting, then that item of business cannot be considered at the meeting.

Sederunt and Apologies

12. The names of the Members present at a meeting of the Council shall be recorded by the Proper Officer. Members who intimate to the Proper Officer apologies for non-attendance at a meeting of the Council shall have their apologies recorded in the Minute.

Failure to Attend Meetings

13. Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of 6 consecutive months to attend any meetings of the Council or a Committee, he or she shall, unless the failure was due to some reason approved by the Council, cease to be a Member.

Convener

14. (a) The Convener of the Council, upon being elected, shall be known as the Provost and shall subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act, hold office until the next ordinary election or until ceasing to be a Councillor, whichever is the earlier. Notwithstanding the foregoing, the Council may specify a shorter period for the term of office of Convener at the time of that election;
- (b) At a meeting of the Council, the Provost or, in his or her absence, the Depute Provost shall preside. If the Provost and the Depute Provost are both absent from a meeting, another Member of the Council chosen by the Members present will chair the meeting.
15. Subject to the provisions of **Standing Order 14** the Council may at any time agree to remove the Provost from office with immediate effect provided that:

Classification - No Classification

- (a) a Notice of Motion in terms of **Standing Order 22** to that effect is given at one meeting of the Council and on the basis that the matter is to be considered at the next ordinary meeting of the Council; or
- (b) where no such prior Notice of Motion is given, not less than two thirds of Members present and entitled to vote at the meeting agree that the early removal from office of the Provost be considered at that meeting.

Role of Provost

- 16. The Provost shall:
 - (a) preserve order and ensure fairness in debate;
 - (b) ensure the agenda of business is properly dealt with and clear decisions are reached;
 - (c) decide on all points of order and matters of competence and relevance;
 - (d) with the assistance of the Proper Officer, ensure that Standing Orders are observed;
 - (e) decide on all questions of procedure for which no express provision is made in Standing Orders; and
 - (f) order the exclusion of any member of the public to prevent or remove disorderly conduct or any other behaviour which disrupts the business of the meeting.
- 17. The decision of the Provost on all matters within his or her responsibility shall be final and shall not be open to question or discussion.

When the Provost speaks the Member, if any, who is addressing the meeting, shall cease to speak. The Provost shall be entitled, in the event of disorder occurring, to adjourn the meeting to a time he or she may then or thereafter determine.

Restriction on Business

- 18. No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council as a matter of urgency. The Provost must rule that it is a matter of urgency and give the reasons for the ruling, to be noted in the Minute. The item must be made known at the start of the meeting when the order of business is decided. If the Provost rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council, unless dealt with earlier.

Order of Business

- 19. (a) At the first meeting of the Council after an ordinary election, the Council shall deal with the business in the following order:
 - note the election of Members;
 - take the sederunt, noting which Members have executed the declaration of acceptance of office;
 - elect the Provost;
 - elect the Depute Provost;
 - appoint Leader, Depute Leader and Leader of the Minority Group(s);
 - appoint Members to Committees;
 - appoint Conveners and Vice-Conveners of Committees;

- appoint Members to the Licensing Board;
 - appoint representatives to outside bodies;
 - consider arrangements for a timetable of scheduled meetings and any administrative arrangements.
- (b) At all other meetings of the Council, business shall be dealt with in the following order:
- note apologies for absence;
 - note the appointment of substitutes by Members;
 - consider notice of any urgent business;
 - note declarations of interest;
 - approve minutes of meetings of the Council and Committees;
 - ask questions on the minutes;
 - consider reports;
 - consider Member Requests
 - consider Notices of Motions;
 - consider other motions on the agenda;
 - consider business in the appendix.
- (c) The order of business may be altered by the Provost upon his or her discretion.

Minutes

- 20. Minutes of Council meetings shall be prepared by the Proper Officer. Subject to approval or correction as the case may be, the Minute shall be signed at the next suitable meeting of the Council by the person then presiding.
- 21. At the Council meeting, the Member presiding at a Committee meeting shall move acceptance of the Minute of that Committee meeting, as a correct record insofar as any such corrections of the Minute do not conflict with the proper exercise of powers delegated to the Committee. In the absence of the Member presiding at the Committee, another Member may move acceptance of the Minute of that meeting as a correct record. Any correction proposed by the presiding Member requires a seconder.

Any item in the Minute subject to referral from a Committee will require to be moved and seconded and subject to debate thereafter.

Procedure for Notice of Motion

- 22. A Member may submit a Notice of Motion for consideration at any meeting of the Council. Such Notice of Motion shall be in writing and shall be countersigned by at least one other Member and delivered to the Proper Officer at least 7 clear days prior to the meeting of

the Council at which the Motion is to be considered. The Notice of Motion shall be printed in the Agenda of the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.

- 23. A Notice of Motion submitted under **Standing Order 22** may be moved by the Member who submitted the Notice of Motion or by another Member present. If it is not so moved, it shall, unless postponed by decision of the Council, be considered as withdrawn.
- 24. For the avoidance of doubt, **Standing Orders 22 and 23** do not apply to requisitioned meetings, to procedural motions and/or to motions which are moved by Members at a meeting in pursuance of a minute or report.

Procedure for a Member’s Request

- 25. A Member may submit a Member’s Request for consideration at any meeting of the Council. Such a Member’s Request shall be in writing and delivered to the Proper Officer at least 7 clear days prior to the meeting of the Council at which the Motion is to be considered. A Member’s Request does not require to be countersigned by another Member. The Notice of Motion shall be printed in the Agenda of the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.
- 26. The substantive matter of a Member’s Request may not be political in nature, and neither may it seek to commit the Council to any use of funds or other resources, other than those of an insignificant nature which can be accommodated within existing budgets. Whether or not a Member’s Request can properly be categorised as such in terms of these Standing Orders will be determined by the Provost, taking officer advice as required.
- 27. A Member’s Request submitted under **Standing Order 25** may be moved by the Member who submitted the Member’s Request or by another Member present. If it is not so moved, it shall, unless postponed by decision of the Council, be considered as withdrawn.

