Scottish Borders Council

Governance Arrangements
1. Political Representation

1.1 Full Council

<table>
<thead>
<tr>
<th>Parties</th>
<th>Number of Councillors</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>6</td>
<td>18%</td>
</tr>
<tr>
<td>Scottish National Party</td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Independent</td>
<td>8</td>
<td>24%</td>
</tr>
<tr>
<td>Other- Borders Party</td>
<td>2</td>
<td>6%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>34</td>
<td></td>
</tr>
</tbody>
</table>

1.2 Administration

<table>
<thead>
<tr>
<th>Parties</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
<td></td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>Coalition</td>
</tr>
<tr>
<td>Scottish National Party</td>
<td>Coalition</td>
</tr>
<tr>
<td>Independent</td>
<td>Coalition</td>
</tr>
<tr>
<td>Other- Borders Party</td>
<td>Coalition</td>
</tr>
</tbody>
</table>

1.3 Governance System

Scottish Borders Council operates an executive system. There is an Executive Committee that operates as the primary decision making body of the council.

1.4 Leadership

<table>
<thead>
<tr>
<th>Convener</th>
<th>Vice-Convener</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Democrat</td>
<td>SNP</td>
</tr>
<tr>
<td>Leader</td>
<td>Depute Leader</td>
</tr>
<tr>
<td>Independent</td>
<td>Liberal Democrat</td>
</tr>
</tbody>
</table>

1.5 Council Terms of Reference

Terms of Reference
1. The raising of money by Rates, Council Tax or borrowing.
2. The approval annually of the Revenue Financial Plan and the setting of the level of Council Tax for any year.
3. The approval annually of the Capital Financial Plan.
4. The approval annually of the Council’s and Pension Fund’s statutory accounts.
5. The approval annually of the Council’s treasury management policy and strategy.
6. The approval of any new policies and strategies.
7. Approve the Community Plan.
8. Except as provided for in this Scheme of Administration, Financial Regulations, Scheme of Delegation and Standing Orders approved by the Council, in respect of the matters referred to the Committee:
   (i) the incurring of any net new expenditure not provided for in the estimates of Capital or Revenue expenditure unless and until such expenditure is reported to and approved by the Council;
   (ii) the amendment of the Financial Regulations for regulating the Council’s financial procedures;
   (iii) the amendment of this Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
   (iv) the preparation, review and amendment of the Standing Orders for regulating the proceedings and business of the Council and Committees
   (v) the preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officers.
9. The making of an order for the compulsory acquisition of any land or buildings.
10. Other than to a Committee specially appointed for the purpose, the appointment of the Chief Executive and the dismissal of the Chief Executive, the Assessor or any Director.
11. All matters relating to elections of Councillors.
12. Matters relating to any alteration in the boundaries of the area or electoral wards and the number of Councillors.
14. The decision to co-operate or combine with other local authorities in the provision of services, other than decisions relating to any arrangements under which the Council’s Trading Organisations may co-operate or combine with other contracting units in the provision of services.
15. The preparation and review of the Scheme for Community Councils and carrying out those powers and duties relative to facilitating and co-ordinating the Council’s relationship with Community Councils.
16. Consideration of Provisional Orders or Private Bills affecting the interests of the Council and approval of the terms of any Provisional Order or Private Bill to be promoted by the Council.
17. Approval of the Strategic and Local Development Plans.
18. The consideration of planning applications in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.
19. The conducting of Pre-determination Hearings to consider representations from applicants and other interested parties in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.

1.6 Meeting Frequency

<table>
<thead>
<tr>
<th>Meets</th>
<th>Every 1-2 months</th>
</tr>
</thead>
</table>

2. Executive Committee

2.1 Executive Committee

<table>
<thead>
<tr>
<th>Parties</th>
<th>Committee No. Members</th>
<th>% Members</th>
<th>Council No. Members</th>
<th>% Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
<td></td>
<td></td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>4</td>
<td>31%</td>
<td>6</td>
<td>18%</td>
</tr>
<tr>
<td>SNP</td>
<td>4</td>
<td>31%</td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Independent</td>
<td>4</td>
<td>31%</td>
<td>8</td>
<td>24%</td>
</tr>
<tr>
<td>Other- Borders Party</td>
<td>1</td>
<td>8%</td>
<td>2</td>
<td>6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13 (3 vacancies)</td>
<td></td>
<td>34</td>
<td></td>
</tr>
</tbody>
</table>

**Chairman**
Independent (Council leader)

**Vice Chairman**
Liberal Democrat (Council depute leader)  SNP (Council depute leader)

**Terms of Reference**
The following functions of the Council shall stand referred to the Committee - Policy and Performance
1. Review and alter from time to time, as may be considered necessary, any existing policies or strategies not specifically within the remit of any other Council Committee.
2. Consider the broad needs of the Council’s Area and matters of comprehensive importance, including advising the Council on European Community matters, making recommendations to Council as necessary.
3. Consider regularly Council performance against:-
   - The Single Outcome Agreement
   - Corporate and Improvement Plans including policy objectives and priorities
   - Relevant Business Plan actions and initiatives
   - Statutory Performance Indicators and the Annual Public Performance Report
   - Key performance indicators and other relevant performance indicators
   - Business Transformation
   - Best Value
4. Identify the requirement for any in-depth policy or practice review work arising
from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.