Motions and Amendments

- 28. Any Member proposing a motion or amendment relating to any item of business at a meeting shall state precisely the terms of his or her motion or amendment to enable the Provost to rule as to its competency.
- 29. Before any vote takes place, a motion or amendment must be duly seconded.
- 30. Any motion or amendment which is not seconded shall fall and will not be recorded in the Minute.
- 31. Only a Member who has not abstained and has taken part in a vote or who has moved a motion or amendment but failed to find a seconder may, if he or she so requests, have his or her dissent to the relevant decision recorded in the Minute.
- 32. The Provost may require that any motion or amendment shall be put in writing by the Member so proposing or amending. When required by the Provost, the Proper Officer will read any motion or amendment prior to it being put to the meeting.
- 33. No Member shall move or second more than one motion or amendment on an item of business. A Member who has moved or seconded a motion or amendment shall be

entitled to move or second a new motion or amendment if the original motion or amendment is withdrawn in terms of **Standing Order 34**.

- 34. A motion or amendment which has been moved and seconded shall not be altered or withdrawn without the consent of the mover and the seconder.
- 35. A motion or amendment contrary to a decision of the Council shall not be competent within 6 months of that decision unless, in the opinion of the Provost, material information is introduced which had not previously been available or some other material change of circumstances has taken place.

Speeches

- 36. Except with the permission of the Provost, the mover and seconder of a motion or an amendment shall not speak for more than 15 minutes. Others speaking in the debate shall not speak for more than 10 minutes. No Member other than the mover of a motion shall speak more than once in the same debate unless to call attention to a point of order or, with the permission of the Provost, to make an explanation. The mover of the motion shall have the right to speak for up to 5 minutes in reply to the points raised in the debate and will strictly confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, the question shall be put by the Provost.
- 37. Members shall address the Provost. Each Member shall confine his or her speech to the item being debated.
- 38. Except with the consent of the Provost, it shall not be competent for any Member to read a written or printed speech to the meeting but a Member shall be entitled to refer to notes.

Points of Order

- 39. Any Member may raise a point of order at any time during a meeting. Any Member who is addressing the meeting when a point of order is raised will resume his or her seat until the point of order has been decided upon by the Provost. No other Member may speak to the point of order unless with the permission of the Provost. The decision of the Provost will be final and cannot be debated.

Closure of Debate

- 40. At the conclusion of any speech, a Member who has not spoken on the item being debated may move "that the question be now put". If such a motion is moved and seconded and the Provost is of the opinion that the item has been sufficiently debated, there shall be no further debate and the vote shall be taken immediately "for" or "against" the motion "that the question be now put." If the motion "that the question be now put" is agreed, the mover of the substantive motion shall have the right to speak for not more than 5 minutes in reply to the points raised in the debate and will confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, a vote shall be taken immediately on the substantive motion.

Adjournment

- 41. At the conclusion of any speech, any Member may move that the meeting be adjourned. If such a motion is moved and seconded there will be no further debate and the vote shall be taken immediately to "adjourn" or "not adjourn". If the motion to adjourn is agreed then, unless the time is specified in the motion, the adjournment shall take effect

immediately and the meeting shall be adjourned until such time as decided by the Provost. If the motion to adjourn is not agreed, it shall not be competent to repeat such a motion for a further 30 minutes, unless moved by the Provost.

- 42. A motion to adjourn shall take precedence over all other motions.

Voting

- 43. Except where otherwise provided by these Standing Orders, when a motion and amendment are considered by the Council, the proposal receiving the support of the majority of the Members present and voting will be declared to be the decision of the Council.
- 44. Voting shall be taken by calling the roll. For purposes of accountability, the names of all Members voting or abstaining relative to any motion or amendment shall be recorded in the Minute.
- 45. In addition to a deliberative vote, in the case of an equality of votes, the Provost, should he or she so wish, shall have a casting vote except where the matter relates to the appointment of a Member to any particular office or Committee in which case the decision shall be by lot. The Provost shall, however, have a casting vote, should he or she so wish, where the matter relates to the appointment of a Member to an outside body.
- 46. When a motion and 2 or more amendments have been moved and seconded, the vote shall be taken in the first instance between the amendment last proposed and the amendment second last proposed. The successful proposal from that vote shall be taken against the amendment third last proposed and so on until there remains only one amendment to be taken against the motion and whichever of those is carried shall be the decision of the Council.
- 47. When a vote has been taken and the accuracy of the count is immediately challenged, it shall be at the discretion of the Provost to call for a recount.

Disregarding the Authority of the Provost

- 48. If any Member disregards the authority of the Provost or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the rest or any part of the meeting. The motion shall be put without discussion. If it is carried, the Council Officer shall act on any orders given by the Provost to carry out such a decision.

Questions and Agenda Items

- 49. (a) Any Member may put a question to the Provost or to any Convener at any meeting of the Council concerning relevant and competent business on the Agenda. If the Provost or Convener decides that the question is relevant and competent, the Provost or Convener shall answer it or direct that it shall be answered;
- (b) If any Member wishes to give formal notice of a detailed question arising from the business on the Agenda, that Member can submit that question in writing to the Proper Officer by 10am on the day preceding the Council meeting. The Proper Officer shall liaise with the Provost or Convener on this at the earliest opportunity;

- (c) Any Member may submit in writing to the Proper Officer an item of business for consideration at any meeting of the Council not less than 7 clear days preceding the meeting. The Proper Officer shall place the item on the Agenda notwithstanding the entitlement of the Provost or Convener to rule on its competency.

If the Member considers the item to be urgent, the reasons for this must be specified by the Member in the written submission. In such circumstances, the Proper Officer may place the item on the Agenda even though less than 7 clear days' notice has been given, notwithstanding the discretion of the Provost or Convener to decide on its urgency or otherwise and on its competency for the meeting. Failing this, the item shall not be included on the Agenda as it has not been raised within the proper timescale.

Interests of Members

50. Any Member who has an interest in any matter which, in terms of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, requires to be declared and is available to participate at a meeting at which such a matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where the interest arises. The declaration shall be sufficient to enable the meeting to understand the nature of the interest and shall be recorded in the Minute.

If, in terms of the Code, the nature of the interest means that the Member cannot participate in discussion and voting on the matter, the Member shall retire from the meeting and leave the meeting room until the business concerning that matter is concluded.

Suspension of Standing Orders

51. On a motion made at any time during a meeting, the Council shall be entitled to suspend one or more of these Standing Orders so far as regards any business, but only if two-thirds of the Members present and voting for that purpose shall so decide. There shall be no discussion on such a motion.

Variation and Revocation of Standing Orders

52. The Council may vary or revoke any of these Standing Orders. Any such decision will, if voted upon, be approved by a majority of Members present and voting.

Decisions of the Council

53. No decision made by the Council shall be subject to review by any Committee unless such review is specifically authorised by the Council.
54. Without prejudice to any decision taken by a Committee, in exercise of delegated powers, the Council may at any time deal with any matter included in a delegation to a Committee, notwithstanding that no report from such Committee is before it. The Council may deal with any item of business included in the delegation to a Committee even if there is no report from that Committee on the item.

Contracts and Delegation

55. The Council shall have Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations.

Committees

- 56. The Council shall establish such Committees, Sub-Committees and Boards as may be considered necessary from time to time and shall have a Scheme of Administration on the terms of reference and delegations to Committees, Sub-Committees and Boards for the purpose of arranging for the discharge of the functions of the Council.
- 57. The Council shall appoint Conveners, Vice-Conveners and Members to such Committees, Sub-Committees and Boards as it establishes in terms of **Standing Order 56** at the statutory meeting of the Council and otherwise as it considers necessary from time to time.

COMMITTEES

Committee Business

- 58. In making appointments to Committees and outside bodies (but in the latter instance only where more than 2 representatives of the Council to an outside body are required), the Council shall ensure that such appointments reflect, as far as practicable, the balance of political representation on the Council.
- 59. Any business requiring consideration by the Council shall, unless considerations of time otherwise dictate, be placed before the appropriate Committee.
- 60. Committees shall meet as the Council may from time to time set. Special meetings may be convened as follows:-
 - (a) by the Committee at any ordinary meeting; or
 - (b) by a written request from the Convener submitted to the Proper Officer and specifying the business proposed to be transacted at the meeting; or
 - (c) by a written request signed by at least one quarter of the Members of the Committee submitted to the Proper Officer specifying the business proposed to be transacted at the meeting.

If the Proper Officer receives a request as set out in (b) or (c) above, such meeting shall be held within 14 clear days of receipt.

- 61. At any time prior to the issue of a notice calling a meeting of a Committee, the Proper Officer, after consultation with the Convener, may determine that such meeting be cancelled or postponed to such date and time as the Convener shall determine. In which event, the Proper Officer shall, forthwith, issue a notice intimating the cancellation or adjournment of the meeting.
- 62. All meetings of a Committee shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.

Application of Standing Orders to Committees

63. The following Standing Orders of the Council shall not apply to Committees:

- Standing Order 2 - Meetings of the Council
- Standing Order 3 - Special Meetings
- Standing Order 8 - Notice of Meetings
- Standing Order 11 - Quorum
- Standing Order 20 - Approval of Committee Minutes
- Standing Order 29 - Need for Secunder for Motions and Amendments
- Standing Order 36 - Speeches

For Committees the following Standing Orders shall be amended to the extent detailed below:

Standing Order 4

All meetings of Committees shall be held at the Municipal Buildings, Greenock or such other place as the Committee or Proper Officer in consultation with the Convener may determine, it being declared that a virtual/remote or hybrid meeting arranged by the Council shall satisfy this requirement.

Standing Order 14

- (a) At a meeting of a Committee, the Convener, if present, shall preside;
- (b) If the Convener is absent from a meeting, the Vice-Convener shall preside; and
- (c) If the Convener and the Vice-Convener are absent from a meeting, another Member of the Committee, chosen by the Members present, shall preside.

Standing Order 19(b)

There is no requirement to approve minutes or ask questions thereon.

Standing Order 40

When any item is the subject of debate at a Committee, at any point in that debate, if the Convener is of the opinion that the item has been sufficiently debated, the Convener shall be entitled to close the debate and to decide that the question be now put to the Committee for decision. There shall be no further debate on the item and the Committee shall proceed to decide, whether by vote or otherwise, on the item.

The following additional Standing Orders shall apply to Committees:

Participation of Members not on a Committee

64. (a) Any Member who is not a Member of a Committee and who wishes to have an item considered at that Committee shall give written intimation to the Proper Officer of that item. Such intimation shall be referred to the Convener of the relevant Committee and Corporate Director. That Corporate Director shall be responsible for responding to the Member. In the event that the Member is not satisfied with the response, the Member shall be entitled to have the item considered by the Committee by giving written intimation to the Proper Officer to that effect at least 14 clear days prior to the date of the next ordinary meeting. On receipt of such written intimation, the item shall be placed on the agenda for the Committee, without prejudice to the entitlement of the Convener to rule as to its competency, it being understood that if the subject matter is within the remit of the Committee and has been raised within the time limits, it shall be deemed competent;
- (b) Any Member who is not a Member of a Committee who submits an item in terms of (a) above, shall be entitled to attend the meeting of that Committee at which that item is being considered. That Member shall be entitled to participate in the debate on that item but shall not be entitled to vote;
- (c) A Member who is not a Member of a Committee shall be entitled to attend a meeting of that Committee while there is under consideration any item in which the Member has a specific ward-based interest as a Member. Except where a Committee is considering items in its *quasi-judicial* capacity, the Member shall, with the consent of the Convener, be entitled to participate in the debate of the item but shall not be entitled to vote. Where the consideration of an item is of a *quasi-judicial* nature, a Member who is not a Member of the Committee shall not be entitled to participate in debate on the item and shall not be entitled to vote;
- (d) Any Member who is not a Member of a Committee who wishes to ask a specific question in relation to an item on the Agenda of that Committee, shall give at least 2 clear days' written notice to the Proper Officer, specifying the question. The Proper Officer shall liaise with the Convener on this at the earliest opportunity. If the Member so notifies the Proper Officer, that Member shall be entitled to attend the meeting of that Committee to ask that question on that item but shall not be entitled to ask any supplementary questions, participate in any debate or to vote thereon. This is without prejudice to the Convener's entitlement to rule on the competency of the question.

Scheme of Administration

65. (a) The arrangements for meetings of Committees and their functions shall be regulated in accordance with the Scheme of Administration;
- (b) Where a Committee makes a decision within its delegated powers, it shall be competent for at least 4 of the Members present and voting at a Committee and 2 of the Members present and voting at a Sub-Committee to require that the delegated power be not exercised and that the decision be referred for determination to the Council. This referral procedure cannot be used if the Committee is considering an item in its *quasi-judicial* capacity, in which case the decision taken shall be final;

Any referral must specify an alternative to the proposal so referred.