5. Ensure the enactment of committee decisions and monitor their impact on Council services.

Resources and Services

6. Consider matters relating to the organisation and administration of all Services of the Council, including the business management and financial controls of the Council's significant Trading Operations.

7. Initiate or carry out reviews of strategic or corporate significance and such other reviews as the Executive deem appropriate.

Financial Management

8. Secure the co-ordination, control and proper management of the financial affairs of the Council.

9. Consider regularly the Council's performance against the revenue and capital budgets and associated financial statements.

10. Within the context of the approved Capital Financial Plan, approve proposals for capital expenditure.

11. Within the context of the approved Revenue Financial Plan, except where specifically delegated to another Committee, approve proposals for revenue expenditure, including proposals for virement in terms of Financial Regulation 7.9. For the avoidance of doubt, this means approval of all decisions relating to virements between Services, capital finance from current revenue, policy changes and the carry forward of earmarked balances.

*12. Consider requests to incur revenue expenditure not provided for in the approved Revenue Financial Plan and make recommendations to Council.

*13. Consider requests to incur capital expenditure not provided for in the approved Capital Financial Plan and make recommendations to Council.

14. Consider all matters (not delegated directly to Officers) related to:
   (i) Revenue and Capital budgets and funding approved by Council;
   (ii) banking;
   (iii) debt management and debt recovery, including the appointment of sheriff officers;
   (iv) Treasury Management;
   (v) procurement;
   (vi) investment;
   (vii) borrowing;
   (viii) income collection; and
   (ix) insurance arrangements of the Council.

15. Consider all matters related to the collection of Council Tax, Rates, (former) Community Charges, Water and Sewerage Charge (on behalf of Scottish Water) and acting as Collecting Authority therefore in terms of Section 79 of the Local Government etc. (Scotland) Act 1994.

16. Approve applications for funding and authorise grants above the level not delegated directly to officers.

17. Determine applications for financial assistance from outside bodies.

18. Establish an ad-hoc Procurement Appeals Committee, consisting of three Members, to consider and determine any appeals by suppliers against the
disqualification of their tender by the Council for any reason.

Property, Land and Accommodation
19. Consider matters relating to land and buildings, including:
(i) asset management planning for the Council’s estate;
(ii) the provision, management, furnishing, equipping, maintenance and facilities management of buildings;
(iii) negotiations relating to commercial developments and the acquisition and disposal of land and/or buildings; and
(iv) energy and carbon management.

Staffing
20. Consider the training, development and welfare of all staff, including the preparation and review of Council policies on staffing issues and Health and Safety at Work, and the promotion of good human resources management and employment practices.

21. Consider all matters relating to the conditions of service, remuneration, allowances, superannuation and pensions of all employees, including consultation and negotiation with the appropriate Trades Unions as necessary, and the ratification of National Agreements and significant Local Agreements.

Education
*22. Consider the broad educational needs of the Council’s area, making recommendations to Council as necessary.
23. Oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.
24. Consider all matters relating to education including pre-school education, primary education, secondary education and community learning and development.
*25. Make recommendations on the change of status, or closure, of any school.

27. Establish an ad-hoc Sub-Committee, as required, to deal with any parents who are failing to meet their responsibilities regarding a child’s attendance at school, if a parent:-
   (a) fails to provide a reasonable excuse for the child’s absence from school; and/or
   (b) provides dubious excuses for the child’s absence; and/or
   (c) does not effectively address the matter of the child’s absence from school.

Economic Development
28. Provide strategic leadership and vision for Economic Development in the Scottish Borders, developing and overseeing the delivery of economic development plans.
29. Ensure key changes are implemented by the Council to achieve improved services for businesses, encouraging a ‘business positive’ culture across the Council.
30. Scrutinise and review the effectiveness of Council services, other agencies and organisations in promoting the economic development and well-being of the Scottish Borders.

Miscellaneous
32. Initiate or defend civil actions other than those relating to matters standing referred to other Committees.
33. Consider all matters not specifically referred to or delegated to any other Committee.
*34. Make recommendations to Council regarding responses to statutory and other consultations.

Functions Delegated

All of the functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the Council.