- (c) In addition to the detailed provisions of the Scheme of Administration:
 - (i) the Council may delegate on an *ad hoc* basis to a Committee the discharge of any function; and
 - (ii) a Committee may delegate on an *ad hoc* basis to a Sub-Committee the discharge of any function in respect of which that Committee has delegated powers.

Quorum of Committees, Sub-Committees, Boards and Local Review Body

- 66. (a) The quorum of all Committees (except the Petitions Committee), the General Purposes Board and the Planning Board shall be 6;
- (b) The quorum of the Local Review Body shall be 4 and the quorum of the Petitions Committee shall be 4;
- (c) The quorum of all Sub-Committees ~~except the Housing (Landlord Registration) Sub-Committee~~ shall be 4, or the membership of the Sub-Committee whichever is the lesser;
- (d) The quorum of the Human Resources Appeals Board ~~and the Housing (Landlord Registration) Sub-Committee~~ shall be 3.

Committees Acting in Quasi-Judicial Capacity

- 67. Where a Committee is dealing with an item of business in a *quasi-judicial* capacity, a Member shall not be entitled to take part in debate, move a motion or amendment or vote on a motion or amendment unless that Member has been present throughout consideration of that item of business, any continuation of that item of business or any site visits.

Petitions Committee Protocol

- 68. The Petitions Committee shall from time to time consider and approve its protocol and procedures for submitting petitions and determining its actions, which shall include provisions for persons or deputations making representation to that Committee.

Remits Between Committees

- 69. Any decision by a Committee to remit consideration of a matter to another Committee shall, where practicable, be considered at the next meeting of the Committee.

INVERCLYDE COUNCIL

1. SCHEME OF ADMINISTRATION

1.1 This Scheme of Administration is within the Council's Standing Orders.

2. PURPOSE OF SCHEME

2.1 These terms of reference and delegated functions (Scheme of Administration) set out the powers delegated by the Council to its Committees, Sub-Committees and Boards in terms of the Local Government (Scotland) Act 1973 and shall regulate:

- (a) the allocation of the functions of the Council to the Committees, Sub-Committees and Boards of the Council; and
- (b) the delegation to Committees, Sub-Committees and Boards, where appropriate, of authority to exercise the functions of the Council.

2.2 The Scheme of Administration is to be read with the Council's Standing Orders, Standing Orders Relating to Contracts and Financial Regulations.

3. PROVISIONS APPLICABLE TO ALL COMMITTEES

3.1 Committees shall consider only matters within their terms of reference.

3.2 Where the Council has delegated any class of functions to a Committee, it shall retain the power to delegate any one of those functions to another Committee on a particular occasion when, by reason of the nature of the matter, in the opinion of the Council, it ought to be so referred.

3.3 All functions listed as delegated functions and any further additional such functions which may be delegated by the Council are also delegated to the respective Committee.

4. DELEGATED FUNCTIONS

4.1 The following functions shall be delegated to Committees:

- (a) The powers required to carry out their functions provided that the decisions made by any Committee shall comply with the terms of policy and budget approved by the Council.
- (b) All Boards and the Local Review Body, being *quasi-judicial* bodies, shall have full powers and no decisions taken shall be referred to the Council except in the case of the Planning Board relative to those applications for major and national developments which are statutorily subject to pre-determination hearings.

5. GENERAL PROVISIONS

5.1 The following general provisions shall apply:

- (a) A Committee may further delegate authority to an officer of the Council to undertake or discharge any function which is delegated to that Committee. The Local Review Body may delegate authority to an officer of the Council to undertake or discharge

Classification - No Classification

any function delegated to it, where it is so enabled by the Town and Country Planning (Schemes of Delegation and Local Review Bodies) (Scotland) Regulations 2013;

(b) Any decision proposed to be taken by a Committee under delegated powers which conflicts with or potentially conflicts with a decision of another Committee shall be referred to the Council.

5.2 There shall be the following Committees, Sub-Committees and Boards:

Committees

Policy and Resources Committee	(11 Members)
Audit Committee	(11 Members)
Environment and Regeneration Committee	(11 Members)
Education and Communities Committee	(11 Council Members)
Social Work & Social Care Scrutiny Panel	(11 Members)
Local Police and Fire Scrutiny Panel	(11 Members)
Petitions Committee	(6 Members)

Sub-Committees

Policy and Resources Executive Sub-Committee	(6 Members)
Grants Sub-Committee	(6 Members)
Housing (Landlord Registration) Sub-Committee	(5 Members)

Boards

General Purposes Board	(11 Members)
Human Resources Appeals Board	(5 Members)
Planning Board	(11 Members)
Local Review Body	(7 Members)
Appointments Panels	(Membership per Scheme)

5.3 With the exception of the Petitions Committee, all Committees as set out in paragraph 5.2 above shall have the power to establish a Sub-Committee but for a specific purpose only and shall appoint Members, Conveners and Vice-Conveners thereof. The establishing of any such Sub-Committee shall be subject to review by the Committee at least every 12 months.

5.4 The selection process for the Chief Executive and the selection and appointment processes for all other Chief Officers shall be dealt with by formal Committees set up as Appointment Panels according to Schemes approved by the Council.

5.5(a) Where a Member of any Committee is unable to attend a meeting, that Member may make arrangements with another Member who is not a Member of that Committee to attend that meeting as his or her substitute with powers to act in his or her stead and shall ensure that the substitute has or will receive the appropriate meeting papers;

5.5(b) The Member who is unable to attend and who is appointing a substitute must inform the Proper Officer as soon as possible of the appointment of the substitute. When a substitute attends, the substitution applies throughout the duration of the meeting including any adjournment to a time later the same day or such other later date and

time as may be agreed and the appointing Member shall not be entitled to revoke the substitution or vote at the meeting or its same day adjournment. Only the substitute intimated by the appointing Member to the Proper Officer prior to the commencement of the meeting is entitled to attend and vote. The appointment of a substitute can be revoked by the appointing Member only prior to the commencement of the meeting. Where there is a substitute at any meeting and an item of business has been continued the substitution will continue to apply in relation to that particular item of business.

5.6 The Convenor of the Audit Committee shall be a Member who does not form part of the Administration Group.

6. FUNCTIONS RETAINED BY THE COUNCIL

6.1 The Council has overall responsibility for the Council Budget, the Chief Officer Management Structure and oversight of all political decision-making processes.

6.2 The following are reserved to the Council:

- (a) All functions reserved by law to the Council;
- (b) The determination of the strategic objectives of the Council;
- (c) The annual review of the revenue budget and the fixing of Council Tax;
- (d) The annual review of the Capital Programme and the approval of annual budgets of capital and revenue expenditure;
- (e) Approval of the Annual Capital Strategy, Annual Treasury Strategy and Annual Treasury Report;
- (f) The consideration of the Annual Report to Members by the Council's External Auditors;
- (g) The making of Standing Orders and a Scheme of Administration, Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations;
- (h) The making of an order for the compulsory acquisition of any land or interest in land;
- (i) The making of any formal resolution to co-operate or combine with other local authorities in the provision of services;
- (j) The appointment of the Provost and Depute Provost of the Council;
- (k) The establishment of Committees of the Council and their terms of reference and the delegations of function thereto;
- (l) The appointment of Members to Committees and the appointment of Conveners and Vice-Conveners;
- (m) The appointment of Members of the Council to Joint Committees, Joint Boards and outside bodies;
- (n) The approval of Schemes for the establishment of Community Councils;

Commented [IS1]: Updated to reflect current practice and terminology

Classification - No Classification

- (o) The approval of Polling Schemes for elections and referendums;
- (p) The promoting or the opposing of the making of private legislation;
- (q) The promotion of byelaws, management rules and any necessary orders;
- (r) The appointment of the Chief Executive and all matters relating to disciplinary procedures for the Chief Executive;
- (s) The making of resolutions for Housing Renewal Areas;
- (t) The consideration of Members' remuneration;
- (u) The formal adoption of the Local Development Plan;
- (v) The determination of an application for planning permission for a development of a class specified in Section 38A(1) of the Town & Country Planning (Scotland) Act 1997 (being applications that require a Pre-Determination Hearing);
- (w) The consideration of the Chief Social Worker's Annual Report.

7. FUNCTIONS DELEGATED TO COMMITTEES

7.1 POLICY AND RESOURCES COMMITTEE

7.1.1 Power is delegated to the Policy and Resources Committee:

- (a) To advise the Council on outcomes, strategic objectives and key priorities;
- (b) To develop and approve Council policies, including community planning and partnership working;
- (c) To adopt and implement the management framework for planning, implementing, reporting and reviewing corporate service delivery;
- (d) To ensure the Council meets its statutory responsibilities in terms of best value;
- (e) To monitor implementation of the Council's Corporate Plan;
- (f) To facilitate and encourage any public consultation, engagement and participation with the community, partners and key stakeholders;
- (g) To instruct such performance information as the Committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance;
- (h) To determine any reviews under S 86 of the Community Empowerment (Scotland) Act 2015- of decisions on asset transfer requests;
- (i) To take all decisions which are not reserved to the Council or otherwise delegated (such as those delegated to another Committee of the Council or an officer), which includes any decisions the Council requires to take in respect of those functions and services delegated to the Inverclyde Integration Joint Board and listed in Annex 2 to the Inverclyde Health & Social Care Partnership Integration Scheme (other than in

Classification - No Classification

respect of homelessness services where the taking of any such decision is delegated to the Environment & Regeneration Committee);

Classification - No Classification

- (j) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:
 - Chief Executive's Office
 - Finance
 - Organisational Development, Policy and- Communications
 - Legal, ~~and~~ Democratic, Digital & Customer Services
- (k) To guide the Council in the formulation of its policy objectives and priorities, to consider the broad social and economic needs of the Council and matters of importance to its area, to advise the Council generally as to its financial and economic policies, to monitor and control the Council's Revenue Budgets and Capital Programme;
- (l) To consider new policies or changes in policy formulated by Committees where those policies or changes in policy may have significant impact upon the existing policies or the resources of the Council and to consider new policies not falling within the terms of reference of any other Committee;
- (m) To consider all aspects of the Council's Public Reporting Framework;
- (n) To ensure that the organisational and management processes of the Council are designed to make the most effective contribution to the achievement of the Council's objectives;
- (o) To keep organisation and management processes under review and make recommendations as necessary for any change in the structure of Committees or Services or the allocation of functions and responsibilities;
- (p) To appoint the Returning Officer;
- (q) To be responsible for formulation and approval ~~delivery~~ of the Council's Procurement Strategy;
- (r) To have overall responsibility for information governance and to arrange for compliance with the provisions of the Data Protection and Freedom of Information legislation.
- (s) To approve formulation and implementation of the Anti-Poverty policy.

Commented [IS2]: P&R responsible for approval of the Procurement Strategy, but delivery and annual reporting overseen by E&R

7.1.2 The Committee has service responsibilities as follows:

Finance

- (a) To regulate and manage the proper administration of the Council's financial affairs and oversee external organisational governance arrangements;
- (b) To deal with the administration of the levy, collection, payment and recovery of all income to the Council;
- (c) To arrange for all borrowing, lending and investing of money by the Council;
- (d) To keep accounts and proper records of all transactions of the Council;
- (e) To oversee banking arrangements;

- (f) To oversee insurances;
- (g) To be responsible for the administration of all matters relating to Housing Benefits;
- ~~(h) To be responsible for the formulation and delivery of the Council's Customer Services Strategy;~~
- ~~(i) To ensure effective provision of all information technology and communication services, ICT and digital access strategy;~~
- ~~(j) To exercise the powers and duties of the Council relative to registration of births, marriages and deaths.~~

Commented [IS3]: Moved to under egal, Democratic, Digital & Customer Services to reflect new structure.