Meets
Every 1-2 months.
3. Scrutiny Committees

3.1 Audit Committee

<table>
<thead>
<tr>
<th>Parties</th>
<th>Committee No. Members</th>
<th>% Members</th>
<th>Council No. Members</th>
<th>% Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
<td>2</td>
<td>33%</td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>1</td>
<td>17%</td>
<td>6</td>
<td>18%</td>
</tr>
<tr>
<td>SNP</td>
<td>2</td>
<td>33%</td>
<td>9</td>
<td>26%</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>17%</td>
<td>8</td>
<td>24%</td>
</tr>
<tr>
<td>Other- Borders Party</td>
<td></td>
<td></td>
<td>2</td>
<td>6%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**Chairman**
Conservative (Opposition)

**Terms of Reference**

Functions Referred
The following functions of the Council shall stand referred to the Committee:-
1. Assess the adequacy and effectiveness of the Council’s systems of internal financial control and framework of internal control to provide reasonable assurance of effective and efficient operations, including the review of assessment of fraud risks and the monitoring of the counter fraud strategy, actions and resources.
2. Assess the adequacy and effectiveness of the Council’s risk management arrangements.
3. Assess the adequacy and effectiveness of corporate governance arrangements against the good governance framework and consideration of annual governance reports and assurances to ensure that the highest standards of probity and public accountability are demonstrated to underpin the delivery of value for money or best value services.
4. Review the Council’s audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit, prior to submission to Council.
5. Approve the Terms of Reference for Internal Audit and the strategic and annual internal audit plans.
6. Monitor and review the performance of internal audit.
7. All matters relating to the implementation of recommendations contained within internal audit reports.
8. Review external audit plans and arrangements for effective liaison between
external and internal audit.
9. Monitor responses to recommendations contained within external audit reports and the implementation of such recommendations.
10. The scrutiny of treasury management strategy and policies.
11. Assess the adequacy and effectiveness of the Pension Fund’s systems of internal financial control, including counter fraud, theft or corruption and framework of internal control to provide reasonable assurance of effective and efficient operations.
*12. Review the Pension Fund’s audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.

Functions Delegated
All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

Meets
Every 1-2 months

3.2 Scrutiny Committee

<table>
<thead>
<tr>
<th>Parties</th>
<th>Committee</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. Members</td>
<td>% Members</td>
</tr>
<tr>
<td>Conservative</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>1</td>
<td>11%</td>
</tr>
<tr>
<td>SNP</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>11%</td>
</tr>
<tr>
<td>Other- Borders Party</td>
<td>1</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td></td>
</tr>
</tbody>
</table>

Chairman
Conservative (Opposition)

Terms of Reference
Functions Referred
The following functions of the Council shall stand referred to the Committee:-
*1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
*2. Reviewing the effectiveness of all the Council’s work against agreed standards,
targets and budgets for the levels of services provided.
3. Acting as a focus for value for money and service quality exercises.
4. Management of the “Call in” procedure for the examination of decisions of the Executive.
5. Any other matter referred to the Committee for consideration by Council or the Executive.

Functions Delegated
All functions above NOT marked * or #. Those functions marked # are referred to the Committee # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee.

Meets
Every 1-2 months
Scottish Borders Council has 5 Area Forums.

These are: Berwickshire Area Forum; Cheviot Area Forum; Eildon Area Forum; Teviot and Liddesdale Area Forum; and Tweeddale Area Forum.

These are based upon the MultiMember Wards (either 2 or 3 wards).

Area Councils are made up of Councillors representing the wards on which the areas are based, as well as members of the NHS, police, and other local bodies.

**Terms of Reference**

The following functions of the Council shall stand referred to each Area Forum, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:

1. Scrutinise the local impact and performance of Council and other services in the area.
2. Scrutinise the local impact and performance of the Community Planning Partnership in the area.
3. Make recommendations on the objectives and priorities for the area, including economic development, engaging with local communities and businesses as appropriate.
4. Provide direction for decision-making on those issues that involve competing interests or are controversial or contentious, other than planning applications.
5. Gain a shared understanding of need in the area.
6. Seek to engage and involve the local business community and consider ways to attract commercial enterprise to the area.
7. Act as a consultation body requiring local input, where appropriate.
8. Determine local holiday dates.
10. Consider and make recommendations if required to the relevant Committee on local community matters, including local economic development plans.
11. Identify impediments and barriers which inhibit integrated approaches in local service provision, and make recommendations on how these could be overcome.
12. Approve Small Schemes and Roads Funding Members Priorities, including the use of Pay Parking income (restricted to specific towns only).
13. Approve all matters relating to street naming and numbering, where not delegated to officers.
14. Approve local traffic management schemes.
15. Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders.

**Functions Delegated**

All functions above NOT marked *. Those functions marked * are referred to the
Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Forums, the Council or other Organisations may from time to time seek the views of Area Forums on specific matters or applications outwith their normal remit.