Organisational Development, Policy & Communications

- (a) To advise on the overall planning required to ensure the most effective, efficient and economic use of the Council's human resources;
- (b) To oversee all matters relating to:
 - (i) Council policies and practices in relation to Council employees including the recruitment, training, salaries, wages and conditions of service of all employees of the Council;
 - (ii) service structures, establishments and job evaluation gradings;
 - (iii) the training and development, health, safety and welfare of all Council employees;
 - (iv) the ongoing maintenance of job evaluation, organisational development, strategy, planning and other such related matters;
 - (v) negotiations with the Trades Unions on matters affecting employees;
 - (vi) securing the development and effective implementation of the Council's Equal Opportunities in Employment policies;
 - (vii) co-ordinating the performance of the Council's responsibilities as an employer under the appropriate equalities legislation;
 - (viii) the promotion of good employment relations between the Council and its employees;
 - (ix) the formulation and delivery of the Council's Corporate Communications Strategy;
 - (x) to be responsible for the effective delivery of performance management, and customer consultation.
 - (xi) to oversee superannuation and pensions.

~~Legal, and Democratic, Digital & Customer Services~~

Formatted: Indent: First line: 0 cm

- (a) To ensure effective provision of legal services;
- (b) To ensure effective administrative support for Members and Committees;
- (c) To ensure effective provision and support for elections and referendums;

- (d) To ensure effective provision of internal audit services:-
- (e) To ensure effective provision of information governance services, including compliance with the provisions of the Data Protection and Freedom of Information legislation;
- (f) To ensure effective provision of the Council's Customer Services;
- (g) To ensure effective provision of all information technology and communication services, ICT and digital strategies;
- (h) To ensure effective provision of the powers and duties of the Council relative to registration of births, marriages and deaths.
- (i) _____

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 1.5 cm

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 1.5 cm

To exercise all of the functions delegated to the Policy and Resources Committee or other Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the relevant Committee, where appropriate.

7.1.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Inverclyde Alliance
- Scotland Excel
- Renfrewshire Valuation Joint Board

7.2 POLICY AND RESOURCES EXECUTIVE SUB-COMMITTEE

7.2.1 Power is delegated to the Policy and Resources Executive Sub-Committee to exercise all of the functions delegated to the Policy and Resources Committee or the Thematic Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the affected Thematic Committee where appropriate.

7.3 AUDIT COMMITTEE

7.3.1 Power is delegated to the Audit Committee:

- (a) To consider reports on the Council's audit plan and on arrangements for implementing best value;
- (b) To consider reports relating to Annual Accounts, subject to the Council's approval thereof, and Financial Accounting issues;
- (c) To monitor the financial governance arrangements within the Council, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements;
- (d) To review the adequacy of internal control systems and policies;

Classification - No Classification

- (e) To review all reports from the Council's External Auditors;
- (f) To monitor the Annual Audit Plan and review all Council audit and inspection work against that Plan;
- (g) To oversee the performance of the Council's Internal Audit function;
- (h) To approve changes in Accounting Policies;
- (i) To review the Council's Risk Management Policy;
- (j) To monitor and review action taken on recommendations arising from internal and external audits;
- (k) To oversee the performance of the Council with respect to the Corporate Governance Framework;
- (l) To scrutinise and comment on the Council's Financial Regulations, Standing Orders relating to Contracts.

7.3.2 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Audit Scotland
- The Accounts Commission
- The Council's External Auditors

7.4 SOCIAL WORK & SOCIAL CARE SCRUTINY PANEL

7.4.1 Noting that decisions regarding the strategic direction and funding of all functions and services listed in Annex 2 to the Inverclyde Health & Social Care Partnership Integration Scheme are delegated to the Inverclyde Integration Joint Board, and that the Council and this Panel has no decision-making powers in relation to those integrated functions and services, Power is delegated to the Social Work & Social Care Scrutiny Panel:

- (a) To scrutinise the Council's relationship with the Inverclyde Integration Joint Board;
- (b) To scrutinise the Council's compliance with Directions issued to it by the Inverclyde Integration Joint Board, and the effective deployment of Council resources to support (i) the strategic priorities of the Inverclyde Integration Joint Board, and (ii) the discharge of the above-mentioned functions and services and relevant matters relating thereto;
- (c) To scrutinise the Council's responsibilities in relation to homelessness services and, within the statutory framework, to contribute to reports on homelessness and rented residential accommodation to the Scottish Housing Regulator;
- (d) To scrutinise Directions issued to the Council by the Inverclyde Integration Joint Board; and
- (e) To consider relevant reports on the progress of the development of proposals around the introduction of a national care service, which said reports might also

be submitted to meetings of Inverclyde Council and the Policy & Resources Committee.

7.5 ENVIRONMENT AND REGENERATION COMMITTEE

7.5.1 Power is delegated to the Environment and Regeneration Committee:

To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Regeneration and Planning
- Asset Management and Property Estates
- Environmental and Public Protection Services
- Strategic Housing
- Emergency Planning
- Private Sector Housing
- Environmental Health and Trading Standards

7.5.2 The Committee has service responsibilities as follows:

Regeneration, Planning and Net Zero

- (a) To promote the economic development and urban regeneration of Inverclyde;
- (b) To promote competitiveness, employment growth, the physical environment and planning and quality of life;
- (c) To promote marketing and inward investment, business development and support schemes, training initiatives and processes to support young people in their transition from compulsory education, labour market activities, the marketing, management and development of industrial and commercial property and to participate and engage in effective partnership activities to support all of the above;
- (d) To encourage and stimulate economic development by the exercise of the Council's powers through providing assistance to third parties by way of services, suitable premises or financial assistance (including grants, loans and purchase of share and loan capital);
- (e) To carry out the strategic spatial planning functions of the Council;
- (f) To develop and review procedures in respect of development control and building standards, conservation and landscaping;
- (g) To develop and review effective policies in connection with strategic planning and land use issues.
- (h) To oversee delivery of the Council's Net Zero strategy.
- (i) To undertake and discharge the building standards functions of the Council as Buildings Authority and as Verifier and Enforcer in terms of the relevant legislation.

Organisational Development, Policy & Communications

- (a) To promote tourism and related activities

Property Services and Procurement

- (a) To ensure effective provision of all estate and property management services, technical services, and building services;
- (b) To acquire, dispose and market property;
- (c) To manage the repair and maintenance, improvement and preservation of all property assets within the Council's ownership or management.
- (d) To determine applications for Asset Transfer in terms of the Community Empowerment (Scotland) Act 2015.
- (e) To oversee delivery of, and annual reporting on, ~~determine~~ the Council's Procurement Strategy.

Commented [IS4]: As above

Environmental and Public Protection Services

- (a) To develop and review strategies in respect of:
 - burial grounds
 - street cleansing
 - refuse collection, recycling and disposal
 - sanitation services
 - protection of the environment
 - public conveniences
- (b) To discharge all powers and duties of the Council for the maintenance of the following:
 - open spaces
 - parks
 - horticultural nurseries
 - golf courses
 - playgrounds
 - playing fields
 - allotments
 - war memorials
- (c) To be the Roads Authority and deal with all roads and lighting in the Council's control;
- (d) To develop and review effective policies for all matters relating to the relevant legislation for public transport;
- (e) To consider and determine Traffic Management Orders, ~~and~~ Traffic Regulation Orders and Speed Limit Orders where there are maintained objections;
- (f) To deal with all matters arising from the Council's membership of Strathclyde Partnership for Transport with the exception of the Concessionary Travel Fares Scheme;
- (g) To carry out the functions of the Waste Disposal Authority.

Strategic Housing

To be responsible for the overall strategy for the provision of housing within Inverclyde whether within the public or the private sectors, including the assessment of housing need but excluding the discharge of the Council's statutory responsibility in providing support and services to homeless persons. Notwithstanding the foregoing, the Committee is also responsible for taking any decisions the Council requires to take (save to the extent delegated to officers or otherwise) in respect of functions and services related to homelessness services which have been delegated to the Inverclyde Integration Joint Board and listed in Annex 2 to the Inverclyde Health & Social Care Partnership Integration Scheme.

Private Sector Housing

- (a) To be responsible for assessing and maintaining the condition and supply of housing within the private sector;
- (b) To be responsible for
 - (i) the administration of grant and loan assistance to owners of housing within the private sector; and
 - (ii) the promotion and development of improvements in the overall condition of the private sector housing stock with the use of the Council's powers as housing authority, where such use is considered appropriate.

Environmental Health and Trading Standards

- (a) To exercise the powers and duties of the Council relative to food safety, food standards and labelling, health and safety at work, public health, pollution and environmental protection legislation;
- (b) To undertake and discharge the requirements of all legislation which imposes administrative duties and which confers enforcement powers upon the Council and its officers for Consumer Protection and Trading Standards;
- (c) To undertake and discharge the requirements of all legislation, whether of a civil law nature or of a criminal nature, which affects the work of the Consumer Protection and Trading Standards Service; and

Public Protection and Emergency Planning

- (a) To carry out the emergency planning function of the Council; and
- (b) To deal with all aspects of anti-social behaviour including CCTV, anti-social behaviour noise investigations and community wardens.

7.5.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Scottish Enterprise
- Riverside Inverclyde
- Strathclyde Partnership for Transport
- Glasgow City Region Deal
- River Clyde Homes

7.6 EDUCATION AND COMMUNITIES COMMITTEE

Classification - No Classification

7.6.1 Power is delegated to the Education and Communities Committee:

(a) To have the corporate responsibility for:

- Equalities
- Learning Estate Strategy

(b) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Schools
- Early Learning, Childcare and Specialist Education Services
- Community learning and development and lifelong Learning
- Education Support and Development
- Safer Communities

7.6.2 The Committee has service responsibilities as follows:

General Functions

- (a) To undertake and discharge all the functions of the Council as an Education Authority in terms of the relevant legislation;
- (b) To undertake and discharge all of the functions of the Council relative to Early Learning and Childcare Services and provision therefor in terms of the relevant legislation.

Management of Education Services

- (a) To consider and approve catchment areas for schools and make provision for schools sufficient to meet the needs of pupils;
- (b) To oversee curriculum development and continued professional learning;
- (c) To oversee the quality of educational provision provided by schools;
- (d) To oversee the Council's input to supporting sustained and positive destinations for pupils;
- (e) To oversee the Council's policy on, Education Maintenance Allowances;
- (f) To oversee the development of the Young Workforce in regard to employability skills and lifelong learning;
- (g) To discharge the power to determine appeals relating to Further Education, Education Maintenance Allowances, grants and similar support;
- (h) To manage arrangements for the programme of learning estate asset management planning;
- (i) To ensure the provision of adequate health and wellbeing services in all educational establishments;

Classification - No Classification

- (j) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of a school meals service;
- (k) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of school transport services for pupils;
- (l) To formulate policy in respect of attendance of pupils at schools.
- (m) After appropriate consultation, and in so far as there is no conflict with the Council's terms and conditions of employment with respect to workforce plans, to approve school holidays.

Early Learning and Childcare and Specialist Education Services

- (a) To guide the Council in the formulation of its policy objectives and priorities in all appropriate matters relating to pre-school children and their parents;
- (b) To advise and make recommendations to any Committee of the Council on statutory functions relating to pre-school children and their parents;
- (c) To consider recommendations and make decisions relative to the management and development of services which provide activities of a kind suitable for pre-school children;
- (d) To consider recommendations and make decisions relative to training matters (including the arrangements for training staff) relating to establishments which provide activities of a kind suitable for pre-school children;
- (e) To consider recommendations and make decisions relative to the allocation and control of financial resources relating to services to pre-5 children and their parents and, where necessary, to advise and make recommendations in respect thereof to any relevant Committee;
- (f) To promote on the Council's behalf the interests of pre-5 children and their parents with all appropriate agencies on matters affecting these interests;
- (g) To oversee the Council's policy and practice with regard to the provision of out of school care and, in particular, the use of the grants budget;
- (h) To oversee the provision of a psychological service and arrangements to meet additional support needs;

Community Safety

- (a) To deal with all aspects of Community Safety including road safety and violence against women.

Community Learning, Development and Lifelong Learning

To be responsible for the management and delivery of community and lifelong learning services.

Libraries, Museums and Arts Facilities

To assess, monitor and review the need for libraries, museums and arts facilities and cultural services and to provide and manage these facilities and services.

Leisure and Community Support Services

- (a) To discharge all powers and duties of the Council for the provision and management of sporting, leisure, recreational and allied activities, public entertainment, public halls, community centres and swimming pools;
- (b) To discharge all powers and duties of the Council for sports development, community health and fitness, - and play forums;
- (c) To determine policy for the giving of grants to voluntary organisations.

7.6.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Further Education Bodies, in particular West College Scotland
- Inverclyde Leisure
- Cultural provision to which the Council awards significant grant funding, such as The Beacon Arts Centre
- Community Centres to which the Council provides significant grant funding.

7.7 GENERAL PURPOSES BOARD

7.7.1 Power is delegated to the General Purposes Board to undertake and discharge all of the licensing functions of the Council which are not otherwise reserved to the Council or its officers or which are delegated to any other Committee and more specifically as follows:

- (a) To exercise the functions of the Council as licensing authority in terms of the Civic Government (Scotland) Act 1982, provided such civic licensing has not been specifically remitted to any other Committee;
- (b) To determine individual applications for registration and licences under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not delegated to officers, in accordance with approved policies;
- (c) To exercise the functions of the Council in respect of the Explosives Acts 1875-1976;
- (d) To exercise the functions of the Council in respect of the Pharmacy and Poisons Act 1933 and Poisons Act 1972;
- (e) To exercise the functions of the Council in respect of permits in terms of Section 19 of the Transport Act 1985 (minibus permits);
- (f) To exercise the functions of the Council in respect of the Radioactive Substances Act 1993;
- (g) To exercise the functions of the Council in respect of the legislation relating to the control of diseases of animals;
- (h) To exercise the functions of the Council in respect of the safety of sports grounds;
- (i) To approve charges as required by statute and determine licence fees;
- (j) To exercise the Council's functions regarding notification of parades and processions insofar as not delegated to officers;
- (k) To consider and decide on the refusal or removal of the registration of a private residential landlord or agent in prescribed circumstances.
- (l) _____.

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 1.27 cm + 1.5 cm

7.8 HUMAN RESOURCES APPEALS BOARD

Classification - No Classification

7.8.1 Power is delegated to the Human Resources Appeal Board to be the internal Council appeal body for the purposes of the Council's role as an employer, in relation to workforce matters;

(a) To hear and decide disciplinary appeals and grievances by employees on their conditions of employment and working arrangements;

(b) To hear and decide appeals from teaching staff in regard to the application and interpretation of Schemes and Conditions of Service for Education staff.

7.9 PLANNING BOARD

7.9.1 Power is delegated to the Planning Board:

To undertake and discharge the development control and spatial planning functions of the Council as Planning Authority in terms of the relevant legislation.

7.10 LOCAL REVIEW BODY

7.10.1 Power is delegated to the Local Review Body:

(a) To review applications for planning permission or for consent, agreement or approval which have been refused, granted subject to conditions or which have not been determined within the prescribed period by the appointed officer under the Scheme of Delegation prepared in terms of the relevant legislation;

(b) To carry out all other functions as a Local Review Body, as described in the relevant legislation.

7.11 GRANTS SUB-COMMITTEE

7.11.1 Power is delegated to the Grants Sub-Committee:

To consider applications for funding received from voluntary organisations and to award grants to such organisations from the Grants to Voluntary Organisations Budget.

7.12 LOCAL POLICE AND FIRE SCRUTINY PANEL

7.12.1 Power is delegated to the Local Police and Fire Scrutiny Panel:

(a) To consider and recommend improvements in local Police and Fire and Rescue services;

(b) To recommend priorities and objectives for the policing of the local area;

(c) To recommend priorities and objectives for Fire and Rescue services in the local area;

(d) To agree the Police and Fire and Rescue local plans;

(e) To scrutinise and review the outcomes, priorities and objectives set out in the Police and Fire and Rescue local plans;

Classification - No Classification

- (f) To provide comments in response to consultations on matters directly relating to Police and Fire and Rescue services;
- (g) To promote engagement with all interested parties including community planning partners and neighbourhood partnerships;
- (h) To make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns around the local provision of Police and Fire Rescue Services;
- (i) To consider Council reports on matters which affect local Police and Fire and Rescue services in Inverclyde providing that, where necessary, these will be remitted to the appropriate strategic Committee for decision.

7.13 PETITIONS COMMITTEE

7.13.1 Power is delegated to the Petitions Committee:

To consider petitions addressed to Inverclyde Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.

7.13.2 The Petitions Committee is unable to consider petitions that relate to:

- (a) Any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process;
- (b) Matters already being considered or scheduled to be considered by the Council or one of its Committees;
- (c) Decisions of the Council or one of its Committees during the previous 6 month period;
- (d) Matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way;
- (e) Matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons;
- (f) The same or similar petitions considered within the past 24 months; and
- (g) Matters not within the Council's power and remit or functional areas of responsibility.

The Council will not accept a petition that contains:

- (a) Any false or potentially defamatory statement as may be considered by the Council;
- (b) Any details that might damage a person's reputation or which may discriminate against them in any way;
- (c) Offensive or inappropriate language;
- (d) Information protected by a court order or relating to an ongoing court or tribunal or *quasi-judicial* tribunal process or which would otherwise be considered *sub-judice*.

~~7.14 HOUSING (LANDLORD REGISTRATION) SUB-COMMITTEE~~

Classification - No Classification

~~7.14.1 Power is delegated to the Housing (Landlord Registration) Sub-Committee:~~

~~(a) To consider and decide on the refusal or removal of the registration of a private landlord or agent in prescribed circumstances.~~

8 STRATEGIC LEADERSHIP FORUM

The Strategic Leadership Forum is not a formal decision-making meeting, but an internal informal forum for cross-party sharing of significant and/or high profile matters in respect of which officers believe senior elected member awareness and/or input would be beneficial. Its membership and meeting arrangements are as set out in its terms of reference, which are included in Appendix 1 to these Standing Orders and Scheme of Administration.

9 MEMBERS BUDGET WORKING GROUP

The Members Budget Working Group is not a formal decision-making meeting, but an internal informal forum for cross-party scrutiny, consideration and developing of the Council's budget proposals. Its membership and meeting arrangements are as set out in its terms of reference, which are included in Appendix 2 to these Standing Orders and Scheme of Administration.

10 GLASGOW AND CLYDE VALLEY CITY DEAL CABINET/SHARED SERVICES JOINT COMMITTEE

The Council has established (i) the Shared Services Joint Committee, with West Dunbartonshire Council, and (ii) the Glasgow and Clyde Valley City Deal Cabinet with various other local authorities, these both having been established as joint committees in terms of S.57 of the Local Government (Scotland) Act 1973. Council approved the Shared Services arrangements on 29 September 2016 and the City Deal arrangements on 4 December 2014, including the respective governance arrangements, remits and delegated functions.